

Proposing a Framework for Copyright of Library Resources in Iran: A Comparative Study of Copyright Laws in Iran, Australia, and the United States

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Abstract

Purpose: This study was aimed at analyzing the copyright laws of Iran, Australia, the U.S. and library portals, thereby providing a framework for the copyright of library resources for the NLAI while considering the current situation and the domestic Iranian laws.

Method: This is an applied study falling in the category of qualitative research. Documentary analysis method and comparative method were used to resolve the problem and answer the questions of the research. The two National Library of Australia (NLA) and Library of Congress (LC) together with the NLAI formed the research community. In addition, the Iranian Law for the Protection of Authors, Composers and Artists Rights (1970); the Australian Copyright Act (1968) and the U.S. Copyright Law (1976) were purposefully selected as three main resources among other documents and resources.

Findings: Findings revealed that the dimensions of fair and non-profit use, duration of copyright, license and agreement, copyright policy, moral rights, economic rights and infringement of copyrights were the main dimensions that, along with 49 main components, formed the proposed framework for the copyright of information resources for the NLAI.

Results: It should be acknowledged that there are some differences in different copyright fields between countries' laws, and each country takes into account its domestic conditions to compile and revise the laws. By following the laws of other countries, it is possible to effectively improve and develop copyright laws. The research aims to increase awareness among librarians, develop copyright policy at the NLAI, and aid legislators in revising copyright laws regarding exceptions and exemptions for libraries.

Keywords: Copyright, Library resources, National Library and Archives of Iran (NLAI), National Library of Australia (NLA), Library of Congress (LC), Copyright law

Introduction

Libraries have resources provided in different ways, which is important in their dissemination and accessibility. All these resources are kept in physical and digital formats in libraries and digital systems and are accessible to clients and users subject to restrictions. These resources with great diversity are kept in libraries. They include books, manuscripts and lithographic books, and non-book materials (including theses, newspapers, photos, research projects, reports, maps, stamps, compact discs, microfilm, microfiche, illustrated books, documents, etc.) In most countries, national libraries act as a reference and the mother of libraries. However, national libraries are required to ensure maximum access to their collections. The laws of many countries recognize this need and stipulate that national libraries make copies available. While these practices sometimes annoy publishers, they are usually considered part of a balance between the rights of

owners and the broader needs of society (Cornish, 2006). In other words, as a result of recent developments in information formats and the open access movement, everyday copyright law affects the way libraries provide information. Libraries face more and more complicated intellectual property and copyright issues than in the past. Traditionally, libraries are leaders in trying to maintain a balance of power between copyright holders and users or at the very least advocate for intellectual freedom and promote access to information (Hossain, 2020). Copyright is considered a vital issue for national libraries as it is for other libraries. All libraries are the copyright holders of resources owned by others and must manage this property responsibly. It can be difficult to balance protecting copyright owners' rights and access to resources.

With this description, the resources in libraries can be classified in terms of copyright protection as follows: 1) works that are protected by copyright; 2) Works that are in public domain and whose duration of copyright has ended and which have become available to the public; and 3) Works that are anonymous and valuable (Panzani, 2014). In many libraries worldwide, there are separate and documented policies and procedures for the copyright of resources. Despite the efforts made in Iran to determine data policies, there are no guidelines for respecting the economic and moral rights of library resources in all formats. This is because it is not possible to make a sound decision regarding the provision and availability of resources, and there will be little or no access and dissemination of information without considering the economic and moral rights of the beneficiaries (copyright owners). In order to achieve these goals, libraries should have a framework to consider the copyright of library resources. Considering the inherent role of the NLA in the aggregation and dissemination of written heritage, this library as an authority libraries and information centres, should provide a framework for the copyright of library resources in Iran. Considering the economic and moral rights of the beneficiaries (copyright owners) in a work, this subject can be discussed from two legal and technical dimensions¹. This subject has been explored in this study from a legal perspective. Legal dimensions in the Law for the Protection of Authors, Composers and Artists Rights; the right to make decisions regarding the time, manner and method of publication of the works; the right to respect the name and title of the creator are considered the moral rights of creators, while the right to representation and reproduce the work and the right to offer and perform the work are considered their economic rights. The protection of copyright in libraries of other countries, such as the NLA² and LC³, is not a new phenomenon based on their laws.

These countries have tried to consider this important matter based on their domestic laws. In this regard, the present research analyzes the domestic laws and regulations of Iran regarding copyright, portals, and the copyright laws of Australia and the United States, as well as the existing policies in the portals of these libraries in order to provide

¹ . Given the extent and importance of the subject, the technical aspect will be dealt with in the next phase of the research project. The technical aspect of the project was examined by the author in June 2023 in a study entitled "Investigation and analysis of the technical requirements of copyright protection of information resources in the information systems of the National Library and Archives of Iran: providing solutions".

² . <https://www.nla.gov.au/using-library/copyright-library-collections/about-copyright>

³ . <https://www.copyright.gov/history/copyright-exhibit/history-co/>

a framework. The proposed framework for copyright of library resources for the NLA considers the current situation and domestic laws of Iran.

Finally, the researcher tries to carry out a study which can: 1) Create awareness and knowledge among librarians to give them good insight into the copyright issues of library resources; 2) help the legislators and policy makers to develop and amend appropriate copyright laws tailored to the current needs of the society.

Accordingly, the research tried to answers to the following questions:

- **How is the copyright of information resources in the copyright laws of Iran, Australia and the U.S.?**
- **How is the perception of the copyright of information resources in the NLAI, NLA and LC?**
- **What is the proposed framework for the copyright of information resources for the NLAI?**

Literature Review

A literature review showed that the studies dealing with the issue of copyright in libraries have considered three approaches. a) Copyright of theses and dissertations, b) copyright in libraries and c) the role of librarians in copyright protection. Some previous studies considering these three approaches are as follows.

a. Copyright of theses and dissertations

Some studies have sought to determine the ownership with the aim of determining the beneficiaries (owners of works) in academic centers. Some examples are Rezaei (2011), Papi (2015) and Beigzadeh and Rasouli (2016). Other studies such as Horri (1993); Andrew (2004) and Gasaway (2003) have dealt with beneficiaries and ownership in theses as well as attention to politics in libraries. Yjing (2012) analyzed the copyright of theses and dissertations in China; and Schöpfel and Soukouya (2013) discussed obtaining a license for the dissemination and scanning of theses and dissertations.

b. Copyright in libraries

Crews' (2008) research on copyright exemptions for libraries and archives gives an overview of the character and variety of statutory provisions in copyright law of 184 countries. The exceptions considered in the laws of these countries for libraries to use works protected by copyright fall into three categories: 1) exceptions that allow libraries to use, without express limitation, the reproduction of works for research, study or similar purposes; 2) exceptions that allow libraries to use the reproduction of all works or almost all types of works for purposes such as research; and 3) exceptions that allow libraries to use the reproduction of specific types of works for purposes such as research. Panezi (2014) analyzed the legal challenges for online digital libraries. He classified the resources involved in creating a digital library collection into three general categories with respect to their copyright status: copyrighted works, works with ambivalent copyright status (such as orphan and out-of-print works) and public domain works. This

type of classification helps the librarians of the libraries to prioritize the resources for better access of the users.

Ghabooli Derafshan, Mohseni and Ghasemi (2013) proposed three actions for copying by libraries: user request, protection and replacement and inter-library lending. Iranian law allows only copying at the user's request, while providing better services in libraries requires that copying for protection and replacement and inter-library lending be specified in the laws as well.

Studies carried out about the copyright of libraries will certainly help solve the problems of copyright laws. For example, Byrd (1981) provided a report on the status of two years of implementation of the new copyright law in US libraries. Specifically, the policies and procedures used in university, hospital and health science libraries were reviewed in compliance with the new copyright law. The results demonstrated that, with the exception of a few cases, the U.S. libraries under study followed the specific provisions of the law and this compliance did not have a significant impact on library services. The handbook published by Electronic Information for Libraries (EIFL) in 2009 for its member countries¹ provided a framework for the preparation of copyright manuals to be used in the libraries of the member countries. The topics discussed in the framework included: technological protection measures, copyright exceptions and limitations, legal deposit, orphan works, the database right, Creative Commons licenses and open access (Electronic Information for Libraries, 2009).

Abu Sirhan (2010) explored the protection of Jordanian copyright laws for copyright holders and libraries. His study showed the importance of intellectual property and the low importance of copyright in Jordan. Reviewing and amending copyright laws in Jordan, providing sufficient financial and technical resources for the National Library of Jordan in order to better implement the law; and the supply of expert human resources in the field of copyright (such as electronic security) and the like were among the recommendations of that study for the laws' protection of copyright in libraries. Copyright laws play a vital role in providing information to end users in a digital environment. With this in mind, Yoon and Kim (2012) compared the exceptions of South Korean copyright law regarding disabled people with five major countries in the world (U.S., UK, Germany, France and Japan). At the end of his review and analysis of the laws, he offered suggestions to amend the relevant laws in order to provide better services to the disabled.

