Flow of ideas knows few jurisdictional boundaries, complex legal systems have been implemented to assist in regulating IP and the corresponding rights and interests derived from it. Historically, every country has developed its own IP laws, enacting domestic legislation or laws to regulate the use and re-use of intellectual inventions and creativity that are effective within specific territorial boundaries. For example, the Statute of Anne of 1709 was the first law in the United Kingdom enacted to regulate the right to copy printed material, and only had the effect of regulating the reproduction of printed material in British territory by those people subject to the rule of British law. Based on individual domestic policies, countries enacted laws that operate in markedly different ways, conferring different sorts of rights, interests, requirements of perfection, limitations and corresponding durations of protection. As a result, owners of the interests had no means of enforcing their domestic IP rights once their creative inventions and expressions crossed over different legal jurisdictions. International legal systems developed, beginning in the latter half of the nineteenth century, to harmonize IP law systems and provide the owners of IP law interest with a degree of enforceability. These multilateral treaties had been enacted over the last 130 years with nations, states enacting the general principles found in the treaties into their own domestic law, thereby ensuring harmonization and enforceability of IP interests. Two key features of these multilateral treaties have been the principles of national treatment and reciprocity. It allows a citizen of a country who has ratified an international IP law treaty the same rights as if he or she was a national of a foreign country where he or she was seeking to enforce IP rights, so long as the latter country also ratified the treaty in question.

In addition, national treatment also provides that IP rights of foreign nationals are defined by the laws of the jurisdiction in which the foreign national seeks
protection and enforcement. The principle being that the owner of the IP rights will enjoy no greater benefit than any other nation of the jurisdiction in question. The World Intellectual Property Organization, (WIPO), a specialized agency of the United Nations, was established after the WIPO Convention in 1967 with its initial mission to act as a secretariat for international treaties concerning IP. Since that time, WIPO’s mission has evolved as “to promote through international cooperation the creation, dissemination, use and protection of works of the human mind for the economic, cultural and social progress of all mankind”. While it still administers international treaties relating to IP law, its work also includes education of and awareness about IP, and the administration of international registration systems for particular forms of IP interests, thereby further promoting the principles of international cooperation and harmony. WIPO’s membership comprises 184 member states including both India and USA.

IPRs are mainly statutory rights that allow the creators/owners of the products to prevent people from using the same commercially for a certain period of time. Over the years, there has been a long tradition of international IPR harmonization in order to ensure that material protected under IPR is respected globally. The uses of internet and digitization processes have created new problems as national rules do not necessarily provide satisfactory protection, for example, material can be created in one country, held on a server located in another country and downloaded across the globe. In this case, based upon national legislation alone, it is hard to deal with the misuse of material or the creation of inappropriate content. Internationally-based legislation can help clarify cross-border issues, as well as develop international IPR standards. Some important international treaties that provide international standards for IPR include: The Berne Convention, administered by the World Intellectual Property Organisation (WIPO); the Universal Copyright Convention (UCC) and the TRIPS Agreement (Trade Related Intellectual Property Rights) under the patronage of the World Trade Organisation.
1.1 STATEMENT OF THE PROBLEM

Libraries have been entrusted with the role of acquiring and disseminating information to its patrons. Issues of copyright have created a new wave of revolution in terms of library services especially in the context of use of electronic resources.

The study focuses on exploring the IPR law in India and USA with respect to libraries that affect the provision of library services.

1.2 SIGNIFICANCE OF THE STUDY

Libraries place primary importance on the value of providing access to their patrons at the same time keeping in mind and copyright issues the public’s need for uninhibited information flow in order to fully participate in creative, intellectual, and political life is quite challenging. Rights-holders, on the other hand, emphasize the value of exclusive rights for creators, recognizing that without incentives and compensation to creators and their publishers, the amount and quality of creative and intellectual works available to the public will be severely diminished. Of course, for copyright law to work optimally, the core values of dissemination to the public and incentives to create should reinforce one another, not work at cross-purposes. The library is in between the owner of copyright and the user.

