

AWARENESS AND IMPLEMENTATION OF INDIAN COPYRIGHT ACT: A STUDY OF UNIVERSITY LIBRARIES

Satyaprakash M. Nikose

Assistant Professor, Department of Library and Information Science,

RTM Nagpur University, Nagpur

smnikose@rediffmail.com

ABSTRACT

This paper presents the awareness and implication of Indian copyright Act in University Libraries. It includes Copyright is important to creators like writers and artists as well as those such as publishers that own rights, as it provides them with a legal right of ownership of the work that they produce. The scope of this study was limited to three university libraries. The details of samples considered for the purpose of this study are given as University Libraries i.e. 1. Rashtrasant Tukdoji Maharaj Nagpur University 2. Veterinary and Animal Husbandry University 3. Kavi Kulguru Kalidas Sanskrit University, Ramtek. Main objective of this law is to encourage owner to create original works by providing economic rights for a limited period to exploit their work commercially and to protect legally from infringements. Copyright is a legal right created by the law of a country, that grants the creator of an original work exclusive rights to its use and distribution, usually for a limited time, with the intention of enabling the creator (e.g. the photographer of a photograph or the author of a book) to receive compensation for their intellectual effort.

Keywords: Indian Copyright Act, University Library, Awareness and implications

1. INTRODUCTION

Copyright is a form of intellectual property, applicable to any expressed representation of a creative work. Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. In fact, it is a bundle of rights including, inter alia, rights of reproduction, communication to the public, adaptation and translation of the work. There could be slight variations in the composition of the rights depending on the work.

Copyright ensures certain minimum safeguards of the rights of authors over their creations, thereby protecting and rewarding creativity. Creativity being the keystone of progress, no civilized society can afford to ignore the basic requirement of encouraging the same. Economic and social development of a society is dependent on creativity. The protection provided by copyright to the efforts of writers, artists, designers, dramatists, musicians, architects and producers of sound recordings, cinematograph films and computer software, creates an atmosphere conducive to creativity, which induces them to create more and motivates others to create.

Importance of Copyright act

Copyright is important to creators like writers and artists as well as those such as publishers that own rights, as it provides them with a legal right of ownership of the work that they produce.

This means that creators of an original piece of work can have some control over how it is used, which is not only fair but necessary for them to make a living from their talent and efforts. When they have the means to make a living from their work then they can continue to invest their time, and, in the case of publishers, their money into the production of new work.

Copyright protection is a basic pillar of any capitalist society, creating a legal framework that allows and encourages entrepreneurship by extending legal protection to industrious individuals and organizations for proprietary, intangible assets. Understanding the importance of copyright laws can dissuade would-be thieves from attempting to profit from others' creations, and is a must for all businesses using proprietary images, audio works or written materials

Meaning of Copyright:

The very word 'copyright' itself denotes to right to copy and this exclusive right conferred to entrepreneurs like publishers, film producers, and record manufacture that they can attach commercial value to their works.

Copyright is an exclusive right to dispose of, sell and commercially exploit an intellectual work, by means of printing, lithography, graphic production, photography, a cinematograph film, gramophone record, recitation, theatrical representations, translation, adaptation, performance, broadcast transmission, or any other form of reproduction, multiplication of copies.

Definitions of Copyright

- Oxford English Dictionary defines copyright as the exclusive right given by law for a Certain term of years to author, composer, designer etc. (or his assignee) to print, publish, and sell copies of his original work.
- Chamber Encyclopaedia "critically though none the less accurately defines copyright in its most elementary term as the exclusive right to multiple copies of a book.

Scope and limitations

The scope of this study was limited to three university libraries. The details of samples considered for the purpose of this study are given as below University Libraries

1. Rashtrasant Tukdoji Maharaj Nagpur University
2. Veterinary and Animal Husbandry University
3. Kavi Kulguru Kalidas Sanskrit University Ramtek

Objectives of study:

- To understand Historical background and Subject-matter of The Copyright Act 1957.
- To know the provisions of Copyright Act in relation to Library Services and Photocopy Services in University Libraries.
- To know the existing policy of photocopying in selected University Libraries.
- To know the awareness of copyright Act among librarians and its implementation in University libraries under study.
- To know opinions and views of Librarians regarding Copyright Act.

Research Methodology:

For the study of this project “Survey method” was used. Questionnaire and interview techniques were used as data collection tools.

