

Scientific Theoretical Guidance and Practical Guide for Intellectual Property Issues in Libraries: A Review of the Postprint of *Research on Intellectual Property Issues in Library Development*

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Abstract

[Objective/Significance] Based on the current state and development direction of intellectual property research in Chinese libraries, this paper introduces the book *Research on Intellectual Property Issues in Library Development*. [Method/Process] Employing methods such as comparative analysis, induction, and deduction, this paper analyzes and evaluates several distinctive features of the book from the perspectives of research methodology, research perspective, and research process, and explores its principal value from the aspects of theoretical value and practical value. [Results/Conclusion] The book features comprehensive content, novel viewpoints, and rigorous exposition. It is a timely work with high academic value and guiding significance, which advances theoretical research on intellectual property in libraries and provides robust guidance for the library community in handling related intellectual property issues.

Full Text

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A Scientific Theoretical Guide and Practical Compass for Library Intellectual Property Issues: A Review of *Research on Intellectual Property Issues in Library Development*

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[Purpose/Significance] Based on the current state and development trajectory of intellectual property research in Chinese libraries, this article introduces the book *Research on Intellectual Property Issues in Library Development*. **[Method/Process]** Employing comparative analysis, inductive and deductive reasoning, and other methods, the article evaluates several distinctive features of the book from the perspectives of research methodology, research angle, and research process, and examines its principal value in terms of both theoretical and practical significance. **[Result/Conclusion]** The book is comprehensive in content, innovative in perspective, and rigorous in argumentation. It is a timely work with high academic value and guiding significance that advances theoretical research on library intellectual property and effectively guides the library community in addressing related issues.

Keywords: library; intellectual property; book review

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Domestic and international practice demonstrates that intellectual property issues are among the key challenges in library development and a hot topic in library science research. Two research peaks occurred in this field in the early 21st century, in 2003 and 2006. The first peak was triggered by China's accession to the World Trade Organization (WTO) in 2001 and the subsequent amendment of China's Copyright Law. The second peak resulted from active involvement by Chinese library scholars in the legislative process of the Regulations on the Protection of Information Network Transmission Rights [1]. The number of related research papers reached its zenith in 2010 with 211 articles. Since then, due to a lack of new theoretical and practical perspectives in the research field, the number has declined but remained above one hundred [2].

During this period, several influential academic monographs emerged in China's library intellectual property field, including Jiang Xiangdong's *Digital Information Public Communication under the Copyright System* [3], Qin Ke's *Research on Library Copyright Management Issues* [4], and Ma Haiqun's *Copyright System Innovation for Digital Libraries* [5]. However, as time has passed, new issues have emerged in library intellectual property research that these monographs can no longer adequately address. The new information environment has brought increasingly complex challenges to library development, and the library community urgently needs an authoritative work with both theoretical depth and practical guidance to help library managers properly address intellectual property risks.

Professor Chen Chuanfu's *Research on Intellectual Property Issues in Library Development* [6] accurately describes the intellectual property needs of China's libraries during their transformation and development, objectively summarizes research by Chinese library scholars on intellectual property issues and the positions of the international library community, analyzes intellectual property risks in China's library development, and proposes relevant approaches for library intellectual property management. It is a comprehensive and authoritative guide

to intellectual property theory and practice for China's library community.

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1 Main Characteristics

1.1 Diversity of Research Methods

The diversity is primarily reflected in the research methods employed. Unlike previous works on intellectual property issues that adopted only one or two methods such as literature review, the author utilizes multiple approaches including literature review, questionnaire surveys, and case studies. In the questionnaire survey process, the author overcame the limitations of previous IP research—such as narrow scope, single-level sampling, and low credibility—by conducting a stratified survey of librarians at 49 different types of public welfare libraries across China (covering major categories such as university libraries, public libraries, and specialized libraries). To facilitate analysis, questionnaires were also distributed to selected library science educators.

