

# COPYRIGHT COMPLIANCE: COLLEGE LIBRARIANS' LEVEL OF AWARENESS ABOUT THE LAW

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## **Abstract:**

**Purpose** – To study the copyright awareness of librarians working in colleges in the state of Maharashtra.

**Methodology** – The methodology adopted is a questionnaire survey of college librarians in Maharashtra. An online questionnaire was circulated through librarians' discussion forum "ILOSC" and the data from the responses received was analyzed by percentage method and presented in the form of charts and tables.

**Findings** – The librarians rated their copyright knowledge to be average. They seemed to be aware about copyright issues affecting library services, but did not have a clear understanding of these issues and indicated a need for copyright education. The study helped in identifying lacunae in the copyright awareness and compliance amongst librarians.

**Value** – The value of this paper lies in the ideas it has provided for increasing copyright awareness and improving copyright compliance by all concerned. It is also valuable as it proves the necessity for continuous education of librarians on copyright.

**Keywords:** Copyright education; Copyright awareness; Copyright compliance; Academic librarians.

## **1.0 Introduction**

Copyright law is a balancing act between protection of the authors' rights and the right of the general public to access the available information. This is evident from the various provisions in the Copyright Acts of almost all countries. Many authors have taken note of this balance (Lowry, 2001; Schneider, 2001; Ferullo, 2004; Millett, 2005). Even though the copyright law provides exclusive rights to creators / owners of copyrighted materials, these rights are limited in time and scope. Additionally the fair use doctrine ensures the public's right of access. It also allows academic libraries to freely disseminate information to their clients. However, the fair use doctrine is not adequate to address the complexities arising in academic libraries due to growing collection of digital content. Managing user needs while placating the growing concerns of copyright holders about digital storage and dissemination of the copyrighted works are major concerns to libraries.

A recent report from the Association of College and Research Libraries (ACRL) revealed the necessity of an increased awareness about copyright and scholarly communication issues in the academia (Davis-Kahl & Hensley, 2013). As the importance of copyright education grows, it becomes crucial to ensure that "the people assigned this responsibility have the resources and support to perform their responsibilities in the most effective and efficient way possible" (Albitz, 2013, p. 435).

Considering the role of academic librarians in copyright education, it seems necessary to study their preparedness to handle copyright questions.

## 2.0 Literature Review

Librarians' involvement in copyright compliance and in research on its impact on library services has been extensively reported in literature. With the advent of digital technologies the number of scholarly articles related to copyright and digital content has increased exponentially. In the context of academic libraries, there have been "major attempts to inventory how universities and their libraries deal with intellectual property rights among students, faculty, libraries, and rights holders outside the university" (Hansen, Cross and Edward, 2013, p.71). These studies discuss the university copyright policies that address the issues of ownership, access and use of copyrighted materials.

The issues of ownership and access to information for research, teaching and learning give rise to many questions regarding rights, limitations and freedom. These should be addressed through central policies that create a balanced framework for institution wide application (Horava, 2010). Policies for electronic document delivery and electronic reserves (e-reserves) are majorly based on institutional procedures rather than on a standard legal basis (Gould, Lipinski and Buchanan, 2005). Ferullo (2004) observed that librarians are reluctant to undertake the risk of liability for copyright infringement. Prilliman (2008) opined that since copyright compliance poses many challenges for academic libraries, librarians have to be proactive in developing policies for e-access, digital dissemination and preservation, e-reserves and course packs, and ILL. They have to keep themselves updated about changing laws and standards and bring corresponding changes in policies. They must also be able to negotiate advantageous licensing agreements and serve as copyright experts for their institutions. Few studies have analysed the major copyright problems involved in digitization of library collections (James, 2005) and digital preservation (Besek, 2008).

Literature also reports research on copyright responsibilities in the academic environment. Horava (2010) concluded that the library plays a primary role in many universities in educating students and faculty in copyright issues. Many other researchers have also accepted that librarians have the responsibility of educating users about copyright issues (Colleran, 2003; Russell, 2004; Bay, 2001; Joint, 2006; Ferullo, 2004). Above studies indicate that the librarians should be knowledgeable about copyright law and its library applications.

