

# Copyright Literacy in the Academic Field: Analysis of the Differences Between Faculty, Students and Librarians

Juan-Carlos Fernández-Molina<sup>1</sup>(✉) and Enrique Muriel-Torrado<sup>2</sup>

<sup>1</sup> Universidad de Granada, Granada, Spain  
jcfernand@ugr.es

<sup>2</sup> Universidade Federal de Santa Catarina, Florianópolis, Brazil  
enrique.muriel@ufsc.br

**Abstract.** Copyright is involved in many of the educational and informational activities that take place in the environs of higher education, and not only professors but also students and librarians should know its main principles and rules. The aim of this paper is to identify the main differences and similarities in knowledge of the basic matters of copyright literacy among these three sectors of the university community: faculty, students, and librarians. To this end, the results of three different questionnaires in two Spanish universities (Extremadura and Granada) were analyzed. The results reveal that essential mistakes and misunderstandings are shared by all three sectors, although there are some interesting differences as well.

**Keywords:** Copyright · Information literacy · Academic librarians  
University professors · College students

## 1 Introduction

Copyright is involved in many of the educational and informational activities that take place in the higher education setting. The teaching and research activities of professors, and students' learning activities, require the use of works whose copyright belongs to third parties. One should therefore be aware of what can and cannot be done with such works without breaking the law. Furthermore, students and professors—and in some cases even librarians—are also creators of intellectual works, so they need to know what rights they hold over the works they have created.

The digital environment has complicated this relationship between the academic community and copyright law, in terms of the new possibilities of use and transmission of digital works, and the legislative reforms of recent years [1]. In the face of this situation, university libraries have attempted to take on the role of advisers and trainers in this area, and are developing numerous information literacy activities focused on copyright law [2]. But, do academic librarians really have the knowledge required to adopt that new role? What is the level of knowledge about copyright on the part of professors and students? Are there common misunderstandings or points of confusion regarding this subject? In order to answer these questions, this paper aims to identify

and look into the main differences and similarities in knowledge of the basic matters of copyright literacy among the three sectors of the university community: faculty, students, and librarians.

## 2 Literature Review

Although the past few years have witnessed somewhat more attention to the topic of copyright literacy, publications are still scarce, especially when the focus is on the student population. Deserving mention are two studies in Taiwan [3, 4] that revealed a serious lack of knowledge of the most basic copyright issues. The results of studies by Datig and Russell [5] and by the Joint Information Systems Committee [6] were slightly better, in the latter case probably because only PhD students participated.

Also scanty are studies focusing on faculty members. Smith et al. [7] explored knowledge of copyright among the health science professors of two US universities, making manifest their similarly low degree of familiarity with basic matters of copyright and fair use. Combining interviews and surveys, the study carried out by Sims [8] at the University of Minnesota evaluated the basic copyright knowledge of professors and librarians. The results were better for the librarians, but overall important misconceptions about elementary matters came to light. Particularly interesting is the work by Di Valentino [9] in Canada: a survey showed that many professors do not take full advantage of the information sources available for their teaching activities because they do not feel secure in their knowledge of copyright law and are afraid to infringe it.

Studies focusing on librarians are more numerous, and diverse methodologies have been applied. An early study [10] used a survey directed at librarians, managers of consortia, informed users and corporate rightsholders, with generally poor results. Also poor were the results obtained by Charbonneau and Priehs [11] with a survey aimed to determine copyright awareness and training needs among academic librarians. With their survey carried out in the US, Estell and Saunders [12] looked at the level of familiarity with copyright law among academic librarians; the results were positive in terms of basic knowledge, but insufficient for properly advising users. Even worse are the results reported by Fernández-Molina et al. [13] with a sample of Brazil's main universities. Under a different focus, the study by Eye [14] exclusively involved library deans and directors, and the results were better, though the questions were very basic. Moreover, their respondents were found to be quite aware of the gaps in knowledge or training of academic librarians, as only 11% thought that LIS schools were providing adequate training in this subject matter. Last but not least, the broad, multinational survey undertaken by the team of J. Todorova ([https://copyrightlib.unibit.bg/index\\_en.php](https://copyrightlib.unibit.bg/index_en.php)) reveals varying levels of knowledge about copyright in the library profession.

