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A SURVEY OF COPYRIGHT ADVICE AND GUIDANCE IN UK HIGHER EDUCATION LIBRARIES

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Abstract

The results of a questionnaire sent out to members of the lis-copyseek discussion group in Summer, 2003 to assess who currently provides copyright advice in UK higher Education libraries and what concerns these people have. There is a clear feeling that not all the answers given are correct, even though many queries are rated as quite easy. Queries arrive from a variety of sources. There is a need for continued short courses to keep copyright advisors up to date, but lis-copyseek itself is considered by far the most helpful source of information.

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Introduction

Recent changes in UK copyright law, especially the Directive on copyright and related rights that was passed into UK law at the end of 2003 in the form of a Statutory Instrument, have made the task of providing accurate and reliable advice on copyright matters more difficult than ever for those who work in UK Higher Education libraries. Librarians are in a particularly difficult situation, since they are the natural first port of call for staff and students puzzled by copyright, yet they must be careful not to provide advice that leads a user to infringe copyright, as then the librarian may find him or her-self accused of authorising the infringement in question. This need to be cautious in giving advice (the old joke that the best advice a librarian can give to a patron is “whatever it is you want to do, don’t do it” is not that far from reality) clashes with the librarian’s ethos of being as helpful as possible to patrons.

To help librarians, for many years there has been an online discussion forum, lis-copyseek. This forum, currently run as one of the JISCMAIL discussion groups, is open to all librarians who have to deal with copyright matters. Those who sell electronic or hard copy information, licensing agencies and copyright owners are not permitted to join. The list is un-moderated and its membership largely consists of those working in higher education, although there are some members from government departments and other public sector bodies. Lis-copyseek is a fairly typical discussion group in that it has a large number of members who simply “lurk”, a reasonable number of people who pose queries and a small number of people, including one of the authors of this article (CO) who regularly respond to the queries.

Because of the increasing concern felt by some librarians regarding the emerging copyright environment, in the late summer of 2003 we prepared a questionnaire and posted it to the lis-copyseek list, inviting members to respond to it. The questionnaire is reproduced in the Appendix. It was sent as an e-mail attachment. It sought to identify what sorts of individuals were members of lis-copyseek, their sex, qualifications and job titles, and then explored how they dealt with copyright inquiries, how they kept themselves up to date and how difficult they found the current copyright environment. At the time the questionnaires were completed, the Statutory Instrument changing UK copyright law had not been passed, but there had been a lot of discussion about early drafts on lis-copyseek.

The vast majority of the completed questionnaires were returned within a week of its posting on the list. Most returns were in the form of a completed attachment, though a few were returned by post. By definition, the respondents were self-selecting; firstly, only members of lis-copyseek were approached with the questionnaire; secondly, only those who felt sufficiently enthusiastic replied to it. The results we describe below must therefore be considered as indicative of the issues that face UK librarians in higher education regarding copyright.

Results

We received 47 responses; 28 of the respondents were female and 19 were male. 20 respondents had a BA (the subjects were not always specified), 16 had a postgraduate DipLib, one had a Diploma in Information Science, 17 had an MA (again, the subject was not always specified) and four had an MSc (again, subject not always specified), and two had a PhD. 15 had MCLIP after their names and three had FCLIP.

The majority of respondents were in the 41-60-age range. Three of the respondents were aged 20-30; 12 were 31-40; 11 were 41 to 50; 17 were 51 to 60; and one was aged more than 60. A small number refused to specify their age.

Respondents' job titles varied widely, with only the following titles occurring more than once: assistant librarian (four times); copyright officer, acting librarian, learning and information systems manager and senior information officer (three times each); and resources co-ordinator, audiovisual librarians and director of information services (twice each). The vast majority worked in the library (sometimes in special collections), but a small number worked in corporate services, information systems or outreach departments. On average, they had worked in a copyright advisory role for 6.9 years; the longest was 24 years and the shortest one year.

Thirty-eight of the respondents worked in higher education; three worked in further education and one in the not for profit sector; one worked in a national library. The estimated number of staff, students and other patrons they potentially had to deal with ranged from 19 claiming they dealt with up to 5,000 to three who claimed to have to deal with potentially more than 30,000 patrons.

