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Copyright Literacy of Librarians in France

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Abstract. This paper aims to produce comprehensive knowledge in the copyright literacy of French librarians. To achieve this objective a web based survey has been conducted. Results show that French librarians have a lack of competence in copyright issues and especially at the international level. This weakness is more pronounced among librarians in public libraries and the librarians with a lowest level of education. An examination of curricula shows a lack of training about copyright in LIS Education as well as in training. The results lead to suggest the creation of the same access pattern for the state or the local authorities' librarians. It also highlights some inadequacies of LIS education, and the lack of training.

Keywords: Copyright literacy, France, public libraries, academic libraries, LIS studies, curricula, education, training.

1 Introduction

Recently, many events occurred in France regarding copyright issues in libraries that would not have been possible in the past. For example, the French government voted on 1st March 2012 the Act No. 2012-287 which created legal tools for the digital use of 20th century out-of-print books (RELIRE project). This law gave the French National Library (BnF) the right to digitize books without negotiating each publishing contract case by case [1]. Several librarians, within the context of “cities on common”¹, are organizing “copy parties” where patrons can come to the library and scan books for “private use”. Noting the complexity of this topic in everyday life and the new challenges related to the digital world, this study questions the readiness of French librarians to raise copyright issues. Is their background, including training and formal education, helping them face changes affecting this topic? Are they aware of international initiatives on copyright issues, or are they focused only on the national level? In this paper, we aim to produce comprehensive knowledge of the copyright literacy of French librarians, considering that this kind of study has never been done.

¹ Villes en biens communs [Cities on commons] is a collective of associations who supports and promote the use of commons like free culture, <http://villes.bienscommuns.org/>

2 The French Context Regarding Copyright

In this paper, the word copyright will be used in the French meaning of author rights. In France, copyright and author rights do not have the same connotation even they tend to converge with the economic constraints. In the French law, only an individual can be considered as a work's author. Author rights grant exclusive property and moral rights to the creators of original literary, scientific and artistic works. If the author can transfer later his/her economic and moral rights to a legal entity, this entity could not be considered, in any case, as the author but as the beneficial owner. Copyright in the common-law sense does not make such distinction. An individual as well as a moral entity like publisher or producer could be considered as author.

French literature on copyright topic is abundant. Most publications are guides and handbooks mostly oriented toward learning and practice. We can find also added reports commissioned by the Senate, the Ministry of Higher Education and Research, or the Ministry of Culture and Communication on different issues [2-4]. Since 2005, several blogs, specializing in this topic, have arisen. These electronic publications are supposed to contribute actively to build professional copyright knowledge.

In France², the protection of author's rights and works can be traced back to the period of the French Revolution (1789) but the copyright issue in libraries is recent. As "fair use" does not exist in French law, libraries, as public bodies under the ministries' or local authorities' supervision, have created, over the years, *de facto* practices which allow them freedom to give access to all of the works. The need for legal competence in librarianship started to be a sensitive subject with the Council Directive 92/100/EEC concerning rental and lending rights³. It was the first attempt to restrict the access to works in libraries access [5]. Libraries and librarians are now forced, at the risk of becoming marginalized, to integrate the question of copyright in their theoretical reflection, in their practice, and even in the forward planning of their missions and professions [6]. Nevertheless relations between librarians, or their representatives, and players of copyright are not like a long calm river and are interspersed over the time with exchanges that might show a perpetual conflict [7]. The latest controversial development was the law on author's rights and related rights in the information society (DADVSI) in 2006, and High Authority of Diffusion of the Art Works and Protection of the (Copy) Rights on the Internet (HADOPI) in 2009 which had a significant impact on libraries [8]. And recently, the adoption of RELIRE project which allows the French National Library to digitize out-of-print books is also very controversial.

² In what follows, quotes are freely translated by the author.

³ This directive has been repealed and replaced by Directive 2006/115/EC
<http://goo.gl/9Gwurj>

3 Methodology

To be able to evaluate copyright literacy, we conducted a web-based survey adapted from an international research project called “Copyright Policies of Libraries and Other Cultural Institutions” (2012-2014)⁴ during January-March 2014.

A quantitative survey was created on LimeSurvey a service that allows respondents to complete a questionnaire online. The aim is:

- to comprehend the knowledge and the awareness of the librarians regarding copyright related issues,
- to gather the views of respondents regarding institutional level copyright policy,
- and to ask librarians for their opinions concerning LIS education.

