CHAPTER II

Intellectual Property Rights and Its Implications on Library Services: Literature Review

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2.1 INTRODUCTION

Libraries are the hub of knowledge. It plays a very influential role in the research activity which contributes to higher education by its services. It treasures the intellectual property of human being. With the development of ICT library services have changed to cater the present needs of library consumers. Amidst, today’s libraries have great task to comply to the Intellectual Property Rights law which influence the library services.

Primary goal of the literature review is to know the research literature related to Intellectual Property Rights and its implications on library services in the higher educational institutes. Literature review examined the systematic review covered a range of literature on research studies on the topic Intellectual Property Rights and library services. Search strategy used scanning through databases namely LISA, EBSCO, NLIST etc. and hand searching through conference volumes and journals. Literature is presented in two broad classification namely World literature and Indian literature and further it is divided into subsections.

2.2 WORLD LITERATURE

2.2.1 Awareness and Use

Fernandez-Molina et al.(2017) provides the result of an online survey of Brazilian academic librarians. The goal of the study is to find the level of knowledge on copyright with respect to professional activities among the librarians. Study found that there are few gaps in knowledge about the copyright and there is a need for training on copyright in regard to professional work in library.

Papi, Rezaei Sharifabadi et al.(2017) attempts to find out the technical needs for copyright protection of theses and dissertations for proposing a model for applying in Iran's National System for Theses and Dissertations (INSTD). Mixed research methodology was used for the study. Population of the study involved INSTD, information specialists and copyright experts. It is discussed that electronic theses and dissertation (ETD) providers were not aware of copyright issues. Study suggested
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that, applying technical requirements for copyright protection and regulating users' access to the information of theses and dissertations are required in the INSTD.

Reeves (2015) highlights the academic librarians need for understanding copyright. Copyright law, various elements of Copyright law, lack of knowledge about Copyright by many librarians and opportunities for obtaining education on copyright and fair use are discussed. Academic librarian's role in promoting the development and maintenance of institutional repositories is also examined.

Muriel-Torrado and Fernandez-Molina (2015) finds out the level of knowledge about copyright and copy left with special reference to academic activities was carried out on Spanish university students through survey. Level of knowledge on copyright needed to use the copyrighted works of others and to protect their own intellectual work by university student is observed to be very low.

Charbonneau and Priehs (2014) finds the awareness of various copyright policies, issues, and training needs of academic librarians and library staff (N=226) in the United States. Study reveals that only 49% (n=98) of the respondents expressed, that they were prepared to provide the copyright information to library users. It also expressed that, level of awareness on copyright of librarians varied and minimal awareness of the T.E.A.C.H. Act. Respondents also expressed their interest in copyright-related training.

Beger (2005) examines the Copyright law's present status in Germany, which involved finding the status, implications and explaining solution to all interest groups which is acceptable. Modification of copyright laws in the European Union have major effect on library services. German copyright laws were amended in accordance with mandates of the Copyright Law in the European Union and by seeking inputs from all stakeholders of copyrights ranging from copyright holders, service providers and users to make sure that there are no adverse effects in services being provided to users. Author reported that, Libraries definitely play a major role as intermediary between users and right holders, and it is an important that they know the effects of the amendments to these laws.
Abdulla (2008) examine the copyright and neighboring rights law of the United Arab Emirates (UAE). It discusses the problems relating to the education, librarianship, and scholarship, outlining the copyright doctrine with reference to present digital era. The importance of copyright limitations and exceptions relating to libraries and educational institutes are also examined. Study gives the emphasis on application of copyright to the academic and research communities and proposes different plans to strengthen the right of use by academic and research communities.

### 2.2.2 Library Services

Harris (2005) investigates the challenges being faced by libraries before and at present with reference to Copyright law, USA. It is noted that, in the past, libraries had only implication related to copyright law was, photocopying, but in the new era of information technology, it necessitates libraries to be concern about copyright issues including maintenance of a web site, negotiating copyright license agreements, and digitizing printed documents for archival purposes. It also highlights various issues related to copyright process and suggests for a dedicated team to look after copyright matters within the library, to review existing copyright processes, safeguarding in-house new materials, looking after copyright related approvals, negotiating licenses and dealing with permission requests.

