

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

Zhao Xing
Document Delivery Service Center
National Library of China



IFLA ILDS 2019 Prague.
Beyond the paywall: Resource sharing in a disruptive ecosystem

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01

PART 01

- ILL and DDS of National Library of China (NLC)

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

NLC South Area



170000m²
Built in 1987

NLC North Area



80000 m²
Built in 2008

NLC Ancient Books



30000 m²
Built in 1909

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



- Total physical collections 35,011,882
- Digital Resource 1960.91TB

Update to 2018



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Dunhuang Manuscripts

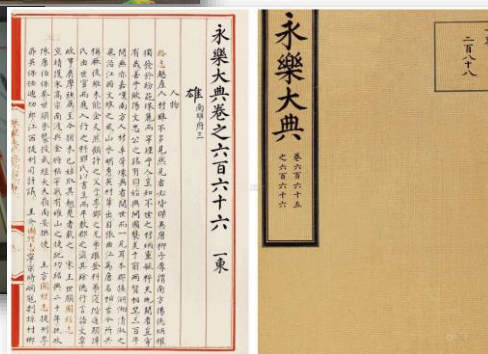




Zhaocheng Tripitaka
of the Jin Dynasty

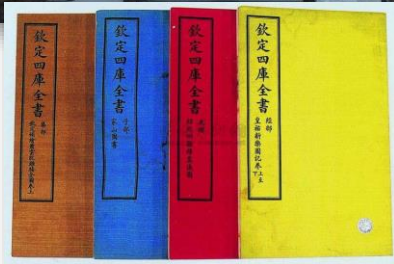


Yongle
Encyclopedia



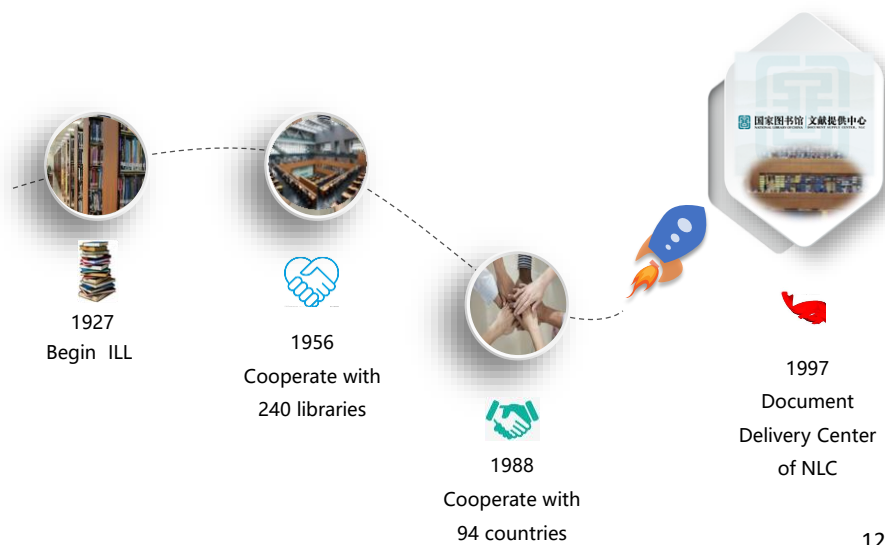


Complete Library of the Four Branches of Literature



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HISTORY



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02

PART 02

- Changes in the digital age

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2. Changes in the digital age

2.1 Cover a wide area and serve more users

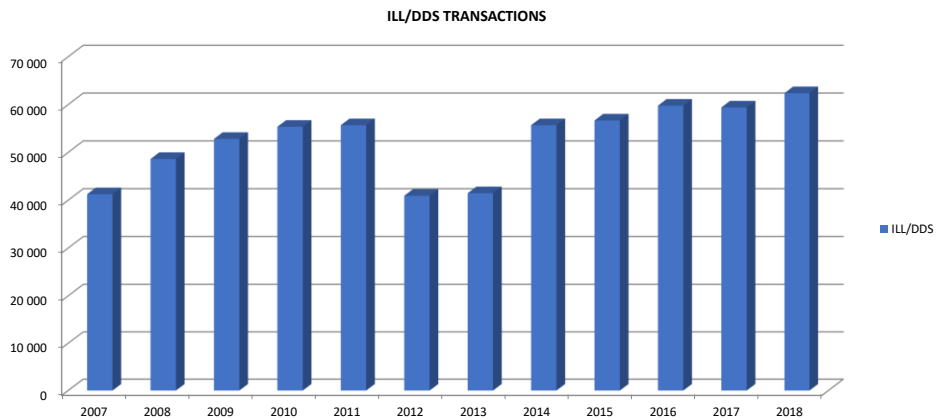


Figure 1: ILL/DDS transactions 2007 - 2018

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2. Changes in the digital age

