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**Copyright and libraries: what's new? The EIFL perspective**  
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**Abstract**

Electronic Information for Libraries (EIFL) is an international not-for-profit organization that works with libraries to enable access to digital information in developing and transition countries. The programme on copyright and libraries, known as EIFL-IP<sup>1</sup>, supports a network of copyright librarians in partner countries in advocating for a fair copyright system to maximize access to knowledge.

Copyright affects issues that are central to activities and services that libraries provide for their readers. Librarians must be well informed about copyright and able to take the lead in promoting libraries and their role in supporting the public interest in copyright debates. Librarians contribute to international policy-making at the World Intellectual Property Organization (WIPO), and EIFL librarians are involved in national copyright debates so that laws support modern library activities, and local library needs in serving their users. In the global, networked environment, it is essential to follow developments in copyright around the world, and to learn from the best examples. EIFL helps to keep libraries in its partner countries informed and connected.

**About EIFL**

Electronic Information for Libraries (EIFL) is an international not-for-profit organization that works with libraries to enable access to digital information in countries in developing and transition countries. Founded in 1999, EIFL began by negotiating affordable access to commercial e-journals for academic and research libraries in Central and Eastern Europe. Today, EIFL partners with libraries and library consortia in more than 60 developing and transition countries in Africa, Asia, Europe, and Latin America<sup>2</sup>. Our work has also expanded to include other programme and policy areas designed to enable access to knowledge for education, learning, research and sustainable community development.

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<sup>1</sup> The IP in EIFL-IP is short for "Intellectual Property".

<sup>2</sup> Countries where EIFL works: <http://www.eifl.net/where-we-work>

The programme on copyright and libraries, known as EIFL-IP, advocates for a fair and balanced copyright system that supports libraries in maximizing access to knowledge. EIFL-IP supports a network of copyright librarians in more than 35 partner countries, who have been trained in advocacy and copyright issues for libraries<sup>3</sup>.

## **Why copyright is important for libraries**

The role of libraries is to provide people with access to information and knowledge. As copyright law governs the ownership and distribution of knowledge, copyright is a key policy concern for librarians and for organizations representing libraries.

Copyright affects issues that are central to library activities and services, such as the availability and price of books, the right to purchase books from abroad, the right to lend books and other materials. Copyright regulates essential library functions such as preserving cultural heritage, providing course packs to support education and research, and producing information in a format that can be accessed by people with disabilities, for example, people who are blind or visually impaired<sup>4</sup>.

Digital technologies have brought libraries and citizens into direct contact with the rights of copyright holders, that have expanded in response to the new technologies. As a result libraries, acting as “knowledge intermediaries”, increasingly find themselves confronted with copyright rules when carrying out their functions. Copyright laws that are overly restrictive create legal barriers to the reasonable use of resources in libraries for education, research and personal development.

## **How librarians engage with copyright**

Librarians typically engage with copyright in three main ways.

Most commonly, a librarian encounters copyright law through everyday work managing library content and providing services, such as responding to photocopy requests from users, or implementing a digitization project.

Arising from this knowledge and experience, librarians can become informal teachers of copyright - to each other, to students and faculty who often turn to the library with questions about copyright or open access. Sometimes government copyright officials may seek information about the intersection between library practices and copyright law.

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<sup>3</sup> EIFL-IP network: <http://www.eifl.net/eifl-copyright-librarians>

<sup>4</sup> Examples of accessible formats include Braille, audio or DAISY (Digital Accessible Information System) formats.

Finally, librarians are effective spokespersons in the public policy arena. With a public interest mission to enable the advancement of knowledge, librarians have a professional responsibility to engage with policy-makers so that the policy and legal framework maximizes access to knowledge resources for library users and society.

*“Libraries are one of very few examples of public-oriented interest groups that seek to provide a counterweight to the strong lobby of copyright owners.”*

Dr Guy Passach<sup>5</sup>

## **Making copyright work for users: international developments**

### The right to read for print disabled people<sup>6</sup>

The Marrakesh Treaty for print disabled people, concluded in June 2013 by Member States of the World Intellectual Property Organization (WIPO)<sup>7</sup>, is an example of how the library community is contributing to international policy-making.