In the case study component, the author examines international treaties related to library intellectual property and library provisions in copyright laws both domestically and abroad. Selecting typical library-related IP cases from the past two decades based on their industry, legal, and policy impacts, the author summarizes their characteristics and clarifies the main value orientations and litigation trends in library intellectual property management, providing a solid foundation for the policy recommendations in the book. Given that China's Copyright Law contains few and relatively simple provisions related to libraries, the author skillfully integrates applicable legal clauses from the Copyright Law and the Regulations on the Protection of Information Network Transmission Rights with practical library copyright management work. Additionally, the book investigates the legislative status, content, and characteristics of library-related provisions in the intellectual property laws of the United States, Canada, the United Kingdom, Australia, Italy, Japan, and India, studying the legislative practices of these countries. This research on library provisions in copyright laws both at home and abroad offers valuable references for revising library-related clauses in China's Copyright Law.

1.2 Innovation in Research Perspective

The innovation is first manifested in the systematic investigation of the coordination between China's library development and intellectual property laws. Unlike previous voices in the library and information science field that overemphasized

the protection of public social interests, the author elevates the perspective by distilling research guiding principles aimed at promoting the healthy development of libraries, sustaining public interest development, advancing library legal system construction, and improving the intellectual property system. The book accurately identifies the strategic demands of China's library intellectual property policy during the transformation period as achieving the following objectives through intellectual property management: (1) efficient utilization of library resources; (2) proactive and orderly library development; (3) efficient library operations; and (4) realization of public interest goals.

In recent years, intellectual property work in China's public welfare libraries has gradually expanded, yet library managers often find their IP efforts inefficient. The mainstream academic view holds that policy issues are the primary factor constraining library IP work. Building on years of theoretical research and drawing fully on the IP workflows of Western libraries, the author objectively summarizes that factors limiting the efficiency of China's library IP management include not only a lack of IP policies but also absent management positions, inefficient IP operational procedures, contradictions between library budgets and IP protection costs, and insufficient measures for using the IP system to safeguard public interests. These conclusions undoubtedly serve as an important guide for library directors grappling with IP management issues.

A second innovative aspect lies in the accurate analysis of factors influencing intellectual property risks in library business processes. Current research on library business processes primarily focuses on process reengineering and process management. The author innovatively combines library business processes with IP risk analysis, proposing that the main factors affecting IP risks in library workflows include changes in the information environment, institutional content, business types, and resource distribution. Based on specialized research on IP risks, the book summarizes the characteristics and trends of library IP litigation, which is significant for helping libraries avoid infringement risks. The research also demonstrates that the mainstream understanding of intellectual property within China's library community is positive and constructive, a finding that helps correct previous biases in literature regarding library IP and industry protection. Building on this foundation, the author proposes five principles that library IP system construction should adhere to: unwavering protection of intellectual property, promotion of healthy library development, unity of fairness and efficiency, balance of information interests, and simplicity and stability of measures. These principles point to a clear and accurate direction for the current development of China's library cause.

1.3 Rigor in Research Process

The rigor is reflected in the clear structure of the book. The author proceeds from the simple to the complex, first exploring the current state of research on intellectual property issues in library development both domestically and internationally, and establishing guiding principles and methods for the study.

Second, the author objectively analyzes research by Chinese library scholars on intellectual property issues, differences in positions among international organizations, and simultaneously elaborates on practical solutions to IP issues in library development at home and abroad. Third, the author assesses IP risks in library development, analyzes copyright cases involving Chinese libraries, and explores strategies for avoiding IP risks in library business processes. Finally, the author proposes optimization paths for library development-oriented intellectual property policies. The entire research process is well-organized, rigorous in content, and strongly logical, making it accessible even to readers without extensive background in library science theory, while providing them with an intuitive understanding of library IP issues.

Rigor is also demonstrated in the careful argumentation. For instance, when presenting viewpoints on various IP issues, the author does not draw hasty conclusions but instead combines theory with practice, explaining step-by-step based on existing cases and legal provisions. In Chapter 6, for example, the author explains at the theoretical level why digitizing library collections satisfies the constituent elements of reproduction, cites two typical court cases demonstrating that defining digitization as reproduction has received judicial support, and references specific provisions in the Berne Convention, TRIPS Agreement, and Copyright Law to clarify that characterizing digitization as reproduction is established in international law, concluding that “digitization of library collections is a form of reproduction.” Such rigorous argumentation abounds throughout the work.

