

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

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IFLA ILDS 2019 . . . . . Prague.

Beyond the paywall: Resource sharing in a disruptive ecosystem



# CONTENTS

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# 01

## PART 01

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

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

**NLC South Area**



170000m<sup>2</sup>

Built in 1987

**NLC North Area**



80000 m<sup>2</sup>

Built in 2008

**NLC Ancient Books**



30000 m<sup>2</sup>

Built in 1909

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

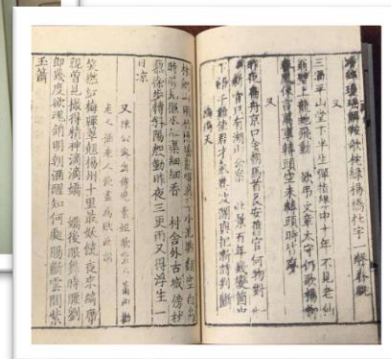
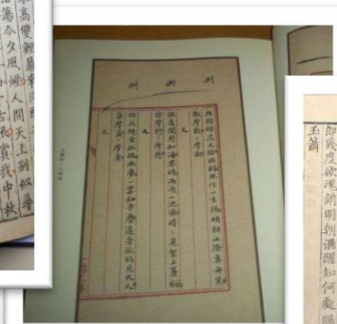
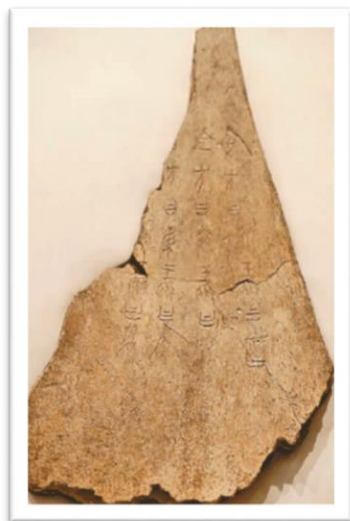




- Total physical collections 35,011,882
- Digital Resource 1960.91TB

Update to 2018







# Dunhuang Manuscripts





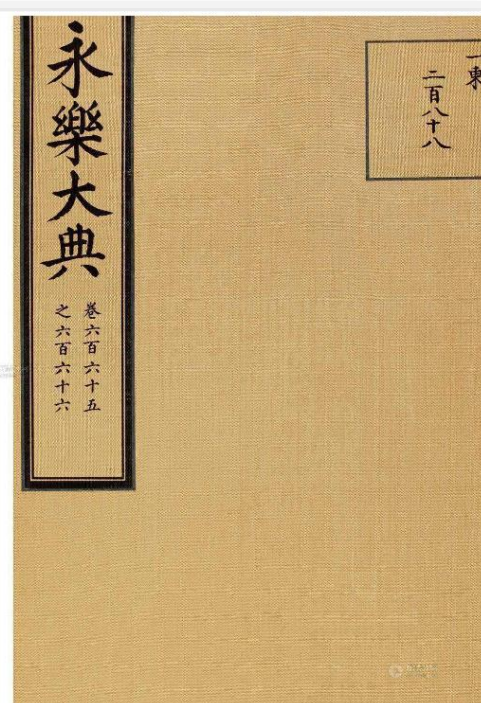
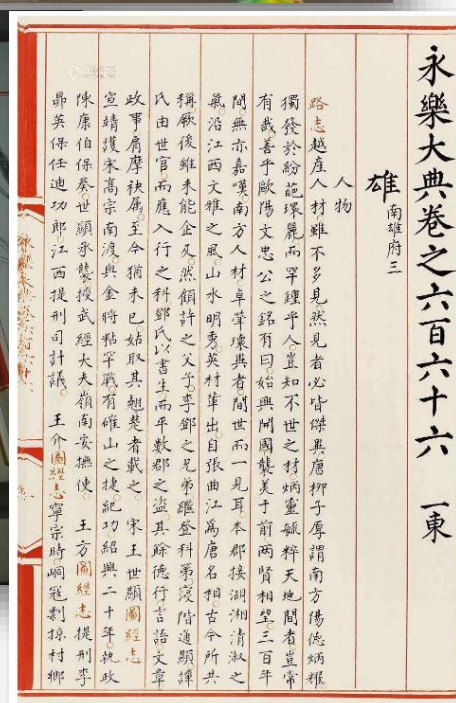


