CURRENT INTERESTS

Building Copyright Confidence Through Community

Abstract: A working knowledge of copyright is essential for academic library staff at all levels if they are to effectively support their users. However, it is an area that causes anxiety amongst staff who often feel underprepared to deal with the questions they receive. The Covid-19 pandemic and the corresponding online shift has highlighted the need for embedded copyright expertise but how do academic libraries equip their staff with the copyright knowledge they need and (perhaps crucially) give them the confidence to use it? Although formal training is available, copyright is a changeable area requiring ongoing education which is no longer practical in the age of limited training budgets. This case study of the approach at Cambridge University Libraries explores some of the potential reasons for staff apprehension around copyright, the range of copyright knowledge and skills needed in an academic library and how a collaborative approach has helped to increase the copyright confidence of staff across the institution. This article has been written by Claire Sewell, Research Support Librarian at the University of Cambridge.

Keywords: copyright; librarianship; academic libraries

INTRODUCTION

'I have a question about copyright' are words many academic librarians live in fear of hearing. Even those who have been working with students, researchers and lecturers for years and are able to confidently answer questions on a wide variety of topics still visibly wince when they see a copyright related query coming their way. But why is this? And perhaps more importantly, what can we do about it? This article explores some of the potential reasons for the apprehension around copyright, the knowledge and skills those dealing with this area need to develop and why the pandemic has made the issue more important than ever. It also offers a short case study of the approach taken by Cambridge University Libraries to address the copyright needs of staff and students across a large, research intensive university.

COPYRIGHT IN THE ACADEMIC LIBRARY

For those not familiar with the academic library environment, copyright underpins every aspect of provision. Almost all libraries have some form of physical collection as the basis of their service. Obviously the exact content varies depending on the institution but is likely to include core textbooks featured on class reading lists, monographs on research topics of relevance to courses, special collections and archives

related to the institution and a number of journal titles. Many of these materials will also have online counterparts, especially as academic journal publishing moves almost exclusively online. Not only have many legacy journals launched an online presence but the growth of open access publishing has helped to create new titles where a print run would previously have been impossible. There are also both past and present developments in resource sharing to consider. Now obsolete formats such as CD-ROMs may still occupy a dusty corner of the library catalogue and some academic libraries actively capture otherwise transient web content for preservation. The development of open research practices in academic institutions since the publication of the Finch Report[1] a decade ago has resulted in an ever-expanding digital archive of PhD and research theses, working papers, conference presentations and other material that has not been formally published but is still of vital importance to the scientific record. At the other end of the scale we must consider special collections which may be long out of copyright but for which digitisation adds an additional layer of complexity. As well as maintaining collections in both print and digital format, academic libraries often play an expanded role in helping lecturers prepare their teaching materials. Slides and handouts for lectures must be developed, exam questions set and readings shared with students both on and off campus. The development of virtual learning

environments (VLEs) over the last few years has only enhanced the need for copyright knowledge as digital readings are shared online, potentially reaching a wide audience.

This all adds up to a diverse range of resources accompanied by an equally diverse range of copyright issues. The Covid-19 pandemic has also had an impact on academic libraries including an acceleration in the provision of online resources. As lockdowns forced students away from campus their access to physical materials was obviously restricted which led to digital resources being purchased at an ever-increasing rate. Services offering remote photocopies or scans of print material were also established to deal with the lack of physical access and many libraries have made the decision to make these part of their core offering in the post-Covid world. These services have further increased the pressure on staff to develop their knowledge of copyright as it becomes an essential skill in recently expanded roles.

Like colleagues at other institutions, staff at Cambridge University Libraries have had to deal with these issues. The University operates on a collegiate system with a total of 31 colleges, all of which offer some form of library service. In addition, there are 33 faculty and departmental libraries, a range of affiliated institutions and the University Library itself. The UL, as it is affectionately known, is one of six legal deposit libraries in the United Kingdom which entitles it to claim a copy of every book published in the UK and Ireland. Although this includes thousands of physical items every year, since the Legal Deposit Libraries Act (2003)[2] and the Legal Deposit (Non-Print Works) Regulations (2013)[3] this collection has expanded to include ebooks which publishers are able to supply in lieu of print. Although this helps with issues of space it adds to the copyright burden as considerations around licencing and online copying come into play. With this range of services it is perhaps no surprise to see some level of copyright knowledge listed on job descriptions for a variety of roles. However, locally the need to know about copyright has often induced some level of anxiety as staff feel underprepared to deal with queries in an area which carries potential legal ramifications for those involved.

