

# IMPLICATION OF IPR AND FIVE LAWS OF S.R. RANGANATHAN ON USE OF LIBRARY RESOURCES: A COMPARISON

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**Abstract:** The tenants of the Five Laws of library and information science propounded by S. R. Ranganathan underlines the maximum use of information resources. On the other hand the Intellectual Property Rights (IPR) and Copyright laws were enacted to protect the intellectual work of the creators through certain restrictions and guidelines on use of intellectual products including various information resources. The first one encourages extensive use of information while the second one puts some restriction on the use of the same. Thus a perplexing situation develops among the Library professionals. On one hand the library professionals cannot go against the ethics of librarianship and on the other hand he cannot allow library users to freely use the information resources at will. In this regard the author discusses the scope of fair use of the intellectual products in library. It also urges the Library and Information Science (LIS) professionals to frame some concrete guidelines so as to dispel the misunderstandings among the information seekers, information creators and information providers.

**Keywords:** Intellectual Property Rights, IPR, Copyright, Fair use, five laws of Library Science, E-resources, Library and Information Science professionals

## 1.0 Introduction:

S.R. Ranganathan, the Father of Library and Information Science in India propounded the philosophy of librarianship which is commonly known as the Five Laws of Library Science. It emphasizes the maximum utilization of documents now a days also called information resources. Ranganathan emphasized on different activities to be undertaken by library workers who found the basic guidelines for library management. From managerial point of view it is the duty of every Library and Information Science (LIS) professionals to lend every document for its home use. With the adoption of modern Information and Communication Technology (ICT) different facilities are being introduced in the libraries for benefit of users of which Xeroxing or Reprography is one. While reprography is coming in the field of librarianship, it gets serious attention of the authors, creators of the documents in different forms. While saying about authors here, we mean different types of creators of different original works including traditional authors of books, music composer, artist creating pictures, artistic materials and also other types of authors as defined by AACRII(R).

With the development in the society we are facing a lot of changes which makes the library and information centres concerned so far as its contents are concerned. The number of creators of original thinking material is increasing and ICT has made it possible to bring it to the notice of prospective users throughout the globe. Also, many readers violate the rules of using library materials adhering to the provisions of the copyright regulations of a country. Many have found that without purchasing the document from the market they adopt copying of the entire document found in a library, which is clear violation (?) of the copyright and Intellectual Property Right (IPR) as it exist in the country. Besides it also creates problems in the management of libraries which were not so prominent during the time of S.R. Ranganathan when he was proposing the Five Laws of Library Science. With the passage of time infringement of IPR and Copyright Act and has been increasing at an alarming rate making the LIS professionals a bit concerned and a common hesitation in dealing with the situation.

## 2.0 Intellectual Property Right (IPR) & Copyright

The intellectual assets created around the world in different forms such as brands, design, Technology and art. These intellectual assets of human are precious as they can bring lots of profit, business and simply an edge over the others. These intellectual assets are created for the use of the society and in various means the creator of these assets are rewarded. However, very often these assets are misused and the creator does not get the fair share of profit due to him. Here comes the important role of the Governments. As the administrator of the country and protector of the rights of every citizen, it enforces certain restrictions on the use of these assets

through appropriate regulations and thus protecting the rights of the creators. These bunches of regulations comprises the Intellectual Property Rights (IPR). IPR protects assets in the category of inventions, trademarks, industrial designs and geographical indicators.

Copyright is an exclusive right given by law that establishes the ownership of original artistic, dramatic, literary or musical work, film or sound recording. It also regulates its publication, distribution and access by the intended audience. In India, the Copyright Act, 1957 came into existence from January 1958. However copyright is not perpetual and this right by law ceases after a fixed term of years. Nonetheless, copyright enforces some restrictions on the use of the literary resources. According to the Indian Copyright act following items of intellectual activities comes under its purview such as literary, dramatic and artistic work, film and sound recordings.

### **2.1 Five Laws of Library Science**

Dr. S. R. Ranganathan put forward his famous “Five Laws of Library Science” in 1931. These fundamental laws were conceived by Ranganathan so as to give a set of guidelines and principle for the most effective practice of librarianship. These set of laws as evident from there wording lays maximum use of the reading materials found in the library. The First law i.e. “Books are for use” is a direction to the library and information (LIS) professionals that their principle aim is to see that the books in their library are put to maximum usage. It is a complete reversal of the age old tradition in library where books were preserved rather than put to maximum use. Obviously during those times very few copies of books were available and therefore the maximum stress was on their protection a rather than use (or misuse). The Second law i.e. “Every reader his/her book” aims that making the library resources accessible to all who needs irrespective of caste, creed, religion or sex. The law reaffirms the right of every citizen to get the required documents from the library. It puts a n obligation on the state to legislate laws for such. The law here puts the reader at the center but again indirectly this law also aims at maximizing the use of books. The primary job of the library and information professionals is to break every barrier that put restrictions on the use of the library documents be it in the form copyright issues, working hours or technology. The Third law states, “Every book its reader” aims at making effective contact between the right readers with the right book in the library. The primary goal is to develop discovery tools such as catalogs and bibliographies in an intelligent way that will effectively help a reader to find his desired book. In other way this law too facilitates the connection of the library resources with the readers who will be benefitted by its use. Thus this law too lays stress on use of the books. The two other laws i.e. “Save the time of the reader” and “Library is a growing organism” also aims at the best use of the books. So, the Five Laws of library Science is heavily in favour of the maximum use of the library books rather than just keeping them out of reach of the readers. Obviously, Ranagnthan’s main aim at that time was to popularize the libraries as cradle of knowledge. His vision was to bring the libraries at the forefront of the knowledge communication process.

