

THESES OF THE DOCTORAL DISSERTATION

**Copyright on the Internet  
and its Relations to the Library**

*Senkei-Kis Zoltán*

Eötvös Loránd University  
Faculty of Humanities

**Budapest**  
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## **1. The significance of the chosen subject**

Judging the copyright of the electronic/digital documents is undoubtedly important and inevitable field of our era. It is true for national and international library systems besides a lot of other fields. The purpose of my research is to reveal, interpret, find solutions for this difficult problem, and so to contribute to the proper orientation in this ambiguous subject.

These days thanks to the internet millions of electronic/digital documents have spread over the world in the information society directed by the global economy. This unlimited information flow has fundamentally changed the legal regulation which was prepared for the „traditional” works and which worked well, but now under the new circumstances it lacks ground. The proper solution is not just the authors' and producers' interest but the publishers, services, legislators and librarians would also like to work with reliable legal background. Of course you shouldn't forget about the other side, the users, who often violate the copyright accidentally in fields where the rules are unclear or not regulated efficiently.

## **2. The aim, the object and the method of the research**

The aim of my research is to answer how to realize the legal regulation of the author copyright of the electronic/digital contents which spread in big amount on the internet with special regard to the national libraries. To explain the problem I have looked over the bases, the connections of the information society, the internet and the digital culture transmitted by it, because without laying down these the renewed environment can hardly be understood, of which copyright regulation has so many problems. I have examined the nature of the digitalization methods and the electronic documents. I have looked over some inevitable definitions connected to the copyright and I have presented the most important stages in the history of the copyright. I have studied the relation of the libraries, electronic documents and the copyright in their connections, and finally I have examined certain efforts for solutions, initiatives. In my dissertation I worked on to use and analyze the theoretical and practical knowledge. The theoretical background is based on the special literature in the national and the international jurisprudence, the library and information science, which means the analyses of the traditional and electronic sources.

The practical parts contain several information of my personal practise. I worked in different kinds of libraries for years which helped me a lot to examine the practise of carrying

out the copyright. Worth mentioning the conferences I took part in and my consulting with library and law experts.

I would like to mention the remarks, comments, and notices from my colleagues and students which also contributed to my dissertation.

### **3. Summary of the results of the research: conclusions and suggestions**

*I. thesis: The libraries – on the national and international level – are changing very much because they must follow the information centred and information providing library image instead of the present document centred view in consequence of the mass spread of the digital documents and parallel with it the suppression of the traditional paper based documents.*

In my dissertation I have described in details, proved with statistic data how the ratio of the traditional and digital documents have changed in the last two decades, which proves that another kind of view is needed for the libraries as well because handling the latter type of the documents cannot be compared to the previous one.

The definition of the document has changed a lot over the years. The main point of it is that the document must contain the information put down. The document is an independent intellectual production, free information unit, of which aim is to communicate the information, to transmit knowledge. The libraries are obliged to collect, store, systematize, make the documents accessible for the users.

Printed and electric documents can be distinguished according to the technology of the production. The printed documents exist in a palpable form, inseparable from the information bearer. The electric documents store analogue or digital data.

There are documents which were produced on digital platform (they are only in digital form), and there are digitalized documents (which weren't produced in electric form originally). The most important definition is of the electric document itself: document which can be handled by the computer and digitally coded including those appearing on one of the physical vehicles and to use them you need a kind of periphery attached to the computer or forming a part of it or those documents which can be reached on the network.

It is evident that the electric documents have certain obvious characteristics which can differentiate them from the printed documents. Such characteristics are for example that they can be manipulated easily, outer and inner links can be added to them, they can be transformed simply, data can be transmitted immediately, and they can be copied without limits. The most worrying aspect in electronic publication is to change easily. This process has

made the claim to change the copyright which is a cardinal question for the libraries if they want to fulfil their duty on a high level and legally.

***II. thesis: Because of the mass spread of the electronic documents it is necessary to work out a copyright system, different from the one used up to now, including all types of author's work.***

Nowadays the degree of the information increase can be measured which is caused by the mass spread of the internet. In my dissertation I have examined what kind of difficulties the legislators must cope with in this new situation. I have asked the question whether it is necessary or possible to regulate the internet, and if it is, which methods must be used. The experts' and the users' opinions have varied in this field up to now. Rules can or have to be formed for the internet independently from the fact that it is not controlled by any central authorities. However, a difficult and unreliable regulating system can obstruct the spread of the subjects having the copyright or can lead to the mass violation of the law. The copyright doesn't make difference between the electronic and the "traditional" documents. Theoretically all kinds of author's work must have the same protection independently from its bearer. The copyright system really worked successfully until the mass spread of the internet, but the digital form has made the regulation very difficult. It is obvious that the electronic document is of a total different nature than the "traditional" paper based document because it is changing and it is changeable permanently, it is ephemeral, etc, so the valid rules which have worked well so far cannot be applied for it. The appearance of the electronic documents has fundamentally changed the environment of the copyright. Nowadays it's possible not only to store big amount of documents, but also to copy them without limits, to duplicate them corresponding to the original ones in quality and in content, too. Though the representatives of the traditional copyright make efforts to obstruct the free flow of the electronic information, but sooner or later the copyright should change and adjust to the electronic world.

***III. thesis: Different solutions are necessary for the legal regulate of the different types of author's work in digital environment. The DRM systems (Digital Rights Management) are promising such a solution or the Creative Commons.***

Such devices belong to the electronic management of rights which make possible to regulate the access to the digital contents. The two basic aims of DRM systems are the identification and the legal validation.