## Zhaocheng Tripitaka of the Jin Dynasty





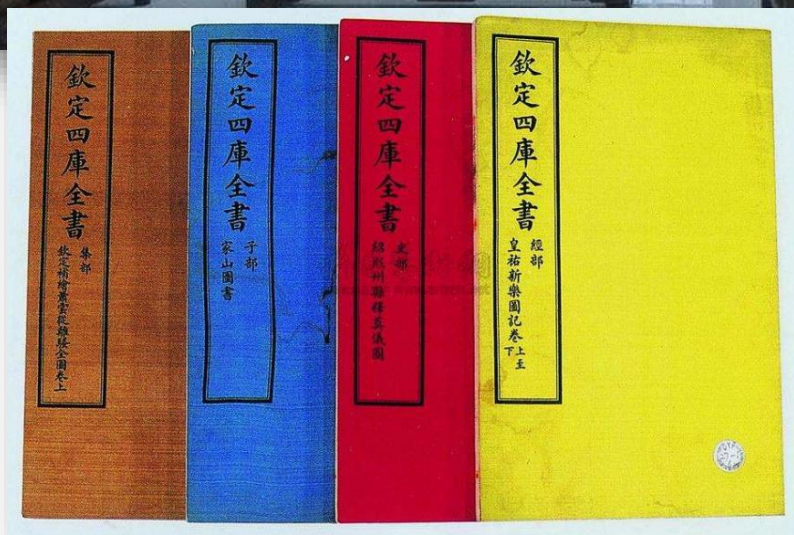
# Yongle Encyclopedia







## Complete Library of the Four Branches of Literature





# HISTORY



1927

Begin ILL



1956

Cooperate with  
240 libraries



1988

Cooperate with  
94 countries



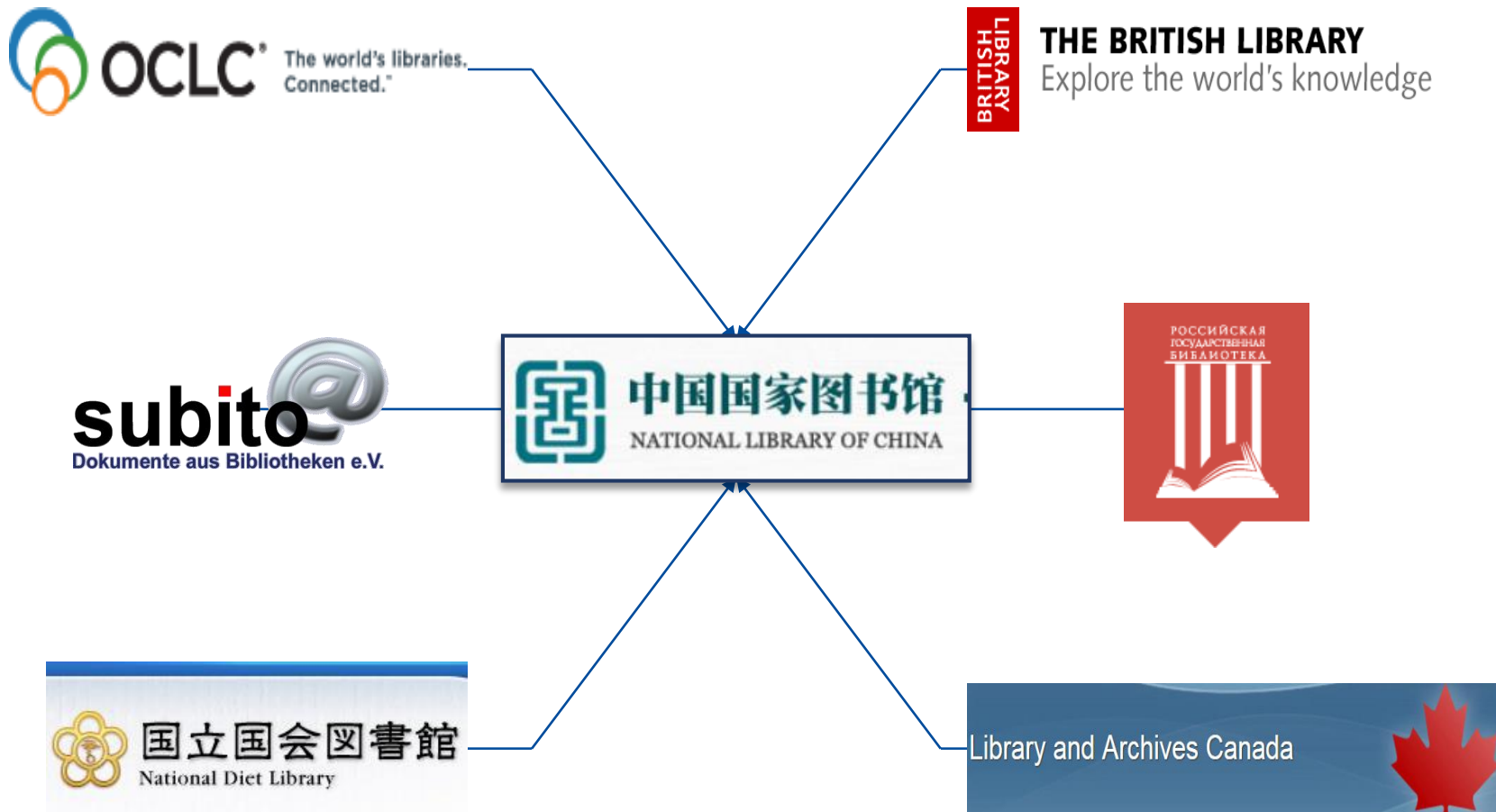
1997

Document  
Delivery Center  
of NLC

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



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





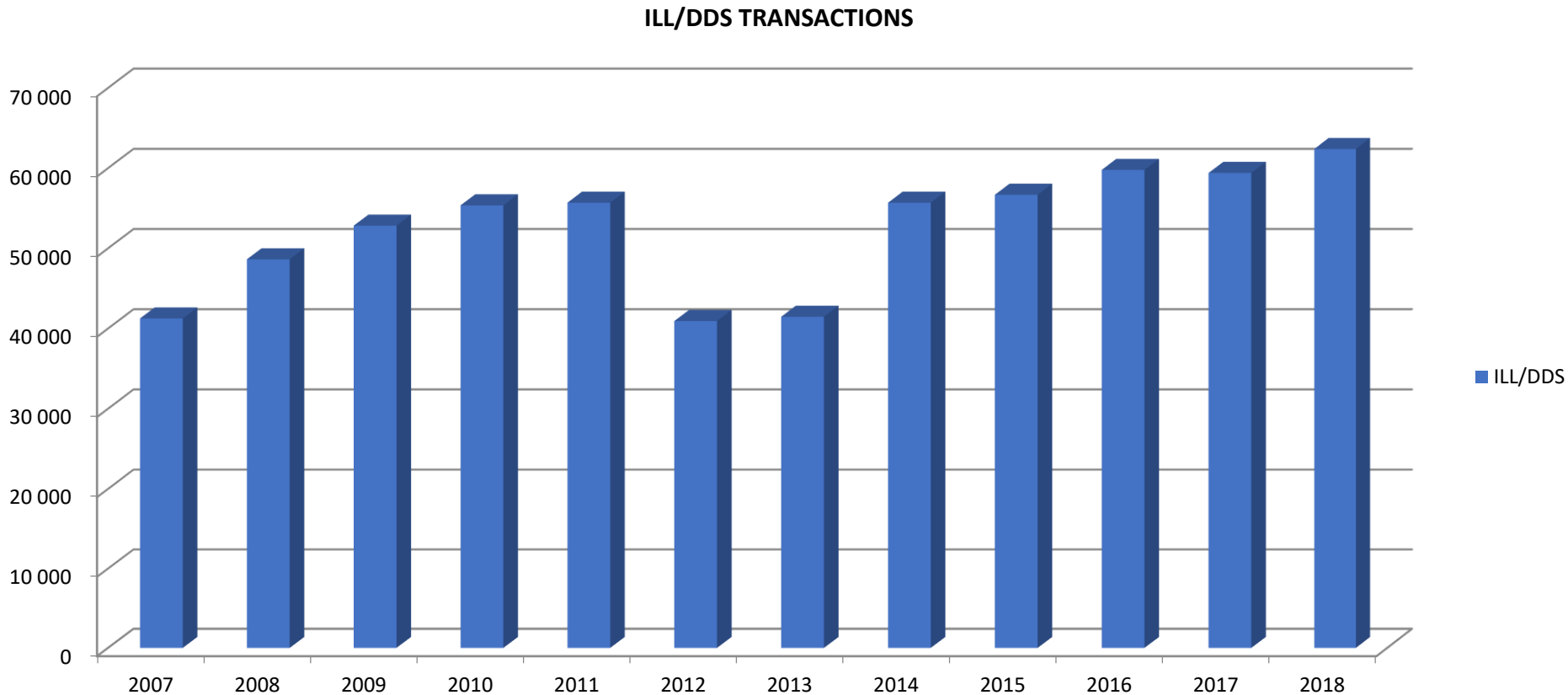
# 02

## PART 02

- Changes in the digital age

