

**A Seminar on
Knowledge Resource Management (KRM) 2016: Digital Contents Copyrights and
Libraries**

Organized by Department of Library Scs. TMH, & HLAI

Tata Memorial Hospital, Mumbai
28 -29 Jan 2016

A Report

The Dept of Lib Scs. (Digital Library) Tata Memorial Hospital has been organizing the KRM seminars since 2007. The HLAI always joined in this endeavor. The success of the past four Seminars with progressive and current themes addressed the most practical aspect of librarianship. This prompted us to continue this endeavor. KRM (Knowledge Resource Management) is a brand name among the information professionals that opens a platform for discussing and debating on the trends in knowledge resource management. Digital Library of Tata Memorial Hospital, Mumbai in association with Health Science Library Association of India (HLAI) has been organizing KRM biennially with current and relevant themes.

The KRM 2016 is fifth in the series with a focused theme - "Digital content, copyrights and libraries".

The digital age/environment has complicated the issues of IPR / copyright compliance for library professionals and end users. The easy to use technologies demand for and subscriptions to e journals and e contents from publishers and development of repositories and other in-house resources, ownership and access rights, and related aspects have embedded IPR issues. The copyright and over all IPR is constantly impacted by the digital resources namely the e- journals. The contents databases further complicate the issues. Considering these developments, the India copyright law was revised in 2012. The revised Copyright law of India does not clearly specify its implications for libraries and their services and requires an insightful thinking. The seminar's objective was to fill this gap of understanding and compliance.

KRM 2016 held on 28th and 29th January, 2016, was an attempt to stimulate a collective thinking on digital contents and copyright in the present scenario. It aimed to improve the understanding on IPR related matters to e-resources, and their compliance from experts, discussions and sharing the best practices using state of the art technology.

This two days National seminar would comprise of invited presentations, guest lectures, panel discussions, case studies, and demonstrations of relevant products, to educate participants of copyright laws and their implementations in libraries and enable interaction, and allow sharing of

experiences. The seminar was attended by 43 delegates from various states of the country like Kerala, Bangalore, Gujarat, Parbhanai, Chennai, Pune, Kolkata apart from Mumbai.

The major topics covered during the event were:

1. Major IPR challenges for libraries in the digital environment, IPR conflict of open access
2. Perspectives of librarians, publishers and end users – Copyright basics, fair use, digital rights; licensing, MOUs
3. Copyright laws – updates and revisions, Legal restrictions and technological advances like easy distribution, remote access, future-3D printing, etc.
4. Copyrights management in academic Institutions, and corporate world, academic integrity vs copyright infringement, E-resources, Creative Commons
5. Publishers view on copyrights of licensed material, and open access
6. possibilities, acquisition for repositories
7. Plagiarism

Day One: 28th January 2016

Inaugural Function

Dr. Medha V. Joshi, Organizing Secretary, KRM-2016, welcomed the guests and delegates. She briefly introduced KRM-2016 and its objectives. She also stated that KRM is a platform for LIS professionals and End users to network interact with new members, share experiences and practices, and address issues of common concerns of matters related to library and its services, user needs and newer trends. The ever developing newer trends in technology, e-resources, and user information needs, create gaps and complexities for library activities and access. These changes constantly throw challenges to LIS professionals. In order to understand these, to discuss and meet user expectations the KRM series has every time addressed new issues and introduced new topics. The present trend of integration of several heterogeneous resources on single platform and single interface seem to look like converging the different pathways viz., technology (storage and access), collection and user needs.

Dr. Kailash Sharma, Director, Academics and Research, Tata Memorial Hospital, Mumbai delivered a welcome address. Dr Sharma observed that KRM always focused on current trends and appreciated efforts of Digital Library's facilitation for events helping in capacity building. The program was focused with holistic view of the copyright issues faced by libraries and end-users. These perhaps were not well described by law, posed problems of implementations in all spheres. Emphasizing the importance of the detailed discussion on the topic and the seminar, he hoped the seminar would have a good outcome in terms of understanding and implementations. He felt that the seminar will

initiate detailed discussions on the topics and all aspects of IPR with copyrights in particular and create maximum awareness of copyright among the patrons. He advised that librarians should take upon themselves to educate the end users and all other stake holders.

