



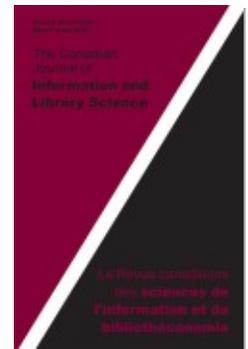
PROJECT MUSE®

Copyright communication in Canadian academic libraries: a national survey / Les modes de communication concernant les droits d'auteur dans les bibliothèques universitaires canadiennes: une enquête nationale

Tony Horava

Canadian Journal of Information and Library Science, Volume 34, Number 1, March/mars 2010, pp. 1-38 (Article)

Published by University of Toronto Press
DOI: <https://doi.org/10.1353/ils.0.0002>



➔ *For additional information about this article*

<https://muse.jhu.edu/article/382174>

Copyright communication in Canadian academic libraries: a national survey

Les modes de communication concernant les droits d'auteur dans les bibliothèques universitaires canadiennes : une enquête nationale

Tony Horava
Library, University of Ottawa
thorava@uottawa.ca

Résumé : Les concepts de droit d'auteur et de propriété intellectuelle ont toujours eu partie liée avec la mission et le fonctionnement de nos universités comme institutions de savoir. Ce lien concerne au premier chef les bibliothèques universitaires. Le passage à une économie fondée sur les savoirs et les changements dans les modes d'acquisition et de dissémination des connaissances ont radicalement modifié le contexte dans lequel les universités et leurs bibliothèques accomplissent leur mission et ont placé à l'avant-plan les questions de droits d'auteur et de propriété intellectuelle. Une enquête au niveau national sur les bibliothèques universitaires canadiennes a été entreprise au cours de l'été 2008 dans le but de comprendre le contexte de l'organisation des responsabilités en termes de droit d'auteur dans les universités et les méthodes de communication utilisées par les bibliothèques universitaires pour sensibiliser la communauté des utilisateurs aux questions de droits d'auteur. Les résultats de l'enquête montrent qu'il existe une grande variété d'approches et que les universités font face à de nombreux défis. La présentation des résultats est suivie par des recommandations générales ainsi que par des suggestions d'avenues de recherche.

Mots-clés : droit d'auteur, copyright, universités, Canada, enquête, communication

Abstract: The concepts of copyright and intellectual property have always been integral to the mission and functioning of our knowledge-based universities. This association deeply affects academic libraries as well. The transition to a knowledge-based economy and changes in modes of knowledge acquisition and dissemination have radically altered the context of universities and libraries and brought questions of copyright and other intellectual property to the fore. A national survey of Canadian academic libraries was undertaken in the summer of 2008 to understand the organizational context for copyright responsibility in

universities and the methods of communication that are used by university libraries to engage the user community on copyright issues. The survey results indicate a wide variation in approaches and numerous challenges faced by libraries. Presentation of the results is followed by general recommendations as well as suggested avenues for future study.

Keywords: copyright, universities, Canada, survey, communication

Introduction

The idea that copyright is a flashpoint has become a truism. While in decades past most Canadians viewed copyright as an abstract matter that did not affect them in their daily lives, this is no longer the case. The advent of the Internet and digital communication technologies have radically altered the social and cultural landscape, affecting our daily lives and activities, how we can share information, and how we feel about privacy and rights issues. Jane Bailey asserts, “Access to and use of information and ideas expressed by others act as building blocks for future expression and creation, converting today’s creators-in-waiting into tomorrow’s creators” (2005, 135). The two aborted efforts at Canadian copyright reform in 2005 and 2008 generated intense media interest and much protest, leading to grassroots movements such as the Fair Copyright user group in Facebook, and numerous active blogs. The popularization of copyright as a public issue has taken strong root in Canada, to a degree unknown in other countries. Politicians declare their opinions in Parliament,¹ in the media, and in town hall meetings. Ivor Tossell wrote in the *Globe & Mail* that copyright “is ‘sexy.’”² Socially and culturally it is clear that there has been a sea change in perception, as technology has profoundly broadened needs for freedom of expression, privacy, creativity, and the “remix” nature of human culture (Lessig 2001, 16–18).

The politicization of copyright has deeply affected research and education as well. The Canadian Association of Research Libraries (CARL) noted, “Communication among scholars is ubiquitous, and the advent of digital communication technologies has revolutionized the process. This process of sharing information is at the core of the mandate of institutions of learning and discovery, and is characterized by a cycle of knowledge consumption, maturation, and the articulation of new knowledge” (2001). The linkages among knowledge generation, intellectual property rights, and economic development has been significant in recent years

(Wilkinson 2000, 150). The future of scholarly communication and the vibrancy of our post-secondary institutions will be greatly affected by the direction of copyright reform and intellectual property rights. In a society where knowledge and cultural production is mediated using a range of digital media technologies, copyright legislation determines the framework by which researchers can legitimately use protected information to create new intellectual works for societal benefit. The CARL report, *Towards an Integrated Knowledge Ecosystem*, observes, “The lack of resolution of copyright issues has become one of the major barriers to accessibility to and preservation of scholarly resources. Over the past two decades, copyright law has not kept up with the rapid changes in the scholarly communication system brought about mainly by new technology” (CARL 2005, 16).

Whether one views copyright as originating from utilitarian principles of providing incentives to authors’ creativity via economic rewards (Anglo-American tradition), or with deontological principles of assuring the moral rights of authors (European tradition), copyright needs to perform a delicate balancing act of author protection, stimulation to create new works, and public dissemination in order to promote culture and innovation, and to meet public policy objectives (e.g., CARL 2001; Dinwoodie 2003, 1; Hurt and Schuchman 1966, 421). This becomes ever more challenging in a globalized knowledge economy where technologies for distributing, viewing, sharing, transferring, and manipulating digital content are ubiquitous. Jean Dryden notes, “Copying information and passing it on to others has never been easier . . . Yet the very ubiquity of copying technologies, the lack of clarity in the law as it applies to the digital environment, and an increased determination by creators to seek redress for infringement of their rights all make it essential that citizens be better informed about copyright” (2001, 1). The advent of the digital communication era and the momentum to harmonize copyright protection at the international level is well documented (Davies 2002, 327; Tawfik 2005, 72; Whitney 2002, 269). Our era is often seen as the third revolution in cultural communication—the first being the development of written language and the second being the invention of the printing press—and copyright legislation needs to respond to the transformative impact of digital content and information technology on the ways in which intellectual works are used (Fewer 2005, 78; Litman 2001, 178; Vaver 2006, 41). Murray and Trosow situate this challenge in the shifting technological relationships between information content and container: “Dualities—performer/audience, broadcaster/viewer, sender/

receiver, producer/consumer—are losing their relevance as discrete categories. As intellectual goods become increasingly severable from their traditional containers, these traditional polarities fail to keep up with the speed, ease, and intensity of new information transfer processes” (2007, 202).

This issue points to the critical challenge of copyright education. Academic librarians have an educational and ethical responsibility to engage with this issue. There are values inherent in our profession that point us to this responsibility. It is clear that copyright plays a central role in what information is made available and for which purposes. Moreover, our daily interactions with students in the context of information use provide an excellent opportunity. As Mark Bay notes, “Nobody in academia is in a better position to teach this than librarians who instruct patrons in classroom settings, online tutorials, and at service points like reference desks and reserve departments. As the mediators between content and users, it is only natural that libraries take the lead in educating about copyright” (2001, 5). Integrating this teaching role with closely related topics such as open access, author copyrights, and plagiarism is a major challenge. The ethical dimension of copyright education cannot be ignored; indeed, it needs to be woven into the fabric of academic culture. Laura Gasaway asserts, “Copyright awareness should be an integral part of our institutions’ codes of ethical conduct, as well as a life lesson we teach our students” (2005, 1). As ownership and use of knowledge intimately affects the lifeblood of universities—be it for research, teaching, or learning—there are value-laden questions regarding rights, freedoms, and limitations that need to be addressed at a central policy level in order to create a balanced framework and application in the academy.

