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# Copyright and Creative Commons in Libraries

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# Copyright and Creative Commons in Libraries

By **Elizabeth Oyange**  
– Ngando,



**L**ibraries are custodians of knowledge, through their preservation of information in collections and archives. These constantly evolving spaces not only support content creators through buying volumes of their works, but also provide access to those who may not afford to buy such works.

Upon consideration of authors' rights, the public interest element drives libraries to set up budgets which support the buying of creative works; including the necessary subscriptions. Such access supports learning and knowledge sharing for the promotion of innovation. In the development of new knowledge, the issue of copyright is inseparable. In copyright law, a creator who records their original idea into some tangible form, is vested with a lifetime of copyright in that work. They and whomever they assign, have exclusive control of how that work will be used, distributed, reproduced, performed or sold.

In the context of libraries, collections will include copyright in literary, musical, artistic, audio-visual and films, photographic and dramatic works. Digital works may require licensing agreements. To ensure that certain digital subscriptions are used in a specified manner, a license might restrict the number or group of people who have access to those works and the manner or scenarios in which they can use or distribute such works. This is usually the case in academic and private libraries which have subscribed to databases and such tools are used to safeguard copyright works.

The rigidity of copyright requires permissions to be sought when using an author or owner's copyright work. In practice, this would be unrealistic in libraries. It would mean that, without permissions, every time one watches a video or uses a book in certain ways, they would be infringing on the copyright of others. For this reason, limitations and exceptions exist which allow limited uses of copyright works without the need for any permissions. Such uses include fair uses such as using copyrighted materials for one's own private research or study, for teaching or instruction, to provide criticism or comment on the work, to report news and also to make parodies, satirical or pastiche based on the original work.



## Creative Commons and Open Educational Resources

These and other safeguards exist to protect library users when they interact with copyright works. An excellent exception lies in the open access spectrum. Openly accessible materials (usually scholarly) are generally free to access and reuse without the need to ask for permissions from the creators or owners of the work. All one needs to do is check the terms attached to those works.

Creative Commons (CC), sits squarely within openly accessible works. The commons being a publicly shared space enabling access to knowledge for the enhancement of creativity. This free culture is of immense benefit to users as they are allowed to go as far as modifying copyright works; if any of the six Creative Commons licences allows them to. The six CC licences vary from the most flexible (allowing selling and changing the original work) to the most restrictive (not allowing any changes or sale of the copyright work).

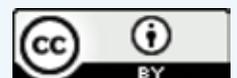
The benefits of having CC licenced resources in libraries is that it lifts the element of copyright infringement, so that no wrong is done by the user until the point they do something which the licence does not permit. It also means that users are free to make unlimited photo copies and digital scans of CC licenced works without the usual fair use restrictions of copyright law. Quite simply, when users see any of the six CC licences (available at [www.creativecommons.org](http://www.creativecommons.org)) jubilation

and glee should form, as they will be at liberty to copy, distribute, edit, remix and build upon the work without any copyright repercussions. CC licenced works also makes learning texts supremely affordable; outside the conventional expensive text books which are constantly updated by newer editions.

Libraries could benefit from drafting internal policies or guidelines that assist users in locating openly licenced works as well as provide resources which outline the benefits of creating works that allow others to freely build on, without the fear of copyright infringement.

It becomes increasingly difficult for libraries to preserve copyrighted works if technological protection measures have been incorporated. In cases where only one copy of a film exists for example, it would be much easier to preserve an openly licenced work such as those under creative commons than it would for a work that requires circumvention to bypass the digital security which would then allow reproduction for preservation.

The open movement curtails barriers to access to knowledge and libraries are well placed in their advocacy.



**ELIZABETH OYANGE - NGANDO**  
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