



Copyright Literacy of Library and Information Science Professionals: A Case Study of Higher Education Institutions in Goa

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Copyright helps libraries with dissemination of knowledge from creative works within restrictive domains. Libraries aim to distribute knowledge from creative works and to address this issue, a study was conducted to evaluate the level of copyright literacy among Library & Information Science (LIS) professionals in Higher Education Institutions (HEIs) in Goa, as well as their knowledge and awareness of permitted exceptions for libraries under the copyright act, 1957. The article discusses the significance of author rights and the role of LIS professionals in safeguarding their interests by promoting copyright literacy among the academic community. It includes a review of case laws related to copyright infringement in libraries, providing an international legal perspective on library exceptions under fair dealing. The research findings indicate that most LIS professionals in Goa are knowledgeable about copyright laws and the exemptions available for libraries. The researchers have identified areas where additional education or training may be needed to ensure that copyrighted materials are used responsibly and ethically within library collections.

Keywords: Intellectual Property Rights, Copyright Law, Fair Dealing, Library & Information Science Professionals, Copyright Education, Author Rights.

Introduction

“Ignorance of the law is no excuse in any country. If it were, the laws would lose their effect, because it can always be pretended.” – Thomas Jefferson

Academic libraries are important in many aspects of educational institutions, including copyright literacy as library collections contain both copyrighted and public domain resources, and their mission includes making these works available to its users for academic purposes. The majority of information sources found in libraries` holdings, such as books, journals, magazines, newspapers, and so on, are copyrighted, and most routine operations revolve around these copyrighted materials, making copyright law awareness all the more important for Library & Information Science professionals¹. What is Copyright? The term copyright means a set of “exclusive rights” granted by the law to the creators, subject to specific limitations as stated by copyright law. Copyright law is a strict statutory right, which means it does not exist outside the parameters set down in legislation, the Copyright Act, 1957. This act has undergone numerous amendments over the years, the most recent of which was in 2012.

The term ‘Copyright Literacy’ was coined by Tania Todorova² in 2012 while conducting a survey on “Librarian’s level of knowledge and understanding of copyright law” carried out in Bulgaria covering 14 countries. Morrison and Secker³, have defined copyright literacy as “*acquiring and demonstrating the appropriate knowledge, skills, and behaviors to enable the ethical creation and use of copyright material*”. According to the International Federation of Library Associations and Institutions (IFLA)⁴, copyright literacy can be defined as having a thorough knowledge & understanding of the structure, operations, and implications of the copyright systems, as laws, practices, and user expectations evolve.

Creators often desire for their work to be recognized and valued in society. The concept of copyright is essentially a part of modern civilization. Before the printing press was invented, artistic and literary works were primarily created for the purpose of gaining recognition. It was only after the advent of printing technology that the need arose for laws to protect the rights of creators, as it became possible to reproduce copies of their work on a large scale at a lower cost.

But such creators also want their work to be protected under the law from unauthorized duplication and misuse, thus giving them adequate credit and fair compensation for their artistic endeavors. Copyright subsists once the work is created. The Indian legislation protects the author's right by operation of law without registration or observance of any other mandatory process. Right of reproduction must be considered when copying, photocopying, scanning, or digitizing information, and downloading anything from the internet. Right to Communicate the work to the public is affected when the information is made available to the public through any means such as broadcasting, performing the work in front of a live or virtual audience, or making it available on the internet or intranet. Right to transformation is violated when a work is adapted, translated, or summarised. Right of paternity/attribution (Ownership of One's Idea) is thus violated when the authorship information of a work is changed or removed, whereas the integrity of a work may be violated when it is materially changed as can happen during digital preservation initiatives.

In recent years publishers have come up with new technological measures to safeguard their products using a system called Digital Rights Management⁵ (DRM) and Technological Protected Measures (TPM). TPM is the setup of software and hardware used to limit specific applications, like saving or printing, in order to regulate access to or usage of digital work. All academic libraries today are required to add electronic resources to their collection and make them available for their users. While subscribing to e-resources such as online databases, e-books, e-journals, etc., libraries must enter into a licensing agreement with the content providers. This licensing agreement would require the libraries to give up certain rights which they have acquired under the copyright law. For instance, while purchasing e-books or e-journals the libraries do not own them like they generally would while purchasing in print form but will have limited access based on the terms of the agreement.