## 2. Changes in the digital age

### 2.1 Cover a wide area and serve more users



**Figure 1: ILL/DDS transactions 2007 - 2018**

## 2. Changes in the digital age

### 2.2 Focus on special documents

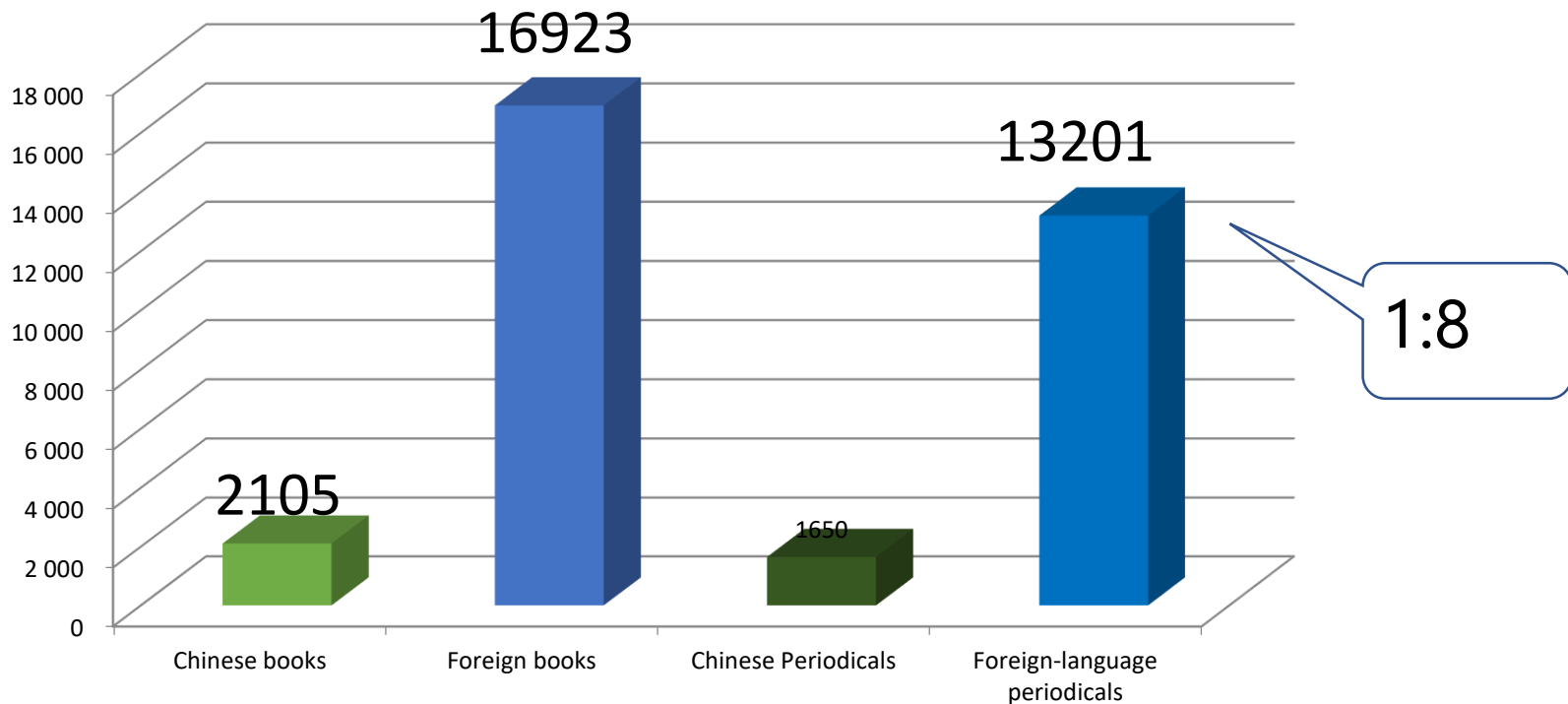
ILL/DDS	2018		2017		2016		2015		2014	
	NO.	%	NO.	%	NO.	%	NO.	%	NO.	%
Preserved books	14349	23	15445	26	16141	27	11337	20	10581	19
Preserved periodicals	11230	18	11881	20	7771	13	9069	16	10580	19
Microform documents	4991	8	5940	10	2989	5	6802	12	1114	2
Hong Kong and Macao documents	1872	3	2376	4	4185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

