

Model Library Procedure: A Copyright Friendly Library

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Abstract

Humans are the only life forms with ideas and creativity. Such ideas and creativity can be about literary, dramatic, musical and artistic works. With modernisation and technological advancements human beings are able to express themselves in a manner that can be written, created and performed. Earlier such creations were for personal name and fame and not merely for living. In today's world with possibility of recording, printing and commercial reproduction in mass scale, creativity (intellect) is the biggest source of living with great commercial value. Copyright was the first intellectual property (IP) which received legal recognition in the world. "The right which a person acquires in a work which is the result of his intellectual labour is called copyright."¹ The significance of copyright protection was felt with the invention of printing press in 15th century that made reproduction of literary works in large numbers possible and practicable. England adopted the first copyright Act in 1709 called the "Statute of Anne" providing sole right of printing to the author of an already printed book. Copyright protection was extended globally with the adoption of the Bern Convention in 1886 which continued with the adoption of the TRIPS (Trade Related Intellectual Property Rights) Agreement under the WTO (World Trade Organization) regime. In India, the Copyright Act, 1957 protects original literary, dramatic, musical and artistic works and cinematograph films and sound recordings from unauthorized uses. Unlike the case with patents, copyright protects the expressions of ideas and not the ideas themselves. There is no copyright in an idea.²

Keywords: Model Library, Friendly Library

Introduction

Libraries are instrumental in providing information services and maintain the communication channel across different field and people. They contribute to all aspects of improvements in society by extending constant information back-up services to support and maintain economic growth of nations, liberation of the masses and their education. By virtue of being a transmission agency, i.e. facilitating exchange of information, idea, knowledge and communication from creators to users they are the first to be concerned with IPR laws in particular copyright laws and policy regulations. It is therefore, essential for the libraries to comply with the IPR regulations and follow a comprehensive, user friendly policy guideline that prevents copyright infringement while still facilitating unrestricted access to IPR material to the end-users, especially students, researchers, scholars and for the purposes of advancing education and research.

It is not debated that libraries need exceptions in the regulations to meet their purpose i.e. bringing knowledge access to their patrons. However, a World Intellectual Property Organization (WIPO) study shows that the current regulatory framework are a patchwork that differ in scope and effect from country to country and does not help libraries and archives at all. More so in the legal and policy challenges of the global digital environment, which needs to be updated to enable libraries to provide users with both historical and new services. Licences do not solve the problem as it is not ensuring that resources are available and at a price which does not exclude a large share of the world's population from access.

Objective of the Study

To study the legal principles related to protection of copyright and examine its application with respect to access, use and availability of IP material through law libraries.

To assess the knowledge, attitude and perception of the law students regarding copyright infringement while accessing IP material through law libraries.

Hypothesis

1. Law libraries take all the requisite steps to ensure protection of the registered intellectual property being handled by their staff and accessed by their users.
2. There is lack of awareness about the legal provisions and their implications related to copyright infringement among law students.

Methodology

The research involves both doctrinal and non-doctrinal methods. Information is gathered from primary sources like legislation, rules, regulations, notifications and reports besides secondary sources through extensive literature review related to the research area.

Copyright Infringement Laws

The researcher has undertaken empirical data collection by using structured survey questionnaire. Data has been collected from law libraries to understand the procedure and practices adopted by them to prevent copyright infringement. The survey questionnaire was administered on the library staff, besides students who access the law libraries.

Use of Library and Copyright Issue

Libraries were developed with a decent purpose of storing books at one place and encouraging the general public, students, researcher and scholar to get dissemination of information them at economic expenses. "The American Library of Congress" after achieving the status of National Library was known as a unique benefit to obtain copy of each book that was submitted for copyright registration. "Under the copyright laws of 1865 and 1870", accumulation of books to the Library of Congress was made compulsory to benefit from copyright registration. This practice was developed from the British Statute of Anne (1710) that accumulates the copies to libraries all together to get copyright security. Libraries around the globe have been doing outstanding managing to the humanity by cataloguing and protecting the books and thus deserve special privilege.³

Library Access Scenario in Law Libraries

As per the filed study of library users in law school, including law students and library staff, it is observed that they are largely unaware of the IPR provisions and libraries are far from being model libraries from an IPR compliance perspective or being a copyright friendly library.

Delhi University Photocopy Case

Parties

The Chancellor, Masters and Scholars of the University of Oxford & Others versus Rameshwari Photocopy Services & Another.

Court

Delhi High court

Date of Decision

16th September 2016

Case no

CS (OS) 2439/2012, I.As.NO. 14632/2012 (of the plaintiffs u/O39 R – 1 & 2 CPC), 430/2013 (of D – 2u/o 39 R – 4 CPC) & 3455/2013 (of D -3u/O 39 R-4 CPC).

Facts of the case

Rameshwari Photocopy Services owned by Mr Dharam Pal Singh facilitate students by providing photocopy of recommended reading materials from different books in the library in the form of a course pack. This he does under a licence from the Defendant 2 i.e. Delhi University which provides the master copy of the reading materials to be photocopied. However, in August of 2012 he received a notice informing that a group of international publishers, including Oxford University Press, Cambridge University Press and Taylor and Francis Group, had brought a lawsuit in the Delhi high court alleging copyright infringement through sale of photocopied course packs to students. Instant case is the result of this suit filed by the publishers against the photocopier and the university.

