GLOSSARY

Academic Exception: Academic exception is the exception for teachers and academics to the general rule that employers hold copyright in the creative works produced by their employees in the course of their employment.

American Library Association (ALA) Code of Ethics: The voluntary code of ethics adopted by the American Library Association to govern the work of librarians.

Anonymous work: An anonymous work is a work on the copies or phonorecords of which no natural person is identified as author.

Audiovisual work: Audiovisual works are consist of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied.

Author: As a general rule, the author is the creator of a work.

Berne Convention: An international agreement on copyright, which provides a minimum set of rights to authors of all countries that are members to the Convention.

Circumvention: The act of avoiding, breaking or otherwise bypassing protections on digital content and technology.

Collective work: A creative work that represents the creative input of more than one author.

Compilation: A compilation is a work formed by the collection and assembling of preexisting materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship.

Compulsory License: A license for use of copyrighted material that is mandated by law to be made available to everyone on an equal basis, usually in exchange for the payment of a set fee.
**Computer Program:** A computer program is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

**CONFU:** An abbreviation of the “Conference on Fair Use.” The Conference on Fair Use was a series of meetings held in the United States in the mid to late 1990s. The purpose of CONFU was to have a meaningful discussion about “fair use” in an increasingly digital age, especially for academics and librarians.

**Consortium:** A group of libraries formally organized to promote common interests and achieve common goals, of which interlibrary loan and resource-sharing activities are typical examples.

**CONTU Guidelines:** CONTU Guidelines were developed by the National Commission on New Technological Uses of Copyrighted Works to assist librarians and copyright proprietors in understanding the amount of photocopying for use in interlibrary loan arrangements permitted under the copyright law.

**Copyright Compliance:** The requesting library is responsible for making certain that the interlibrary loan request conforms to the copyright law or the accompanying guidelines. A supplying library may choose not to process a photocopy request if an indication of copyright compliance is not included.

**Copyright Infringement:** The use of a copyrighted work without the authorization of the right holders or under a limitation to copyright.

**Copyright Owner:** Copyright owner, with respect to any one of the exclusive rights comprised in a copyright, refers to the owner of that particular right.

**Database:** A database is a collection of data on a particular topic or topics, usually searchable, aggregated into one place.

**Derivative Work:** A derivative work is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted.
Digital Rights Management (DRM): Digital technology employed by right holders to make the illegal use of protected materials more difficult and to facilitate the management of their rights.

Digital Transmission: A digital transmission is a transmission in whole or in part in a digital or other non-analog format.

Display: Display of a work means to show a copy of it, either directly or by means of a film, slide, television image, or any other device or process or, in the case of a motion picture or other audiovisual work, to show individual images nonsequentially.

DMCA: The DMCA is the short name for the Digital Millennium Copyright Act. The DMCA is copyright legislation that was passed in the United States in 1998. Its intended purposes were to bring U.S. copyright law more into harmony with international norms and to address many of the new concerns that digital technology and file sharing raised. The DMCA contains the now notorious anti-circumvention provisions, which made it illegal, even for a legitimate user, to avoid, break or disable any technological measures protecting content.

Economic Rights: The rights associated with copyright that allow the rights holder to exercise control over use of the work for economic benefit.

Fair Dealing: The term used in the India and other Commonwealth nations to describe the circumstances under which one can use copyrighted works without payments or permission.

Fair Use: Fair use, described in Section 107 of the U.S. Copyright Law, permits limited uses of copyrighted works by individuals who do not own the copyright to the work. The four criteria used to determine fair use are: the purpose of the use; the nature of the copyrighted work; the amount of the work used; and the effect of the use on the potential market.

First Sale Doctrine: The idea that once the first legitimate sale of a physical embodiment of a copyrighted work has taken place, the copyright holder has no claim to control further sales or many uses of the particular copy.
**Industrial Property:** A type of intellectual property, which includes patents, trademarks and industrial designs.

**Infringement:** Violation without justification or excuse of one or more of the exclusive rights in a work granted by copyright law.

**In-Library Use Only:** Materials designated by the supplying library as in-library use only must be used only within the requesting library. These items may not be removed from the library.

**Joint Work:** A joint work is a work prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole.

**License:** A license is a form of contract whereby a rights-holder grants permission to a person or entity to make use of a copyrighted work in some way.

**Literary Work:** Literary works are works, other than audiovisual works, expressed in words, numbers, or other verbal or numerical symbols or indicia, regardless of the nature of the material objects, such as books, periodicals, manuscripts, phonorecords, film, tapes, disks, or cards, in which they are embodied.