DATA COLLECTION, ANALYSIS AND INTERPRETATION

The requisite data are collected from the structured questionnaire distributed to the University Librarians of University Libraries under study. The tables are designed according to questions and answers given in following ways. The observation and interpretations drawn from the tables are noted as observations. The major findings, conclusions and suggestions are based on the extract of the analysis of the table are presented in the succeeding chapter.

Table No 1. Awareness of Copyright Act

Sr. No	University	Yes	No
1.	RTM Nagpur University, Nagpur	✓	
2.	Veterinary and Animal Husbandry University, Nagpur	✓	
3.	Kavi Kulguru Kalidas Sanskrit University, Ramtek	✓	

Observations:

All the three University Libraries (RTM Nagpur University, Veterinary and Animal Husbandry University and Kavi Kulguru Kalidas Sanskrit University Library) staff members are aware of Copyright Act.

Table No.2. Awareness of amendments in Copyright Act

Sr. No	University	Yes	No
1.	RTM Nagpur University, Nagpur	✓	
2.	Veterinary and Animal Husbandry University, Nagpur	✓	
3.	Kavi Kulguru Kalidas Sanskrit University, Ramtek	✓	

Observations:

All the three University Libraries’ RTM Nagpur University Veterinary and Animal Husbandry University and Kavi Kulguru Kalidas Sanskrit University Library) Librarians are aware of amendments in The Copyright Act 1957.

Table No.3. Application of Copyright Act in University Library

Sr. No	University	Yes	No
1.	RTM Nagpur University, Nagpur	✓	
2.	Veterinary and Animal Husbandry University, Nagpur	✓	
3.	Kavi Kulguru Kalidas Sanskrit University, Ramtek	✓	

Observations:

According to the University Librarians of the three University Libraries (RTM Nagpur University Veterinary and Animal Husbandry University and Kavi Kulguru Kalidas Sanskrit University Library), The provision of Copyright Act related to photocopying services are applied in the university libraries .

Table No.4. Implementing of Copyright Act in University Library

Sr. No	University	Yes	No
1.	RTM Nagpur University, Nagpur	✓	
2.	Veterinary and Animal Husbandry University, Nagpur	✓	
3.	Kavi Kulguru Kalidas Sanskrit University, Ramtek	✓	

Observations:

According to the University Librarians of the three University Libraries (RTM Nagpur University Veterinary and Animal Husbandry University and Kavi Kulguru Kalidas Sanskrit University Library), The provision of Copyright Act related to photocopying services are implemented in the university libraries

Table No.5. Photocopy Services in library to members /nonmembers

Sr. No	University	Members			Non-members / Casual Users
		Student	Teacher	Research Scholar	
1.	RTM Nagpur University, Nagpur	✓	✓	✓	✓
2.	Veterinary and Animal Husbandry University, Nagpur	✓	✓	✓	✓
3.	Kavi Kulguru Kalidas Sanskrit University, Ramtek	✓	✓	✓	✓

Observations:

The three University Libraries (RTM Nagpur University Veterinary and Animal Husbandry University and Kavi Kulguru Kalidas Sanskrit University Library), provide photocopy service to its members only which includes Research Scholars, Teachers and Students in various post graduate department & affiliated college on paying the Xeroxing charges. Sometimes on recommendation on faculties or staff members the photocopy service is provided to non-members or casual users on permission of University Librarians.

Table No.6. Photocopy Services in library

Sr. No	University	Yes	No
1.	RTM Nagpur University, Nagpur	✓	
2.	Veterinary and Animal Husbandry University, Nagpur	✓	
3.	Kavi Kulguru Kalidas Sanskrit University, Ramtek	✓	

Observations:

The three University Libraries (RTM Nagpur University Veterinary and Animal Husbandry University and Kavi Kulguru Kalidas Sanskrit University Library), provide photocopy service to its users on paying the Xeroxing charges.

The RTM Nagpur University, Nagpur provide photocopy service to its users on paying the Xeroxing charges Rs. 2 per page for photocopy of thesis on insurance of registries member and registered research scholar.

The Veterinary and Animal Husbandry University, Nagpur provide photocopy service to its users on paying the Xeroxing charges Rs. 2 per page for photocopy of thesis on insurance of registries member and research scholar.

The Kavi Kulguru Kalidas Sanskrit University, Nagpur provide photocopy service to its users on paying the Xeroxing charges Rs. 10 per page for photocopy of manuscript on special permission of Vice Chancellor in related to photocopying.

