

Author Rights Awareness among Researchers and Role of Librarians

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Abstract

Copyright is that form of Intellectual Property Right (IPR) that impacts researchers/scholars. Researchers struggle to get expert guidance on questions of ownership of intellectual property in all forms of electronic and print media. In the era of digital publishing, the issue of copyright has gained prominence. The present study aims at finding out the awareness of the concept of 'author rights' among the researchers. It also tries to find the methods used by researchers to retain their rights to scholarly works. The study also intended to know the factors that prevent researchers from modifying the standard publication contracts of the authors. A survey of faculty members and researchers at research institutes in Mumbai was conducted. A structured questionnaire with closed-ended and open-ended questions was used for the study. A stratified random sample was selected from the sampling frame of twenty-seven research institutes in Mumbai. Further, librarians of the institutes were also asked about their involvement in copyright issues. Descriptive Analysis was carried out using SPSS 20.0. The study revealed that the awareness of researchers in the area of author rights is low. The researchers were less concerned about transferring copyright and the ability to do certain actions with their scholarly work. The need to publish was one of the most important factors that prevent the researchers from modifying standard copyright contract. Due to low awareness, the researchers sign the publishers' copyright contract as it is and lose all their rights to their own scholarly writing. This paper also highlights the role librarians play to assist researchers and faculty in understanding and retaining their rights to the scholarly work created.

Keywords: Author Rights; Copyright; Author Addendum; Scholarly Publishing.

Introduction

Intellectual Property Rights (IPR) is a blanket term for a variety of assets created by the mind otherwise classified as intangible property. It includes ways to protect the creative expressions of the intellect that carry commercial and moral value. There are several types of intellectual property including trademarks and patents. Copyright is a legal right created by the

law of a country that grants the creator of an original work exclusive right to its use and distribution, usually for a limited time, with the intention of enabling the creator to receive compensation for their intellectual effort. Several efforts at the international level were initiated to look into the copyright laws and their enactment. For example, the Berne Convention in 1886, the Universal Copyright Convention (UCC) 1952 and the Berne and Paris conventions in 1971. Berne and Paris convention recognizes the copyright of authors of all countries who have signed the same and India is one the signatories.

Scholarly communication in the form of published works falls under copyright law. Oxford English Dictionary [1] defines copyright as the exclusive right given by law for a certain term of years to author, composer, designer etc. (or his assignee) to print, publish, and sell copies of his original work.

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Copyright originates with the author or creator with rare exceptions unless the author/creator decides to transfer the rights to someone else. Authors hold copyright under the various laws which apply to the country of their work. Broadly copyright allows the author to reproduce the work, to distribute the work, to publicly perform or display work or to prepare derivative works. It further depends on the author whether he/she assigns all of these rights, some of them or none of them to a publisher who then determines how the work is used by the author himself/herself. The author might want to retain rights so that it can be used to post work on the website, to distribute copies to colleagues, to reuse portions of the work or all of it in future publications, or to add to the institutional repository. Sometimes publishers want authors to assign the copyright to them in exchange for publishing the work. The decision to assign copyright is serious and has manifold implications for the academic researchers. Authors are typically asked to sign legally binding contracts such as a publication agreement or a copyright transfer agreement usually transferring ownership of the copyright to the publisher who then determines how one may use the same work.

With the options of various formats of digital publishing coupled with the pressures of the research community to be visible, researchers are becoming increasingly concerned about copyright issues, trying to retain author rights and negotiating copyright agreements with publishers. Scholars who sign away all rights have to request permission (often with a fee) to place their own articles on a personal website, in a course pack for a class they are teaching themselves, in a public online archive or an institutional repository, to distribute copies to class or to colleagues, include sections article in later works or include it in an anthology.