The respondents were then asked to rate the difficulty of inquiries of the "average" query they received. Rather simplistically, they were asked to classify their response into "very difficult", "quite difficult", "fairly easy" and "very easy". Naturally, different queries have different levels of difficulty, but all but one of the respondents stated the average query was either fairly easy or quite difficult. A slightly different picture emerged about their confidence about the answers they gave. Five were very confident, 31 were quite confident, and ten were not very confident. No one admitted to having zero confidence in his or her responses!

Precisely half of those who responded said they had external legal advice they could turn to if need be, and half said they did not. The external advisors were primarily internal legal staff (12), external solicitors (six), colleagues (three) and the University Secretary (two). One respondent each mentioned a partner in a law firm, the JISC Legal information Service, textbooks, the treasury Solicitor and the Head of Secretariat as external sources.

It is clear from the responses that library staff are in the front line of copyright advice, not just for their patrons but also for non-patrons. Thirty-two of the respondents gave advice throughout their organisation, whilst 13 gave it for the library service only. The most frequently mentioned type of person needing advice, though, were academic

staff (45 responses), students (41 respondents) and support units (36 respondents). Two provided advice to other LIS professionals.

All the ways suggested in question 12 for use when answering a query were heavily employed. 26 respondents gave training sessions and a further 13 used workshops for training purposes. Other training methods used were, in decreasing order of frequency, PowerPoint slides, case studies, giving external talks, new staff induction, VLE, tailored in house session and responding to faculty Board Minutes.

Respondents were asked to rate their agreement with two statements; the first, "I need more internal training", produced a fairly evenly split response with 11 agreeing, 18 disagreeing, but 14 saying there was no appropriate internal training available. The second statement, "I need external training" had nine strongly agreeing, 26 agreeing, eight disagreeing and two strongly disagreeing. It is clear, then, that lis-copyseek members feel the need to have more training in the copyright arena.

The respondents were then asked to rate the quality of support provided by professional associations and other bodies in this field. With 2 = doing enough and 3 = not doing enough, the average scores were CILIP 2.0, the Patent Office 2.3, CBI 2.9, Universities UK 2.7, JISC 2.0 and SCONUL 2.4. Of the other bodies mentioned, only the Law Society came in for criticism for what it was doing.

Turning to workload, on average respondents only devoted 4.8% of their time to copyright matters, with an average of about six queries per week. Thus, copyright constitutes only a small proportion of their professional duties.

All the licensing schemes listed were widely used by respondents. The respondents mentioned few other schemes. The main CLA licensing scheme, as with most of those listed, was overwhelmingly considered reasonable value for money; the CLA digitisation scheme produced a split response on value for money, whilst the Newspaper Licensing Agency's scheme was considered either reasonable or poor value for money. The only licensing scheme clearly considered to be good value for money was the educational recording Agency's scheme. Turning to the helpfulness of the various reproduction Rights Organisations, all but one of the agencies were generally regarded as being helpful. The one exception was DACS, where the majority felt it was not a helpful organisation.

Here were mixed views on what were the key issues for the future. E-copyright issues generally, scanning and digitisation and e-journal licences were considered the most important, whilst training, copyright enforcement and organisational policies were given the lowest priority.

The key sources for keeping up to date were (perhaps unsurprisingly considering the provenance of the questionnaire) lis-copyseek itself (this received 31 mentions, more than three times the next most frequently mentioned source), *CILIP Update*, the Patent Office website and the CLA Website. Workshops and seminars, the SCONUL Website and Paul Pedley's *Information Law Newsletter* were also highly rated.

Conclusions

Overall, a picture emerges of somewhat harassed library staff who can only devote a small part of their time to copyright queries, yet they receive multiple queries from a variety of sources, and some of these queries they find difficult to handle and are not totally confident about. They feel the need for external courses to keep them updated in particular. More optimistically, they clearly feel that the various discussion groups and newsletters keep them in touch with problems and queries.

The primary implication of this small-scale study is the need for continued self-help in the area of copyright in higher education, and that there is a clear market niche for continued short courses in the field. We are aware of several bodies, including lis-copyseek itself, UKOLUG, the Copyright Circle and Aslib who run such courses. With the continued changes in the law promised by the European Commission and new staff becoming involved in copyright in libraries over time, it is likely that such courses will continue to thrive.

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