Chapter 16

Copyright Challenges in Digital Libraries in Kenya
From the Lens of a Librarian

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ABSTRACT

This chapter examines copyright issues and challenges facing digital libraries with a specific emphasis on Kenya. It covers a number of issues such as the meaning, characteristics and advantages of a digital library; the copyright concept, copyright challenges in the creation of digital libraries such as permissions for digitisation of copyrighted materials; critical issues that influence access and use of electronic information resources such as excessive information protection; as well as lack of or limited knowledge on copyright among users and librarians. Other issues discussed include Digital Rights Management (DRM), access to published works by people with visual disability, and orphan works. The author recommends additional education and training on copyright for librarians and information users; regular updating of the copyright law; copyright law reforms that ensure a balance between copyright restrictions and exceptions; promotion of open access publishing, and development of copyright policies for libraries.

INTRODUCTION

The advent of Information Communication Technologies (ICTs) has changed the substance of library services and the way they are offered. Three technological advances, namely the digitisation of information, networking, and the World Wide Web, have changed the economics of information. Digitisation has changed the economics of reproduction; networking has changed the economics of distribution; and the World Wide Web has changed the economics of publication. ICTs have brought about the development of digital libraries which in turn provide easy access to information resources and services. Names like “virtual library”, “electronic library”, library without walls” and the most current “digital library” have
been used interchangeably to describe this library. Although the term digital library has gained popularity in recent years, digital libraries have been evolving along the technological ladder for the last thirty years (Adav, 2015). With the introduction of digital libraries, the library profession is changing. Librarians must be ready for the transformation from the traditional maintenance of collections which are easy to control to a digital library where users access a broad range of resources that complicates content control and maintenance issues. The development and management of digital libraries is affected by a number of issues, among them copyright issues.

Copyright and the access rights are two complementary rights which need to be reconciled. As Geiger (2011) posits, allowing digital libraries to expand while at the same time securing a fair return to creators and editors constitutes one of the main challenges for copyright frameworks in the digital age. The purpose of this chapter is to examine the copyright issues and challenges the managers of digital libraries in Kenya face with a view of suggesting measures to overcome them. The specific objectives of this chapter are to:

- Explore the concepts of digital libraries and copyright;
- Discuss the copyright challenges facing digital libraries in general but also more specifically in Kenya; and
- Recommend strategies for addressing these challenges.

The chapter discusses the issues above from the perspectives of a librarian.

UNDERSTANDING DIGITAL LIBRARIES

A digital library as defined by Arms (2005) is a managed collection of information, with associated services, where the information is stored in digital formats and accessible over a network. Digital libraries, through a librarian’s lens, are libraries with the same purposes, functions and goals like traditional libraries. These include collection development and management, information organisation, provision of access, reference services and preservation of information resources (Cleveland, 1998). Digital libraries range in size from small to huge libraries. They can use any type of computing equipment and any suitable software. What is common is that information is organised on computers and made available over a network, with procedures to select the material in the collections, organise it, make it available to the users, and archive it (Kavulya, 2007). According to Rosenberg (2005), the basic building blocks of a digital library include automation of library systems, sufficient ICT facilities (computers, networks) and adequate connectivity. Adav (2015) highlights the basic characteristics of a digital library as a collection of services, a collection of information objects, user support, organisation and presentation of information objects either directly or indirectly through an electronic or digital platform. Drawing from the definitions in the literature on digital libraries cited above, the important features are that: the information in digital libraries is electronic; the information is managed; a digital library is not one monolithic structure but comprises of networked systems and resources integrated through a digital interface; and the resources include but not limited to bibliographic databases, electronic journals, electronic books, indexes, data sets and multimedia. Furthermore, digital libraries are targeted at specific user groups.
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