Morrison(2009)[2] states that it is not at all necessary to transfer the complete set of rights. Scholars can unbundle the rights within the copyright bundle and transfer only some of them to publishers. There are ways in which scholars can retain their rights if the publisher's standard agreement does not give the control. Some publishers follow a particular policy and accordingly allow the author to retain certain rights or takes over all the rights. The policies of these publisher can be found on the SHERPA/RoMEO website. It provides information about the copyright policies, open access, and self-archiving policies of publishers. It is useful for authors to know, before or after signing a copyright agreement, what rights he or she will be able to retain.

Many organizations, universities, and institutions have encouraged authors to manage their copyrights. Maintaining some rights may be to the benefit of the author and the institution. Until recently, the primary method that authors could use to retain some rights in their writings was to rewrite the contract with the publishers themselves. With the development of digital scholarship and awareness created worldwide by various research councils many organizations developed standardized 'Author Addenda'. An author's addendum is a standardized legal instrument that modifies the publisher's agreement and allows the author to keep key rights. Massachusetts Institute of Technology (MIT), Science Commons (through its Scholar's Copyright project), and Scholarly Publishing and Academic Resources Coalition (SPARC) – have worked with lawyers to develop self-sufficient addenda that address these issues. These addenda can be attached to the publishing contracts received by publishers and are likely to be legally binding. Awareness on author rights is created within the institution research cells and libraries. Faculty who have used author addenda and managed to retain their rights also advice other faculty and researchers Literature has highlighted that the awareness about the author right issue is low and hence various stakeholders in the research community and the institutions must gear up to create and spread the awareness.

Given the changes in the scholarly publishing arena and the need to create awareness and protect the scholarly work of the researchers, the libraries need to play a pivotal role in this area. It is necessary for librarians to gauge the awareness of their researchers and accordingly draw a plan to assist the researcher to retain their author rights.

Literature Review

Copyright is a complex issue. A lot of literature has been published about copyright and its interpretation and application in the academic settings. Several studies have been published in the academic library context. Copyright and related intellectual property laws are "woven into the fabric of academic culture" and thus have a substantial impact on the nature of services that academic libraries provide to their user communities (Horava, 2010, p. 4) [3].

(Aswath, 2012) [4] emphasized the significance of copyright laws in the academic environment. Most of the studies concentrate on University / campus-based copyright issues. Very few studies have dealt with

area of awareness of faculty on issues of copyright. A study of faculty on two academic health science campuses in the U.S. found that faculty had limited knowledge of copyright laws (Smith et al., 2006) [5].

Since the awareness of the faculty was generally found to be low in areas of copyright organization like the Association of College and Research Libraries (ACRL) has taken lead in this area. It provides context for accelerating the awareness of copyright and scholarly communication issues in the academic setting (Davis-Kahl & Hensley, 2013) [6]. Given the wide-ranging changes in scholarship, the report on 'Common ground for Nexus of Scholarly Communication and Information Literacy' states that academic librarians must add knowledge of copyright law and other intellectual property issues to their "current repertoire of literacies" in order to provide guidance to their users (Davis-Kahl & Hensley, 2013, p. viii).

Intellectual property and copyright have long been areas in which librarians are involved. At a local level, ensuring compliance with copyright law has been the traditional role and assisting authors with retaining their rights is the emerging role. (Morrison, Heather 2009)

Albitz (2013) [7] further states as the importance of copyright education grows, it is critical to ensure that "the people assigned this responsibility to have the resources and support to perform their responsibilities in the most effective and efficient way possible" (p. 435).

A study by Olaka and Adkins (2012) [8] found that academic librarians in Kenya were "only moderately knowledgeable about copyright issues" (p. 46). Olaka and Adkins (2012) concluded it was imperative to increase academic librarians' knowledge of copyright laws. Similar findings were reported in the United Kingdom in which respondents from academic libraries felt they needed more training in copyright matters (Oppenheim & Woodward, 2004) [9].

