



III Międzynarodowa  
Konferencja OA

### III Międzynarodowa Konferencja Open Access w Polsce „Otwarta nauka i edukacja”

13-14 marca 2012, Bydgoszcz, Polska

### III International Conference Open Access in Poland “Open learning and education”

March 13-14, 2012, Bydgoszcz, Poland

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Copyright for librarians — a presentation of a new educational offer for librarians

**Abstract:** *The paper introduces the idea of the course and describes type of cooperation established while realizing Polish edition of the project “Copyrights for Librarians”. The paper also presents content of the course, which is a key issue for librarians and other people interested in the problem of copyright in library environment. A structure of the course and the way a the new platform has been implemented are also described in the text.*

**Keywords:** *copyright for librarians, e-learning*

## 1. The project's idea

The XXI century is known as the age of the Internet and we see ourselves as an information or cognitive society<sup>1</sup>. Nowadays, information has become the most valuable of all goods — it's an object of trade just as good as any tangible property. The access to information is increasing with the demand for knowledge and the electronic publishing is becoming especially important. This is caused by the possibility to use digital materials anytime and anywhere — according to the user's preferences. We can find them i.a. in repositories, which are specific *open access*<sup>2</sup> web portals, created within the scope of a global movement towards open education and open access to knowledge.

In practice, open access means unlimited access to free publications. The authors of these documents keep full legal protection of their work because it's shared with the preservation of copyrights. Resigning of the remuneration payable upon the use of work is beneficial both to the authors — it improves the publishing process and increases the number of citations — and to the society which gains easy and fast access to high-quality publications. In consequence, open access contributes to the information society development.

The Open Access Movement makes knowledge resources available in two forms:

1. as free periodicals containing previously reviewed publications. One advantage of digital periodicals shared within the open access is a

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<sup>1</sup> Compare: ZACHER, L. *Transformacje społeczeństw od informacji do wiedzy*. Warsaw: C. H. Beck, 2007, p. 25-72.

<sup>2</sup> Check: NAJSAREK, P. Terminologia Open Access — o czym warto wiedzieć? *Biuletyn EBIB* [online]. 2006, no. 3 (73) [Cited 21.03.2012]. Available from Internet: <http://www.ebib.info/2006/73/najsarek.php>.



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considerable reduction of the costs of publishing — they are limited to the costs of the review process and providing server space. Universities and foundations often cooperate in such publications.

2. as repositories for academic resources without content-related assessment or review procedure. They are not published periodically and are not stored in alphabetical order.<sup>3</sup>

An example of using the possibilities offered by open access in a librarians' work in a project named *Copyright for Librarians* — an open program about the copyright. It is a translation of the project by [Berkman Center for Internet & Society at Harvard University](#)<sup>4</sup>.

The project was started by the [EIFL](#), an international organization founded in 1999, working in collaboration with libraries in more than 60 developing and transition countries in Africa, Asia, Europe, and Latin America. The watchword of the organization is *knowledge without boundaries* and the mission — enabling access to knowledge through libraries in developing and transition countries to contribute to sustainable economic and social development<sup>5</sup>.

In 2011 and 2012 the students of the Faculty of Law and Administration at the Nicolaus Copernicus University in Torun (Wydział Prawa i Administracji UMK w Toruniu) together with the students of the Faculty of Law at the University of Białystok (Wydział Prawa UWB) prepared the Polish version of the course. Using the pattern built by the Berkman Center members, the students created an e-learning platform that explains the difficult issues of copyright to librarians.

The supervisor of the project was Monika Wałachowska PhD (WPiA UMK). The coordinator of the Polish adaptation was Beata Marek (the President of Student Scientific Group of Law and Technology), the advisors were: Daria Gęsicka MA (PhD student from WPiA UMK in Torun) and Magdalena Rutkowska MA (PhD student from WP UWB). Bożena Bednarek-Michalska from the University Library in Torun was a content editor; Dominik Mirosław Piotrowski, a PhD student from the same university, was a technical editor.