Very few studies have been carried out to assess the librarians' copyright knowledge. A national survey of academic librarians in the US conducted by Charbonneau and Priehs (2014) was the first to document awareness of copyright policies, partnerships on campus to address copyright issues and training needs of academic librarians. Majority of the respondents had answered copyright related questions, yet many did not perceive themselves as fully prepared to provide copyright information due to lack of knowledge. Awareness about copyright issues varied and majority expressed a need for training. This study is significant as their findings have practical implications for copyright management in academic libraries. Similar results were reported by Oppenheim and Woodward (2004) and Olaka and Adkins (2012).

Albitz (2013, p.430) states that though there is a lack of literature on copyright education management, "much has been written about copyright and its interpretation and application to higher education". Extensive literature is available on various copyright issues in the academic arena. However, literature on the copyright awareness of academic librarians, who have the responsibility of copyright education on the campuses, is limited. During literature review studies which explored Indian academic librarians' knowledge about copyright issues could not be located. Thus research in this area is necessary in the Indian context.

## 3.0 Methodology

The data presented was obtained from a survey limited to college librarians in the state of Maharashtra during the month of May 2016. The purpose of this study was to find out the copyright awareness of these librarians and also to investigate their user education initiatives regarding copyright. To achieve this purpose, the data collection tool used was an online questionnaire. Up to date directory of college librarians in Maharashtra could not be located. Hence for data collection, MLOSC (Maharashtra Librarians' Online Study Circle) (<https://sites.google.com/site/mloscsite/>) was selected due to its wide reach among the target audience. The questionnaire was posted on this forum and responses were solicited from college librarians belonging to Maharashtra state. The participants were requested to participate voluntarily in the web-based survey. A follow up reminder was sent and the survey was closed after 21 days of data collection (5<sup>th</sup> to 26<sup>th</sup> May 2016). The data was analyzed by frequency method and is presented in the form of tables and graphs. Limitation of this study is that those librarians who were not MLOSC members could not

be included. Recently, MLOSC broadened its scope and librarians from all over India registered as its members. Consequently, few librarians from outside Maharashtra responded to the questionnaire posted on the forum. Such responses were disregarded and not included in data analysis.

#### 4.0 Data Analysis and Findings

Forty four college librarians from Maharashtra state responded to the survey questionnaire. The questionnaire consisted questions regarding details about the colleges and librarians, self assessment of copy right awareness, and copyright compliance in libraries.

First four questions about the details of the college and the librarians. In the next two questions, librarians were asked to rate their level of copyright awareness and also that of the library staff (Table1) on a scale of 1 to 5 where 1 denotes 'Extremely aware' and 5 denotes 'Completely unaware'. Of the 44, one librarian each self assessed complete unawareness (2%) and extreme awareness about copyright law; while majority of the college librarians (i.e. 42 out of 44) rated their knowledge about copyright law to be average i.e., between moderate to slight. Copyright awareness of the library staff was also judged by them to be average. However, four librarians found their staff to be extremely aware about copyright law. It has been generally observed that very few college libraries in Maharashtra state have professional subordinate library staff. Hence the possibility of the library staff being more aware about copyright law than the librarians themselves is very low. It can therefore be interpreted that these four librarians may have been confused about the level of awareness of themselves and their staff.

Table 1: Level Of Copyright Awareness Of Librarians And Library Staff

Awareness Level	No. of libraries			
	Librarians	Percentage	Library staff	Percentage
Completely unaware	1	2%	8	18%
Slightly aware	5	12%	16	37%
Somewhat aware	18	41%	11	25%
Moderately aware	19	43%	5	11%
Very much aware	1	2%	4	9%
<b>Total</b>	<b>44</b>		<b>44</b>	

From the response to the next question, it was observed that only 6 college librarians out of 44 (13.64%) were educating the library staff on copyright issues, whereas remaining 39 librarians did not conduct any such awareness program for their staff (Fig.1).

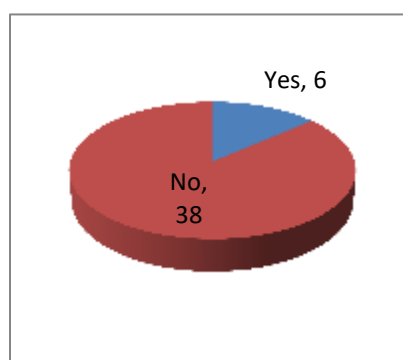


Fig. 1: No. of libraries providing copyright education for library staff

Further questions tried to test the librarians' copyright knowledge and compliance in library functioning. At the outset, opinions of librarians on the library services that are affected by copyright law were sought. According to table 2, 19 librarians (43%) selected the correct options. However, only 2 librarians of these 19 selected all the five correct options indicating complete awareness regarding library services affected by copyright law. Remaining 17 librarians selected from one to four correct options indicating incomplete knowledge. Responses of twenty four

librarians (55%) were incorrect and one librarian (2%) did not respond. It can therefore be inferred that majority (57%) of the librarians did not fully understand the impact of copyright law on library services.