Ever since the advent of digital technology, there has been a rapid expansion in publishing on the digital platform thus leading to a difference of opinion between library users and copyright owners. Technological development has not only transformed the process of creating and disseminating scholarly work but also affects copyright law which has

undergone several changes over the years at the international and national levels¹. In general, the legal reforms and the adoption of DRM systems and licensing agreements have resulted in legislation that is more beneficial to the rights holders. However, the technical language and complexity of the legal framework can make it challenging for non-experts to understand. This issue of Copyright is not just limited to libraries or Library & Information Science (LIS) Professionals but also affects all teachers and students because there are many misconceptions & confusion relating to copyright law. Hence it is of utmost importance that LIS professionals take up the role of copyright expert and know how to assist and guide its users. After exploring the main plethora of copyright, its usage, exemptions & awareness amongst its users, we are left to emphasize on an area that is closely connected to copyright yet rarely explored. This brings us to the most important question: Are the Library & Information Science Professionals aware of the Copyright Act 1957? Do they understand the copyright laws well enough to guide the library users about restrictions & exceptions without violating the law?. The focus of the study is on Copyright and Libraries, specifically within Higher Education Institutions located in the State of Goa, India.

Copyright Act, 1957 In The Indian Context

Copyright means all the rights given by the law to creators of literary, dramatic, musical, or artistic works and producers of cinematograph films and sound recordings. According to Section 14 of the Act, "Copyright" means the exclusive set of rights subject to provisions made in the Act. Among other things, provisions in the act include rights of reproduction, communication to the public, adaptation, and translation of the work⁶. It does not essentially mean a right to do something, but also the right to exclude others from doing those acts and things which are expressly mentioned in the section. Initially, copyright protection was primarily designed to benefit publishers rather than the creators themselves. This practice began in 1545 in Venice and continued until the enactment of the statute of Anne in England, which was the first copyright law to prioritize the protection of authors and their original works. In India, the development of the copyright act was heavily influenced by British copyright law. The first copyright act in England was passed in the 17th century, which granted authors the exclusive right to

print their work for a specified period. India's first copyright law was introduced in 1914 and was modeled on the United Kingdom's Copyright Act, 1911 with appropriate modifications to apply to British India at that time.

The Copyright Act, 1957 was first introduced in January 1958 and since then has been subject to several amendments, i.e., in 1983, 1984, 1992, 1999, and 2012. The World Intellectual Property Organization (WIPO) WIPO Copyright Treaty ("WCT") and WIPO Performances and Phonograms Treaty ("WPPT"), which were both signed in 1996, were the primary impetus for the amendments to the Copyright Act, 1957⁷. The most significant of these is the Copyright (Amendment) Act, 2012 which includes an extension of copyright protection to the digital environment. The current Act complies with the majority of international conventions and treaties pertaining to copyrights. India is a signatory to the World Copyright Convention of 1952, the Berne Convention of 1886 (as amended in Paris 1971), and the Agreement of Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement of 1995. Despite the fact that India is not a signatory to the Rome Convention of 1961, the Act complies with all of its requirements.

The rights of copyright holders may be classified into mainly two types- Economic & Moral (Author's Special Rights). According to Sec.14 & Sec.17 of the copyright act, owners of copyright are granted certain economic rights which are exclusive in nature, meaning that they can prevent others from using or abusing them. They have the right to distribute copies of their work to the public, they possess the right to translate, reproduce & make adaptations to the work, perform it in front of the public & communicate with the public. These are the exclusive set of rights that a copyright owner will have in relation to the protected work. They are referred to as economic rights since they are associated with compensation or financial gain. In India, the copyright period for original literary, dramatic, musical, and artistic works is mandatorily 60 years in addition to the author's lifespan⁸.

Apart from economic rights, there are also rights which are called "Moral rights". Sec.57 of the copyright act, grants special rights to the authors pertaining to the claim of authorship of work the seexist independent of the author's copyright. The moral rights will continue to exist even if the creator

transfers the copyright or even sells it to someone else. The integrity of a work as well as the author's commitment to it are two additional things that moral rights aim to safeguard. If any distortion, mutilation, modification, or other acts in relation to the work would be damaging to the author's reputation, the author may seek compensation from a court for infringement of his right to prevent such acts from occurring by claiming damages.

Any work or material may not be copyright protected if the copyright term has expired i.e.; if it's not an original work or if the author of the work died before the implementation of copyright law in India. If the works are not protected under the act, it is termed as "Public Domain". Only expression is covered under the copyright act; ideas, processes, procedures, and mathematical concepts are not included.