Keynote Speech

Keynote Speaker: Dr. Shishir Jha, IIT, Mumbai

Topic: “Prof., No one is reading you: the future of library at cross Roads”

Dr. Shishir Jha set the tone of the seminar and discussed about the challenges faced by librarians and libraries. His talk shed light on the relationship of readership or usage, publications in journals with high impact factor, copy right assertion and the severely escalating cost of journal publications. Readership is limited as almost all scholarly publications are not in open access. Citing example of IIT B library, which faced a 50% cut on journal subscription budget, he opined that volumes of Journal based knowledge generation is increasing considerably and such budget cuts harm the maintenance/ and sustenance library collection and satisfying user needs.

Prof Jha’s talk mostly focus on impact factors, open access and concerns over moving to super computers i.e. completely digital libraries. He suggested that libraries be viewed as Economic Unit. The whole publishing model is publish free and pay for view i.e. the authors submit articles for free, in talk he also touched upon the different aspects of impact factors (IF) , false hierarchy, work is protected behind copyright walls, and high pricing which have become ineffective proxies for scholar reputation and may not result in high readership. He observed that the irony lied in large contents, high costs, fewer readers and majority of content being “orphaned material”. The problems of publications, readership or usage and journals economics were detailed with appropriate examples and were derived from his studies on the same topic. He felt that all this is leading to changing scenario of traditional libraries and advancement of super computers.

Tracing the changes in Copyright Law from 1790 till date, he showed how all commercial and non-commercial became copyright protected and also felt the peer review was the biggest stumbling block. This crisis needs to be addressed with policy intervention. The session concluded on the note that though libraries are becoming digital and are driven by technology and on demand needs, lots of needs to be managed for digital information as well. The LIS knowledge can be put to practice to manage digital content. The libraries and library professionals need to be future ready for such a situation.

Technical Session – I: Copyrights from Publishers Perspectives

Dr. H.S. Siddamallaiah delivered the invited lecture and also chaired the session. In his talk on “MOU, Licensing of e-resources”, focused on the clashes of intentions among creators, investors, mediators and users and its impact on the libraries. The fact that license encapsulates the rights and privileges that a copyright holder grants, and is a legally binding contract with publisher and the libraries, Dr Siddamallaiah pointed out that licensing varies with different target groups, ex. Publishers and libraries, publishers and authors, publishers and end users etc. and discussed in detail the key

features of a licenses, different relationships and licensing process with these groups. He concluded emphasizing on pre-cautions to be undertaken before subscribing to and licensing of e-resources.

Mr. Amit Verma, National Manager, Wolters Kluwer spoke about “Copyright Restriction of Using Licensed Materials by users of Library” bringing in publishers perspective and expectations of licenses terms and conditions and users’ usage. He gave clarifications on terms and nomenclature used in licenses like - Authentic User, Corporate Market, Academic Institutions, Medical Service Provider, Public Library and Legal Advice. He justified that, understanding of these entities and terminologies is very important for product pricing and access purpose. He also explained about copyright and fair use from publisher’s point of view.

Technical Session – II: Copyright Management– Digital World & Internet

The session was chaired by Dr. Siva Chidambaram, Chief librarian, B B Dikshit Library, AIIMS New Delhi. The chair shared his thoughts about the session topic and felt the digital world is making the understanding and implementation of copyrights very complex and felt the sessions speakers will bring clarity to the issues in digital world. He introduced the speakers.

Mr. Kishore Ingle, Manager TCS- IRC Pune, shared copyright and IPR compliance practices and experiences at TCS Learning Resources Centres. He illustrated his talk citing examples of how TCS learning centre set about the process and practice of protecting the IPR. The development of Tata Code of Conduct, User Education and sensitization of IPR and Copyrights issues were shared emphasizing that revision and updates of codes and practices are essential to keep in line with the updates in law. The centre continuously conducts training programmes IPR and its protection, organizes several lectures and promoted code of conduct with premises through posters and discussions to bring about awareness and educated library staff and users. The talk was well illustrated with examples of posters, etc. for general awareness.