## 3 Methodology

The three questionnaires that served as the basis for this study were developed in the framework of a research project centered on copyright in the university setting, and two Spanish universities took part (Extremadura and Granada). The survey in Granada was

carried out first, exclusively limited for the 94 professors teaching online courses, under the assumption that they would be more aware of copyright matters affecting their teaching activities. A part of the findings appeared in an LIS journal [15]. Afterwards, studies involving 400 undergraduate students and 25 librarians were carried out, in this case at the University of Extremadura, with results also published in part [16, 17].

Given the diverse characteristics of the above respondents, the design of each copyright questionnaire was slightly different, but the three shared common elements surrounding the most basic issues, that is, exceptions and limitations, formal requirements needed, duration, and concept of public domain. In addition, taking into account their increasing relevance in the academic context [18], questions centered on copyleft-type licenses were included. These five basic areas of knowledge regarding copyright and copyleft allowed us to make the comparative analysis presented here.

## 4 Results and Discussion

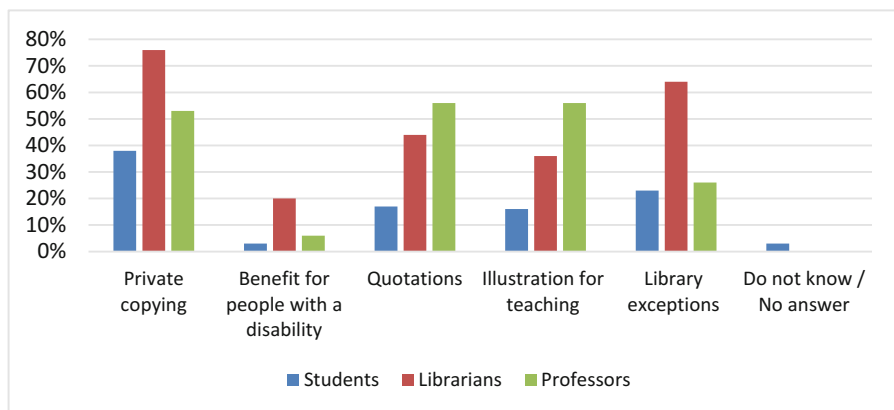
In order to achieve an adequate balance between the interests of rightholders and users, copyright is subject to a series of exceptions and limitations. Several of them are useful in the academic environment, for general use (private copying, for the benefit for people with a disability) or specifically addressing the educational realm. Therefore, some basic knowledge of such exceptions and of the conditions and circumstances that allow for their application would be essential for students, faculty and librarians, particularly in the case of matters affecting academics directly—that is, illustration for teaching and quotations for the professors, and library privileges for the librarians.

It should be noted here that the regulation of certain exceptions was modified in recent years, and this development was echoed in the mass media. The most relevant case is that of the private copying exception, sparking intense debate and discussion among specialists and citizens at large, especially due to its controversial ‘digital canon’ and regulation of the P2P networks. Heated discussion, in this case just by specialists, also surrounded the new regulation of the education exception, owing to the numerous restrictions imposed and to its deficient treatment of online teaching. In turn, the legal modification of library exceptions got no media attention outside the professional sector.

Our question regarding exceptions for teaching was presented in a very general way, simply asking the respondent to say which exceptions and limitations (regarding contents and requisites for application) they were familiar with. They could respond with more than one option; and we supposed that each sector would tend to name the exceptions and limitations that affected their own activity most directly—for example in the case of the professors, illustration for teaching and quotations.