Permitted Usage To Libraries Under Copyright Act, 1957

Libraries often have a diverse collection of copyrighted materials in their possession that they disseminate, which include published and unpublished works, images, sound recordings, and digital media. These materials may have been created for either commercial or non-commercial use. Everyone has the right to education, according to Article 26 of the 1948 Universal Declaration of Human Rights (UDHR) 2015, Article 27 of UDHR⁹ states that "*everyone has the right to freely participate in the cultural life of the community and to enjoy the arts and share scientific advancements and its advantages.*" In this respect, the copyright system controls who has access to knowledge as to give education, one must have access to information. Libraries and educational institutions are viewed as information repositories. As a result of which, the copyright system grants education organizations and libraries specific exemptions and limitations on the use of copyrighted work. The conditional awards of proprietary rights under Intellectual Property laws serve to further the common good. It serves to preserve the delicate balance between society and creator's interest.

All other nations have their own domestic copyright laws that govern how the concept of fair dealing is enacted and applied. According to the fair dealing doctrine, the copyright owner does not have to approve of limited use of their intellectual property.

To strike a balance between the interest of the copyright owner and general distribution, it offers copyright limitations. Otherwise, it would be deemed a copyright violation. The exemptions and limitations to copyright infringement are detailed in Sec.52 of the copyright act, 1957 in India. A key element of this section is the doctrine of fair dealing, and to be fair under this clause, one's action must fall within the predetermined categories of private use, research, criticism, reporting, and storage. The idea of fair dealing supports the copyright philosophy and permits people to use copyrighted content for specific purposes without the owner's consent. Thus, provisions made under the fair dealing principles allow people the freedom which otherwise would require them to seek prior consent from the copyright owner. The criteria used to determine fair dealing are specified in each nation's legislation and adopted in accordance with the Berne Convention.

Any non-commercial library may create a digital copy of a book under sec. 52(1)(n)⁸ of the act for the sole purpose of preservation if the library already has a physical copy of the book. This is done for preservation purposes in order to replace a non-digital copy that has been, destroyed, or is in such bad shape it cannot be utilized for library operations, in such a scenario the library is free to make a non-digital copy of the work from the preserved copy.

Sec.52(1)(o)⁸ of the act permits non-commercial libraries to buy books that are not sold in India, make three copies of them, and use them for library purposes. The availability of used books should not be construed as available for sale in India. In accordance with the Act, a pamphlet qualifies as a "book", as do issues of printed journals or magazines, newspapers, and other print materials. The library is free to utilize these copies as long as they wish to as they were made in good faith and in accordance with the exemptions; the Act does not restrict their use even if a book is later made available for purchase in India. The courts have also ruled that books priced beyond the reach of the majority of the people may likewise be regarded as unavailable for purchase in India.

Libraries are permitted to reproduce and share unpublished works stored in library and accessible to the public as per Sec.52(1)(p)⁸. The provisions of this clause shall only apply if the reproduction is made at a time more than (sixty years) from the date of the author's death or, in the case of a work of joint authorship, from the death of the author whose

identity is known or, if the author's identity is not known to the library, museum, or other institution, as the case may be.

Judicial Intervention In Copyright Disputes

In the case of "The Chancellor, Masters & Scholars of the University of Oxford V. Rameshwari Photocopy Services &Ors." (Delhi University Photocopy Case). "The plaintiffs filed a lawsuit in the court alleging that Rameshwari Photocopy Services and Delhi University were infringing on their copyrights by disseminating compilations of parts of books of their publication in the form of course packs. In response to this complaint, the court in October 2012 ordered a temporary restraining order against the RPS. The Delhi High Court dismissed the lawsuit on September 16, 2016. The landmark decision was founded on the argument that Sec. 52(1)(i) of the Copyright Act is broad enough to cover course works that universities create for their students as well as photocopying. "If Delhi University can photocopy, so can its agents (RPS) or any other photocopier.

Georgia State University (GSU) was accused of copyright infringement in 2008 by Cambridge University Press, Oxford University Press, and Sage Publications, Inc. GSU had made books available on their electronic reserve system without first obtaining permission or paying any licencing fees. Over a period of 12 years, the District Court issued three decisions in which the court repeatedly found Georgia State to be the prevailing party. However, because the alleged copyright violations were examined case by case, the court imposed an associated injunction against Georgia State after establishing a number of infringing uses in each decision. Since GSU is a state entity, the court awarded an injunction as an equitable remedy instead of suing it for monetary damages. The Court found five instances of infringement in the first decision, four in the second, and 10 in the final judgment. The court is confident that Georgia State made an effort to abide by copyright rules when developing and implementing its 2009 Copyright Policy. Georgia State revised its then-existing copyright policy following the filing of this case in 2008 in an effort to formally define the process of evaluating when fair use applies.

