

Information owners and users seek common ground

Colette Ormonde, ALIA copyright advisory service

Librarians at national and international levels are working with copyright owners and their representatives so that users and owners may each understand the priorities of the other in negotiating the balance of interests in copyright regulation.

ALIA and the Copyright Agency Ltd (CAL) are discussing ways in which CAL copyright licences may assist library document delivery, intranet and e-mail, and the needs of corporate libraries.

ALIA and CAL representatives met in October and will meet again in December to explore the development of a licence tailored to the information needs of corporate libraries.

The librarians on the working party come from the legal, scientific and engineering, and mining corporate sectors, including Moyra McAllister, a member of the ALIA copyright and intellectual property advisory group and national library manager of Blake Dawson Waldron. Moyra was previously the Victorian parliamentary librarian and has a detailed knowledge of legislative processes.

At the same time, the International Federation of Library Associations and Institutions (IFLA) is working with the International Publishers Association (IPA) to promote common principles regarding copyright in the electronic environment.

The joint IFLA/IPA steering group has agreed on the following points of discussion:

While the fundamental principles underlying copyright protection in the print environment remain the same in the electronic environment (*digital is not different*), the advent of new technologies has fundamentally changed methods of publication and dissemination as well as rights management (*digital is different*).

Bridging the digital divide is best achieved by government programs increasing funding for books and other publications in libraries and by connecting end-users to the internet.

Public interest exceptions and limitations to copyright remain necessary in the electronic environment in order to maintain an equitable balance between the rights of creators and distributors and the needs of users. However, the nature and extent of these exceptions and limits must be assessed by applying the three-step test.

[The three step test is present in a number of international agreements, including the Berne Convention, and underlies the fair dealing provisions in Australian law. The steps are:

1. that limitations and exceptions are confined to certain special cases;
2. that these cases must not conflict with the normal exploitation of a work; and
3. that these cases must not unreasonably prejudice the legitimate interests of the rights holder.]

Libraries are key players in ensuring long-term preservation/archiving of

electronic information, through appropriate arrangements with publishers. However, the conditions of access and other technical and policy issues require further discussion among stakeholders.

IFLA and IPA will promote the above principles to their respective memberships.

In a bulletin from IFLA, the co-chairs of the group issued the following statements.


Herman P Spruijt, IPA executive member said:

'Publishers and libraries recognise that, in the electronic environment too, libraries represent gateways to knowledge and that copyright encourages the publication and dissemination of knowledge sources. Both communities are concerned about promoting connectivity of the information poor and call for increased funding to develop the infrastructure required for the dissemination and protection of, and access to, digital content.'

Group co-chair and IFLA Governing Board member, Ingrid Parent, stated:

'In the international copyright arena IFLA supports balanced copyright provisions that promote the advancement of society as a whole by giving strong and effective protection to the rights holders as well as allowing reasonable access in order to encourage research, creativity, education and learning. In the digital environment there are still many issues to resolve, but it is encouraging to see that libraries and publishers are committed to finding the common ground that will benefit all the stakeholders.'

The joint IFLA/IPA steering group will continue to work on these and other agreed common views on copyright in the electronic environment. ■



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On the Gold Coast – Friday March 15th, 2002

Generous packages will enable our delegates to also attend weekend sessions at the Somerset Celebration of Literature, 13th-17th March, held at Somerset College. On Friday evening, a Cocktail Party for the Librarians, Booksellers and Publishers will precede the Somerset Celebration of Literature Literary dinner.

Keynote speakers: Professor Torben Weinreich, Manager of the Children's Literature Centre, University of Copenhagen, Denmark;

Agnes Nieuwenhuizen, Manager, Australian Centre for Youth Literature, State Library of Victoria;
Professor Adrian Ashman, Schonell Special Education Research Centre, University of Queensland; and,
Lesley Reece, Director Children's Literature Centre, Fremantle, W.A

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