Chapter 92

Copyright Relevancy at Stake in Libraries of the Digital Era

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ABSTRACT

Libraries are changing in every aspect to deal with the information dissemination process mainly pertaining to the form and format of "significant information," which is the lifeblood of libraries. With copyrights restricting the uncontrolled and unbalanced use of information in the digital format, there is a need to understand that copyrights were brought to balance the synchronization of the creator, publisher, and the users at large. The chapter is an attempt to show the changing perspective of copyright in the digital era, its relevancy in the digital era, and how libraries can get the most out of the various exceptions and provisions provided for the libraries in copyright law, while at the same time striving to balance the copyright as well as solve various problems and issues cropping up from new digital perspectives.

INTRODUCTION

Libraries have served as traditional structure and authority for serving the information need of the society. But a metamorphic change has been brought in the 21st century by the new electronic environment is inevitable and unstoppable and has brought sea change in all aspects related to libraries. Libraries are being forced by the electronic networked environment to make new decisions, consider new media products to add to their collection in the new format. Libraries are now concerned about what they can legally do with the products they acquire and are seriously required to reappraise the copyright law for digital libraries.

The purpose behind the copyright is to make ideas available for human progress and not to lock them up. Thus, with the advent of new services, new products, and new obligations of the creators, intermediaries, and the users, it is essential for the libraries for aligning and interpreting copyright in the new landscape so as to encourage creators, assist intermediaries, and support its readers and if by some or other reason the power swings into

the hands of intermediaries, the copyright regime will face the battle for its survival and relevancy in libraries.

THE COPYRIGHT DILEMMA

The changes in information provision by libraries towards delivering more digital information have ironically brought out the paradox libraries face between providing the best possible service and upholding copyright. The very high threshold of 'safety' consideration in an online environment is where the electronic form of data which though it had overcome various limitation of print technology as storage, transfer, reproduction, archiving, etc., the real challenge for the copyright and its continuation even in digital era comes from the minimal cost, blinding speed, and unfailing accuracy in the reproduction of the original.

The notion of copyright is strongly upheld and supported by librarians from time to time. The prime objective of copyright is both to reward the creator and the development of society at large. Earlier ICT was thought to narrow down the gap between information have and have not, but the conflict between owners and users is continuously growing as the cost of storage and processing devices is decreasing and availability of digital technologies within the reach of common man is increasing. Copyright owners are concerned about control loss over their creation in digital format whereas users are doubtful about ease of accessibility to new work of creation.

Thus, the dilemma is to nurture the trio relationship between the creator, intermediaries, that is the publishers and the users of the intellectual product, for the benefit of the society.

COPYRIGHT: THE BALL IS IN WHOSE COURT?

Copyright is the sole right to copy or produce a work conceded to the publisher by the creator through a mutual agreement, the fundamental goal of copyrights being to maintain a balance between the creator getting a reward and the creation being used for the good of the society. Thus, the motive is to benefit the creator as well as user of the new creation. Among the trio of copyright system, those desperate to retain copyright and lobbying hardest are the intermediaries who control the conduits between creators and their audience.

Copyright system is designed to nurture ecology of creator, disseminator, and user of work of authorship. However, the current copyright system is failing its intended beneficiaries. The basic foundation of copyright has been shaken by the concentration of copyright provisions in the hands of vendors/publishers whose motivation to further the goals of copyright is primarily economic.

Although the vendor creates a market for copyright work to provide money for creators and to pass on the works to users, readers, and listeners as they step into the shoes of creator for money making. Thus, their participation is primarily by self- interest.

LIBRARIES AND CHANGING NATURE OF COPYRIGHT

Libraries are there for the *posteriori* of knowledge for the future as well as to serve as the carrier of information and knowledge for the development and the progress of mankind with its novel knowledge base. Copyright law's main intention was to protect the impetuses of creation within society,

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