Gasaway (2004) discusses on ambiguity related to table of contents service being provided by libraries to their users is fair use or these services violates copyright law due to lack of guidance. Dilemma of copyright issues related to table of content service in regard to fair use in case of photocopying either single or multiple pages of journals and magazines, scanning content pages and posting them online which can be accessed by users, allowing users to use content pages as a reference for selection of articles, are discussed.

San et al.(2017) examines the influence of Malaysian Copyright law on digitization of collection in academic libraries. It gives comprehensive understanding of copyright law principles, infringement and the course of action which helps library to carry out digitization of library’s collection without infringing the copyright law. The paper suggests to seek prior license permission before the digitization which avoids ambiguity of infringement of copyright.
McDermott (2012) focuses on present state of copyright law in the United States and highlights on influence of copyright law on libraries and its patrons. Paper reports the insights on challenges that current copyright law brings to the libraries and it also gives note on, how intellectual property are influencing the digital library services. It is suggested to prioritize the copyright literacy and suggested for balance between the interests of copyright holder and public by fair policies.

Dawson and Yang (2016) describes that the increase in cost of journals and database subscriptions is influencing the drive of open access to full-text journals, which is influencing the libraries, to create Institutional Repositories (IR), to promote the reputation of the institution. Open access help to promote the dissemination and use of scholarly works and citations for authors. Study examines the problems regarding to an institutional repositories with reference to managing copyright and licensing, which influence the open access.

Okiy (2005) investigates through empirical study through questionnaire that the reasons behind photocopying in territory institutions of Nigeria which would help in defining a procedure and take control measures to reduce violation of the Copyright laws. As per study prime motto behind photocopying are cost-effectiveness of photocopying against purchasing books and journals as well as limited availability of books. More than 50 percent of the respondents photocopied whole books and journals, even though over 65 percent of them are conscious about the copyright law. Author has opined that violation of copyright law related to photocopying can be reduced by taking measures to reduce cost of books and striking a balance between demand and supply of books. It is also suggested to educate users about copyright law in the territory institutions.

Alema and Cobblah (2005) gives the status of digital resources and utilization of digital resources in the libraries of Africa. Paper discusses and elaborates, comparison report on digital libraries evolution and functioning in Africa in comparison with developed parts of the world. Study has suggested that there is a need to focus on issues of intellectual property, which need to be strengthened in Africa.
Pitman (2007) provides information on the project MIDEES (Management of Images in a Distributed Environment with Shared Services) UK. That combines the two interests and to understand more fully how intellectual property rights would influence multimedia content in its repositories.

Matsilka (2007) provides insights of concerns related to access to information and knowledge in Zimbabwe and summarizes major challenges emerged by finances, technology, infrastructure, the Intellectual Property Laws and the Copyright Act, in particular. It gives highlights on ZIMCOPY, the Reproduction Rights Organization of Zimbabwe. It highlights efforts put towards improving access to information through information and communication technologies in Zimbabwe. Majority of people seventy percent are leaving in remote and rural areas in Zimbabwe. The paper emphasis on the efforts that are being made to provide access to information through libraries and information centers to both urban and rural communities of Zimbabwe.

Bannerman (2007) focuses on challenges being faced in managing information in libraries at Ghana and author advises about an important role that needs to be played by librarians to boost the usage information that is available abundantly in a country. It explains that, copyright protection is affecting usage of information in public domain. Paper summarizes with a note that, librarians needs to take a charge with help of Ghana library association and carry out their mandate, so that libraries can play a important role in building information society.

Kuny (1997) discusses on problems being faced by libraries in recent times driven by electronic reproduction and discussion particularly highlights impacts of these changes on publically accessible digital collections and library services in UK. Study elaborates fair use, fair dealing, fair distribution and other public rights. Study explores the information evolving within the Internet community and its conflicts towards the concept of intellectual property.

Larrington (2007) reports the issues arising from digital rights management, the Digital Millennium Copyright Act, and other copyright provisions for libraries, especially regarding digital copying, digital document delivery, interlibrary loan, and collection development are discussed. It gives details on the DMCA provisions relating to circumvention of technological protection measures, exceptions for certain
classes of work, non-infringing uses under DMCA, and fair use. It is suggested that there is a need for copyright compliance policy and policy awareness to library staff.

