

An Overview of German Academic and Legal Research Libraries

Katherine Read identifies some of the main issues which made a particular impression on her during her CILIP sponsored visit to Germany. Particular highlights include a feature on a virtual library of legal resources and a look at some of the current copyright issues under discussion.

Introduction

In May 2005 I replied to an advertisement in *CILIP Library & Information Update* to apply for a bursary. I was given the chance to visit a selection of mainly academic/research libraries in Hamburg, Berlin and Leipzig with a focus on law libraries. In my bursary application, I was required to propose a specific purpose for my visit. At a later stage in my application I was able to suggest particular libraries, which I wanted to visit. I made the trip in February 2006. I took this as an opportunity to brush up my language skills and most of the visits were conducted in German.

I am a member of the academic services team at IALS. In recent years, like many academic libraries, we have experienced a reduction in direct enquiries, which is most likely to be a consequence of increased access to resources on the internet. We are taking advantage of the widespread access to the web to provide web guides to our printed and online resources and expanded student training provision to make these more accessible to users <http://ials.sas.ac.uk/library/guides/guides.htm>. This has had the added advantage of giving library staff the chance to develop skills in using web software.



Fig. 1 Katherine Read

My proposed theme was to look at whether a similar approach had been adopted by academic services staff at the German libraries. In the early days of my visit, however, I became aware of an entirely different more national approach to creating internet resources for the various specialist subject areas including law. Libraries with specialist collections have applied to the DFG (Deutsche Forschungsgemeinschaft) for funding to create web based subject resources, which are then available to other libraries both nationally and internationally. Individual universities have generally chosen to use the resources provided through the DFG rather than write their own materials. Even at the Zentralbibliothek Recht in Hamburg, which provides legal internet resources aimed at its own students, responsibility for their creation lies with researchers within the law faculty and not with library and information professionals. My suggestion that library staff might participate was met with a degree of surprise.

As a result of my early findings, I needed to adapt the focus of my study slightly. As well as considering internet resources, I have tried to select some of the main themes relating to reader services, which left a particular impression on me during my two-week visit.

Background

Post 1945 the first task for German university libraries was to rebuild lost literature collections and catalogues and many new universities were founded in the 60's and early 70's. Before 1965 there was a tendency to set up a two-track system where there was a central library but also individual faculty libraries, which were managed and controlled by professors. Hamburg University formed the new Zentralbibliothek Recht (2005) by merging some of these tiny individual libraries, which previously covered different areas of law. There were many disadvantages to the older arrangement.



Fig. 2 The older part of the State Library in Berlin (Unter 245 den Linden)

- It was far more beneficial to professors than to students. The professors selected the books and had their own keys to the buildings. Opening hours for students were restricted
- Money was wasted because titles were duplicated
- The quality of cataloguing was generally poor. Books were often bought by individuals and sometimes catalogued by professors' secretaries.

In 1965 the West German Government formed an independent advisory body (Wissenschaftsrat), which advised against this two track system for new universities and recommended changes to be implemented by the older institutions e.g. cooperative cataloguing and retrospective conversion. This met with considerable resistance from the professors.

The GDR established a one-track system at an earlier date. In 1968 legislation (Dritte Hochschulreform) led to small institute and faculty libraries being merged to save money. This was not always achieved in an organized and effective way. At Leipzig books were given to the main library, which had insufficient manpower to handle them. Consequently many books were hidden in crates and stored in damp cellars where they sometimes became mouldy. Some professors took books home, not exactly stealing them but not all were returned. In general however the 1990's idea of a one-track system was already familiar to librarians from the original GDR.

There is still some conflict today with the professors of the "old school", who sometimes receive money from third party institutions. They then allow the main library to include the titles in their catalogues on condition that the books can remain in their offices for private use.

Access to printed collections

It was surprising to see the extent to which some libraries were still mainly closed access and partially reliant on card catalogues. I had observed this during a visit in 1986 but had expected it to have changed to a greater extent than had actually happened. The main



Fig. 3 Law Library Hamburg/Law Faculty

University Library in Hamburg still has approx 800,000 pre 1974 volumes on card catalogue. At Leipzig University Library less than 33% of the books are on open access and in some cases readers are not even able to consult the old handwritten catalogues without assistance from staff. Some efforts have been made to compensate for this. Both Hamburg and Leipzig have a 'Freihandbereich' where readers are able to locate and consult the most recent acquisitions and teaching collections but many volumes still have to be ordered by readers and retrieved by library staff. At Leipzig this appeared to be a very labour intensive process. At the Max Planck Institute in Hamburg, most of the materials are still in the depository but 80% of the users are regular visitors and have permission to browse the shelves.

These circumstances contrast sharply with the newer libraries, including the Zentralbibliothek Recht in Hamburg (2004), the separate Law Faculty library in Leipzig (2001) and the Hengeler-Mueller-Bibliothek at Bucerius Private University in Hamburg (founded 2000 and in newer building since 2002), which were much more open plan and most of the collections could be searched online.¹ With respect to Hamburg University the following reasons were given for the lack of change:-

- Lack of funding and staff for retrospective cataloguing. Staff had considered a partial conversion in which PDF images are made of the original catalogue cards, which

¹ See further the article on this Library by Martin Vorberg at p. 229 of this issue.