In relation to copyright and intellectual property, the library is truly the heart of the university. The library’s services and collections are predicated on the foundational importance of scholarship and education. Learning and the exchange of ideas often involve some form of copying or other reproduction to transfer information and knowledge. Libraries have been greatly affected by copyright, in being obliged to view services, collections, projects, and strategies through the lens of intellectual property. Print collections, interlibrary loans, distance education, print and electronic reserves, media services, photocopy services, and licensed electronic resources are key components of library partnership in the academic mission. Innovative services such as institutional repositories, digitized local collections, and open journal publishing bring new re-

sources for analysis and discovery. All of these will involve the use of intellectual works, many of which are in copyright. Reference and research assistance underpin and enhance the value of library services, and any library service involves copyright questions. The establishment of agreements with copyright collectives such as Access Copyright and Copibec, and the service implications for libraries, has been significant, e.g. for managing reserve and coursepack services.

Whether a library patron is downloading from the Web, forwarding email, using an online journal collection and printing articles, accessing digital images to be shared with classmates, accessing e-reserve course material, viewing a video or a DVD, or requesting an interlibrary loan for a book, copyright issues surface. Use of digital content usually involves generating a perfect copy for viewing or saving. New technology opens many avenues for the use of digital content through library equipment (e.g., USB ports, microform scanners, digital downloading) and user education needs to strike a balance between overwhelming patrons with information about copying of content and offering insufficient guidance and clarity. We need a responsible and informed approach to educate our users about how they can use materials to meet their learning needs responsibly. We live in a culture of high expectations for easy access to knowledge in order to create new knowledge, and need to take this into account in how we approach education on this issue.

Copyright issues have received attention in information literacy development. The Association of College Research Libraries (ACRL) *Information Literacy Competency Standards for Higher Education* states that one ability of an information literate individual is to “understand the economic, legal, and social issues surrounding the use of information, and access and use information ethically and legally” (2000). One outcome of this standard is that the student “demonstrates an understanding of intellectual property, copyright, and fair use of copyrighted material” (ibid.). This recognizes the importance of understanding the copyright landscape for students discovering, analyzing, and integrating information resources into their learning skills, academic careers, and personal development. It also involves an understanding of related issues such as privacy, censorship, freedom of speech, plagiarism, and the high costs of scholarly information. Thus copyright cannot be conceived narrowly in terms of copying do’s and don’ts, but rather as an intellectual framework that incorporates other issues that affect the behaviour, values, and ethics of research in the university community.

At Brigham Young University, a campus-wide commitment led to the establishment of a Copyright Licensing Office that signalled this as a priority for the university: “Faculty, staff, and students are relieved that there is assistance on campus to help understand the complexities of copyright law. The Copyright Licensing Office staff is invited regularly to participate in university, library, faculty, new faculty, staff and student meetings. As marketing efforts continue, more time is focused on developing materials and tools to promote copyright education and less on promoting the existence of the office” (Quarley 2007, 99). This initiative has created a comfort zone for the university community—everyone knows where to turn for advice or information on copyright matters. However, this is not the norm for academia—in many institutions there are ad hoc, uncoordinated efforts on copyright issues.

Donna Ferrullo points to the importance of librarians engaging at the university level to become central players in policy development: “The key strategy for librarians is engagement at the university-wide level. Copyright by virtue of law and necessity has become a hot topic at most universities. It is in the library’s best interests to become actively involved in drafting university copyright policies. Librarians have much at stake in such policies and their contributions at the discussion, drafting, and implementation stages can offer a unique perspective” (2004, 38).

There are several studies on copyright education. An early study by Tara Burgess about how cartoon enthusiasts use copyrighted images with little awareness of the copyright law revealed that “respondents all exhibit perceived anonymity, tendency towards more convenient forms of acquisition, and disdain. Almost all respondents, except for the one ‘expert’ exhibit ignorance” (1999, 117). A UK survey of primary school teachers in 2001 revealed “that teachers and educators need more support in this complex and confusing area” (Dorner 2001, 3) A study of copyright knowledge by health sciences faculty in two universities revealed limited understanding and a need for more instruction (Smith et al. 2006, 64).

As copyright has grown in importance, numerous issues are worthy of consideration for universities and their libraries. Where does responsibility for copyright reside in the institution and in the library? What is the interplay between the library and the rest of the institution in policy leadership and implementation, as viewed by the library? What strategies and methods do libraries adopt for communicating copyright information to their user community? What are the major challenges and frustra-

tions faced by academic libraries? This study aims to provide a portrait of this complex and bumpy landscape. This article presents the findings of a national Canadian survey conducted in the summer of 2008, as well as interpretive analysis and directions for future research.

Over the past decade or so, libraries have focused enormous energy in licensing digital content from publishers and vendors. New workflows have developed, new positions have been created, and new budgets have been assigned to the priorities of acquiring digital resources from private sources. In the rush to acquire this massive range and quantity of resources to meet user needs and expectations, though, libraries have focused largely on contractual agreements. Copyright is the intellectual and legal foundation of this activity, but copyright awareness has not assumed a central role in this process, or in the information transfers occurring in our libraries every hour. The impact of academic library consortia on the scholarly publishing cycle (and intellectual property) was researched by Catherine Maskell. Should library users be able to form copyright collectives, as library consortia arguably are, just as copyright holders have explicitly been able to do under the Canada Copyright Act since 1988? In a national survey, university librarians across Canada emphasized the public good approach in assessing what actions of copyright users such as libraries are in the public interest, while federal government officials interviewed focused on the market economy (2008, 180). It is also important to note that Canadian universities have not generally been proactive in managing copyright and knowledge transfer. Margaret-Ann Wilkinson observes, “The university community seems to have taken more control over the policy agenda with respect to acquisition and dissemination of knowledge involving patentable innovations than over knowledge acquired or disseminated from works governed by copyright” (2000, 178–9). While an analysis of this situation is beyond the scope of this paper, it can be stated that the funding pressures on universities and the rise of performance-driven accountability models, coupled with a growing acceptance of economic partnership between the public and private sectors, have played significant roles in this development. The present survey attempts to capture the pulse of academic library practices and perceptions with respect to copyright communication.

There is little empirical research available on this topic.³ The author’s extensive background in licensing digital content (e-books, e-journals, etc.) led him to consider the importance of learning how academic libraries are engaging with copyright issues when providing services to

the user community. It is hoped that this research will contribute to the professional discourse on how libraries add value to the academy in the context of our knowledge-based and highly technological environment.

Methodology

This study focuses on organizational culture and communication methods, with respect to copyright issues, in Canadian university libraries. The survey method was used for contacting the university libraries. The study was premised on two key questions: (1) Where is the locus of responsibility for copyright in the library and the university? (2) What are the challenges in communicating and teaching about copyright? Several thematic areas were developed to explore these questions. In the first question, the themes were the university context, the policy context viewed by the library, and the organizational context in the library. In the second question, the themes were the copyright webpage in the library and dissemination methods of copyright information in the library. Another theme, copyright challenges in the library, pertained to both research questions.

Once a working draft of the questionnaire had been created, several individuals were contacted for their input, and the Canadian Association of Research Libraries Copyright Committee was consulted as well. A pre-test with a few institutions was then conducted and this led to the final shaping of the questionnaire (see Appendix for survey instrument). It was decided to use a comprehensive, national approach rather than a selective, representative focus (Maskell) in order to maximize the validity of the results.⁴

As this was a national survey, the questionnaire was translated into French. The SurveyMonkey web tool was employed to facilitate completion of the questionnaire and analysis of the data.

