Access to information in electronic age — situation in Slovakia

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Abstract

Electronic publishing brings about some substantial shifts in technological as well as socio-political patterns that were in place during the era of paper publications. The tension between producer and consumer side of the information cycle is the most significant feature of this change. Authors and publishers try to maximise their revenues from the marketing of information and backed by the possibilities of technology they force major changes in legislation governing the area of (public) information access. In this environment, the society's interest in a wide-spread accessibility of electronic data must be balanced by substantial financial investments – a solution that only the rich economies of the world can feel comfortable with.

Introduction

Electronic publishing in general, and network publishing in particular, has become a reality on a world-wide scale. Approaches to definitions and classifications of this phenomenon are abundant, as are the articles enumerating advantages of the new communication technology over the traditional one.

Potentials connected with the usage of internetworking for the purposes of communication are really enormous – but how is the reality? Although people may live in illusion of having huge archives of computer data at the reach of their hands, the more you work with the internet the better you know how difficult it can be to find a really valuable piece of information. It is very often hidden before the eyes of a user who is not willing or able to register and/or pay.

What is even more important, electronic publishing as a technological change in communication cycle brings about some substantial shifts in socio-political patterns (author/publisher — user relationship) that were in place during the era when paper dominated the world of publishing.

Technology, economics and underlying legislation represent three intertwining principal aspects that one has to take into account when trying to assess state of

the art in the area of access to information. We will concentrate mostly, but not exclusively, on the topic of public access — a set of principles, interests, policies and regulations whose primary aim is to guarantee that every citizen has a free (preferably free of charge) access to certain type and amount of information, usually via specific state/community-supported institutions. The issue is of primary importance to the democratic society and state willing to have its citizens actively participating at its development. In the framework of this study the topic will be seen from two different angles:

1. overview of the problematic issues on the global level — what particularities are hidden behind electronic access and what is their impact on libraries' functioning

2. specific situation in Slovakia seen mostly from the viewpoint of present copyright legislation.

Electronic access

First, predominantly technological, change lies in the way the information is being published. Its definition is very often based on a contradiction "Access versus ownership". This 3-word conjunction is becoming a sacred expression of the electronic era — it is heavily used and heavily significant. The transition from ownership of materialized publication to access-over-the-network pattern is one of the most representative changes that define new paradigm of information work in electronic environment.

In the traditional, printing stages of publishing system development the information (publication) was sold as a "can", a discrete product and once you bought it you (usually) owned it eternally and used happily ever alter! Now the system is approaching a service model where the publisher provides the client with a network access to the electronic data.

This service approach is directly based on the traditional technology of providing access to large databases via database centers (Dialog etc.) which was popular mostly during 70s and 80s. Terminological question, however, comes up immediately — does providing access to databases equal publishing? Most of the information specialists will surely agree that in case of full-text databases we can give a positive answer.

Libraries and public access

Archiving and providing access to information — these are two basic functions that libraries are most often connected with. Depending on their type, access function of libraries can be defined more specifically:

- in case of public libraries it is their social mission, the task to provide access to information for the people who otherwise, due to mostly economic

reasons, would not have an opportunity to get to a wide range of publications available on the market.

- in case of school/academic/research (special) libraries their primary function is the aggregation of diverse information resources fulfilling the information needs (both potential and real) of a specific patron community defined more or less institutionally.

Changes in publishing chain are inevitably bringing changes to the work of information institutions, including libraries. Traditionally, libraries were bound with material, mostly paper publications, later on adding other media and objects such as records, paintings, casettes, even toys... Hence lending was the principal method of providing access to these objects.

Situation is changing and boundaries are being blurred — even public libraries nowadays work with modern information media and provide their patrons with electronic access to publications available over the networks. In accordance with their social function there is a strong movement — not only within the European Union — to turn libraries into public access points that could be used by those who cannot afford their own internet connection or access to certain web publications. Problems that the libraries are facing in connection with their involvement in new type of publishing market can be grouped into several categories, predominantly bound with the legislative/economic side of the author-user relationship:

A. fair use

- most of the publishers and authors believe that the traditional concept of exceptions from the "basket" of exclusive rights of authors is no longer valid in electronic environment - principal argument being the ease of quality copying.