To validate the copyright on one hand the intellectual works and their rights, on the other hand the authors and the authorized persons of the copyright have to be identified so the data of the authors and their rights have to be reported by all means. Furthermore to validate the copyright the rules for the use, the circumstances of the use, and the data of the fact of the use should be defined.

In my dissertation I have examined the cases, types of the Digital Object Identifier, the digital watermark, keeping secret, certifying.

This is a total different initiative than the Creative Commons, which is a legal statement, a licence added to the work by the author, in which the author can define what the users are permitted to do freely with the work, and in which cases the user should ask the author for the permission. Using the CC licence the author can permit the duplication, rewriting and the adaptation of his work easily without being at home in legislation. And he can also define how to sell and/or earn money with the given work.

The CC gives a compulsory contract made by lawyers which regulate the relation between the author and user of the work, and which was translated to 32 different linguistic and legal environments of 32 countries including Hungary as well. This is not against the copyright system, it rather completes that.

The CC rests on the recognition that the appearance of the internet and the new media technologies has significantly changed the forms of the use. The initiators of CC deal with not just the scientific contents. They take as a starting point that the automatic protection of the copyright obstructs the stimulation of the intellectual work and the preservation of the world culture in many cases.

It can be declared clearly that the wide range of digital works cannot be judged by the same standard, one sort of copyright protection cannot be applied for all kinds of works. In the respect of the libraries the written works are the most important because they are provided in the highest per cent by them. It is especially difficult to create proper rules which are acceptable for everybody and to give the same legal protection just for this type.

***IV. thesis: The DRM (Digital Rights Management) or the digital/electronic legal practise seriously violates the users' personal rights in certain case, international library organizations protested against it.***

The DRM is a system of technical method developed against the illegal distribution of the protected digital contents which limits or obstructs the illegal access to the contents under legal protection. It also makes possible to permit the use, the transmission of the content from the authorized person to the user, and accounting the charge for use. In my dissertation

I have examined the disadvantages of the DRM, and you shouldn't forget about that applying these technologies violates or can violate the users' private sphere. The techniques of the digital legal practice can be used for unfair purposes (e.g. shadowing) and they are used more and more often. More and more internet services have the opportunity to use the new technical possibilities which are suitable to identify the users and follow their interest, taste and purchasing habits. There are solutions by which the internet users' all steps can be followed and recorded. The international library organizations have protested against certain applications of the DRM technologies which occasionally definitely violate the users' rights provided in copyright laws or don't protect the internet users' personal data. The EBLIDA has brought up that the EU experts regard all of the free use as violation of the rights, "pirating", though the copyright laws guarantee the exceptions of the use for the public collections, schools, individuals on limited conditions. In these cases they use the works under the copyright free legally without the author's permission. In connection with the DRM systems it's advised to protect not only the integrity of the works, but also the users' private sphere, and to make their use unambiguous and user friendly. In reasonable cases the legal avoidance of the protection system should be permitted, for example if a public collection wanted to archive a work, the copy protection should be released.

In the digital legal practice the same rules are valid for the legal and illegal use as well; moreover they are used in a way that not only the users' just interests but also their private spheres are often violated.

*V. thesis: The question of the copyright has become an economical, business factor. Every type of work has its own "beneficiaries" (publishers, distributors, rights holders, etc.) whose financial interest is the strict copyright regulation which guarantees the considerable profit.*

The realization of the information society caused the information to become the most precious resource, and the knowledge industry, which works with more and more effective and uninhibited instruments, cultural and entertaining industry have come into being. It can be understood that they want to have bigger and bigger part in this world exploiting the copyright laws originally formed for regulating the duplication of the physical bearers and the privileges provided for the inventors of the new inventions protected by licences. So nowadays almost all products are protected, and the protection period is tried to be lengthened by economical and political influence. By this the privatization of the culture has a back reaction: which was public property before, now is becoming private property. It is associated with big media concentration: all the important publishers, radio stations and TV

channels, film companies and now the content service on the internet are owned by some big company. These giants disapprove more freedom in digital instruments and networks not only being scared of losing the income from the private copying, but they also would like the people to pay attention just to the culture created by them, moreover they try to make the creation, basing on a previous knowledge and culture impossible for the others. Because of the temptation of the money simultaneously an illegal copying and distributing network has been formed similar to the industrial and fashion products. So often before the official publication the latest films, books and music can be purchased and loaded. A kind of freedom-fighter movement has been organised against the multis misusing the owner rights protection of the intellectual works, too.

During my research it turned out that considerable economical interests are involved, and the lobby of the copyright industry has enormous influence on the development of the national and international copyright.

#### **4. The utilization of the results of the research**

Having completed my dissertation I would like to add to special literature which is getting richer and richer, includes more scientific or interdisciplinary fields, but attaches to the copyright the most closely and which tries to orientate the users in our changed, digital world. I hope my work provides unknown data, details, connections, and help for the practical information and library work, and it can be utilized in connection with scientific activities and teaching.

The dissertation concentrates on the copyright, examines its nature (in different environments), the efforts up to now, and the possible future solutions. The stress is laid on the relations to the library, because being a librarian and the teacher of Eötvös Loránd University, Faculty of Humanities is the most important for me. I tried to form the content of my dissertation so as to be suitable for learning the subjects in this field taught by me, too, and use it as a so for research.