The survey was initially sent out to 75 university librarians (or equivalent position) via the four regional consortia (Council of Atlantic University Libraries, Conférence des Recteurs et Principaux du Québec, Ontario Council of University Libraries, and the Council of Prairie and Pacific University Libraries). This represents the complete membership of these four consortia and therefore includes all publicly funded Canadian academic institutions. Sending the survey via the regional consortia ensured

Table 1. Respondents segmented by university size ($N = 63$)

University size	Number of respondents
Small (0–10,000 FTE)	31
Medium (10,000–25,000 FTE)	16
Large (25,000+ FTE)	16

that the request bore a stamp of authority. To motivate respondents, the author promised the respondents to disseminate the results as widely as possible, via a peer-reviewed paper and a conference presentation. The author also committed to an aggregate analysis that would not allow for identification of specific responses, as well as anonymity of comments, in order to allay respondent anxieties. These commitments were especially important since copyright is a very sensitive issue on many campuses.

This distribution approach yielded 30 responses. As a follow-up strategy, personalized messages were sent to the university librarians of universities who had not responded, to emphasize the purposes and outcomes of the survey, and to solicit more responses. This individualized approach was very effective and resulted in another 33 responses received. As a result, there were a total of 63 responses for a participation rate of 84%. Ten of the non-participants were small institutions (i.e., less than 10,000 full-time equivalent [FTE]) and two were medium-sized (10,000–25,000 FTE). Where responses were ambiguous or incomplete, follow-up interviews were conducted via email. Ensuring adequate representation from the regional groups was essential in order to have meaningful data. The participation rates for the four regional consortia ranged from a high of 100% for Ontario to a low of 72.2% for Quebec. Thus the study provides a very meaningful measure of copyright communication in academic libraries across the country.⁵ Responses were received from all size categories of universities, as can be seen in table 1.

Findings

Organizational locus of copyright responsibility

Copyright responsibility is an important and complex matter, reflecting organizational culture as well as attitudes about the ubiquitous role of copyright within the highly specialized functions of a university. It also

reflects how and whether the university maintains its corporate knowledge of this rapidly changing issue. This in turn reflects technological, political, and social realities that affect the academy in its research and teaching functions. Information about organizational issues with respect to copyright responsibility was elicited via a question asking about the copyright challenges that the library faces.

Respondents raised a number of thematic concerns. A representative sampling set the tone for the overall findings in this section:

- “Determining what the library’s role should be in conjunction with the university”
- “The depth and breadth of understanding of copyright issues required to respond to some copyright questions and the lack of anyone on our campus with such responsibility”
- “Lack of campus wide agreement”
- “Lack of university central coordination, lack of expertise on campus, lack of legal support, lack of staff resources for the library to take the lead on copyright for the campus”
- “Campus support and understanding of the issues in more than a superficial fashion”

From these comments, it is clear that mobilization of organizational resources to support a coordinated, effective approach to copyright communication is a major issue. Universities are large and diverse organizations, so developing a campus-wide strategy to educate the university community is an ongoing challenge, so there is a need to develop a corporate consistency across the campus and to locate expertise to deal with the dossier.

One source of evidence for the organizational context of copyright responsibility in the university was gleaned from a question asking for the position title of the respondent.

The questionnaire was completed by the person deemed by the institution to have the competence and authority to reply on behalf of the library.⁶ While the majority (nearly 60%) were the senior administrative librarians in their respective institutions, in some cases (11%) a second-tier librarian responded (associate university librarian, assistant

Table 2. Title of respondent (N = 63)

Title of respondent	Number of responses	%
Executive (chief librarian, director, university librarian, director general)	38	59.3
Second-tier executive (associate university librarian, assistant dean, assistant director)	7	10.9
Copyright officer	4	6.2
Other (Information services manager, e-resources librarian, reference librarian, law librarian, etc.)	15	23.4

NB: For one institution, there were two respondents.

Table 3. Respondents segmented by university size and status of respondent (N = 63)

University size	Number of respondents	Executive	Second-tier executive	Copyright officer	Other
Small (0–10,000 FTE)	31	21	0	1	9
Medium (10,000–25,000 FTE)	16	10	3	2	1
Large (25,000+ FTE)	16	7	4	1	4

director, departmental director, or systems librarian), indicating that authority for copyright issues has been delegated in some academic libraries. As this group includes universities of very different sizes and types (small undergraduate to doctoral), a diversity of approaches is evident. The range of respondents reflects differing practices, organizational structures, and authority delegation in regards to copyright.

For the small and medium-sized universities, the respondents tended to be either the university librarian or equivalent (67.7% and 62.5% respectively), while for the larger universities this number was much lower (43.0%). It is likely that smaller institutions have a single library and a simpler administrative structure, while the large institutions are more complex and research-intensive, thus increasing the likelihood that another staff person would be the appropriate respondent. However, the organizational culture plays a role as well. Thus there are large institutions where the respondent was not the university librarian and small institutions where the respondent was the university librarian. Second-tier executives in medium and large universities were respondents in seven cases, but in none of the small universities.

Table 4. Department or service in library delegated responsibility for copyright (N = 61)

Name of department or service	Frequency of response	%
Library administration	18	29.5
Multiple departments	10	16.4
None or not specified	10	16.4
Access / public / user services	9	14.7
Reference / research / information service	6	9.8
Copyright office	2	3.2
Collections	1	1.6
Circulation	1	1.6
Library committee	1	1.6
Reserve	1	1.6
Systems	1	1.6
"Whoever gets stuck with the question"	1	1.6

The role of the copyright officer in particular is worth highlighting. There were four libraries where the copyright officer was the respondent. As learned through follow-up interviews, this individual serves as a coordinator of copyright issues and education across the campus. The individual plays a key role in disseminating information, educating user groups, and consolidating strategies across the campus. Lesley Ann Harris notes the copyright officer's role "is to streamline the copyright efforts within the organization so that all copyright-related matters are organized in a centralized fashion" (1998, 21). Creating this position is tangible evidence of the priority of copyright issues in the institution for the university community as a whole. The relationship of library staff with this position is positive and mutually beneficial, according to respondents. Information for the following section was gleaned from a question asking which department or service in the library has been delegated responsibility for copyright issues.⁷

Responsibility in the library is distributed across departments and services, although in many cases the library administration is the focal point. While 38 university librarians responded to the questionnaire, fewer than half (47.0%) retained operational responsibility. Ten libraries (16.4%) indicated that no department had been delegated responsibility, perhaps reflecting uncertainty on how best to do so. In another 10

libraries this responsibility is distributed among multiple departments, indicating a shared approach to copyright issues. There is a variety of specific departments and services to which copyright responsibility has been delegated, such as Access Services, Reserves, Interlibrary Loans, and Circulation. On the basis of additional information volunteered by respondents, it can be inferred that in some libraries the copyright responsibility has been delegated to a specific position, by virtue of accumulated knowledge and experience, rather than any other criterion. In nearly a quarter of the other cases, another librarian has been given authority to respond: the copyright officer, e-resources librarian, e-reserves librarian, special projects librarian, or reference librarian. It is interesting to observe that two libraries delegate responsibility to a copyright office for this purpose, whereas four respondents to the questionnaire were copyright officers (in two cases the library retains responsibility but collaborates with the copyright officer). This finding, coupled with the above finding related to operational responsibility of university librarians, indicates that authority for copyright in the library does not always correlate with delegation of responsibility. One respondent, reflecting frustration with copyright, did not indicate a specific department or service, but rather, “Whoever gets stuck with the question”!

A question was asked about which department or service in the university is responsible for copyright issues (see table 5).