B. licensing

- as publishers feel that present copyright legislation does not protect their interests in electronic publishing sufficiently they force their clients (i.e. also libraries) to enter into a contractual relation with them. They use "licence agreement to restrict access, define use and assure protection of their rights." (Davis, Reilly, 1998). Most of the authors see this type of arrangement as legitimate and natural (Okerson, 1998) although some stress the fact that signing an individual contract with each information provider can be quite a job for a library. Other library experts underline that no license agreement should go below the provisions of the valid copyright act, that it should address the question of archiving and perpetual access to data once paid for.

C. definition of the patron community

- interlibrary loan and document delivery are not very popular among publishers as they consider these activities interfering with their own economic interests. That is why it is extremely important for a library to define precisely its patron community and the legitimate ways of accessing library resources (in-house, campus, external) in order to avoid future conflicts with the provider.

D. price models

- subscription to the traditional and electronic versions of a journal are quite often bound together. This model usually requires a library to pay some extra amount of money (10–50 per cent, depending on the publisher – see, for example Tilburg..., 1997) for the electronic data which is a factor that libraries would like to eliminate. Other way of finding a reasonable price level for electronic publications is the creation of library consortia for common access to data - in this case publishers are often willing to negotiate the conditions acceptable for both sides.

Network publishing in Slovakia

Publishing data on CD-ROM is becoming a common business activity on the Slovak publishing market – ranging from traditional texts (books) and multimedia publications to statistical data in a form more or less interactive. Nevertheless, as this type of publishing resembles traditional sell-and-buy (ownership) trade model we are going to concentrate on network publications.

This type of products, again, ranges from simple presentation of basic functions and missions of persons, institutions and companies to more sophisticated pages and sites containing what we could call a full-text scholarly/economic information. Quite a complete picture of the present situation can be found at the "Dictionary of Slovak internet", a site dedicated to mapping and "cataloguing" information resources available on the servers situated in Slovak republic (www.zoznam.sk).
The sites can be divided into several groups:

1. governmental and non-governmental organizations

- mostly presenting missions, structures, projects, outputs as well as some full-text data in the form of reports, statistics...

2. economic and business data

- providing information useful for the subjects looking for the possibilities of basic trade relation or economic involvement either in Slovakia or abroad - banks, insurance companies, big enterprises... There is also certain amount of resources that are generally produced by commercial institutions as a

result of direct order by or with the support of state or various support funds. To name just one of them – Foreign Trade Support Fund (www.fpzo.sk) offers a complex site of this type, including a concise handbook on investing in Slovakia entitled "Doing Business in the Slovak republic".

3. scientific journals

- electronic versions of traditional scholarly journals – full-texts or abstracts with a possibility of subsequent ordering full-text in a paper or electronic format – published by institutes of Slovak Academy of Science or universities. Probably the most representative site at the moment can be found at www.elis.sk

4. newspapers and journals

- originally concentrated on the "historical" site of the Slovak Academy of Science, nowadays every major daily or journal in Slovakia has its own website where the electronic version of the paper is displayed. Besides, there is a small number of journals that are published only in cyberspace (www.inzine.sk) – their survival, however, is problematic due to the small size of Slovak internet community and, consequently, small advertising potentials.

The division between free and paid resources reflects, as anywhere eise in the world, the impeccable logic of market mechanisms. In general — free is everything that is not expected to bring any profit. Similar logic works specifically in the area of scholarly data — if there is a journal that is able to earn some money on subscription fees it is difficult to persuade the editor to give it for free. As most of the scholarly journals in Slovakia are published by scientific institutions, produced with a financial support of scientific or state grants and have a limited circulation, the push towards profit is not very strong, even in electronic form.

Copyright

The provisions of a national copyright act define basic, political principles governing the overall atmosphere on the information/publishing market. Of course, fundamental features of this type of act are guided by international agreements — Czechoslovakia signed the Berne convention relatively shortly after the foundation of the state, in 1928. Modern, post-1945 practice of the copyright in the country was governed by the "socialist" act 35/1965 on literary, scientific and artistic works. At that time copyright was not a very hot topic in Slovakia — neither for the authors nor for the libraries. Settled in the information and social system of the country they offered their service to the patrons and did not ask about the legal side of the "industry".