Folensbee-Moore (2001) elaborates the discussion on digital rights management, licensing and access to eBooks. Libraries and publishers rights in reference to electronic books in libraries is discussed. Study pointed out that, the introduction of e-books in the libraries will bring the issues such as access, privacy, copyright and fair use.

Ang (2001) investigates the legal problems in comparison with the digitization of media. Study focuses on the implications of copyright with regard to library's type of content which is planned for digitization. Exceptions to copyright protection and rights management of information and technology are examined. The study has suggested solutions to overcome the digital challenge for libraries.

Mohn (2011) observes that, e-books are new form of a book and it is important part of library services. According to Norway Intellectual Property Rights law, there is a right to lend out library books but lending e-books is missing in the law. E-books are very much like physical books in content, but they are treated as program software by the act. Research has opined that, libraries have to negotiate the right to lend e-Books and strive towards inclusion of lending of e-books in the law.

Oppenheim (2000) explain factors relating to copyright in reference with literary works, exceptions, preservation of copies, negotiation, licensing, and the European Union. Copyright issues concerned with the digitization are discussed. It is concluded that the law is messy in this area.

James (2005) highlights the benefits which can be sought by libraries through usage of digital technology, which provides great opportunity to improve services being provided to users and provides new ways for preservation and circulation of library collections. It also provides insights on issues that might arise from copyright laws during digitization of contents and legal difficulties purely practical ones, such as locating the owner of copyright. The study recommends that the librarians needs to be aware of difficulties and proactively work towards finding solutions to copyright challenges in digitization of library collections.
Nicholson (2005) provides viewpoint on challenges being faced in South Africa by newspaper publishers, users and collector of newspapers. Copyright acts as a hurdle to library access, dissemination and archival of newspapers. Author has given some recommendations regarding copyright clearance, waiving of copyright fees, if content is used for educational purposes, newspaper publishers, libraries and archival services understanding. Study has suggested amendments in South Africa’s legislation by adding provisions related to microfilming and digitization.

Magara and Mayega (2005) report the challenges faced by institutions in developing countries during digitization of theses and dissertations, also focuses on importance of digitization of libraries. Primary aim of this paper is to provide guidelines for digitization of theses and dissertations in Makerere University, Uganda by listing out the challenges and benefits of the digitization through qualitative approach design with a purposive sampling strategy. It is reported that the major challenge is shortage of skills in digital technology, copyright protection, preservation policy, and publicity and awareness of the digitized information.

Pilch (2003) explores on the digitization projects in respect of Slavic and East European collections run into troubles due to national and international copyright law. Author and proposes guidance taking into account international trade agreements, the Berne Convention and TRIPS Agreement, and US and UK copyright legislation. Paper reports some basic steps taken in identifying the copyright status of a work and the special library and archive provisions in the USA and UK for preservation and replacement, and some hypothetical situations to illustrate the copyright status of various types of document are explained.

Ferullo (2002) elaborates present day expectations of library users in regard to instant and uninterrupted in house and remote access to full content. Library services are restricted by copyright law. Study discusses on concepts of copyright law such as public domain, fair use and permissions. It is recommended the need for library policy for e-reserves.

George (2005) reports the results of the empirical study on investigating the barriers to digitization of resources which was conducted by Carnegie Mellon University Libraries. Study chose random sample of books and sent request letters
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seeking copyright permission to digitize and results were analyzed. Some respondents never replied, that is around one third of the population. Analysis reported the complexities involved in the digitization process.

Cornish (2000) express that libraries offer services tailored to the needs of the modern information environment and they play a balancing role between creators, owners and users of intellectual property. Libraries develop information products which deals with different owners and service providers. This raises the legal issues when content is made accessible through website. Author suggests that if libraries fail to face the new challenges and failure to use the opportunities in alliances with owners and service providers, will lead to condemn of library services by the information society.

Weible and Sullivan (2012), outlines the challenges of ILL librarians in reference to borrow or lend e-books through traditional interlibrary loan channels, especially in the context of international lending and borrowing. Study involved Russian language e-books and e-readers as a model. Incompatible file formats, compatible e-readers, and national copyright laws are reported as the barriers to inter library loan of e-books.