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



## 2. Changes in the digital age

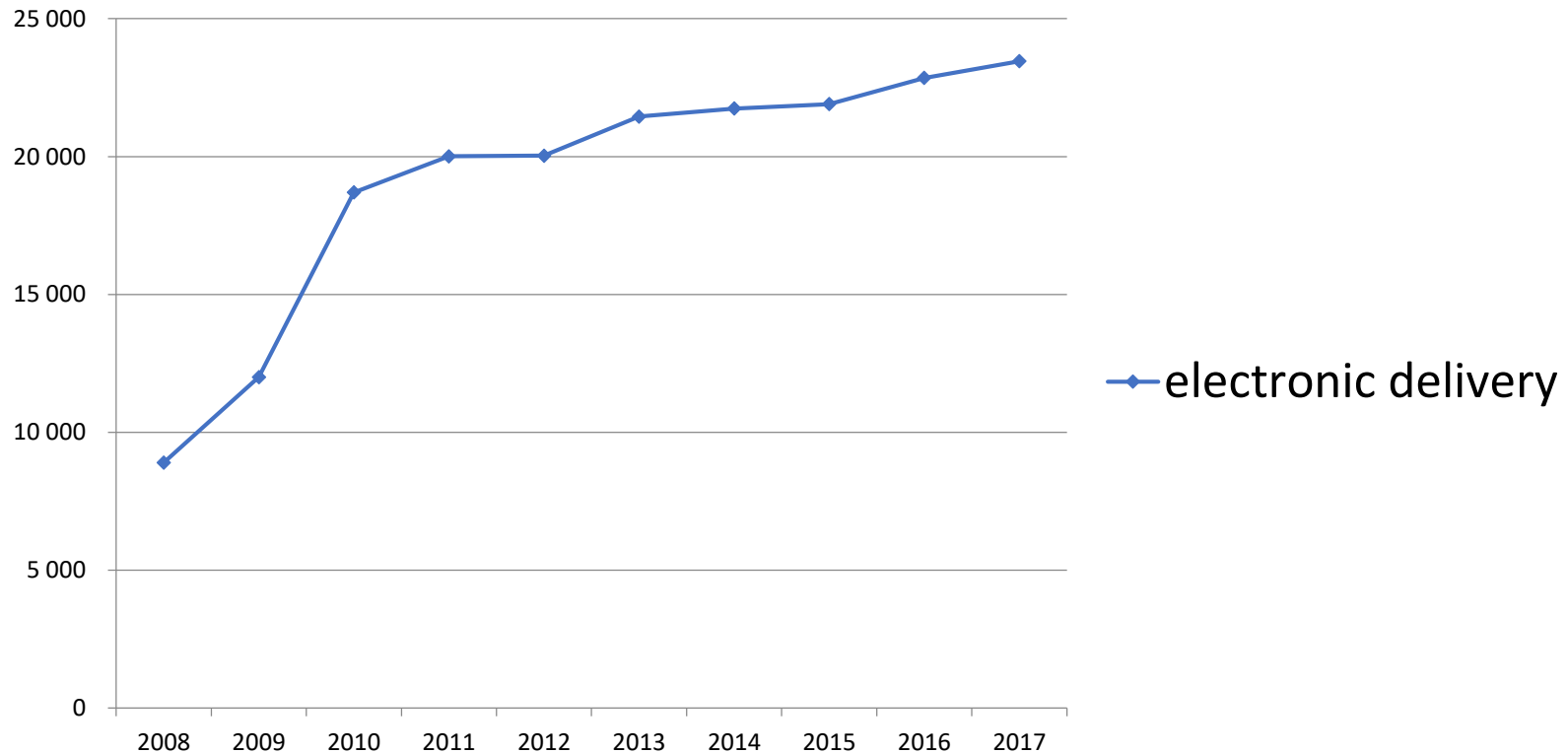
### 2.3 Focus on foreign literature



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

## 2. Changes in the digital age

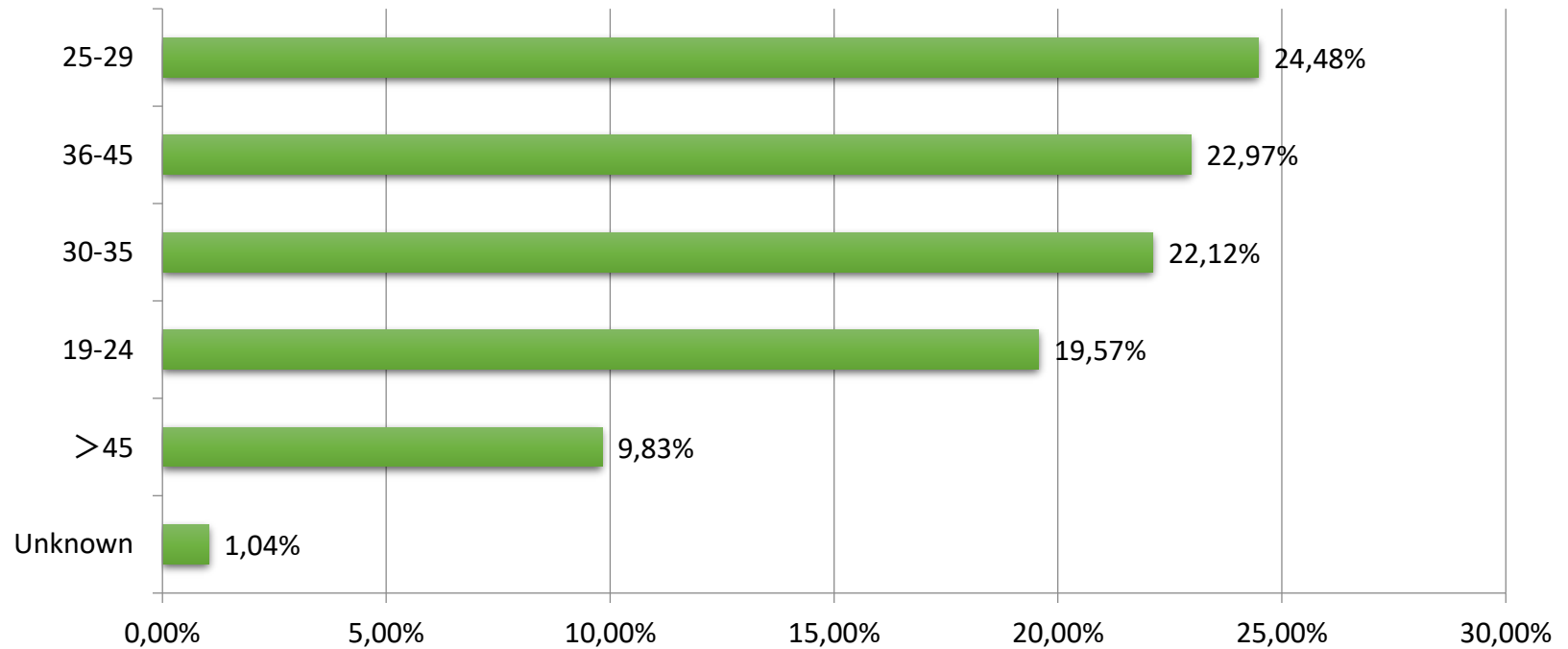
### 2.4 Electronic delivery increasing



**Figure 3:** Number of electronic deliveries, 2008 - 2017

## 2. Changes in the digital