SKILLS DEVELOPMENT

Both a quick survey of the literature and anecdotes from academic library staff tell us that a lack of copyright confidence is not an issue unique to Cambridge. Work by Wakaruk, Gareau-Brennan and Pietrosanu (2021)[4] developed the Copyright Anxiety Scale to assess librarians' levels of fear over dealing with copyright issues. Several factors contribute to the anxiety levels reported including low levels of knowledge, a lack of time and feeling uncomfortable with not being able to give a concrete answer because so much of copyright depends on interpretation.

This echoes comments made by Morrison and Secker (2017)[5] in their study on librarians' experiences of copyright. They observed similar issues around a lack of confidence in a complex and constantly shifting area, something made worse by a perceived lack of support from senior management who were not directly involved in day-to-day copyright decision making. The staff surveyed felt that this lack of engagement meant that they were often unsupported in the advice they gave to users on issues which had potentially far reaching legal consequences. Staff were often not in a dedicated copyright role and felt unsure of how to address this element of user service provision even when they had some experience. Those undertaking formal information qualifications find that copyright is often only mentioned in passing in relation to specific topics, such as dealing with special collections which does little to help prepare library staff for the reality of working with copyright in the academic library. It must also be remembered that formal education is not a path open to everyone and many staff have to rely on ad-hoc access to training courses to educate themselves in this area.

So, what do those working in academic libraries need to know about copyright? The answer will obviously depend on the institution they work in, their exact role and the activities undertaken but there are some common skills. Several surveys have been conducted over the years which highlight the need for an understanding of the essentials of copyright such as the relationship between copyright and other intellectual property laws, the different layers of rights in any item, durations, copying limits, how this can impact use and a grasp of local legislation (Oppenheim, 2009[6]; Secker and Morrison, 2015[7]; Todorova et al, 2017[8]). An understanding of the range of copyright exceptions should also be covered in this overview. In a UK context, academic libraries often operate within the exceptions for education and teaching which offer a greater degree of flexibility to students and teachers who want to make use of copyright materials in their studies. As a result, uses which may be prohibited by copyright law are allowed in certain circumstances such as including elements of a work in an instructional lecture without seeking explicit permission.

It is worth pointing out here that many legal terms used in copyright can be unhelpful, both when it comes to educating librarians and the communities they serve. The term 'educational use' is one that is frequently misunderstood with many wrongly believing that any use of materials which aims to educate or contribute towards a wider societal good falls under this exception. Unfortunately, the exception for educational use clearly restricts this use to certain settings such as materials delivered in a classroom setting to a defined cohort of students. This confusion is continued with the use of the phrase 'non-commercial' as again people wrongly interpret this to mean that as long as no one is making money then practices such as sharing copyright materials are acceptable. The final term that causes confusion is 'publication'. Library users often have a very fixed idea of what this means – having work formally published in an academic book or journal. The rise of open research practices means that those working at PhD level

and above are often mandated to share the outcomes of their work online under Open Access. Whilst the law terms this sharing as 'publication' and expects copyright permissions to be cleared for the use of third party material, users often struggle to understand that the act of online sharing counts as publication and it can be hard to convince them to perform the necessary checks. To be able to communicate clearly with users on these issues library staff need, themselves to understand them, something many feel underprepared for. Linked to this is a knowledge of the various licences often held by educational institutions which govern much of their use of copyright material. Although it is difficult for non-specialists to maintain in-depth knowledge it is important to have at least a working understanding of policies such as the Copyright Licensing Agency, Educational Recording Agency and Newspaper Licensing Agency. Licences allow certain actions and knowing that the library has access to them and how they work are often the first steps in achieving what the end user requires.

For those working in roles supporting researchers, copyright is embedded at every stage of the research life-cycle. Research data management is a term more often associated with information gathered by carrying out experiments but there is an important copyright component to be aware of. Keeping a careful record of where information has been collected from as well as maintaining an archive of any necessary copyright clearances is an important aspect of managing information which is often overlooked. When it comes to the wider sharing of different outputs, researchers may find that they need advice on signing publication agreements to ensure that they are happy with what they are agreeing to and that it conforms to funders' expectations. Researchers, who are under an ever-increasing pressure to make an impact beyond the ivory towers, are encouraged to build an online presence and share their outputs with the wider world but again, caution and a knowledge of copyright is needed. Whilst research sharing sites such as ResearchGate and Academia.edu may be popular they have also been the subject of several copyright lawsuits that researchers will want to avoid!