(Gasaway, 2003) [10] stated the Library associations have been involved in the issue of copyright and have suggested alternative scholarly communication models, that will provide greater control by faculty authors, while at the same time ease some of the strains on library budgets caused by rapidly escalating journal prices. Several research coalitions, academic libraries are creating awareness on the issue of author rights and are also helping librarians remain updated in these areas. Scholarly Publishing and Resources Coalition (SPARC) has released guidelines for authors and librarians in this area. It has also devised an Author Addendum which

will help the researchers negotiate the standard publisher's norms and retain rights to scholarly work. Massachusetts Institute of Technology has developed Author Addenda Addenda for their faculty and researchers to protect their author rights.

Morrison (2009) pointed out that publishers' agreement was in a time of transition. A license to publish may leave the author with more rights than a standard copyright agreement, but there is no guarantee, so it is a good idea to read the fine print. Publishers are also in the time of transition with respect to self-archiving policies. There are many publishers who are willing to negotiate the publishing agreement. Librarians should help researchers determine what terms of the agreement are amenable to them and which are not and then negotiate for the terms which they will be able to abide by. Researchers should be made aware that rather than assigning copyright to the publisher, granting them an exclusive or non-exclusive license to publish is beneficial. An exclusive license is when the copyright holder grants to the publisher sole permission for using the work for a certain period of time. A non-exclusive license is when the copyright holder allows multiple people to use the work. Examples of non-exclusive licenses are the Creative Commons licenses. Librarians need to create awareness on various forms of Creative Commons licenses too.

Several organizations and universities like Scholarly Commons, MIT, Harvard etc are helping researchers retain their rights with the help of addendums.

In the Indian context, there are scanty studies on issues of copyright. Nikose [11] talks about the awareness of the copyright in western India's universities. The results of the study show a high level of awareness among faculty and researchers about the Indian Copyright Act 1957.

Specific studies on author rights in the Indian context were not found. As the landscape of information is getting complex the need for clarity on issues of author rights remains important in the evolving the scholarly communication process.

Objectives

The objective of the study is to know the awareness of the researchers and to emphasize the importance of this law that protects works of authorship. It does not delve into the intricacies of the copyright laws but concentrates on the Author rights and identifies

areas in which librarians can contribute to create awareness and assist faculty in retaining the rights.

Following objectives were formulated for the study.

1. To find out the awareness of the author rights and related issues amongst researchers of research institutes in Mumbai
2. To know what methods the researchers have adopted to retain author rights
3. To identify factors that prevent researchers from negotiating for retaining the author rights
4. To find out whether research libraries in Mumbai are playing active role in creating awareness about the copyright and IPR issues

Methodology

This study is a part of the larger study on scholarly communication and the role of libraries. The study surveyed researchers (faculty, scientists, and research scholars) of research institutes in Mumbai. The sampling frame consisted of twenty-seven research

institutes of Mumbai covering different disciplines viz Arts and Humanities, Engineering Sciences Life science, Physical sciences and Social Sciences. Faculty members with a Ph.D Degree and research scholars who were into research for at least 3 years were considered for the study

Stratified random sampling was used get responses from the faculty/ researchers. 582 faculty and research scholars were contacted and 263(45%) responded. Librarians were also asked about their involvement and initiatives in creating awareness or advising researchers on copyright issues.

The survey method with a structured questionnaire was used to gather data. The questionnaire included both closed and open-ended questions. The questionnaire was also made available on Survey monkey platform. Participants were asked to voluntarily participate in the study by clicking on a web link included in the email message that directed participants to the web-based survey. A follow-up reminder about the survey was sent to the participants. Descriptive statistics were followed using SPSS 20.0

Table 1:

| Designation | Total Contacted | No of Respondents | Percentage |
|----------------------|-----------------|-------------------|------------|
| Professors | 88 | 41 | 46.5% |
| Associate Professors | 115 | 56 | 48.6% |
| Assistant Professors | 65 | 32 | 49% |
| Scientists | 76 | 35 | 42% |
| Research Scholars | 203 | 83 | 40% |
| Others | 35 | 16 | 46% |
| Total | 582 | 263 | 45% |

