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Ethics and Copyright: A Developing Country Perspective

Syed Salim Agha.

Abstract

The premises on which copyright is based is explored. Ethical issues related to copyright are discussed. The role of the Reproduction Rights Organisation (RRO) as a mechanism to administer collectively authors' rights and an overview of how they operate is given. The plight of developing countries in having to adhere strictly to the demands of copyright law is highlighted. Suggestions are made on the approaches that should be taken, looking at the issue in a balanced perspective.

Copyright in Mexico: An Overview

García, Jesús.

Abstract

Copyright is a complex phenomenon involving laws which regulate the control and use of intellectual property. Limitations are related to the economic, social and political of the country concerned. Mexico is a developing country and has specific needs to protect education, culture and scientific advances. After describing current Mexican copyright law,

the paper examines the impact of establishing the North American Free Trade Agreement (NAFTA). This will require strict enforcement of copyright protection although Mexico finds it difficult to keep records of protected works for political and cultural reasons.

Libraries and Publishers in the Digital Environment

Sato, Seiji.

Abstract

The International Publishers Association (IPA) Conference in Barcelona in 1995 addressed the relationship between libraries and publishers. The resolutions and concerns of the conference are discussed, especially those relating to legal deposit and library privileges for copying. The publishers' reaction to the IFLA Statement on Copyright is considered in the context of other developments such as the European Copyright User Platform (ECUP). The situation in Japan between publishers and libraries is being improved by the development of projects in electronic libraries and ways to cooperate. In the end the 21st century will be more concerned with education and ethics in a society of ultra accelerated speed than questions of mere copying.

Availability and Copyright

Bing, Jon.

Abstract

In the perspective of the user, the decisive quality of libraries is the availability of their collection. The theory of availability has been developed to enable us to understand better information systems. The computer revolution has not brought simpler access but requires other skills than those in the paper society to access information. The "law of the outstretched arm", by which is understood the rule that information which is further away than we can physically reach has a major impact on information use patterns. Copyright has always been a problem for libraries who enjoy many privileges in different legal regimes. However, computerization brings the threat of undermining economic benefit to owners by uses. The market in physical objects such as books and journals has been transformed into a market for signs (0's and 1's) and this new market in signs needs a different approach. This has led to the rise of the Electronic Copyright Management System (ECMS) but these are not the real solution which lies with new policies towards intellectual property and its use.

Royalties and Payments: Why Pay for Copyright? What Are Words Worth?

English, Jane and Kirti Jacobs.

Abstract

The Copyright Agency Limited (CAL) licenses various activities and organizations in Australia. Both libraries and copyright have long historical traditions. Libraries do pose an economic threat to owner both because they pay no royalties to owners and also because this is a loss of potential revenue through licensing. Lending is also paid for in some countries which mean that authors are paid for the lending of their works but not for the copying of them. Like many other agencies CAL cannot license digital copying but hopes to do so. Libraries have the option to remain traditional repositories of information or take a more active role as information providers. Libraries, accepting this opportunity and its rewards, must also accept the responsibilities. There is more power and more responsibility in the librarian's role today than ever before.

Copyright, Library Provision and the Visually Handicapped Reader

Tucker, Dick.

Abstract

Those without sight defects tend to put the "blind" or "visually-handicapped" into one category but the needs of these different groups are dependent on the nature of their impairment and are not met by a single solution. The statistical likelihood of a work being in a format of use to a member of such a group is very small. Braille, spoken word, large print and digitization are all useful in different circumstances and also pose different copyright questions. Legislation worldwide differs enormously to allow copies to be made in these circumstances. Traditionally "libraries for the blind" have been seen as a solution, but the facilities of a public library should also be available to this group of users. Projects such as EXLIB and TESTLAB may go some way to achieving this goal.

Copyright, Libraries, and the Electronic Information Environment: Discussions and Developments in the United States

Webster, Duane E.

Abstract

Copyright is intended to encourage learning, free speech and the advancement of knowledge according to the US constitution. Concepts such as fair use help to achieve this goal but recent judicial decisions have done something to threaten this process. Cases such as Texaco and Michigan Document Services are helping publishers narrow down the area where fair use can be claimed. There is currently a task force on legal reform which has included the Conference on Fair Use (CONFU). The rights of creators working in higher education are also being debated in the light of some authors asserting ownership of what they write when working in a university. This ownership is then transferred to commercial publishers to the detriment of the educational world which then has to pay to use it. Information must be viewed as a precious public asset to be leveraged for the benefit of society as a whole, not as an exploitable economic commodity for the monetary gain of a few.

Electronic Copyright Management Systems: Dream, Nightmare or Reality?

Cornish, Graham P.

Abstract

The widespread use of electronic technology to produce, store, manipulate and distribute information of all kinds is one of the great achievements of the information age. The arrival of digital technologies for handling text, sound and visual images has made the possibilities almost limitless. The different players in the information cycle - authors, publishers, distributors, intermediaries and users - all have different, yet interdependent, requirements of the copyright system. A balance needs to be maintained between the different interests and in an electronic world this can be achieved by implementing Electronic Copyright Management Systems (ECMS) although even these cannot achieve total control and an element of trust is always needed. Such projects as CITED, COPICAT, COPYSMART and IMPRIMATUR show a way forward.

European Copyright User Platform

Giavarra, Emanuella.

Abstract

For the first time, at a European level, libraries have taken the lead in discussing with authors, publishers and collecting societies the exceptions under copyright for the use of electronic information. There exists a lot of uncertainty among librarians on what they are allowed to do with electronic information in respect of copyright. The establishment of ECUP, which is funded by the European Commission, facilitates these discussions which have implications well beyond Europe. The history of the project is described and the development of a matrix against which various library activities can be measured has been the basis for many useful and positive discussions with rights owners and other interested parties.

Copyright Legislation, Fair Use and the Efficient Dissemination of Scientific Knowledge

Bronmo, Ole.

Abstract

Copyright is about conflicting interests. Questions of fairness and rational and efficient solutions rather than legal matters, politics and not jurisprudence are required. The view expressed is that of institutions of research and higher education. Issues raised include the characteristics of the system of scholarly publication; the role of the contributor to the

creation of knowledge and its dissemination; and the kind of use an institutional buyer of information should be allowed to make of legally acquired copyrighted material.

Copyright and Fair Use in the Electronic Information Age

Norman, Sandy.

Abstract

The whole concept of fair use or fair dealing needs to be viewed in the global context of what is happening in the World Intellectual Property Organisation (WIPO), North America and the European Union. IFLA has produced its own position statement on copyright and is also working closely with the ECUP Project to achieve some kind of consensus on the main issues relating to use of copyright materials. The process is an on-going one which requires considerable effort to sustain it and coordinate the actions and attitudes of librarians.

PLR in a Copyright Context

Parker, James.

Abstract

This article sets out to review the growing recognition at national and international level of authors' lending right (known in many countries as public lending right, or PLR), and the implications of this development for librarians and information professionals. Traditionally, PLR has been regarded in many countries as a right to remuneration outside copyright and despite periodic discussion of this issue within the World Intellectual Property Organisation (WIPO), lending rights remain outside the Berne Convention. But closely associated with the emergence of PLR as a fully-fledged intellectual property right have been moves within the European Community to have the lending of works by libraries recognized as a form of copyright exploitation. This may open the door to the inclusion of PLR in the exploitations covered by the international copyright conventions and the application to it of the copyright rules on licensing and control of use, national treatment, etc., which would have important implications both for rights-holders, users, librarians, and other information professionals.

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