Authors Guild v. Google, Inc. Plaintiffs, authors of books with copyrighted publications, sued Google for copyright violation. With its library project and Google Books project, Google, operating without the

consent of the copyright holders, has made digital copies of tens of millions of books, including those written by the plaintiffs. According to the district court, Google's conduct qualified as fair use under 17 U.S.C.107. In the court's opinion, Google's unlawful digitization of copyright-protected works, development of a search feature, and presentation of excerpts from those works are non-infringing fair uses. The copying is done with a highly transformative intent, there is little public text display, and the revelations do not offer a significant market substitute for the protected elements of the originals. The business nature of Google and its desire for profit do not support the denial of fair usage. It also doesn't amount to infringement when Google gives digital copies to the libraries that provided the books with the understanding that the libraries will utilize the copies in accordance with the copyright law. Google is not a contributing infringer in this case either.

Texaco Inc. was in gross violation of the copyright of several publishers by making copies of articles from scientific and technical Journals for the use of the company's scientists. In *American Geophysical Union v. Texaco, Inc* case scientists at Texaco frequently requested copies of journals for personal reading and use in the lab as part of their research projects. The court determined that the research use was commercial. The commercial nature of Texaco convinced the court that the use was unfair and non-transformative and that its ultimate goal was commercial. The court observed that Texaco's practice of giving journal copies to its scientist without paying licence fees violated the copyrights of the publishers.

Literature Review

According to Graveline¹⁰ Initiatives taken up by libraries involving scanning, interlibrary loan, electronic document delivery, content licencing, digital preservation, photocopying, and many more services, either directly or indirectly, pose copyright issues. Majority of copyright issues are appearing with the emergence of new digital services like inter-library loan, document delivery services, and database content licencing. Academic librarians are becoming more concerned with whether these and other activities are permitted under copyright law, particularly within the notion of fair dealing. Even while such evaluation is recommended, the current atmosphere of apprehension is inhibiting and diminishing the ability of librarians or library organizations to provide unique services.

Naheem, K.T.¹¹ reveals the copyright literacy level among LIS professionals in India, indicating that only a small percentage of respondents demonstrate familiarity with copyright-related issues. The majority of respondents rely on websites as their primary source of copyright information, followed by books and articles. The findings also highlight the lack of familiarity among Indian LIS professionals in areas such as copy left, fair dealing, copyright issues related to institutional repositories, and licensing conditions within institutions. Regarding institutional copyright policies, approximately 62.5% of respondents reported that their institutions have a policy in place, while around 20.83% of institutions do not have such policies. Surprisingly, 16.67% of respondents were uncertain about their institution's copyright policy. Overall, the study concludes that the level of familiarity among Indian LIS professionals regarding copyright issues is relatively low considering the significance of the topic.

Albitz¹² states copyright literacy is of utmost importance when it comes to various activities in higher education, and educating the academic fraternity about copyright law should be a priority to protect the institution from lawsuits. According to a study conducted by it is noticeable that institutions are spending most of their resources on other intellectual property activities including managing illegal file downloads, anti-plagiarism software, and technology transfer than they do on general copyright education. The study suggests the significance of copyright education continues to increase and its crucial to ensure that the individuals assigned with this duty are equipped with the necessary resources & support to effectively carryout their duties.

The study by Joshi, P. & Joshi, M.¹³ sheds light on the efforts made by college librarians in Maharashtra to educate users about copyright law. While most college librarians acknowledged that user education regarding copyright law falls within their responsibility, they demonstrated a lack of proactivity in this regard. This study has been instrumental in identifying gaps in librarians' approaches to copyright education. The findings highlight the importance of copyright literacy and emphasize the responsibility of college librarians in educating users about copyright. By enhancing copyright literacy, there is a potential for improved compliance with copyright regulations by all stakeholders involved.

However, a study recently conducted by Reddy¹⁴ on copyright trends in India examines the copyright awareness of academic librarians, the study indicates that most of the librarians (63%) only have a basic understanding of the copyright laws, the study found that only a small percentage of librarians in medical colleges (18.18%), universities (14.29%), and engineering colleges (4.65%) possessed an "advanced" level of copyright awareness. These institutions, which emphasize research and are often led by experienced librarians with Ph.D. qualifications, demonstrated relatively higher levels of copyright knowledge. Interestingly, only 24.69% of librarians acquired copyright knowledge during their library science education. This highlights the need for library schools to prioritize and update their teaching methods, incorporating advanced-level instruction and practical case studies to address copyright-related aspects effectively.

Copyright conflicts are something that library professionals must deal with far more frequently in their jobs, but studies suggest that they sometimes lack confidence in their abilities and frequently send users to a dedicated copyright specialist. According to Morrison & Secker¹⁵, in their professional lives, some librarians view copyright as a problem, because it's complicated & constantly evolving, while some look up to it as a known entity and as an opportunity. As a result of which copyright education program for librarians in the UK is being developed by researchers which is a significant step in the field.