Muller (2012) explores the laws and legal concepts that are related to library book lending in e-book environment. It reports the concepts given by international copyright treaties and regulations, and analysis of comparison between legal systems of Germany, USA, and Canada are presented. Findings of the study suggested that libraries should strive to influence to amend the laws related to libraries which enable libraries to provide e-book access to their users.

Wiley (2004) discusses on digital content licensing in regard to inter library loan and document delivery services. Empirical survey on thirteen large libraries in Midwest of USA were involved. The study was conducted to learn, how licensing is effecting the inter library loan and document delivery services which involves borrowing and lending services. Study presents the brief history on copyright legislation and guidelines related to ILL. Study concluded with the recommendations that libraries have to take keen interest in negotiating with the publishers regarding access and license.
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2.2.3 Infringement and fair use

Brooks (2016) attempts to understand copyright and fair use of United States in relation to preservation and availability of historic recordings. It also discusses on fair use applications, which helps in using copyrighted materials in preservation and scholarly dissemination functions. It also gives information pertaining to Hathi Trust Digital Library.

Thomas (2006) reports that, electronic material is the central problem which cannot be used in the library in the same way as the paper equivalents. There are fair dealing and library privileges exceptions under the 1988 Copyright Designs and Patents Act, UK, that allow users to copy some of the material, but the restrictions for the digital materials is different and not clear.

Davis (2002) explores Digital Rights Management (DRM) and its core components of DRM and its value for libraries and also focuses on usefulness of DRM in content delivery to libraries and library operations. DRM are used to protect the digital content and the intellectual property of the content, which is easy to copy and access. But DRM fails to aid fair use doctrine.

2.2.4 User Education

Nilsson (2016) gives the insights on United Kingdom's academic librarians job as a managers of handling the copyright-related issues and, the essentials such as skills and the knowledge required by them. There is an urgent need for official support as development in technology have raised problems related to publishing and accessing in relation to Intellectual Property. Co-operation with other libraries and library organizations will help in knowing more about the copyright. Including copyright education and activities into the library routines will help in improving the Intellectual Property services in library.

Conlogue and Christianson (2016) expresses that, copyright is central to teaching activities in higher education. Literature review compiled by author says, librarians are the basic resource on campus for information about copyright. Empirical
study under Pennsylvania Libraries, of moderate-size, private university and college websites, suggests that libraries and librarians are the sole providers of copyright information for their campus. Research explores kinds of copyright information is being provided to their library patrons. Building a professional niche and serving the profession using copyright expertise is investigated.

Schmidt and English (2015) examines the daily copyright and intellectual property knowledge needs against the actual knowledge and education in the area. The survey involved the professionals working in academic, public, school/media and special libraries within the United States of America. The results of the survey were analyzed with the course content in the ALA accredited LIS programs in the U.S. The information was collected from online descriptions, to check, whether the curriculum of LIS programs are sufficient to give the required knowledge and to provide assistance for development of new programs.

Myers (2016) discusses on copyright law and its close relation with library services. It is important for librarians to have knowledge on copyright law and how to balance the law with the need of users. It is opined that, many Library and Information Science degree programs in United States do not discuss on copyright issues as part of course curriculum. Seven steps to facilitate the understanding of copyright issues for librarians are reported.

Wang and Yang (2015) discusses libraries compliance with the copyright laws is unclear. Study involved content analysis of copyright information provided in the library websites of universities, to identify similarities and differences in libraries compliance with the national copyright law in Japan and China. The result of the study shows that the Japanese libraries mentioned copyright more than their Chinese counterparts. Japanese libraries have provided more information on copyright than Chinese (except Hong Kong). Suggestions for both countries are provided in the conclusion.

Sridhar (2011) reports that knowledge acquired by users on copyright is through informal discussions with other users, than reading law themselves. It is expressed that non reading habit of users will create the confusion about copyright act by users and libraries in regard to fair use. Libraries and users infringe the copyright
law defending fair use provisions. It is a responsibility of libraries to make clarity on whether usage of specific contents violates copyright law or not.