A 5-point Likert Scale and few open questions has been used to get such assets. The link to the survey was emailed by the author to more than 500 head academic librarians, around 300 Facebook accounts libraries, and three professional mailing lists. Receivers were asked to complete and spread the questionnaire to their colleagues. Quantitative data were entered, coded, and analyzed using the SPSS statistical package. Descriptive statistics were used to analyze the findings and Chi-square tests of independence to compare different factors.

3.1 Respondents Profile

This approach enabled us to collect 329 completed answers, which is a small sample related to the population of librarians in France. 6 157 librarians work for national civil services (2012 estimations) and around 34 000 in local authorities (2010 estimations) [9]. A higher percentage of survey respondents were female (74.5%) compared to male (25.5%). The breakdown of respondents by age range show predominance of people aged 30 to 39 (34.3%), followed by the 40-49 (28.3%), 50-60 (17%) and younger than 30 (15.8%). Few people are in the older age range, over 60 (4.6%).

In France, most of the librarians are civil servants except those who work as contractual employees, volunteers and for private companies. Civil servants could be employed by the State (academic libraries, public libraries in Paris, classified libraries and French National Library) or by the local authorities (public libraries everywhere in France except Paris). In both structures, librarians are classified in three categories: *A* for manager, *B* for intermediate profession and *C* for employees and technicians. One hundred and eighty one (55%) of respondents were managers, 86 (26.1%) at the intermediate level and 33 (10%) employees and technicians. Just 29 (8.8%) work in a private company or as contractual librarians. Over 60% of the respondents have a

⁴ This project was financed by NSF of the Bulgarian Ministry of Education, Youth and Science, Contract № DFNI-K01/0002-21.11.2012 and headed by Tania Todorova from State University of Library Studies and Information Technologies, Sofia.

master level diploma, 63.5 percent studied Library science, 11.9 percent History science. Archive science, Cultural Heritage science and Museology are poorly represented, respectively 4.9 percent, 4 percent and 0.6 percent. 15.1 percent of the respondents are distributed in other disciplines: Literature, Law, Geography, etc. 51.1 percent work in a university library, 24.3 percent in a public library and 6.1 percent in a company library. 18.5 percent work in different organizations. Only one person works in a museum. There is no archivist in our panel.

4 Findings

4.1 Knowledge and Awareness

On a five-point Likert scale ranging from 1 (“not at all familiar”) to 5 (“extremely familiar”), the ideal scenario would be a significant number of respondents which are “extremely familiar”. However, an examination of figure 1 shows that the level of familiarity of French librarians with issues regarding copyright is weak compared to the importance of the subject addressed. Sometimes the peaks of weakness reached or exceeded 50%. Values for extremely familiar are around 10% except for *licensing for information sources* (14.3%), *licensing conditions* in respondent’s institution (16.7%), *Creative Commons Licenses* (17.9%), *Open access* (15.2%) and *Copyright issues regarding public domain* (16.7%). The awareness of French librarians is insufficient.

The obvious lack in awareness concerns *clearing rights* (55.9%), *licensing for on-line information via curation* (49.8%), *fair use* (35.6%), *copyright related issue at the international level* (40.4%), *copyright issues regarding virtual services* within e-learning practices (32.80%) and *licensing for cultural action* (32.2%). As fair use does not exist in French law, it is expected to have this rate of weakness, but not for the other subject. Likewise, there is a lack of knowledge in copyleft (42.6%) even it is closely linked to creative commons licenses, subject for which respondents consider that they are extremely (17.9%) and moderately (29.8%) aware. This weakness is noticed as well in questions dealing with the development of institutional repositories (30.1%).

Copy-parties, a movement started in 2012, is still a limited phenomenon. Few librarians are extremely aware (8.3%) or moderately (17%) aware of this subject.

Topic where French librarians consider that they are moderately aware are: *copyright and related law at the national level* (40.1%), questions dealing with the *public domain* (37.7%), *licensing for information source* (31%), *open access and open data* (30.1%), as well as *Licensing conditions in their institution* (29.8%) and *creative commons* (29.8%) which gathered a significant percentage (17.9%) of extremely familiar, which is the highest value in the extremely familiar range. The trend is not very pronounced with the remaining questions.