The importance of having copyright knowledge has grown over time, as per a survey conducted by Kawooya, Veverka, & Lipinski¹⁶ indicates dedicated copyright librarian roles have been created and that copyright-trained people are being hired to handle the copyright problems related to the information resources and services. The demand for copyright librarians increased from 9% to 13% between 2006&2011, according to a study on advertising trends in the field.

Khobragade & Anson¹⁷ focuses on the concept of fair dealing, which originates from the Common Law of England. While fair use and fair dealing are often used interchangeably, the Indian Copyright Act of 1957 specifically addresses fair dealing under Section 52. Fair use encompasses activities such as reproducing works for research or private study and making photocopies for research and educational purposes. The paper aims to provide an explanation of

the conceptual framework of the Indian Copyright Act and examine its practical application in libraries within Maharashtra. The study assesses the usage of fair use provisions and the level of awareness among librarians in colleges and universities in Maharashtra. Findings indicate that although most librarians possess knowledge of Copyright Law and its exceptions, they encounter difficulties when it comes to implementation, which can result in copyright infringement.

A survey was conducted on "Copyright Literacy of Specialists from Libraries and Other Cultural Institutions" by Hossain¹⁸ to illustrate how familiar, knowledgeable, and aware LIS professionals in Bangladesh consider themselves to be with copyright-related issues as well as how they felt about themselves. The survey investigated existing institutional copyright rules as well as the need for copyright education for both new and seasoned personnel, as well as suggested areas for training activities. The findings indicate that Bangladeshi LIS professionals are conceptually knowledgeable and aware of copyright issues, they are generally lacking in an applied approach and hands-on training all of which can be tackled by organizing pertinent workshops, seminars, and panel discussions centered on copyright.

Objective Of The Study

- 1) To evaluate the knowledge of Copyright law among LIS professionals from Higher Education Institutions in the state of Goa.
- 2) To find out if LIS Professionals from Higher Educations Institutions in Goa are aware of fair dealing provisions under the Indian Copyright Act.
- 3) To find out if LIS Professionals from Higher Educations Institutions in Goa educate its library users about Copyright laws.

Scope

The scope of this study is to investigate the challenges and current practices related to copyright literacy within the academic library context. The study focuses on LIS professionals in Higher Education Institutions (HEIs), which include colleges affiliated with Goa University, Autonomous Institutions, and Goa University Library. The students from the Department of Library and Information Science at Goa University were also included as they represent the future generation of LIS professionals.

Each HEI has distinct requirements and this study aims at gaining a comprehensive understanding of these issues regarding library services, thus making this study valuable for gaining insights into the needs and priorities of these institutions and their users.

Limitations

This study is geographically limited only to the LIS professionals from HEIs in the state of Goa. However, considering LIS professionals in India would provide a broader perspective to the research. The study also relies on the self-reported data provided by LIS professionals in which they may have overstated/understated and manipulated their knowledge about copyright in their responses.

Research Methodology

A quantitative & qualitative web-based survey was carried out using a Google form to assess the copyright literacy of LIS professionals in Goa. The questionnaire was designed very carefully by taking into consideration the objectives of the study. The questionnaire comprised of 20 questions fairly divided into four segments, the first segment included basic questions on educational qualification and designation, the second segment included questions to assess the basic knowledge about copyright laws. The third segment covered questions about fair dealing provisions for libraries under Indian Copyright Act and the last segment included open-ended questions about copyright violations and protecting the interest of librarians. A total of 121 questionnaires were distributed among LIS Professionals from 61 colleges and 5 national-level institutions across the state of Goa and LIS Students of Department of Library and Information Science, Goa University, for data collection via Google forms platform to all colleges, autonomous institutions, and university libraries in the state of Goa.

It took over a month to secure 100 responses out of the 121 questionnaires distributed. Although efforts were made to collect responses from the majority if not all of the questionnaires, replies could not be recorded due to time restrictions and due to absence of library professionals in some institutions. A variety of institutions, including those in agriculture, engineering, pharmacy, culinary arts, law, commerce, management, arts, science, education, nursing, music, and architecture, were surveyed and replies were collected. The data collected from google forms were downloaded onto MS Excel in tabulated form for

further data analysis. Extensive research was carried out utilizing the databases of Google Scholar, Emerald, JSTOR, and LexisNexis with keyword search with the help of Boolean Operators to in some instances like “Librarian AND Copyright Law”, “Library AND Copyright law in India”, “Copyright Infringement Case AND Libraries” and “Fair Dealing of Copyright AND Library”. Project reports from a number of organizations, including IFLA, WIPO, Copyright Guide for Indian Libraries by National Digital Library India, and the Indian Copyright Office, were consulted.

