Digital Copyright & Libraries

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Plan

(1) © Theory
(2) Discussion
(3) Comments
(1) Théorie du ©
(2) Discussion
(3) Commentaires

Intellectual Property / Propriété intellectuelle

Copyright
Droit d'auteur

Patents
Brevets

Trademarks
Marques de commerce

Industrial Designs
Design Industriels

Copyright / Droit d'auteur

Artistic, literary, dramatic, musical,
œuvres artistiques, littéraires, dramatiques, musicales

works
Copyright / Droit d'auteur

Everything we use in Libraries!
dramatic, musical, works

OEuvres
Tout ce que nous utilisons en bibliothèque!
musicales

© = contrôle

(1) Protect a work's economic market (right-holder)
(2) Protect the creative endeavour (creator)

© = contrôle

© = contrôle

Absolute Control?
Contrôle absolu ?

Absolute Control?
Contrôle absolu ?

«La propriété c'est le vol!» (Proudhon)
«He who lights his taper [candle] at mine receives light without darkening me» (Jefferson)
Contrôle absolu ?
Not exactly / pas exactement
Fair dealings / Utilisation équitable
(Fair use)
& Exceptions

Copyright Methodology

(2) Discussion
(not so long ago, libraries did not have to worry about copyright)

Pre-digital
Pré-numérique

(2) Discussion
“Code is Law” (Lessig)

“A contract is an agreement of wills by which one or several persons obligate themselves to one or several other persons to perform a prestation”
(Qc Civil Code, s. 1378)

Copyright & Contracts & Technology

Allow or Forbid
Permettent ou Interdisent

Copyright & Contracts & Technology

New reality for Libraries
Nouvelle réalité des bibliothèques

(3) Comments

Comments

• Using our collections means understanding copyright
  – Not just loan rules based on document format/type anymore
  – Doc type as a bundle of « use rights »
• Establish what is allowed for each distinct class of « legal situation »
  – More granular approach to our digital collections
• Classification system on legal case?

© & Technology are tools

How can this tool work for you?
Permissions OR exceptions
Manage expectations and risk
Further reading

• Concordia University Libraries, Copyright Guide
  – http://library.concordia.ca/help/copyright
• Copyright Act, R.S.C. 1985, c. C-42
• Murray, Laura J. and Samuel E. Trosow, Canadian copyright : a citizen’s guide, Toronto : Between the Lines, 2007
  – http://clues.concordia.ca/record=b2276747~S0

Merci!

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