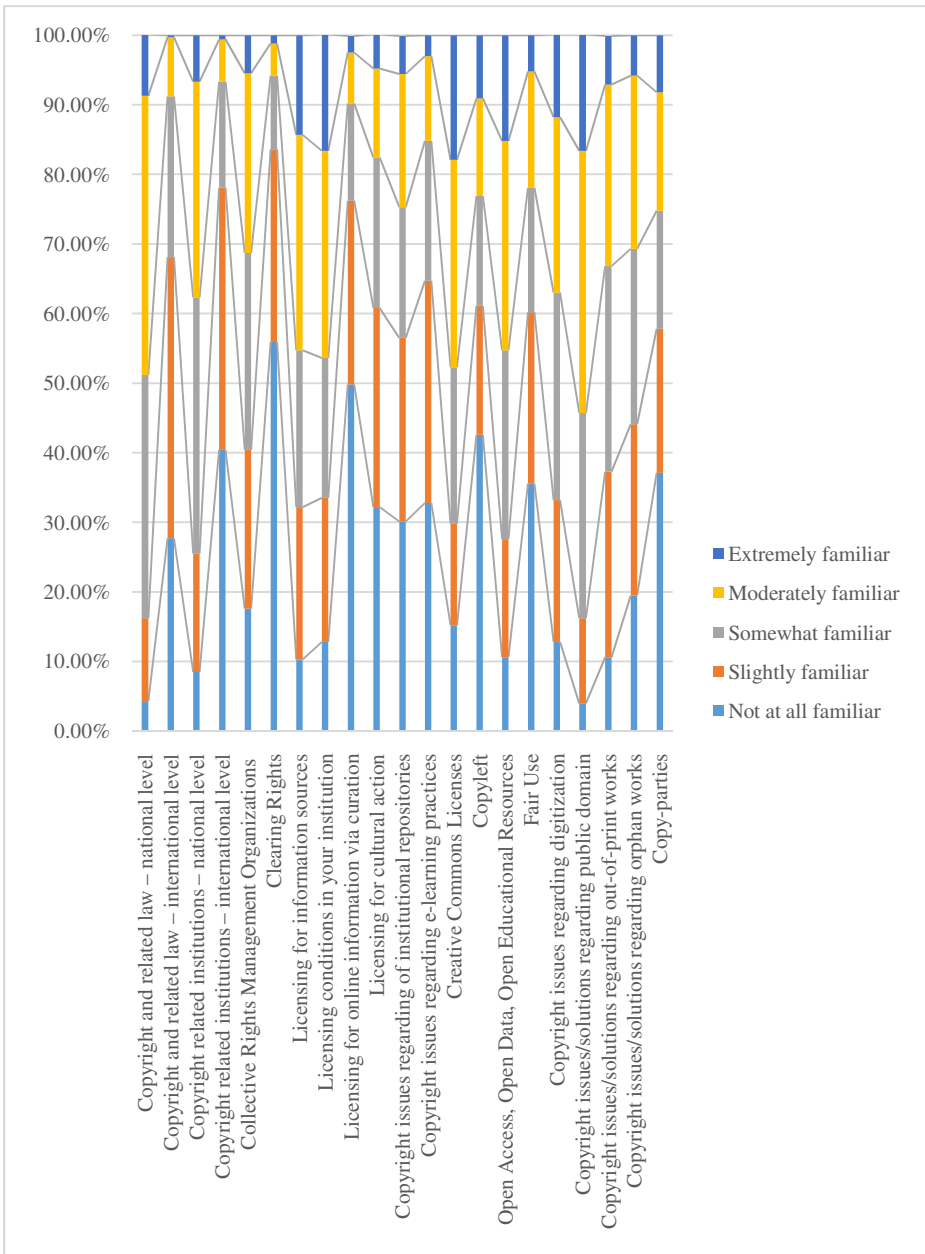


Fig. 1. Level of knowledge and awareness of French librarians

Figure 2 shows that, for librarians, web sites are the primary source of information (77.5%) followed by books and articles (72.3%), colleagues (57.8%), blogs and wikis (43.8%), professional discussion lists (42.6%), French national library (36.5%) and

experts (19.5%). Only 13.4% of librarians refer to lawyers when they need information. Some respondents dissociated lawyers from legal services, in the analysis when we combined them. International resources published by IFLA, World intellectual property organization (12.5%) and eIFL (1.5%) are less used. Respondents are not even interested (83.9%) by the initiatives of those organizations. This disinterest may explain the lack of competencies in copyright law at the international level.