Harris (2009) express the necessity of the copyright policy which gives guidelines for the copyright issues and provide help in academic functions of an organization. The copyright policy will help the users as an important tool in clarifying the copyright issues. Reference guidelines which helps in building the library’s copyright compliance tool, that is copyright management procedure is discussed.

Gasaway (2010) reports that the libraries are using digital technology to archive and preserve library resources. Content used by the libraries to serve users is copyrighted and involves many copyright implications. It is concluded that, the librarians should strive to remain updated and render copyright education about the content to the users.

2.2.5 Copyright Legislation

Marandola (2000) express that librarians are uncertain while entering the contract with electronic publishers considering the legal uncertainties. Suggested that, changes in copyright legislation should be carried out considering digital libraries not only as a computerized catalogue, but also as a service of library.

Sheat (2004) focuses at the digital technology and its effect on copyright protection. Study also elaborates international harmonization of copyright laws with reference to international standards set down by the international conventions, agreements and treaties, and the use of copyright works by libraries. Study examines the library exceptions provided in the New Zealand Copyright Act 1994 and the changes proposed under the "Digital Review" of that Act in regard to three-step test set out in article 9(2) of the Berne Convention. It is suggested that to maintain the balance between interest of public as well as the rights of copyright owners. It is opined that libraries should keep updated on international copyright standards and domestic case law.

Fernandez-Molina et al.(2009) reports specifically the international strengthening of copyright law in developing countries and the international library
community's dynamic role in the movement against it. Study reports the role of international and bilateral treaties functions in reference to intellectual property rights and the proposal of a WIPO development agenda, with reference to the international library organizations active involvement in the debates and discussions. It is found that most relevant proposals made by the international library community were included in the final list of approved recommendations of WIPO agenda. And it highlights the awareness of the relationship between copyright and access to knowledge and, the need for such library organizations to influence in such legislation.

2.3 INDIAN LITERATURE

2.3.1 Awareness and use

Ananda and Reddy (1996) discusses the International and Indian copyright law. Few reasons behind infringement of copyright in library and information centre are discussed. Reports the need for creating awareness about intellectual property rights and including the Intellectual property laws in curriculum.

Aswath and Reddy (2012) focuses on importance of the copyright law in academic environment. Issues related to the copyright issues are presented with the help of literature review and opinion of the public. It is reported that, awareness of the copyright law and its implications on library resources and services is less, which includes librarians also. Under the Indian copyright act, statutes are not at all clear in regards to library services.

Uraon et al. (2013) discusses on problems relating to Intellectual Property Rights (IPR) in relation to library and information services. Types of IPR are discussed briefly. Importance of protection of intellectual property, concepts of fair dealings and International Organizations for IPR are explained. It is concluded that, government initiative in awareness programs on IPR will familiarize people. It is also suggested that, librarians should keep themselves aware of IPR. Awareness on IPR will help society from infringement of IPR and cybercrimes.
Ismail (2013) highlights various provisions of Intellectual Property Rights and the five important components, Trademarks, Geographical Indications, Industrial Designs, Patents and Copyrights are briefly explained. Present day developments in Information, Communication and Technology have a remarkable impact and pressure on the IPR. Knowledge of IPR is must for Library and Information science professionals. Case study of "Employment News" published in the "The Hindu" newspaper is presented. There are many ways in which copyright owner is affected by internet, author expresses that, reproduction and distribution cost, lack of knowledge, quality reproduction and anonymous activity are the some ways.

Babitha and Gopikuttan (2014) examines the awareness of the copyright act among the Library and Information professionals working in Thiruvananthapuram. The survey study involved total sample of 100, out of which 85 were received back. Analysis was made on gender wise distribution, age wise distribution, education qualification of professionals. Main goal of the study is to find the familiarity of the professionals on provisions of the Indian Copyright Act, duration, copyright infringement, copyright notice and the penalty of copyright violation. Based on the analysis, it is concluded that, Indian Copyright Act and its provisions are not known to majority of the Library and Information Professionals.

Sethukumari and Thirumagal (2013) reports the result of the study on awareness of Intellectual Property Rights among the professionals working in the Kerala University library, Thiruvananthapuram, Kerala pointed out that, majority of the professionals are interested in knowing IPR and the ways in which it can be implemented. Study was conducted to know the opinion of the librarians for the special training on copyright issues in the libraries. Study involved total 65 professionals working in the Kerala University library.

