Fair use challenges in academic libraries during COVID-19

A case study of University of Guyana Library

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June 9, 2022

Introduction

- A library's fundamental purpose is "to provide unstructured access to the wealth of human knowledge and culture, sparking self-directed learning and creativity" (Clough, 2020).

Introduction

- COVID-19 pandemic had forced all libraries to close their doors to users. Patrons were not permitted to physically access the resources from the library. However, the need for information remained constant. Consequently, the library sought to meet the demand for information through its fair use strategy.

Background

- COVID-19 started in late 2019 in China and seemed like a new flu virus strain that seemed only to affect people in its place of origin. By March 2020, however, COVID-19 was classified by the World Health Organisation as a pandemic.

- Education and schooling were severely affected. Schools worldwide were forced to close the brick-and-mortar structures, and teachers/instructors and students were forced to adapt to the virtual way of teaching and learning.

Background

- Guyana is a signatory to the Berne Convention and the Universal Copyright Convention. According to the World Intellectual Property Organization (2020), the Berne Convention was adopted in 1886 to provide control to authors, musicians, poets, painters, etc. on how their works are used, by whom, and on what terms.

Background

- The University of Guyana, the leading tertiary institution in the country, is Guyana's only national university. It offers a wide range of disciplines for both undergraduate and postgraduate students through its faculties, school, and institute. The University has two campuses, Turkeyen, established in 1963 and Tain, established in 2000. To date, the University of Guyana, Turkeyen serves approximately twenty-five thousand students while Tain serves about five thousand students.

Objectives

To understand the implications of fair use principles in the academic library setting in a developing country.

To establish what impact COVID-19 has had on fair use internationally.

To identify examples of good practices and interventions designed to overcome the COVID-19 barriers.

Establish current practices at UGL in relation to the COVID 19 pandemic.

To make recommendations on the way forward for the UGL.

Before employing fair use, academic libraries must first consider the four-factor rule. 17 U.S. Code 107 – Limitations on exclusive rights.
Fair use factors to be considered:

1) The purpose and character of the use;

2) The nature of the copyrighted work;

3) The amount and substantiality of the portion used in relation to the copyrighted work as a whole;

4) The effect of the use upon the potential market for or value of the copyrighted work.

The Impact of Fair Use Principles on Academic Library Services

The literature on the application of fair use doctrine in academic libraries reveal some interesting results.

- It is important to note that there seems to be some difficulty with the interpretation of the concept by librarians.

Impact of COVID-19 on the Delivery of Services in Academic Libraries

- The literature shows that the impact of the COVID 19 lockdown affected academic libraries in different ways and much of it had to do with the state of their collection at the advent of the lockdown.

Fair Use & Academic Libraries During the COVID 19 Lockdown

- Libraries had a barrier shift from physical to digital. This shift is generating many problems such as finance, technology and restricted electronic collections for the underdeveloped countries.

Findings

- **Implications of Fair Use Principles in Academic Library Settings in Developing Countries**

- **Challenges created by the COVID-19 Shutdown for the Delivery of Library Services**

- **Effect of COVID-19 on the Application of Fair Use in Academic Libraries**

- **Practices and Interventions Used to Overcome the COVID-19 Challenges in Academic Libraries**

- **Challenges Experienced and Practices Implemented at The University of Guyana Library**

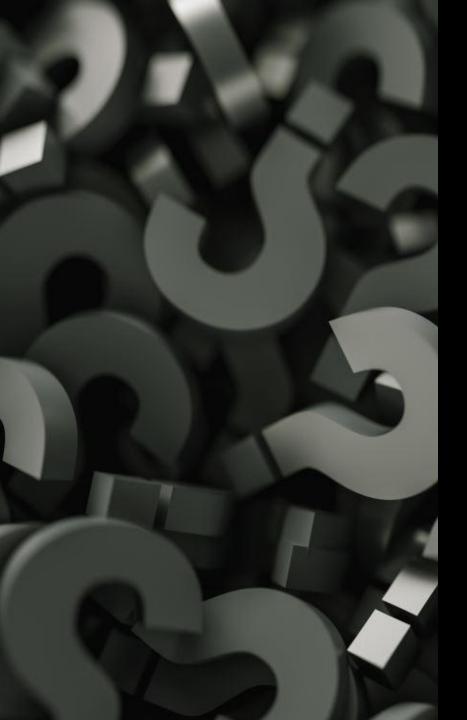# Interpretation and Discussion of Findings

- Imbalance of actions

- Librarians must be educated on fair use doctrine whether professionally trained or untrained.

- Outdated copyright laws in Guyana

- Ethics of librarians given the economic barriers of developing countries.

- ICT infrastructure of countries and libraries

- UGL took effective initiatives that served the users.

Conclusion and Recommendations

- The research showed that COVID-19 brought many challenges for academic librarians; however, it also showed the resilient nature of library professionals the world over. Despite the disparity in access to resources to innovate and adapt to the change required by a shift to online services, many librarians continued to find ways to serve their patrons.

Overall, it can be concluded that this research highlighted some key issues in the application of copyright laws and fair use principles, especially in light of the COVID-19 pandemic. Consequently, the following recommendations are being made to deal with some of these issues.

1. Academic librarians should receive training in how to apply copyright laws and fair use principles. Such training should not stop at library school, but should be a part of continuous professional development that librarians should undergo on the job. This recommendation is particularly critical given that many academic librarians in developing countries are not professionally trained in library schools.

2. Librarians should advocate for updated copyright laws in their respective countries that will help to alleviate the issue of expensive textbooks and inadequate educational resources resulting in the black-market activities.

3. University of Guyana library should have documented copyright and fair use policy guidelines that can be used by librarians. These guidelines can be fashioned after the ARL guidelines.

4. Further research should be conducted to understand the needs of academic librarians so that support efforts can be crafted to directly help them where necessary.

Questions