Congleton and Yang (2017) to examine teaching exceptions **in classroom** for educators between European copyright laws and US. In this comparative study, the copyright law was examined and how it has been adapted by the U.S., the European Union (EU), and selected European nations, including Greece. The researchers conclude, the general purpose and character of using a copyrighted work may help to make this flexibility more apparent. Such melding of fair use and the three-step-test would

¹ . Albania, Armenia, Azerbaijan, Belarus, Bosnia & Herzegovina, Botswana, Bulgaria, Cambodia, Cameroon, China, Egypt, Estonia, Georgia, Ghana, Jordan, Kenya, Kosova, Kyrgyzstan, Laos, Latvia, Lesotho, Lithuania, Macedonia, Malawi, Mali, Moldova, Montenegro, Mongolia, Mozambique, Nepal, Nigeria, Palestine (West Bank & Gaza), Poland, Russia, Senegal, Serbia, Slovenia, South Africa, Sudan, Swaziland, Syria, Tajikistan, Uganda, Uzbekistan, Zambia, Zimbabwe.

encourage a more open-ended approach to copyright exemptions and expand access to important educational resources.

Lear (2022) investigated how to use video resources in libraries in terms of copyright. He discussed the challenges facing university libraries in providing access to video resources despite the increasing needs of users and the COVID-19 crisis. He presented the use of controlled digital lending (CDL) for video resources for pedagogical purposes as a solution. Papi (2024) to examined and analyzed the role of preservation of works in Iranian libraries, and specifically, the National Library of Iran as an authority among Iranian libraries. In this research, 36 selected national, academic, medical sciences, public and digital libraries inside and outside Iran were investigated. The findings of the research show that the solutions and recommended policies of copyright in libraries can be classified into five classes. The moral and economic; non-profit use, license and agreement, fair use and violation of copyright are the most important in the development of copyright policy of printed and digital resources in libraries.

c. Role of librarians in copyright protection

Providing free access to information and copyright protection for the beneficiaries of works is considered to be among the responsibilities of librarians. Due to the less relevance of this area to the topic of the current study, we mention only one of the studies that contributes to the current research. In a survey among librarians, Onoyeyan and Awe (2018) examined their role in the protection of copyright in Nigeria. Using the descriptive survey method and the questionnaire tool, the researcher concluded that having a copyright policy in libraries, entire journal and multimedia resources and the existence of an agreement with database providers are among the measures adopted in the libraries under study in Nigeria.

Conclusion from previous studies

The literature review shows that some studies have focused on the copyright of electronic theses and dissertations and their ownership, which is less related to the topic of the current study. Some others have dealt with copyright in libraries and the copyright laws of countries by examining the copyright laws, thereby identifying the problems and providing solutions to improve the laws in the libraries. Some other studies have discussed general copyright indicators such as technological protection measures, term of protection and public offering, limitations, orphan works, reproduction, legal deposit, data bases, permits etc. Only a few studies have dealt with the copyright laws of the countries examined in the present study and investigated only part of copyright in libraries.

Ghabooli Derafshan, Mohseni and Ghasemi studied reproduction only in Iran's copyright law. Byrd studied the U.S. library's compliance with the new copyright law of 1981. Another study on the U.S. copyright law is that of Congleton and Yang (2017), exploring the copyright laws of the U.S. and Europe in the context of educational exceptions in colleges and universities. There were also a few studies that had addressed the role of librarians in copyright, which is less related to the topic of the current study. In Papi's (2024) study, 36 libraries were examined for copyright analysis. While in this research, the focus is on the copyright laws of Australia, Iran, and the United States, and NLA, LOC and NLAI. In addition, in the present study, the laws were analyzed based on

the questions in Crews' (2008) study. Crews' study has approved by the World Intellectual Property Organization (WIPO).

As mentioned, this study is trying to provide a framework for the copyright of library resources and digital resources from the legal aspect with respect to library exceptions in mentioned libraries. So, the libraries can develop a copyright policy in a codified and systematic way.

Methodology

This is an applied study using a qualitative approach to achieve its objectives. To this aim, related resources, documents and laws were reviewed and analyzed, and the current state of libraries in selected countries was compared. Based on this, documentary analysis method and comparative method seemed to be appropriate methods to be used for finding an answer to the problem and questions about the research. Moreover, data were collected through searches in various texts, resources and studies as well as through the websites of selected libraries of the research community. Furthermore, laws such as the Law for the Protection of Authors, Composers and Artists Rights approved in 1970 were studied and reviewed. The Law mentioned is the first comprehensive law on author's rights in Iran. In law, legal articles are stated for the moral and economic rights, fair use and violation of the rights of the creators of the works. The analysis of this law is mentioned in the table 1.

The comparative method was also used in this study. In comparative research, differences and similarities are identified. Accordingly, various keywords and phrases related to the concept of copyright, such as: "Data Policy", "Copyright", "Intellectual Property", "Data Management", "Data Ownership" and "Data Retention" were searched in the portals of the selected libraries and the related resources were studied.

Research Population

Since the NLAI, as a national institution, has authority, among other libraries of Iran and has diverse resources available to users, it was selected as the research community to examine the copyright of the resources. The NLA¹ and LC² were selected because these two libraries serve as pattern for some of the library services in the NLAI. In addition, examining the portal of the two mentioned libraries has provided more comprehensive information regarding copyright issues.

Finally, the two NLA and LC together with the NLAI³ were used as the research community. The mentioned portals were reviewed in the range of November 2022 and 2024.

Although the legal system in the U.S. and Australia follows the Common Law system and is different from that of Iran, but, the complete and comprehensive information and operational frameworks and guidelines on Copyright in the libraries of these two

¹ . <https://www.nla.gov.au/>

² . <https://www.loc.gov/>

³ . <https://www.nlai.ir/home>

countries were among the reasons for their selection in this comparative study. So, the Law for the Protection of Authors, Composers and Artists Rights (1970); the Copyright Law of Australia (1968) and the U.S. Copyright Law (1976) and its amendments were selected as three main resources among other documents and resources.

Data analysis method

In data analysis, considering the objectives and questions of the research, primary and secondary coding and classification were used to analyze the data and provide the final framework. Primary and secondary coding was used in open coding. The first step in open coding was to examine and review the copyright laws of the three selected countries and various regulations and resources multiple times.

The data were reviewed line by line and the main sentences and concepts in each line or paragraph were specified through comments and a code was given for each sentence. Finally, the number of 116 concepts, 18 categories in 13 classes were placed in two separate categories for the analysis of copyright laws and library portals. The researcher tried to control and review the data in all stages of data collection, coding and classification using the self-monitoring technique. In this way, it can be said that the results obtained from this section can be used as a criterion for validity and reliability in qualitative research.

Validity and reliability

In qualitative research, validation, transferability, and dependability are utilized for validity and reliability.

Validation: Triangulation is one of the strategies used to enhance validation in the documentary method. This implies that validation depends on using reliable sources, creating diversity in sources, exploring multiple sources and reading quality, and consulting with experts (Sadeghi Fasai and Erfanmanesh, 2015). In the present study, the research validity was enhanced through the use of reliable sources such as domestic and foreign laws and frequent reference to foreign laws and their comparison with Iranian copyright laws. The derived components were also presented to five specialists with PhD in law and knowledge and information sciences, who were faculty members and had sufficient work experience in libraries, for validation. Their feedback was reflected in the proposed framework. After incorporating their comments, the proposed framework was approved by the mentioned specialists.

Transferability: The transferability index includes a detailed description of the research environment and the use of special procedures for coding and analyzing them in the data analysis stage (Akbari, 2018). The laws were coded and analyzed in the Findings section of the study. Furthermore, the detailed description of the laws and the consistent presence of the researcher contributed to the significance or applicability of the findings in similar situations.

Dependability: It is necessary to maintain an inspection process in any research project. While conducting research activities, it is essential to record the decisions made about research. According to Corbin and Strauss (as cited in Birks and Mills, 2014), any failure in this respect can lead to confusion in the later stages of research, particularly in long-term research. For dependability, all research stages from the beginning to the end have been thoroughly described in the present study. In addition, to verify the extracted components, the experts' opinions were also used to enhance the validity of the research.

Findings

In this section, the copyright laws of the United States, Australia and Iran were analyzed for answer the first question. Also, the portals of the NLA, LOC and NLAI were analyzed to answer another question.

- **How is the copyright of information resources in the copyright laws of Iran, Australia and the U.S.?**

To reach a better and more accurate answer to the first research question, several sub-questions about the exceptions and limitations related to libraries were considered in order to examine and analyze the laws of the three selected countries more accurately. The sub-questions were based on Crews' (2008) research and were as follows: Who can copy? What can be copied? Purpose of the copy? Medium of copy? Other provisions?