One of the most important issues for libraries at the present time is the need to reinforce copyright limitations and exceptions. Limitations and exceptions that enable use of works without prior consent or payment to the copyright holder or payment for purposes such as research, scholarship and teaching, library preservation, and interlibrary loan, are all fundamental part of the copyright system, but it has not expanded at an equal pace as enhanced rights and protections in recent years. Internationally higher standards of protection and enforcement have been mandated by TRIPS, the WIPO Copyright Treaty, and the WIPO Performances and Phonograms Treaty discussed later in the study. In many nations including the U.S., extension of copyright terms, anti
circumvention legislation, and a steadily increasing culture for enforcement have created additional restrictions to use of information. There has been no expansion of limitations and exceptions.

Due to several reasons, the present day libraries are facing at least three major paradigm shifts, which are the result of global competition, new computing and communications technologies, and the perceived need to measure the productivity of knowledge and service workers.

- The first shift is the transition from paper to electronic media as the dominant form of information storage and retrieval. Linked to this transition is the convergence of text, graphics, and sound, into multimedia resources.

- The second shift relates to the shrinking financial resources and increasing demand for accountability, including a focus on customers, performance measurement, benchmarking and continuous improvement.

- The third shift comes from new forms of work organization such as end-user, work teams, job sharing, tale-work, outsourcing, staff downsizing and re-engineering.

In the light of the above mentioned paradigm shifts reflected from the global competition, there is an inevitable need to apprise the users about three major issues namely electronic reserves, fair use, and author rights. Electronic reserves means authorization to users to make use of information for educational purposes and this facility is being extended by the commercial vendors to the non-profit institutions (such as colleges, universities, and secondary schools) having license to access the information by using the electronic reserves. This is permitted to the currently enrolled students (including distance education students), affiliated and visiting researchers, full and part-time staff, and on-site users physically present on the institutional licensee’s premises. Therefore it is the duty of library professionals to respect the Copyright Act and provide services in accordance with act.
The research presented here is an exploration of impact of IPR on library services through available literature on Intellectual property rights and library services. The impact of IPR on library services is studies through the dimensions and attributes of the various provisions that facilitate the library services and the provision of IPR which are a hurdle in the provision of library services. The significance of this research report also includes the following:

- Finding of this report helps in identifying the areas where copyright laws impact library services in both the countries.
- This report helps in providing suggestion to the government for making amendment in the copyright law which shall help in maintaining free and countless services to the library users.
- The result of the study help to the library management for providing library services without violating the exclusive right of creators.
- This research may help for preparing library manuals for users who are unaware of copyright provisions while using library services.
- This research can help in reducing the violation of the copyright laws by unpacking the complications and motivate authors to create more and more new information which will further help in increasing the provision of library services.
- Helps in creating uniformity in laws by removing variations among the laws of different countries so that international standards for copyright laws with reference to the libraries could be designed for better information access and use.

1.3 LIMITATIONS OF THE STUDY

The limitations of the research are divided into different categories as mentioned below:-
1.3.1 Types of IPR

Intellectual property Right is an umbrella terms used for the protection of different kinds of intellectual creations and is broadly divided into two categories: Industrial property and copyright. Industrial Property includes patents for inventions, trademarks, industrial designs and geographical indications, and copyright protects rights related to creation of human mind in the fields of literature, music, art and audio-visual works.

The libraries deal with the collection of literature, music, art, and audiovisual works which comes under the preview of copyright. Copyright is one of the most important aspects of the Intellectual property right. When we understand impact of library services in terms of IPR it is the copyright issues that comes within the premises of the study. Therefore, this study deals with the Copyright Acts that are applicable to libraries. The other part of intellectual property rights which deals with the industrial invention is excluded from this study.

1.3.2 Geographical Area

The scope of research is further limited to the IPR in India and USA. Due to the differences in the IPR rules and regulation it is not possible to cover the Copyright Law of all the countries therefore this study is limited to the copyright provisions in India and USA.