EIFL supported the [World Blind Union \(WBU\)](#), [Knowledge Ecology International](#) and allies through more than five years of negotiations in Geneva. We [participated in the Diplomatic Conference in Marrakesh that adopted the landmark copyright treaty](#) to enable the cross-border sharing of accessible materials for blind, visually impaired and other print disabled people.

Since then, in a sign of positive political will, sixty-one countries have signed the treaty<sup>8</sup>. One third are EIFL partner countries and include – Bosnia and Herzegovina, Cambodia, Cameroon, China, Ethiopia, Ghana, Kenya, Lithuania, Mali, Moldova, Mongolia, Mozambique, Namibia, Nepal, Nigeria, Senegal, Sudan, Syria, Uganda and Zimbabwe. The treaty will enter into force after it has been ratified by at least 20 WIPO members.

In 2014, in cooperation with WBU, [EIFL is focusing on the next important phase of the work](#) that is ratification and implementation of the treaty into national

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<sup>5</sup> In Legal and Policy Challenges for Libraries in the Age of Digital Books, Ruth Okediji, William L. Prosser Professor of Law, University of Minnesota Law School, <http://www.ifla.org/files/assets/hq/presidents-program/papers/okediji.pdf>

<sup>6</sup> Print disabled people include those who are blind or visually impaired, have a perceptual or reading disability such as dyslexia, or a physical disability that prevents them from holding a book.

<sup>7</sup> Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, <http://www.wipo.int/dc2013/en/>

<sup>8</sup> Check here for the latest list of signatories: [http://www.wipo.int/wipolex/en/wipo\\_treaties/parties.jsp?treaty\\_id=843&group\\_id=1](http://www.wipo.int/wipolex/en/wipo_treaties/parties.jsp?treaty_id=843&group_id=1)

copyright law. As libraries are one of the key organizations providing accessible materials to print disabled people, EIFL is working with librarians in the EIFL network for speedy and effective national implementations that will help to solve the problem of the “book famine” for print disabled people.

### Securing a digital future for libraries and archives

The improvement of copyright laws globally for the benefit of libraries and archives is also part of the work programme at the World Intellectual Property Organization (WIPO)<sup>9</sup>. EIFL, together with the International Federation of Library Associations and Institutions (IFLA) and the International Council on Archives (ICA), is working intensively with Member States who have identified eleven topics such as preservation by libraries and archives, library lending and orphan works<sup>10</sup> that form the basis for future discussion on libraries and archives<sup>11</sup>. Delegates from WIPO Member States are debating all the proposals so that the committee on copyright is ready to submit its recommendations on an international legal instrument for libraries and archives to the WIPO General Assembly in 2014.

During this time, the EIFL community will advocate at national level and at WIPO to get the best results for libraries. We will campaign to raise awareness, make public interventions, and support the attendance of EIFL librarians at WIPO sessions to get first-hand experience of international policy-making.

### **Copyright reform in the air: modernizing national copyright laws**

“Copyright reform is in the air” is the opening statement in a report prepared by the Copyright Review Committee aimed at identifying barriers for innovation in the digital environment in Ireland<sup>12</sup>. The common theme in several other countries that are also reviewing their national laws is to make copyright fit for purpose in the digital environment. For example, Australia is undertaking an investigation on copyright and the digital economy<sup>13</sup>, Estonia is harmonizing its intellectual property (IP) law for today’s needs<sup>14</sup>, and Poland is making reforms

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<sup>9</sup> SCCR/25/REF/CONCLUSIONS,

[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=222322](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=222322)

<sup>10</sup> A work is described as an ‘orphan work’ if it is in copyright, and if the holder of the copyright cannot be identified, or cannot be found.