Although it might seem obvious that the private copying exception is the one best known by all three university sectors, given its great impact in the media, what we did not anticipate is that it was more clearly identified than the exceptions closely related to teaching (illustration for teaching, quotations) and library activities (library privileges). Just over half of the professors we queried stated they knew its contents, something hard to justify, especially in the case of the quotations/citations, whose use is essential for research activities. There is also no excuse for the roughly 25% of librarians who admit they do not know the contents of the exception favoring their activity. The results

for students were extremely poor except with regard to private copying, and their serious lack of knowledge about the conditions for properly quoting/citing is a worrisome finding (Fig. 1).

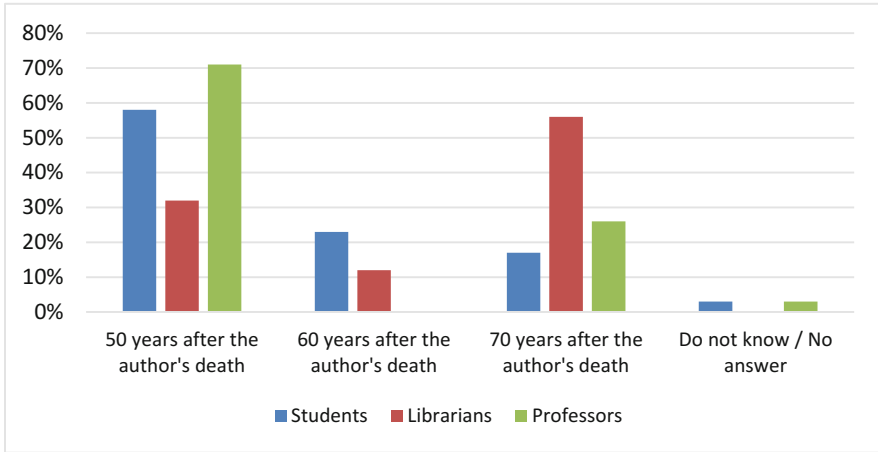


**Fig. 1.** Copyright exceptions and limitations

One of the most basic questions about copyright is its duration. Because it constitutes a monopoly conceded to the author, its duration is limited. Although each national copyright law has its differences and particularities in this regard, in recent years a process of international harmonization has led to a general rule for its duration, now identical in most countries, 70 years after the author's death. Here we are speaking only of the economic rights, as the moral rights have very different rules in the Latin countries (where the rights of paternity/attribution and integrity are perpetual) and the Anglo-Saxon countries (where they expire at the same time as the economic rights).

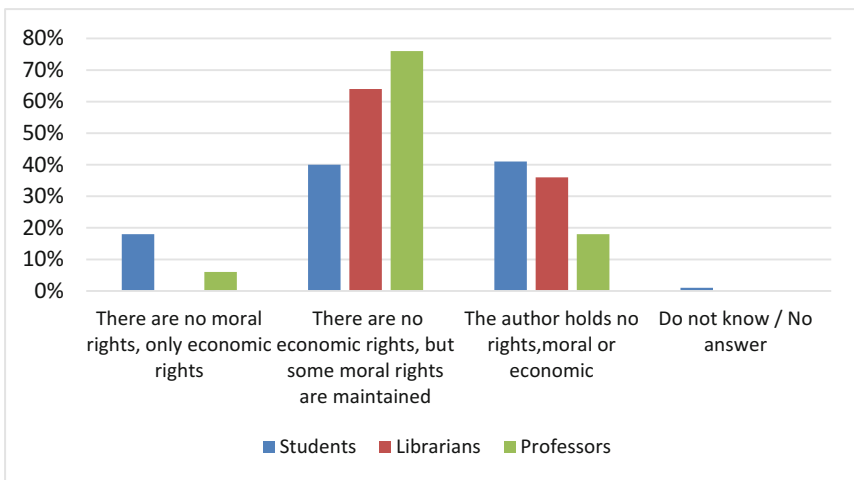
The responses to our questionnaire clearly signal the librarians as the only group with a minimally acceptable knowledge of the duration of copyright. It would have been understandable if the error were choosing the option of 60 years, as that was the period established by Spanish law until 1995, when the process of harmonization of the European Union raised it to 70 years; but surprisingly, the majority of both professors and students erroneously chose the option of 50 years. Knowing the duration of copyright implies knowing whether a work we wish to use belongs to the public domain or not, and this is determinant, as we will see shortly, for a series of uses that would not be allowed when dealing with a work whose economic rights remain in effect (Fig. 2).