Table No.7. Photocopy Services in library

Sr. No	University	Limitation on Coping	Certification of users	None of Above
1.	RTM Nagpur University, Nagpur	✓		
2.	Veterinary and Animal Husbandry University, Nagpur			✓
3.	Kavi Kulguru Kalidas Sanskrit University, Ramtek	✓	✓	

Observations:

The three University Libraries (RTM Nagpur University Veterinary and Animal Husbandry University and Kavi Kulguru Kalidas Sanskrit University Library), provide photocopy service to its members as well as nonmembers or casual users.

The RTM Nagpur University, Nagpur provide photocopy service to its users on insurance of registries member and registered research scholar with limitation on copying.

The Veterinary and Animal Husbandry University, Nagpur provide photocopy service to its users on insurance of registered member and research scholar without having any limitation on copying and certification of users.

The Kavi Kulguru Kalidas Sanskrit University, Nagpur provide photocopy service to its users for photocopy of manuscript on special permission of Vice Chancellor in related to photocopying with limitation on copying and certification of users.

Table No. 8. Photocopy Services in library

Sr. No	University	Limitation on Copying		
		Ph. D. thesis	Journals	Book
1.	RTM Nagpur University, Nagpur	✓		
2.	Veterinary and Animal Husbandry University, Nagpur	✓		
3.	Kavi Kulguru Kalidas Sanskrit University, Ramtek	✓		

Observations:

The three University Libraries (RTM Nagpur University Veterinary and Animal Husbandry University and Kavi Kulguru Kalidas Sanskrit University Library), provide photocopy service to its members as well as nonmembers or casual users. The three University Libraries have limited some percentage of Ph. D. thesis for photocopying. The RTM Nagpur University, Nagpur provide the photocopy service with limitation of 10% of total pages of Ph.D. thesis. For the photocopying of research article from research Journals, there is no rule of photocopying as such that of in thesis but on the ensuring of the research scholar by Ph. D. registration letter, the photocopy service is provided.

Table No.9. Use of photocopy Register

Sr. No	University	Yes	No
1.	RTM Nagpur University, Nagpur	✓	
2.	Veterinary and Animal Husbandry University, Nagpur		✓
3.	Kavi Kulguru Kalidas Sanskrit University, Ramtek	✓	

Observations:

The three University Libraries (RTM Nagpur University Veterinary and Animal Husbandry University and Kavi Kulguru Kalidas Sanskrit University Library), provide photocopy service.

The RTM Nagpur University, Nagpur maintain photocopy register where details of user, BT No. , No. of copies Xeroxed, Accession Number of Document and page numbers of documents, Receipt No. are mentioned.

The Veterinary and Animal Husbandry University, Nagpur provide photocopy service to its users without maintaining any records about photocopying and user details.

The Kavi Kulguru Kalidas Sanskrit University, Nagpur provide photocopy service to its users for photocopy of manuscript, Sanskrit sources and other special collection on special permission of Vice Chancellor in related to photocopying . The application made by the user seeking photocopy are kept in a file as proof for records relating with photocopy service given to the users.

Table No.10 Copyright Policy in university library

Sr. No	University	Yes	No
1.	RTM Nagpur University, Nagpur	✓	
2.	Veterinary and Animal Husbandry University, Nagpur		✓
3.	Kavi Kulguru Kalidas Sanskrit University, Ramtek	✓	

Observations:

For providing photocopy of special collection, some copyright policy in every institute is necessary.

The RTM Nagpur University; Nagpur has Copyright policy for the provision of photocopy services in University Library to its members. The copyright policy although not decided by the authorities but here the University Librarian have decided the policy and that is permission of photocopy upto twenty pages (20) pages of each thesis as a fair use.

The Veterinary and Animal Husbandry University, Nagpur provide photocopy service without any copyright policy.

The Kavi Kulguru Kalidas Sanskrit University, Nagpur provide photocopy service to its users for photocopy of manuscript, Sanskrit sources and other special collection on special permission of Vice Chancellor in related to photocopying . The copyright policy of this university regarding to photocopy services is that to obtain copying permission from Vice Chancellor and to permit photocopy for 10 % pages of of manuscript, Sanskrit sources and other special collection.