More recent developments in the copyleft movement also need attention. Gone are the days when the only way to share outputs was through formal publication. Today researchers have no shortage of mechanisms to ensure potential readers are connected with their work. Whatever form the output takes, this sharing comes with implications around licencing and decisions for authors to make and it is an area where they frequently turn to the library for advice. Researchers are often confused about open licenses such as Creative Commons and how to select the best one for their work. Librarians can play a key role here in helping to decode and explain the implications for individual researchers and whether the chosen licence meets the needs of their funders. Developing initiatives such as the Rights Retention Strategy which aims to help make research outputs available under a Creative Commons Licence are also an area that library staff need to be aware of.

In conjunction with this ever-expanding list of core copyright knowledge that library staff need to maintain it is vital to remember the skills they will need to use it effectively. Librarians need to be able to communicate complex topics to their user community in a way that makes sense for their work without overwhelming them. They need to develop a familiarity with the legal terminology used in publication agreements and how to explain this to researchers. And they also need to be able to demonstrate the potential of copyright to teaching staff rather than just focusing on what it prevents people from doing. Perhaps one of the most important skills needed is empowerment – the implicit consent for staff to develop and use their knowledge whilst knowing they have support if needed. But how do you help staff to develop the knowledge and skills they require whilst balancing this with the need to give the right answer to users?

CREATING A COMMUNITY

It was challenges such as these which the Cambridge University Libraries Copyright Group (CULCG) set out to address. CULCG was established in 2018 when it became clear that there was a growing need to tackle some of the challenges caused by low levels of copyright literacy and to interpret copyright policies specifically for the library community. Although the University has a Legal Services Office with a dedicated copyright specialist, their remit covers the entire University rather than focusing on any one department. It was felt that more localised support was needed in addition to the Legal Services Office to create an initial port of call for library related copyright questions with issues escalated as needed.

CULCG meets regularly to discuss the latest developments in copyright and how these might impact the collections, services and teaching offered by both the libraries and the wider faculty that they support. It also helps to oversee the annual reporting procedure for the Copyright Licensing Agency, establishes best copyright practice and offers staff training. Membership of the group is made up of staff with copyright expertise from across the full range of Cambridge libraries including colleges, faculties, imaging and reader services departments. Several members also sit on library committees discussing various issues such as document delivery and research support. This two-way communication helps to ensure that copyright issues are placed at the heart of discussions on initiatives across the University Libraries.

Perhaps the most important of the Group's tasks is running a dedicated copyright helpdesk which offers a single point of contact for both library staff and users in need of support. This was a sorely needed initiative as previous attempts to answer copyright questions often resulted in queries being bounced around a number of

staff in search of an answer. Not only was this poor service from a user point of view but it did little to help increase wider copyright knowledge as queries inevitably went to the same few 'local experts' who had to deal with these questions in addition to their own roles. This often hidden labour not only increased the workload for these staff but the Libraries also experienced a significant brain drain when they left the organisation taking their knowledge with them. The Helpdesk provides a key reference point for library staff who may be dealing with occasional copyright queries and want clarification or further support. It connects staff to a range of dedicated experts who are able to answer questions, escalate if necessary and empower library staff to offer advice to their users. Helpdesk replies aim to treat each answer as a learning opportunity and provides a full explanation of the response so that people don't just learn the answer but also the reasons behind it. Over time, library staff are able to develop their knowledge and increase their confidence all the while knowing they are able to reach out for further support if needed.