Closely tied to the previous question, and also essential for any program of copyright literacy, is the concept of and the requirements of the public domain. That is, when and under what conditions a work ceases to have copyright, and can therefore be used freely without requesting permission or making any payment for its use. Although there are different ways of defining public domain, in the case of Spanish legislation — as in the rest of the civil law countries — moral rights play a fundamental role; as mentioned above, the economic rights expire after a period of time, but not the moral rights of paternity/attribution and integrity, which are perpetual. This dual moral/



**Fig. 2.** Duration of copyright

economic nature, and the different durations of the two types of rights, appears to create substantial confusion among the persons surveyed. Although the percentage of correct answers is clearly higher than for the other questions, a good number of individuals, especially in the student body, either believe that the moral rights also expire after some time or, even stranger, think that the work loses its moral rights but not its economic rights. Noteworthy in this case is the high percentage of correct responses from the professors —nearly 80%— surely because they are more aware of their role as authors and the moral component thereof. In contrast, the very negative results from the librarians must be underlined: almost 40% believed that when a work moves to the public domain, the moral rights of the author are also lost (Fig. 3).



**Fig. 3.** What does ‘public domain’ mean?

A key element of current copyright law is that no formal procedure is required for a creator to acquire the copyright of an intellectual work. We believe that one question about this point is inevitable for any questionnaire that attempts to gauge basic knowledge about copyright, above all in the academic realm. In this setting most intellectual works generated, whether by professors or students, are not commercial endeavors. Hence almost no one contemplates taking measures (e.g. inscription in the register of intellectual property) to guarantee or enhance legal protection. Yet the fact of the matter is that Spanish law, in agreement with the Berne Convention [19] and all its undersigning countries, establishes that the intellectual ownership of a work corresponds to the author “for the mere deed of its creation” (Article 1 of Spanish Copyright Act). Therefore, while in certain situations inscription in the register of intellectual property may be recommendable, measures such as including a symbol to indicate ownership are not necessary to ensure copyright. For this item on our questionnaire the options were varied, and one or more could be checked: inscription in the registry, copyright symbol, legal deposit... or no requirement at all.

Our expectations of correct responses to this question were low, as we were aware of the generalized misunderstanding [20] that it is not possible to acquire copyright unless something is done to demonstrate authorship. However, the results obtained were even worse than anticipated. Spanish students appear to believe in bureaucracy, as most answered that one needs to register the document, place the copyright symbol on it, and make legal deposit as well. Only 1% responded correctly that no such measure is required. From the professors, in turn, there was a correct response in just 12% of cases. This group tended to insist on the need to register a work.

This surprising finding led us to wonder how students and professors resolve one of the most conflictive situations that can arise between the two groups: the ownership of papers produced as classwork/homework. Evidently, such work is not formally registered or placed in legal deposit, and it is unlikely to carry the copyright symbol. Do students then believe that their work entails no rights at all? And do professors really believe that their students' work has no rights attached and may be used without any sort of restriction? Finally, although the librarians were again the ones with more correct responses to this query (20% answered correctly), their results are only slightly better than the professors, and certainly far from what one would consider the minimal requirements regarding knowledge of copyright law (Fig. 4).