1. This case was presented by the following five book publishers as plaintiffs:
 - a. Oxford University Press
 - b. Cambridge University Press, United Kingdom (UK)
 - c. Cambridge University Press India Pvt. Ltd.
 - d. Taylor & Francis Group, U.K.
 - e. Taylor & Francis Books India Pvt. Ltd.
2. Two main defendants in the case are Rameshwari Photocopy Services and Delhi University.
3. Association of Students for Equitable Access to Knowledge (ASEAK) and Society for Promoting Educational Access and Knowledge (SPEAK) later impleaded as defendant number 3 and 4 respectively.
4. Plaintiffs claimed for permanent injunction of photocopying, reproduction and distribution of copies.
5. Plaintiffs claimed that there was an unlawful compilation of course material from essence of publisher's material without licence by defendants.
6. Plaintiffs claimed that four course packs are sold in the market included 6 to 65 pages of publishers' material.
7. Plaintiffs claimed relief of permanent injunction restraining photocopy of material suggested by the faculty of university as well as photocopy of material book facilitated in the library of Delhi University.
8. Plaintiffs claim license fee to allow such photocopy of the copyrighted materials from the books by defendants.

After the case and subsequent raid by the Commissioner appointed by the High Court students and faculty expressed their support to the defendants. Over 300 authors and academics petitioned against the lawsuit in an open letter to the publishers. Of these, 33 were authors mentioned in the suit, whose books the publishers claimed had been copied in the course packs. The letter stated, unequivocally:

“As authors and educators, we would like to place on record our distress at this act of the publishers, as we recognize the fact that in a country like India marked by sharp economic inequalities, it is often not possible for every student to obtain a personal copy of a book. In that situation the next best thing would have been for multiple copies of the book to be available in the library so that students are able to access these books without any difficulty. But given the constraints that libraries in India work with, they may only have a single copy of a book and in many instances, none at all.”

Defendants in their response to the suit, drew attentions to exception of fair use and other aspects of the copyright law and in particular drew attention to Articles 39(f) and 41 of the Constitution of India constituting giving of opportunities and facilities to children to develop in a healthy manner, protected from exploitation and right to education as Directive Principles of State Policy

Issues in the case

1. Issue before the court was that whether the photocopying of course packs by Defendant 1 without obtaining licences from academic publishers, with the extent of copying ranging from five per cent to 33.25 per cent of the contents of a book amounts to copyright infringement.
2. Whether the actions or process of providing course material adopted by the Delhi university is according to section 52(1) (a) & (h) fair use of work under Copyright Act 1957.
3. Whether action of the Defendant 1 to photocopy the material and distributing it to the students constitutes “publication” within the meaning of Section 52(1)(h) or tantamount to infringement by the defendant no.1 or the defendant no.2 of the copyright of in the said books.

Decision

The Delhi High Court held in its judgement as under:

1. Delivering the judgment Justice Rajiv Sahai Endlaw observed that as Copyright is a “statutory right and not a natural right.” If we see

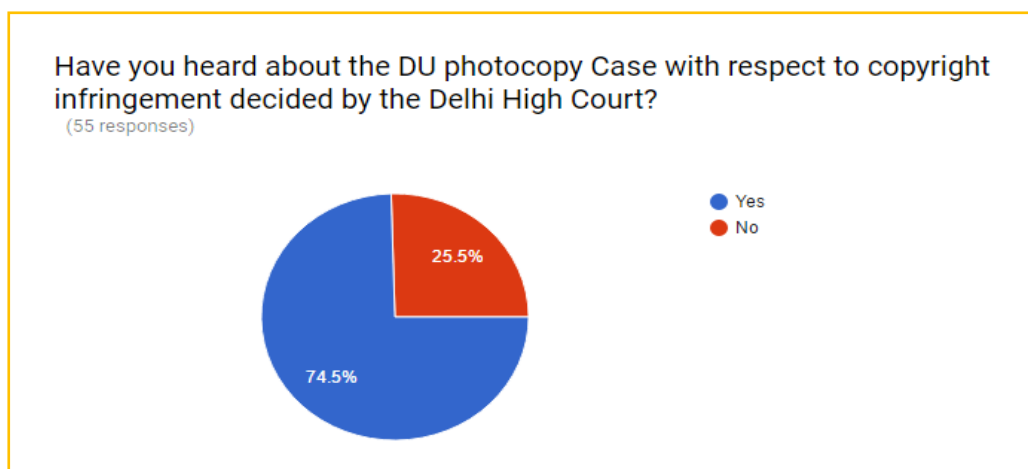
under section 52 of copyright Act 1952 plaintiffs claim does not fulfil the requisite nature of copyright infringement as the law sanctioned the reproduction of work under fair use when it is used:

- i. By the professor, students, scholar as well as students also;
 - ii. As part of the questions to be answered in an examination; and
 - iii. In answers, to such questions
2. In civil cases, for passing order of injunction the judge give consideration to the balance between private interest as well as public interest which point has been decided in *State of Uttar Pradesh Vs Ram sukhi Devi* AIR 2005 SC 284 in this applied the “Four Factor Test” for seeking infringement as used material in education, used on non-profit basis, without plagiarism, and at last the used part from the material must be in prescribed limit. So according to present case the relief would not be granted.
 3. Since students could already copy the material by issuing books from the library individually and make copies thereof, the court held “*merely because instead of say 10 or 20 copies being made by students individually or by the librarian employed by the University, 100 or 1000 copies are being made, the same would not convert, what was not an infringement into an infringement.*”
 4. Therefore, also held that engagement by the University of the photocopier does not amount to infringement of copyright in books.
 5. University by making a master photocopy of the books of the plaintiffs purchased by the University and kept in its library and making further photocopies out of the said master copy and distributing the same to the students does not constitute infringement of copyright in the said books under the Copyright Act.
 6. Photocopy and distribution of the material by the defendant 1 does not amount to “publication”.

Observations from the empirical study Awareness about the case

Considering the jurisprudential value of the case and it being widely covered in the popular media including print and electronic news media, nearly 75% of the respondents were aware of the Delhi University Photocopy Case (See Fig-5.1).

Figure 5.1: Awareness about DU Photocopy Case

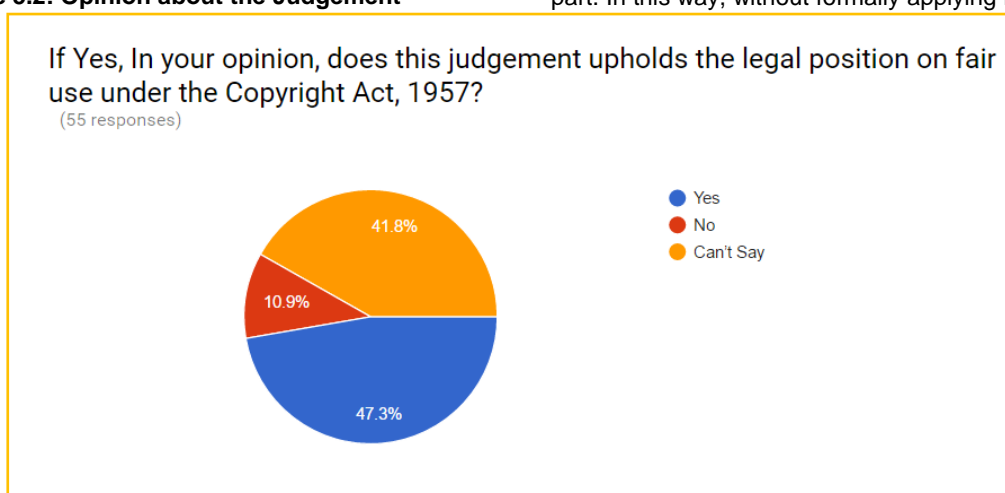


Opinion about the Judgement

Though majority of the respondents were aware of the DU case, but their opinion about the judgment varied if it upholds the legal position pertaining to copyright infringement in the country (See Fig-5.2). Only 47% respondents felt that the decision

was in conformity with the fair use provision of the Copyright Act. Nearly 42% respondents were not sure if the decision was in accordance with the fair use exception under the Indian law, while 11% thought that the decision is not in line with the fair use provision.

Figure 5.2: Opinion about the Judgement



part. In this way, without formally applying for security,

**Copyright Infringement and Remedies
Indian Copyright Protection Laws and Regulations**

According to Indian Regulation of the Copyright Act is received naturally to the writer after writing unique as well as original work that one valid as per law. In Copyright Act the registration is not compulsory, rather gets a benefit at the time of conflict or dispute. Copyright work registration is priceless to a copyright holder get benefit those want to would take action whether criminal or civil step against Infringement.

One of the most incomparable favourable circumstances of copyright security is that not at all like other IP rights, security is accessible in a number of nations over the world, by grounds of India being an associate of Berne Convention. Security is facilitating to works initially published in India, in regard of all nations that are part of states to treaties as well as convention traditions to which India is a

copyright assurance is accessible to works initially published in India, over a number of nations. The Government of India vide International Copyright Order, 1999 has stretched out copyright security in India to works initially published in foreign.⁴

According to Copyright act 1957, there are two remedies provided for infringement of a copyright material, i.e. criminal and civil remedies.

Civil Remedy

Civil remedies are covered under sec 55 Copyright Act 1957. There are different types of civil remedies as discussed below:

Interlocutory Injunctions

The most essential cure is the give of an interlocutory directive. In most case the application filled is for interlocutory help and the matter once in a while goes past the interlocutory stage. There are three prerequisites for there to be a give of interlocutory directive – Firstly, an at first sight case.