## 2. Course structure and content-related values

The course consists of nine modules with each chapter translated from English. The information about the Polish copyright was added to the course content. The additional materials were also provided in the form of: film clips, links to websites of Polish institutions working on the intellectual property protection and promoting culture, links to the subject literature and to the jurisdictions.

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<sup>3</sup> SUBER, P. *A very brief introduction to open access* [on-line]. [Cited 21.03.2012]. Available from Internet: <http://www.earlham.edu/~peters/fos/brief.htm>.

<sup>4</sup> All the references to the Internet refer to the versions of 21.03.2012.

<sup>5</sup> Check also: *Who we are?* [on-line]. [Cited 21.03.2012]. Available from Internet: <http://www.eifl.net/who-we-are>.



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The course contains an introduction with general information on the course, a small dictionary of expressions helpful in understanding the content and a list of legal acts which are mentioned in particular modules.

Module 1. *Copyright and public domain* explains the basic notions of the copyright and emphasizes the issues that occur most frequently in librarian's work. The following chapters go into more detail on these issues.

Module 2. *International agreements* is a characteristic of the system of copyright protection. It's an analysis of the system mostly from the developing countries' point of view; it points out what impact these countries may have on international copyright regulations.

Objective and subjective scopes of copyright were introduced in Module 3. This module presents particular types of works and points out how they are protected by the law and who owns their copyrights.

Module 4. *Limitations to copyright — permitted uses of copyright-protected works* is a description of right holder's intellectual property rights and their limitations and exceptions. This module focuses on legal provisions that establish free use of works for libraries. They are permitted to: reproduce works using reprographics, produce copies for the readers, enable access to copyright protected materials on the computers in the library, interlibrary loans.

Module 5. *Copyright management* and module 6. *Creative Commons Movement and other initiatives* present copyright management systems and explain legal provisions concerning entering into transfer of copyright agreement and granting a license to use the work. The rules of *Open Access Movement*, that promotes the idea of a free and common access to educational resources, were also explained.

Module 7. *Means of protection in case of copyright infringement* and its legal consequences. In this module we'll find an introduction to procedures: issues concerning executing copyright by the right holder by means of an action of law, the course of proceedings, methods of dispute resolution. The role of libraries and librarians in this process was also presented.

Module 8. *Cultural traditions* is dedicated to cultural heritage. It's an attempt to find an answer to questions: how should we consider the tradition nowadays? Is it necessary to consider cultural heritage as an object of intellectual property right? What instruments of international politics should be used to guarantee its legal protection? These dilemmas are illustrated by examples of solutions already in place in various countries.

Module 9. *Social activation* is the last part of the course, aimed mostly at librarians from developing countries who want to have an impact on the changing legal system



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of copyright. This module is a description and an analysis of activities that were undertaken in this case and it's supposed to arouse reflection and discussion on the shape of contemporary intellectual property right.

The modules were built on common pattern. The beginning is a case study whose solution is reached by means of supporting questions asked during the actual lesson. After thorough study of the material we can present legal and actual justification of our problem. The course participants who want to broaden their knowledge are given access to a list of additional resources — literature, judgment catalogue numbers concerning the particular issue and subjects for further discussion. They also have the possibility to check their knowledge by means of tasks and questions.

### **3. Using the e-learning platform**

The materials are divided into 5 levels designed for specific groups of course participants. The module scheme was designed in such a way that finding the most interesting information is possible both for teachers and students who participate in course on their own.

Level 1 is for the participants who want to gain knowledge on the subject of copyright and its impact on librarians' work in various countries, including Poland. These students should read modules 1-7 and complete the additional tasks.

Level 2 is for persons more interested in copyright theory and international copyright laws. Modules 1-9 and introduction contain information useful for these participants.

