

The role of the legal deposit (copyright) library in a digital age

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Annual Copyright Conference, Brisbane
17th February 2006

The British Library

National library of the UK, established by the British Library Act 1972.

Renowned internationally as one of the world's leading research libraries.

Over 250 years of collecting. Beneficiary of legal deposit, and £15.75m annual acquisitions budget.

Serves researchers, business, libraries, education and the general public.



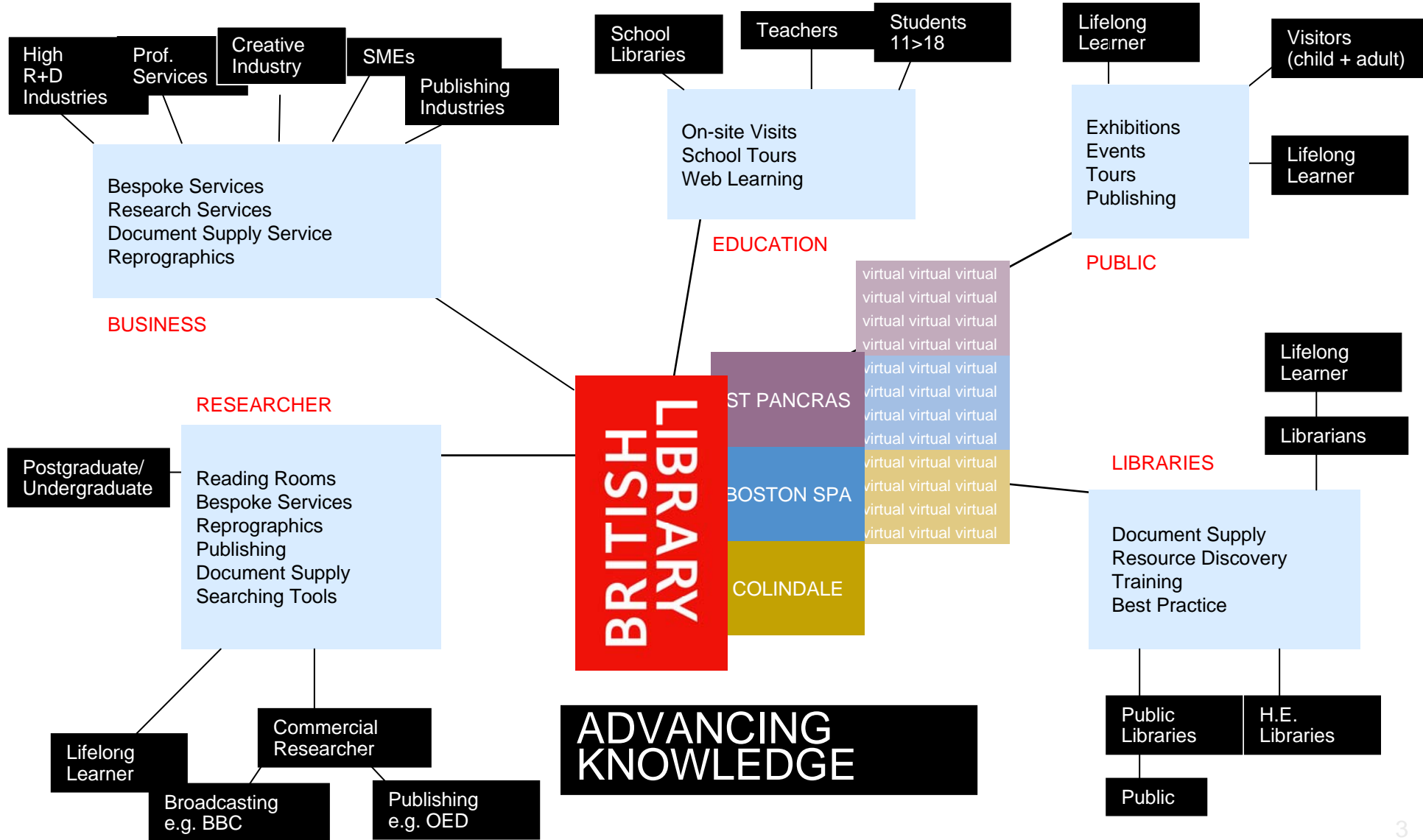
Helping people advance knowledge to enrich lives

Accommodation for >1200 readers at St Pancras. The largest document supply service in the world.