Also, there should be an adjust of accommodation. At long last, there should be an unsalvageable damage.⁵

Pecuniary Remedy

According to CR Act of 1957 owner can likewise look for three remedies according to Section 55 and also under 58 of the CR Act of 1957. Initial, a record of benefits which lets the proprietor look for the whole of gain benefit through unlawful activities. Secondary, compensatory loss which one the copyright owner look for the loss he faced because of the infringement. Thirdly, conversion loss which are calculated according to the worth of the article.⁶

Anton Pillar Order (APO)

The APO received its name from the conducting in "Anton Pillar AG V. Producing Processes". The accompanying components are available in an Anton Pillar Order – Firstly; an injunction bound the defendant from devastating or infringing products. In Second option the plaintiff gets an order of allowing the plaintiff to look the defendant premises and collect products in their protected custody. In third option after order the defendant must have to show the name as well as addresses of customer and supplier also.⁷

Mareva Injunction

This alternative Mareva Injunction appear in picture when the court trusts as the defendant is attempting to late or hinder the execution of any decree has been passed by court against him. In this the court has an authority to command the defendant that he will transfer a property for disposal of decree. The property value must be equal to passed decree. This rule mentioned under "Order XXXVIII, Rule 5 of The Civil Procedure Code, 1908".⁸

Norwich Pharmacal Order

This order is generally passed in the case of information should be recovered from third party.⁹

Criminal Remedies

Part XIII of the Copyright Act provides for the offences under the Act and punishments for violation of the provisions of the Act. The Act largely provides for following actions in cases of Copyright infringement.

- A. Maximum Imprisonment three years but not below six months.
- B. Fine from Rs. 50,000 to Rs. 2, 00,000 but not less than minimum limit.
- C. Investigate and also seizure of infringing products.

Handover of infringing products to the Copyright owner.

Knowledge Awareness and Practices of Library Staff

Besides the overall analysis of the response from library users, comprising LLB students, LLM student and library staff here is an attempt to exclusively analyse the response from library staff. Library staff from 5 different law libraries from 5 different law schools agreed to participate in the survey. Below is an analysis about the awareness, knowledge, practices and perceptions of library staff on intellectual property rights and in particular copyright infringement and how much they implement these in their day to day working.

1. According to the survey only 60% were aware of the IPR laws applicable to access library materials.
2. Only 60% librarian had a knowledge about the validity period of copyright, patent, Trademark, Industrial design and geographic indication.
3. Further, 60% library staff responded that they got the knowledge about IPR laws from the curriculum, while 20% got it from seminar or conference.
4. When it is questioned about the type of IPR material available in the library, 80% library staff responded it to be book, journal, thesis, report, database while 20% didn't know about such material.
5. When asked if photocopying the whole book amount to fair use, 40% responded it was fair use if for self-study and other 40% felt it is so for distribution in the institution and 20% suggested even for commercial purpose.
6. Similar response was evoked to the question, when part of the book is photocopied it may be considered fair use for distribution in the institution (40%), for self-study (40%) and commercial use (20%).
7. 100% respondent knew about the DU Case judgement.
8. In the question of downloading /saving image / taking photo/ scanning an e – book amount to fair use, 80% answered it to be fair use for self-study and 20% answered for distribution in the institution.
9. Overall library staff were aware that login details should not be shared with others. All respondents (100%) felt that sharing of the login details with the friends who are not part of your institution does not constitute fair use.
10. All library staff (100%) read the fair use guideline of the library before using e- journals and database in your library.
11. Only 60% library staff made an effort to inform library users about their right in using library service without infringing IPR Laws.
12. Only one library staff from among the five law school libraries responded that they implemented an IPR policy with respect to access to library service without infringing IPR.
13. Again, only one library staff responded in the affirmative that they organise training / capacity building / orientation programmes to acquaint library users to use IPR properly for.

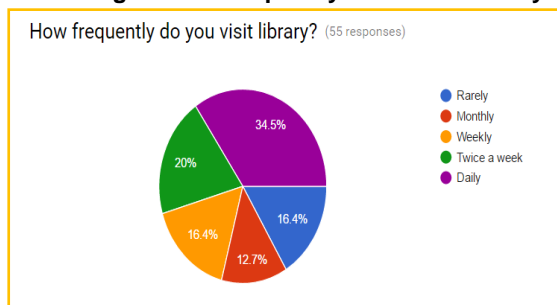
The survey results suggest that the law libraries in different law schools do not have proper policy guidelines on access to IPR materials and do not provide their users any orientation to access library without copyright infringement.

Knowledge Awareness and Practices of Library users in General

Visit to Library

Nearly 55% library users visited library daily or twice a week (See Fig-6.1).

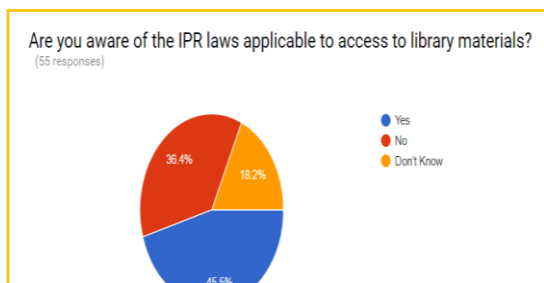
Figure 6.1: Frequency of Visit to Library



Awareness about IPR laws

Nearly 55 % library users were not aware of the IPR laws applicable to access to library material (See Fig-6.2).

Figure 6.2: Awareness about IPR Laws Applicable to Library



Awareness about the validity of the various IPR

Majority of the library users were aware about the validity of various IPR and the key source of this information for the majority (82%) of them was their study curriculum.

1. Validity of Copyright (68%)
2. Validity of Patent (80%)
3. Validity of Trademark (80%)
4. Validity of Industrial Design (68%)
5. Validity of Geographical Indications (72%)

Photocopying of Book

Majority of library users felt that photocopy of whole book (see Fig-6.3) or part of a book (see Fig-6.4) for self-study or distribution in the institution amounted to fair use. However, a little less than 10% thought it was ok to do photocopy for commercial use as well.