age

### 2.5 Mobile payment increasing

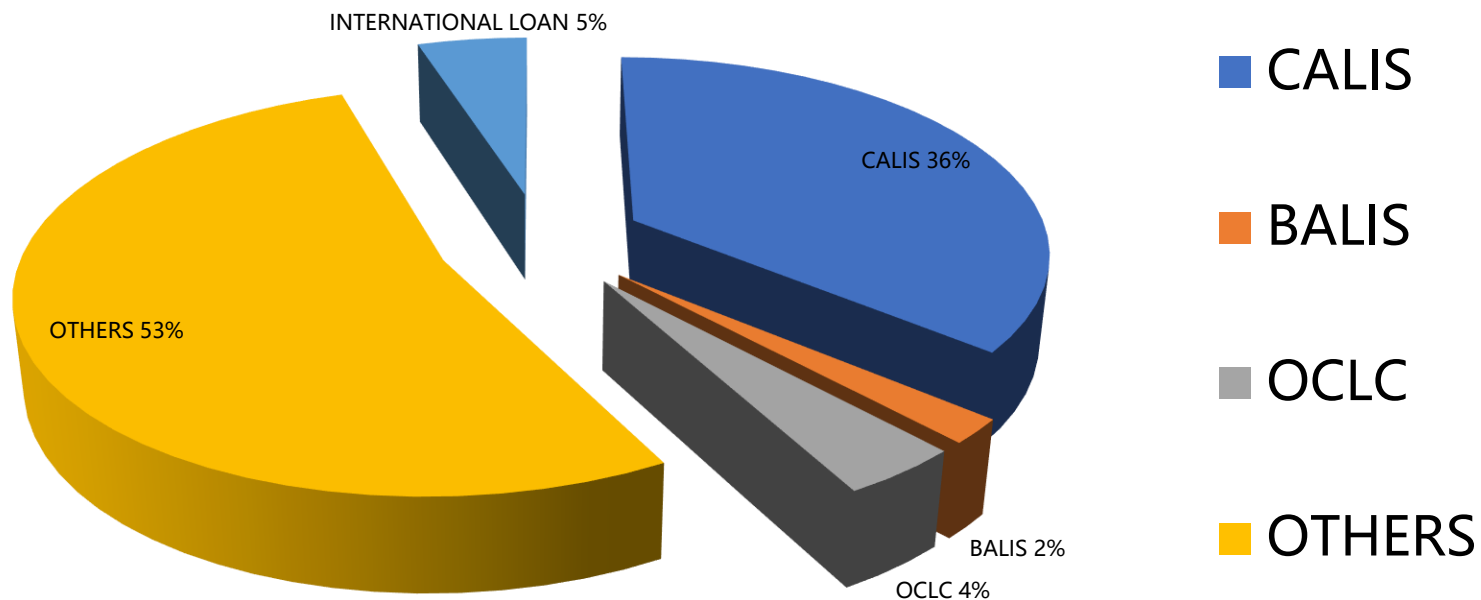


**Figure 4:** Age distribution of users using an ILDDS Alipay wallet, 2017



## 2. Changes in the digital age

### 2.6 Resource sharing increasing

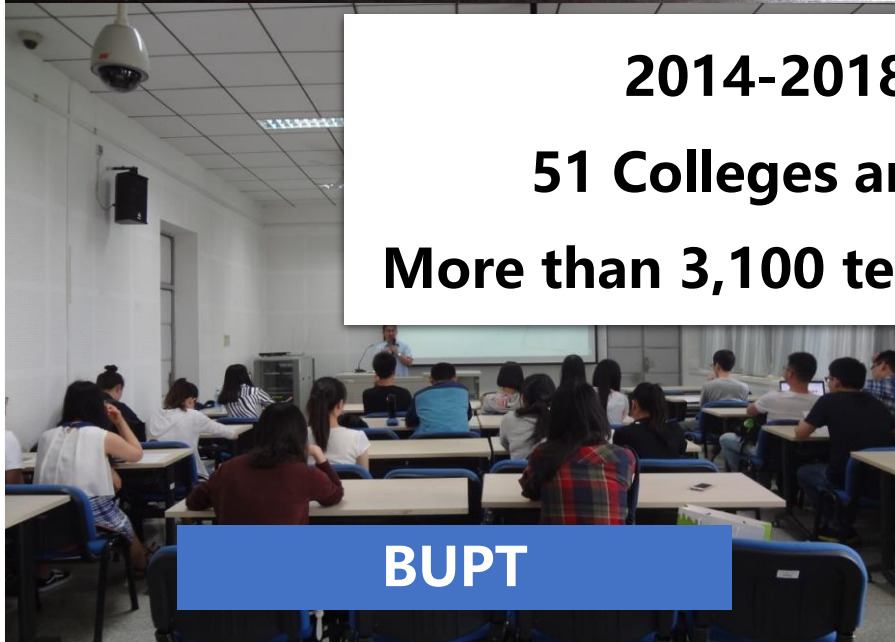


**Figure 5:** Applications from different platforms to NLC, 2018

# Cooperation with BALIS

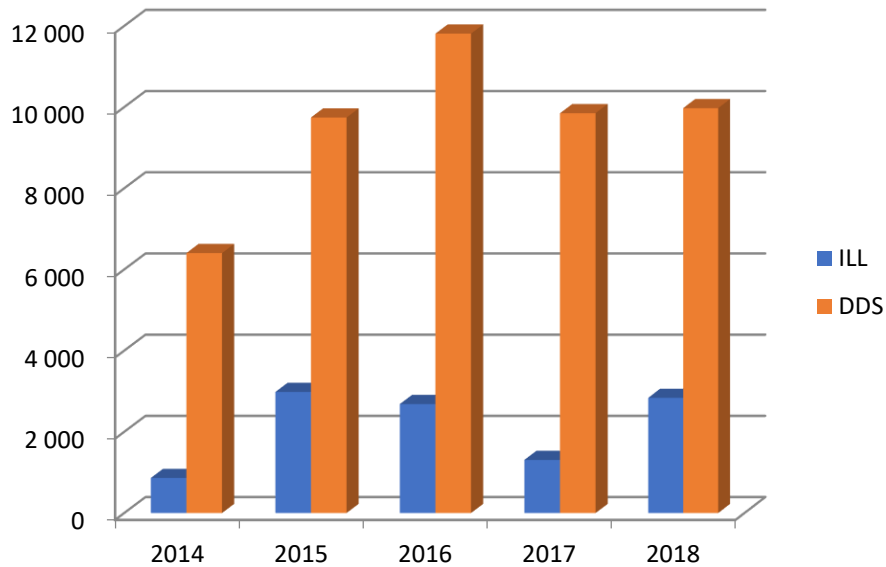