1.3.3 Non Commercial Libraries

This research includes the study of services of only nonprofit libraries. Exceptions and limitations provided in Copyright Act of India and USA as well as at international level are only for non commercial use. Only non commercial libraries can enjoy the benefits of exceptions and limitations mentioned under the Copyright Act. Provision of exceptions and limitations are also extended to educators and researchers to exploit the said provisions. Profit making libraries have to follow copyright provision without exceptions and limitations therefore, the provisions for nonprofit making libraries are undertaken in this
research which is liable to exploit the provisions and exceptions provided under the copyright laws.

1.4 RESEARCH QUESTIONS

Libraries has been the chief conserver of knowledge achieved by men in their intellectual pursuits that helps in generating new ideas and discoveries, while ‘education’ is an art of making available to each generation the organized knowledge of the past which helps in promotion of science and arts. Louis Round Wilson and M. F. Tauber have rightly opined that “the process of social change are inter-woven in the facts, ideas, and interventions of man; and each new idea or invention grows out of accumulated and conserved knowledge”. Most of the library collections are under the protection of Copyright Act that provides protection of literary work by giving various exclusive rights to the authors/creators. If we see the functioning of library with lenses of copyright it is found that functioning of the libraries depends upon the provision provided to the libraries under condition. Therefore a close relation develop between the functioning of libraries and copyright law. Without the provisions provided under the Copyright Act for libraries it is much difficult to provide various library services.

In respect of above problems it is very necessary to study the library services in respect to Intellectual property rights. Therefore topic “Intellectual property rights in India and USA: Its impact on library services” is selected for the study. The two countries selected for the study are India and United States of America.

Main Question

The central research question of this study is to explore the Impact of IPR laws on library services provided under the provisions in the Copyright Acts of India and USA.
Sub Questions include

- To study the provisions made in the acts of the two countries for libraries.
- To find out the relation between purpose of Copyright Act and the purpose of libraries.
- To study the provision of protection of authors rights under Copyright Act and interest of the libraries.
- To determine the provision of fair use/fair dealing under the Copyright Act and its usefulness for library services.
- To study the provision of exceptions and limitations for libraries made under the Copyright Act.
- To explore whether the present provisions in copyright law is a boon or hampering the use of library services.
- To investigate the need for change in the Copyright Act of both countries in accordance with the library services.
- To formulate statements that are required to be incorporated in the existing provisions for libraries.

1.5  RESEARCH DESIGN

Under this heading the research strategy and research process is elaborated. The research design contains a description of the steps in implementing this exploratory research, and an explanation how the results of these steps proceed to address the overall research questions. The researcher has taken into account the different research philosophies, research approaches and methods needed to conduct research in the research domain, and also to verify the research goals and objectives through the study.

1.5.1  Exploratory Research

Exploratory research is a valuable means of finding out what is happening; to seek new insights; to ask questions and to assess phenomena in a new light.
Exploratory research is designed to allow the researcher to inspect some phenomenon and develop the suggestive ideas\textsuperscript{11}. The purpose of this research category is to collect as much information as possible relating to a specific problem. Exploratory research is often used when a problem is not well known or the available knowledge is not complete.

While exploring the literature of the selected research problem the following aspects were included as priority for the study:

1. A systematic, historic, and chronological exposure of the subject
2. A correlation between various trends, viewpoints, and works; and
3. A critical synthesis of what is known, with suggestions as to the possible fruitful directions for future work.

1.5.2 Data Collection

The primary and secondary data consulted during the study for collecting the data to form the basis of the investigation include:

(a) Content analysis

The data for the present study has been collected from some very valuable primary sources i.e. Copyright Act of India and USA, library manuals, annual reports, souvenirs, journals, pamphlets, prospectus and secondary sources including dictionaries, encyclopedias and handbooks. The websites of different libraries, government organizations dealing with intellectual property such as website of the Copyright office of India and USA, including international organization’s website i.e. website of IFLA, WIPO, TRIPS, WTO were also scanned for needed information. A thorough review of the existing literature was carried out to arrive at the research questions that form the basis of the study.

(b) Survey

A need to supplement the existing literature was felt during the course of the study to find out the present situation in libraries in both the countries. Thus an
1.5.3 Designing of Questionnaire

The purpose behind the survey of the librarians in this study is to collect useful information which is required for the exploration of the study. The survey was conducted to know the behaviour, thinking, and experience regarding Copyright Act and its application in the libraries. Before designing the questionnaire, a thorough survey of literature related to the research topic was conducted, so as to get a complete understanding of the problem.

