Chapter 19
Managing Intellectual Property in Digital Libraries and Copyright Challenges

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ABSTRACT

Digital technology gives libraries an excellent opportunity to improve their services. It also provides new ways of preserving and disseminating library collections. But the different stages of digitization of the materials in libraries involve many copyright issues. This leads to myriad legal and practical challenges such as locating the owner of copyright. Librarians need to take note of these problems and explore possible solutions. The chapter explores types of intellectual property and their characteristics, legal challenges for digital libraries, legislative responses to the challenges, copyright and fair use, digital library and copyright as well as copyright challenges and recommendations.

INTRODUCTION

Intellectual property refers to the product of a person's imagination and creativity and the rights of these people to control the use of their products (Kallinikou, Marinos Papadopoulos, Kaponi, & Strakantouna, 1993). Intellectual property can be bought, sold, exchanged and licensed to other people or organizations by the intellectual property holder (Sahoo & Rao, 2003). Intellectual property is insubstantial and is not linked to the tangible artistic, dramatic or musical work which may have resulted from it (Muir, 2006). For example: a book is actual property and can change hands without affecting the intellectual property (in this case copyright) of the artist. Intellectual property is protected by intellectual property law and there are six major types of intellectual property law: copyright, patents, designs, trademarks, circuit layouts and new plant varieties; however, confidential information, the duty of fidelity, trade secrets, confidentiality and moral rights are also included (Sahoo & Rao, 2003).

We are living in the age of sophisticated and abundant of information and knowledge is dominating in this age. The one who best practices the knowledge application leads the race and now, the countries strength is assessed by its Intellectual Property management rather than its economic power (Cleveland, 1998). Managing Intellectual Property in digital is gaining more importance as equal to protecting natural resources (Pantalony, n.d.). Till now, academic institutes as a whole and faculty in specific are engaged in training activities and the attention diverted to manage its intellectual properties (Kallinikou et al., 1993). Many higher learning institutions and universities started generating revenue through managing the Intellectual properties and also they brought in strict governance to monitor the IP (Khan & Makhdumi, 2008). Many academic libraries in developing countries, do not fully understand the value and importance of managing its intellectual properties for the counties future prosperity (Rosati, n.d.). Very few research institutes are involved in developing and management of their institutions knowledge assets (Sahoo & Rao, 2003).

Libraries especially academic libraries in the developing countries are on cross roads and they are confused on whether to support the IP management so as to generate the income of the authors or support the open access drive where the knowledge is made available to everyone without any commercial implications (Kumar, 2009). There is an immediate requirement for developing countries' universities to take any one route so as to protect the interest of knowledge custodians (Calhoun, 2013). If they take first approach though the receiver has to pay for the usage, the contributor also will get benefit out of it (Panezi, 2014). If they take second route both receiver and contributor need not have any commercials in their transactions.

Digital libraries are electronic equivalents to paper collections of records and it is an organized collection of electronic information disseminated to a designated community through network technologies providing easy access to data (Greenstein, 2000). Provided that a global secure network can be established, digital libraries hold the potential of vastly simplifying the process of providing access to timely and complete collections of intellectual property records maintained by other intellectual property offices (Rosati, n.d.). Digital libraries, accordingly, present an attractive alternative to the paper-based collections maintained today by most intellectual property offices (Pantalony, n.d.).

Technological advancements have produced radical shifts in the ability to reproduce, distribute, control, and publish information and information in digital form has radically changed the economics and ease of reproduction (Kumar, 2009). Reproduction costs are much lower for both rights holders (content owners) and infringers alike and digital copies are also perfect replicas, each a seed for further perfect copies (Hombal & Prasad, 2011). One consequence is an erosion of what were once the natural barriers to infringement, such as the expense of reproduction and the decreasing quality of successive generations of copies in analog media (Calhoun, 2013). Today, a world of information is available with little effort and almost at no cost to the user and such access to information has played a central role in education and social life from time immemorial (Samuelson & Giushko, 1992).

Yet the very possibility of borrowing a book, whether from a library or a friend, depends on a number of subtle, surprisingly complex, and at times conflicting elements of law, public policy, economics, and technology; elements that must be kept in relative balance in the light of today's accelerating transformation of information into digital form (Panezi, 2014). Access to resource materials in an age where libraries are getting computerized, digitized and virtual is obviously without limits (Hombal & Prasad, 2011). Unfortunately, this ease of access also enables unauthorized usage of resource materials as well as subtle monitoring that enables those with the right technology to track information usage pattern on networks and computing infrastructures (Kallinikou et al., 1993).

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