Figure 6.3: Whole Book

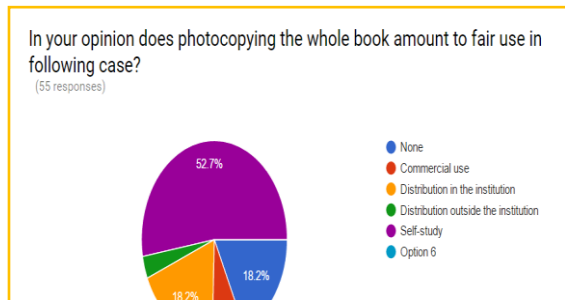
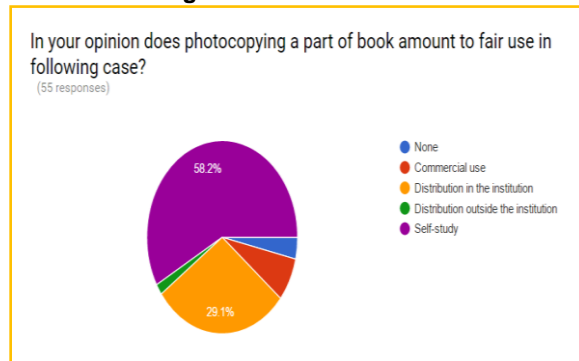


Figure 6.4: Part of Book



Photocopying of Journals

Compared to books, lesser number of library users felt that photocopying of journal articles (See Fig-6.5) or whole journal (See Fig-6.6) amounted to fair use.

Figure 6.5: Journal Article

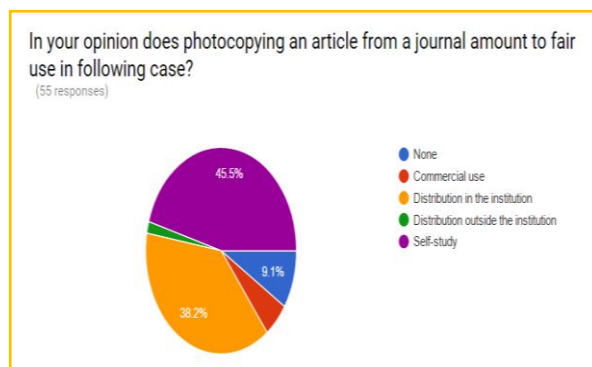
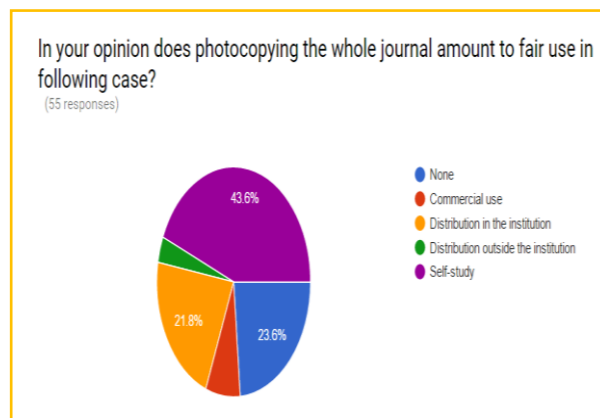


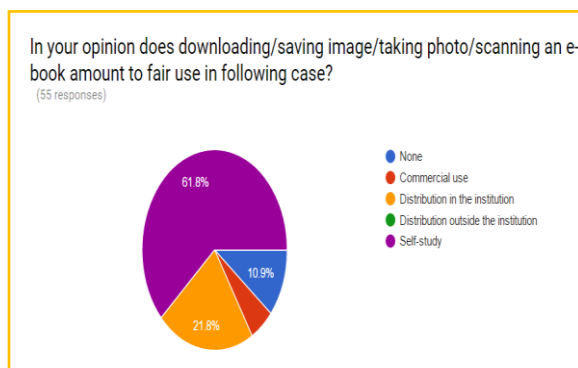
Figure 6.6: Whole Journal



DOWNLOADING, SCANNING, ETC. OF E-BOOK

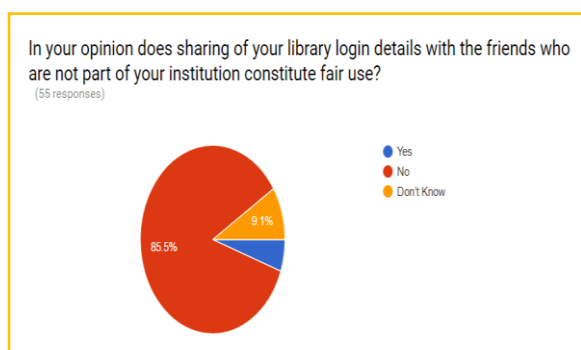
Almost 84% of library users felt it was fair to download, save, take photo, or scan an e-book (see Fig 6.7).

Figure 6.7: E-Books



Sharing login details: Majority (85.5%) of the library users felt it was not fair use to share the library login details with friends who are not part of the institution (See Fig-6.8).