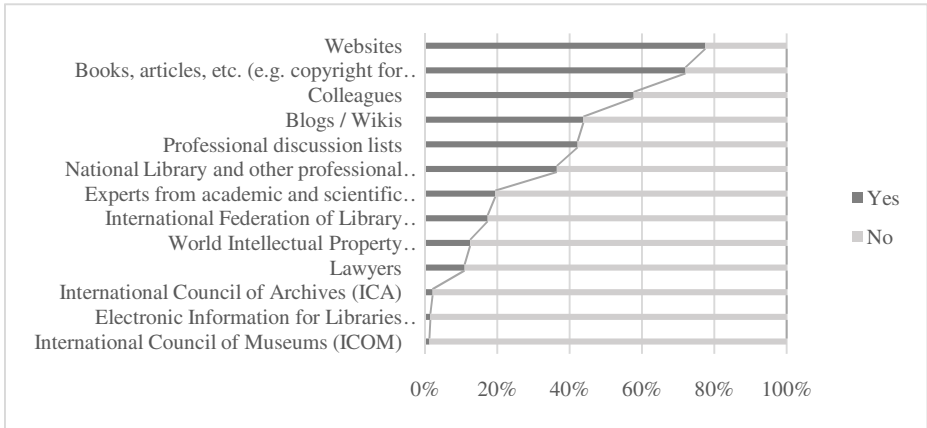


Fig. 2. Information source

A little more than half of the librarians (52.9%) were sure of the presence of a national strategy for copyright in France and more than the quarter (30.4%) was uncertain. However, this strategy does not exist. Only 16.7% of the respondents knew this fact. Is it another proof of lack of competence or is it a lack of concern for copyright issues?

Concerning the national copyright legislation, most librarians (95.7%) knew well the duration of copyright protection, exceptions for private use (78.1%), and exceptions for libraries and educational institutions (61.7%). They knew that orphan works are not included yet in the copyright legislation (72.3%). For the question related to the rights for librarians to provide modified copies of works serving the needs of visual impaired patrons, 53.8% were aware that this exception exists in the French legislation. This exception has been introduced in the French law in August 2006 and does not concern all the libraries, only the accredited ones.

4.2 Copyright Policy and Institutional Level

Most respondents (85.4%) answered that their institution has resources protected by copyright, a small percentage (12.5%) was unsure. Few libraries (2.1%) do not have this kind of collection. Over three quarters of respondents (80.9%) think that institutional copyright policy is necessary for libraries and a minority (3%) does not believe that copyright policy is important. Others (16.1%) are uncertain. Despite the importance of issues dealing with law, less than one-twentieth (18.6%) of institutions have a

person in charge of questions dealing with copyright issues and more than a quarter (34.3%) does not have a copyright policy in their institution. Only 34.7% of the institutions put this policy in place. What was surprising in these results was the fact that 31% of respondents are uncertain that their institution has its copyright policy. Is this revealing a clear lack of concern of librarians for copyright issues? The same question could be asked for personal digitization purposes. Indeed, slightly fewer than half of the respondents (41.6%) are uncertain if their institution authorizes or prohibits it. In fact, the widespread use of mobile devices makes copying documents easiest. A lot of institutions have a collection protected by copyright. Even private copy is admitted in copyright, the original must be owned by the person who is making the copy and not by the library. Almost half of the libraries (41.6%) authorizes personal digitization against 17% who prohibits it.

4.3 Education and Copyright

Almost everyone (97.9%) is in favor of including copyright issues in the curriculum of Library and Information science (LIS) education as well as in continuing education.

For the question concerning the appropriate level of education to introduce intellectual property, respondents were given the possibility to choose more than one answer. Over 70.2% of the respondents indicated undergraduate level, 37.4% master's degree, 17.6% PhD. Some of them (around 75 respondents out of 329) advised to introduce it at the beginning of LIS education.

Regarding the type of appropriate course for continuing education on intellectual property, a multiple choice question, respondents preferred thematic workshops (65%), followed by Internet sources: websites, blogs, wikis, etc. (58.7%) and then training course (54.7%). Less than half selected other options including: distance learning (40.1%), panel conference (40.1), consultation on request (37.7%) and round table discussion (24%).

5 Towards Better Curricula?

Chi-Square tests (cross-tabulation analysis) were performed on different criteria, and statistically significant relations between institution librarians work for, and their copyright awareness were found. The librarians' awareness level was clearly higher at the university library except for competence dealing with *licensing for cultural action* and *out-of-print works*. There is no difference regarding *copyright at the national level*, *collective rights management organizations in France* and *material from public domain*. The awareness level of librarians working in other type of institution was not important enough to be taken into consideration. Two hypotheses could explain these results. Most of the librarians working in a public library did not receive education in LIS and the post-recruitment training is insufficient.