Badigannavar and Tadasad (2015) finds the library patron's basic awareness of IPR through survey method. Attention is given on, knowing the patrons behavior during the library usage and fair use, and focused on knowing, patrons need towards understanding the IPR laws in reference to library usage. It is understood by the study
that, IPR policy regarding library services is to be framed which helps users in using the library services without infringing the IPR laws.

Prasad and Singh (2014) focuses on different types of IPR, types of library users and also misappropriation of IPR by different users. The fair use, four factor test is discussed. It is concluded that, unawareness of users is causing the copyright violations.

Rabari (2015) discusses on libraries before and present day activities in digital era like enhanced search features, multiple access, anywhere, anytime access, huge resources, easy access etc. Advancement of technology took place but accordingly amendment to the copyright law did not take place. Copyright issues are becoming complicated due to less awareness and knowledge. It is suggested that, library professional has to take a lead role defining, developing and implementing copyright law keeping in mind, both owner and users of copyright works.

Chatterjee (2015) expresses that, librarians should remain well aware of copyright related matters as they play important role of balancing between user and creator of information. Primary goal of the paper is to trace the awareness of academic librarian in regard to copyright related issues. Survey was conducted among University academic librarians of West Bengal using questionnaire method. Findings of the study showed that, awareness depends on higher educational qualification, young generation of academic librarian are more aware and librarian working in journal section and digital section are more aware of copyright issues.

2.3.2 Library Services

Mahesh and Mittal (2009) list out various approaches for creation of digital content for setting up digital libraries and reviews different copyright concerns based on different digital contents i.e. born digital and turned digital. Author has mentioned that due to lack of clarity in current the copyright laws in India, digital content creators are put into uncertainty and raise a concern of content being copied. The Copyright laws of India, in reference with World Intellectual Property Organization are addressed. It focuses on digital library managers, digital content creators or administrators to know the different issues of copyright in regard to digital library.
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Ahuja (1996) explains briefly philosophy and laws of library science, and copyright protection. Discussed on infringements arising in library services with relation to copyright protection such as photocopying, CD-ROM lending, usage of databases across the net etc. It is opined that exceptions provided in the copyright law are not addressing the free flow of literature concept. It is expressed that free flow of information is blocked by the copyright law. Madhava Menon (1996) address the crucial need for adding IPR in a curriculum as a compulsory component. It is expressed that the copyright will add some problems in providing library services.

Agarwal (1996) discusses provisions of the Indian Copyright law related to libraries. There are only few acts permitted under the law related to libraries and library services. It is expressed that enforcement and monitoring mechanisms are not strong and provisions of the law do not address most of the issues such as photocopying. It is concluded that, there is a need for taking action regarding copyright awareness.

Singh (2007) reports that, there is a need to know the restrictions and rights, of both copyright holder and copyright user while providing information and document delivery services. Author expresses that there is need to reform the copyright laws to balance rights of author and the user. Reform should be done together by Legislature, Judiciary, law enforcement agencies, scientists, technologists, technology forecasters etc. Paper discusses CCC, CLA and CANCOPY and suggests India should also have a mechanism of licensing agency for granting licenses of copyright.

Lincy and Panda (2013) reports obligatory role of LIS professionals is to balance between actual needs of patrons of copyright works with the copyright holders. The paper emphasis on Copyright Act in India and its major amendments of Copyright Act, 2012. Briefly explains copyright act in relation with Library and Information Centers in regard to library collection, digitization, uploading work on website, digital access, dissemination, licensing principles, digital contents, and fair dealing. It is opined that, it is important to defend the rights of users to exercise their constitutional and legal rights to make use of the library resources, than only respecting the IPR in the resources being managed.
Dasgupta and Roy (2013) describes the scholars in university and college libraries depend on resources of library for their intellectual growth. Present day libraries are adding e-resources in addition to print sources to meet the present day needs of the users. Article highlights the strict IPR laws and its problems prevailing in academic libraries. The copyright act has its constitutional limitations but in traditional print materials libraries enjoy the benefits of these limitations to copyright. But in e-resources, limitations of copyright law cannot be liberal, it is called infringement. Present day academic libraries challenge is to balance between the right holders and the users. To face and manage the challenges of present scenario are discussed in this paper.