The survey received 100 responses which were targeted at Library and Information Science Professionals from Goa’s Higher Education Institutions. The respondents in this survey are from 55 colleges (out of 60), 2 institutions at the national level (out of 6), and Goa University. The institutions are classified into 20 private and 45 public higher education institutions based on sector. Majority of the responses were from College Librarian 46 out of 53 questionnaires circulated, followed by 28 responses from Assistant Librarians (out of the 36 questionnaires), and 7 responses from Library Assistants (out of the 8 questionnaires). The survey also includes the University Librarian in Goa, together with 3 LIS faculty out of 5 and 15 LIS students out of 48 from the Department of Library & Information Science, Goa University.

Findings

The responses received from LIS Professionals in the survey were scrutinized and classified as “Low,” “Moderate,” and “Good” based on the accuracy of the answers provided in the questionnaire. This mechanism was designed solely for multiple-choice questions, and any individual who received a great number of accurate responses were classified as having “Good” copyright knowledge. If a respondent has large number of responses between “Good” and “Moderate” they have been classified as having moderate level of copyright awareness, whereas

Table 1 — Profile of respondents

Sr. No.	Designation	Number of Participants
1	University Librarian	1
2	College Librarian	46
3	Asst. Prof. LIS	3
4	Asst. Librarian	28
5	Library Assistant	7
6	LIS Students	15
	Total	100

respondents with the most number of imprecise responses have been categorized as having “Low” level of copyright awareness. As shown in Figure 1, the majority of respondents, 55%, have a good understanding of copyright law, while 28% have a moderate level of awareness and only 17% have shown very little knowledge of copyright law.

To explore the knowledge and awareness about copyright law respondents were asked:

- The respondents were asked if the copyright law was applicable to Literary/Author rights, Performer/Music rights, Artistic work, and (92%) of the respondents knew its applicable to all of the above.
- When asked how long does the copyright last and (80%) of the LIS professionals are aware that it lasts for 60 years after the author’s death.
- When asked if copyright is applicable to information available in “Public Domain” a substantial number of respondents (52%), replied “Yes” which was incorrect, and only (38%) have rightly said “No”, while other respondents (10%) said they “Do Not Know”.

Figure 2 shows a comparison of copyright law knowledge among LIS professionals with Bachelor’s degrees to Ph.D. degrees based on educational qualifications. The same mechanism as in Figure 1 has been utilized to collect data, which was further classified based on the respondents` educational qualifications. Data indicated a majority of the respondents (75%) have a Master’s degree, followed by a Bachelor’s (13%), Ph.D. (7%), and an M.Phil.

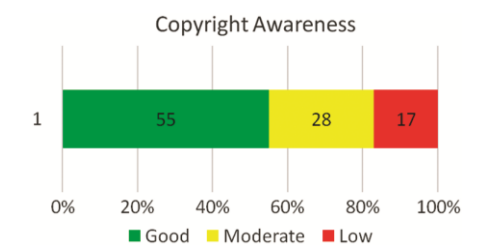


Fig. 1 — Level of Copyright awareness

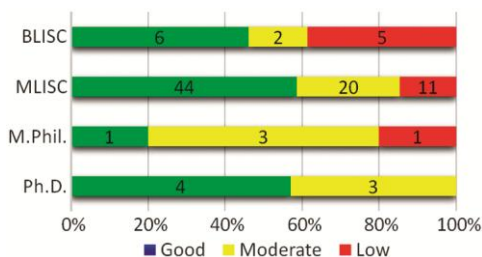


Fig. 2 — Qualification-wise comparison

(5%). A large number of LIS professionals have good understanding of copyright law. As evidenced by Ph.D. (57%), Masters (59%), Bachelors (46%). However surprisingly(60%) of M.Phil. degree holders have only moderate level of understanding of copyright rules & regulations. Although a matter of concern has been (39%) of Bachelor’s degree holders have very little copyright knowledge which as it can be seen is the highest among all however, a sizable number of respondents demonstrated a moderate level of copyright awareness across all education levels as compared to low.

Based on the accuracy of the answers in the questionnaire, knowledge of copyright laws was accessed across LIS professionals from private & public sector educational institutions as well as LIS faculty. The data in Figure 3 indicate that University Librarian and substantial number of College Librarians at different public and private sector educational institutions in Goa are conversant with Indian Copyright laws. Assistant Librarians along with Library Assistants employed in various institutions in Goa have professionals with good to

moderate levels of knowledge & understanding of copyright laws. Surprisingly the LIS Students (respondents) have significant number of students with very limited knowledge of copyright laws, whereas among the three LIS faculty, 2 have good and 1 has moderate level of copyright knowledge. Overall, the LIS Professionals across various designations seem to have a good understanding of the rules and regulations governing copyright laws and their implications. The University Librarian, College Librarians & LIS Faculty mostly attend workshops, seminars, conferences & Faculty/Librarian Development programs and hence have better exposure to recent developments when it comes to the field of library & information science as compared to other professionals.

