

ANGUS COUNCIL

ENVIRONMENTAL & LEISURE SERVICES COMMITTEE - 27 NOVEMBER 2003

COPYRIGHT IN LIBRARIES

REPORT BY THE DIRECTOR OF LEISURE SERVICES

ABSTRACT

This report seeks to inform the Committee of the change in copyright law affecting public libraries under EC Directive 2001/29/EC and to seek Council approval to implement the Copyright Licensing Agency Sticker Scheme for walk-in users of public library photocopy facilities who wish to make copies for commercial purposes.

1. RECOMMENDATIONS

It is recommended that the Committee agrees to:-

- The introduction of the Copyright Licensing Agency Sticker Scheme in all libraries with public self service photocopiers.
- Assign an administration charge of £1.00 to the Sticker cost of £9.00

2. BACKGROUND

The EU Copyright Directive 2001/29/EC came into force on 31st October 2003 amending the Copyright and Patents Act 1988 by providing that copying for commercial purposes cannot fall within the exemptions from copyright provided by section 29 of the 1988 Copyright Act (Fair dealing for research and private study) and sections 38 and 39 of the 1988 Copyright Act (Library Privileges provisions).

At present customers in libraries may make copies from library holdings or other sources protected by copyright either on a self service basis or with assistance from Library staff. In either case, if such a copy is made for commercial purposes, this copy is now an infringing copy under EU Copyright Directive 2001/29/EC unless permission has been obtained from the copyright holder.

Following consultation with copyright holders and the library community the Copyright Licensing Agency has designed a Sticker Scheme as a solution to the problem of copying for commercial purposes in public libraries.

The Sticker Scheme is designed to provide a simple and effective method of ensuring that photocopies generated in public libraries are made lawfully. It also ensures that Library Staff are free from the risk of liability under the 1988 Copyright Act when assisting customers making copies.

The Copyright Licensing Agency will supply starter packs of stickers and a single sticker authorises the making of one copy within licence limits which is generally speaking a copy of up to one chapter of a book, one article from a periodical or one poem from an anthology.

Stickers are to be sold at a price of £9.00 per copy made although public libraries will have discretion to levy an administrative charge in addition to the copyright fee of £9.00. It is recommended that we charge an additional £1 per copy as an administrative charge.

The Stickers may be sold individually on each occasion that a customer either requests one to make a copy at a self service photocopier or where a member of the library staff makes a copy on behalf of a customer which would infringe copyright.

The Sticker Form is in three parts:

- Part 1 for the Customer
- Part 2 for the Issuing Library
- Part 3 for the Copyright Licensing Agency.

Part 1 of the Sticker Form, which is retained by the customer and contains the terms of the Sticker Scheme, asks the customer to provide information on what is being copied to assist the Copyright Licensing Agency in distributing fees to the correct copyright holder. The Sticker Form also acts as a VAT invoice.

Once all the Stickers have been sold, or at least every six months, a return will be made to Copyright Licensing Agency accounting for all the Stickers sold and the Copyright Licensing Agency will invoice the Service for the stickers sold.

To participate in the Copyright Licensing Agency Sticker scheme Public Libraries are required to:

- Ensure that books of Stickers are retained safely and securely and that stickers are sold to requesting customers at a minimum cost of £9.00
- Retain securely the Copyright Licensing Agency copies of all stickers sold and return them when sold, or at least every six months, in the prepaid envelope supplied.
- Account by cheque for all Stickers sold when invoiced.
- Ensure that the Sticker Scheme, a copy of the list of excluded Categories and Works and the list of participating US Publishers is available for all customers wishing to use the Sticker Scheme.

Public Libraries operating this scheme will not be required to:

- Pay for Books of Stickers in advance.
- Monitor private copying or police the use of the Sticker scheme. Copies of the updated CILIP poster will be located at each public copier and it will be the responsibility of each customer using a self service copier to ensure that their copying does not infringe the terms of the Copyright Act and if so ask for a Sticker.
- Advise on the definition of "commercial".
- Ensure the completion of bibliographical details. It is the responsibility of the customer to ensure that these details are entered on the Sticker Form.
- Advise on whether a particular work is still in copyright.

3. FINANCIAL IMPLICATIONS

A small increase in libraries income will result, but this is unlikely to significantly affect the Leisure Services Revenue Budget.

4. HUMAN RIGHTS IMPLICATIONS

There are no Human Rights Implications associated with this report.

5. CONSULTATION

The Chief Executive, the Director of Law and Administration and the Director of Finance have been consulted in the preparation of this report.

JOHN R ZIMNY
DIRECTOR OF LEISURE SERVICES

BACKGROUND PAPERS

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this report.