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# Digital Rights Management and Copyright Compliance in E-Resources



## OBJECTIVES


-  Understanding DRM Technologies
-  Copyright Implications for e-resources
-  Fair use in Digital Environments
-  Copyright Clearance Processes
-  Creative Commons Licensing
-  Educating Users on Legal Use of Electronic Resources

## Introduction



- Half a century ago, on 26 April 1970, the World Intellectual Property Organization (WIPO) Convention came into force and is commemorated as World Intellectual Property (IP) Day.
- Almost all sub-Saharan African countries are members of WIPO.
- In Kenya, Copyright protection is governed by the Copyright Act, No. 12 of 2001 (as amended in 2022), and the Copyright Regulations, 2020
- IP refers to property that does not necessarily have any physical substance ('creations of the mind'), such as inventions, designs, artworks, books etc.
- It provides for ways in which the IP embodied in such works can be protected, for example, copyrights, patents, and trademarks.
- These give creators rights over information and intellectual goods that they have produced.

## What is Digital Rights Management?

- DRM systems are technologies that disable the ability to copy or distribute digital content without the technical permission of the DRM technology itself.
- DRM technology blocks use of information undusted by the provider, regardless of whether the information material is legally owned
- DRM is how publishers keep track of how long a book is checked out electronically.
- The same way you have a loan for a regular book, when you download an e-book you have it for a certain amount of time DRM is how this is tracked.
- Ebooks with Digital Rights Management require specialized readers.
- **Desktops and laptops**
- For both Windows and MAC it is recommended that you use [Adobe Digital Editions \(ADE\)](#).
- **Mobile Devices**
- The free program [Bluefire Reader](#) is recommended for mobile devices, both Apple and Android, this reader requires the creation of a free Adobe account.



## Importance of Digital Rights Management

-  Used in digital libraries as mechanisms of securing digital content from copyright violation.
-  **With first-generation**  
DRM software, the intent is to control copying; with second-generation DRM systems, the intent is to control viewing, copying, printing and altering of works or devices.
-  DRM systems enables authors to get their royalties and they are encouraged to publish because there is no fear of piracy and subsequent financial losses.
-  Users have various rights in copyright works that come under the general heading of "fair dealing".
-  DRM can also be used to protect material that copyright does not protect.

## Weaknesses of DRM

e-books are easily downloadable by unauthorized users despite being locked with DRM software and despite the intended functionality of the DRM systems being protecting against plagiarism	Prevents fair use such as sharing articles and other information from e-resources,	Does not incorporate assistive technology for users with disabilities
DRM does not take into account the legal concerns of the right holders, DRM functionalities that prevent users from printing legally acquired material, prevent fair use of information	DRM systems do not embrace open access policy thus preventing knowledge enrichment	DRM lacks favorable copyright laws that enhance access to information with intention of fair use

## COPYRIGHT IMPLICATIONS FOR E RESOURCES

### WHAT IS COPYRIGHT

- Copyright is a type of intellectual property right granted to protect writing-related (literary) and artistic works.
- It provides authors, composers, dancers, singers, actors, and software designers among other creatives the exclusive right to control the use of their works.

### WHICH WORKS QUALIFY FOR COPYRIGHT?

#### 1. Original work

- Original literary or artistic work. Originality is probably the most difficult concept in copyright

- 2. **Fixed work**- Fixing a work (fixation) means putting the work into some material form by, for example, writing it down or recording it.



## WHICH WORKS QUALIFY FOR COPYRIGHT Cont.

### 3. Published work

- Publishing means communicating a work to the public.
- Publishing does not require a commercial publisher
- In most countries domestic legislation requires anyone who publishes a work or distributes a published work to give copies to what are known as legal deposit libraries.
- 4. **Registered work**
- Having a register of copyright works is useful.
- It makes it easier to prove who holds copyright, and many countries still maintain a copyright register as an option



## Database Protection

- Most countries treat a database as a literary work.
- This means a database can be copyrighted if it satisfies the requirements for copyright.
- The requirement that causes most difficulties with database protection is whether a database is original enough to qualify for copyright protection.
- The database right requires that the compiler of the database should have made a substantial investment in producing the database.
- The term of the database right is 15 years, but the term starts again when the compiler makes a new substantial investment in the database.
- A database that is regularly updated is likely to have permanent protection



## Fair use in digital environments

- These are instances where the use of copyrighted work is not considered an infringement even where the permission of the owner has not been obtained.
- The following exceptions are provided for under the Second Schedule of the Copyright (Amendment) Act, 2019, and include the right to control:
  - **Fair dealing acts** for scientific research, private use, criticism or review, or reporting of current events.
  - The right to quote.
  - Any use made of a work for a judicial proceeding or of any report of any judicial proceeding, etc.



## Fair use in digital environments Cont.

- The reproduction and distribution of copies of an artistic work that is publicly displayed, including where such work is included in an audiovisual work or broadcast
- The public or broadcast reading of a reasonable part of a published literary work that acknowledges the author.
- The above list of exceptions is based on the fair dealing principle, which allows one to use other people's copyright material if the use is 'fair'.
- Copyright Act provides specific exceptions for educational institutions, libraries and archives, and broadcasting institutions.