Das and Bhattacharya (2013) express that institutional repositories gives the opportunity to self-archival and dissemination of an organization's intellectual or scholarly output. The main goal of the open access is not just supporting the archival but also dissemination of the information to the outside world. Institutional Repositories showcases the proud research output of the institute. Main peril of the IR is Intellectual Property Rights (IPR) and content licensing issue. In the article author examines the implications of IPR with reference to IR.

Kumar and Mishra (2015) explores basic IPR laws and laws related with the print and digital works. Precisely Indian Copyright Law is explained. Paper touches upon classification of Digital libraries on the basis of content creation. Issues related to Copyright law and digital network such as reproduction, distribution and communication, managing and administering copyright in digital environment, web content, data uprising etc are discussed. Most of the countries allows copying for private use, making private infringement legal. It is concluded that balance between public interest and the rights of the copyright owners can achieved by having updated knowledge on international copyright standards and current domestic copyright legislation.

Baishya (2015) explores the IPR related problem in relation to Indian Institutional Repositories. IR’s were listed for the study through Directory of Open Access Repository, Registry of Open Access Repository, Web of Repository, LIS
links and internet surfing. Websites of the IR’s were thoroughly studied, to know about the legal and copyright issues. IPR and authors concern, SHERPA/ROMEO publisher copyright policies and self-archiving, developing repository policies like LEADIRS workbook of MIT Libraries, open DOAR registry and content licensing are discussed. From the study, inference is drawn that, the Librarian should learn about issues relating to copyright, being a host of IRs. Copyright has impaired the authors right than protecting the authors scholarship. High emphasis is to promote open access, enabling minimum restrictions on authors own right.

Das (2015) express providing the library services in the current academic scenario is very complex. Photocopy service is the common service in almost all academic libraries, and it is a delicate balancing issue for the libraries to give the service in accordance with the copyright laws at present. Study elaborates the scope of the libraries to cater the services in reference with copyright laws. It is suggested that there is a need for legal copyright framework for library services.

2.3.3 Infringement and fair use

Hombal and Prasad (2012) gives the brief on copyright history, digital evolution, copyright in digital library environment, and stresses on digital rights management and its techniques. Doctrine of fair use and DRM are explained. It describes libraries are giving access to digital resources where copyright is applicable. Digital rights management protect the copyrighted material from unauthorized use but in other way it blocks the free flow of information. It is viewed that digital environment has put the library services in restriction compared to print one. Suggestion is made to have the proper negotiation which gives the special freedom to libraries for material access and delivery of library services which are restricted by DRM.

Panda and Lincy (2013) emphasis on Digital Rights Management and its role in protecting the digital works and their intellectual property. Basic explanation of DRM and its objectives, need, techniques are discussed. The Digital Millennium Copyright Act (DMCA) criminalize the circumvention of technology, devices, services like DRM, which are the means of protecting copyright. It is concluded that,
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to control infringement, by the means of piracy, plagiarism and to encourage the use of digital content, implementation of tools like DRM on a very broad level is foreseeable.

Sharma and Vinod (2013) gives an overview of IPR and its various components. Emphasis is given on copyright and their problems faced by libraries in protecting it in digital era are discussed. The paper concludes that big challenge before the library to protect the copyright in the digital era. Goal of the library in the present day is to provide information to the users without infringement of the copyright law.

Chatterjee (2013) provides the comprehensive understanding of the fair use doctrine and its rationale. Discussion on the various provisions of the copyrights laws of UK, USA, India and some other countries are provided. Further, it gives the discusses on fair use provided in the Indian Copyright Act. Article sums up with a suggestion, to prepare handbook or fair use guidelines to the librarians and scholars.

Madhu and Gagan (2015) points out the less research on libraries and Indian Copyright through literature review and provides insight into the theories of Copyright, fair use doctrine and its need. Fair use exceptions protect the academic community from the offence of copyright infringement. Finally, by analysing the exceptions related to libraries under the Indian Copyright Act, 1957, it is asserted that, there is a need to provide better protection to libraries in matters of fair use.