It is clear that the library plays a primary role on many university campuses in educating students and faculty on copyright issues. However the fact that there is a wide distribution of responsibility across many departments and services is a reflection of how many different approaches exist. The library viewed itself as having sole responsibility for copyright in

Table 5. University department or service delegated responsibility for copyright (N = 63)

Department or service	Number of responses	%
Library (on its own)	19	30.2
Shared between library and another department or service	19	30.2
Central administration	17	27.0
Non-library / non central-administrative (archives, bookstore, learning services, etc.)	6	9.5
None identified	2	3.1

Table 6. Respondents segmented by university size (N = 63)

Department or service	Number of responses	0–10,000 FTE	10,000–25,000 FTE	25,000+ FTE
Library	19	14	3	2
Shared between library and another department or service	19	7	10	2
Central administration	17	10	2	5
Non-library / non-central administration (e.g., archives, bookstore, learning services)	6	2	2	2
None identified	2	–	2	–

30.0% of the universities. A large number of libraries (19) indicated that responsibility was shared by more than one department or service. However, it is very encouraging to see that in more than half of the responding institutions (60.4%), the library is either the lead department or shares responsibility for copyright issues. This appears to be recognition of the centrality of information provision and knowledge transfer in the library's mission, and the shared function of this role.⁸

Table 6 segments data according to institutional size. It can be seen that academic libraries in small universities (under 10,000 FTE) are much more likely to have sole responsibility for copyright issues than for their counterparts in medium or large universities (14 out of 19 respondents). It is also apparent that the central administration in small universities is more likely to be responsible for copyright than in other universities (10 out of 17 respondents). Medium-sized universities are more likely to share responsibility between the library and another department or service (10 out of 19 respondents). This is also true for large universities. It can be concluded that there is a correlation between university size and decision-making about copyright responsibility on campus.⁹

Evidence of responsibility for managing copyright from the perspective of rights was obtained from a question about open access publishing, intellectual property rights, plagiarism, patents and trademarks, and technology transfer, which demonstrate the promotion and protection of rights-holder's interests. This question was included to determine whether or not there was a separate department or service focusing on rights-holders' interests, as opposed to a unitary approach.

Table 7. Separate departments provided by respondents (N = 29)

Department or service	Number of responses	%
Administrative (other than research office)	14	48.3
Office of research	10	34.5
Multiple departments, including library	4	13.8
Other non-administrative	1	3.4
Library (on its own)	–	–

In almost half the responding institutions (29 out of 63, or 46.1%) there is a separate department or service, apart from the library, for managing copyright from a rights-holders' perspective (as opposed to a single department or service encompassing users' and rights-holders' interests). Considering the trend of increasing commodification of intellectual property in university research environments, especially in science, technology, and medicine,¹⁰ this finding is not surprising. The research endeavour assumes a framework of robust intellectual property protections. However, a substantial number of universities (34 out of 63, or 53.9%) have no separate department or service, apart from the library, for managing copyright from a rights-holders' perspective, thus suggesting that this is not feasible or appropriate for many universities.

Understanding which department or service in the university is responsible for managing copyright from a rights-holders' perspective was gained from a question on this issue (see table 7). The relationship between this question of responsibility for rights-holders' relationships on campus and the previous one is worth noting. Of the 29 institutions where a separate department or service manages copyright from a rights-holders' perspective, the library has apparently not been delegated sole responsibility for these copyright issues. There is another service where rights holders' interests are promoted—either the office of research (10 cases) or another administrative department (14 cases). There are only four libraries where responsibility for copyright issues from a rights-holder's perspective is partially located. The overwhelming number of respondents (82.8%) indicated that the office of research or another administrative department is responsible for this function, suggesting that universities have not generally felt it appropriate for libraries to assume responsibility for this area of copyright-related activity and have relied on a central body that coordinates the issues across the campus.

Table 8. Purpose of department or service (N = 5)

Purpose	Number of responses
Open access publishing	5
Advocacy for change in scholarly communication	5
Advice for authors about publishing	4
Publishing partnerships with other entities, either internal or external to the university	2

NB: Multiple responses were permitted

A question on whether there is a separate department or service in the library that handles rights holders' issues (i.e. apart from other copyright functions such as interlibrary loans or e-reserve) was asked to discover whether this affected the library's organizational structure. The findings indicate that very few offer this service in the library. The low number of affirmative answers (8%) indicates that academic libraries have not in general created a separate department or service for rights-holders' issues, and instead have incorporated the function into their organizational structure. Lack of staff resources and the priority of other library issues are likely reasons, as comments indicate. While all respondents acknowledge the importance of this dossier, it is always a challenge to commit resources. As a result, this responsibility has been delegated to individuals or departments that have some degree of knowledge or experience. A follow-up question was asked to elicit details from those who answered in the affirmative: What is the purpose of this department or service? (see table 8).

Of these five libraries, two indicated that they are creating a scholarly communication position for a librarian (indicating the priority of this area), and one library indicated that they are active in all of these areas, while two others indicated that they are active in open access journal publishing.

University responsibility for copyright resides with the library in almost half of the respondents' institutions, but a diversity of approaches is evident. Only about half of the institutions provide a service or department focused on rights-holders' perspectives and the notable choice is the office of research or its equivalent. These findings reflect the spectrum

of research diversity and institutional mission in Canadian universities. The central academic activities of research, teaching, and service shift like a kaleidoscope from one institution to the next, and this is reflected in the variety of approaches to copyright responsibility in general and for rights-holders' perspectives in particular.

Further understanding of the dynamic between the university library and the central administration was gained from two questions. The first question (Does the library's provision of copyright information influence or guide university policy?) was also intended to gauge the degree of leadership, if any, exercised by the library, in this area of policy and service. The second question (Does university policy guide or influence the library's provision of copyright information?) yielded information on whether the library relied on the leadership of the university in copyright matters.

In 25 institutions, the library felt it did influence the university on copyright. This was evidenced in a range of comments about library involvement in a university-wide copyright committee, consultation with the library by the university administration, library involvement in drafting policy, library management participation in collective bargaining and curriculum development, and education of the university community by the library. Below is a representative sample of these comments:

- “The library informs and educates the institution on the functionality of Canadian copyright law and our Access Copyright agreement (via AUCC).”
- “The university accepts that interpretation of areas of copyright that are unclear will be decided by the library.”
- “The library was directly involved in the creation of university IP policies.”
- “Input on a copyright committee that has stakeholders from across campus; input on other committees that may comment on copyright.”
- “The library has a representative on the university's Educational Policies Committee, which vets all new course proposals and discusses issues such as the delivery of distance education and the integration of new technology into the classroom.”

- “The library was consulted prior to negotiations between the Board and the Faculty Association about copyright.”
- “Library admin has been participating in information gathering, discussion, and writing of policies and procedures for the campus on this topic.”

The fewest number of libraries (16) felt they had no influence on the university in this area, although a good number (22) said they were not able to reliably gauge this issue. The fact that the largest number of libraries felt, with examples, that they lead in their institutions is a very positive sign for the knowledge management role and teaching function of libraries in the academy.

These results show that almost a third of the libraries (22) felt that the university did exert influence or guidance on the library’s provision of copyright information. A larger number (27) indicated that this was not the case,¹¹ while a smaller number (14) were not sure if there was such an influence. The comments of the respondents provide further evidence on specifics of this relationship between the library and the university.

- “The library copyright guide refers users to the university policy on copyright.”
- “Academic and legal opinions prevail.”
- “Only so far as to guide instructors as to their IP rights vis-à-vis their works.”
- “We follow university policy where it exists.”
- “Consult as necessary with the university solicitor.”
- “Yes, because some of the IP issues are related to labour agreements, hence the library reflects this.”
- “It is not university policy that guides us as much as the curriculum. Our provision of copyright information is influenced and informed by the needs of visual learners and creative practitioners.”
- “Library services is guided by university polices: course and program planning, development, and delivery.”
- “We would definitely consult the campus copyright officer whenever we were unsure of something concerning copyright.”

