

*Censorship and Intellectual Property with the Focus on Library Activities*

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Abstract

Libraries are expected to be fully available in relation to all kinds of knowledge and information, regardless of social acceptance and the importance given to them in certain social frameworks. In many legal formulations, progressive proclamations, successful standardizations, there are still number of limitations of civil rights and liberties, to which can sometimes contribute libraries as well. There are numerous pitfalls in functioning of libraries that can violate intellectual freedom in all the processes. From monitoring editorial production and selection of publications, through a cataloguing and proper placement of information, bibliographies and referative newsletters, promotion of literary, artistic and scientific content, formation of reading awareness and habits, to keeping the library statistics, we will consider, throughout this paper, referencing primarily to the censorship situation in Serbia, all the problems mentioned above and we will suggest some possible solutions.

**Keywords:** censorship, library activities, censorship in Serbia, protection of consumer rights, censorship and bibliography.

## INTRODUCTION:

Libraries are preserving the documentary-historical, cultural and scientific heritage, enriching in that way the national and global memory. They strive to invest in intellectual development and to contribute to the reinforcement of democracy of knowledge. On the "open path" of designing global memory, libraries are active participants in solving all of the challenges of education. They contribute to the development of intellectual freedom and spread information literacy and general enlightenment. Handwritten and printed information are replaced with digital sources, which are being transferred "of an analogue to digital material and organized through the collections, which can be viewed and searched by users".<sup>1</sup> Multiplicity, organization, flexibility and distribution of these resources are considered to be distinctive qualities in the process of placing and timely availability of knowledge on any subject. Based on the fact that "the true nature of business (...) of the information"<sup>2</sup>, handling of it, its storage, processing and distribution, are the basic requirements for each profession, it addresses librarians and archivists as specialists that deal with the organization of knowledge. It is essential to consider the issue concerning the ways in which we can protect copyright and intellectual property in traditional as well as in digital libraries.

### **The place and role of traditional libraries in the modern era**

Libraries are an important segment in the complex process of distributing and placement of books. They are one of the greatest guardians of national and world written heritage. The sublime role of libraries is reflected primarily in the monitoring of publishing activities, selection of publications, production of catalogs, placement of information via bibliography and reference bulletins, promotion of literary-artistic and scientific contents, in shaping the reading habits, as well as in the conduct of library statistics. These are the basic activities of each library, whether it is national or local, general or specialized.

Libraries are carriers of cultural diversity, tolerance and intellectual freedom, as well as the real promoters of quality and professional ethics. Library activities are prescribed by national laws and international standards, such as: international standard serial numbers, international standards for bibliographic description, classification, which groups together all the free human knowledge. All of the above allows the standardization necessary for the universal availability of publications and information in traditional libraries.

### **The impact of information and communication technologies on library activities**

Librarianship, as a scientific and professional discipline, contributes to the idea of democratization of society. Following the latest trends, libraries are introducing new information technologies and the Internet. They are being transformed from traditional institutions into modern service providers of comprehensive knowledge. Thus, becoming a part of the global information society which is based on a timely

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<sup>1</sup> Trifunovic, B. *Voice of Library* 14/2007. Public Library "Vladislav Petkovic Dis" Cacak, p. 28

<sup>2</sup> Davidow, W. H. Malone, M. S. "The Virtual Corporation – Structuring and Revitalizing the Corporation for the 21st Century. HarperBusiness, New York, 1992. p.65.

and prompt information, on implicit as well as on explicit knowledge, creativity, competition, multidisciplinary flexibility, intellectual diversity and visualization of large amounts of data.

In the modern era it is entirely expected from libraries, in addition to preserving and promoting authentic books and confirmed classic forms, as well as cultural heritage of one country, to accept the need for modern marketing engagement, since this is the only way for them to stay prominent and up-to-date. The transformation from the non-profit national cultural institution to an institution that can be competitive on the market is already happening. Libraries have largely aligned their management systems with modern technological demands in order to continuously have an important and indispensable social role in society.

### **The modern library and the concept of intellectual freedom**

The modern librarianship, which is based on globalization and mass usage of a variety of information, is faced with the need to provide a large amount of information to an unlimited number of users, while at the same time respecting the protection of intellectual freedom. Intellectual freedom and its ethical aspects are subject to ethical codes, which have been adopted in the field of librarianship. One of the most interesting concepts is “cyberethics” which is “philosophic study of ethics pertaining to computer networks, encompassing user behavior and what networked computers are programmed to do, and how this affects individuals and society”<sup>3</sup>. UNESCO adopted in 2003 a system solution through a global code of ethics. Based on this solution many national associations have issued their own codes of ethics.

All ethical codes derived from the Universal Declaration of Human Rights, which represents the freedom of opinion and expression through any media without revisionist relationship. Thus, intellectual freedom represents the freedom of the press and other media, freedom to receive and impart information and knowledge, freedom of artistic expression, academic freedom and freedom of scientific research. Therefore, libraries as scientific, cultural and educational institutions must be accountable to the society and the individual. They should support the process of democratization and transparency, expanding access to information for all citizens. In addition, libraries should deny, under the banner of falls “intellectual freedom”, promotion of ideas that are clearly racist, sexist, politically extreme, dangerous for the peace, which are threatening social and personal security. They are accountable for the development of a system that can protect potential recipients of free information.

### **The protection of copyright within the library**

As we have already pointed out, the modern library accompanies the process of globalization, but it must also foster fair treatment of the author and respect its intellectual property rights. This is achieved in following ways: primarily it is necessary to explore the primacy of ideas, to provide its placement in accurate and objective manner depending on the context and not according to current needs of the

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<sup>3</sup> <http://en.wikipedia.org/wiki/Cyberethics>, accessed on 23/04/2013.

user and by quoting statements from the used text with complete clearly stated bibliographical note.