2.2 Focus on special documents

ILL/DDS	2018		2017		2016		2015		2014	
	NO.	%	NO.	%	NO.	%	NO.	%	NO.	%
Preserved books	14349	23	15445	26	16141	27	11337	20	10581	19
Preserved periodicals	11230	18	11881	20	7771	13	9069	16	10580	19
Microform documents	4991	8	5940	10	2989	5	6802	12	1114	2
Hong Kong and Macao documents	1872	3	2376	4	4185	7	1701	3	3341	6
Theses	2496	4	593	1	1793	3	2834	5	2784	5
Total	34938	56	36235	61	32879	55	31743	56	28400	51

Table I: Types of special documents of ILL/DDS
2014-2018

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2. Changes in the digital age

2.3 Focus on foreign literature

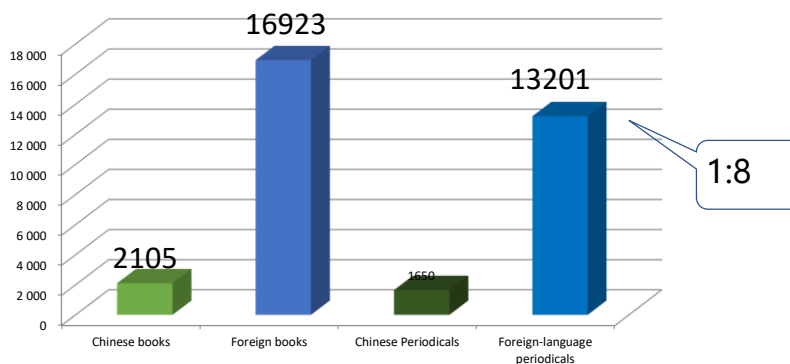


Figure 2: Transactions of Chinese and foreign documents, annual average volume, 2014-2018

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2. Changes in the digital age

2.4 Electronic delivery increasing

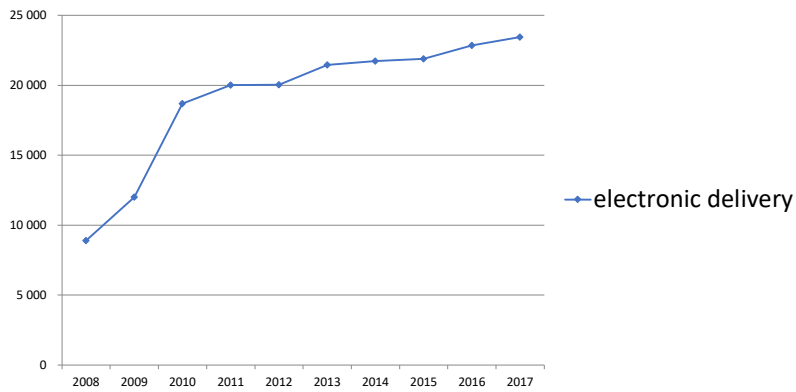


Figure 3: Number of electronic deliveries, 2008 - 2017

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2. Changes in the digital age

2.5 Mobile payment increasing

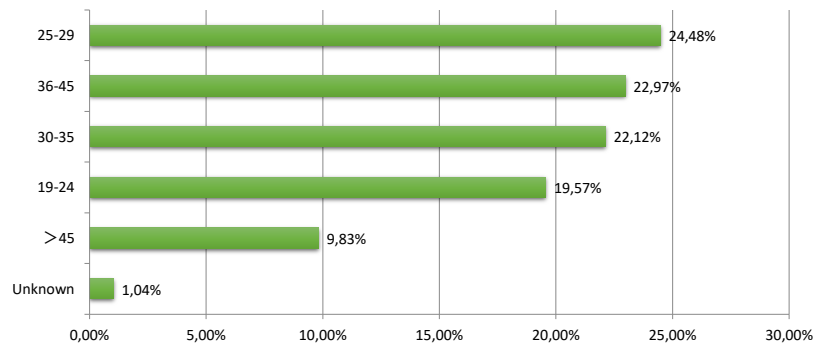


Figure 4: Age distribution of users using an ILDDS Alipay wallet, 2017

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2. Changes in the digital age