It can be seen that various academic issues are at play: collective agreements, curriculum planning, technology, and the role of individuals such as legal counsel and the copyright officer. These issues are integral aspects of academic life and play a complementary role to the impact of formal university policy on copyright.

From these data, it can be seen that the influence between the library and the university on copyright policy is multifaceted and challenging to measure. While a large percentage of libraries feel that they are proactive on their campuses, many others either do not have this role or are not sure of their impact on the institution. Only about one-third of libraries (34.9%) felt the influence of university policy on their approach to copyright issues, suggesting that the absence of policy guidance creates a vacuum in many universities. Nevertheless, many libraries are delivering copyright information.

Findings

Library methods of communication to reach out to users about copyright

Information about the educational and interpretive issues involving copyright on university campuses was obtained from the question regarding copyright challenges that the library is facing. Many institutions provided multiple comments, reflecting the different frustrations they face. Below is a listing of representative comments for educational issues (which can be understood as referring to outreach, teaching, and other communication with the user community, and library staff knowledge). There follows a listing of interpretive issues (understanding of the law, in particular the limitations and restrictions on what is permissible to reproduce).

Educational

- “Faculty is convinced that copyright restrictions don’t apply to them. Students don’t care.”
- “Reaching a consistent and common understanding among our clients.”
- “Helping students to understand the difference between copyright and plagiarism.”

- “Widespread misunderstanding about limitations.”
- “To convince people that copyright issues are important in the academic world. People seem to think that copyright only applies to profit-making organizations.”
- “Developing respect for copyright in a world where open access is being advocated for all information resources.”
- “Educating users is difficult. The current generation of university students believes that if something is on the Web, it is ‘free’ and can be ‘freely’ used. It is doubtful that this issue can be dealt with easily.”
- “Trying to explain the ambiguity of the Copyright Act. Explaining the varying percentages of copying allowed under the Access Copyright licence.”

Interpretive

- “Interpreting copyright language (the Act and court decisions) that are complicated, often vague, and sometimes out of date.”
- “The ambiguous nature of the beast, subject to a wide range of interpretations.”
- “Knowing how to use ‘fair dealing’ clearly.”
- “Vagaries of the law itself—barrier to disabled patrons.”
- “Technology—WebCT and what can go there.”
- “Keeping up with the relevant legislation and understanding when other jurisdictions apply; also which legislation trumps other legislation.”
- “Not wanting to be too conservative in practice.”
- “To be able to rely upon clear legislation in order to provide appropriate guidance to researchers.”
- “The differences between copyright and licensing.”

It can be seen that many copyright challenges face libraries, particularly the effective education of users and the complexities of interpreting the law. The prospects are daunting, at a time when libraries are dealing with demands for accountability and performance metrics from the university administration, demands for expanding collections in new

research domains, and demands for developing new forms of value-added service. The problems encountered in our academic libraries in copyright education and interpretation were a constant theme among the comments received.

Information about the impact of copyright on academic libraries in new technologies, contractual licensing for electronic resources, and the education of users was obtained from a question that raised these issues. Below are some representative comments:

- “Definite concern about licenses for e-resources sapping rights previously enjoyed under copyright for print.”
- “We feel we are often paying twice—once for electronic resource subscription and then again when used in course packs or on Blackboard.”
- “IP is the new copyright; we may have missed the boat as IP in other guises moves forward.”
- “The Copyright Act and existing copyright licensing agencies don’t mesh well with technological changes in the transmission of information.”
- “I suspect we are often licensing and paying for access that is available to us under fair dealing esp. since the CCH case. I think an argument could be made that we no longer need Part A of the Access Copyright licence.”
- “The technical complexity of copyright is very onerous for the library to manage, and we don’t have the resources for it.”
- “Everyone passes the ball; the library can’t be the only unit responsible for applying the law.”
- “Promoting awareness of fair dealing, and its importance to teaching and scholarship; political spin and media sensationalism/oversimplification make this more difficult.”
- “New technologies make it possible to do anything, and it is difficult to know how to interpret the current law & licenses to apply to the various types of new technologies.”
- “We’d like to move into electronic reserves: clarification needed.”

These comments reflect the pervasiveness of copyright in service issues that libraries confront daily. As technology and jurisprudence evolve,

Table 9. Library methods to raise awareness of use of copyrighted materials (N = 62)

Method	Frequency of response	%
Individual assistance*	48	77.4
Information literacy*	41	66.1
Faculty liaison/outreach*	40	64.5
Reference service	39	62.9
Web page ¹⁸ *	39	62.9
Printed information	31	50.0
Online tutorial	12	19.3
Other	7	11.2
None	3	4.8

*Most important methods, as reported in table 10

NB: Multiple responses were permitted.

so does copyright. It creeps into the nooks and crannies of the library, creating service challenges and management issues to which librarians need to respond.

To understand communication methods that libraries use, respondents were asked whether the library uses specific methods to raise awareness of copyright issues (see table 9). Individual assistance was seen as the most important method (whether included in a formal service or not), as copyright is a notoriously complex subject that requires personalized attention. Four other methods—information literacy, reference service, faculty liaison/outreach, and the webpage—were perceived as more or less equally important as a second-tier method. Printed information was also valuable to many universities. Some universities employed an online tutorial for dissemination. Under the category of “other methods” were a faculty handbook, faculty orientation, an academic integrity module, and a “citing” section on a research guide. Three libraries used none of these approaches and do no outreach, according to the survey data. It can be seen that while libraries employ a range of methods, the most popular involve individual assistance and forms of interaction involving public services staff and the website.

To prioritize these methods, a follow-up question asked the participants which of the methods indicated was the most important, and why (see

Table 10. Important methods of raising awareness ($N = 61$)

Method	Frequency of response	%
Faculty liaison/outreach	14	22.9
Multiple methods	11	18.0
Webpage	10	16.3
Individual assistance	9	14.7
Information literacy	9	14.7
Other	7	11.4
Reference service	1	1.6

table 10). Faculty liaison was judged to be the most important method, followed by the webpage, individual assistance, and information literacy. Here is a sampling of representative comments:

- “Faculty liaison: they are the front line to student understanding of copyright implications, as it applies to their research and writing for assignments.”
- “Faculty/liaison outreach, because of the impact on creating course packs, print and electronic; because faculty have a strong influence on students, both in terms of educating them about what is permissible, and helping them avoid temptation by the way they (faculty) provide or point to the resources they want their students to use.”
- “Webpage, because this is where faculty check first to get a sense of what they need to do. Because of the complexity of copyright rules and restrictions, the website can’t possibly answer all their questions, but at least it alerts them to the fact that copyright is something that has to be considered and encourages them to contact the copyright officer for more information as to how to deal with their particular copyright question.”
- “Webpage: distributed most widely.”
- “Individual assistance: it provides information and assistance at time of greatest need.”
- “Information literacy: because IL can reach so many people in so many different ways, and because IL allows you to catch people’s interest in copyright issues through storytelling.”

These results reveal how each method has validity for copyright communication; they also reflect the importance of reaching a wide audience and incorporating methods that work. No method is preferred. The use of information literacy by librarians is effective in discussing educational issues that involve the actual situations of students interacting with information resources. Dialogue with faculty is essential to raise their awareness of copyright fundamentals for research and teaching, and for their influence on students in developing an understanding of fair dealing. The webpage is seen as an effective method because it is visible and familiar for students and faculty alike. The comment that “all are important as different people approach the problem from many different aspects” reflects the view that no method can be singled out, since copyright can involve multiple teaching approaches, all of which are valid.

