



One Day seminar on Digital Licensing: Smart Decisions for Smart Libraries

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Seminar Newsletter

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In association with IASLIC, RRC, SLP

About the Seminar

National Law University, Delhi in association with Dr. B R Ambedkar Central Library, JNU, Indian Association of Special Libraries and Information Centre (IASLIC) Zone IV, Society for Library Professionals and Ranganathan Research Circle has organized one day seminar on Digital Licensing: Smart Decisions for Smart Libraries on 9th August 2017 on occasion of 125th birthday of Dr. S. R. Ranganathan, Father of Library Science. The main objectives of the Seminar was to create an awareness amongst library fraternity on the various issues concerning licensing agreements signed with publishing industry. The digital revolution has greatly influenced the way libraries procure, access and store information for use of its patrons. Libraries provide access to digital resources with bundle or individual subscription/purchases. Sometimes rights of its use and ownership are confusing. Libraries need to undergo numerous licensing agreements for providing the access to digi-

tal resources to the patrons, whether it is related to subscription of databases, computer software, purchase of e-books and other e-resources. The terms and conditions in licensing agreements are generally complicated and are drafted in typical legal and technical languages which is sometimes difficult to understand. The seminar discussed above issues and provided opportunities to participants to understand above from the experts in the field. The seminar was well attended by about 250 participants from seven states of the country. All the speakers were renowned personalities in their own areas of expertise. The seminar was divided into four sessions: (1) Digital Licensing: Issues and Challenges (2) Digital Licensing: Access and Expansion (3) Collaborative Models of Digital Licensing: Collective Rights and (4) Managing Digital Rights in Libraries. All the sessions were chaired by luminaries in the field of library science.



Dr. S.R. RANGANATHAN
1892 - 1972

**Tribute to Padamshri
Dr. S.R. Ranganathan —
Father of Library Sci-
ence in India**

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Inaugural Session: Tribute to Sir Dr. S. R. Ranganathan & Book Launch

The inaugural session was started with welcome address of Prof. (Dr.) Ranbir Singh Vice Chancellor, National Law University Delhi. Prof. Singh explored the growth of NLU as one of the best institution in the country and suggested that the librarians should work as a member of the team towards the growth of the institution. A tribute to Dr. S. R. Ranganathan - father of library science in India was recited by Dr. Priya Rai, Deputy Librarian, NLU Delhi. She mentioned that it is a matter of great pride to be associated with Dr. S R Ranganathan's 125th birthday celebrations as a tribute to renowned scholar with an missionary zeal. She further mentioned all the achievements of Padamshree Dr. S R Ranganathan and concluded with the quote that all path leads to the same road but the true tribute to the great man would be to carry forward his legacy, ideas and works. Dr. Ramesh C. Gaur, University Librarian, Jawahar Lal Nehru University introduced briefly about the seminar. He emphasized that it is necessary for librarians to keep them aware about licensing of digital contents. He particularly focused on upcoming issues on GST on e books and other technological instruments relating to scholarly literature. He put forward his worries how libraries would be affected

with the new taxation system? As this issues need more clarity. The book entitled "Consumer Protection Rights in India: Role of National Forums" written by Dr. Sushil Kumar Sen from Institute of Economic Growth was launched and inaugurated by the dignitaries on the dais. The keynote address was delivered by Prof. (Dr.) V.C. Vivekanandan, Dean School of Law, Bennett University. He particularly focused on the macro perspective concept of the libraries from physical to digital world: Is it a boom, bin or boot. Dr. Vivekanandan also shared his experience as a part of negotiation team of MHRD when they were drawing a treaty on WIPO on special session on Standing Committee on Copyright and Related Rights (SCCR), working on the International framework on the digital content relating to limitations and exceptions for the libraries, archives, museum and also for the people for visually impaired people. Dr. Vivekanandan concluded with the larger concerns on technological enhancement, he further mentioned that technology has answered for everything. Prof. G. S. Bajpai, Registrar, NLU Delhi thanked everyone for organizing the seminar and being its part to the participants.



