Intellectual Property Challenges in Digital Library Environments

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ABSTRACT

Intellectual property poses a major challenge to digital libraries. This is because access to information in digital libraries is limited by laws, licenses and technology adopted by intellectual property owners. Similarly, intellectual property renders it difficult for digital libraries to make orphan works discoverable and accessible. Furthermore, intellectual property fragments copyright ownership, making it difficult for digital libraries to obtain the right clearance on content. To cope with these challenges, digital libraries have embraced the open access movement which allows reading, copying, downloading and sharing of digital content as long as the creators of the works are cited and acknowledged. Besides, digital libraries offer access to digital works produced under creative commons licenses. These licenses give the copyright owners the liberty to modify the copyright of their works to give room for sharing, use, and building upon the work.

INTRODUCTION

Intellectual property refers to creative products and the rights accorded to the owners of these products relating to their access and use. The rights given to the owners of creative works are referred to as intellectual property rights. These rights are protected by intellectual property laws such as the patent and copyright laws. For example, a work protected by copyright gives the owner exclusive rights to reproduction, public performance, broadcasting, translation and adaptation of the work. Intellectual property strives to strike a balance between private and public interests. It achieves this by giving the creators control over their works for a specified period of time (for example, fifty years after the life of the author) but gives some leeway for the public to explore the work for the benefit of humanity. The advances in technology, and especially digital technology, have posed a number of challenges in managing intellectual property.

Libraries, and particularly digital libraries, are in a dilemma on how best to observe intellectual property rights and achieve their mandate of providing access to information.

Digital libraries consist of digital contents, which are either born digital or have been converted to a digital format. The nature of digital technology makes it easier for users to infringe intellectual property rights such as copyright because of the ease of downloading, copying, sharing and modifying a digital object. Critically, measures instituted to protect intellectual property rights in digital libraries go against the library philosophy of providing universal access to information. Therefore, digital librarians are currently exploring strategies to fulfil their mandate without violating intellectual property rights. This chapter contributes to the ongoing discourse on the subject.