

INFORMATION OWNERSHIP, COPYRIGHT AND LICENCES

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TENSION BETWEEN COPYRIGHT OWNERS AND USERS

- Publishers want reward for their investment
- Users want as wide access as possible
- Librarians are in the middle!
- Tension used to be controlled by limitations in the technology
- All this changed with advent of electronic technologies

THREAT OF COPYING

- Easy and cheap to make copies
- Easy to amend materials
- Easy to remove names of authors
- Easy and cheap to disseminate widely
- Difficult to detect such actions

IMPLICATIONS

- Infringement of Moral Rights, but this is of little use
- Loss of revenue for rights holders
- Loss of reputation for the author because material has been amended, or author's name has been removed

RECENT DEVELOPMENTS IN COPYRIGHT

- Strengthening of copyright law
- Development of so-called technical measures
- Lock users into licences that prevent abuse

LIBRARIANS' RESPONSES

- Informal discussion groups
- Consortia
- Statements of licensing principles

DISCUSSION GROUPS

- Lis-copyseek in UK
- Liblicense in USA

TECHNICAL MEASURES

- Softwares that limit what can be done with work
- Encryption
- ID/passwords
- Credit cards
- Privacy problems
- Give copyright owners a much stronger position, e.g., removing exceptions to copyright

STRENGTHENING THE LAW

- Criminal offence to by-pass or de-activate the ECMS/DRM with the intention of infringing
- Civil offence to remove or amend rights management information with the intention of infringing
- Distribution of materials over the Internet becomes a restricted act
- Database right

OWNERSHIP

- First owner is usually person who created it
- Employers usually automatically own the copyright in materials created by employees as part of their employee duties
- Freelancers own their own copyright?

WHO OWNS SCHOLARLY OUTPUT?

- Most scholarly output (teaching or research) is copyright
- May also be subject to patents and other forms of IPR, such as performers' rights
- Remember, staff both create and use IPR, and need to be aware of risks of infringement as well as issues of who owns their creations
- Many Universities have clear policies on ownership and rewards regarding patented inventions

WHAT IS THE PROBLEM?

- Universities have to pay a high price for scholarly information
- Whoever owns copyright has the right to prevent any third party from copying, adapting, etc. that work without permission
- Whoever owns copyright can authorise such copying, etc. - for a fee!

OWNERSHIP

- If an employee creates the work *as part of his or her employee duties*, then the owner is the employer

WHAT ARE THE EMPLOYEE DUTIES OF AN ACADEMIC?

- You shall do such duties as your Head of Department reasonably directs
- Lecture notes
- E-learning materials
- Textbooks
- Research output
- Leave of absence/sabbatical materials

THE SERIALS CRISIS

- HEI libraries spend a lot of money on scholarly journals
- These journals contain materials written by academics
- The same academics pressurise their libraries to subscribe to the journals
- The academics rarely think about the costs involved, as it doesn't come out of their pockets directly

WHY DOES THE ACADEMIC ASSIGN COPYRIGHT?

- Required to by the publisher
- Academics gains two things from scholarly journals and believes can only achieve them by assigning copyright
- First is to gain priority
- Second is to be added to the archive of knowledge

TRADITIONAL SCHOLARLY JOURNALS

- Hitherto, have supported both these aims
- However, the academic has to do something in return for this
- Stevan Harnad, Professor of Cognitive Science at Southampton University calls this.....

THE FAUSTIAN BARGAIN



THE ACADEMIC'S CHOICE

- Gain priority using an electronic medium (e journal, eprint archive);
AND
- Enter the archive of knowledge using a traditional journal
- But only if (s)he does not assign copyright

ASSIGN OR LICENSE?

- If academic is well known and prestigious, (s)he will win most arguments and simply license
- If academic is just starting in career, (s)he is likely to lose
- HEIs are more likely to win than a single academic

STUDENTS

- Copyright in student work belongs to student
- Glasgow School of Art case
- Universities often ask students to assign copyright as part of registration
- This may well be invalid in law

WHY HAVE UNIVERSITIES BECOME INTERESTED?

- With the development of e-learning packages, they are becoming aware that teaching materials can develop the reputation of, and earn money for, the University
- Concern to hold down costs of subscribing to electronic resources, especially journal articles

OPEN ARCHIVE INITIATIVE (OAI)

- Develops and promotes interoperability solutions for efficient harvesting and dissemination of electronic content
- Existing eprint archives are becoming OAI compliant, and new self-archiving initiatives are developing
- Harnad-Oppenheim solution:
<http://www.cogsci.soton.ac.uk/~harnad/Tp/resolution.htm#Harnad/Oppenheim>

CONCLUSIONS

- Digital authorship is under threat from pirates
- Digital authorship is under threat from Universities who wish to claim ownership
- Trend towards team work

SUMMING UP ON COPYRIGHT

- Balance of interests
- Users' needs are simple
- Libraries are caught in the middle of the war
- The digital library will not come about unless the legal issues are addressed
- **Copyright is less to do with the law than it is to do with the management of risk**