Furthermore, rigor is evident in the comprehensive and reliable data collection. In Chapter 4, the author investigates the positions of international libraries on intellectual property issues, conducting in-depth surveys of IP legal systems for libraries in major countries and the attitudes of different interest organizations toward library IP, laying a solid foundation for subsequent chapters. In Chapter 5, the author provides detailed analysis of practical solutions to IP issues in library development both domestically and internationally, summarizes different national resolution models, and investigates international document delivery copyright practices and the establishment of copyright librarian positions, providing a practical basis for proposing comprehensive and accurate IP policies.

2 Theoretical and Practical Value

2.1 Theoretical Value

With the development of information technology and digital library construction, libraries’ service domains and functions have expanded unprecedentedly, and the scope of intellectual property issues they face has also broadened. Through literature analysis, the author finds that research on library intellectual property in China over the past decades has mainly concentrated on digital library IP issues, copyright legal system discussions, library IP risks and

management, library IP interest balance mechanisms, international IP research developments, open access and IP protection, among other areas. These studies have primarily focused on library needs, approaching from technical and operational perspectives with extensive introductions to foreign IP developments and library undertakings. In this monograph, the author addresses the practical needs of China's library development, examines IP issues from a public interest perspective, emphasizes a research orientation conducive to library development, and proposes pathways for optimizing library IP management and reforming IP law, demonstrating strong theoretical and practical guidance and high theoretical value.

The author innovatively proposes an institutional supply system for intellectual property in libraries participating in the public cultural service system. The author recommends incorporating public cultural service platforms into library IP exemption clauses, using institutional innovation to incentivize new forms of library services such as library consortia, mobile services, and remote services, and adopting various methods to extend library functions, improve service convenience, coordinate IP interests, and attract social forces to participate in public cultural service system construction. On October 18, 2017, Comrade Xi Jinping pointed out in the 19th Party Congress report that China should improve its public cultural service system, deeply implement cultural benefit projects, and enrich mass cultural activities, which indirectly demonstrates that the author's views align with national policy needs and have strong public benefit effects.

The author also proposes recommendations for reforming intellectual property law. Although the library and information science community has continuously studied IP law amendments, such research has often been general due to professional and expertise limitations. Professor Chen Chuanfu, drawing on years of research in library intellectual property, combined with reflections and empirical evidence on IP issues both domestically and internationally, and from the perspective of a legal scholar, constructively points out future directions for IP law reform: (1) Establish the legal status of libraries in IP law. Libraries represent public interests and should receive policy encouragement. (2) Include cultural information resource sharing projects, digital library promotion projects, public welfare science and technology information services, public electronic reading rooms, and rural libraries into library provisions. (3) IP law should guarantee libraries' access to document information resources and the development of new service models. (4) Develop public interest-centered intellectual property public policies. These pioneering suggestions are both theoretical and empirical, combining theory with practice to make the arguments and conclusions convincing. These academically valuable recommendations open up new research directions in the field of library intellectual property.

2.2 Practical Value

The book's practical value is first manifested in its risk assessment of intellectual property in library development, which helps libraries avoid risks when

designing their operations. Libraries' core functions involve collecting, organizing, processing, and serving information resources, yet a large portion of these resources enjoys intellectual property protection. In recent years, the rising number of litigation cases related to digital library intellectual property has drawn significant industry attention and affected the normal use and development of libraries' digital resources. The book assesses IP risks in library development from multiple dimensions, including information resource construction, library service extension, digital resource application, library business outsourcing, and library user management. These assessments are highly practical and valuable, helping practitioners avoid IP risks in their library work. For example, the author recommends that "libraries should adopt technical measures to prevent individuals outside library premises from accessing copyrighted works and to prevent copying behavior by library users inside the premises from causing substantial damage to copyright holders' interests." While this imposes higher technical and financial requirements on library information dissemination, it can effectively avoid IP risks associated with extended library services.