Profile of the Respondents

Table 2: Respondents By Disciplinary Grouping

| Subject Disciplines | Frequency | Percent |
|----------------------|------------|-------------|
| Arts and Humanities | 12 | 4.6 |
| Life Sciences | 72 | 27.4 |
| Engineering Sciences | 57 | 20.9 |
| Physical Sciences | 45 | 16.0 |
| Social Sciences | 60 | 21.7 |
| Any Other | 17 | 9.5 |
| Total | 263 | 100% |

Table 3: Institutional Publishing Policy

| Answer Options | Response Count | Response Percent |
|------------------------|----------------|------------------|
| Yes | 95 | 37.5% |
| No | 168 | 62.5% |
| Total Responses | 263 | 100% |

Data Analysis and Findings

A series of questions were posed to respondents to find the opinions and awareness on issues about author rights.

1. Researchers were asked if their institute had any publishing policy which guided their choice and method of publishing. Institutional publishing policy addresses issues like where to publish, what rights have to be retained, embargo periods so that the researchers have guidelines for publications.

As seen from Table 3 most of the research institutes do not have a publishing policy. The details provided by the respondents about the publishing policy are summarized below

- Many researchers expressed unawareness.
- Some mentioned having an internal Publications unit, and mandatory clearance of the same.
- Some researchers reported that publication charges if any are borne by the Institute including

Article Processing Charges of Open Access publications

- Procedures of parent bodies (ICAR, DAE) need to be followed.
 - Discourages paid publications (IIT and TIFR)
 - Publish after checking from anti-plagiarism software and considering impact factor of journals
2. Researchers were asked about their concerns over the transferring copyright and the ability to do certain actions with their scholarly work like putting on website/institutional repository, use in class and make course packs create derivative based the published work.(submit article to an anthology).

Table 4 shows various dimensions of the author rights to which the researchers have shown moderate concern. On an average 73% of the researchers were 'somewhat concerned' and 'not concerned' There was very less concern among the researchers regarding all the author rights on the whole.

Table 4: Concern over Transferring Copyright

| Answer Options | Not concerned | Somewhat Concerned | Very Concerned | Response Count |
|---|---------------|--------------------|----------------|----------------|
| 1.Put the materials on a website or in an institutional repository | 48 | 141 | 74 | 263 |
| 2.Use the materials in a class that you or others are teaching without asking for permission from the publisher | 55 | 135 | 73 | 263 |
| 3.Make the materials available for course packs without asking for permission from the publisher | 45 | 141 | 77 | 263 |
| 4.Use or submit the materials to an anthology | 51 | 157 | 55 | 263 |
| 5.Create a derivative work based on the material | 46 | 142 | 72 | 263 |
| Total responses | | | | 263 |

Table 5: Reading the Copyright Policy before Signing

| Answer Options | Response Count | Response Percent |
|-----------------|----------------|------------------|
| Yes | 188 | 73% |
| No | 75 | 17% |
| Total Responses | 263 | 100% |

Table 6: Ways to Handle Copyright Contract

| Answer Options | Response Count | Response Percent |
|---|----------------|------------------|
| 1.Examine the copyright terms of the contract and usually sign it as is | 162 | 86% |
| 2.Get the copyright terms modified of the contract before signing | 19 | 10% |
| Any Other (please specify)*** | 7 | 4% |
| Total Responses | 188 | 100% |

Table 7: Actions Taken By Researchers to Modify Copyright Policies

| Answer Options | Response Count | Response Percent |
|---|----------------|------------------|
| 1.Replaced publisher's contractual terms required terms | 16 | 43.2% |
| 2.Attached an addendum | 19 | 56.8% |

3. Researchers were asked if they read the copyright policy of the publishers before submitting the work to know how the terms mattered to them.

Only a small proportion of researchers denied reading the copyright policy of the publisher before signing. Out of them most of the researchers (73%) answered that they read the copyright policies before signing them.

4. Researchers who confirmed that they had read the copyright policy were further asked the ways in which they handle the copyright contracts after reading them

As seen Table 5 though most of the respondents read copyright terms (73%), the majority of them (86%) sign them as it is. (Table 6) Only a handful of respondents (n=19, 10%) get the copyright modified.