Level 3 is designed for those student who attend class on copyright during a given term or want to deepen their knowledge on the subject of copyright and problematic issues occurring during the process of establishing copyright laws. They should read modules 1-7, module 8 (chapters 1-4, 7 and 9), module 9, introduction, dictionary, complete additional tasks and read additional resources marked with red color.

Level 4 is designed for the users who deal with the subject of copyright on a professional ground. The modules 1-7, 8 (chapters 1-4, 9 and 9), module 9, introduction, dictionary and additional tasks and resources (marked with red and green color) are recommended for these users.

Level 5 should be used by academic professors who prepare for lectures on the subject of copyright. They should read modules 1-9, introduction, all additional resources and links and complete additional tasks.

The course is available after logging on the Moodle platform: <https://moodle.umk.pl/BU/login/index.php?loginquest=true>. The platform is available for: the professors and students of the Nicolaus Copernicus University registered in USOS system and other people who don't have individual account (guests).



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The course materials are available in three ways: as a basis for self-learning for librarians, as a useful resource for academic lectures or as materials in e-learning system.

The e-learning platform is available both on- and off-line. Participating in the course without Internet access requires downloading materials in PDF format. This file is available in *General Information* (Informacje Ogólne) on the main page of the project.

The materials prepared within the scope of the *Copyright for Librarians* project have the *Creative Commons CC BY* license. This license enables those who agree on its terms to use, share, translate, modify and create new materials based on the actual content with a clear indication of the author of the original work.

#### 4. Summary

The librarians are a specific professional group that deals with works understood in the copyright meaning on a daily basis. They make resources accessible, gather and compile materials, both in traditional and digital form, which is not legally indifferent. Because of the strict rules of responsibility on copyright infringement (responsibility on risk basis in case of direct infringement or responsibility on guilt basis in case of indirect infringement (art. 422 c.l.) it is important for the librarians to work with applicable discretion and due diligence.

Acting in ignorance may discourage undertaking initiatives for open access to knowledge. From the librarians' point of view it is very important to define: work, authors' rights, legal means of their works' protection, permitted personal use, permitted public use and some of the ancillary rules — first print rights and right to scholarly or critical edition.

Because of the fact that the libraries offer more and more foreign publications, the knowledge of the rule of territory and international law provisions is becoming more important. Using and sharing works via digital networks is also crucial. It is especially important to know what law is applicable in the Internet or if sharing content on-line may change the scope of application for the laws applicable for traditional forms of sharing. The authors of the *Copyright for librarians* course answered those questions.

Thanks to the commitment and cooperation of the Faculty of Law and Administration at the Nicolaus Copernicus University, University Library in Torun, Student Scientific Group of Law and Technology and Student Scientific Group of Intellectual Property Law, Media and Internet from the University of Białystok it was possible to create an e-learning platform that supports librarians' work. It should be emphasized that the course is not a legal counsel and should be treated only as a handbook that contains general information on the subject of copyright in Poland and in foreign countries. The actual states described in the course are examples and starting points for further explanations of particular issues.



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Each participant of the course may give their opinion on the functioning of the platform and its content. The librarians' community may actively take part in the development of the project by sending information on the copyright issues that occur during their work or by presenting specific cases or examples of judgments.

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#### Biography

<http://cyberlaw.pl/beatamarek/>

Beata Marek is 5<sup>th</sup> year law student at the Faculty of Law and Administration of Nicolaus Copernicus University in Torun. She is also a chief editor of „Przegląd Prawa Technologii Informacyjnych — ICT Law Review”, a member of Internet Society (ISOC Polska) and International Cyber Threat Task Force (ICTTF). She coordinated Polish edition of international project “Copyrights for Librarians” created by Berkman Center for Internet and Society at Harvard University in cooperation with EIFL.

She actively supports scientific movement as a lecturer, an author of publications and a projects coordinator. In her scientific activity she focuses on problems of cybercrime, Internet torts, digital copyright and TMT law.

The author runs her own blog Cyberlaw.pl (<http://cyberlaw.pl/beatamarek/>) and she has a passion in technological innovations.

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