To confirm the hypothesis about LIS education the same test was conducted to check if there is a relation between the type of study and copyright awareness.

Librarians who had an LIS degree were more aware than those who didn't except for these three issues: *copyright at the international level*, *collective rights management organizations in France*, and *copy parties*. These results confirm our hypothesis and lead to suggest the creation of the same access pattern for the state or the local authorities' librarians. A LIS education should be a compulsory requirement for recruiting in the local authorities libraries. The chi-test also shows a relation between the level of diploma and the level of awareness. Those who have the highest degree have a better level of competence, which is a good argument as mentioned by our respondents, for the introduction of copyright education upon the entrance of students to the university. This course should be enhanced and enriched every year to cover all the aspects of copyright.

The results show that, Librarians in France are not extremely aware about copyright and intellectual property issues. They had moderate familiarity with this subject, which is very significant progress compared to the situation in year 2000 where "librarians, in the vast majority, do not know a great deal about copyright" [4].

To understand the reasons of this weakness, we tried to find an answer from a reading of curricula in some LIS schools and training in relevant bodies. Information on curricula has been gathered from official websites of those organizations.

5.1 LIS Education

In France, several diplomas lead students to become librarians. We limited ourselves to the most representative courses, since our study is not curricula oriented.

University Diploma of Technology (DUT) is an intermediate two years diploma in *Library Science and Heritage*. Only 20 hours of a total of 1620 are dedicated to law.

Bachelor professional degree (Licence professionnelle) shows a mean hourly volume of 400. Courses dedicated to copyright do not exceed 20 hours. The same applies for master's degrees.

For a Libraries Curator Diploma (DCB) provided by the French National Library and Information Science School (Enssib), the law courses are optional with an hourly volume of 30.

This quick examination of some degrees at all levels of training demonstrates that copyright in LIS education is inadequate compared to the complexity and vast scope of the subject. There is a need to re-examine curricula to consider the complexity of subject and all the aspect of this issue especially regarding digital libraries and digital resources.

5.2 Lifelong Learning and Training

An examination of curricula in lifelong learning and conditions governing access to continue vocational training lead us to the same conclusion that we did for the LIS education.

Different organizations are qualified to deliver training to librarians. However, courses in copyright are not that many.

The National Center of Territorial Public service (CNFPT) - a joint decentralized public institution which accompany local authorities and their agents in their public service mission - offers two courses dealing with copyright. Content does not cover all the aspects of copyright and the number of sessions is not enough when we know that around 34 000 librarians work on local authorities.

Regional training centers of library careers have three missions: giving information on libraries and documentation careers, preparing for competitive exams to be librarians, and training people who are already employed [9]. There are 12 centers all over France, but not all of them offer courses on copyright. Sometimes they are organized jointly with CNFPT or URFIST (regional units for training in scientific and technical information). In general, one course on law in libraries is offered per year with a duration which varies from a minimum of three hours and a maximum of three days.

Access to vocational training is a right covered by law in France. Each civil servant has an annual credit hour of professional training equal to 20 hours for a full-time agent. Those hours can be held concurrently in the limit of six years or 120 hours. As demonstrated by the examination of curricula of training body, the offering is relatively poor in comparison with the number of librarians and limited by the duration, rarely a training exceeds 30 hours.

6 Conclusion

Even if the size of the sample is limited, the results are nevertheless very significant. They converge with what is already known by the relevant administrations. In a report commissioned by Higher Education of the Ministry for Education and Research, and Ministry for culture and communication, the *general inspectorate of libraries* wrote: "It will also be judicious for curator students to acquire or consolidate elements of basic legal and economic culture, which will be useful in their administrative as well as scientific responsibilities (public and administrative law, labor law, economic law, intellectual property, information economy)" [10]. It will be interesting to study the possibility of creating a specialized diploma in legal issues for librarianship; this diploma could be addressed to LIS background students.

Aside from the fact that this paper sheds light on the copyright literacy of French librarians, it also highlights the inadequacy of LIS education, and the lack of training. The complexity of law in general and copyright in particular demonstrates that this is not a subject that can be covered in a single course. Furthermore, this state of awareness shows the need for strong emphasis on continuing education, training and copyright law within the library profession. May these results help enhance lifelong learning in LIS education and the curricula in order to give proper answers to the needs in the field.

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