Figure 6.8: Sharing Login Details



Library Users' Recommendations on Copyright Friendly Model Library

1. The librarians should be well informed about what could cause a copyright infringement and should communicate the same to the students using the Library.
2. IPR Policy must be followed stringently.
3. A well trained library staff who would be aware of copyright laws. Secondly, a copy of all the acts that would comprise copyright infringement should be available to all the students.
4. Proper IPR enforcement.
5. Copyright and fair usage laws displayed on a board or issued through leaflets or seminars.
6. Readers should be aware of what amounts to copyright infringement and fair use.
7. Awareness among the students.
8. Students should use library resources in fair means and librarians should duly inform everybody with all rights if using resources of the library.
9. The required information about infringement regarding using the books.
10. e-library.
11. Reading materials, books, journals or other published things which are developed only to be put for public use or to enhance the knowledge of the public or sharing of information through print

media to masses all constitute fair use of a primary substance.

12. Orientation about IPR laws in library
13. A copyright friendly library shall provide its visitors with express instructions about the acts that could lead to copyright infringement and therefore, such instructions shall be stated in a poster at some corner along with the Copyright Act, 1957's basic provisions. This would enable all the users of the library to use the materials without any inconvenience and without accidentally infringing the copyright laws.
14. Permission of fair use
15. A copyright friendly library model sounds easy than done. It is practically impossible to stop students from distributing the materials supplied by the library to the ones who are actually not entitled for it. However, if the books and journals provided in the library are scanned and sent in an encrypted file to a user which can only be read. It might have two beneficial effects i.e firstly, it would curb the menace of Copyright issues and will save papers.
16. Instructions and monitoring by library.
17. Simple, easy to learn and remember methods to make all aware about the laws.
18. Information which may lead to information infringement should be informed to all.
19. Books, Journals articles, maps, reading materials, etc.
20. Every Reference book mentioned in curriculum
21. As a law student, we have a primary responsibility to be aware of the laws relating to the fair use of library materials. Strict contours should be carved to check the state of library use, enlightening students about its proper utilization.
22. Access to the study material and allowing fair use
23. Proper record should be maintained informing the students of the copyrighted work.
24. I am not so sure but providing information about the books available in the library.
25. Royalty fee for top publishing company.
26. fair use,
27. The information available should be easier to share legally and ethically. It should have an open cultural landscape where students adhere to the rules of the copyright laws but get to traditional modify the work and put it to use.
28. Orientations regarding copyright and its fair use and monitoring by library staff
29. availability of all the materials easily to students and should be properly categorized
30. rules, systematic arrangement, bar code or biometric login
31. more online books made available to student...students able to access computer library outside the campus
32. Conducting Seminars
33. Proper implementation of laws and students must be made aware of those laws
34. For a copyright friendly model library efforts should be made to ensure students' knowledge about not acting anything which amounts to copyright infringement.

35. Nature, purpose, amount to be taken, effect of use.
36. The library should have a list of DOs and DON'Ts so that students know what actually infringes IPR of another.
37. Keep both in hard-copy and soft-copy.
38. All library should have a comprehensive access policy for its users which complies with IPR and prevents copyright infringement.

Library Users' other Suggestions on Developing A Model Library

1. A model library would be one which would allow the students to access all journals, books, e-books but for personal use only. They should be allowed to download the same.
2. Students can be given a compulsory brief orientation to raise awareness about copyright infringement and fair library usage.
3. Librarian should duly inform everybody with all rights if using resources of the library.
4. Should provide adequate and fair use for the benefit of the students.
5. Model library should make the people who are using it aware of the involved risks and how to reduce them (related to study materials) and also it should provide for a better knowledge on how can a person search and get the thing which he/she needs in a short period of time and the exact thing and if the thing is not available in the library then where he can get it.
6. Awareness modules in library relating to IPR issues in library
7. Instructions about the permitted usage of the materials of the library shall be stated. Basic provisions which are most likely to be infringed upon shall be stated in a poster and stuck so that there is awareness about it.
8. There should be regulatory body for implementation of all IPR related information
9. By wall paintings and providing easily available books containing these IPR laws, organizing workshops.
10. IPR GUIDELINES should be pasted at the start of library
11. Framing of Uniform Fair use policy while photocopying the works having copyright supplied by the Library
12. Digitization is the best step towards making a good friendly library with strong anti- piracy and detection softwares and well-trained staffs for assisting users to utilize its resources and regular updates of soft copies of all available books. Vigilant on the details of user accessing sites and data, like names and all. Proper instructions on legal rules and sanctions.
13. Enforcement of copyright rules, fair use should be allowed according to IPR laws
14. There should be proper categories made between copyrighted works. Not copyrighted work and unknown source.
15. An App for all database
16. easy access
17. Should be fairly accessible by all. One should not be deprived of any right to the library.