Second, the practical value is reflected in the author's proposed strategies for avoiding IP risks in library business processes, which helps library practitioners circumvent IP risks in actual operations. In recent years, library business types have continuously increased, with digital library construction, document delivery, collection digitization, dissertation development and utilization, library user management, full-text information release, information collection and exchange, information mining, and bibliographic data services all involving IP risks. Avoiding these risks is crucial for library development. For instance, regarding dissertation development and utilization, the author draws on successful international experiences in handling copyright issues, proposing that "dissertation development should be premised on obtaining author authorization, with a reasonable compensation payment and distribution mechanism established." The author also notes that "dissertation services should respect authors' copyright on the one hand, while on the other hand, maximize the development and utilization of dissertation resources according to the fair use principles of copyright law to realize their social benefits." Addressing issues such as unclear copyright status of dissertations in China, the author proposes four recommendations: resolving unclear dissertation IP rights, reducing excessive authorization costs, addressing regulatory gaps, and improving dissertation service operation mechanisms. These suggestions have strong practical value for the sustainable development and institutional innovation of dissertation publishing and dissemination in China.

The practical value is also demonstrated through the author's investigation and analysis of copyright-related cases involving Chinese libraries, which helps library managers better understand and handle infringement risks. In Chapter 7, the author summarizes over a dozen classic library copyright cases in China since 1997, analyzes their characteristics, examines the causes of library IP litigation, clarifies the main value orientations of library IP management, and constructively proposes legislative directions and future research for library provisions

in copyright law reform. Furthermore, the practical value is reflected in the proposed optimization paths for library development-oriented intellectual property policies and the author's recommendations for amending China's Copyright Law. Libraries represent public interests and play a vital role in promoting social scientific and cultural development and overall social progress. The author's suggestions have strong practical value for fostering the healthy development of China's library cause, sustaining public interest development, advancing library legal system construction, and improving the intellectual property system.

Limitations

In summary, the book is an excellent work in the field of library intellectual property in terms of academic scholarship, research comprehensiveness, cutting-edge perspectives, and practical guidance. However, it also has some shortcomings. For example, the title of Chapter 4, "Investigation of International Library Community's Intellectual Property Positions," is not entirely accurate, as the chapter includes positions of international organizations such as IFLA, the International Publishers Copyright Council, and the EU, as well as positions of the international academic community and international treaties. Changing the title to "Investigation of Positions on International Library Intellectual Property Issues" would more accurately summarize the chapter's content. Additionally, there are some editorial oversights, such as writing "public cultural service system" as "cultural public service system" in Section 4 of Chapter 1, and duplicate titles for subsections 4 and 5 in Section 4 of Chapter 8.

With the implementation of China's *Public Library Law*, the scope of library intellectual property issues in China has further expanded, revealing certain structural and content limitations in the book. It lacks coverage of theoretical and practical research on IP clauses in China's Public Library Law, comparisons with IP clauses in foreign library laws, policy recommendations for relevant clause revisions, and IP risks that university libraries face when opening to society. Additionally, the book does not address intellectual property issues in open education that have been widely discussed in the library and information science community in recent years, such as MOOC (Massive Open Online Course) IP issues.

Conclusion

Upon closing the book, one reflects that libraries represent public interests. We must both adhere to developing public interest-centered intellectual property policies to promote knowledge dissemination and actively comply with intellectual property law, carry out IP work, and have the courage to assume corresponding responsibilities—this is precisely the central message the book conveys. Intellectual property protection plays a positive role in the prosperity and innovation of national social culture. As long as we persist in developing public interest-centered intellectual property public policies within the legal

framework, we can certainly promote the healthy and orderly development of library IP work, which in turn will drive the vigorous development of IP work in music, film, arts, and other industries, creating a virtuous cycle that fosters the high prosperity and development of China's cultural undertakings and industries.

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A Quality Work on Library Intellectual Property Issues: A Book Review of *Research on Intellectual Property Issues in Library Development*

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