Some researchers had selected option 'Any other'. Their responses are presented below:

- I choose only those publishers whose conditions are acceptable to me
- We mostly publish in standard reputed journals whose copyright terms are known. These terms are not changed so often. So there is no need to check these terms every time before we submit a paper to the same journal.

- I do not pay attention to such things.....we pay attention to science in the paper.....we trust each other I guess...!

- Depends on the audience and reach of the journal
- No idea about point modification of terms of publishers
- Awareness of this aspect is yet not known
- Some of the researchers expressed unawareness on this issue, while others said that they publish in reputed journals where there was no scope for modification

5. The respondents who had modified the copyright terms were asked what methods they had adapted to modify the copyright terms. Their answers are presented in Table 7.

Researchers modified the terms of the contract by either replacing contractual terms or attached an addendum as and when required though attaching the addendum was common method used by the researchers

6. Researchers were also asked if they had refused to sign a publication contract because of the concern of existing laws and therefore had to forego their opportunity to publish in that journal.

Table 8: Instances of Refusal Due to Concerns of Copyright

| Answer Options | Response Percent | Response Count |
|--------------------------------------|------------------|----------------|
| YES | 5.4% | 14 |
| NO | 71.2% | 188 |
| Not Applicable | 23.5% | 61 |
| Please provide details, if possible: | - | 9 |
| Total responses | - | 263 |

Table 9: Factors Important to get Copyright Contract modified

| | N | Mean | Std. Deviation |
|--|-----|------|----------------|
| 1 Need Precise Instructions and examples of how to do it | 263 | 2.37 | .610 |
| 2 Awareness of the option refuse signing Standard Contract and still get benefit of Publishing | 263 | 2.29 | .823 |
| 3 Agency which can do it for me | 263 | 1.29 | .617 |

Table 10: Factors that Prevent from Modifying Standard Copyright Contract

| Options | Frequency | Percent |
|--|-----------|---------|
| 1 Need to publish in the journal to get merit increase/promotion | 120 | 46 |
| 2 No knowledge to negotiate | 91 | 35 |
| 3. It is too much trouble to negotiate with the publisher | 52 | 19 |
| Total | 263 | 100.0 |

Table 11: Libraries having IPR advice as service

| Service | Yes | No | Going to Introduce Soon | Total |
|---|-----|----|-------------------------|-------|
| Intellectual Property Rights related Advice (Copyright and other matters) | 8 | 11 | 2 | 21 |

Table 12: Libraries having staff specially trained in Copyright/IPR issues

| Training to Staff on IPR/Copyright | Yes | No | Going to Introduce Soon | Total |
|---|-----|----|-------------------------|-------|
| Staff with Special Training on Copyright and IPR issues | 2 | 18 | 1 | 21 |

Only fourteen respondents responded that they refused to sign the standard copyright contract with the publishers.

The details provided by some the researchers are given below:

- So far this situation has not arisen. Sometimes the publication becomes the need of the hour for personal or institutional requirements.
 - When the changes after OA were not yet widely accepted by publishers, I retracted my paper and submitted to other Publisher .
 - I send my papers only to those journals whose policies I am comfortable working with.
 - There were instances wherein publisher will not give reprint & will change in case needed. It is a seminal work. I thought of foregoing with it.
 - I do not want to pay the unnecessary huge amount to publish any of my work.
 - Our research did not involve a case for retaining copyright terms or possible patent generations. We could do so or withdraw publications from that journal and send it some other.
7. Researchers were asked to rank factors that they opined were important to get contract terms modified. They were asked to rank awareness, need of precise instructions and agency to it from 1-3.

The Table 9 clearly indicates that faculty need help and precise instructions to help in retaining copyright, while many of them also agreed that there was unawareness about refusing to sign the standard copyright contract but still being able to get the benefit of publishing.