**2014-2018 Five Years**  
**51 Colleges and Universities**  
**More than 3,100 teachers and students**



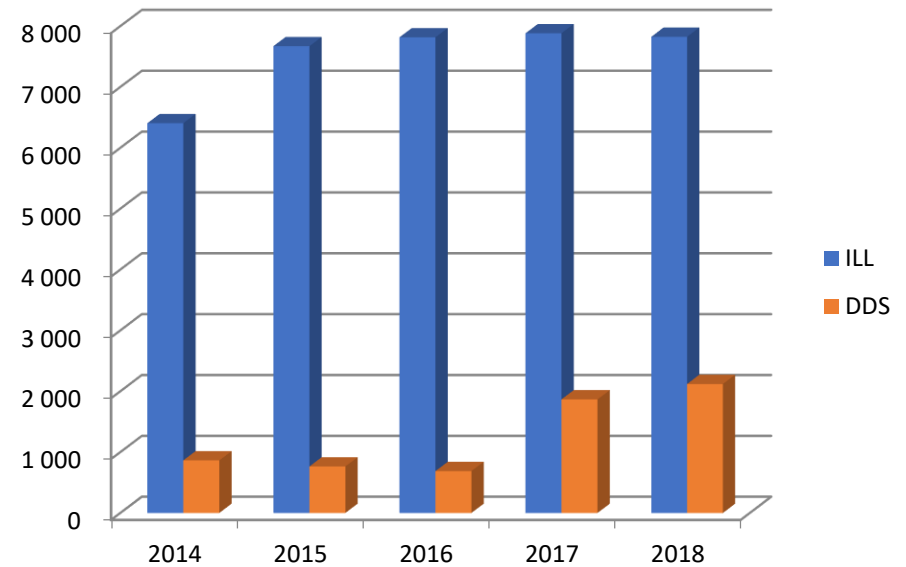
## 2. Changes in the digital age

### 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

# 03

## PART 03

- Problems

## 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

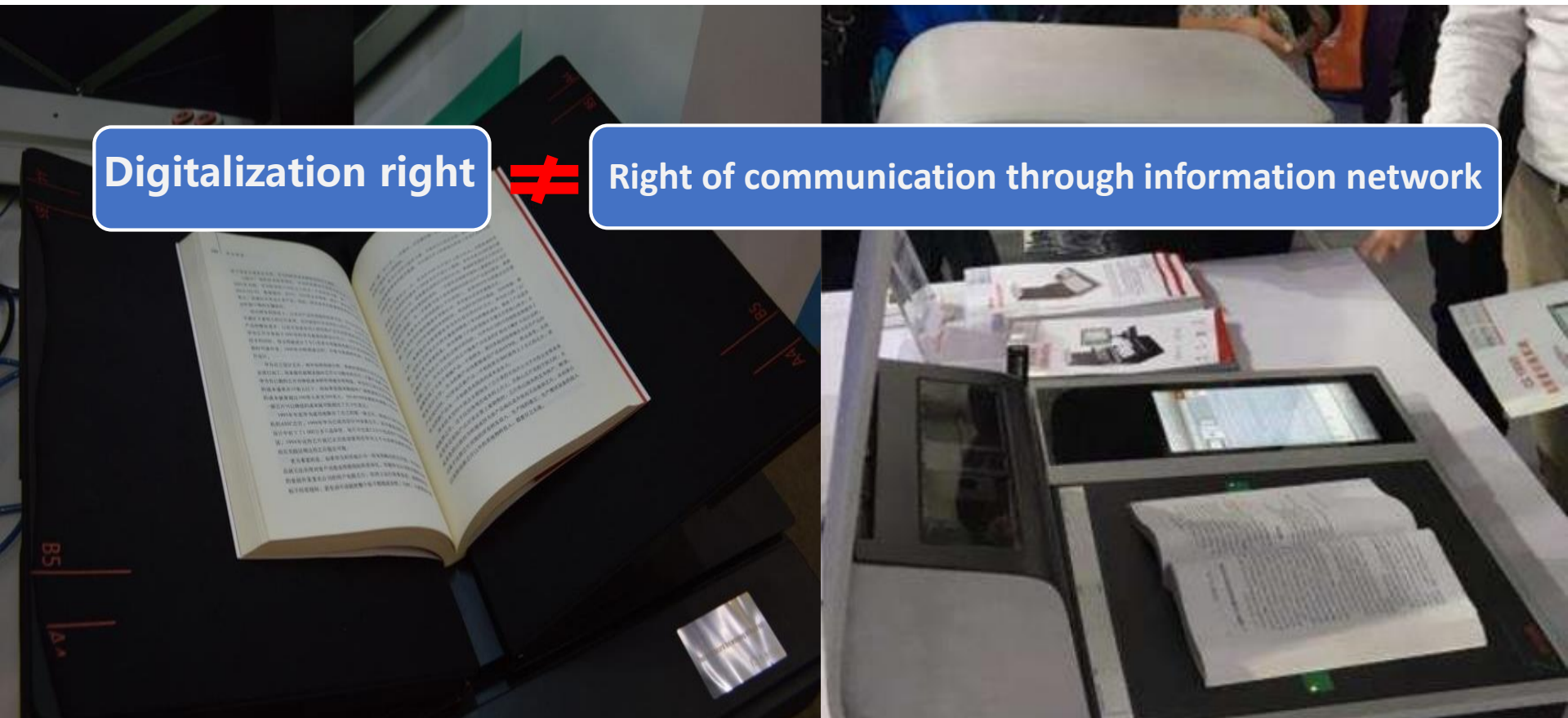
#### Digital delivery

- “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



