THE ETHICS OF COPYING IN LIBRARIES: PIRACY, IGNORANCE AND CIVIL DISOBEDIENCE

Chris Morrison – Copyright, Licensing & Policy Manager
University of Kent
University of Kent

- Founded in 1965
- Annual income £267.1m
- 20,135 students
- 15.7% from outside the UK of 157 different nationalities
- Gold rated in TEF (Teaching Excellence Framework)
- Top 20 research intensity in REF (Research Excellent Framework)
- Kent and Medway Medical School opening September 2020
Confessions of a copyright geek
Copyright History timeline

- Invention of the printing press: c. 1440
- Founding of Royal Society: 1660
- Statute of Anne: 1710
- Berne Convention: 1886
- Copyright Act 1911: 1911
- Copyright Act 1956: 11/5/1956
- Changes to UK copyright law: 2014
- 2018
Copyright and Digital Cultural Heritage: A Brief History of Copyright

Written by Ronan Deazley, April 2017

In this commentary, we provide you with an introduction to the history of copyright in Britain, from the late fifteenth century through to the present day. For relevant commentary on the early history of copyright in other European jurisdictions, such as France, Germany, Italy, the Netherlands and Spain, see Primary Sources on Copyright 1450-1900.

Locating contemporary copyright law and policy within a broader historic sweep is important for at least two reasons. First, it reminds us that there is nothing inevitable about the current parameters of copyright law. That is, copyright is a contingent phenomenon; it represents a set of rules and principles that change over time, and vary from jurisdiction to jurisdiction. In this sense, copyright is very much about policy rather than property. Second, and perhaps more important, practitioners that deal with and manage historic documents often need to be familiar with the details of copyright legislation predating the current legal regime. For example, identifying who is the author or owner of the copyright in an historic work can turn on knowledge and understanding of copyright laws that have long since been repealed.

This brief history of copyright is presented in four main sections dealing first with the pre-history of copyright (1476-1895), before considering major developments throughout the eighteenth, nineteenth and twentieth centuries. It provides an account of the key moments in the historical development of copyright law in Britain, and offers some insight into the different theoretical and regulatory models that have shaped copyright law.

https://copyrightcortex.org/copyright-101/chapter-2
What is copyright?

 Works
(The things it protects)

 Licences
(Legal use with permission)

 Usages
(The activities it regulates)

 Exceptions
(Legal use without permission)
The ethics of copying

Photo by Kristina Paparo on Unsplash

By internets_dairy - Flickr: Johann Hari, CC BY 2.0, https://commons.wikimedia.org/w/index.php?curid=77273716

Kim Dotcom By Hagen Hopkins - Own work, CC BY-SA 4.0, https://commons.wikimedia.org/w/index.php?curid=43499357
Copyright infringement and plagiarism

"If you must write prose/poems
The words you use should be your own
Don't plagiarise or take "on loan"
'Cause there's always someone, somewhere
With a big nose, who knows
And who trips you up and laughs
When you fall”

Cemetary Gates by the Smiths (Morrissey/Marr)
Technology and plagiarism
Copyright infringement and plagiarism

The Difference Between Copyright Infringement and Plagiarism

By Jonathan Bailey  •  October 7, 2013

Eight years ago (nearly to the day), shortly after the launch of the site, I wrote an article entitled “Copyright Infringement, Plagiarism and Fair Use”. However, the age is beginning to show on the article (both literally and figuratively) and I decided to come back to the topic with fresh eyes.

The reason is that this is a site that deals with both plagiarism and copyright issues on the Internet, specifically, the intersection between the two. This site was founded as a resource for detecting plagiarism of copyrighted works and stopping it, generally using copyright law.

However, to complete that mission, it is important to understand the differences and similarities between plagiarism and copyright infringement. This is because, even though the two have a great deal of overlap, they also have key differences that content creators need to be aware of.

So, without any further ado, here’s a brief look at copyright infringement, plagiarism, their similarities and their differences.

https://www.plagiarismtoday.com/2013/10/07/difference-copyright-infringement-plagiarism/
“acquiring and demonstrating the appropriate knowledge, skills and behaviours to enable the ethical creation and use of copyright material.”