Wadhwa (2015) express copyrights are protected by copyright law against unauthorized use, but it permits use of copyrighted works for some specific purposes under the umbrella of fair use. Both nationally and internationally, issue of reproduction of copyrighted works for educational use, by the means of photocopying has raised and in discussion from years. By analyzing the case laws, paper has examined, whether photocopying for educational purpose is fair use. Author has also attempted to explore statutory provisions in India regarding issues like, distribution of course packs, photocopy of article for personal use, photocopy of a complete book which is expensive for personal reference, photocopy of research materials by teacher to distribute in class etc. It is concluded that, photocopying for educational purpose
cannot be drawn as fair use, it depends on each case separately. USA has a many judgments relating to the issue and has clear fair use guidelines.

2.3.4 User Education

Shettar (2010) expresses that law has to be reformed as and when required, to maintain the balance with developing technology. Users are less known about the copyright law and acts which leads to infringement. Solution to this problem is making the users aware of copyrights. It is suggested to the librarians to educate its clientele to use the electronic resources, having known fair use provision of the copyright. Managing copyright issues related to digital resources is the librarians need of the day.

Kaur (2014) explains, academic dishonesty and copyright infringement among students has increased as a result of development of technology. Study examines causes behind the academic dishonesty and copyright infringement and it is found that educating the students is the solution. It is expressed, academic librarians move towards educating and influencing students towards understanding copyright policies will help students. It is also opined that educating students about the copyright and its provisions will help to reduce the academic dishonesty and understand the value of research and scholarship at educational institutes.

Yaranal and Ramesha (2012) explains the application of copyright for printed materials and digital materials in the library. Solutions to the some query or dilemma arising due to the application of the copyright to library services or resources are discussed. It is suggested to the professionals of library and information science to take initiative to influence the library users, to be responsible as information consumers, processors, evaluator, disseminator and also the contributor of information.

2.3.5 Copyright Legislation

Bhatt (2006) made an effort to provide information about problems related to copyright laws in relation to digital libraries in India and stressed upon flexibility of copyright laws related to intellectual content. Article also discusses about
Government of India’s viewpoint and interest towards making the necessary changes in copyright laws especially after the advent of information and communication technology in libraries.

Uppaluri (2012) presents an overview of amended Indian Copyright Act, 1957 and its relevance to libraries. It briefly explains public library system, library exceptions in international instruments and national legislations viz., The United States and The United Kingdom. Indian copyright act and its provisions related to library are mentioned briefly. There is need for reformation in legislation related to traditional as well as digital libraries in copyright.

Dasgupta and Dasgupta (2013) explains that motive of Library and Information Centre's is to make sure hurdle less information flow, which gives recreation and enlightenment to users. It analyses case studies of three countries viz., South Africa, China and India. Study shows the fact that rather than hurdle less flow of information, developing countries are facing limited access to information as a result of IPR. TRIPS has become an institution of wealth accumulation rather than knowledge dissipation to developing countries. It is reported that, TRIPS is hurdle to the free flow of information and favorable to only few selected countries of the world. Authors has opined that, to support the developing countries, forming the pool of indigenous knowledge bank and patenting them is the solution.

Dangi and Saraf (2013) presents an overview of Copyright Law of India. The details on objectives of copyright, duration, copyright law in relation to digital environment, fair dealing and the Copyright Law in view of libraries are briefly explained. It is concluded that, Economic incentive will motivate and lead to create a new works by author, which fulfills the objective of copyright, to advance the progress of knowledge. There are very specific activities of library and information centres, which are provided under Indian Copyright Law. It is expressed in the study that, provisions of Indian Copyright Law in relation to library and information centres, specifically in regard to e-Resources to be given more emphasis.
2.4 CONCLUSION

Analysis of literature related to Indian literature shows that, majority of the research focused on basic study of relation between library and the copyright. Looking into the literature, it is revealed that, there are very few empirical studies, to know the library user awareness on implications of copyright on library services which indeed helps in framing the library policy to educate the users. Hence, there is broad scope for in-depth study on current developments and amendments in IPR laws, particularly the Copyright, both (international and national) with reference to the library and its services.

2.5 REFERENCES


Chapter 2: IPR and Its Implications on Library Services: Literature Review


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