editorial

Copyright law: time for revision

The new copyright law requires the Copyright Office to report to Congress every five years on whether the library photocopying provisions of the law have achieved "the proper balance . . . between the rights of the creators of copyrighted works and the needs of the users of such works." For the scientific community this issue boils down to how publishers of scientific material can be appropriately compensated by those who photocopy their material to help support the cost of disseminating scientific information. As one of the inputs to an evaluation of the new law's effect, the Copyright Office contracted with King Research to conduct a survey of patterns and trends in photocopying and royalty payment. King's survey, published last June, indicates a significant rise in photocopying in academic libraries over the past five years—academic-library staff members made 24 million photocopies in 1981 compared to 17 million in 1976. On the other hand, the surveys show only a very few libraries (6%) have arranged to make royalty payments through the Copyright Clearance Center. Although some scientific publishers do not expect compensation for materials copied by libraries free of charge for researchers and teachers (see news story on AIP's policy, page 52), publishers *are* concerned about royalty payments when libraries function as document supply services offering photocopies for a fee.

A number of scientific publishers have strenuously objected to the Lockheed Dialog Dialorder Service's recent arrangement with the British Library Lending Division to sell photocopies of copyrighted material to individual Dialorder customers on a mail-order basis. No provision has been made for paying copying fees.

Court suits are beginning to appear over liability for photocopying fees. In the most recent example, the Association of American Publishers—on behalf of several scientific publishers—is suing the Squibb Corporation for failure to pay copying fees for extensive photocopying by employees in the corporate reference library. The defendant is arguing that the law permits such copying without payment.

It would appear that the copyright law needs revisions to clarify ambiguities in the specific area of library photocopying.

The reader might well ask what the fuss is all about—is it worth all this squabbling over who gets a few nickels and dimes? Indeed, copying fees currently represent only a minor source of publishers' income. But in the future this may change. As we get deeper into the age of the Information Revolution—in which this nation's economic growth will increasingly depend on the production and processing of information—there will be heightened concern over the rights of ownership of information. We can already see this trend in recent litigation and the decision of the Supreme Court to review the rights of the consumer to videorecord programs off the air. Similarly there has been renewed concern about more adequate protection for patent holders. In scientific publishing, with the advent of routine facsimile transmission and even more widespread photocopying, the concern is that, as these "electronic" modes of dissemination significantly begin to replace the traditional journal subscription, the stability of the scientific journal system could be seriously threatened, unless the rights of scientific publishers to income from these new modes are clearly established.

We are pleased to note that Congress has taken a sympathetic interest in protecting intellectual property. As recently reported in the *Wall Street Journal* (16 July), in the past two years Congress has sought to strengthen the patent laws and has enacted important revisions that make the patent system more effective. We trust and hope that the Copyright Office and Congress will take an equally enlightened approach to the copyright law.

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