Chapter 14
Digital Libraries and Web Linking

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ABSTRACT

In the digital era knowledge and information are becoming more and more online accessible. In this perspective, libraries have a vital function in respect of copyright protection and accessibility to knowledge. On the one hand, web services are facilitating flow of information and access to knowledge; on the other hand, Internet moots questions regarding copyrights protection. The main purpose of linking is the creation of the World Wide Web as a thesaurus of knowledge and information. Nevertheless, digitization projects on an international level are already experiencing conversely issues, mainly because of copyright. Purpose of this chapter is to discuss some of these issues deriving from the linking, particularly for digital libraries. What is the relation between the scope of digital libraries on the one hand and of copyright on the other one? What is the role of the various stakeholders, i.e. the libraries and the right holders?

INTRODUCTION

In recent years much progress has been made towards understanding and regulating the digital future. Researchers, librarians, computer scientists and engineers as well as lawyers are trying to find answers to questions such as: What is a digital library? How can electronic information be best evaluated? How is it possible to avoid copyright infringement? How can we compensate authors and right holders generally? How can a digital library operate in a legal and effective way? Is linking lawful and if so, under what requirements?

The Internet has brought significant changes to millions of people in terms of how to access, collect, organize and use information and knowledge. Large digitization projects are underway, such as Google, MSN and Yahoo!, but also such as the Europeana project, known as the European digital library network - EDLnet, a partnership of hundred representatives of heritage and knowledge organisations and IT experts from throughout Europe

under the support of the European Commission. Digital libraries are rapidly growing in popularity as book handling and presentation technologies continuously improve and alternative depositories and business models develop quite fast.

The concept of a digital library means different things to different people. To librarians, a digital library is the future form of the physical library, to computer scientists, it is a distributed text based information system or a networked multimedia information system and to end users, digital libraries are similar to the World Wide Web with improvements in the performance, organization, functionality and usability of the content. To lawyers digital libraries are a way to distribute knowledge and information giving the opportunity to users to have access to works, some of which are protected by copyright law, whereas some others are free of such protection, either because their protection period has elapsed or because copyright law does not apply at all.

According to the definition identified by the Association of Research Libraries (1995) 'the digital library is not a single entity; it requires technology to link the resources of many. The linkages between more digital libraries and information services are transparent to the end users (Xie, 2008, p. 1346).

Tim Berners-Lee, who invented the World Wide Web as a way of linking digitized documents improved upon the 'hypertext' by creating the Hypertext Markup Language (HTML) and the Hypertext Transfer Protocol (HTTP) (Berners-Lee, 1999, p. 29), envisioned a universal digital library that would provide the world with free access to all available knowledge. According to Berners-Lee (1999, p. 4) 'the concept of the web is of universal readership' and 'if all computers everywhere were linked up, all of the world's knowledge would be available to anyone with a computer and there would be a single, global information space'.

Copyright affects the ability of libraries, physical and digital ones, to provide digital collections and services. Characteristic is the statement of the International Publishers Copyright Council on digital library collections (IPCC Statement: Libraries, Copyright and the Electronic Environment, April 22, 1996): 'Many national and regional libraries contemplate digitizing their print collections to facilitate a virtual library that can provide service to patrons at remote locations and facilitate resource-sharing. Such a concept will destroy not only the incentive to create new copyrighted works, but the revenue from existing works that provides the investment in new works by authors and publishers.' On the other hand, it is of the authors' interest to distribute their work and make it known to the public. The linking technique is a way to accomplish that successfully. The collection and long-term preservation of digital content pose challenges to the copyright regime within which libraries and archives are accustomed to work. How to achieve an appropriate balance between copyright owners and users is a topic of ongoing debate in legal and policy circles.

Objective of this chapter is to raise a discussion about the relationship of the digital libraries' scope on the one hand and the role of copyright on the other hand. After giving some definitions and presenting a short background of the relation between linking and the digital libraries, we will discuss the issues and problems that appear on this specific theme for the various stakeholders, i.e. the libraries and librarians on the one hand and the right holders on the other. Keeping in mind that according to copyright law linking can be useful and legal, we will then discuss shortly some solutions and techniques when dealing with linking issues. These recommendations shall in no case be exhaustive; they rather give an incentive for more discussion and research in this area.

BACKGROUND

Digital libraries got their biggest start in the legal profession with the famous databases Lexis/Nexis

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