8. Researchers were asked about the issues which prevented them from negotiating with publishers in spite of preference they had about retaining the author rights.

Researchers who did not modify the terms of the publishers reported that most important deterrents were the need to publish for promotions followed by lack of knowledge to negotiate. The researchers also found it troublesome to negotiate with the publishers.

From the opinions given by researchers it was

very clear that negotiating with the publishers for their rights over the scholarly content created by them was impeded by their lack knowledge in this area of negotiation.

9. To get better understanding on the issues of copyright awareness and the role of librarians, the librarians of research institutes were further asked about their involvement in the IPR and copyright issues.

As seen from Table 11 only 40% of the Libraries have IPR related advice service. These are larger (with more than 100 researchers) research institutes/university in Mumbai.

10. Libraries were also asked if they had any specialized staff who had special training on copyright and IPR issues Only 2 libraries mentioned about having specialized staff trained on copyright or IPR issues.

Findings and Discussion

Copyright law is complex and ambiguous. It poses many challenges like licensing and Digital Rights Management for the researchers, but it is crucial that researchers have a basic understanding of the various provisions of the law in order to make informed decisions about the rights to their own work. This task is quite challenging and demanding for the researchers.

Following are the major findings of the study:

1. There is a lack of Institutional Publishing policy in the research institutes surveyed.
2. The researchers were less concerned about transferring copyright and the ability further use their scholarly work like putting on website/institutional repository, use in class and make course packs create derivative based the published work.
3. Researchers read the copyright contracts and the majority of them sign it as it is due to lack of awareness of the issue.
4. Very few researchers modify the copyright contract and use methods like modifying the publisher's terms and attaching the addenda.

5. Lack of awareness is among researchers is the major reasons for not negotiating with the publishers.
6. Researchers also need precise instructions and examples to retain copyright.
7. The need to publish is one of the most important factor that prevents the researchers from modifying standard copyright contract.
8. 40% libraries provided advice on IPR issues.
9. Only two libraries had specialized staff trained for copyright and IPR.

Librarians need to step up in this area and create awareness among researchers enabling them with the concept of author rights, the implications of a complete copyright transfer, the benefits of retaining them and ways to do so and assist the faculty/researchers to retain their rights as creators of scholarly work.

As seen from the above results, the researchers' awareness of author right issues is low hence librarians should create awareness among researchers and take a lead to facilitate the following actions like

- Promote thinking of the possible future use of scholarly work.
- Facilitate the understanding of limitations imposed by contract of the publishers.
- Help researchers find which publishers have the best agreements for their needs.
- Assist researchers to investigate which publishers policies match goals as a scholar using the SHERPA/ROMEIO.
- Support to negotiate for author rights.
- Guide to using/writing an addendum to the publishers' contract.

Researchers need to know the whole cycle of scholarly communication, and issues such as copyright, author rights, use and reuse of digital information objects, etc., need to be more fully integrated. A primer on author rights can be made to facilitate the author rights awareness. Issues like author rights are areas of strategic realignment for librarians in order for libraries to be resilient in the face of tremendous change in the scholarly information environment.

Summary

The area of copyright is an area of intersection between scholarly communication and information

literacy. Librarians need to take lead in this area and assist the faculty. It is essential that librarians of research organizations and universities are well equipped with adequate knowledge on these issues. Librarians can provide some guidance, but not legal advice. Librarians need to improve the awareness in their respective institutions. Researchers need to be aware "that is not all or nothing" implying that they had still held some rights to their work along with getting the benefit of publishing in reputed journals.

Librarians can remain relevant in the changing landscape by taking over specialized areas like copyright where the researchers struggle. This will help researchers navigate the changing scholarly communication and contribute to the knowledge domain.

Librarians should facilitate the researchers to protect the private right of the creators to stimulate the creation of new works and at the same time encourage a wide dissemination of creative works to advance the scholarly communication life cycle. Librarians should take leadership roles in the dynamic digital environment of contemporary scholarship and improve the current scholarly communication ecosystem.

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