In addition to the above questions, the following sub-questions were also considered by the researcher: How much can be copied? How are moral and economic rights? What is the Duration of copyright in works?

A code was also given to each category extracted from the law in Table 1, 2 and 3. For example, IR2 code is related to Article 2 of Iran's copyright law. After the qualitative analysis of the laws, the concepts derived from the laws were categorized.

Table 1. Analysis of the copyright laws of the selected countries based on the questions of WIPO and Crews, (2008) in copyright law of IRAN

Copying of Works in Libraries and Exceptions and limitations and Fair Use

Sub-Question	Concept/s	Category
What can be copied?	-Books, dissertations, pamphlets, plays, audiovisual resources, and any kind of scientific, technical, literary, and artistic resources (IR2)	copyrighted works
	Note None	
Who can copy?	- Non-profit public libraries; Institutions collecting magazines and articles, and non-profit scientific and educational institutions (IR8b) Ministry of Education (for textbooks) (IR9); Ministry of Intelligence (using ones works, if published and disseminated before the approval of the copyright law) (IR10)	Fair use Non-profit services Non-profit institutions
	Note According to the regulations that will be approved by the Cabinet of Ministers, libraries copy the works protected by this law through photography or similar ways tailored to their needs and activities.	Executive regulations for 8 Article
Purpose of the copy	- For literary, scientific, technical and educational purposes (IR7a)	Fair use
	Note For criticism and epigram with reference to the source within the conventional limits	Fair use
Medium of copy?	Copying and recording of radio and television programs (IR11)	Authorized and legal reproduction
	Note For personal and non-profit use only	
What is the Duration of copyright in works?	50 years after the death of the creator (with heirs and legal successors) (IR12)	Duration of copyright in Iran
	Note - All works become available to the public 50 years after the creator's death if there are no legal heirs or successors. - Joint works (50 years after the death of the last creator) (IR12a) - Works for hire and photography and cinematic works (30 years from the date of release or publication) (IR13)	Duration of copyright in Iran
How much can be copied? (Is there a limit?)	- Non-profit use tailored to the needs and activities (for libraries) (IR7b) - For criticism and epigram with reference to the source within the conventional limits (IR8c)	Fair use Legal use
	Note None	
How is Economic Rights?	- Economic right, including the exclusive right to publish distribute, offer and perform the work (IR3) - The creator's economic rights will be protected by this law when the work is printed, distributed, published, or performed for the first time in Iran and has not been already printed, published, distributed, or performed in any other country. (IR22)	Economic rights

	Note	Notably, the economic rights of foreign creators is protected by the law if there is a contract or mutual agreement (IR6).	Economic rights related to law of translation and reproduction
How is Moral Rights?	- Non-transferability of intellectual property rights (IR4); Protection of moral rights of all creators (with Iranian or any other nationality) (IR18); Making reference to the name and title of the work (IR1); Any change or distortion in the works protected by this law and its publication is prohibited without the creator's permission. (IR19)		Moral rights
	Note	None	
Other provision?	The mentioned law has considered damages and punishments for violation of the creator's right. (IR21-31)		Performance guarantee Criminal and civil enforcement
	Note	Article 21-31	

Table 2. Analysis of the copyright laws of the selected countries based on the questions of WIPO and Crews, (2008) in copyright law of U.S.

Copying of Works in Libraries and Exceptions and limitations and Fair Use		
Sub-Question	Concept/s	category
What can be copied?	(1) literary works; (2) musical works, including any accompanying words; (3) dramatic works, including any accompanying music; (4) pantomimes and choreographic works; (5) pictorial, graphic, and sculptural works; (6) motion pictures and other audiovisual works; (7) sound recordings; and (8) architectural works (US102)	copyrighted works
	None	
Who can copy?	libraries and archives; Nonprofit educational institution for instructors or pupils (US108, 110)	Non-profit institutions
	None	
Purpose of the copy	For purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research (US107).	Fair use
	- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as	Fair use

		a whole; and (4) the effect of the use upon the potential market for or value of the copyrighted work. - The copy or phonorecord becomes the property of the user, and the library or archives has had no notice that the copy or phonorecord would be used for any purpose other than private study, scholarship, or research (US107).	
Medium of copy?		Reproduction and distribution; communication by an establishment of a transmission or retransmission embodying a performance or display of a nondramatic musical work intended to be received by the general public, originated by a radio or television broadcast station licensed as such by the Federal Communications Commission, or, if an audiovisual transmission, by a cable system or satellite carrier (US 108, 110).	Authorized reproduction, distribution and communication Fair use Exceptions and limitations of copyright
	Note	In libraries and Archives	
What is the Duration of copyright in works?		In General, Copyright in a work created on or after January 1, 1978, subsists from its creation and, except as provided by the following subsections, endures for a term consisting of the life of the author and 70 years after the author's death (US302a)	Duration of copyright in US
	Note	1) Joint Works: In the case of a joint work prepared by two or more authors who did not work for hire, the copyright endures for a term consisting of the life of the last surviving author and 70 years after such last surviving author's death. 2) Anonymous Works, Pseudonymous Works, and Works Made for Hire.—In the case of an anonymous work, a pseudonymous work, or a work made for hire, the copyright endures for a term of 95 years from the year of its first publication, or a term of 120 years from the year of its creation, whichever expires first (US302b, c)	Duration of copyright in US Joint works Anonymous, Pseudonymous and works made for Hire
How much can be copied? (Is there a limit?)		According to Fair Use (4 Factors) (US107)	Fair use
	Note	Reproduction for blind or other people with disabilities, it is not an infringement (US121).	Fair use for disabilities Exceptions and limitations of copyright
How is Economic Rights?		The exclusive rights for 1) to reproduce the copyrighted work in copies or phonorecords; (2) to prepare derivative works based upon the copyrighted work; (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending; 4) in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission (US106)	Economic rights
	note	None	
		Rights of certain authors to attribution and integrity (US106A)	Moral rights

How is Moral Rights?	Note	to claim authorship of that work; to prevent the use of his or her name as the author of any work of visual art which he or she did not create; shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation; and so on (US106A)	Moral rights
Other provisions?		Infringement of Copyright in Works (US501)	Infringement of Copyright
	Note	Any person who wilfully infringes a copyright shall be punished as provided under section 2319 of title 18, if the infringement was committed: (A) for purposes of commercial advantage or private financial gain; (B) by the reproduction or distribution, including by electronic means, during any 180-day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than \$1,000; or (C) by the distribution of a work being prepared for commercial distribution, by making it available on a computer network accessible to members of the public, if such person knew or should have known that the work was intended for commercial distribution (US506).	Performance guarantee Criminal and civil enforcement

Table 3. Analysis of the copyright laws of the selected countries based on the questions of WIPO and Crews, (2008) in copyright law of Australia

Copying of Works in Libraries Copying of Works in Libraries and Exceptions and limitations and Fair Use			
Sub-Questions	Concept/s		Categories
What can be copied?	Original literary, dramatic, musical and artistic works, sound recording or a cinematograph film. (AU31, 32)		Copyrighted works
	Note	In order for copyright to subsist in a work it must be made by a resident or citizen of Australia, or made or first published in Australia, or has a specified connection with a country which is a member of a relevant international copyright treaty (AU184, 185, 248U, 248V).	Conditions for protection of the work
Who can copy?	Libraries, students, researchers, Parliamentarians (AU Division5, 48, 49, 50)		Non-profit institutions
	Note	According to the exceptions, limitations and exemptions (Fair dealing)	Fair dealing

Purpose of the copy	The purpose of research or private study and that he will not use it for any other purpose. (AU49.1.b.i). Fair dealing for purpose of research or study; Criticism or review; reporting news; Judicial proceedings (AU Division 3, 40, 41, 42, 43; AU103C)		Fair dealing
	Note	1) A fair dealing with a literary, dramatic, musical or artistic work, -or with an adaptation of a literary, dramatic or musical work, for the purpose of research or private study does not constitute an infringement - of the copyright in the work. (AU40). 2) A fair dealing with an audio - visual item does not constitute an infringement of the copyright in the item or in any work or other audio - visual item included in the item if it is for the purpose of research or study (AU103C. 1).	Fair dealing
Medium of copy?	Reproduction, Reproducing and communicating works by libraries or archives for other libraries or archives (Interlibrary Loan) (AU40, 50). The purpose of criticism or review, a fair dealing with an audio - visual item (AU103A)		Authorized reproduction Fair dealing
	Note	None	
What is the Duration of copyright in works?	1) For 70 years after the calendar year in which the work was first made public (AU Section 33) 2) For 70 years after the calendar year in which the work was first made public (AU Section 33)		Duration of copyright
	Note	For 1) a literary work (other than a computer program); or dramatic work; or a musical work; or an engraving; and the author of the work has died; and the work was not first made public before the author died; 2) the identity of the author of the work is not generally known at any time before the end of 70 years after the calendar year in which the work was first made public 3) A work first published under a pseudonym may only be protected for 70 years from the year of publication, rather than 70 years from the year of your death.	
How much can be copied? (Is there a limit?)	According to Fair Use (4 Factors)		Fair use
	Note	For electronic form: 1) The number of words copied does not exceed, in the aggregate, 10% of the number of words in the work; or 2) if the work is divided into chapters—the number of words copied exceeds, in the aggregate, 10% of the number of words in the work, but the reproduction contains only the whole or part of a single chapter of the work (AU Part II, A2). The reproduction could be made from another reproduction of the article or published work in the collection of the library or archives that was made without infringing copyright (Preservation). (AU49.2)	Fair use Authorized reproduction Exceptions and limitations of copyright
	The exclusive right for in the case of a literary, deramatic or musical work, including: (i) to reproduce the work in a material		Economic rights