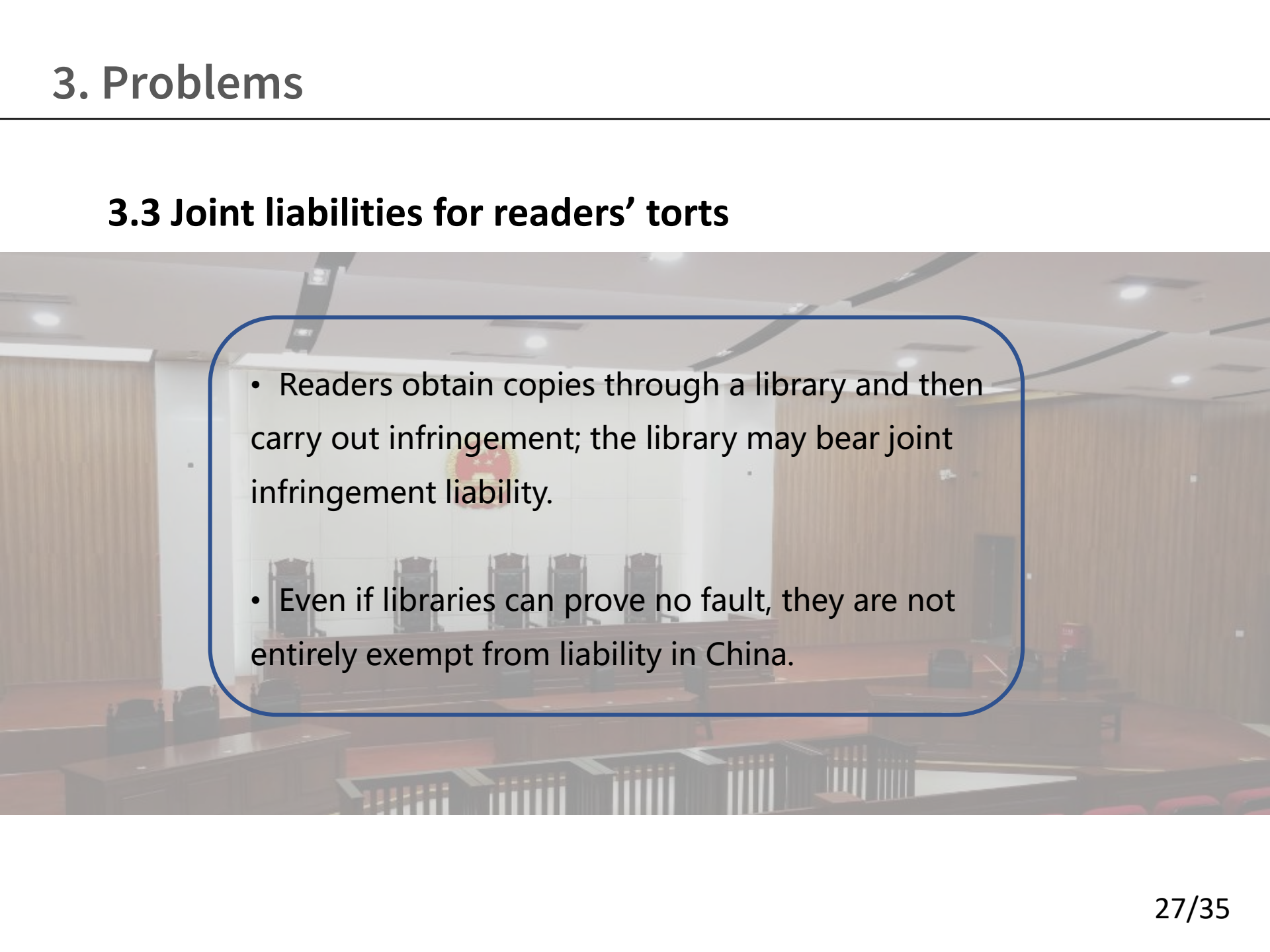
### 3. Problems

#### 3.2 Infringement of the Right of Communication through Information Network



## 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.

# 04

## PART 04

- Current Chinese Copyright Law and current measures

## 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."**

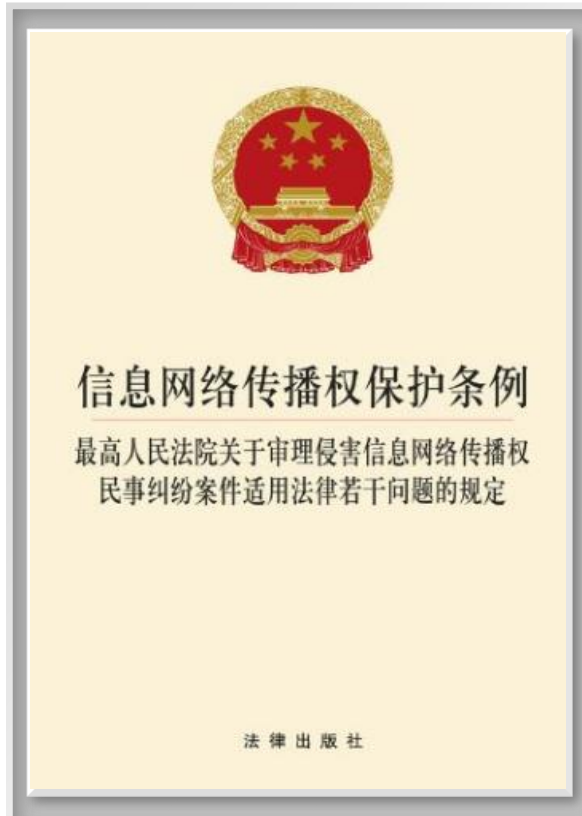
03

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."