THE 'FRIENDLY FACE OF COPYRIGHT'

To commemorate Fair Dealing Week 2022, CULCG ran a short staff survey to gauge the impact of the Helpdesk since its launch. Between 2019 and 2022 a total of 370 enquiries were received from a range of users including library staff, departmental faculty, researchers, students and those at affiliated institutions. This indicates that the Helpdesk promotion has been successful in reaching a number of different audiences who are then able to reach out for help. Respondents were asked to rate the response they received from the Helpdesk on speed, understandability, authority and trustworthiness as CULCG felt that these were important criteria to address. Responses were favorable in each category with replies rated at 97% *very good* for speed, authority and trustworthiness and 94% *very good* for understandability. Respondents were also asked what they thought their users needed from libraries in terms of copyright support. Many of the answers offered practical outcomes such as quick start guides on various topics and key contacts for copyright queries, both elements that CULCG seeks to address with its future activities. Perhaps the most telling response was *clarity* which reflects the perception amongst librarians that the Helpdesk would always provide a concrete answer – something hard to do in an area like copyright which is open to interpretation. However, users were thankful for the support the Helpdesk offered with one responding "*thank you for putting such a friendly and unbaffling face on copyright*".

Another area where the group has offered support is through the creation of two LibGuide – user friendly websites offering topic specific information – one aimed at researchers and the other at teaching staff. These sites

have proved popular since their launch with combined views of over 7,000 and feedback suggesting that, much like the Helpdesk, users like having a place to go for advice and support. The guides function mainly as a hub for links and other information so that users can access what they need quickly. Users also value the chance to search for an answer independently without having to risk asking a question they perceive as foolish or where they think they should know the answer. The guides provide them not only with reassurance but a chance to learn more about copyright in general. CULCG intends to further expand its web presence to include guides aimed at undergraduates and other audiences needing copyright support.

It is important to acknowledge another often hidden impact of CULCG and the Copyright Helpdesk - the effect participation is having on the knowledge and confidence levels of those who staff it. The team is made up of staff from across Cambridge University Libraries who each have specialist knowledge of a certain area of copyright either through their roles or personal interest. Few of the members have copyright as a core component of their role but participation in the Group and the Helpdesk in particular offers the chance to talk things through with colleagues who may have more relevant expertise. This informal chat is invaluable and offers a learning opportunity for members to develop knowledge of areas they don't normally work in such as research support or imaging. This allows the Group to pass knowledge on to other librarians within the community through Helpdesk responses or training and helps us to create a growing, confident community of copyright practice.

FUTURE PLANS

So, what have we learnt in Cambridge from taking this approach to copyright and what wisdom can we pass on to others? The activities of CULCG have not only helped to increase copyright literacy and confidence levels amongst staff and students but they have highlighted the range of copyright related activities that take place. Having a central presence which gathers together questions from across the community showcases the valuable work that is being done by staff and shines a light on previously hidden labour as well as ensuring that copyright concerns are represented on various committees. The Group sends minutes of meetings to senior management to update them on developments and this has been invaluable in securing management buy-in and support.

Now that CULCG is firmly established we can turn our thoughts to next steps. As well as continuing to provide core services like the Helpdesk and expanding the LibGuide offer, the group aims to grow the copyright community through dedicated training and further staff participation. Developing the service so far has shown that there are already many existing pockets of copyright knowledge in the community but library staff need to be empowered to use it. By offering the support of somewhere to turn for questions or clarification as well as

buy-in from senior management we can continue to build copyright confidence and create a strong, copyright literate community for the modern academic library.

ACKNOWLEDGEMENTS

Footnotes

[1] Janet Finch, 'Accessibility, Sustainability, Excellence: How to Expand Access to Research Publications. Report of the Working Group on Expanding Access to Published Research Findings' (2012).

[2] Legal Deposit Libraries Act 2003.

[3] Legal Deposit Libraries (Non-Print Works) Regulations 2013 SI 2013/777.

[4] Amanda Wakaruk and others, 'Introducing the Copyright Anxiety Scale' (2021) 5(1) *Journal of Copyright in Education and Librarianship* 1.

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[6] Charles Oppenheim and others, 'A Survey of Copyright Advice and Guidance in UK Higher Education Libraries' (2009) 28(89) *Library and Information Research* 50.

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[8] Tania Todorova and others, 'Information Professionals and Copyright Literacy: a Multinational Study' (2017) 38(6/7) *Library Management* 323.

Biography

Claire Sewell is Research Support Librarian at the University of Cambridge where she oversees the support offered to the research community across the School of Physical Sciences and specialises in developing innovative, point of need training initiatives. Claire received her MSc in Library and Information Studies from the University of Aberystwyth in 2013, achieved CILIP Chartership in 2014 and is the author of the recently published 'The No-Nonsense Guide to Research Support and Scholarly Communication' from Facet Publishing.