Session 1- Digital Licensing: Issues and Challenges

The first session of the seminar was on Digital Licensing: Issues and Challenges. The session was chaired by Dr. Ramesh C. Gaur, University Librarian, JNU. An invited talk on Digital governance by Mr. Shilohu Rao NJP, General Manager (Capacity Building), National E-Governance Division, Govt. of India was presented. Mr. Rao stressed that there is need of capacity building in all government sectors as digital regime has transformed everything. He informed that his organization is conducting free webinars for GST literacy. Dr. Savithri Singh, Principal Acharya Narender Dev College, University of Delhi was the next speaker of the session. She explained about copyright restriction signs and their meanings of videos, images and other material available on internet. She informed that there are three organizations responsible for spreading knowledge and education about CC licenses. She further elaborated that these organizations are Acharya Narender Dev College, Wikimedia India and Center for Internet and Society. There are different symbols of CC licenses available on Wikipedia, wiki-educator, YouTube, khan, flicker etc. She informed about various licensing symbols of CC. Dr. Singh said that before putting the open access resources available on internet in any digital repository, their creative commons licenses must be taken into consideration by the creator of the repository, which is generally left ignorant.

Mr. Sumain Malik, CEO-SCC Online, Director-Eastern Book Company represented the publisher side in this session. He explained about DRM protection and legal protection. He mentioned that the publishers are forced to protect the digital material through DRM to protect it from unauthorized reproduction and distribution.

Dr. Gaur suggested that we librarians must know the CC licenses and make the users aware about it. Librarians can also educate the users about the aspects of plagiarism in connection with all these symbols.



Session 2- Digital Licensing: Access and Expansion for Academic Community

The second session was chaired by Dr. R.K. Srivastava, Additional Registrar, Supreme Court of India. The speakers were Dr. Arul G. Scaria, Assistant Professor of Law, NLU Delhi; Dr. Gurjeet Singh, Associate Professor of Law, GGSIP University, Dr. P.K. Jain, Librarian, Institute of Economic Growth and Mr. Shaji John from EBSCO.

Dr. Scaria introduced the concept of e-books and their implication in the digital world. He emphasized that now users prefer e-books in comparison to their printed counterparts. There are copyright protections available in the form of Digital Rights Management for e-books. Dr. Gurjit Singh introduced the concept of fair use under copyright law. He informed that there are 33 subsections to section 52 in the Act. Before signing any contract we must know and understand the rights. At the time of signing terms and conditions the librarians must be very careful whether it comes under compulsory writing, statutory licensing or fair use. Dr. Jain informed the audience that Digital Licensing has become very serious issue now as most of the publication is coming in digital form now. There are some basic questions which should be taken care by the librarian while signing the contract like whether a PDF article can be downloaded and sent through e-mail to a client, upto what extent compilation of articles from licensed databases is allowed, can an article from a licensed database be forwarded to a friend in another country. In case of Remote Access copyright form must be signed by the user before getting remote access facility. Mr. Shaji John from EBSCO represented the publishers' perspective. He informed that publishers in connection with academic libraries can be classified into two types. First is primary publishers i.e. society based not for profit publishers. Another is publishers for profit like Elsevier, IEEE etc. and aggregate publishers like EBSCO, ProQuest etc. The job of aggregators is to get license from core publishers and provide

it to libraries in packaged forms. Dr. Srivastava concluded the session and said that comprehensive solutions are already available in Copyright Law for digital licensing, the need is only to understand and use it. He recommended that the organizers of this seminar must develop detailed guide of Digital Licensing for librarians and users also.



Session 3- Collaborative Models of Digital Licensing: Collective Rights

This session was on Collaborative Models of Digital Licensing: Collective Rights. This session was chaired by Dr. R. K. Sharma, Librarian, UN Information Center, New Delhi. Invited talk was presented by Dr. G Mahesh, NISCAIR, New Delhi, Mr. Laghdir Rabari, Deputy Librarian, GNLU Gujrat, Dr. D.D. Lal, DeLCON Coordinator DBT Electronic Library Consortium, Dr. Siva Chidambaram, Librarian, AIIMS, New Delhi and Mr. Manju Bhargava, Managing Director, CLA. Dr. Sharma introduced the speakers and said that this is the right time for us to discuss digital licensing specially for collaborative models. Dr. Mahesh told that he is handling digital rights from ten years as coordinator of National Knowledge Consortium at NISCAIR with more than 30 publishers having different type of digital content. He said that there is need of one format for all publishers for Digital Licensing. The word perpetual access get introduced in last few years. The major issue is what perpetuity mean for example if some journal is publishing from a publisher. After sometime the publisher has been changed, at this point of time who is responsible for providing the perpetual access for previous issues. Mr. Rabari confessed that the base for any license is Indian Contract Act. Here the contract is to get access the e-resources for which we have paid. Dr. Lal introduced about Department of Biotechnology consortium and shared that this consortia was established to eliminate duplication of purchase of e-resources. Dr. Chidambaram shared his experiences in AIIMS library and argued that as different institutions have different policies and mindset for libraries, National Mission on Libraries should establish protocol and guidelines for Electronic Resource Management in li-

braries. Mr. Bhargava explained about digital licensing policies of CLA online.