Given the vast development of copyleft-type licenses, especially Creative Commons, and their appropriateness for the university setting, it is also essential to at least be familiar with the underlying philosophy and the basic conditions of this type of license. The corresponding question was plainly stated, not delving into the meaning of the six basic options offered by CC license, but simply limited to the key matter of whether they meant a renouncement of all the rights (moral and/or economic) or instead, if the author decides which rights they maintain and which ones they waive. In this case, the results were very different for the three sectors of respondents, with the librarians attaining better results, roughly two-thirds giving the correct response. Only 21% of the professors answered correctly, their main misconception being that the author renounces all economic rights but not the moral rights. This severe gap in knowledge was totally unexpected, as the professors surveyed divulged their coursework online by means of the OpenCourseWare Consortium, which uses, precisely, Creative Commons licenses.

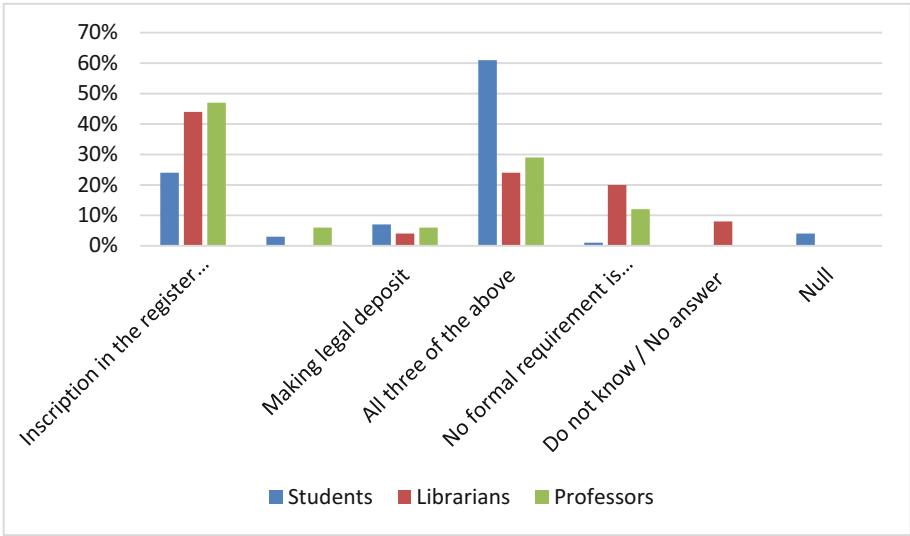


Fig. 4. Formal requirements to acquire copyright

At the same time, it again appears that the professors are acutely aware of moral rights, conceding lesser importance to the rights of an economic nature. This may seem logical in academic arenas. However, they forget that one option under these licenses is that of not allowing derivative works. In other words, they may keep one of their economic rights, the right of transformation. In the end a correct response was given by

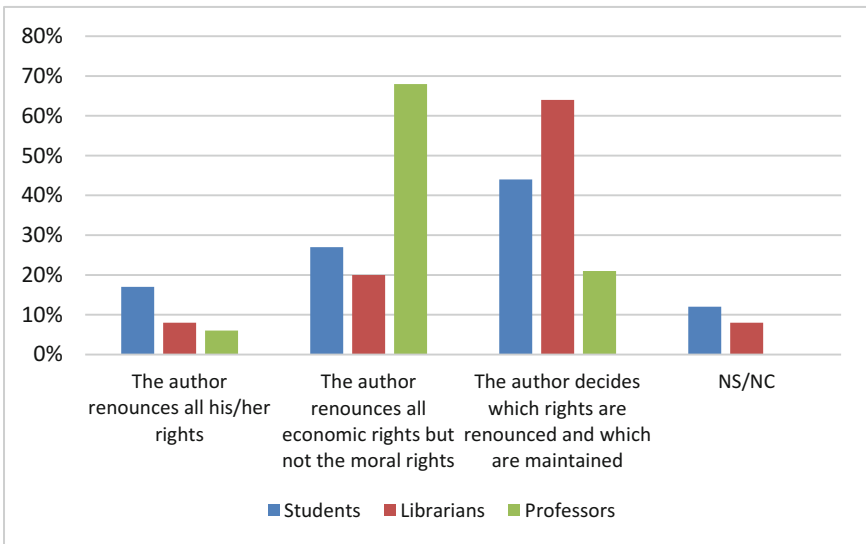


Fig. 5. What are 'copyleft' licenses?