**Monopoly:** A monopoly is exclusive control over a particular resource.

**Moral Rights:** Rights of paternity and integrity, which maintain a personal link between the author and his work.

**Neighboring Rights:** The rights of people who have participated in the creation of a copyrighted work, but who did not “write” it, and for a variety of reasons do not normally qualify for traditional forms of copyright.

**Open Access:** Open access is a term describing an information resource that is open to all.

**Original Expression:** Original expression refers to a creator’s original, copyrightable, creative work.

**Orphan Works:** Orphan works are creative works that are still under copyright protection, but for which it is either impossible or prohibitively difficult to identify the copyright holder.
Perform: To “perform” a work means to recite, render, play, dance, or act it, either directly or by means of any device or process or, in the case of a motion picture or other audiovisual work, to show its images in any sequence or to make the sounds accompanying it audible.

Phonorecords: Phonorecords are material objects in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term “phonorecords” includes the material object in which the sounds are first fixed.

Piracy: Usually refers to the intentional and illegal sale of copyrighted works.

Plagiarism: The use of another’s work without citation or accreditation, with the intent of passing it off as one’s own.

Primary Clientele: A library’s user group, defined locally by each library, e.g., taxpayers, students and faculty, local community, etc. and as described in the library’s mission statement.

Public Domain: The collection of all works that are not protected by copyright and are therefore free to use without permission from, or payment to, the author.

Public Performance or Display: A copyrighted work is publicly displayed if the public has access to it.

Related Rights: The rights of performers, producers of phonograms, and broadcasting organizations.

Reprography: The branch of technology concerned with the copying and reproduction of documentary and graphic material.

Requesting Library: The library that initiates an interlibrary loan request on behalf of a user. Other synonymous terms include borrowing library and borrower.

Resource Sharing: A variety of library or consortial activities designed to improve library services and/or reduce costs. Interlibrary loan and direct borrowing privileges are two examples of resource sharing.
Right Holder: The owner of the copyright or related rights of a work.

Rights Clearance: The process of asking for permission from, and paying fees to, the right holders for the use of a protected work.


Royalty: A payment made to an author by the person using his copyrighted material.

Three-step Test: The Berne Convention’s Three-Step Test describes the criteria by which a participating country can have its own unique limits or statutory exemptions on copyright law without violating the terms of the Convention.

TRIPS: The Agreement on Trade Related Aspects of Intellectual Property Rights. TRIPS is an international agreement on property rights that came into effect in 1995. The World Trade Organization’s website describes TRIPS as “to date, the most comprehensive multilateral agreement on intellectual property.” and states that: “The areas of intellectual property that it covers are: copyright and related rights (i.e. the rights of performers, producers of sound recordings and broadcasting organizations); trademarks including service marks; geographical indications including appellations of origin; industrial designs; patents including the protection of new varieties of plants; the layout-designs of integrated circuits; and undisclosed information including trade secrets and test data.”

Universal Copyright Convention (or UCC): The UCC, which came into effect in 1955, represents an alternative to the Berne Convention.

Work Made for Hire: A “work made for hire” is a work prepared by an employee within the scope of his or her employment.

World Intellectual Property Organization (WIPO): A specialized agency of the United Nations dedicated to developing a balanced and accessible international intellectual property system.
Madam/Sir

I am conducting a survey on the topic "IPR in India and USA: Its Impact on Library Services" as part of my research work. I would like to request you to kindly fill up this questionnaire and give your valuable suggestion in the space provided. The information provided will be kept confidential and will be used only for research work.

I will be highly grateful to you for this kind cooperation.

Yours Sincerely
Musheer Ahmad Khan
Research Scholar
Dept. of Lib. & Inf. Science
Aligarh Muslim University,
Aligarh (INDIA)

Demographic Information
Name: .................................................................
Nationality: India [ ] USA [ ]
Designation: ...........................................................
Year of experience: ...............................................
1. **What is your opinion about the following statement?**
   (Please tick mark the preferred choice)