As the Web has become an essential method of communication in academic libraries, a question was asked to ascertain whether the library website provides a page for information about copyright issues. A majority of universities (60.3%) do.

As the Web is a critical medium for establishing presence in students' lives, all universities should be encouraged to develop a comprehensive copyright webpage. Several universities indicated they were developing a webpage or revising one. Ten universities instead provide a university copyright page via another department or service. Therefore only 15 universities among the respondents do not appear to offer a copyright webpage to their community. The author believes that having a library page is preferable, since it is under the control of the library, but this option may not be feasible. Some universities offer a limited amount of copyright information within the context of a service page for reserves or interlibrary loans.

To determine the visibility and proximity of the copyright webpage from the library homepage, a question was asked regarding the number of clicks required to reach the former from the latter. The fewer clicks, the better.¹² Those that are a single click from the homepage provide high visibility and proximity, enabling their users with easy access to copyright information. The norm appears to be two clicks (47.1%), while three clicks is the case for many libraries (29.4%). However, the number of clicks is not the only way to measure visibility and accessibility of this information—ease of searching via a search box is very important as well.

Table 11. Names of organizations given by those responding in the affirmative ($N = 30$)

Name	Frequency of mention	%
Copyright collectives (AccessCopyright, Copibec, Audio Cine, Criterion, ERCC)	19	63.3
Copyright Act and regulations	7	23.3
Association of Universities and Colleges in Canada	6	20.0
Canadian Library Association	5	16.6
Other university or library sites	4	13.3
Canadian Association of Research Libraries	3	10.0
Advocacy or information sites	2	6.6
Association of Research Libraries	1	3.3
Canadian Intellectual Property Office	1	3.3

NB: Multiple responses were permitted.

As a complementary exercise, the library websites of the 34 libraries¹³ that reported having a copyright webpage were examined to determine whether a search engine was available and the ranking of the copyright webpage in the results. The word *copyright* was entered in the search box. Of the 34 library websites, 21 (61.8%) provided a search function for the site, while 13 (38.2%) did not. For the group of 21 universities, the copyright page consistently appeared as the first hit in the search results, offering a straightforward path to copyright information. Students use commercial search engines like Google daily and sometimes hourly, and using a search box is their first reflex for entering the world of information. Consequently, the clicking proximity of the library copyright page is a lesser issue.

Information on the influence of any external organization (e.g., library association, governmental agency, copyright collective) on the development of the copyright webpage was elicited from a question asking whether there had been contribution from any external agencies. Respondents who answered this question in the affirmative were asked to provide details (see table 11).

The findings indicate that a number of organizations have influenced more than half (59.1%) of the libraries' copyright pages, in particular the copyright collectives. Information about these collectives and the university licences figure prominently on many Canadian academic library

Table 12. General purpose of the copyright page (N = 43)

Purpose	Frequency of response	%
Information about the copyright collective licence (AccessCopyright, Copibec)	36	83.7
Explaining copyright legislation, including "fair dealing"	32	74.4
Information about specific library services such as Reserve (including electronic reserve), Interlibrary Loan, Document Delivery, and Media Resources	24	55.8
Conditions of use for digitized materials (electronic resources)	24	55.8
Information and links for national and international agreements and organizations	22	51.1
Procedures on how to submit requests for copying, such as an FAQ	21	48.8
Procedures on how to submit requests for copying, such as an FAQ	21	48.8
Explaining the impact of copyright on research and publishing	16	37.2
Integration of content into course management systems, such as WebCT or Blackboard	12	27.9
Advocacy for copyright reform	1	2.3
None of the above	1	2.3

NB: Multiple responses were permitted.

copyright pages. The Copyright Act, the legislative foundation for government policy, is an important and logical influence as well. Educational organizations in the post-secondary sector and library community have influenced or contributed to the information provided on many sites, but less frequently than the above-mentioned organizations. On a different note, exemplary documents and practices on other university or library sites have been influential for several libraries, and advocacy sites have played a role in two instances. As copyright communication relies significantly on the relationships among players in the knowledge production chain, the results indicate the significant influence of these relationships on academic libraries. It is interesting to observe that a fairly small percentage of libraries (8.8%) did not indicate the contribution or influence of any external organization on their presentation of copyright information.

To understand the general purpose of the copyright page, a question on this issue was posed (see table 12). Most Canadian university libraries provide a copyright webpage to their user community, but a significant

number do not. The majority of pages are reasonably visible and accessible. There is a wide range of influences on the development of the page, with copyright collectives and the legislative act being the most important. There is a great diversity of purposes for the copyright page, ranging from description of the copyright collective licence to the explication of copyright basics and the terms of use of digital materials. Every school needs to negotiate the balance between these elements in order to meet its own objectives in education of users, fulfilment of legal and ethical roles, and the consequences for provision of service.

To understand the relationship between printed information about copyright and Web information, a question on this issue was posed.¹⁴ Some respondents (30.0%) indicated that printed information was generally similar to the webpage, compared to respondents for whom it was dissimilar (13.3%). However, a majority of respondents (56.7%) indicated that this issue does not apply. Respondents indicated that print material was condensed, restricted to signs on photocopiers, or targeted to a particular group such as faculty. The findings indicate that the content of the copyright message frequently needs to be modified or re-thought in working with these two media, as the two approaches are fundamentally different.

Academic libraries have employed a variety of methods to disseminate information on copyright. No single strategy is sufficient, but it is clear that faculty liaison is essential to an effective overall approach. Faculty can influence student attitudes toward intellectual property and copyright much more pervasively than libraries. Printed information is still used by a significant percentage of libraries but needs to be carefully tailored to the limitations of the medium. In general it is eclipsed by the other methods that have been implemented to reach users.

Discussion: Comparison of findings

The university context

Following upon Ferrullo,¹⁵ libraries need to seek a coordinated approach to copyright in their institutions, through advocacy and leadership in raising awareness of the issues with stakeholders on campus, especially the university administration. Lack of coordination was perceived by many respondents as a major organizational challenge and led to educational and interpretive problems. The size and type of institution

(specialized undergraduate to comprehensive doctoral) will have an impact on how this issue is addressed.

The policy context viewed by the library

Libraries need to cultivate leadership and a higher profile on their campuses on the copyright dossier and its place within intellectual property policy of the university. This leadership can lead to greater understanding of the library's role in knowledge management and information transfer in teaching and learning. In many universities the research enterprise will be equally important, if not more so. This recommendation follows upon the Wilkinson study,¹⁶ which concluded that universities need to articulate policies to manage knowledge transfer of copyrighted works, in order to better influence scholarly communication.

The organizational context in the library

Following upon Quartey,¹⁷ libraries should designate a staff position that will coordinate copyright activities and education within the library. This will provide a focal point for handling copyright issues and will provide reassurance to staff that desperately needs to have a local channel for discussing or directing their questions and concerns. Following Bay, copyright education of public services staff needs to be a priority, in order that they can feel confident in teaching the basics, in fielding questions, and in integrating this issue within their teaching and service. This training could be coordinated within the library or outside of it, depending on what is feasible and appropriate.

The copyright webpage in the library

Libraries need to provide a copyright page on the library website, as one method for communicating basic information to the user community. It can be a vital method for teaching copyright fundamentals, providing answers to specific uses of copyrighted material in the classroom and for private research and study, and developing an understanding of the wider legal landscape within which our copyright legislation and jurisprudence has developed. This follows upon the Gassaway study that emphasizes our responsibility for teaching copyright awareness to students, the Smith study (2006) that revealed faculty ignorance on copyright, and Dryden's view of technology and the need for public education on this topic. It can also explain the university licence with copyright collectives and its impact on library services.

Dissemination methods of copyright information in the library

Following upon the ACRL Information Literacy Competency Standards for Higher Education, methods of copyright education need to be assessed holistically, in order to determine the relative value of each to the library's goals in teaching the legal and ethical uses of information. No single method is sufficient.