2.6 Resource sharing increasing

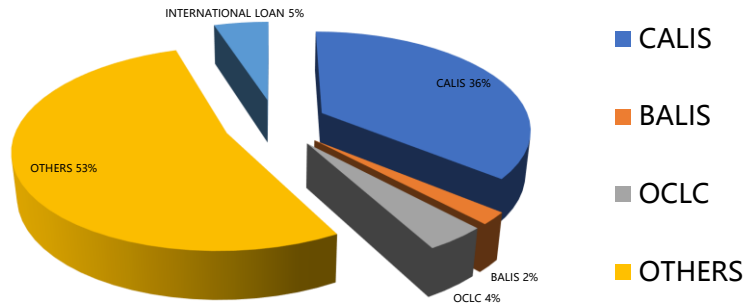
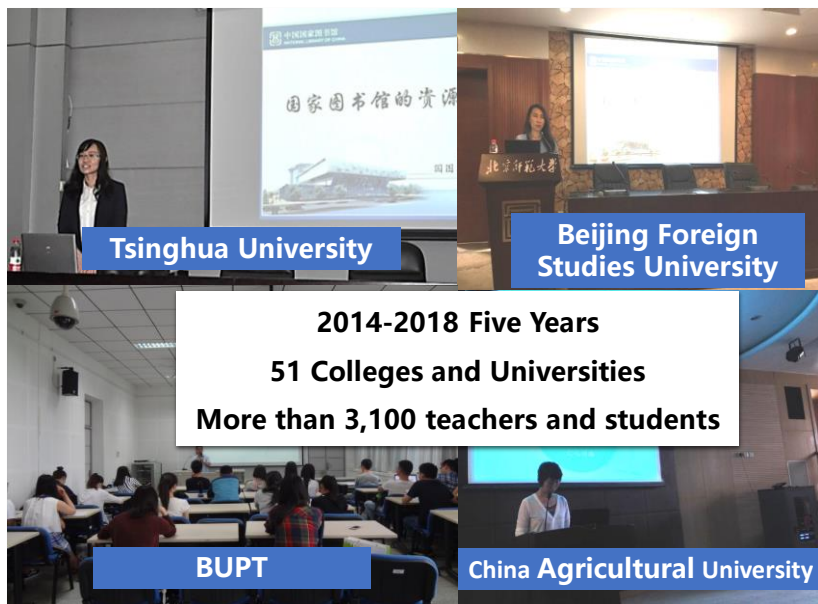


Figure 5: Applications from different platforms to NLC, 2018

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Cooperation with BALIS



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2. Changes in the digital age

Cooperation with CALIS

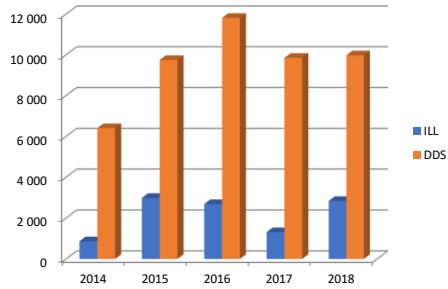


Figure 7: Volume of ILL/DDS,NLC to CALIS, 2014 - 2018

Cooperation with BALIS

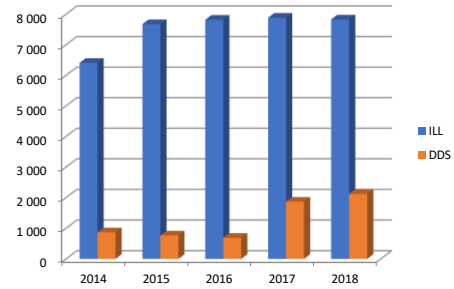


Figure 6 : Volume of ILL/DDS, NLC to BALIS, 2014-2018

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03

PART 03

- Problems

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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

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3. Problems

3.2 Infringement of the Right of Communication through Information Network



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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.

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04

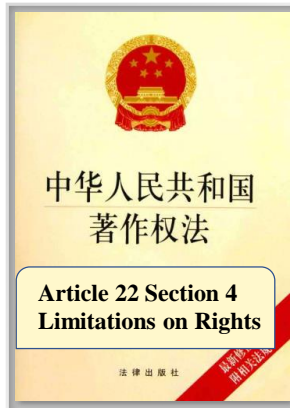
PART 04

- Current Chinese Copyright Law and current measures

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4. Current Chinese Copyright Law

4.1 COPYRIGHT LAW OF THE PEOPLE'S REPUBLIC OF CHINA



01

Paragraph (1)

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

02

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."

03

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."

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4. Current Chinese Copyright Law

4.2 Regulations on Protection of the Right of Communication through Information Network



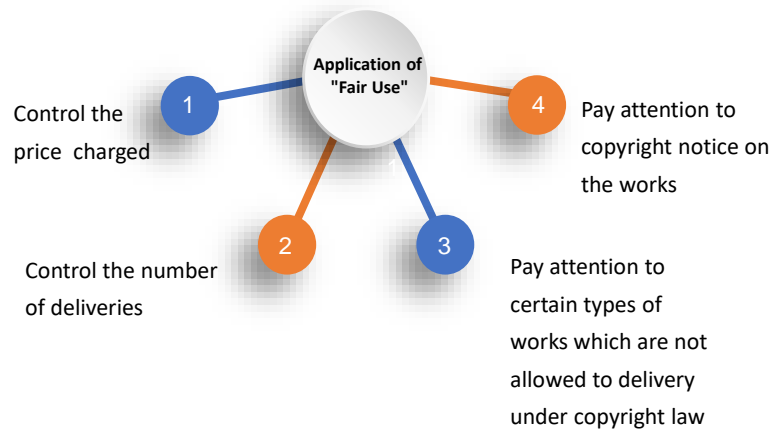
Article 7

"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."

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4. Current measures

4.1 Application of "Fair Use"



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4. Current measures

4.2 Delivery to registered users only

- Interlibrary loan and Document Delivery System (ILDDS)



Readers Login Platform

Management Module



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4. Current measures

4.3 Necessary copyright statement



The NLC ILLDDS
“Copyright Notice”



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4. Current measures

4.4 Perfecting the library legal system



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THANK YOU!

ZhaoXing

zhaox@nlc.cn

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