

Copyright

Guest Editorial

It was always the case that librarians needed to know about copyright but, with fast moving developments in electronic resources and the internet, it has become even more important for legal information professionals to have a good understanding of the copyright and licensing landscape. With the increasing pace of IT driven change, copyright law and the issues which it poses also seem to be changing and developing at a faster rate.

The emergence of major issues concerning P2P (Peer-to-Peer) file sharing via the internet and the copyright implications of innovative large scale digitisation projects such as Google Library have also placed copyright centre stage. The amounts of money in question and the implications for large commercial enterprises, combined with the role played by the internet, mean that copyright problems are much more likely to get prominent media coverage than would have been the case previously. We may not be directly concerned with pirated video games or the illegal sharing of music files on the internet, but we are dealing with an area which has become much more high profile as a result of developments of that kind.

Increasingly the big rights-related issues centre upon electronic resources and digitised products. As electronic resources become ever more significant for libraries so, as legal information professionals, we find ourselves increasingly in the front line facing those issues. For that reason copyright is a very suitable subject for a special theme in *Legal Information Management* and I hope that we have done it justice.

As Guest Editor I was very aware that the intellectual property issues facing different sectors of the legal information profession can present themselves in quite different forms and we have tried to include contributions from people working in a variety of sectors in order to give us all the opportunity to learn about the different ways in which copyright matters manifest themselves for our colleagues.

We all experience the difficulties of working with client groups who have a patchy understanding of the copyright and licensing factors which have direct practical implications for their usage of learning and research materials. From that perspective, Jane Secker and Maria Bell have written about their programme for training library users in copyright issues at the London School of Economics.

Tony Simmonds has written about the development of Creative Commons as an alternative and more flexible form of licensing and Jonathan Purday has contributed an insider view of the European Union's exciting Europeana project to provide a digital library to preserve and make accessible the products of European cultural inheritance.

We have also invited contributions from copyright licensing organisations to get their perspective and I am very grateful to Paul Rollins of the Copyright Licensing Agency for agreeing to contribute.

Editor's note

The vexed issue of copyright is not every law librarian's cup of tea, and I am very grateful to Chris Holland, the BIAL Vice President with responsibility for copyright matters, for agreeing to not only Guest Edit this issue, but also supply two articles for us on two very topical subjects, the Digital Economy Act and the Google Settlement.

Cat, Class and Metadata...Part 2

We are including further articles on this topic which began in our Spring 2010 issue. They include three case studies of colleagues using metadata and indexing skills in their day-to-day work. The team from *Legal Journals Index* comprising Claire Parfitt, Sarah Fallon and Jean Stopford, provide a very readable and entertaining account of how this vital tool is produced. Maureen McGlashan describes what can only be called a true labour of love in the Herculean task of producing the cumulative index to the *International Law Reports* and Mark Scott and Nigel Smith introduce us to the intricacies of developing the *Sweet & Maxwell Legal Taxonomy*.

Current Topics

Two members, Allie Lustigman and Claire Fox, have undertaken research as part of their Masters Degree courses in Information Studies and we are very pleased to be able to publish the resulting articles. Claire surveyed information provision and needs and subsequent implementation of the results in Kingsley Napley, a medium-sized London law firm and Allie reports on the updated results of her research on the uptake of Web 2.0 technologies in the law firm sector.

What was due originally to be a Checklist article but became a more extensive case study is Fiona Fogden's introduction of a news and current awareness service at Baker Tilly which employed "mash up" techniques.

Gerry Power from the IALS has written about his experiences in developing a portfolio based on reflective learning practice. Our overseas contribution comes from Ben Beljaars and Rene Winter of the Erasmus University in Rotterdam and is a thoroughly well researched article on the role of the library in the academic study of law in the Netherlands.

Chris Holland
Librarian
The Law Society

Wallace Breem Memorial Award

The Editorial Board is delighted to publish an example of why Steven Whittle of the Institute of Advanced Legal Studies was the worthy recipient of the Wallace Breem Memorial Award 2010 for his work on developing national digitisation and online services. There are comprehensively described in his article at page 191

On receipt of the Award at the BIALL Conference in Brighton in June 2010, Steven said: "This is a huge honour and great pleasure for me. It is a great privilege to receive this particular award with its many associations of integrity and innovation through the memory of Wallace and the achievements of previous distinguished recipients. Thank you so much. Of course many of the national online legal services I've been able to work on have been collaborative projects – owing much to the opportunities and encouragement that characterise work at IALS and to the knowledge, skill

and good humour of the people I am lucky enough to work with".

He paid tribute to many colleagues including the late Muriel Anderson, formerly Librarian at the Institute, Jules Winterton, currently the Librarian, and David Gee, Deputy Librarian; Lesley Young, Information Resources Manager; Narayana Harave and Lindsey Caffin (his Information Systems team); Heather Memess (Intute project officer) and beyond the Institute – Dr Peter Clinch (for work on FLAG and the Treaty Index); and Sue Pettit and Debra Hiom (at Bristol for work on Intute: law and the Internet for law tutorial).

Christine Miskin
Editor

Correction

On page 144 of Vol 10(2) we transposed the photographs of Anne Coles and Suzanna Rickeard for which we apologise.

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The Copyright Problems of ‘Orphan Works’ for University Lecturers and Researchers

Abstract: Malcolm Kendall offers guidance on how to establish whether a work is in fact an orphan work and examines efforts being made here and overseas in devising systems to make the search easier.

Keywords: copyright; academic libraries

Introduction

The term ‘orphan work’ is one that has become so often used in recent times that it is often assumed that everyone knows to what it refers and all are applying the same definition. This might not be so. The *Gowers Review of Intellectual Property*¹ deals with the major issues in Sections 4.91 to 4.101, and presents the simplest of definitions:

“The term ‘orphan work’ is used to describe a situation where the owner of a copyright work

cannot be identified by someone else who wishes to use the work”.

The Publishers Association² expands this definition with another key point:

“‘Orphan works’ are literary or other works still in copyright, but whose copyright owners cannot be found – even after diligent good faith search – in order to grant permission to reproduce them or substantial parts of them.”