Copyright challenges in the library

Libraries need to find opportunities for sharing best practices and experiences to learn from each other's approaches and strategies. A forum for brainstorming and structured discussion could help develop shared approaches in designing teaching or delivery of copyright matters.

It is also important for libraries to examine their licence agreements to ensure that they are not paying twice for a print course pack service—to copy journal articles that are provided to students for course assignments. Without this monitoring, libraries likely pay royalties for a substantial number of articles for which permission has already been granted via a licence agreement.

While these recommendations will not resolve the underlying challenges based on the nature of current legislation and recent attempts at copyright reform, they can alleviate organizational and communication pressures that many libraries experience in this area. Much will depend on the resources available to respond to these issues.

Further issues for study

This study can be a springboard for other areas of investigation that affect the broad topic of copyright communication. First, it would be worthwhile to investigate the content and delivery of information literacy programs in Canadian academic libraries on copyright issues. This would allow for a comparison of different approaches, tools, and styles. What is being communicated and how is it being done? How is this done in the context of raising awareness of scholarly communication issues, open access models, and the promotion of author retention of rights? Second, the role of copyright officers in the university would be a fruitful issue to explore. This could examine the institutional role of copyright officers, such as their scope and function, and their relationships with different players on campus, in order to compare strategies used for communica-

tion and coordination of copyright information and policy. Third, it would be very useful to study how public, college, and school libraries are grappling with copyright issues. What key dynamics affect copyright in each, and how do they compare with the dynamics in academic libraries? Finally, it would be valuable to compare copyright communication in Canadian academic libraries with that of US and European counterparts. While the Canadian legislative framework is different from that of the US and Europe, we could benefit from learning about the different approaches taken in these jurisdictions, particularly in teaching and coordination, and the impact of the political culture of the academy on library decision-making and policy. As we move further into the digital era, it becomes more critical that the library community grapple with the practical and strategic considerations regarding copyright issues, since our mission is predicated upon the provision of copyrighted materials to support learning and teaching in our institution.

Conclusion

This survey has sketched how academic libraries in Canada handle the challenge of copyright in their institutions. It has revealed that there is much variation in how copyright is approached at an organizational level and the range of strategies that are adopted for educating our user community. On the basis of comments received, it can be posited that this variation is not always a function of size or type of institution, but the result of several factors—whether or not resources are available, whether there is expertise in the institution, how copyright is prioritized by the institution and whether there is a coordinated approach by campus stakeholders.

This survey has revealed substantial frustration with the current state of copyright legislation, in particular that it provides inadequate guidance on the impact of digital communication technologies and little clarity on the critical issue of “fair dealing.” It also has major implications for future stewardship of scholarly communications as it affects the teaching and research mission of the library. As a consequence, the author’s view is that we need to ask ourselves hard questions regarding copyright in our libraries. Are we focusing solely on a legal, regulatory approach (the nuts and bolts of copying and uses of copyrighted materials) or on a broader educational mandate to provide a wider understanding of rights and obligations in a social and cultural context? How does university policy

fit with this challenge? How do we integrate this complex topic into our public service in a way that is manageable and meaningful? The need is stronger than ever for our national advocacy organizations—CLA, CARL, and AUCC—to continue to push for a fair and balanced approach to copyright that is sensitive to the culture and dynamics of post-secondary education. As digital content and information technologies pervade our environments, creating many challenges for educational uses and for copyright interpretation, this becomes all the more important. Teresa Scassa asserts, “It is crucially important that our understanding of concepts such as ‘creators,’ ‘owners,’ and ‘users’ do not unduly limit the ways in which we conceive of the copyright balance in our society” (2005, 65).

Moreover, students, faculty, and other users of copyrighted material need to perceive copyright law as just and ethical. As Jon Garon has pointed out, “The ethics of the law must be grounded in fundamental notions of justice and fairness, for without this, the rules devolve into conveniences which will be obeyed only when punishment is close at hand. If the only reason to respect copyright is to avoid being caught, it has outlived its purpose” (2003, 1283). The challenge for the post-secondary education community is to strive for a progressive approach that will ensure protection for copyrighted material while providing appropriate latitude for fair dealing. This needs to reflect collaboration among students and faculty, innovative forms of pedagogy, ubiquitous use of information technologies, a clear understanding of copyright legislation, and the novel ways in which culture and education are being defined. In so doing we can fulfil our professional and ethical responsibilities to our user community and as a consequence expand the profile of the library to students, faculty, and the institution itself. It is a challenging road filled with many opportunities.

Acknowledgements

The author wishes to thank his sponsor, the University of Ottawa, for the opportunity to conduct this survey, as well as Professor Margaret Ann Wilkinson of the University of Western Ontario for her generous time and insights that helped shape this paper. The author also thanks the Canadian Association of Research Libraries Copyright Committee for its feedback as well as other individuals in the library community.

Notes

1. "Mr. Speaker, the government's made in the U.S.A. copyright legislation actually represents a radical rewriting of Canadian copyright policy because the absolute legal protections for digital locks deliberately blurs the distinction between private use and counterfeit." Canada, House of Commons Debates 39: 2-116 (June 19, 2008) (Mr. C. Angus, MP).
TyAnna K. Herrington asserts that the dialogue affecting interpretation and development of intellectual property law "ultimately shapes our national character" (2001, 5). While this letter was written in the American context, the impact of intellectual property issues on Canadian life and culture is equally trenchant.
2. Tossell, Ivor. 2007. "Police – freeze! Drop that DVD!" *Globe and Mail*, December 14, 2007. R23.
3. One study is Horava, 2008.
4. The survey method lent itself to a comprehensive approach, rather than a semi-structured interview method that involved selecting individuals from representative institutions.
5. Maskell chose 30 university librarians for interviews (8 from Western Canada, 8 in Ontario, 7 in Quebec, and 7 from the Atlantic provinces) as representative of the country. Six federal government agencies, where policy making is directly related to research, were also selected.
6. "There are two research questions that I intend to answer: 1—Who has responsibility for copyright in the institution and library? 2—How do Canadian academic libraries communicate and teach copyright issues to their user community? Central to my project is a national survey of the practices of academic libraries in this area. I would very appreciate if you could complete the survey or forward it to the appropriate person, and return to me by June 16. Widespread participation is important for the success of my project." Email correspondence of the author to Canadian regional library consortia, June 4, 2008.
7. The number of responses for this question is different from that of table 1, as not all participants responded to this question.
8. The responses for questions in this section of the survey depend upon the respondent's knowledge of the university culture; it is quite possible that this knowledge is incomplete or inaccurate, depending on the individual's awareness of their wider organizational environment, beyond the library.
9. As the whole population of Canadian universities was surveyed, this correlation can be seen as quite conclusive.
10. See also Wilkinson 2000.
11. This group provided very few comments with their responses.
12. See Rubinstein and Shachaf 2007.
13. The discrepancy between this result and table 8 on the number of university libraries reporting to have a copyright webpage is due to a difference in self-reporting.
14. The discrepancy between the numbers of respondents who reported using printed information (26) differs from the data in table 8; this is due to inconsistencies in self-reporting.
15. Ferullo 2004.
16. Wilkinson 2000.
17. Quartey 2007.
18. This number is different from what was reported in figure 6 and table 8, as a result of self-reporting differences.