Figure 4 depicts the knowledge of LIS Professionals regarding Copyright ownership at the college/institution level. This was a multiple-choice

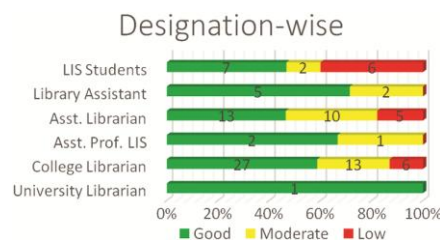


Fig. 3 — Designation-wise comparison

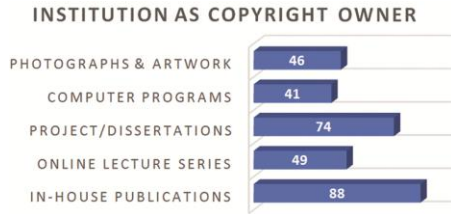


Fig. 4 — College/Institution copyright owner

based question, and respondents were allowed to choose more than one option. Study reveals that majority of library professionals believe that institutions can only hold copyright ownership of “In-house Publications” (88) and Projects/Dissertations (74). Whereas 49 respondents, just short of the majority mark are of the opinion that college/institution also owns copyright for online lecture series. A good number of respondents (46) and (41) believe copyright also exists for “photographs & artwork” and “computer programs” respectively. As per the law, copyright is applicable to creators of literary, dramatic, musical, or artistic work, and only (22) respondents accurately selected the combination of all the given options.

Figure 5 illustrates the researchers’ attempt to examine the knowledge about book digitization under the fair dealing exemptions available to the library. This was a multiple-choice question, and respondents could select more than one option. According to responses, majority of the professionals (70) have selected digitization is allowed “If the book is destroyed or damaged beyond usage”. Followed by (45) “If the book is available in the library in print form”. A total of 41 respondents reflected the view in common parlance where “If the book is available in the library in print form” and “If the book is destroyed or damaged beyond usage”. The fair dealing exception permits libraries to digitize books only i.e., Print copy of the book in case of damage or destruction.

When asked if copyright law allows reproduction of copyrighted work for academic purposes, figure 6 examines the level of awareness about the fair dealing provisions which revealed large number (61%) of LIS Professionals have unerringly opined that it is permissible under the exemptions made for libraries, whereas (18%) believe it is not permissible, (21%) are not aware of any such provisions made under the copyright law for libraries. Under the fair dealing provisions, libraries are allowed to make 3 copies of books if it’s not available for sale in the country or if



Fig. 5 — Digitization of books under fair dealing

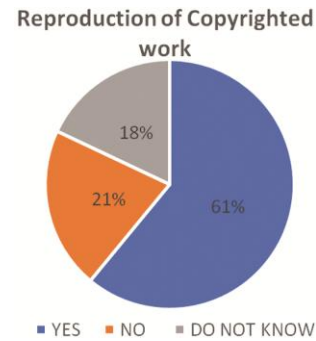


Fig. 6 — Reproduction of books under fair dealing provisions

the cost of the book is too high and which is beyond the reach of majority of the people.

To explore if the respondents are familiar with the fair dealing provisions, LIS Professionals were also asked if digital work acquired by library has anti-copy (DRM system) can this system be circumvented to download or make copies for users.

- Most of the LIS Professionals (50%) have responded that they are not aware if it was permissible for libraries.
- While 30% of the LIS Professionals have correctly identified that it is not permissible under the copyright laws, fair dealing provisions, and only 20% have responded incorrectly that it is permissible.
- When asked if there are restrictions set by publishers on the use of e-resources subscribed by institution or if can they be used completely in total freedom.
- Majority of the respondents surveyed (66%) have replied there are restrictions that are usually stated in the End user license agreements.
- Whereas about (30%) of respondents believe there are no restrictions set by the publisher, while (4%) are not aware.

In an effort to ascertain respondents’ awareness of the author’s right under the copyright act, they were asked which right of the author is infringed when

copyrighted work is made available on the internet/intranet. This was a multiple-choice-based question, and respondents were allowed to choose more than one option. As the data in *Figure 7* shows that substantial number of the LIS professionals (67%) surveyed have precisely indicated that ‘all of the above’ as it violates authors’ “Right to Communicate to public”, “Right to Distribution” & “Right of Reproduction” when copyrighted work is uploaded without the author’s permission. This states that majority of the LIS professionals are aware of the author’s economic rights granted under the copyright act.

