Opportunities and challenges

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Opportunities and Challenges: The Current Situation of Copyright Protection for Document Supply in China

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• ILL and DDS of National Library of China (NLC)
1. ILL and DDS of National Library of China (NLC)

- **NLC South Area**
  - 170000 m²
  - Built in 1987

- **NLC North Area**
  - 80000 m²
  - Built in 2008

- **NLC Ancient Books**
  - 30000 m²
  - Built in 1909
1. ILL and DDS of National Library of China (NLC)
• Total physical collections 35,011,882
• Digital Resource 1960.91TB

Update to 2018
Dunhuang Manuscripts
Zhaocheng Tripitaka of the Jin Dynasty
Complete Library of the Four Branches of Literature
1. ILL and DDS of National Library of China (NLC)

Covers 34 provinces
More than 600 libraries
Serves more than 200,000 users
1. ILL and DDS of National Library of China (NLC)
• Changes in the digital age
2. Changes in the digital age

2.1 Cover a wide area and serve more users

Figure 1: ILL/DDS transactions 2007 - 2018
2. Changes in the digital age

2.2 Focus on special documents

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**Table I:** Types of special documents of ILL/DDS 2014-2018
2. Changes in the digital age

2.3 Focus on foreign literature

Figure 2: Transactions of Chinese and foreign documents, annual average volume, 2014-2018
2. Changes in the digital age

2.4 Electronic delivery increasing

Figure 3: Number of electronic deliveries, 2008 - 2017
2. Changes in the digital age

2.5 Mobile payment increasing

Figure 4: Age distribution of users using an ILDDS Alipay wallet, 2017
2. Changes in the digital age

2.6 Resource sharing increasing

Figure 5: Applications from different platforms to NLC, 2018
Cooperation with BALIS

2014-2018 Five Years
51 Colleges and Universities
More than 3,100 teachers and students
2. Changes in the digital age

**Figure 6**: Volume of ILL/DDS, NLC to BALIS, 2014-2018

**Figure 7**: Volume of ILL/DDS, NLC to CALIS, 2014 - 2018
PART 03

• Problems
3. Problems

3.1 Infringement of duplicates

Traditional document delivery
- “One-to-one“
- Considerable costs
- Clear "quality" difference between "duplicate" and "original"
- Infringements are easy to find, identify and combat

Digital delivery
- “One-to-many”
- “Fingertip operations“
- Difference between "digital copy" and "original works" has no copyright significance
- Infringements can be concealed, can be difficult to find and punish
3. Problems

3.2 Infringement of the Right of Communication through Information Network

Digitalization right ≠ Right of communication through information network
3. Problems

3.3 Joint liabilities for readers’ torts

- Readers obtain copies through a library and then carry out infringement; the library may bear joint infringement liability.

- Even if libraries can prove no fault, they are not entirely exempt from liability in China.
PART 04

- Current Chinese Copyright Law and current measures
4. Current Chinese Copyright Law

4.1 COPYRIGHT LAW OF THE PEOPLE'S REPUBLIC OF CHINA

Paragraph (1) "use of another person's published work for purposes of the user's own personal study, research or appreciation."

Paragraph (6) "translation, or reproduction in a small quantity of copies of a published work by teachers or scientific researchers for use in classroom teaching or scientific research, provided that the translation or the reproductions are not published for distribution."

Paragraph (8) "reproduction of a work in its collections by a library, archive, memorial hall, museum, art gallery, etc. for the purpose of display, or preservation of a copy, of the work."
4.2 Regulations on Protection of the Right of Communication through Information Network

"A library, archive, memorial hall, museum, or art gallery, and so on may make available to the service recipients on its premises through information network a digital work in its collection which is legally published, or a work which is reproduced in digital form for the purpose of displaying, or preserving copies of, the same work in accordance with law, without permission from, and without payment of remuneration to, the copyright owner, provided that no direct or indirect financial benefit is gained therefrom, unless the parties have agreed otherwise."
4. Current measures

4.1 Application of "Fair Use"

1. Control the price charged
2. Control the number of deliveries
3. Pay attention to certain types of works which are not allowed to delivery under copyright law
4. Pay attention to copyright notice on the works
4. Current measures

4.2 Delivery to registered users only

• Interlibrary loan and Document Delivery System (ILDDS)
4. Current measures

4.3 Necessary copyright statement

The NLC ILLDDS

“Copyright Notice”
4. Current measures

4.4 Perfecting the library legal system

Lack relevant laws for the libraries and readers as the users to protect their right in China, especially in electronic delivery.
THANK YOU!

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References