References

- Association of College Research Libraries. 2000. Information literacy competency standards for higher education. <http://www.ala.org/ala/mgrps/divs/acrl/standards/informationliteracycompetency.cfm>.
- Bailey, Jane. 2005. Deflating the Michelin Man: Protecting users' rights in the Canadian copyright reform Process. In *Geist 2005* (q.v.), 125–66.
- Bay, Mark T. 2001. *Copyright and the need for academic libraries to educate patrons*. Washington: US Department of Education.
- Burgess, Tara. 1999. Self-reported reasons for copyright infringement on the web. MLIS diss., University of North Carolina.
- Canadian Association of Research Libraries. 2005a. Statement of principles for the management of copyright in the digital environment. http://www.carl-abrc.ca/projects/copyright/copyright_principles-e.html
- . 2005b. Towards an integrated knowledge ecosystem: A Canadian research strategy. http://www.carl-abrc.ca/projects/kdstudy/public_html/2005/finalreport.pdf.
- Davies, Gillian. 2002. *Copyright and the public interest*. London: Sweet & Maxwell.
- Dinwoodie, Graeme B. 2004. Private ordering and the creation of international copyright norms: The role of public structuring. *Journal of Institutional and Theoretical Economics* 1 (1): 161–80.
- Dorner, Jane. 2001. *e-copyright survey*. Department of Education and Employment. <http://www.mirandnet.ac.uk/ftp/WBTTCopyrightResults.pdf>.
- Dryden, Jean. 2001. *Demystifying copyright*. Ottawa: Canadian Library Association.
- Ferullo, Donna L. 2004. Major copyright issues in academic libraries: Legal implications of a digital environment. *Journal of Library Administration* 40 (1–2): 23–40.
- Fewer, David. 2005. "Making available: Existential inquiries." In *Geist 2005* (q.v.), 267–84.
- Garon, Jon. 2003. Normative copyright: A Conceptual Framework for Copyright Philosophy and Ethics. *Cornell Law Review* 88: 1279–1360.
- Gasaway, Laura. 2005. Copyright compliance on campus: Make it easy. *Campus Technology*, October 24. <http://campustechnology.com/articles/2005/10/copyright-compliance-on-campus-make-it-easy.aspx>.
- Geist, Michael, ed. 2005. *In the public interest: The future of Canadian copyright law*. Toronto: Irwin Law.
- Harris, Lesley Ellen. 1998. Finding your way out of the copyright maze. *Computers in Libraries* 18 (6): 20–5.
- Herrington, TyAnna K. 2001. *Controlling voices: Intellectual property, humanistic studies, and the Internet*. Carbondale: Southern Illinois University Press.
- Hurt, Robert M., and Robert M. Schuchman. 1966. The economic rationale of copyright author(s). *American Economic Review* 56 (1–2): 421–32.

- Lessig, Lawrence. 2001. "(Re)creativity: How creativity lives." In *Copyright and other fairy tales: Hans Christian Andersen and the commodification of creativity*, ed. Helle Porsdam, 15–22. Cheltenham, UK: Elgar.
- Litman, Jessica. 2001. *Digital copyright*. New York: Prometheus Books.
- Maskell, Catherine, 2008. Consortia: Anti-competitive or in the public good? *Library Hi Tech* 26 (2): 164–83.
- Murray, Laura J., and Samuel E. Trosow. 2007. *Canadian copyright: A citizen's guide*. Toronto: Between the Lines.
- Quarley, Susie. 2007. Developing a campus copyright education program: Conquering the challenge. *Journal of Interlibrary Loan, Document Delivery & Electronic Reserve* 18 (1): 93–100.
- Rubinstein, Ellen, and Pnina Shachaf. 2007. A comparative analysis of libraries' approaches to copyright: Israel, Russia, and the US. *Journal of Academic Librarianship* 33 (1): 94–105.
- Scassa, Teresa. 2005. Interests in the balance. In *Geist 2005* (q.v.), 41–65.
- Smith, Kay Hogan, Rajia C. Tobia, T. Scott Plutchak, Lynda M. Howell, Sondra J. Pfeiffer, and Michael S. Fitts. 2006. Copyright knowledge of faculty at two academic health science campuses: Results of a survey. *Serials Review* 32 (2): 59–69.
- Tawfik, Myra. 2005. International copyright law: W[h]ither user rights? In *Geist 2005* (q.v.), 66–85.
- Tossell, Ivor. 2007. Police—Freeze! Drop that DVD! *Globe and Mail*, December 14, 2007. R23.
- Vaver, David. 2006. Intellectual property: The state of the art. In *Intellectual property rights: Critical concepts in law*, ed. David Vaver, 33–50. New York: Routledge.
- Whitney, Paul. 2002. Canadian digital copyright in the global context. *Felicitas* 48 (6): 268–71.
- Wilkinson, Margaret Ann. 2000. Copyright in the context of intellectual property: A survey of Canadian university policies. *Intellectual Property Journal* 14 (2): 141–84.

Appendix: Survey

Introduction

Thanks for agreeing to participate in this survey. Your input will enable me to gain a better picture of copyright communication in Canadian academic libraries. There are nineteen questions to answer.

1. Name of your institution
2. Your position title

The university

This section pertains to responsibility for copyright communication in the university.

3. Which department or service in your institution is responsible for educating the university community on the use of copyrighted materials?
4. Is there a separate department or service in the institution that has responsibility for managing copyright from the rightsholders' perspective, such as open access publishing, intellectual property rights, plagiarism, patents or trademarks, technology transfer?

If "Yes," please specify

5. Does the library's provision of copyright information influence or guide university policy?

Yes

No

Not sure

If "Yes," please explain

6. Conversely, does university policy guide or influence the library's provision of copyright information?

Yes

No

Not sure

If "Yes," please explain

The library

This section pertains to where copyright responsibility in the library is located.

7. Which department or service in the library has been delegated responsibility for copyright?
8. Is there a separate department or service in the library that handles rightsholders' issues?

Yes

No

9. If you answered “Yes” to question 8, what is the purpose of this department or service? Check all that apply.

Open access publishing

Advocacy for change in scholarly communication

Advice for authors regarding publishing

Publishing partnerships with other groups (either within or outside of the university) such as a university press

Other (please specify)

The library webpage

This section pertains to the use of a library webpage for copyright communication.

10. Do you have a library webpage providing information about copyright issues?

Yes

No

If “Yes,” provide URL

11. How many clicks away from your library homepage is this page?

1

2

3

4

5

Other (please specify)

12. Did information from any external organization (e.g., library association, governmental agency, copyright collective) contribute to the development of this page?

Yes

No

If “Yes,” please explain

13. What is the general purpose of this page? Choose all that apply.

Conditions of use for digitized materials

Integration of content into course management systems, such as WebCT or Blackboard

- Information about the AccessCopyright licence
- Information about copyright legislation, including the “fair dealing” provision
- Information about specific library services such as Reserve (including electronic reserve), Interlibrary Loan, Document Delivery, and Media Resources
- Information or links for national and international agreements and organizations
- Procedures on how to submit requests for copying, such as an FAQ
- Advocacy for copyright reform
- How to obtain copying permission
- Explaining the impact of copyright on research and publishing
- Other (please specify)

Methods of library dissemination

This section pertains to questions on how copyright information is disseminated by the library

14. Does your library use any of the following methods to raise awareness of the use of copyrighted materials? Check all that apply.
 - Online tutorial
 - Information literacy
 - Faculty liaison/outreach
 - Individual assistance
 - Reference service
 - Printed information
 - Webpage
 - None
 - Other (please specify)
15. Which of the above do you feel is the most important method, and why?
16. If you use printed information, is it generally similar in content to your webpage?
 - Yes
 - No
 - Doesn't apply
 - Comments

Last questions

Three more questions and then you've completed the survey.

17. What are the biggest challenges you face in dealing with copyright issues?
18. Do you have any other comments on copyright in the academic library context, e.g., the impact of new technologies, the impact of contractual licensing for e-resources, the education of users?
19. Are you willing to be contacted directly with any further questions or follow-up?

Yes

No

If "Yes," provide contact information

Thank you!

Your participation in this survey is very much appreciated.