**Table 2: Library services affected by copyright law**

Type of response	No. of responses	
Correct responses	All 5 correct options selected	2
	4 correct options selected	2
	3 correct options selected	7
	2 correct options selected	5
	1 correct option selected	3
<b>Total correct responses</b>	<b>19</b>	
Incorrect responses	Only wrong options selected	2
	Wrong options selected with 1 or more correct options	22
<b>Total incorrect responses</b>	<b>24</b>	
<b>Don't know (No option selected)</b>	<b>1</b>	

When each of the services were considered individually (Fig.2), it was observed that majority of the librarians (37 librarians, 84%) opined that reprographic service was affected by copyright law while document delivery and institutional repository received 25 votes (56.8%) each and inter-library loan and creation of course packs received 14 (31.8%) and 18 votes (40.9%) respectively. However, some librarians erroneously opined that services of circulation (12 librarians, 27.27%), reference (16 librarians, 36.36%), information literacy (7 librarians, 15.9%) and web OPAC (6 librarians, 13.63%) are affected by copyright law.

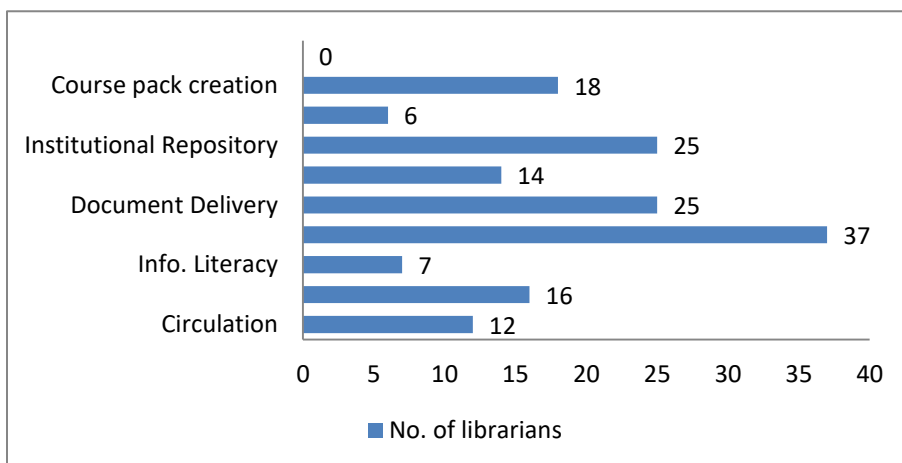


Fig. 2: Library services affected by copyright law.

Although 35 librarians out of 44 (80%) agreed that copyright issues are involved in preservation and digitization, 5 (11%) disagreed and 4 (9%) did not know (Fig.3). The responses to the 8<sup>th</sup> and 9<sup>th</sup> questions show that though librarians seem to be aware about copyright issues in library services, some of them seem to be confused and they do not have clear understanding about copyright issues affecting libraries.

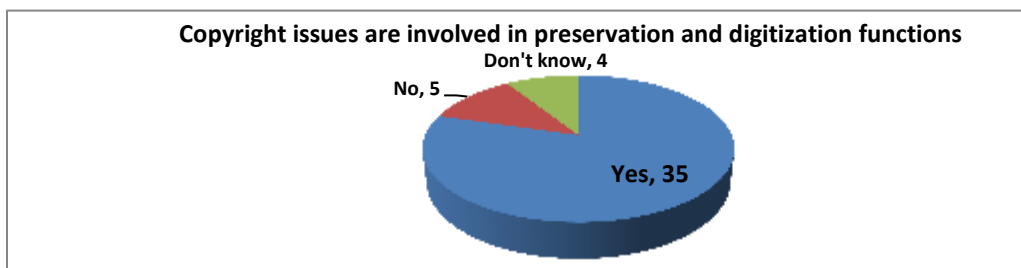


Fig. 3: No. of librarians feeling that copyright issues are involved in library functions of preservation and digitization.

