



IFLA STATEMENT ON COPYRIGHT EDUCATION AND COPYRIGHT LITERACY

This IFLA policy statement, aimed at governments (including intergovernmental organisations), libraries, library associations and library educators, looks to explain the concept of copyright literacy, its importance within the broader work of libraries, and make recommendations for improvements.

Copyright laws with appropriate limitations and exceptions are critical to the work of libraries, enabling activities such as access, lending, copying and preservation. Having few or no adequate provisions for libraries creates serious restrictions on the ability of our institutions to carry out their mission of giving access to information legally.

Nonetheless, the experience of users is shaped as much by the way in which libraries interpret and apply the rules, as by the text of the law itself.

IFLA's *Code of Ethics for Librarians and Other Information Workers*¹ underlines that alongside the responsibility to recognise intellectual property rights, there is a parallel duty not to impose unnecessary restrictions on users' right to access information. In short, libraries should use all possibilities provided by the law to give access and enable learning.

To do this, librarians and other information workers need to be copyright literate, in order both to carry out their own functions and duties, and to support colleagues and users, in the most effective way possible.

Copyright literacy can be defined as sufficient copyright knowledge to be able to take well informed decisions on how to use copyrighted materials². It includes understanding the structure, functioning and implications of the copyright system, as laws, practices, and user expectations evolve. Copyright education is the process of developing and updating copyright literacy.

Copyright literacy is an issue for all types of library. Public and school libraries, for example, may need to advise library users, staff and others on what they can copy or use, make accessible format copies of works for people with disabilities, or provide educational services (including activities such as maker spaces).

¹ IFLA Code of Ethics for Librarians and Other Information Workers (2012):

<https://www.ifla.org/publications/node/11092>. The *Code of Ethics* also underlines a duty to advocate for stronger user rights in future. It is worth noting that experts have also noted a the 'latent flexibility' within copyright law – [Hudson](#) (2019, forthcoming).

² "Acquiring and demonstrating the appropriate knowledge, skills and behaviours to enable the ethical creation and use of copyright material", Secker and Morrison, (2016) p.211. Morrison and Secker define it as the "increasing range of knowledge, skills and behaviours that individuals require when working with copyright content in the digital age" (Morrison and Secker, 2015). Arguably, a copyright-literate person also understands the wider policy debate around copyright, and whilst not necessarily engaging directly in copyright advocacy is able to relate their own approach to the history and development of copyright laws. This involves an awareness of the inherent tensions between the various stakeholders.

Libraries with more extensive services may, amongst other things, run repositories, carry out mass-digitisation programmes, engage in document supply, oversee legal deposit, and negotiate contracts for digital content. All require knowledge of copyright, including its application to new uses or types of material. Lack of knowledge may result in mis-application of the law, and lead either to infringement, or overly restrictive limits on what users can do.

In all institutions, librarians may well also be seen as the copyright experts, and become reference points for those around them. Their approach and attitude are likely to influence others, and affect the guidance given to a wide range of users. Librarians additionally have the opportunity to shape institutional policies, for example, on open access, and promote approaches that are consistent with library missions and in accordance with the *IFLA Code of Ethics for Librarians and Other Information Workers*.

Nonetheless, extensive research³ shows that knowledge of copyright among librarians is highly variable and that there is a great need and demand for copyright training within the profession. Having a named (or informal) external copyright expert on whom librarians can call represents a helpful approach to dealing with the most complex questions. However, a greater level of copyright literacy within the profession as a whole will mean that more users' questions can be answered in a quick, confident and well-informed way.

This notwithstanding, it remains the case that, in the long-term, copyright reforms are essential, both at the national and global level, to guarantee meaningful access to information, preserve collections, provide education in libraries, and enable creation by library users, amongst other activities. Given that for many countries, reforms are not a realistic prospect in the short term, better understanding and application of the law as it stands represents the best prospect for enhancing user rights quickly and legally.

This does not and should not take away from the need for reform, and may help identify the most pressing needs. Indeed, the more librarians become experienced in copyright issues, the more likely they feel confident in collaborating and working towards copyright reform.

Recommendations

Based on the above, IFLA makes the following recommendations to governments, libraries, library associations and library educators:

Governments (and intergovernmental organisations, where appropriate) should:

- Provide for limitations on liability for librarians and other information workers both when they are acting in good faith for library purposes and supporting the activities of their users, as well as safe harbours in the digital environment. Such a step will give librarians greater confidence in applying the law.
- Ensure that government-sponsored copyright education programmes, both for librarians and for the broader public, give due attention to exceptions, limitations and other user rights. Such programmes should focus on what users can - rather than cannot - do, in order to avoid creating fear or concern when using copyrighted

³ copyrightliteracy.org offers a bibliography around the theme: <https://copyrightliteracy.org/about-2/international-copyright-literacy/>

materials. Public money should support campaigns that both identify the rights of rightholders and the opportunities for users.

- In the longer term, ensure that copyright laws provide for a simple and easy-to-apply framework of limitations and exceptions that enable libraries to fulfil their mission and mandates and assist individual library users in understanding the appropriate use of copyrighted content, notably through simple, targeted guides.

Libraries should:

- Comply with the law as it stands, and whilst respecting the legitimate interests of rightholders, maximise access to information and preservation of their collections.
- Recognise and value the development and updating of copyright literacy among staff.
- Engage in and use any opportunities to ensure that institutional policies and practices relevant to copyright facilitate access to information, within the limits of the law.
- In line with the *IFLA Code of Ethics for Librarians and Other Information Workers*, advocate for stronger exceptions and limitations in order to maximise access to information.
- Offer workshops and training for staff and users on copyright and related issues, especially when laws are amended.
- Ensure that all professional library staff have a basic knowledge of copyright law, and consider designating a specialist copyright librarian, for example regarding questions of copyright in other jurisdictions.

Library associations should:

- Ensure that comprehensive copyright literacy is included in competencies for library professionals, working with library educators, and explore the possibilities to provide guidelines or certification.
- Advocate for stronger exceptions and limitations in order to maximise access to information.
- Act as fora for the exchange of expertise and best practice to raise the standard of provision of copyright education and, where possible, produce practical guides on copyright literacy for practitioners, as well as workshops and conferences.
- Collect and publish empirical data on copyright literacy initiatives for both pre- and in-service training to ensure continuous improvement of the copyright education programmes. Such data will also support advocacy activities.

Library educators should:

- Ensure that there is adequate coverage of copyright in the curriculum to address those topics that are critical to library work (including the national and international context, as appropriate). Such education and training must reflect the context in which students will apply knowledge, focus also on positive rights (such as text and data mining or fair use, where relevant), and furthermore could consider other legal questions, such as privacy and liability.
- Work with relevant professional associations to ensure that curricular inclusion of copyright literacy is a requirement for accreditation.

Agreed by the IFLA Executive Committee, 20 August 2018



References

Much of this statement is based on the discussion at the meeting organised by the IFLA Advisory Committee on Copyright and other Legal Matters and Information Literacy Section on 23 August in Wrocław, Poland: *Models for Copyright Education in Information Literacy Programs*. Papers from this meeting will be published shortly.

Hudson, Emily, (2019) – forthcoming research into copyright application

Morrison, Chris and Secker, Jane (2015) *Copyright literacy in the UK: a survey of librarians and other cultural heritage sector professionals*. *Library and Information Research*, 39 (121). pp. 75-97

Secker, Jane and Morrison, Chris (2016), *Copyright and e-Learning – a Guide for Practitioners*, 2nd ed., Facet Publishing, London