18. Orientation programmes.
19. possibility of getting permission easily to use the copyrighted work for research purposes.....record of the earlier dissertation submitted by earlier students ,made available to the students for research purposes.
20. biometric login.
21. Conducting Seminars
22. Merely copying an article does not amount to copyright infringement. If used for self-study!
23. For a model library
24. The library should be equipped with all the necessary sources of knowledge including access to online databases and must also be accessible to the students of the institution at any place.
25. Perhaps a defined set of rules.
26. create e-library

Key Elements of a Model Library Procedure to Make a Copyright Friendly Library

Based on the research work and the survey response, the researcher feels that following key elements can be included in a model library procedure to make a copyright friendly library:

1. All library users are informed about the rules and regulations for access to library material including those related to IPR and copyright in particular.
2. All library should display key regulations and desired dos and don'ts at the entrance of the library for easy visibility and constant reminder to library users.
3. Training and orientation of students and other library users on a regular basis is important to reiterate compliance with IPR regulations.
4. With the advancement of technology, efforts should be made to make library digitally accessible which helps prevent copyright infringement.
5. Inform library user's thorough proper notice at the entrance and other places about the penalties of copyright infringement as under the law.
6. A short brief on the copyright law, library procedure and code of conduct for library users should be available for all library users and uploaded on the library/institutions website.
7. All libraries should develop app based access system for library users to easily find what they need, this application should give constant notifications to the users about compliance with IPR and copyright regulations.
8. Photocopying facilities should be available for limited purposes with proper monitoring of library staff.
9. Faculties should create master copies of the reading and essential course material and give them to students to avoid photocopy of copyrighted materials in excess and beyond that permitted under the law.
10. All library staff must be trained with essential copyright provisions and cautioned against any possible copyright infringement by library users and how to tackle such eventuality.

Conclusion

Libraries in India, of in particular law libraries are required to comply with the provisions related to IPR protection and in particular prevent copyright infringement. In doing so they ought to follow the legislation, rules and regulations adopted by the Indian Parliament, but also endeavour to meet the international golden standards laid down under global instruments like, Berne Convention, TRIPS etc. However, importance must also be placed to the domestic needs and the level of social and economic growth of the people of the country that determine the accessibility and affordability of copyright materials. It must be noted that IPR protection must not be extended beyond the statutory mandates at the cost of public interest, while making fair use of the exceptions already provided under such laws.

Based on the survey results from the empirical study, the paper concludes that there is lack of awareness among the library users about the key components of the copyright law. It is also surprising to note that law students feel that using copyright materials for commercial purposes amounts to fair use. Besides, considerable number of students are not aware of the basic validity of various kinds of IPR recognised by law. It is also discouraging to know that libraries are not adopting standard procedure to ensure IPR protection. It must be said that libraries should strive to find the fine balance between their statutory duties to protect copyright while fulfilling their obligation to ensure free and fair access to materials for library users.

Based on the literature review under this research and the empirical study it may be concluded that there is a felt need for creating a conducive environment for a copyright friendly libraries in the country. Efforts must be done by institutions, including law schools to train and build capacity of the library staff and orient the students to prevent copyright infringement and so that proper copyright implementation environment could be developed.

Suggestions

1. Extensive use of technology to make access to library easier and user friendly while protecting copyright in IP protected materials.
2. Digitisation of library catalogues and search tools along with proper notification against any violation of copyright regulations.
3. Library access procedure to be conspicuously displayed at all parts of the library, especially entrance to ensure enough warning to library users about the procedures.
4. Short description of the copyright regulations, infringements, penalties, including a compiled frequently asked questions (FAQ) should be easily available in all libraries and their websites.
5. Proper training and orientation of library staff and users at regular intervals to ensure compliance with the library procedures and minimise copyright infringement.

References

1. Ben White. *Guaranteeing Access to Knowledge: The Role of Libraries*. WIPO Magazine. Vol 4, 2012. Available at:

http://www.wipo.int/wipo_magazine/en/2012/04/article_0004.html accessed on 12 September, 2016.

2. Carol C. Henderson. *Libraries as Creatures of Copyright: Why Librarians Care about Intellectual Property Law and Policy*. Available at: <http://www.ala.org/advocacy/copyright/copyrightarticle/librariescreatures> accessed on 12 September, 2016.
3. *Libraries are Champions for Academic Freedom and Balanced Copyright*. Available at: <http://www.arl.org/publications-resources/3405-libraries-are-champions-for-academic-freedom-and-balanced-copyright-infographic#.V9ZPw5h97IW> accessed on 12 September, 2016.
4. LONGE .O. Babatope. *Intellectual Property Protection in the Age of Open Access and Digital Rights Management – Balancing the Odds*. Dept. of Computer Science, University of Ibadan, Ibadan, Nigeria. Available at: http://www.library.up.ac.za/digi/docs/longe_paper.pdf accessed on 12 September, 2016.
5. S.G. Hombal, K.N. Prasad. *Digital Copyright Protection: Issues in the Digital Library Environment*. DESIDOC Journal of Library & Information Technology. Vol 32, No 3 (2012). Available at: <http://www.publications.drdo.gov.in/ojs/index.php/djlit/article/view/2380> accessed on 12 September, 2016.
6. Lolly Gasaway. *The New Access Right and Its Impact on Libraries and Library Users*. Available at: <http://www.unc.edu/~unclng/the%20new%20access.htm> accessed on 12 September, 2016.
7. EIFL (Electronic Information for Libraries) *Handbook on Copyright and Related Issues for Libraries (English)*. Available at: <http://www.eifl.net/resources/eifl-handbook-copyright-and-related-issues-libraries-english> accessed on 12 September, 2016.
8. WIPO. *World Intellectual Property Organization*. Retrieved from <http://www.wipo.int/portal/index.html.en>
9. Sulmangalam R. Jayalakshmi and another v. Meta Musical, Chennai and others AIR 2000 Mad 454. Available at <https://indiankanon.org/doc/1636994/> accessed 2016-10-05
10. Dr.priya Rai, Dr R.K.Sharma, Dr P.K.Jain, Akash Singh 'Transforming dimension of IPR challenges for New Age Libraries available at: <http://www.nludelhi.ac.in/download/publication/2015/transforming%20dimension%20of%20ipr%20-%20challenges%20for%20new%20age%20libraries.pdf> accessed 5oct2016-10-05
11. *Survivor: The History of the Library*. Available at <http://www.history-magazine.com/libraries.html> accessed on 9Oct2016.
12. Patel, Jashu and Krishan Kumar (2004). *Libraries and Librarianship in India*. Westport: Greenwood, 2004.
13. Wani, Zahid Ashraf, "Development of Public Libraries in India" (2008). *Library Philosophy and Practice* (e-journal). Paper 165. <http://digitalcommons.unl.edu/cgi/viewcontent.cgi>