Q.10 was asked to ascertain the facilities provided by the libraries to their users (Table 3). Out of 44, 17 libraries (39%) were providing all 4 facilities listed (Photocopying, Printing, Scanning and Computer access); 5 libraries (11%) were providing 3 facilities; 17 libraries (39%) were providing only 2 services out of the four listed and 5 libraries (11%) were providing only one facility (Only photocopying by 1 library and only computer access by 4 libraries).

Table 3: Facilities provided by libraries

Type of response		No. of responses
<b>All 4 facilities provided</b>		17
<b>3 facilities provided</b>	Photocopying, Printing and Computer access	2
	Photocopying, Scanning and Computer access	3
<b>2 facilities provided</b>	Photocopying and Scanning	2
	Photocopying and Computer access	13
	Printing and Scanning	1
	Printing and Computer access	1
<b>Only 1 facility provided</b>	Photocopying	1
	Computer access	4

It was necessary to ascertain whether photocopiers, computers, printers and scanners displayed notices about copyright implications (Table 4). Twenty nine out of 44 libraries (66%) did not display any notices and 2 libraries (5%) did not respond. This data indicates that majority of the libraries (71%) did not display notices to ensure copyright compliance. Remaining 13 libraries were displaying notices either at only one or at more locations. However, libraries displaying multiple notices were few. This was the case in spite of the fact that majority of the libraries were providing facilities like access to computers, photocopying, scanning and printing as observed in previous question.

Table 4: Display of notices about copyright implications

Type of response	No. of responses
Option 1 (Notice is there on or near all machines)	2
Option 2 (Notice is displayed where photocopy/print/scan requests are accepted)	3
Option 3 (Notice is printed on photocopy/print/scan request form)	1
Option 4 (Notice is displayed outside the computer room / laboratory)	4
Option 5 (Notice is not displayed anywhere)	29
No response	2
Options 1 and 3	1
Options 2 and 4	2

The next question was intended for determining the number of libraries that allowed photocopying, downloading and printing of entire books, journal issues, research reports or theses (Table 5). Ideally, this should not be allowed. It was observed that duplication was allowed for only one chapter by 2 libraries (5%); for only journal articles by 1 library (2%); for one chapter and journal article by 7 libraries (16%); for not more than 10% of any resource by 12 libraries (27%); and for one chapter / journal article and not more than 10% of any resource by 8 libraries (18%). This was found to be in compliance with the copyright law. However, remaining 14 libraries (32%) were allowing duplication of entire books / journals / research reports and/or theses.

Table 5: Libraries allowing photocopying and/or downloading and saving or printing of resources

Type of response	No. of responses
Allow duplication of only one chapter	2
Allow duplication of journal articles only	1
Allow duplication of one chapter and journal article	7

Allow duplication of not more than 10% of any resource	12
Allow duplication of one chapter / journal article and not more than 10% of any resource	8
Allow duplication of entire books / journals / research reports / theses with or without above options	14

Thirty five of the 44 libraries (80%) subscribed to digital resources in addition to their print collection. Out of these 35 libraries, only 19 (54.28%) displayed the ‘Terms and conditions of use’ or ‘usage instructions’ along with their digital collections (Fig.4).