Generates value to the UK economy each year of 4.4 times public funding.

Receives £100m a year in Grant-in-aid from DCMS; earned annual trading income in 2004/05 of £24m.

3 main sites in London and Yorkshire. 2,250 staff.



World-Class Research Library Key Statistics: 2004/2005

- 5.3 million items consulted or supplied
- 398,000 reading room visits
- 884,000 catalogue records created
- 572,000 items received on legal deposit
- 493,000 digital images created
- 606 km of shelves currently filled (93% of capacity)
- 24.4 million web site hits (www.bl.uk)
- 2,250 staff

These and other figures are in the Annual Report – <http://www.bl.uk/about/annual/latest.html>

UK Copyright and Legal Deposit Legislation

- Legislation: Copyright
Copyright in the UK is governed by the Copyright, Designs and Patents Act 1988 (plus subsequent Regulations).
- Legislation: Legal Deposit
Extension of legal deposit to non-print through Legal Deposit Libraries Act 2003.

Copyright: the External Network

Labour Party Manifesto 2005

“We will modernise copyright and other forms of protection of intellectual property rights so that they are appropriate for the digital age. We will use our presidency of the EU to look at how to ensure content creators can protect their innovations in a digital age. Piracy is a growing threat and we will work with industry to protect against it”.

How Intellectual Property applies to the BL's collections and services

OUR COLLECTION

Material that is out of copyright (generally > 100 years old)

Material that is in copyright (generally < 100 years old)

Material we create ourselves (primarily three bibliographic databases)

IP IMPLICATIONS

- BL can exploit this content (although as copyright law is complex, it often requires individual item rights checks)
- We can use “fair dealing” exemptions to make available to non-commercial users (rights limited and under threat)
- We need rights holder permission to exploit commercially or distribute more widely
- We have some database rights over this content (more limited than copyright)

SERVICE ISSUES/MODEL

- This is relatively “niche” from a commercial exploitation perspective
- We can exploit via image library and third party commercialisation
- This part of the collection is used the most
- Around 50% of document supply is under “fair dealing” and 50% via rights agreements
- Severely limited BL rights
- We sell these databases commercially

Issues the BL has with copyright management

UK and global context

- Digital publishing has forced most countries to revisit copyright law. Debate on legislation is live in Australia and the US as well as in the UK
- Attempts to harmonise copyright law in Europe (2001 EU legislation) have been largely unsuccessful – differences in its application are increasing, not diminishing
- In the UK (as elsewhere) the rights holders (particularly the music industry) are growing in voice to restrict individual “fair use”

BL issues

- Most of our demand, and usage, is for “in copyright” material. However, rights holders are very reluctant to allow the BL rights to exploit
- As non-UK countries reduce copyright fees for individual use, the BL is uncompetitive in these markets
- In a digital environment with legal grey areas, there is increasing room for interpretation
- The UK debate is being dominated by the rights holders – with the tide likely to turn against “fair dealing”

The BL's approach to copyright management

Managing the BL's own copyright

- License (commercially) out of copyright content
- License (commercially) use of BL-created data
- Create new BL IP through publications and exhibitions

Managing IP not owned by the BL

- Secure licences for use of publisher content to provide services
- Maintain use of exemptions (including protection of exemptions)
- Develop new win-win business models to exploit content

Influencing & leading IP thinking

- Work with industry players to raise BL's issues in a proactive, constructive way
- Directly influence through membership of government and industry working groups
- Indirectly influence third party thinking (e.g. through ippr work, hosting of events)

British Library Position Paper 2005

- The British Library has prepared, in consultation with various other library bodies, a position paper on proposed amendments to existing copyright legislation in the digital age.
The paper was sent to officials and ministers in summer 2005.
- Purpose of document was to outline the position of the British Library concerning important areas of the 1988 Act that need to be reformed in order that the traditional educational and heritage role of libraries can be maintained in a digital age.