Table No.11 Protecting of intellectual property

Sr .No	University name	Yes	No
1.	RTM Nagpur University, Nagpur	✓	
2.	Veterinary and Animal Husbandry University, Nagpur	✓	
3.	Kavi Kulguru Kalidas Sanskrit University, Ramtek	✓	

Observations:

All the three University Libraries (RTM Nagpur University Veterinary and Animal Husbandry University and Kavi Kulguru Kalidas Sanskrit University Library) are of the opinion that the university Libraries are providing the photocopy services with protecting Intellectual Property Rights of the authors.

Table No.12 Precautions from Copyright Infringement.

Sr .No	University name	Precautions taken by Libraries
1.	RTM Nagpur University, Nagpur	Ensuring genuine registried research scholars
2.	Veterinary and Animal Husbandry University, Nagpur	Ensuring registried members
3.	Kavi Kulguru Kalidas Sanskrit University, Ramtek	By application of user to VC and permission given to user by authorities for photocopy as proof for photocopy records

Observation

The RTM Nagpur University Library provide photocopy service by taking precautionary measure from copyright infringements by ensuring genuine registered research scholars by Library staff.

The Veterinary and Animal Husbandry University Library provide photocopy service by taking precautionary measure from copyright infringements by ensuring its registered members. Photocopies of literature required by the users depend upon user's need; type of document will verify complete volume of literature will not provided for photocopy.

The Kavi Kulguru Kalidas Sanskrit University Library provide photocopy service by taking precautionary measure from copyright infringements by preserving the application of user to VC and permission given to user by authorities for photocopy as proof for photocopy record

Table No.13. Opinions / Views on photocopying in Libraries.

Sr .No	University name	Suggestions		
		Inclusion of proportionate copying in Copyright Act	Need of framing copyright policy by authorities including Librarians	Special protective provision for Academic libraries in Copyright Act
1.	RTM Nagpur University, Nagpur	✓	✓	✓
2.	Veterinary and Animal Husbandry University, Nagpur			
3.	Kavi Kulguru Kalidas Sanskrit University, Ramtek	✓	✓	✓

Observation

The Librarians of RTM Nagpur University, Nagpur and Kavi Kulguru Kalidas Sanskrit University, Nagpur are suggested that there should be inclusion of proportionate copying in Copyright Act, and the need of framing copyright policy by authorities including Librarians, also special protective provision for Academic libraries should be included in Copyright Act.

CONCLUSION

A Copyright is a member of Intellectual Property Right family. Copyright is a legal protection given to authors, artists, and composer to prevent reproduction, sale or adaption of their work without their consent.

Main objective of this law is to encourage owner to create original works by providing economic rights for a limited period to exploit their work commercially and to protect legally from infringements.

This Copyright act covers all the creations of human mind where reproduction or copying is possible. It protects original literary, dramatic, musical and artistic works, sound recordings, cinematograph films (and videos). It makes no difference whether these works are in print (published or unpublished) or electronic format, So letters, E-mail messages, computer programmes, works included in an electronic database (CD-ROMS) and material on websites are protected too.

No other person copy or use copyrighted works with prior permission copyright owner. Copying done for the purpose of research, private study, self-study, criticism, review for instruction and training of pupils and reporting for non-commercial purpose are not amount to infringement of copyright. These copying are called "Fair Dealing" or "Fair Use "(section 52)

Section 52(o) provides library privileges to make three copies for references if the books are not available in India. Reproduction of newspaper if the right of reproductions not reserved by authors. [Section 52 (m)], reproduction of works to serve library/ museum users for the purpose of research or private study.

As the libraries is social institution. Its role is to provide services to the users means public services including photocopy service for the development of the people in academic environment mainly for research and personal use or private study without any commercial motive. and for photocopy services to the users. Thus libraries are intermediaries on one side providing the photocopy services and at the other side protecting the intellectual property of the authors which is custodial duty of the librarians.

In UK, an Act UK Patent, Copyright and Design Act, 1988 (UDCA 1988) governs patent, copyright and design activities in United Kingdom, the users have to sign statutory declaration forms stating user would responsible and accepts penalties in case of infringement of copyrighted works.