### **2.2 Copyright Laws vis a vis Five laws**

While copyright says the published material should be protected from unfair means or unfair use by the users while five laws of library science of S.R.Ranganathan particularly the first one and the 3<sup>rd</sup> one emphasizes on max utilization of information resources. If a LIS professional is to honour the five laws he has to satisfy the first law whereby he is professionally liable to allow all the books to be used for home study or in the library. According to Ahuja (1996) copyright has introduced an invisible chain that restricts the free flow of information from the documents to the prospective readers. When a book is used for home study the LIS professionals are not aware what use will be done by the users at home. He may go through it personally or he may Xerox the whole copy and also may adopt some unfair means to sell the multiple copies at a reduced rate for making profits. It is beyond the capacity of a LIS professional to detect all these things as a professional worker he should think his users as honest one so thereby he may create some problem which may lead to violation of IPR while following five laws. So, there is need of thorough debate of this topic.

### **3.0 Fair Use in Library**

This term “fair use” has been used in Copyright act where it has been stated that for personal use without any motive of commercial purpose every creators’ work may be reproduced by bonafide users of the library. Unfortunately there have been some confusions or misunderstandings among the LIS professionals. There are some LIS professionals who prefer not to Xerox a document beyond two or three pages in the name of protection of Copyright Act but which is not fair from user’s point of view. By this act he is discouraging the honest users from getting his/her document violating the Five Laws of Library Science. Secondly, there are some LIS professionals who because of their ignorance of copyright act freely allow all the library users to photocopy from A to Z without knowing their proper motive thereby creating a legal problem. In the Copyright Act “Fair use” has been used to mean the honest use without any commercial motives. Ananda and Reddy

(1996), Ram and Burman (2004) feels that with proper education about IPR and Copyright among the LIS professionals, the dilemma surrounding them can be reduced to a large extent. Singh (2007) suggests the establishment of a copyright clearing agency that can handle issue related to copyright and of reading materials. So, from the above it is seen that librarian and LIS professionals have to protect the interest of both the creator and consumer of information.

### **3.1 Fair Use in Context of e-Resources**

With the proliferation of e-resources in the libraries, now a days it has become even more complicated for the librarian to monitor the infringement of IPR and Copyright Act. Digital objects are very easy to be distributed and copied. At the same time the librarian cannot go against the ethics of the Five Laws of Library science. Therefore, librarian needs to minutely scrutinize the license agreement of the e-resources vendors and publishers, to find the restriction and usage policy. The “fair use” section of the license agreements can give some succour to his already stressed position but still the librarian must ensure that the fair use option is not misused by his clientele. In general, most of the License agreements of the e-resource vendors allow browsing and download and printing of single copy of article of a journal volume. However, downloading or printing of a complete book or an entire issue or a volume of one or more journals (called systematic downloading) is strictly prohibited by most license agreements. All these guidelines and restrictions are imposed primarily to avoid IPR and Copyright infringement. If anyone violates these terms and resort to systematic downloading then the publisher of the e-resources can block access to these resources.

### **4.0 Solution of the Problem**

There has been a lot of discussion about Copyright issues and IPR which need a detailed discussion in the context of library and information services. It is also very important that tremendous violation of Copyright Act and IPR is occurring due to different scientific gadgets available in the market which helps or facilitates to copy different types of information in different formats. As we come to know from different reports that piracy of electronic materials has been an order of today. Even plagiarism from different books is going on undetected. So it is high time there should be thorough discussion on copyright issues and the role of LIS professionals in protecting the interest of both.

In the case of e-resources, the librarian should evolve clear guidelines on the usage of the e-resources. He should clearly inform the library users about restrictions and infringement issues as laid down under the license agreement and also by the IPR and Copyright laws in its jurisdictions. The conditions of fair use of the library materials as laid down by respective IPR and Copyright laws must be conveyed in clear terms for reciprocal response. Persons dishonouring the library guidelines and exhorting to copyright infringement must be dealt with strictly according to law. At the same time the fair use of the library materials must be promoted as far as possible within the capacity of the individual librarians.

### **5.0 Suggestions**

It has been found that copyright act as well as IPR has been discussed in many conferences and many platforms but no concrete solutions has been found to be effective and there has been no proper guidelines from national accrediting bodies. We feel there should be debate at national level bodies like ILA, IASLIC etc. regarding the scope of the Acts with relation to Five Laws of Library Science. We also suggest that this topic should find place in orientation course and refresher course of Academic Staff colleges conducting academic programs for LIS professionals and also every LICs should make a special programme on IPR and Copyright Acts for enlightening users at the time of enrolment. It may also be suggested that every LICs should maintain a separate and complete register to record all the details of the Xeroxing services so that in the event of any misuse or violation of IPR and Copyright the culprits can be detected easily.

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