How is Economic Rights?	form; (ii) to publish the work (iii) to perform the work in public; (iv) to communicate the work to the public; (vi) to make an adaptation of the work (AU31)		
	note	None	
How is Moral Rights?	Division 4—Right of integrity of authorship of a work	Moral rights	
	Note	<p>In Division 4: (1). The author of a work has a right of integrity of authorship in respect of the work; (2) The author's right is the right not to have the work subjected to derogatory treatment; (3) The doing, in relation to the work, of anything that results in a material distortion of, the mutilation of, or a material alteration to, the work that is prejudicial to the author's honour or reputation; or; (4) The doing of anything else in relation to the work that is prejudicial to the author's honour or reputation. (4) For exercise of author's moral rights, If the author of a work dies, the author's moral rights (other than the right of integrity of authorship in respect of a cinematograph film) in respect of the work may be exercised and enforced by his or her legal personal representative. (5) A moral right in respect of a work is not transmissible by assignment, by will, or by devolution by operation of law. Of course, there are exceptions for cinematograph film; or a literary, dramatic, musical or artistic work as included in a cinematograph film and so on.</p>	Moral rights
Other provision?	Infringement of Copyright in Works (Division 6)	Infringement of Copyright	
	Note	<p>- In Division 6; 1) A person infringes an author's right of attribution of authorship in respect of a work if the person does, or authorises the doing of; 2) a person infringes an author's right not to have authorship of a work falsely attributed if the person does an act of false attribution in respect of the work and so on.</p> <p>- An offence against subsection (1) is punishable on conviction by a fine of not more than 550 penalty units or imprisonment for not more than 5 years, or both: (1) A person commits an offence if: (a) the person makes an article, with the intention of:</p> <p>(i) selling it; or, (ii) letting it for hire; or,</p> <p>(iii) obtaining a commercial advantage or profit; and</p> <p>(b) the article is an infringing copy of a work or other subject-matter; and (c) copyright subsists in the work or other subject-matter when the article is made (AU Part V, Division 5, Subdivision C, 132AD).</p>	Performance guarantee Criminal and civil enforcement

After a qualitative analysis of the laws, topics with similar concepts were placed in related categories (Table 1, 2 and 3) and formed different classes as follows: 47 similar categories in 6 categories of fair and non-profit use; economic rights, moral rights; duration of copyright; infringement of copyright (creator's rights) and performance guarantee (Table 4). Extracting the categories and classes formed in this section will form the proposed copyright framework for libraries.

Table 4. Classification of equivalent codes and extraction of main themes (Rules analysis)

Class	Similar categories
Fair use and Non-profit use	IR2; IR8a; IR8b; IR9; IR10; IR7a; IR11; IR7b; IR12; IR12a; IR13; IR8c; US102; US108, 110; US107; US302a; US302b, c; US121; AU31, 32; AU Division5, 48, 49, 50; AU49.1.b.i; AU Division 3, 40, 41, 42, 43; AU103C; AU40; AU103C. 1; AU40, 50; AU103A; AU Part II, A2; AU49.2
Economic rights	IR3; IR22; IR6; US106; AU31; AU184, 185, 248U, 248V
Moral rights	IR4; IR18; IR19; US106A; AU Division 4
Duration of copyright	IR12; IR12a; IR13; AU Section 33; US302a; US302b, c
Infringement of copyright	IR21-31; US501; AU Division 6
Performance guarantee	IR21-31; US506; AU Part V, Division 5, Subdivision C, 132AD
Total: 6	47

The laws of the countries recognize the economic and moral rights of the creators of works as significant categories. Consideration their rights, especially their moral rights, in the laws of countries indicates the importance and position of creators.

Other laws in Iran have also considered the reproduction of books and works. According to the Law on Translation and Reproduction of Books, Magazines, and Audio Works, passed on 16/12/1973, the reproduction of books and magazines in the same language and form in which they were printed, in order to sell them through offset printing or photography or similar ways is prohibited without the permission of the right holder. In the year 2000, another law to protect the rights of the creators of computer software was approved by the Islamic Consultative Assembly, according to which the economic rights of the creators of computer software are protected for a period of 30 years. Furthermore, according to Article 63 of the Electronic Commerce Law approved in the year 2003, which is related to the author's rights in electronic exchanges, authors have exclusive right to reproduce, perform and distribute (publish) the works protected by the law in the form of data message.

- How is the perception of the copyright of information resources in the NLAI, NLA and LC?

To answer the second question of the research, the portal, regulations and instructions of the National Libraries of Australia, the LC and the NLA were analyzed in terms of copyright. These topics included: the method of access, the publication date of the works and the purpose of use (educational and research). The resulting analysis is described in the following table separately for the three libraries.

Table 5. Perception of copyright of information resources in the selected libraries (study and analysis of portals, regulations and instructions)

Categories	Examples of sentences	Name of the library
<p>Research purpose (NLA1); obtaining permission from the owner of the work (NLA1); Duration of copyright (NLA2, NLA11); Anonymous works (NLA4); Reproduction of old resources (NLA4); Reproduction from unpublished manuscript resources (NLA5); Reproduction of government documents (NLA6); Access to oral history and folklore resources (NLA7); Legal agreement with donors for unique manuscripts (NLA8); Copy one chapter or 10% (NLA9); Creation of copyright status field in bibliographic records (NLA10);</p> <p>Copyright status (NLA9); Fair use (NLA9); Moral rights infringement (NLA12, NLA15, NLA17); Moral rights (NLA13, NLA14, NLA15);</p>	<p>- If the work is used for research purposes and the creator of the work has died more than 50 years before. For resources that do not meet this criteria, written permission from the copyright holder is necessary (NLA1).</p> <p>- Access to various resources is based on copyright. The duration of copyright for literary, artistic and musical works in Australia, whether published or unpublished, is up to 70 years after the creator's death (NLA2).</p> <p>- The NLA has considered two terms of protection for the map. For maps published by a government publisher in 1955 or later, the copyright protection period is 50 years after the end of the last year of publication of the map. However, for maps published in 1955 or later by a non-government publisher, the copyright protection period is 70 years after the end of the publication year of the map. Yet, maps published in 1954 or before are free of copyright protection (NLA3).</p> <p>- According to Section 52 of the Australian Copyright Act, some old unpublished materials kept in the library collection can be reproduced provided that more than 50 years have passed since the author's death; or that the identity of the copyright owner is not known, or a notice is published in a government newspaper between 2 and 3 months before the publication of the work (NLA4).</p> <p>- In the NLA, libraries can make reproductions of unpublished manuscripts kept in their collections (NLA5).</p> <p>- Some resources are considered official manuscripts. They include the documents written by a government official. These documents can be reproduced by the library and access to the collection is also free. Researchers wishing to publish such documents must obtain permission from the Australian Government Press to reproduce the manuscript for publication as an article rather than to use it for publication as a book (NLA6).</p> <p>- As regards the resources of oral history and folklore, there exist different accesses: 1. Open access for research, personal reproduction and public use; 2. Open access for personal research and reproduction; Written permission is required for public use; 3. Written permission is required for open access for research, personal reproduction and public use and 4. Written</p>	<p>NLA</p>