Fig. 4 Law Faculty, Library, Leipzig

can then be searched on the network but decided that the quality of the images would not be of sufficiently high standard.

- The traditional university libraries in Germany were built with the intention that they should be closed access libraries (Magazinbibliothek). There is insufficient floor space to open them up for user access.

While these reasons are very understandable, there is perhaps another reason to explain why these changes are taking place more slowly than in the UK. When asking questions about open access I occasionally sensed that staff members seemed puzzled. It is perhaps related to the whole philosophy of the learning process. The more Anglo-American approach perhaps regards the information professional as a facilitator who encourages readers towards independent learning, while the German approach suggests that there is a preference for a more traditional method where the librarian has more control. Unfortunately a search for literature to support this idea was not very fruitful.

Traditional versus electronic resources

In the UK there is now a tendency for readers, particularly younger students, to be unwilling to consult traditional printed resources. If a law article or full text version of an act with amendments is not freely available online they are frequently disappointed. This attitude is well expressed by a law student in a recent article. Even if the student is *in the library* using a computer and an article is not available in full-text online, but hardcopy is available in the library proper, students will discount the article unless the substance appears to be so on-point that the effort to locate it will make life easier in the long run. (Seguin 2005). The student is Canadian but her approach is very similar to that of many students in the UK.

This can be a handicap if the student then starts his professional career in a smaller law firm, which cannot

afford the high database subscriptions, and relies more on traditional hard copy sources.

In Hamburg and Leipzig however I learnt that there is still some resistance to the newer electronic resources. The law students in Hamburg have only had access to these facilities since the new library opened in August 2005. This was not the case in Leipzig but, according to the member of staff responsible for organizing training sessions in the main library, she still has to convince some readers of the value of these resources. Other factors such as the preference for hands-on sessions were more similar to our experiences at IALS. Leipzig is not currently able to offer this option due to a lack of facilities.

Stella

Stella is a 'virtual person' navigation tool intended to guide University of Hamburg students and other visitors round the library web site. The design project ran between July 2003 and February 2005 and was intended as a marketing tool particularly aimed at users viewing the web site externally. It can be viewed from the home page at <http://www.sub.uni-hamburg.de/>

Some key points can be made about Stella:-

- Stella is designed to respond to general questions. e.g. She might refer a reader towards a web page promoting database access but would not be able to respond to questions about a particular database.
- In designing her physical appearance, the project team did not want her to appear too much like a librarian. She should be "kompetent aber kennt die eigenen Grenzen" (competent but knows her own limitations).
- The project team considered a wide selection of topics, which might arise in users' questions and designed her replies. They also selected different facial expressions for her, which were suited to the questions (smiling, instructive, enthusiastic or puzzled/confused).

More details (in German) about the project design are available at <http://www.sub.uni-hamburg.de/informationen/projekte/infoass.html>

To conclude on a humorous note, I heard the following story to illustrate the point that you can use fairly free language, not just set questions. The young son of one of the project designers played with Stella and entered "Du bist doof" (You are stupid). He received the following reply.

"Oh - nobody's perfect. Und ich mache diesen Job ja noch nicht lange..." (!!) (I haven't been doing this job very long).

Virtuelle Fachbibliothek Recht (VIFA)

The State Library in Berlin has been responsible for provision of specialist legal resources since 1975

(Causemann & Vogel 2005). In November 2003 the library was awarded funding for the pilot phase of "Virtuelle Fachbibliothek Recht" (Online subject library for law), which went live in January 2005 at www.vifa-recht.de. "VIFA Recht" offers a freely accessible internet based research resource for academic students/staff and legal practitioners. The main aim of the service is a "one-stop-shop" to law students and academics, giving access to a combination of printed and electronic resources and also offers library services. The main features of this project at present are the following:-

1. Research links to relevant web sites: the sites are listed according to legal subject headings and sub-headings. Each record has a German language abstract and there is an opportunity to find out further details about the site e.g. subject headings, the language of the resource and copyright information.
2. Access to the catalogues for the **specialist law collections** held at the State Library. The collections can be divided into three groups:
 - Foreign law after 1985: you can search most of the collections on foreign law acquired since 1985.
 - Legal collections acquired since 1985: a new point of access allows a search of all the legal collections acquired since 1985.
 - Historical legal holdings 1501–1955: approximately 230,000 titles are covered by the "Alten Realkatalog ARK". It is currently possible to view listings of books concerning aspects of jurisprudence.
 - Collections 1956–1984: it is not yet possible to restrict searches for this period to the legal collections but keywords can be used to search the main catalogues of the Berlin State Library <http://www.vifa-recht.de/buecher/gesamtbestand.html>
3. A keyword/author search for bibliographical details of articles in legal journals and Festschriften.
4. A journals database, which holds details and locations of 67,000 legal titles. For electronic journals there is a link to the full text of the articles. These are held at many different libraries throughout Germany.
5. Legal databases: users can search for databases relating to specific subject areas. If the database is free, direct access can be made. Otherwise information is given regarding academic institutions, which hold a licence.
6. Links to websites giving bibliographies on different subject areas.