## Copyright clearance processes

- Copyright protection is automatic once a work is attached to a physical format.
- Copyright does not require registration or other formalities.
- Therefore, a copyright owner can still exercise their rights and claim damages in the event of a violation without registration.
- A registration certificate, however, provides evidence as proof of ownership.
- It is often advisable for owners to register their works, as it speeds up the process of enforcement.
- Registration of copyright is carried out by the Kenya Copyright Board (KECOBO).
- Registration is online through the Kenya National Rights Registry Portal, [nrr.copyright.go.ke](http://nrr.copyright.go.ke).



## Copyright clearance processes Cont.

- The following are the registration steps to take:
  1. Open the Kenya National Rights Registry Portal Page - [nrr.copyright.go.ke](http://nrr.copyright.go.ke)
  2. Create an Account or Sign in to your account a. Create an account if you do not have one - to create one, click on the 'Create Account' tab and create either an individual or corporate account, filling in the required information. b. Sign In (if you already have an account)
  3. After signing in, select the 'My Copyrights' tab and proceed with registration by selecting the 'Want to Register a New Copyright?' tab, filling in any required information
- When registering, you may also be required to pay a fee; depending on the nature of the work being protected. Details of the fee rates are provided in the Second Schedule of the Copyright Regulations



## Rights given by a copyright






- Copyright gives the owner two rights: economic rights and moral rights
- Economic rights
  - These rights allow the copyright holder to make money from their work(s).
  - This benefit includes the right to:
    - Reproduce work in different forms, e.g., print, digital, sound recordings etc.
    - Distribute copies of the work. Publicly perform (sing, dance, act, etc. in front of people) the work.
    - Broadcast or, through other means, communicate work to the public.






## Rights given by a copyright

Moral rights	A human being (a natural person) who creates or is the author of a work holds this right.
It allows an author to identify themselves as authors of their work	Refuse any changes to their work that would harm their reputation. This includes distortion, mutilation, modification, or derogatory action.



## Creative commons licensing

1.	BY: Attribution		Others are permitted to perform, copy, display, and distribute copyrighted works and their derivatives under the terms of the license, provided they properly credit the author.
2.	SA: Share Alike		The license essentially allows others to publish derivative works under a license that is the same as the one that applies to your work.
3.	NC: Noncommercial		The license permits others to reproduce, transmit, display, and perform your work, as well as any derivative works based on it, but only for noncommercial uses.
4.	ND: No derivatives		It only permits exact copies of your work to be copied, distributed, shown, and performed by others; it forbids the creation of derivative works.
5.	Attribution		This is one of the most accommodative licenses available, in relation to what others can do with your works licensed under Attribution, and permits others to share, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original production

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7.	Attribution Derivatives		Redistribution is permitted under the terms of the license, both for commercial and non-commercial purposes, provided that the original work is acknowledged and distributed unchanged.
8.	Attribution Commercial		The license permits non-commercial alterations, remixes, and additions to your work by others. While it is required that these modifications and additions be non-commercial and recognize you, it is not required that their derivative works be licensed under the same condition

## CC Licensing cont.

9.	Attribution Commercial Alike		The license permits non-commercial modifications, remixes, and additions to your work by others as long as they attribute you and grant the same license to their own original works. Similar to the BY-NC-ND license, other people are allowed to download and share your work. They are also allowed to translate, create remixes, and gather new stories based on it. All new works based on yours will have a similar license, thus any derivative works must also be of a non-commercial in nature
10.	Attribution Commercial Derivatives		The most restrictive, allowing redistribution. Because it allows others to download your work and share it with others as long as they credit you and link back to you, this license is frequently referred to as the "free advertising" license. However, it prohibits any changing of the work or its use commercially.

### Educating users on legal use of electronic resources

1.	Copyright Awareness	Copyright protects authors, publishers and creators of electronic resources	Users should not reproduce, distribute or share copyrighted content without permission
2.	Fair use/fair dealing	Allow limited use of copyrighted materials for education , research, criticism and review	Proper citation
3.	License Agreements	Libraries should subscribe to e resources under contractual agreements with publishers	Users must follow institutional access rules and avoid sharing usernames and passwords
4.	Plagiarism and Citation	Users must always acknowledge sources when using information from e resources	Referencing and academic honesty
5.	Open Access Resources	Open Access Resources are freely available for legal use	Users must understand CC licenses and usage rights Use OERs and CC BY licensed materials for teaching and learning

### Educating users on legal use of electronic resources

6.	Ethical use of information	Information should be used responsibly and legally	Avoid piracy, unauthorised sharing and illegal copying Avoid uploading copyrighted books and websites
7.	Institutional policies	Institutions to provide rules governing use of electronic resources	Library users should read and comply with library and ICT policies
8.	User Education	Librarians to train users	Avail awareness programs, workshops, orientation and user guides

Copyright should encourage creativity, not become a barrier to learning and research.” – International Federation of Library Associations and Institutions  
 “Digital Rights Management should protect content without restricting the educational mission of libraries.” – American Library Association

### Thank You