<p>Economic rights (NLA 16); The permission of the copyright owner (NLA 17); Copyright permission (NLA 18, NLA 19); Economic rights (NLA 18); Access conditions (NLA 19)</p>	<p>permission for research use, personal reproduction and public use (NLA 7).</p> <ul style="list-style-type: none"> - For easier access, copying and publication of unique and rare resources and manuscripts, resource donors are asked to complete a legal agreement that specifies the agreed terms so that the user can use it for research or study and publish part of it as a book. The terms requested in the agreement include ownership, duration of protection, reproduction and distribution. The owner of the copy is the author or creator of the content or the legal heirs of the creator, and the donor of the copy is not necessarily the owner. In addition, the collections include letters, diaries and documents belonging to several owners (NLA 8). - Once you find the item you are looking for in the catalogue, check the 'copyright status' tab in the catalogue record. If it says: 'Out of copyright' then YES, we can copy the whole item and send it to you by email or post; 'In copyright' there will be limits on what we can send. Generally, for items in copyright we can copy one chapter or 10% for research and study; Ask a Librarian if the catalogue record says 'Copyright undetermined' or place the request and we'll let you know if we cannot supply it. (NLA 9). - In the catalog of the NLA, there is an item titled "Copyright Status". This tool determines the copyright status based on the registered information using the MARC standard. This status is considered an indicator and should not be relied upon for legal decisions. If the copyright information is unclear or inaccurate, the library should be contacted (NLA 10). - Until 1 January 2005, copyright generally lasted for the life of the relevant creator plus 50 years. There were various exceptions to this rule, including: where a work was not published, performed or broadcast during a creator's lifetime; and where something was published anonymously or under a pseudonym, and the identity of the creator couldn't reasonably be ascertained (NLA 11). - Although creators can provide written consents to acts that would otherwise infringe their moral rights. Furthermore, there are defenses to moral rights infringement, for instance, where the infringing act is reasonable in all the circumstances (NLA 12). - Acknowledging the NLA as the source and citing rare and unique material accurately: ensures that the moral rights of the creator are acknowledged and allows others to follow your research path; saves time for anybody looking for the same item in future (NLA 13). - Moral rights should always be considered if you are re-using and altering works (for example, through editing, cropping or colorizing) and you should ensure that attributions are clear and reasonably prominent (NLA 14) - Moral rights generally last until the copyright in the work expires. Moral rights cannot be transferred or waived, although creators can provide written consents to acts that would otherwise infringe their moral rights (NLA 15). - The copyright activities include copying and re-use, such as publication, performance, adaptation and communicating the work to the public (for example, by making it available online) (NLA 16). 	
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	<ul style="list-style-type: none"> - If you are not the owner of copyright, you risk infringing copyright if you perform one of these exclusive acts without obtaining the permission of the copyright owner. You must consider copyright when you obtain or create copies of items from the Library's collection to re-use them in some public way (NLA17). - It is your responsibility to determine whether the work you want to copy or re-use requires copyright permission. Permission from the copyright owner may be necessary where: the material you wish to copy is protected by copyright; your copying is not insubstantial and your copying does not fall within an exception in the Copyright Act (NLA18). - If you wish to publish material from the Library's Oral History and Folklore Collection, you will need to declare your intention to the Library as custodian of the economic and if the interviewee has imposed any access conditions on their interview material you will need to declare your intention to the interviewee as well (NLA19). 	
<p>Reproduction of works for the blind (LC1); Terms of use of works (LC2); Obtaining permission from the copyright holder (LC3); Tracking from the library for unauthorized accesses (LC3); Terms of purchase or license to access resources (LC4); Access to works prepared by staff (LC5); Concluding a contract with database publishers (LC6); Terms of access to databases (LC6); Suspension in case of violation of database conditions (LC6); Access to resources in the database in compliance with the conditions of fair use (LC6); Obtaining permission by the user to use licensed works (LC7); Conditions</p>	<ul style="list-style-type: none"> - The accessibility of works for the blind is such that authorized institutions are allowed to reproduce or distribute copies of audio files of previously published literary or musical works in accessible formats to be exclusively used by disabled people. This approval followed the 2018 amendment with the implementation of the Morocco Treaty. The provision of services to a qualified entity or individual in countries party to the Morocco Treaty is permitted (LC1). - The LC wants users to ask themselves a few questions about copyright in order to use the resources: Is the work subject to copyright? Do you have permission to use the work? Is the use of works considered a fair use of copyright for you? With this guide, the LC provides the user with a better understanding of the copyright status of the LC resources. The LC has attempted to state the terms of use in accordance with the Fair Use Regulations (LC2). - Access to resources that require more than fair use, for which it is necessary to obtain the permission of the copyright holder (owner of the work). - If the access to the resources in the library portal does not respect the copyright or is given without permission, the library must be contacted (LC3). - Resources received through purchase, donation and gift have additional or separate restrictions for use under the donation contract and conditions of purchase or licenses (LC4). - The works prepared by the library staff are not protected by copyright, because they are produced based on their duties and the library has no objection to international use and the like. Resources are made available online to the public under the following conditions: 1. The work is in the public domain or has no conventional (known) copyright restrictions; 2. If the library has a license for specific uses 3. If the provision of library resources falls within a copyright exception, it means that online access to it is specified by the library (LC5). - The LC has made it possible to enter into contracts with different publishers for thousands of electronic resources such as databases, electronic journals, full texts, abstracts, and the like) and in return for payment by the library, users will have access to these databases. In addition, the library also negotiates about how to use and who should use the resources. If the terms 	LC