Use of the Internet, which is considered to be a public good without any intellectual responsibility, may lead to abuse of copyright which is why it is necessary to prescribe measures for the protection of intellectual contributions. In 2001 the U.S. Congress brought a law that dealt with ethical issues of library materials usage and gave clarifications on partial restrictions of the use of digital records. Suggestions were made regarding the way in which quotes can be used and the following issue was addressed: to what extent paraphrasing is a violation of copyright law and when the results are useful for the promotion of authors' work and valid contribution to the public intellectual enrichment.

Copyright is regulated by the Law, which amongst other things proscribes that the manuscript and published materials from individual collections often cannot be used at least 50 years after the author's death, i.e. as long as the author and his successors deem it necessary. Copyright in librarianship usually refers to moderation and partiality in the proliferation of printed materials, or to the protection of individual sources on the internet. This indicates that in the interests of copyright holders, the use of information must be conditionally restricted, which is in some way inconsistent with the concept of globalization. But on the other hand, copyright protection represents in this way a guarantee for the users in the sense that by respecting the author and some limitations in the use of materials they will actually have access to an original intellectual product, distributed in sufficient number of copies of adequate quality of production that is not damaged by unprofessional multiplication.

### **Global development of the censorship principles**

Censorship, briefly put, is the process of monitoring freedom of expression. Judging by its characteristics, it would make sense that this would be a product of authoritarian and totalitarian regimes, but it also has a strong presence in the so-called democratic societies. Data on censorship are dating back to two thousand years ago. Thus, it is recorded that Emperor Augustus banned works of Ovid. The Catholic Church in its long history proclaimed many books as heresy, forbade them, and even burned them. In the recent history of democratic societies such as the United States, literary works of Mark Twain were prohibited not that long time ago in nineteenth century, while during the Second World War censorship of the media was pervasive. Interestingly, even the Nobel laureate for Literature, Mo Yan believes that censorship is required to the same extent as a control at the airports.

The invention of printing made possible massive copying of literary works, which required precise copyright guidelines. During the 16<sup>th</sup> century, unfair competition amongst printers led to the definition of printing privilege, which was a piece of legislation that protected interests of individual printers for a particular work. In the period from 16<sup>th</sup> to 18<sup>th</sup> century, with the differentiation of responsibilities in the publishing and printing sector, publishers had privileges, for a limited period of time, with the consent of the editor or author. Privileges, however, at the time, protected financial interests of entrepreneurs who possessed privileges, and not intellectual effort of the author. The crisis of privilege system appeared in England in the early

17<sup>th</sup> century, when the book trade guilds had the exclusive right to control printing. The first law, the Law of Queen Anne, was brought in 1709 and it protected the interests of authors for the period of 14 years, with the right to add additional 14 years to that time, which, in fact, restrained unlimited use of intellectual property as a natural human right. In France, by adoption of the Royal Decree from 1777, the author obtained privilege of publishing with unlimited duration, while the duration of the publisher privilege ceased with the death of authors. French revolution abolished the system of privileges, giving, by the regulation from 1791, the right to authors during their life and five years after their death. In that way the first principles of the continental concept of copyright were determined. Therefore, it can be concluded that in the development of protection of intellectual property rights exist three theoretical approaches: monopole theory (which treats the copyright solely as a form of property), theory of intellectual property rights (copyright perceived as a hedging instrument of individual interests of the author) and the theory of personal law (individualistic theory that sees copyright as a personal right).

### **Historical overview of censorship in Serbia**

Censorship, which progressed together with the development of the printing industry, has been present in Serbia for a long period of time. In fact, even Prince Milos Obrenovic stipulated by the law the obligation to submit necessarily 6 copies of the book at the disposal of censorship, and from that decision the obligation followed to provide one copy of each book to the National Library of Serbia. The introduction of this obligation was justified by the need to allegedly save Orthodox Christianity as well as the political and ethical face of the nation. The positive side of this mandatory submission of the newly printed copy of the book to the National Library is the fact that in this way national literary fund has been enriched and that all the printed books are at the one place and at the same time numbered by a chronology, and their data are kept in directories. During the reforming age of Serbia, Vuk Stefanovic Karadzic, who fought for the introduction of a new type of spelling, in particular, introduced, besides the obligatory control of contents, spelling check and justified it as well by preservation of required level of public morality and artistic values, but in fact this was also a defense of political interests of the current government.

Even after Second World War, the Regulation of obligatory delivery of all printed materials, issued in July 24, 1945, stipulated that the books and printed matters, whose distribution is prohibited, should be provided for care to the State Central Library. During this period, a Law on the Prevention of abuse of freedom of press and other ways of informing was proclaimed. The title of this law was almost ironic, since it was precisely on the basis of these regulations that many books were banned and the freedom of thought and creativity of many authors was compromised and threatened, for purely political reasons. Their books were on the list of banned books, while the contemporary Serbian bibliography did not publicly record them, but they were only sporadically classified by enthusiasts in a bibliography of forbidden books.

### **COCLUSION:**

Libraries in Serbia do their best to protect copyright and support intellectual freedom of the author. Faculty of Philology of the University of Belgrade, with its numerous department libraries, as well as with its Digital library, joined these very important



intellectual initiatives. Completely aware of the fact that "A clear national strategy can stimulate greater participation at the global level"<sup>4</sup>, Serbian cultural actors will continue to improve and provide clearer guidelines for copyright protection, censorship principles and enable greater intellectual freedom.

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