- ?article=1168&context=libphilpracaccessed 9Oct2016.
14. Library Scenario in India. available at: <http://www.nmlindia.nic.in/pages/display/24> accessed 9Oct2016.
 15. High Level Committee. National Mission on Libraries. Available at: <http://www.nmlindia.nic.in/pages/display/21> accessed on 9Oct2016.
 16. National Mission on Libraries available at: <http://www.nmlindia.nic.in/> accessed on 9Oct2016.
 17. Samuel A.Eyitayo,'Information for all : Strategies for national Development'(2011) Nigerian Library Association<<http://www.nla-ng.org>>accessed 6oct2016
 18. Harris, Lesley Ellen. Organising your library's copyright issues. Information outlook. (2005) 9 (2), 36 - 37.
 19. Abhai Pandey. Inside View: Development In Indian IP Law: The Copyright (Amendment) Act 2012. Available at:< <http://www.ip-watch.org/2013/01/22/development-in-indian-ip-law-the-copyright-amendment-act-2012/>> accessed on 10 Oct. 16
 20. R.Muralidharan,'International Treaties on Industrial Property Rights'<http://www.nalsarpro.org/PL/Presentations/PL266.pdf>accessed28/11/2016.
 21. UK Copyright service , "International copyright law-theberne convention <https://www.copyrightservice.co.uk/copyright/p08_berne_convention
 22. Prof L.R.Gujar ,Copy Right,Patents and Trade Mark.' <<http://assets.vmu.ac.in/PGDCL02.pdf> > accesses date 9-12-2016.
 23. Report of Copyright piracy in India,' Ministry of human resources development Government of India'<<http://copyright.gov.in/Documents/STUDY%20ON%20COPYRIGHT%20PIRACY%20IN%20INDIA.pdf>> accessed date 10/12/2013.
 24. Janice T. Pilch, 'The WIPO Development Agenda by University of Illinois at Urbana – Champaign' <<http://www.wipo.int/ip-development/en/agenda/>>accessed 15/12/2016.
 25. Prof.(Dr) Ranbir Singh ,'Transforming dimension of IPR : Challenges for new Age Libraries',by NLUD (2015)<
 26. Arya Methew, " Protection of Intellectual property rights under the India and International Laws"<<http://www.altacit.com/publication/protection-of-intellectual-property-rights-under-the-indian-and-international-laws>> accessed 4/1/2017.
 27. Hariday Iyengar, "What are the remedies available for Copyright Infringement in India" blog by Jindal Global Law School .<<https://blog.iplayers.in/remedies-available-copyright-infringement-india/>> accessed 3/2/2017
 28. Anand & Anand , " Civil and criminal remedies in Copyright Infringement" ICCA <<http://www.mondaq.com/india/x/1825/Civil+and+Criminal+Remedies+in+Copyright+Infringement+Part+2+Remedies>>accessed 3/2/2017
 29. Amrendra N. Tripathi. Prosecution for Infringement of Copyright under Copyright Act. Available at:
 30. http://www.legalserviceindia.com/articles/In_Copy.htm accessed on 05-01-2017.

Footnotes

1. Sulmangalam R. Jayalakshmi and another v. Meta Musical, Chennai and others AIR 2000 Mad 454. Available at <https://indiankanoon.org/doc/1636994/> accessed 2016-10-05
2. Article2 of the Agreement on "understanding on rules and procedure governing the settlement of disputes" Annex 2 of the WTO Agreement .Available at https://www.wto.org/english/tratop_e/dispu_e/dsu_e.htm accessed5oct2016-10-05
3. Prof.(Dr) Ranbir Singh ,'Transforming dimension of IPR : Challenges for new Age Libraries',by NLUD (2015)<
4. Arya Methew, "Protection of Intellectual property rights under the India and International Laws"<<http://www.altacit.com/publication/protection-of-intellectual-property-rights-under-the-indian-and-international-laws>> accessed 4/1/2017.
5. Hariday Iyengar, "What are the remedies available for Copyright Infringement in India" blog by Jindal Global Law School .<<https://blog.iplayers.in/remedies-available-copyright-infringement-india/>> accessed 3/2/2017
6. lb
7. lb
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