<p>for using licensed works (LC7)</p> <p>Reproduction for private study, scholarship, or research (LC8); Determination of the scan by the librarian (LC9); determination of rights and access in bibliographic information (LC10); Public Access to the work with condition: Death of the author and 95 years have passed (LC11); 95 years from the year of its first publication, or a term of 120 years for Anonymous Works (LC12); Registration of copyright (LC13); infringement of copyright (LC13); statutory damages (LC13)</p> <p>Permission of owner (LC14); Economic rights (LC14); Use of public domain (LC15); permission of copyright holder (LC16); Economic rights (LC16); protection of moral rights (LC17); field 264 in MARC 21 (LC18); Protection of economic rights (LC18); Economic rights (LC19); Moral rights (LC19); Permission from the copyright owner (LC19); public domain of images</p>	<p>of the license are violated by the user, the licensors have the right to temporarily suspend or permanently revoke the access. Since licenses vary from publisher to publisher and from one work to another, to use an electronic resource, one needs to get the terms of the license and their use from the relevant database. If there is no license for a work, the provisions of fair use will be considered (LC6).</p> <p>- For works that require permission, permission is obtained by the user, and the user must consider the following points in relation to the owner of the work in order to obtain permission: Explain the work that requires permission; How long do you intend to use the work? Explain how you want to use the work; Explain about the context of using the work; And if you get a permission, be sure to stick to the terms of your request (LC7).</p> <p>-The copyright law governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or other reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for a purpose in excess of "fair use," that user may be liable for copyright infringement. All responsibility for use of the reproductions is assumed by the applicant (LC8).</p> <p>- In general, librarian determines whether material may be photographed or scanned without being damaged (LC9).</p> <p>- In the LC, there is a field titled <u>Rights and Access</u> for all the bibliographic information of the works. This field contains information about access to the source and related rights such as the owner of the work and the like (LC10).</p> <p>- In the LC, if the creator of the work has died and 95 years have passed from the publication, the libraries can make it available to the public (LC11).</p> <p>-Anonymous Works, Pseudonymous Works, and Works Made for Hire.—In the case of an anonymous work, a pseudonymous work, or a work made for hire, the copyright endures for a term of 95 years from the year of its first publication, or a term of 120 years from the year of its creation (LC12).</p> <p>- For certain types of works, registration of copyright may be a good idea because you get certain additional benefits. Registration establishes a public record, which is necessary if you need to sue someone in court for infringement. If you</p>	
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<p>(LC20); written confirmation for images (LC20);</p> <p>Access for educational and research purposes (LC21); Written permission of owner (LC21); fair use or other statutory exemptions (LC21);</p> <p>Rights and access (LC21); Moral rights (LC22); Infringement of moral right (LC22); Copyright infringement (LC23);</p> <p>Guarantee of criminal (LC23); Fair Use (LC24); four factor test (LC24); Ultimate determination of fair use by judge (LC24);</p> <p>Copyright infringement (LC25)</p>	<p>win your case, you may also be eligible for statutory damages and attorney’s fees (LC13).</p> <ul style="list-style-type: none"> - The authorization of the creator is required for an item to be considered published. Examples of published material in P&P include: Prints by Currier & Ives, which were copyrighted and widely distributed in the late 19th century (LC14). - The public domain consists of works that are not protected by copyright law. Works may be in the public domain because their copyrights have expired, or they have been dedicated to the public domain by the rights holder, or they were ineligible for copyright protection in the first place. No permission is needed to copy public domain works; however, use of public domain works may nevertheless be restricted by licensing terms or by principles of privacy or publicity law <i>or other applicable law</i>. Works published in the U.S. prior to 1923 are in the public domain. U.S. Government works (prepared by federal employees in the scope of their employment) are not subject to copyright in the U.S. (LC15). - Transmission or reproduction of protected items beyond what is allowed by fair use or other exemptions requires written permission from the copyright holder (LC16). <p>If you are the copyright holder and believe library website have not properly attributed your work or have used it without permission, please contact ogc@loc.gov with your contact information and a link to the relevant content (LC17).</p> <ul style="list-style-type: none"> - In MARC 21 Format for Bibliographic Data, the field 264 contains a notice of protection under copyright or a similar regime. It included fields Production, Publication, Distribution, Manufacture and Copyright notice date. These are divisions similar to Economic rights (LC18). <p>- For access to works, the user must determine whether a copyright permission is necessary. It is your responsibility to determine whether the work you want to copy or re-use requires copyright permission. Permission from the copyright owner may be necessary where: the material you wish to copy is protected by copyright; your copying is not insubstantial; your copying does not fall within an exception in the Copyright Act (LC19).</p> <p>- Several of the books in the series contain photographs that have been copyrighted. The captions for these photographs clearly indicate the protected status of the images. All other text and graphics are in the public domain. Users and/or publishers requiring specific written confirmation for the record should direct inquiries to frds@loc.gov (LC20).</p> <p>- The LC is not aware of any U.S. copyright protection (see Title 17, U.S.C.) or other restrictions in the material in this collection, except as noted below. Users should keep in mind that the LC is providing access to these materials strictly for educational and research purposes. The written permission of the copyright owners is required for distribution, reproduction, or other use of protected items beyond that allowed by fair use or other statutory exemptions. Responsibility for making an independent legal assessment of an item and securing any</p>	
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	<p>necessary permissions ultimately rests with persons desiring to use the item(s) (LC21).</p> <ul style="list-style-type: none"> - The user also has a responsibility to ensure that your copying or re-use of a work does not infringe moral rights. For instance, you should credit the work using the author(s) preferred form(s) of attribution. If the author is not known, then 'author unknown' is an appropriate description. 'Anonymous' should be used where the author intended not to be identified. In no circumstances should you credit the work to someone else or to yourself. You should not treat the work in a derogatory way (LC22). - In cases of copyright infringement, it is usual for the copyright owner to contact the alleged infringer to explain the nature of their complaint. Many disputes are resolved at this stage, and pointing to your good faith may help in such negotiations. However, if you do infringe copyright, the owner has the right to sue you, and a court may order a variety of remedies. Under current law, it is no defense to say that you did not know you were infringing copyright or that you used reasonable efforts to locate the copyright owner. That said, the Copyright Act also makes certain activities a criminal offence (LC23). - Common exceptions in library include Fair Use, as defined by USC, Title 17, Section 107 and the Fair Use Index. Be careful when relying on fair use. Fair use is a case-by-case four factor balancing test, and only a judge may make an ultimate determination on whether a particular use is a fair use. Other exceptions are for Libraries and Archives (See USC, Title 17, Section 108) and the First Sale Doctrine (See USC, Title 17, Section 109). Other exceptions and limitations are in USC Title 17, Sections 110 to 122 (LC24). - Clearly, one of the key pieces is educating people who use computers about copyright, she said. Librarians are also becoming publishers. All of the duties and responsibilities a publisher has to face, librarians have to also. That's a lot of work." Like publishers, when librarians decide to put information online, they must obtain electronic rights from authors, or risk being accused of infringement (LC25). 	
<p>Reproduction of 25% of the total pages of a book (NLAI1); Free reproduction of illustrated books for the blind (NLAI2); viewing some digital resources on site and digital hall (NLAI3); access to digital content according to Iran's copyright law (NLAI3); Duration of protection of 50 years for works (NLAI4);</p>	<ul style="list-style-type: none"> - To protect the author's and publisher's rights, it is possible to prepare scans from the books available in the NLAI up to 25% of the total pages of the book (NLAI1). - Illustrative books are reproduced for blind visitors free of charge (NLAI2). - In compliance with the intellectual property laws, a number of resources in the digital collections are available to member users only in the library and in the digital hall. Dissertations, recently published books and some documents are among these resources. Therefore, access to the content is based on the Law for the Protection of Authors, Composers and Artists Rights of 1970 (NLAI3). <p>According to the law, the duration of copyright in the NLAI is considered to be 50 years after the death of the author (NLAI4).</p>	<p>NLAI</p>

<p>Lack of protection of manuscripts due to their obsolescence (NLAI5);</p> <p>Considering the duration of copyright of works (NLAI5); access to donated, loaned and endowed resources subject to the terms of the agreement (NLAI6); access to oral history resources (NLAI7);</p> <p>Prohibition of photocopying and reproduction of oral history resources (NLAI7); protection of economic rights (NLAI7); The conditions of anonymous and pseudonymous works are not stated in the copyright law of Iran 1970 (NLAI8); 50-year protection period for anonymous and pseudonymous works in the draft bill for the protection of literary and artistic property and related rights in Iran (NLAI8);</p> <p>Reproduction from resources according to the copyright law (NLAI9); Citing oral history resources and protecting the moral rights (NLAI10); Registration of works according to Iran's copyright law (NLAI11); Protecting moral rights in the use of old theses,</p>	<ul style="list-style-type: none"> - Information and images of all resources available in the manuscripts and rare resources, except for some valuable resources, are available to users according to the access level regulations. Almost all the resources available in the Department of Manuscripts and Rare Books are not subject to the copyright protection law, and these works are mostly related to previous generations. This is because, according to the amended Article 12 of 2010 of the Law for the Protection of Authors, Composers and Artists Rights approved in 1970, it encompasses the lifetime of the author plus 50 years after his/her death. Users can view all digitized resources through "Library and Digital Documents" and receive the source file through the Manuscript and Rare Books notification group. The provision of "special resources" through "digital libraries and documents" has specific regulations (NLAI5). - Notification regarding the resources of manuscripts given to the library through donation, loaning and endowment, if certain conditions are specified in the "loan agreement" and "deed of endowment", is subject to those conditions (NLAI6). - Access to oral history resources is like other resources, and the NLAI does not provide copies of oral history resources, and any photography of oral history resources is prohibited (NLAI7). <p>Regarding anonymous and pseudonymous works, the duration of protection in the draft bill for literary and artistic property and related rights in Iran is 50 years from the publication time; otherwise, it is 50 years from the work creation time. However, the Iranian copyright law of December 1970 has specified no terms and conditions for this (NLAI8).</p> <p>It is possible to make a copy or scan of the resources according to specific rules and in compliance with copyright protection laws (NLAI9).</p> <p>The applicant must make reference in the oral history resources used in his/her research in accordance with the accepted scientific methods (NLAI10).</p> <p>From the beginning of 2010 onwards, the registration of authored works is done by the Ministry of Culture and Islamic Guidance according to the Law for the Protection of Authors, Composers and Artists Rights (NLAI11).</p> <p>A large number of theses and maps have been digitized in the NLAI, and currently the digital hall inside the library should be used for viewing them. There are also a number of old photos and images that have been digitized in the library, and one should refer to the digital hall inside the library to view them (NLAI12).</p>	
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maps, photos and images (NLAI12)		
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Regarding the for-profit and non-profit nature of the services provided in the libraries, users have to pay a fee in all the investigated libraries for the interlibrary loan service. Apart from ordering books, they can also request the reproduction of articles from newspapers, magazines and books. Reproduction through scans, photos and photocopies of the resources available in the library is possible through payment of a fee. It is possible for users to have analog or digital images in accordance with the conditions of copyright, non-commercial use etc. However, receiving money for the reproduction of works in libraries, even if it is small, is considered profit from which the creator's share must be paid as well. Yet, if this amount is only for reproduction of the work, it is not considered as profit and income generation. In any case, the lawyers' views in this regard can help libraries. It is also necessary to note that providing services in all the investigated libraries was mentioned to be for educational and research purposes, a purpose mentioned as "fair use" of copyright. Therefore, non-profit use of resources requires a license and permission from the creator of the work.

After the portals were studied and analyzed, the regulations and instructions of the libraries under investigation, the key classes resulting from the above analysis were obtained (Table 6). The combination of the main classes in the first research question and the key classes resulting from the analysis in Table 6 are used to provide the final proposed framework.

Table 6. Classification of equivalent codes and extraction of main themes (Analysis of portals and libraries regulations and instructions)

Class	Similar categories
Fair use and Non-profit use	NLA1, NLA4, NLA5, NLA6, NLA7, NLA9, LC1, LC5, LC6, LC9, LC15, LC20, LC 24, NLAI1, NLAI2, NLAI3, NLAI5, NLAI7
Duration of copyright	NLA2, NLA11, NLA4, LC11, LC12, NLAI4, NLAI5, NLAI8
License and Agreement	NLA1, NLA8, NLA17, LC2, LC3, LC4, LC6, LC7, LC16, LC19, LC20, NLAI6; NLA18, NLA19
Copyright policy	NLA9, NLA10, LC10, LC18, LC21
Moral rights	NLA13, NLA14, NLA15, LC17, LC19, LC22; NLAI10; NLAI11; NLAI12
Economic rights	NLA16, NLA18, NLA19, LC16, LC18, LC19; NLAI7; NLA19
Infringement of copyright	LC13, LC22, LC23, LC25, NLA12, NLA15, NLA17
Total: 7	69

After analysis and coding, a total of 7 classes and 69 categories were obtained from primary and secondary coding and classes. The classes of fair and non-profit use, duration of copyright, license and agreement, copyright policy, moral rights, economic

rights and infringement of copyright were the main classes that can be used to delineate the copyright of information resources in the NLAI.