REFERENCES

- [1]. **Agrawal Diwakar**, "Libraries and Library Services under the Indian Copyright Law" vol.16, no 6(1996) <http://dx.doi.org/10.14429/dbit16.6.3290>.
- [2]. **Ahuja, Ashish, A.** "Chaining the Unchained Books: "Copyright as an Infringement on the Philosophy of the Library Science" vol.16,no.6(1996) http://ir.inflibnet.ac.in/bitstream/1944/313/1/04cali_7.pdf
- [3]. **Ahmad, Nehaluddin** "Copyright Protection in Cyberspace: A critical study with reference to Electronic Copyright Management Systems (ECMS)" <https://doaj.org/article/72f5c5d1308148748f40fd83a541da50>
- [4]. **Anand T.B., Raveendra Reddy B** "Copyright in the Information Age: Librarian's Viewpoint" vol.16,no61996 <http://publications.drdo.gov.in/ojs/index.php/djlit/article/view/3289>
- [5]. **Aswath,Lalitha Anjaneya Reddy. N.M.**, "Copyright law and the Academic Libraries: a perspective, vol.8, no2 (2012) [www.inflibnet.ac.in /access 11/05/2015](http://www.inflibnet.ac.in/access/11/05/2015)
- [6]. **Bell, Tom.W** , "Escape from Copyright: Market Success vs. Statutory Failure in the protection of expressive works" vol.32,no 2(2012)
- [7]. **Charebonnean, Deborah.H** "Copyright Awareness, Partnerships, And Training Issues in Academic Libraries" <http://digitalcommons.wayne.edu/slisfrp/123/>
- [8]. **Derezka Gunti Larasati**, "Revealing originality of song works: An analysis to the Copyright Act" vol.14,no 3(2014)
- [9]. **Director Desidoc** Select Bibliography on Copyright in Relation to Libraries vol.16 no.6(1996) <http://www.webcrawler.com>).
- [10]. **Graham, Rumi** Recalibrating Some Copyright Conceptions vol.9 no.2 (2014) <https://journal.lib.uoguelph.ca/index.php/perj/article/view/3127#.VZDvOxuqqk>
- [11]. **Gupta, V.K** Copyright Issues Relating to Database Use Vol 17, No 4 (1997) <http://dx.doi.org/10.14429/dbit>.
- [12]. **Humble, S.G** Digital Copyright Protection: Issues in the Digital Library Environment" vol.32,no 3(2012) <http://dx.doi.org/10.14429/dbit>.
- [13]. **Kaur, Rajwant**. copyright in India, Library Progress.(International) 24(10 2004) 23-32
- [14]. **Iyengar, Prashant**The Library Exception under the Indian Copyright Act 1957 http://www.researchgate.net/publication/228204965_The_Library_Exception_Under_the_Indian_Copyright_Act_1957
- [15]. **Jonathan Tetteh Korletey.** " An Investigation of Copyright Awareness at Kwame Nkrumah University of Science and Technology (KNUST)" [http://www.digitalcommons.wayne.edu?access 11/05/2015](http://www.digitalcommons.wayne.edu?access/11/05/2015)
- [16]. **Puri, Kamal** Making and Sale of Collections of Readings by Educational Institutions in Australia Vol 16, No 6 (1996) <http://publications.drdo.gov.in/ojs/index.php/djlit/article/view/3288>
- [17]. **Reddy G.B**,The paper analyses the Indian laws related to copyright [http://www.indianjournals.com/access 11/05/2015](http://www.indianjournals.com/access/11/05/2015)
- [18]. **Singh, J N**" Literature Review on copyright and Protection infringement and protection" [Vol 27, No 6 \(2007\)](http://dx.doi.org/10.14429/djlit.27.6.142) <http://dx.doi.org/10.14429/djlit.27.6.142>

- [19]. **Singh jnanendra Narayan** “copyright issues of digital information Volume : 44, Issue : 2(2006)141-145 university of Delhi. New Delhi <http://www.indianjournals.com/access> 11/05/2015
- [20]. **Singh Jnanendra Narayan** Literature Review on copyright and Protection infringement and protection <http://www.indianjournals.com/access> 11/05/2015
- [21]. **Sridhar Madabhushi**, The importance of the right to know and the copyright and how they are relevant for democratic functioning. <http://www.indianjournals.com/access> 11/05/2015
- [22]. **Thomas, Zakir** Overview of Changes to the Indian Copyright Law. <http://nopr.niscair.res.in/handle/123456789/14460>
- [23]. **Vasudevan, T.D** Copyright Awareness of doctoral students in Calicut university campus www.ijodls.in/ access 11/05/2015
- [24]. **Yalamanchili, sushma M. Kameswara Rao** Copyright Protection of Gray Scale Images by Watermarking Technique using (N, N) Secret Sharing Scheme vol.2,no.2(2010) <http://ojs.academypublisher.com/index.php/jetwi/article/view/020210110>