British Library Position Paper: Issues (1)

Focus on advent of digital technology and impact on rights and rightsholders, with particular reference to:

- Clarification of fair dealing to explicitly cover Digital Copies.
For the principle of fair dealing to be protected in the digital age, new legislation must define the right to copy as being irrespective of the medium of the original, or the medium of the copy made.
- Clarification of fair dealing to cover all types of works.
- Format shifting.

British Library Position Paper: Issues (2)

- The increasingly complex role of the librarian as an intermediary.
- Multiple copies for preservation purposes. Creation of numerous copies is unavoidable.
- Definition of a permanent collection.
- Duration of copyright:
Currently 50 different durations, dependent on type of copyright work. Need to simplify.
- Orphan works.

Recent Parliamentary/Government reviews of IPR

Further to the Labour Party manifesto, three different IPR reviews were signalled in late 2005:

- The All Party Parliamentary Internet Group public inquiry into issues surrounding Digital Rights Management.
- The Intellectual Property Review (led by Andrew Gowers), reporting to DTI/DCMS.
- Culture Media and Sport select committee inquiry into new media and the creative industries.

The British Library believes that it has much to contribute to these reviews and to the wider emerging debate around intellectual property in the digital age.

All Party Parliamentary Internet Group (APIG): Digital Rights Management

APIG inquiry seeks to establish how consumers, artists and the distribution companies should be protected in a continually evolving market place.

- 92 written submissions were received.
- Oral evidence session in Houses of Parliament on February 2nd. The British Library was present and contributed.
- The Library recognises need for mechanisms to allow a multiplicity of access rights to be managed through DRMs.
- However, the Library has concerns about potential prescriptive nature of DRMs which might give publishers the means to control access and usage in ways they did not have before.
- Need also to ensure that visually impaired and other disabled people obtain legal access to sources of content.

Intellectual Property Review

Scope: to provide an analysis of the performance of the UK IP system.

It will cover:

- way government administers awarding of IP to consumers/business
- how well businesses cope with IP
- whether current technical and legal IP infringement framework reflects digital environment
- whether 'fair use' by citizens provisions are reasonable.

Review will run for 12 months.

Culture, Media and Sport Committee Inquiry

Inquiry into the challenges and opportunities for the creative industries arising from the development of new media platforms.

Particular interest in:

- impact of digital convergence and media technology
- effects of unauthorised reproduction/dissemination
- balance between rights of creators and expectations of consumers.

Submissions were required by 19th January.

Legal Deposit Libraries Act 2003 (1)

Legal Deposit Libraries Act 2003

- provides the framework for extension of legal deposit of UK published material to non-print publications
- also provides for enabling, i.e. the obligation on publishers to deposit includes delivery of a copy of any computer program and any information necessary in order to access the work
- Legal Deposit Advisory Panel (LDAP) has been set up to advise
Secretary of State on the content and timing of Regulations which will make possible the implementation of the provisions for
non-print.

Legal Deposit Libraries Act 2003 (2)

- LDAP has a working group devoted to the issue of access to deposited material
- Legal deposit libraries are developing a secure network to manage the required access
- Network will be part of broader programmes such as the British Library's Digital Object Management Programme, being developed to manage ever-increasing scale of digital items and multiplicity of access rights.

Some Specific Operational Examples

How does copyright affect the librarian in day to day work?

- Virtually everyone working in a library needs to have some knowledge of copyright.
- Photocopying: fair use/commercial use.
- Document delivery.
- Digital cameras in reading rooms.
- Use of images, sound recordings, etc., etc.

The Future

- The British Library will continue to manage copyright issues in a sensitive and appropriate way.
- With other library bodies such as SCONUL, CILIP, the British Library will play a leading role in supporting the principles of fair dealing and library privilege and its re-interpretation and sustainability in the digital age.
- Within the confines of copyright law and legal deposit legislation, the British Library will continue to connect its collections to its users, increasingly by electronic means, and, where appropriate, working with commercial partners.