

# 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”<sup>1</sup>, 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.

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<sup>1</sup> 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 France<sup>2</sup>, 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 rights<sup>3</sup>. 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.

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<sup>2</sup> In what follows, quotes are freely translated by the author.

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 This directive has been repealed and replaced by Directive 2006/115/EC  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