1.5.4 Measuring Techniques

The investigator developed a questionnaire to gather data. Most of the questions consisted of multiple choices where respondents were asked to tick mark (✓) the answers along with a few open-ended questions. The questionnaire was developed using Likert-Five Point Scale and Three Point Scale: This scale was used to measure the level of agreement or disagreement and responses were then analyzed.

1.5.5 Survey Population and Sample

It was possible to use the sample of experts having knowledge of the related area of study for collecting the relevant data. The technique used for the study is purposive sampling using librarians working in non profit libraries from India and USA.

The total number of respondents identified for this study included 300 from India and 400 from USA. In the context of the research for finding useful data for research this sample size was appropriate as it included participants who possessed the expertise to answer the web-survey and had knowledge about the parameters that this research studied. The participant’s value as “experts” was corroborated by their positions held in the libraries and their duty and responsibility in the library.
In order to collect the data an online questionnaire was designed using www.kwiksurveys.com and administered to 300 Indian librarians and 400 US librarians. The respondents selected for the study included Heads of libraries designated as Librarians, deputy librarians, assistant librarians who are considered as experts as they have the skill and knowledge of providing the library services. The experience of the respondents from both the countries was also taken into account and most of them had over 10 years of work experience. The researcher received 122 responses from the India and 180 from the US respectively with an average response rate of 46.6% from India and 45% from the US.

1.5.6 Pilot Survey

In order to ensure reliability and effectiveness of the instrument, a pilot study was conducted on 25 librarians. The pre-testing exercise was undertaken to identify any problems that potential respondents might face in understanding questions posed to them. During this exercise several suggestions were received from librarians of India and USA. In the light of these suggestions several questions were revised and some new questions were also added in the final draft of the questionnaire.

1.5.7 Administering the questionnaire

The online survey system according to Yin\textsuperscript{13} has been the most popular form of data collection method used in such type of studies. In order to collect data researcher designed an online survey questionnaire on the website www.kwiksurveys.com and administered to 300 Indian and 400 US librarian. The researcher received 122 responses from India and 180 from US respectively with an average response rate of 46.6% of Indian respondents and 45% of US respondents.
Table 1: Status of response

<table>
<thead>
<tr>
<th>Country</th>
<th>Questionnaire Administered via email</th>
<th>Number of Responses Received</th>
<th>Response in Percentages</th>
</tr>
</thead>
<tbody>
<tr>
<td>India</td>
<td>300</td>
<td>122</td>
<td>40.6</td>
</tr>
<tr>
<td>USA</td>
<td>400</td>
<td>180</td>
<td>45</td>
</tr>
</tbody>
</table>

The web-survey was sent four times over four months consecutively to chosen subjects in order to elicit the maximum response rate and data collection possible. The investigator sends reminder from time to time for maximum response. It took 4 months for collection of the responses. After 4 months the survey was closed. The survey thus collected 122 responses from India and 180 responses from USA. The data collected from them formed the source data for the analysis of the study.

1.5.8 Data Analysis and Interpretation

Having received the responses from librarians in India and USA the task of data analysis and its interpretation began. The responses were recorded and transcribed. The data analysis was basically focused on common themes, patterns, and concepts. These themes and concepts were coded into categories, which attempts to increase the pattern of qualitative data as the process continues. The codes are helpful in making comparisons among participants, comparing data among the same participants as well as among themselves, and comparing categories with other categories.

The data collected through online questionnaire was organized and tabulated by using statistical methods, tables and percentages. The tables and figures were generated using MS-Office software.

After examining the responses and pertinent literature major suggestions for potential ways to improve services in the libraries within the framework of Copyright Act and important recommendations for further study have been proposed.
REFERENCES


4. Ibid.

5. The Berne Convention for the protection of Literary and Artistic Works, September 9th 1886. The convention has been amended several times during the last 125 years, the last time on September 29th 1979. Retrieved from http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html.