44% of the students, though a noteworthy 12% did not even dare to choose one of the options. These are very disappointing results for an age group held up as “digital natives”, supposedly familiar with the new modes of divulging information (Fig. 5).

## 5 Conclusions

The everyday activities of the three main components of the university population — faculty, students, and librarians— are inevitably connected with copyright legislation, making it essential for all to have adequate training in this area. Because professors and students are both users and creators of intellectual works, they need to know the norms and conditions of use for the copyrighted works of third parties without infringing the law, as well as their own rights and means of protection for their own intellectual creations. Librarians, on the other hand, are in an intermediate position that obliges them to find a balance between respecting the rightholders of informational sources in their library collections and helping users, the faculty and students who wish to make use of the information resources in the broadest manner possible for their activities of learning, teaching and research. Moreover, given the current movement to a more open and free use and distribution of intellectual works, it is crucial for all sectors to at least know the basic principles of this alternative and the different applications for research (open access) and learning (open educational resources) through copyleft-type licenses.

The level of knowledge we detected about the different exceptions and limitations would indicate that none of the sectors has had even minimal training in this area. In all cases the respondents prove to be more familiar with the exception of a general character (private copying), which has had broad repercussion in the media, than with the ones affecting them more directly in their academic/professional activities: illustration for teaching and quotations/citations (faculty and students), and library privileges (librarians). This lack of specific training also comes to light with professors’ and students’ generalized confusion about the duration of copyright, where the librarians achieve clearly better results. The only question where the professors gave acceptable results was regarding the concept of public domain, probably due to their recognition of moral rights in their own role as creators of intellectual works. The results about the formal requirements necessary to acquire copyright of a creation reveal astounding confusion among all three sectors surveyed here, although again the librarians had somewhat better results. Perhaps the most significant finding with this item is that the students are the most demanding sector, widely believing that one must fulfill a number of requisites to obtain copyright. Finally, the degree of knowledge about alternative approaches to copyright, namely CC licenses, is also scanty for all three sectors, but less so among the librarians. The professors paint a truly bleak picture, giving the worst results for this query, yet paradoxically being the main users of such licenses, by means of such items as open access journals, teaching materials distributed as open educational resources, webs, blogs.

The main activities and programs of copyright literacy are designed to provide basic information about these matters to university students, yet the results of our study demonstrate that even university professors lack the minimal knowledge in this field. They need help and specialized counseling not only to deal with the more complex



questions related to scholarly communication, but also to resolve the most elementary matters related to copyright and their activity as teachers and researchers. The results also show that the task of training and advising can hardly be taken on by librarians if they do not improve their own knowledge about copyright issues. Fortunately, the positive results obtained in the recent study by Arias-Coello and Simón-Martín (also included in this conference) allow us to be optimistic.

**Acknowledgment.** This study was supported by the Spanish Ministry of Economy and Competition (Project DER2014-53012-C2-2-R).