The project has received approval from the DFG (December 2005–December 2007) to develop further. Proposed plans include the introduction of a metasearch option across different catalogues and databases and the

creation of an English language version of the project. Initially this will concentrate on a translation of the main text of the web pages and the German legal subject headings. A more long-term goal is to extend this to multi-language summaries of internet sources. If you would like to find out more or make suggestions of materials, which could be included, please contact the Project Leader Mr Ivo Vogel ivo.vogel@sbb.spk-berlin.de

Copyright issues and the EU Directive

All EU member states were supposed to have implemented the European "Copyright Directive" 2001/29/EC by 31st October 2003. In the UK it was enforced by SI 2003/2498 *Copyright and related rights regulations*. The principal effect here concerned the change to the definition of *fair dealing* which now excludes all copying for commercial use. As Norman (2003) explains

"..... the Copyright Directive will not permit any exception which has even the slightest hint of commercial gain"

Observation of this regulation has caused considerable restrictions with respect to document supply services. In addition it has not been easy to enforce with particular respect to legal practitioners who visit academic libraries and want to make copies for their work. The definition of 'commercial use' is a rather grey area.

Before my visit I had, perhaps naïvely, assumed that similar legislation had been implemented in Germany. During my visits, however I observed examples of document supply services (Subito and a more limited service offered by the Max Planck Institute in Hamburg), which did not appear to be complying with regulations and I decided to investigate further. Copyright is currently a very hot topic in the information profession as legislation relating to the EU directive is in progress through Parliament. The situation is very complex. A distinction is made between copies in printed and electronic format. The following are some of the main points:-

- Academic researchers and students are not required to limit their private study photocopying to 5% / one chapter from a book or one article from a journal issue. §53 of the German Copyright Law (**Das deutsche Urheberrechtsgesetz UrhG**) updated to September 2003), which is available in full text (in German) at <http://transpatent.com/gesetze/urhgl1.html#53> prescribes that it is reasonable to copy **small amounts** but no specific limits have been set. Academics have differing views about the amount permitted, which range between 75% and 90% of a book! It is generally accepted that copies of whole journal issues should not be made.

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- Subito is **currently** allowed to supply documents electronically on condition that they are in a secure format with restrictions on further reproduction. The electronic copy of the document, which is used to produce the secure format must then be deleted from the records of the library concerned. This may change as a result of legislation currently going through Parliament (See further points below).
- In 2000 an agreement was concluded between the Government and the Börsenverein (a publishers' trade association), which stated that libraries could send photocopies to end users all over the world in traditional and electronic format. User groups were defined and VG Wort (equivalent of the CLA) would receive royalty fees eg. One Euro for academic clients, six Euros for commercial clients. Rosemann (2005) stresses this point about payment of copyright fees because publishers and international competitors have claimed that Subito does not pay any copyright charges.
- In 2002–3 legal publishers in the UK and USA (including Blackwell, Elsevier & John Wiley & Sons.) took legal action to argue that the Subito service was breaking US & UK copyright laws. As a result, Subito withdrew services to non-German speaking countries in May 2003.
- At the end of 2002 publishers decided not to renew the 2000 agreement. Since 2003 Germany has only had permission to send postal and fax documents within Germany, Switzerland and Austria.
- On **March 22nd 2006**, the Federal Government approved the Bill for the second copyright law "Zweites Gesetz zur Regelung des Urheberrechts in der Informationsgesellschaft". If this is passed as law, there will be further serious implications for the Subito supply service.
- Document supply may be restricted to post and fax. Subito may be denied the right to supply any item electronically, which is already available online to download as part of a publisher's subscription service.
- Subito may only be able to supply documents to commercial firms if the fees are increased. Similarly lawyers may face restrictions in making copies for their firms. This would bring them more into line with the current situation in the UK.

Further details about Subito and the changes which are taking place can be found at <http://www.subito-doc.de>. The section about copyright is only available in German.

Conclusion

The visits which I made during my two weeks all contributed towards a very enjoyable and positive experience. It has unfortunately not been possible to feature all the libraries in this report but I have tried to identify some of the main themes, which left a particular impression on me. I should like to give my thanks to all the members of library staff who gave up their time to give me tours and to answer my many questions. I should particularly like to thank the following people: Ulrike Lang (Bibliothek & Information International) who processed my application and organized my visits in Hamburg; Julie Robinson at CILIP who gave me initial guidance and arranged my bursary from CILIP, without which I could not have made the tour; and Andreas Knobelsdorf of the Law Library in Leipzig, who arranged accommodation and visits for me in Leipzig, and was a wonderful host throughout my time there. Andreas and Ivo Vogel of the State Library in Berlin have also given me a considerable amount of assistance towards the preparation of this article by providing additional information and explanations for which I am very grateful.

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Biography

Katherine Read has been at the Institute of Advanced Legal Studies since 1990 and is now part of the Academic Services team. She has recently joined the Editorial Board of *Legal Information Management*.