Secker and Morrison, 2016, p.211
Copyright as an Experience

Category 1: Copyright is a problem

Category 2: Copyright is complicated and shifting

Category 3: Copyright is a known entity requiring coherent messages

Category 4: Copyright is an opportunity for negotiation, collaboration and co-construction of understanding

Morrison & Secker (2017)
“Many librarians’ work involves regularly dealing with copyright. From public libraries, to specialized and research libraries, questions arise around lending, the legal deposit, accessibility, preservation and many more activities. Furthermore, librarians are increasingly becoming a reference point for library users, faculty members and many others seeking for clarification on copyright-related matters.”

https://www.ifla.org/node/67012
The case for copyright literacy – informed risk vs ignorance
Open Educational Practices

Open Educational Resources
Open practice, librarians and information literacy

https://copyrightliteracy.org/2019/05/03/information-literacy-and-open-access-two-movements-one-aim-2/
Open practice, ideology and idealism

Jane Secker on panel at CopyCamp 2018 -
https://copyrightliteracy.org/2018/10/15/reflections-on-the-opening-panel-at-copycamp/
Scholarly vs copyright culture

LEGAL FRAMEWORKS AND LITIGATION

Who’s suing who and how is the law changing
SciHub

...to remove all barriers in the way of science

enter URL, PMID / DOI or search string
SciHub – the librarian’s response

Scientific publishing is a rip-off. We fund the research - it should be free
George Monbiot

Those who take on the global industry that traps research behind paywalls are heroes, not thieves

Sci-Hub; the Librarian's response

In this guest post by Ruth Harrison, Yvonne Nobis & Charles Oppenheim they tell about the challenges that Sci-Hub presents to librarians who are advocating for open access to scholarly content. We published this post in recognition of the fact this week is Open Access Week and around the country many universities, our own included, having been showing the film Paywall: the business of scholarship, to highlight issues associated with open access and scholarly communications and the views reflect that of the authors. Ruth Harrison is Head of Scholarly Communications Management at Imperial College London Library Services, working in various research support areas including open access, research data management, information literacy, copyright and responsible metrics. As a librarian, her aim is achieving fair and equal access to knowledge. Yvonne Nobis is Head of Science Information Services at the Betty and Gordon Moore Library where she has been involved in many open initiatives over the last 8 years. Prior to becoming a Librarian she was a publisher for both Elsevier and Proquest.

Meanwhile Charles Oppenheim was until 2009 Professor of Information Science and Head of the Department of Information Science at Loughborough University. He is currently a Visiting Professor at two UK Universities. He also worked for many years in the electronic publishing industry, primarily dealing with contracts and licensing. He is now a consultant. His principal areas of consultancy are intellectual property rights, scholarly publishing, and data protection.

https://www.theguardian.com/commentisfree/2018/sep/13/scientific-publishing-rip-off-taxpayers-fund-research

European Copyright Reform

Copyright Directives

Member State laws


EU DSM Directive and internet freedom

Press publisher right article 15*

- New right for press publishers to licence aggregation of links
- Lasts for 2 years from publication
- Does not apply to academic periodicals
- It will impact on the way links to news articles are disseminated

Online content-sharing services article 17**

- Online platforms will be liable for content posted by users
- Automatic upload filters on online platforms
- Does not apply to academic repositories
- Will it kill the meme and do machines understand fair dealing?

*previously article 11
**previously article 13
Value of library advocacy on copyright

The EU Copyright Reform: Battles Won, Bullets Dodged, and the Questions that Remain

The EU Copyright Reform was a significant development in the world of copyright laws. The reform was the result of years of advocacy and lobbying, culminating in significant battles that were fought for and against the proposed changes. The reform included provisions that would allow libraries to make copies of works for educational and research purposes, effectively dodging the bullets of copyright infringement that were previously placed in their path.

IFLA and its partners have been actively involved in every step of the process to ensure that the best possible results were achieved for the sector. Their efforts have been instrumental in shaping the outcome of the reform.

This blog post does not provide a comprehensive overview of the legislation but instead focuses on the battles that libraries have fought, the questions that remain, and the efforts that are being made to ensure that the right rules are in place to support libraries in their work.

For more information, visit the official IFLA blog on the EU Copyright Reform at [link].
Copyright literacy as part of information and digital literacy
Further reading

- Deazley, R. Copyright Cortex copyrightcortex.org
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European Court of Justice by Gwenael Piaser CC BY-NC-SA https://www.flickr.com/photos/piaser/4399442576/sizes/l
Questions