## References

1. Lipinski, T.A.: Legal issues in the development and use of copyrighted material. In: Moore, M.G. (ed.) *Handbook of Distance Education*, pp. 451–469. Lawrence Erlbaum, New Jersey (2007)
2. Rodriguez, J.E., Greer, K., Shipman, B.: Copyright and you: copyright instruction for college students in the digital age. *J. Acad. Librariansh.* **40**(5), 486–491 (2014). <https://doi.org/10.1016/j.acalib.2014.06.001>
3. Chou, C., Chan, P.S., Wu, H.C.: Using a two-tier test to assess students' understanding and alternative conceptions of cyber copyright laws. *Br. J. Educ. Technol.* **38**(6), 1072–1084 (2007)
4. Wu, H.C., Chou, C., Ke, H.R., Wang, M.H.: College students' misunderstandings about copyright laws for digital library resources. *Electron. Libr.* **30**(2), 197–209 (2010)
5. Datig, I., Russell, B.: The fruits of intellectual labor: international student views of intellectual property. *Coll. Res. Libr.* **76**(6), 811–830 (2015)
6. Joint Information Systems Committee: *Researchers of Tomorrow: The Research Behaviour Generation Y Doctoral Students*. JISC/British Library, London (2012). <http://www.jisc.ac.uk/media/documents/publications/reports/2012/Researchers-of-Tomorrow.pdf>
7. Smith, K.H., Tobia, R.C., Plutchak, T.S., Howell, L.M., Pfeiffer, S.J., Fitts, M.S.: Copyright knowledge of faculty at two academic health science campuses: results of a survey. *Ser. Rev.* **32**(2), 59–67 (2006)
8. Sims, N.: Lies, damned lies, and copyright (mis)information: empowering faculty by addressing key points of confusion. In: *ACRL 2011 Conference*, Philadelphia, pp. 282–296 (2011)
9. Di Valentino, L.: *Laying the Foundation for Copyright Policy and Practice in Canadian Universities*. Doctoral thesis, University of Western Ontario (2016). <http://ir.lib.uwo.ca/etd/4312>
10. Masango, C.A.: Perceptions about copyright of digital content and its effects on scholarship: a South African perspective. *Libri* **57**(1), 84–91 (2007)
11. Charbonneau, D.H., Priehs, M.: Copyright awareness, partnerships, and training issues in academic libraries. *J. Acad. Librariansh.* **40**(3–4), 228–233 (2014)
12. Estell, A., Saunders, L.: Librarian copyright literacy: self-reported copyright knowledge among information professionals in the United States. *Public Serv. Q.* **12**(3), 214–227 (2016)
13. Fernández-Molina, J.C., Moraes, J.B.E., Guimarães, J.A.C.: Academic libraries and copyright: do librarians really have the required knowledge? *Coll. Res. Libr.* **78**(2), 241–259 (2017). <https://doi.org/10.5860/crl.78.2.16584>
14. Eye, J.: Knowledge level of library deans and directors in copyright law. *J. Librariansh. Sch. Commun.* **2**(1), eP1103 (2013). <https://doi.org/10.7710/2162-3309.1103>

15. Fernández-Molina, J.C., Muriel, E., Vives-Gracia, J., Riera, P., Martín, O.: Copyright and e-learning: professors' level of knowledge about the new Spanish law. In: *Aslib Proceedings: New Information Perspectives*, vol. 63, no. 4, pp. 340–353 (2011)
16. Muriel-Torrado, E.: *Los Derechos de Autor y la Enseñanza en la Universidad: el Papel de la Biblioteca Universitaria*. (Doctoral dissertation) University of Granada, Granada (2012)
17. Muriel-Torrado, E., Fernández-Molina, J.C.: Creation and use of intellectual works in the academic environment: students' knowledge about copyright and copyleft. *J. Acad. Librariansh.* **41**(4), 441–448 (2015)
18. Kapitzke, C., Dezuanni, M., Iyer, R.: Copyrights and creative commons licensing: pedagogical innovation in a higher education media literacy classroom. *E-Learn. Digit. Media* **8**(3), 271–282 (2011). <https://doi.org/10.2304/elea.2011.8.3.271>
19. WIPO: Berne Convention for the Protection of Literary and Artistic Works, Paris Act of 24 July 1971, as amended on 28 September 1979. [http://www.wipo.int/wipolex/en/treaties/text.jsp?file\\_id=283698](http://www.wipo.int/wipolex/en/treaties/text.jsp?file_id=283698)
20. Myers, C.S.: Seven steps to help you become more knowledgeable about U.S. copyright law. *Coll. Undergrad. Libr.* **23**(3), 343–352 (2016). <https://doi.org/10.1080/10691316.2016.1206324>