The respondents were asked if they are taking any measures to ensure that the rights and interests of authors are protected in their libraries. To determine this, it was necessary to determine whether they were aware of the author’s right

According to data in *Figure 7*, a large number of respondents are aware of the author’s rights. The LIS Professionals were then asked if they instruct the academic community of the respective institutions about the Do’s and Don’ts under the copyright law. As the data in *Figure 8* suggest great number of LIS Professionals (86%) have positively responded by saying they instruct the users about copyright laws and library exceptions under fair dealing of copyrighted work. Whereas only a small number of

respondents (14%) said they do not conduct a copyright education program to orient the users about the copyright law pertaining to library usage.

Conclusion

The study clearly indicates that Goa’s LIS Professionals have demonstrated adequate knowledge of the Copyright Act, 1957 with (55%) found to have good knowledge and understanding of laws related to author rights, copyright coverage & duration. Similarly, level of awareness and knowledge about the permitted usage or exceptions made available under the fair dealing provisions for academic libraries is noteworthy. There are a lot of positives to take from this study as previous studies on copyright literacy across the country indicate that librarians very limited knowledge about copyright laws. But of particular relevance is (45%) of the LIS Professionals surveyed have been found to have Moderate to Low level of understanding of the copyright law. Copyright literacy is of very much importance yet it is rarely talked or debated about even though LIS Professionals are surrounded by copyrighted works on a daily basis. Recent trends suggest library professionals are expected to take up the role of copyright expert¹⁶ in the institution and guide the academic fraternity about the copyright laws and the various provisions made under the law for academic purposes and implications of violating copyright rules.

The LIS Professionals need to work on copyright policy or library usage policy to regulate the use of copyrighted work and as academicians’ measures should be taken up to protect the rights of the copyright owners. As mentioned in the Delhi High Court’s judgment all students presently invariably carry phones with a camera inbuilt which can be used for clicking photos of portions of books to be studied/ read and this is qualified as uncontrollable fair dealing

Recommendation

All the LIS Professionals in the state of Goa need to unite and develop copyright policy or manual for libraries to bridge the technicalities of copyright law, licenses & agreements, fair dealing provisions, author rights, plagiarism, institutional copyrights & public domain. This would be a handy reference tool for LIS Professionals when dealing with any copyright-related issues and thus protecting the interest of the institutions by averting any potential copyright infringements.

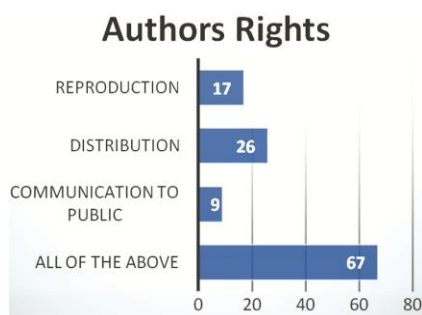


Fig. 7 — Author’s Right

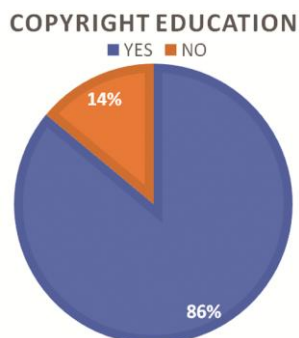


Fig. 8 — Copyright education for users

Copyright awareness programs should be carried out by all institutions for all the stakeholders and also stress the implications of copyright infringement. The libraries can also display a set of ‘Dos’ and ‘Don’ts’ under the copyright law in the library and college premises.

Copyright literacy should be also prioritized as an educative policy of Library and Information science. Educating the LIS Students about the copyright laws, exemptions to libraries, and implications of copyright infringements.

The Department of Library & Information Science can introduce short-term courses on “Copyright Literacy” as a specialisation thus making them eligible for taking up the role of copyright librarian/expert in academic institutions. The literacy program should be designed in Outcome-Based Education (OBE) platform for the students. They must be given exposure to copyright-related case laws, practical problem solving, international perspective on copyright laws, implementation of fair use provisions, etc.

Conducting timely workshops, seminars, conferences, and librarian development programs to discuss and highlight latest developments/amendments specific to copyright laws by inviting Senior Professors(Law), Copyright librarians and senior lawyers thus creating awareness among academic fraternity and LIS professionals by covering. Large number of the LIS Professionals surveyed have stressed that it is important to conduct training & awareness programs for all the academic stakeholderse specially on the nuances of copyright and allied laws.

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