○ **What is the proposed framework for the copyright of information resources for the NLAI?**

In the explanations of the first and second questions of the research, various topics for the copyright of information resources in libraries were mentioned. Fair and non-profit use, duration of copyright, license and agreement, copyright policy, moral rights, economic rights and infringement of copyright are as the main dimensions.

Also, 49 main components formed the proposed framework for the copyright of information resources for the NLAI. The libraries' attention to each of these components can help them, especially the NLAI, in developing the copyright policy of information resources (Fig 1).

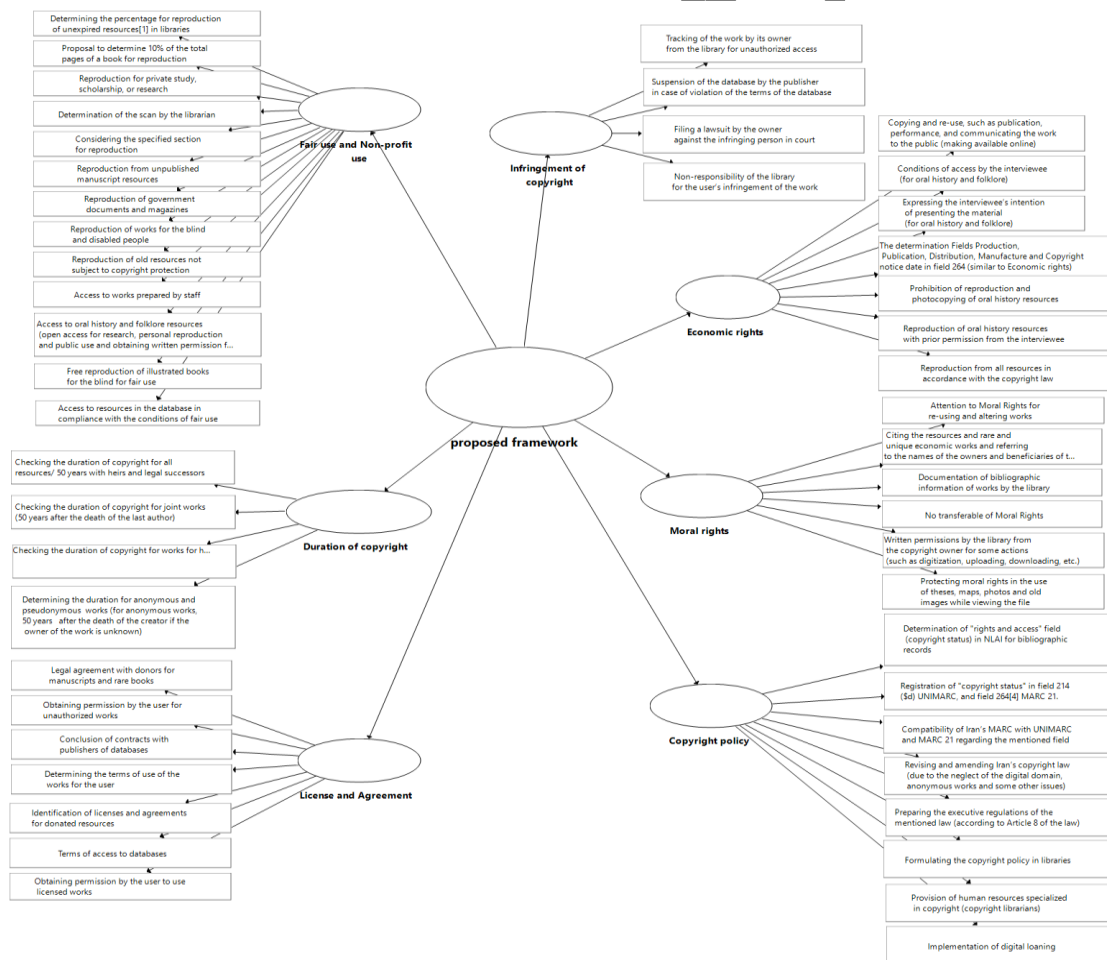


Fig 1. The preliminary proposed framework for the copyright of information resources for the NLAI

The framework is proposed based on the study of the copyright laws of three countries and the study and analysis of the library of Congress and Australia. Also, as stated in the method section, the components of the proposed framework were sent to five experts in law and information science. Four experts were approved all the components and one expert suggested for corrections. For example:

The components of “access to works prepared by staff” and “Expressing the interviewee’s intention of presenting the material” were deleted. Also, in component “Prohibition of reproduction and photocopying of oral history resources“ were replaced regulation words (Table7). Finally, after of the proposed correction 47 main components formed the proposed framework for the copyright of information resources for the NLAI.

Table 7. Final components in the proposed framework

Main components in Libraries	Framework Dimensions in laws
<ul style="list-style-type: none"> -Reproduction for private study, scholarship, or research - Determining the percentage for reproduction of unexpired resources¹ in libraries - Proposal to determine 10% of the total pages of a book for reproduction - Determination of the scan by the librarian - Considering the specified section for reproduction - Reproduction from unpublished manuscript resources - Reproduction of government documents and magazines - Reproduction of works for the blind and disabled people - Reproduction of old resources not subject to copyright protection - Access to oral history and folklore resources (open access for research, personal reproduction and public use and obtaining written permission for publication) - Free reproduction of illustrated books for the blind for fair use - Access to resources in the database in compliance with the conditions of fair use 	<p>Fair use and Non-profit use</p>
<ul style="list-style-type: none"> - Checking the duration of copyright for all resources/ 50 years with heirs and legal successors - Checking the duration of copyright for joint works (50 years after the death of the last author) - Checking the duration of copyright for works for hire and photographic and cinematographic works (30 years from the date of release or publication) - Determining the duration for anonymous and pseudonymous works² (for anonymous works, 50 years after the death of the creator if the owner of the work is unknown) 	<p>Duration of copyright</p>

¹ . The period specified in the law has not yet passed.

² The current law of Iran is silent in this regard. In the draft of Iran's Literary and Artistic Property bill, which is awaiting approval in the Islamic Consultative Assembly of Iran, a protection period of 50 years has been considered for it.

<ul style="list-style-type: none"> - Legal agreement with donors for manuscripts and rare books - Conclusion of contracts with publishers of databases - Identification of licenses and agreements for donated resources - Terms of access to databases - Obtaining permission by the user for unauthorized works - Determining the terms of use of the works for the user - Obtaining permission by the user to use licensed works 	License and Agreement
<ul style="list-style-type: none"> - Determination of "rights and access" field (copyright status) in NLAI for bibliographic records - Registration of "copyright status" in field 214 (\$d)¹ UNIMARC, and field 264² MARC 21. - Compatibility of Iran's MARC with UNIMARC and MARC 21 regarding the mentioned field - Revising and amending Iran's copyright law (due to the neglect of the digital domain, anonymous works and some other issues) - Preparing the executive regulations of the mentioned law (according to Article 8 of the law) - Formulating the copyright policy in libraries - Provision of human resources specialized in copyright (copyright librarians) - Implementation of digital loaning 	Copyright policy
<ul style="list-style-type: none"> - Attention to Moral Rights for re-using and altering works - Written permissions by the library from the copyright owner for some actions (such as digitization, uploading, downloading, etc.) - No transferable of Moral Rights - Citing the resources and rare and unique economic works and referring to the names of the owners and beneficiaries of the works - Documentation of bibliographic information of works by the library - Protecting moral rights in the use of theses, maps, photos and old images while viewing the file 	Moral rights
<ul style="list-style-type: none"> - Copying and re-use, such as publication, performance, and communicating the work to the public (making available online) - Conditions of access by the interviewee (for oral history and folklore) - The determination Fields Production, Publication, Distribution, Manufacture and Copyright notice date in field 264 (similar to Economic rights) - Regulation of reproduction and photocopying of oral history resources - Reproduction of oral history resources with prior permission from the interviewee - Reproduction from all resources in accordance with the copyright law 	Economic rights
<ul style="list-style-type: none"> - Tracking of the work by its owner from the library for unauthorized access - Suspension of the database by the publisher in case of violation of the terms of the database - Filing a lawsuit by the owner against the infringing person in court 	Infringement of copyright

¹ This field contains statements relating to "Date of Publication, Production, Distribution or Manufacture or Copyright Notice" of a work.