<sup>11</sup> Working Document Containing Comments on and Textual Suggestions Towards an Appropriate International Legal Instrument (in whatever form) on Exceptions and Limitations for Libraries and Archives,

[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=242388](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=242388)

<sup>12</sup> Modernising Copyright. A Report prepared by the Copyright Review Committee for the Department of Jobs, Enterprise and Innovation, Ireland (October 2013), <http://www.enterprise.gov.ie/en/Publications/CRC-Report.pdf>

<sup>13</sup> <http://www.alrc.gov.au/inquiries/copyright-and-digital-economy>

<sup>14</sup> Libraries in Estonia take to the national airwaves with copyright  
<http://www.eifl.net/case-study-copyright-debate-estonia>

essential for the growth of a robust digital society<sup>15</sup>. In the UK, the government is implementing recommendations to ensure that the UK has “an IP framework best suited to supporting innovation and promoting economic growth in the digital age”<sup>16</sup>, while the U.S. Department of Commerce is holding public consultations on updating copyright policies for the Internet age<sup>17</sup>.

In December 2013, the European Commission launched a public consultation as part of its on-going efforts to review and modernize EU copyright rules, that includes limitations and exceptions to copyright in the digital age<sup>18</sup>. Internal Market and Services Commissioner Michel Barnier said: "My vision of copyright is of a modern and effective tool that supports creation and innovation, enables access to quality content, including across borders, encourages investment and strengthens cultural diversity. Our EU copyright policy must keep up with the times."

Librarians in EIFL partner countries are taking the lead to ensure that they are part of the global dialogue for change. In 2013, eight EIFL-funded projects in Armenia, Estonia, Latvia, Mongolia, Poland, Senegal, Uganda, Uzbekistan revealed impressive first-time achievements that place libraries in a position of strength to advocate for copyright laws that support modern library activities, and local library needs in serving their users<sup>19</sup>. As a result, libraries formed coalitions, obtained expert legal advice on amendments to the law, took part in public copyright consultations and received national media coverage as “thought-leaders” on emerging issues, such as e-books.

Policy-makers recognized the role of libraries in the information eco-system, and valued hearing the library voice in policy debates on copyright law.

### **EIFL-IP Resources and Support**

EIFL has produced a range of introductory guides and practical resources on topical issues such as library principles on copyright, orphan works, how to negotiate with your national reproduction rights organization<sup>20</sup>. A curriculum on copyright and libraries, developed together with Harvard’s Berkman Center

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<sup>15</sup> Copyright reform in Poland: the need to address the issue of balanced limitations and exceptions

<http://www.eifl.net/case-study-copyright-reform-poland>

<sup>16</sup> Implementing the Hargreaves review,

<http://www.ipa.gov.uk/types/hargreaves.htm>

<sup>17</sup> U.S. Department of Commerce Produces Comprehensive Analysis Addressing Copyright Policy, Creativity and Innovation in the Digital Economy

<http://www.commerce.gov/news/press-releases/2013/07/31/us-department-commerce-produces-comprehensive-analysis-addressing-cop>

<sup>18</sup> Copyright –Commission launches public consultation,

[http://europa.eu/rapid/press-release\\_IP-13-1213\\_en.htm](http://europa.eu/rapid/press-release_IP-13-1213_en.htm)

<sup>19</sup> Advocating for improved copyright laws for libraries,

<http://www.eifl.net/news/advocating-improved-copyright-laws-libraries>

<sup>20</sup> Available at [www.eifl.net/eifl-ip-resources](http://www.eifl.net/eifl-ip-resources)

for Internet and Society, is translated into eight languages and is also available to purchase as a textbook<sup>21</sup>.

The resources are freely available to download online under a Creative Commons licence that encourages users to translate, distribute, re-use and build upon the materials.

A HelpDesk service provides individual advice and support on copyright questions to librarians in the EIFL network. In addition, we run webinars on library and copyright issues for librarians in EIFL partner countries (sometimes available for librarians in other countries).

## **Conclusion**

Information technologies have transformed library services and provide new opportunities to serve readers and communities. At the same time, the digital environment raises new legal issues that can disrupt important library functions. Librarians must be well informed about copyright and able to take the lead in promoting libraries, and their role in supporting the public interest, in copyright debates. In the global, networked environment, it is essential to follow developments in copyright around the world, and to learn from the best examples. EIFL helps to keep libraries in its partner countries informed and connected.

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<sup>21</sup> <http://www.eifl.net/copyright-for-librarians>