<table>
<thead>
<tr>
<th>S.No</th>
<th>Statement</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Copyright is a threat to intellectual freedom.</td>
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<tr>
<td>2</td>
<td>Copyright monopolizes knowledge.</td>
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<tr>
<td>3</td>
<td>Exceptions and limitations provided under copyright act benefits the library functioning.</td>
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<td>4</td>
<td>Anonymous works should not protected by Copyright Act.</td>
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<td>5</td>
<td>Copyright should give academic libraries the limitation to provide its collection as full text online.</td>
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<td>6</td>
<td>Provisions for libraries under copyright act are adequate to library needs.</td>
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<td>7</td>
<td>Copyright conflicts library role in providing easy access and use of digital materials.</td>
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<td>8</td>
<td>Copyright should allow libraries to digitize print collection especially for preservation and access.</td>
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<td>9</td>
<td>Copyright should provide more limitations to libraries.</td>
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<td>10</td>
<td>Applying copyright in libraries is frustrating as it affects library services.</td>
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</table>
2. What is your experience towards Copyright Act in library?
   (Please tick mark the preferred choice)

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Statement</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tendency to favor copyright law in library.</td>
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<tr>
<td>2</td>
<td>Watching reproduction boundaries provided in copyright law.</td>
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<tr>
<td>3</td>
<td>Distribution of copyright protected documents under copyright boundaries.</td>
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<tr>
<td>4</td>
<td>Downsize reproduction in library even it is required for library services due to copyright restrictions.</td>
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<tr>
<td>5</td>
<td>Library refuses the service where there is contradiction between copyright and service.</td>
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<tr>
<td>6</td>
<td>Library refuses many services due to the lack of provision and explanation under copyright act.</td>
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<tr>
<td>7</td>
<td>Lack of adequate provisions for libraries add additional cost to the budget of the library.</td>
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<tr>
<td>8</td>
<td>Copyright restriction on digital documents such as reproduction and distribution hamper library services.</td>
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<tr>
<td>9</td>
<td>Libraries feel uncomfortable due to the difference between the provision in copyright act for library and requirement of the library.</td>
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</table>
3. What are the reasons that according to you is the cause of infringement of copyright while proving the services? (Multiple answer are permitted)
   a) No clear understanding of copyright provision for libraries (lack of explanation) [ ]
   b) Lack of provision for library services in copyright act. [ ]
   c) Copyright protected documents are costly/require extra copy to match with demand [ ]
   d) Fair use judgment is very difficult [ ]

4. How do you think library services are possible without the infringement of copyright? (Multiple answer are permitted)
   a) Proper knowledge of Copyright Act by staff and users [ ]
   b) Make more provision for library in Copyright Act especially for digital material. [ ]
   c) Reduction of time limit on copyright protected documents for libraries [ ]
   d) Libraries policy for fair use [ ]

5. Problems faced while getting permission from copyright holder by library.
   (Multiple answer are permitted)
   a) Locating author is problematic [ ]
   b) Takes long time to get permission [ ]
   c) Copyright holder asks for high royalty. [ ]
   d) Author refuse to give permission [ ]

6. What measures does your library take to minimize copyright liability? (Multiple answer are permitted)
   (a) By awareness program to users [ ]
   (b) Copyright handbook to users. [ ]
   (c) Appointment of law expert for legal consultant. [ ]
   (d) Putting copyright instruction on notice board. [ ]

7. Do you agree that there is need for “special provisions under Copyright Act for libraries which deals with library services”.
   a) Strongly Agree [ ]
   b) Agree [ ]
   c) Neutral [ ]
   d) Disagree [ ]
   e) Strongly Disagree [ ]
8. Do you agree on the statement that “documents in the library must be exempted from copyright protection”.
   a) Strongly Agree [    ]  
   b) Agree [    ]  
   c) Neutral [    ]  
   d) Disagree [    ]  
   e) Strongly Disagree [    ]

9. What Problem does your library face while digitization of document in the library on the behalf of Copyright Act.  
   (Multiple answer are permitted)
   a) Require permission from copyright owner. [    ]  
   b) Copyright protection last for long time. [    ]  
   c) Lack of provision for digitization in Copyright Act for libraries. [    ]  
   d) Lack of explanation about digitization for libraries under Copyright Act. [    ]

You are requested to provide your reply to the queries below based on your work experience in the library.

10. Whether Copyright Act of India is competent for services in the libraries?
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11. Copyright problem that directly affects library services.
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12. In your opinion what changes should be made in the Copyright Act that will help in improving library services.
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    ……………………………………………………………………………………………
Suggestions

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Thank you

(Musheer Ahmad Khan)
Chapter-1

Introduction
Chapter-2

Intellectual Property Right
Chapter-3

Library Services
Chapter-4

Copyright Act of India and USA: Provisions for Libraries
Chapter-5

Data Analysis, Interpretation & Discussion
Chapter-6

Summary and Conclusion
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