The Next invited speaker Mr. Ajay Dave a Chartered account by profession with expertise in solving bank and cyber frauds, discussed about digital content, categories of digital content, digital content protection, difficulties of digital content in social media and networks. Librarians being custodians of someone else’s knowledge assets, it is necessary to ensure its protection. He identified different categories of digital content and the most common copyright violation is password sharing, distribution of copyright material through emails uploading, etc and suggested installation of appropriate and reasonable level of security and password protection. Water marking documents is one method for reducing copyright violation. Give username and password for each person to login into the library. He also cited many examples from Google, Facebook, Twitter etc. and their practicing to protect the Copyrights. His talk focused on copyrights in Internet and social media. Citing several examples of fraud and how they are happening across, it is very difficult to notice it at

early time. Citing ample examples of term and condition on social media, he highlighted the differences between various social sites and search engines, and the meaning of in between lines and with risks of fraud and illegal use of one's data. He emphasized the importance of carefully reading T& C before accepting these and accordingly uploading the information is necessary, and It is necessary to bring awareness amongst Users.

Ms. Poornima Joshi presented a contributory paper on "Legal Restrictions and Libraries". She discussed Legal Restrictions and Libraries and posed a set of questions/problems encountered during librarianship practices. These questions were grouped into four broad categories viz. downloading and printing, ethical aspects of services, accessibility issues and law and compliance.

Technical Session – III: Copyright Law – India and International

The session was chaired by Mr. N.V. Sathyanarayana, Chairman and MD, Informatics India, Bangalore. Citing an example of an Indian library, of being penalised due to lack of knowledge of copyright law, the chair introduced the session topic and the importance of understanding the law. He opined that it was very thoughtful to invite the legal experts to speak elaborately on the same. He then introduced the speakers - Advocate Mario Sequeira and Advocate Amrut Joshi and invited them to the dias.

Adv. M. Sequeira initiated the session. In his talk entitled "Libraries and Copyright Law – Striking the Right Balance" , he elaborated on various concepts of the concept of copyright, theories of copyright like – fairness, welfare, personhood, and culture, the copyrights statute, what qualified copyright, Types of rights from legal point of view. He discussed in detail Sections 51 (1) (O), 52, and 52 (I) (P) of Indian Copyright Act of 1957 & 2012 which directly implied on library activities and cited several examples from practice to bring in clarity. He also described the three step test to decide on copyrights of the property. He also highlighted the issues of authorship and ownership of contents and suggested that this can be addressed by having an institutional policy as it will resolve most problems in copyright. The post lectures several questions were raised that mainly focused on fair use, copying of library material, responsibilities of librarians, ownership and authorship issues. It was observed that maximum interactions happened post Adv M Sequeira 's lecture and was the most appreciated in the feedback.

The next speaker, Advocate Amrut Joshi further enumerated the law. His talk on "Libraries and Copyright Law: What needs to be Understood?" simplified the legal point of view and deliberated on fair use doctrine and first sale doctrine for libraries. Citing various cases with related to Copyright Law, to differentiate the different interpretation of law in different contexts and in places across the globe, vulnerability of libraries to copyright infringement. Examples of cases like - Chancellor Masters and Scholars of The University of Oxford Vs. Narendera Publishing House, V. Ramaiah Vs. K. Lakshmaiah (1989) PTC 137 regarding the original work "Girija Kalyanam", CCH Canadian Ltd. Vs. Law

Society Canada and other such case studies were discussed to understand the infringement in photocopying of copyrighted material. He summarized his talk with advise on precautions libraries should follow in practice.

This session was very interactive during the talks and also at the end of the talks. . Post presentations, several questions were raised by participants. These mostly were related to photocopying, permissible amount of photocopying for fair use, and inter lending of material, and the rights of libraries in serving and satisfying user needs using electronic material. The legal experts answered to all queries suggesting solutions and emphasizing that often the cases are resolved on case to case basis.