In connection with the aspirations towards the European Union the process of the approximation of legal system of Slovakia started very early after the break-up of Czechoslovakia and one of the first acts to be created on the principles of a

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European directive was the copyright act 383/1997. It passed in the Parliament on December 5, 1997.

Here are some of the act's provisions, crucial from the point of view of library and information user activities. Some of them are quite common, some are not:

- *the content of copyright* (art. 16) — the author has an exclusive right to authorise any use of the work..., in particular distribution of the work or its copy onto the public by sale, rental, lending or any other form of distribution of work or transfer of ownership
- *distribution of work after first sale* (art. 20) — the right of author to authorise a lending of the original of work or its copy does not cease to exist by sale or any other act of dissemination

- *reproduction of work for personal purposes* (art. 21) — physical person can make without the authorisation of author a copy of a work which is made public for his/her personal purposes and is not obliged to provide a remuneration to author. In this case the remuneration is paid by the producers or importers of reprographic or other technological devices or media
- *reproduction for teaching purposes* (art. 23) — the authorisation of author is not required and the remuneration is not paid in case of the reproduction of a short part of work which is made public and is done for teaching purposes. This includes the reproduction of a published work by the use of special methods for needs of visually impaired persons
- *reprographic reproduction by libraries and archives* (art. 24) — these institutions can make copies without the authorisation of the rightholder and without any remuneration if they are short works or short extracts and the copies are done either on behalf of the patron (study or research purposes) or as a replacement, archiving or preservation copies.

Among the apologists of public access rights the act is seen as very restrictive, limiting traditional fair use exceptions. What is more, even the principal traditional library service — lending was put into a strange position (art. 16, 20), as it is absolutely impossible and even illogical for every single library in the country to ask an author for the permission each time when his/her book is being borrowed. Although there are tendencies to apply the principles of the collective administration of authors' rights, it does not solve the absurd contradiction of the permission as such.

Unfortunately, the overall image of the world's copyright legislation seems to be moving in this direction — let us name just the U.S. Digital Millennium Copyright Act or the above mentioned EU copyright directive. EBLIDA, the umbrella association for library, information and documentation associations and all kinds of libraries throughout Europe, have several times expressed their concerns connected with narrowing traditional exceptions (fair use) in the new copyright legislation model. EBLIDA's objections reflect the fact that proposed provisions recognise only "use for the sole purpose of illustration for teaching or scientific

research" which excludes other educational purposes and other non-scientific research, including private copying (Save..., 1998).

The difference between well-established copyright systems and emerging systems of Central and Eastern Europe (Slovakia included) is very well visible when it comes to a mere activity of library lending. Various types of *public lending schemes* have been started in the countries of EU but basically their role is to pay financial remuneration to the authors for the works that are lent by libraries. In most cases it is the state who takes care of the economic side of the scheme and thus takes the responsibility for the public access to information for the citizens. In Slovakia there is no such a system for the moment but there is a pressure from the libraries to establish one – in accordance with the EC Directive *92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property.*

Conclusions

The aim of this article was to give a short overview of the situation in the area of access to information on the territory of Slovakia, especially in the context of electronic data and recent changes in economic environment and legislation.
Technological aspects of the situation are improving and private internet market is slowly growing bigger. According to the latest survey of NetProjekt 10% of the population of Slovakia uses internet more or less regularly (www.prieskum.sk). As for the public access to network resources, libraries (mostly on the regional and city level) are assuming the position of public access points.

Valuable network resources can be found both an domestic and foreign servers, free of charge but, mostly, paid. Especially when it comes to "serious" scholarly information (Journals) one has to turn to foreign paid resources. As the economic situation of libraries is quite complicated at present, usage of this type of data is very rare – if it occurs it is mostly with the support of various scientific and cultural grants (universities cooperation programmes, Open society foundation grants). Legislative controversies within the copyright act should be solved with adding principles of public lending into the act on libraries or new version of copyright act that is going to be on the parliamentary agenda later this year. It should reflect the idea that if the society wants to keep free public access to information then it is the state who should be paying money for the remuneration of authors and it would be more efficient if it was done on a centralized level rather than on a level of individual library, as it works in many other European countries.

With the support of international programmes like CECUP (Central and Eastern European Copyright User Platform) the Slovak Library Association raises the copyright awareness among librarians, library patrons and seeks to sup

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