Session 4- Managing Digital Rights in Libraries

The last session of the seminar was on Managing Digital Rights in Libraries which is one of the fundamental duties of librarians acquiring resources for libraries. For acquiring digital resources contract agreements are signed between librarians and publishers. The session was started to discuss various perspectives of digital licensing in libraries. It was chaired by Dr. Ramesh C. Gaur, University Librarian JNU. A detailed invited talk was presented by Dr. Raman Mittal Associate Professor of Law University of Delhi. Dr. Mittal enumerated section 52 of copyright law and explained the complexities of the Delhi University Photocopy case. Dr. Mittal also explained Digital Rights Management, technological protection and digital lockers. The next speaker, Dr. Shantanu Ganguly emphasized that we should be very careful before agreeing on any contract even before installing any application on our mobile phone or desktop. Dr Ganguly focused on providing the broad understanding on smart digital libraries. He stressed that a license agreement should be sustainable, measurable, achievable, reliable and transformational. Whereas Dr. R.K. Verma explained Digital Rights Management technology and its application

in e-books as well as music files. The last speaker was Dr. Priya Rai, Deputy Librarian NLU Delhi. Dr. Rai highlighted the significance of contract agreement and its legal implications on libraries. She explained various strategies for building smart digital libraries and spreaded understanding towards creating a mature digital library. She also focused on various licensing framework and different digital licensing models for libraries and emphasised that librarians must discuss in details with publishers before entering into it.

Dr. Ramesh C. Gaur concluded the session and urged the library community to organize more programme of this kind for creating more discussion and deliberations. Dr. Gaur also solicits the library community to made recommendations for drafting and designing a policy guidelines on Digital licensing issues harmonizing with the existing laws, so that there should not be any ambiguity while signing the agreement with the publishers. He also requested to the participants to write to Hon'ble Prime Minister to discuss about the Importance of Libraries for Education in "Mann Ki Baat".



Recommendations of the seminar

The seminar came out with the following recommendations.

- (1) Recently the Government of India has introduced new Taxation system known as Goods and Service Tax (GST). The libraries and librarians have been affected by GST now as earlier there was no tax on purchase of books and journals either in print or digital format. But now we have to pay GST on digital content. For acquisition/subscription in printed format GST is not applicable, but for their digital variants, where only media has been changed, GST will be applicable. This will affect the budget of libraries and ultimately libraries will be bound to cut short their subscriptions. Therefore the ultimate sufferers would be libraries and finally the users. The seminar recommends raising voice for making library subscriptions Tax free and writes to Government for taking necessary action on this issue.
- (2) (2) One of the basic responsibilities of the library is to acquire information resources, and due to technological revolution, now information resources are appearing in digital format; therefore libraries have to acquire digital content. Previously there was no need of any agreement from the side of publishers, but now publishers/aggregators have come into written contract agreements to get signed by librarians regarding terms of use. Now it is mandatory for librarians to keep aware of the technicality of contract and understand the legal terminology used by publishing industry in licensing agreements.
- (3) As the digital resources are accessed through Remote Login software outside the IP ranges of the university/institute anywhere in the world through Login Id and password, it is necessary to clarify the access rights of digital content through remote login software.
- (4) Another important pursuit connotes that current generations are being more techno-savvy. The duties of librarians have been now more responsible to make them aware how to access authorized and quality content. Now huge amount of information is available in digital media through internet but there is question mark in the authorization and quality. The librarians responsibility has been also increased by the need of creating awareness about the nuances of plagiarism among new generation of users.
- (5) One important recommendation is that about 70% of posts of Head Librarians are vacant in most of the institutions whether it is academia, research organisations or other institutional libraries, these posts must be filled. The bureaucrats, administrative and even academia believe that now when everything is available on tips through internet, what is the relevance of librarians. But it is not true, now librarians are more important because the users don't know what authentic information is available in which electronic resource. We the librarians should convince them by our projects, performances that librarians are even more important now.
- (6) The technological developments in education and research sector have influenced the way Intellectual property is created, distributed and accessed. The seminar deliberated and discussed and expressed ranges of appropriate perspectives for the creation and adoption of broad framework and makes contemplate changes in the copyright laws of India relating the handling and distribution of digital resources and to overcome with the digital dilemma draft sample agreement for the licensee to understand.

Organizing Committee

Patron-in-Chief: **Prof. (Dr.) Ranbir Singh**,
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University, Delhi



National Law University, Delhi

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