Day Two: 29th January 2016

Lead Lectures

The day began with Mr. Sathyanarayana speaking on “Regulatory Controls and Compliance on Digital Content”. He enlightened participants on development of government policies on electronic resources and the regulations. While discussing the Direct and Indirect Taxes, he critically examined the Applicability of Direct taxes like Service Tax, TDS, Sales Tax and Custom duty on educational content and software in print and electronic resources particularly electronic journals. The changes in the Section 9(1)(vi) of IT Act and its amendment in 2012 were compared to indicate the impact on libraries and over the business of e journals. He opined that “too many conflicting and controversial Court and Tax Department Rulings” were further complicating the matter. These government policies and regulations have severely affected journal pricing policies and has impacted libraries their budget and expenditures. He opined that these taxes are affecting libraries and their relationship with publishers and agencies.

While summing he felt that though “*Regulatory Compliance is an essential character of good governance, be it academic or corporate*” – “*The government funded organizations should play proactive role instead of being passive spectators in both compliance and in urging Government to simplify the Laws*” (Quoted from his Slides).

His talk was an eye opener to all on how the IT law and copyright laws are affecting the budget and the access to e-resources / e content in educational and research institutions.

The Guest Lecture

Speaker – Adv Marzia Dalal

Title - “Copyright Issues in the Digital World”

Ms. Marzia Dalal initially discussed various terminologies in copyright acts – sections 51 and 52, and briefly also touched upon the international conventions. This clarified the concepts and terminologies related to IPR in General and Copyright in particular. Her talk focused on copyright

infringements and its types viz., Direct, Contributory and Vicarious Infringements. Describing the exceptions to infringements i.e. fair use clause, she also touched upon the Digital Millennium Copyright Act, 1998 of USA and felt that such an Act is also necessary for India to meet the demands of the Digital Age and to be in conformity with the requirements of the World Intellectual Property Organization (WIPO). Such act would help in addressing issues related to archival preservation, distance education activities; the circumvention of technological protection measures, making copies of computer programs, etc. and the limitations of Online Service Provider on transmission of digital content was also discussed. She discussed few guidelines, strategies and policies for libraries and provided some guidelines on permissible photocopying limits to provide better access and services to patrons.

Technical Session IV: Impact of Copyright on Library Services & Librarianship

Dr. P.A.Gokhale , Former University Librarian, Mumbai University chaired the session. She placed her views impact of copyrights in librarianship, introduced the speakers and invited them to deliberate.

Dr. Prabhakaran, head SIRC TIFR, in his talk “Copyright Compliance in Academic Libraries” stressed on the importance of copyright laws and its compliance and in order to achieve this, it was necessary for every organization should have its own comprehensive copyright compliance policy. He also discussed the key features that should be included in the policy. He explained the process at TIFR and that it is required of Researchers in TIFR to seek permission from the copyright holders to re-use some content in their publications. TIFR also has constituted a Copyright Committee at TIFR and is in the process of developing guidelines for copyright compliance. He also shared his experience of multisite licensing and MOU requirement for electronic / digital contents. He appealed to librarians to use Creative Commons, Open Access initiatives and open source software for providing better services at academic libraries without having any hassles of copyright issues.

Ms. Vasumati Sriganesh, Q-Med Foundation, deliberated on “Copyright Clearance Centers and Management of Copyrights” and shared her experiences at QMed foundations. The Copyright Clearance and procedures were explained in detail. She shared her experience of being an entrepreneur and how her companies have been working for providing medical information services to industries.

Technical Session-V: Repositories, Self Archiving, Open Access & Copy Rights

Chairperson: Dr. H.S. Siddamaliah invited Mr Pankaj Jain from Wolters Kluwers demonstrate their product. Later he invited Dr Mahendra Jadhav and Ms C Chitale on dias

Dr. Siddamaliah explained about the Open Access Projects and their impact on library operations. He discussed about myths and reality with regard to open access and their advantages. He promoted the concept of creative commons and discussed about the role of librarians.