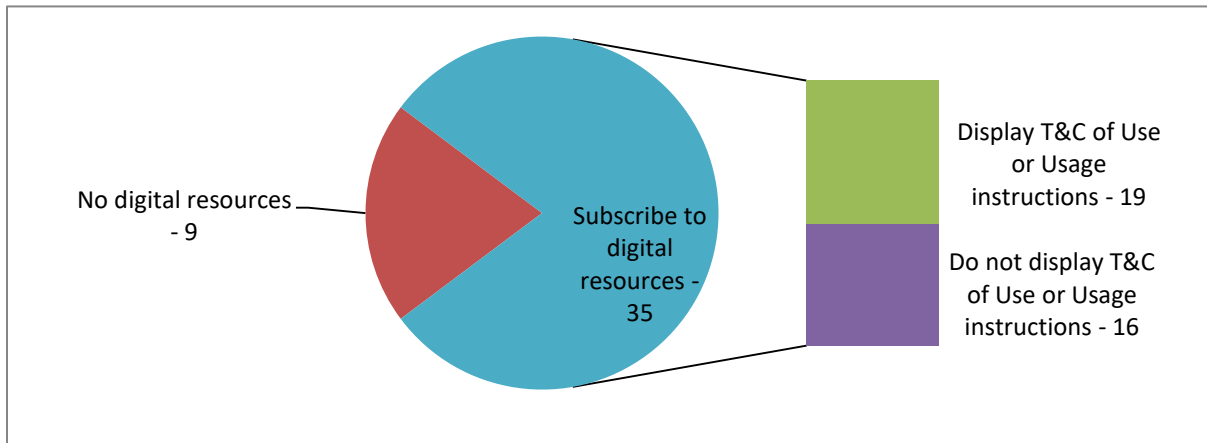


Fig. 4: Subscription to digital resources and Display of T&C of Use on the digital collection

Thirty eight out of 44 colleges (86.36%) did not have a written copyright policy. Thirty one (70.45%) libraries did not include the norms for copyright compliance in the library rules. Observations from these three questions (nos. 14 to 16) are indicative of the fact that even though majority librarians have rated their copyright knowledge to be at least average (as shown in Q.5), they are not making use of this knowledge in their day-to-day practice and are not proactive in spreading copyright awareness among library users. It can therefore be inferred that there is a gap between the librarians’ opinions and their actual practice.

In response to q.17, 31 librarians (70%) stated that they were not aware about the copyright societies. Out of the 13 librarians (30%) who stated that they were aware, none could mention even one advantage for libraries. This indicates that actually none of the librarians are aware about the Copyright societies.

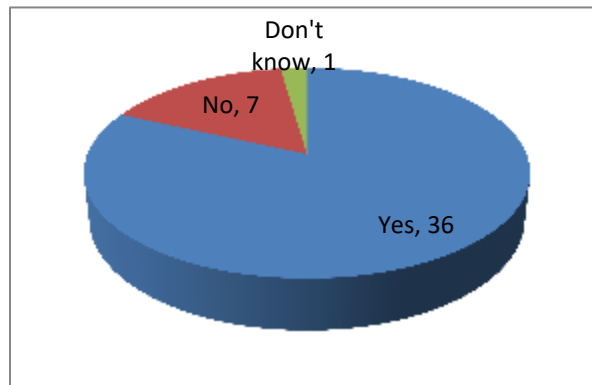


Fig. 5: Librarians’ view on need for copyright education for librarians and library staff.



All the above findings indicate a strong need for copyright education of librarians. This observation was further supported by the librarians themselves when in response to Q.18, 36 of them (81.8%) expressed that there is a need for specialized copyright education course for librarians and library staff (Fig.5).

### **5.0 Discussion and Recommendations**

The results of the survey revealed the lack of copyright awareness among college librarians in Maharashtra state. These findings extend the existing literature and identify the lacunae in librarians' approach to copyright knowledge and issues affecting libraries.

These findings have brought forth the fact that the college librarians do not have a clear understanding of the copyright issues affecting academic libraries. None of the librarians surveyed seem to be aware about the advantages that they can derive from Copyright societies for creation of course packs. In light of the recent case against Delhi University and the photocopy shop in its premises, knowledge of copyright implications on course pack creation is essential.

In the survey responses, all except one librarian have self-assessed at least some knowledge about copyright issues. However, this knowledge is not evident through their library practices. Copyright knowledge should translate into proactive initiatives like displaying informative copyright statements and warnings prominently in the library; displaying the 'Terms and conditions of use' or 'usage instructions' along with the digital collections; and explicit and exhaustive copyright policy and its reflection in library rules.

Finally, the survey respondents expressed their strong need of specialized copyright education courses. In order to fulfill this need, professional library associations must proactively develop course content. Furthermore, support from the employers would prove to be an added incentive. If these recommendations are considered, the academic world would be highly benefitted through a copyright-aware and proactive librarian community.

Although this study gives an insight into the copyright awareness of college librarians, the study sample is limited to college librarians in the state of Maharashtra. This study can also be expanded and complemented with detailed interviews of the librarians so as to identify and clarify the issues in which doubts and confusion might exist.

### **6.0 Conclusion**

This study seems to be the first to investigate copyright awareness of college librarians in Maharashtra. The results of this survey have identified copyright education needs of college librarians. These findings have also provided ideas for improving copyright compliance by all concerned.

Many copyright related studies have been done in the other countries. However, these issues have not been extensively studied in India. A similar study at national level is necessary in order to address the copyright challenges in the academic world.

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