## 4. Current Chinese Copyright Law

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

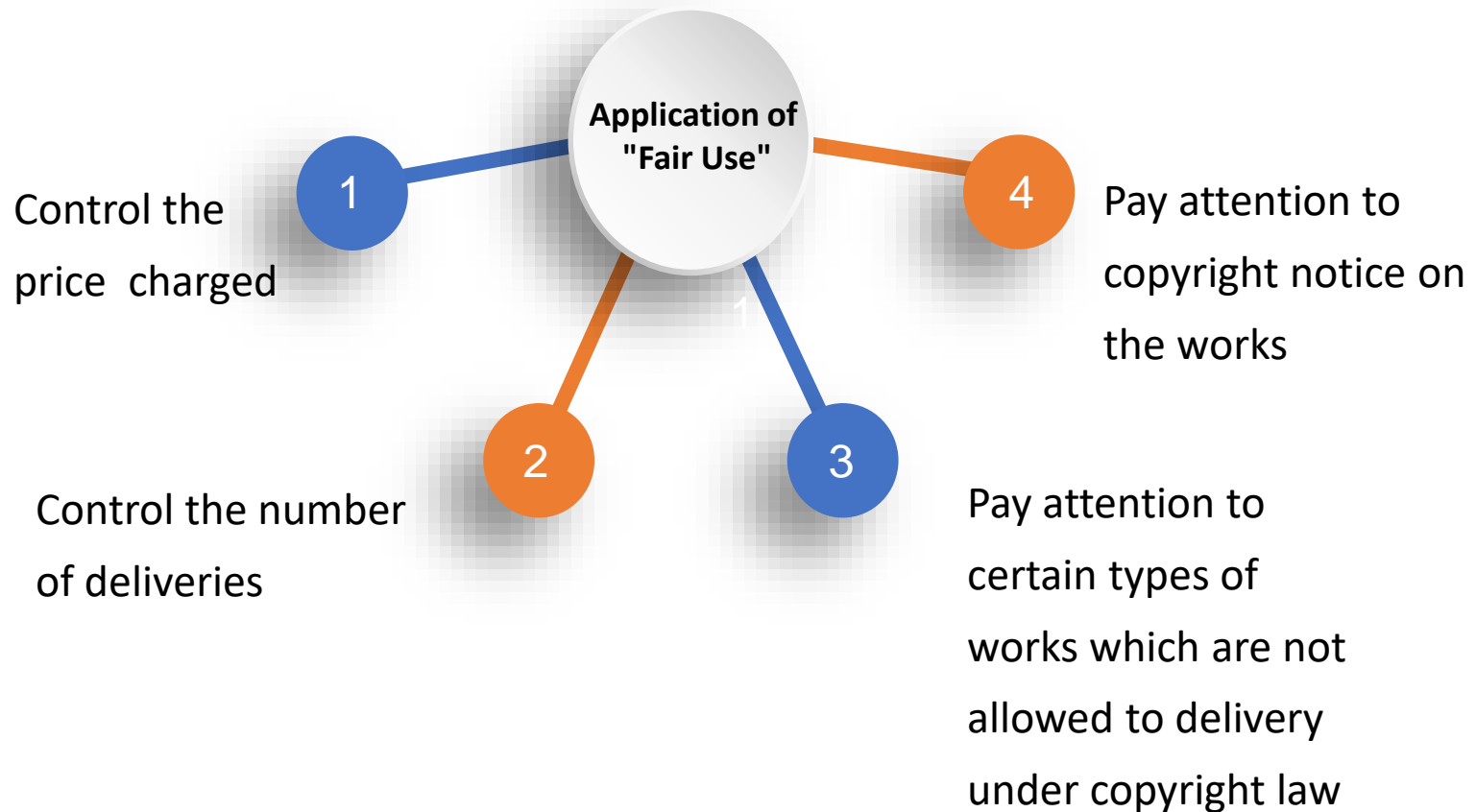


#### Article 7

"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."

## 4. Current measures

### 4.1 Application of "Fair Use"





## 4. Current measures

### 4.2 Delivery to registered users only

- Interlibrary loan and Document Delivery System (ILDDS)

#### Management Module

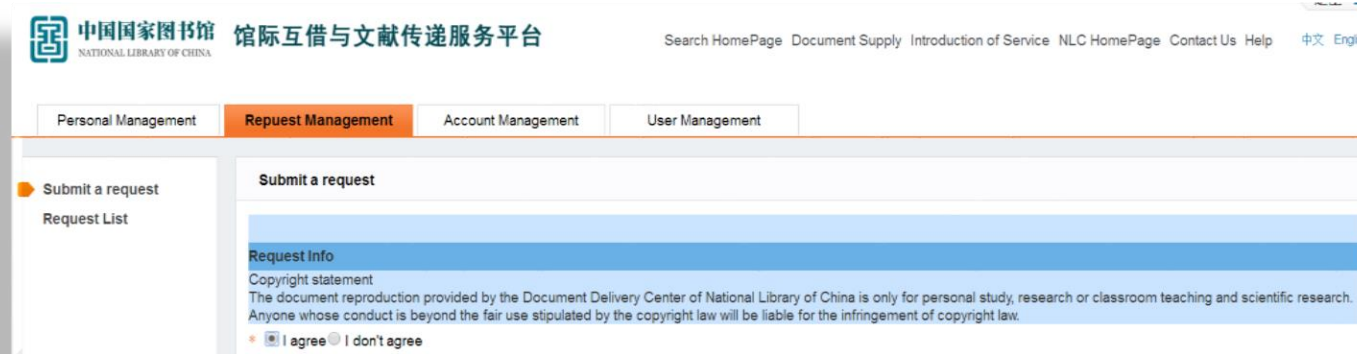


#### Readers Login Platform



## 4. Current measures

### 4.3 Necessary copyright statement



The screenshot shows the 'Submit a request' page of the National Library of China's ILLDDS system. The page has a header with the library's logo and navigation links. Below the header, there are tabs for 'Personal Management', 'Request Management' (which is active), 'Account Management', and 'User Management'. On the left side, there are links for 'Submit a request' and 'Request List'. The main content area is titled 'Submit a request' and contains a 'Request Info' section. Under 'Request Info', there is a 'Copyright statement' section with the following text: 'The document reproduction provided by the Document Delivery Center of National Library of China is only for personal study, research or classroom teaching and scientific research. Anyone whose conduct is beyond the fair use stipulated by the copyright law will be liable for the infringement of copyright law.' Below this text, there are two radio buttons: 'I agree' (which is selected) and 'I don't agree'.


The NLC ILLDDS  
“Copyright Notice”



The screenshot shows the 'Application Information' page of the NLC ILLDDS system. The page has a header with the library's logo and navigation links. Below the header, there is a 'Copyright statement' section with the following text: '国家图书馆文献提供中心提供的原文复制件只能用于个人学习、研究或者学校课堂教学、科学研究的目的。如果用户超出著作权法规定的合理使用的范围使用文献，更为发生的版权侵权行为承担侵权责任。' Below this text, there are two radio buttons: '同意' (Agree) and '不同意' (Disagree). The '同意' button is selected. Below the radio buttons, there is a 'Service mode' section with the following text: '复制（不提供外借服务）！此服务为有偿服务！' and '特别提醒：1. 缩微中心库所藏文献暂不提供读者借阅服务。2. 需要复制古籍善本及拓片、舆图等特藏，请咨询 sbyls@nlc.gov.cn.' Below the 'Service mode' section, there is a 'Document information' section with a table containing the following fields: 'Document type' (with a dropdown menu set to '期刊论文'), 'Author', 'Publisher name', 'Volume number' (with a dropdown menu set to '9卷, 3期'), 'Version', and 'Article name'. Each field has a corresponding input box.

## 4. Current measures

### 4.4 Perfecting the library legal system



Lack relevant laws for the libraries and readers as the users to protect their right in China, especially in electronic delivery



# THANK YOU!

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## References

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