Dr. Mahendra Jadhav, Deputy Librarian, IIT, Chennai in his talk on “Repositories and Copyrights Management” focused on digital content on Institutional Repositories (IR) and involvement of copyright and also touched upon the access versus rights in relation to IR. He also share the steps involved in steps to be followed while building the IRs, clearing all myths of what goes into the IR. He shared his experiences of building IRs at IIT Mumbai Library and IIT Chennai Library. A brief description was made about SHERPA Project and Open Source Software used for building digital libraries / IRs.

Ms. Chitralakha Chitale, Librarian, L. T. College of Engineering, talked about Institutional Repositories, Copyrights and Best Practices at academic set up. She presented a review of literature to expand upon the practices world over and shared the issues which are affecting the promotion of IRs, provided some solutions for building IRs and best practices to be performed for rendering better services to user community.

Mr. Santosh Hulagabali, Librarian, Khandwala College, presented his views on “Inaccessibility of research metadata” in Indian Context. He shared the difficulties faced in accessing the metadata of research projects funded by various public funding agencies. He also opined that funding agencies like CSIR, ICSSR, DBT, UGC etc. had not given due importance for archiving as well as holding the metadata. This inaccessibility of research metadata was leading lot of duplication in research. He shared some case studies from overseas and India and he proposed to have one common platform for archiving the metadata.

Technical Session - VI : Education and Research

Chair Person: Dr. Sushma Powdwal, Former University Librarian, SNDT University, Mumbai

Dr. Sushma Powdwal set the session by delivering a talk on “Academic Use of Copyright Materials”. She briefly discussed on copyrights in libraries covering conventions, fair dealing, and photocopying requirements, she elaborated on user needs and demands about users of copyrighted materials in academic settings. She also elaborated on the changing scenario of academic libraries – digital contents, IR, digitization orphan works, scholarly communications, Digital rights management etc. their impact on librarianship and role of librarians in the digital environment with illustrations and examples.

The next speaker, Mr. Jatin Bariaya discusses the issued in “Remote Access and Copyright management”. He presented case studies of WKC-GE Global Research Bangalore, IIM Ahmedabad and discussed about digital content concerns like access, usage and management. The methods of remote access, single window access, log in were also discussed in detail.

The chair invited Ms. Hemanalini, Librarian, Cancer Institute, Adyar to deliberate on “Plagiarism”. Ms Hemanalini, explained that plagiarism is also a copyright violation as no credit is given to the creator. During her brief talk she described the concept of plagiarism, types of plagiarism and measures to be adopted to avoid plagiarism with illustrations.

Summing Up

The in-depth discussion on digital contents and copyright came to an end on 29th Jan. 2016. Mr. Ramesh Paloti, Librarian, Bhavan’s College, Mumbai summed up the deliberations and brought to the fore the highlights of the two day deliberations.

The two days deliberations covered challenging demands of copyrights protection in digital environment, needs of users, and supporting services with compliance to the law, and also provided the opportunity for delegates to share, discuss and understand their thoughts, thus achieving the objectives of the KRM 2016. The observations and recommendations that emerged from KRM 2016 are:

1. All institutions must have Copyright compliance committee and copyright policies / guidelines for its staff and adhere to the same. Library Head to be involved with the committee. The same be revised periodically
2. Library Professionals should make use of Section 51 (1) (O), 52, and 52 (I) (P) of Indian Copyright Act of 1957 & 2012 for providing better services to patrons without violating copyright law
3. Libraries should create awareness and educate end users on appropriate use of copyrighted material
4. Librarians must observe copy right compliance and develop appropriately worded Declarations and Guidelines for all
5. Need to develop a “Standards for Licensing Agreement” with few mandatory clauses for all types of contents and libraries, protecting the library activities and services. and pricing matters
6. The LIS Curriculum should cover more details of Legal Aspects of MOU’s and Licensing Models
7. Libraries and Librarians should understand and update themselves all new additions to Copyright Laws to safeguards interest of institutes, libraries and end-users.

8. Libraries and librarians should advocate and promote Open Access and Creative Commons
9. All libraries must frame appropriate IRs policies and guidelines and recommendation for Separate administrator or Manager to manage IRs were made.

The event concluded with a vote of thanks to all members of organising team, speakers and delegates by Dr Medha Joshi.

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