² This field refers to "Date of Publication, Production, Distribution or Manufacture or Copyright Notice of a work.

Discussion and conclusion

This study aimed to analyze the copyright laws in the three countries of Iran, Australia, and the U.S., and to analyze their library portals in order to provide a framework from the combination of the laws and practical decisions of the studied libraries for the implementation of copyright in the NLAI.

Regarding the existing copyright systems in the three of NLAI, NLA and LC, it should be said that there is an important difference between the economic and moral rights of an artist in terms of copyright protection. This distinction shows a fundamental divergence between the existing intellectual property rights systems in countries with codified (civil) law and Common Law systems such as the U.S (Holland, 2006). The three countries of Iran, U.S., and Australia follow two different copyright regimes, namely the Romano-Germanic Legal System and Common Law.

The countries following the Common Law system, more or less, have turned to the protection of moral rights in their laws. Australia and the U.S. accepted this right in 2000 and 1990, respectively (Mirshamsi and Hamed, 2020). The other systems, i.e. the Romano-Germanic Legal System or Civil Law, governs the Iranian law, which followed the French Romano-Germanic system.

The result of the analysis of the copyright laws of the countries under study and their portals demonstrated that the issues of fair and non-profit use; economic rights; intellectual property rights; duration of copyright; infringement of copyright (creator's rights); performance guarantee; and license, agreement and copyright policy can be included within the copyright framework for library resources. One of the dimensions of the proposed framework is fair and non-profit use. In order to protect the creator's rights as well as the rights of users, libraries and educational centers, the legislator has included such an article in the copyright laws using phrases such as *conventional usage in the copyright law of Iran*. Therefore, with the implementation of fair use in libraries, the topics of reproduction for private study, scholarship or research; determination of a percentage for reproduction from unexpired resources in libraries; proposal to determine 10 percent of the total pages of a book for reproduction; determination of the scan by the librarian; considering the specified section for reproduction; reproduction from unpublished manuscript resources; reproduction of government documents and magazines; reproduction of works for the blind and disabled; reproduction of old resources not subject to copyright protection; access to works prepared by staff; access to oral history and folklore resources (open access for research, personal reproduction and public use and obtaining written permission for public release); and free reproduction of illustrated books for the blind can be considered in the proposed framework for libraries for fair use and access to resources in the database in accordance with the fair use conditions. Considering library exceptions and limitations and reproduction of works, which was emphasized in Crews' (2008) study with the support of WIPO and Electronic

Information for Libraries (2009) as well as the studies of Congleton and Yang (2017) and Yoon and Kim (2021) is consistent with the findings of the current study.

Duration of copyright is another dimension playing an important role in the formulation of the framework for the copyright of library resources. Determining the duration of copyright for all works, joint works, and works for hire, photography and cinematic works, and anonymous and pseudonymous works, according to the classification of resources in libraries, can help protect the rights of creators. However, as mentioned, the duration of protection is different in different countries. The findings of this study are in line with that of Electronic Information for Libraries (2009). The research results listed the dimension of License and Agreement as one of the requirements of copyright of resources in libraries. Legal agreement with donors for unique manuscripts, concluding contracts with publishers of databases, identification of licenses and agreements for donated resources, terms of access to databases, obtaining permission by the user for unlicensed works and works under copyright protection in libraries, determining the terms of use of works for users, and users' obtaining permission to use licensed works are among the important components in this dimension. This is confirmed by studies such as Electronic Information for Libraries (2009) and those conducted by Onoyeyan and Awe (2018), Ujing (2012) and Schöpfel, Soukouya (2013) and Papi (2024).

According to the results, determination of "rights and access" field (copyright status) in NLAI for bibliographic records, registration of "copyright status" in field 214 (\$d) UNIMARC, and field 264¹ MARC 21, implementing copyright in libraries without attention to library software seem to be useless, because the protection of copyright for each resource can be implemented in library software in which the rights and access of the creator and user can be defined. According to the results, determination of "rights and access" field (copyright status) in NLAI for bibliographic records, registration of "copyright status" in field 214 (\$d) UNIMARC, and field 264 MARC 21,

Compatibility of IRANMARC with UNIMARC and MARC 21 in two mentioned field, revision and amendment of Iran's copyright law (considering the neglect of the digital domain, anonymous works and some other issues), preparing the executive regulations of the mentioned law (according to Article 8 of the Copyright law of Iran), formulating the copyright policy in libraries, provision of human resources specialized in copyright (copyright librarian) and implementation of digital trust are the components of the copyright policy dimension. . This important point was emphasized by Abu Sirhan, (2010); Onoyeyan and Awe (2018), Lear (2022) and Papi (2024).

Attention to the two dimensions of economic and moral rights in developing the copyright framework of resources is of greater importance and priority than other dimensions. Components like attention to moral rights for re-using and altering works, written permissions by the library from the copyright owner for some actions (such as digitization, uploading, downloading, etc.), non-transferability of moral rights, citing the

¹ This field refers to "Date of Publication, Production, Distribution or Manufacture or Copyright Notice of a work.

resources and rare and unique economic works and referring to the names of the owners and beneficiaries of the works, documentation of bibliographic information of works by the library, and protection of the moral rights in the use of theses, maps, photos and old images while viewing the file have been categorized in the dimension of moral rights in the copyright policy in Iranian libraries.

In addition, the components of copying and re-use, such as publication, performance, and communicating the work to the public (making available online), conditions of access by the interviewee (for oral history and folklore), expressing the interviewee's intention of presenting the material (for oral history and folklore), The determination Fields Production, Publication, Distribution, Manufacture and Copyright notice date in field 264 (similar to Economic rights), prohibition of reproduction and photocopying of oral history resources, reproduction of oral history resources with prior permission from the interviewee, and reproduction of all resources in accordance with the copyright law in terms of economic rights can guide librarians in protecting the rights of the creators of the resources.

After implementing the creators' economic and moral rights, libraries should consider what measure to take if a violation occurs. Infringement of copyright is the final dimension in the framework of copyright for libraries. Libraries should consider the owners' tracking the violation of the work from the library for unauthorized access, suspension of the database by the publisher in case of violation of its terms, filing a lawsuit by the owner against the infringing person in court and non-responsibility of the library for the infringement of the work by the user. It should be acknowledged that there are some differences in different copyright fields between countries' laws, and each country takes into account its own **domestic** conditions to formulate and revise the laws. However, following the laws of other countries will effectively help Iran improve and develop its copyright laws. **The research aims to increase awareness among librarians, develop copyright policy at the NLAI, and aid legislators in revising copyright laws regarding exceptions and exemptions for libraries.**

Declaration of conflicting interests

The author declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

References

Akbari, M. (2018). Validation and Quality Assessment in QUAN, QUAL, and Mixed Method Research. *Methodology of Social Sciences and Humanities*, 24(94), 23-45. doi: 10.30471/mssh.2018.1448 [in Persian].

Andrew, T. (2004). Intellectual property and electronic theses. Available at: <https://b2n.ir/s18883>

- Beigzadeh, S. and Rasouli, B. (2016). *Study on economic and moral rights of copyright of student's theses and dissertations in Iran*. Research Project, Iranian Research Institute for Information Science and Technology [in Persian].
- Byrd, G. D. (1981). Copyright Compliance in Health Sciences Libraries: A Status Report Two Years after the Implementation of PL 94-553. *Bull. Med. Libr. Assoc* 69 (2): 224-230.
<https://b2n.ir/y47015>
- Congleton, R. J. and Yang, Sh. Q (2017). A Comparative Study of Education Exemptions to Copyright in the United States and Europe. *Athens Journal of Law* 3(1): 47-60.
<https://www.athensjournals.gr/law/2017-3-1-4-Congleton.pdf>
- Copyright Law of Australia (1968). <https://www.legislation.gov.au/Details/C2019C00042>
- Cornish, G. P. (2006). Copyright and National Libraries - Is there a Conflict? *ALEXANDRIA* 18 (1). <https://doi.org/10.1177/095574900601800101>
- Crews, K. (2008). Study on copyright limitations and exceptions for libraries and archives Available at: http://www.wipo.int/edocs/mdocs/copyright/en/sccr_17/sccr_17_2.pdf
- Electronic Information for Libraries (2009). Handbook Copyright and Related Issues for Libraries. <https://b2n.ir/k94567>
- Gasaway, L. N. (2003). Copyright Ownership & the Impact on Academic Libraries. *DePaul J. Art, Tech. & Intell. Prop. L* 13 (2). Available at: <https://via.library.depaul.edu/jatip/voll3/iss2/2>
- Ghaboli Dorafshan, S. M. M., Mohseni, S. and Ghasemi, H. (2015). A comparative study of the copying of literary and artistic works by libraries. *Library and Information Sciences* 16 (2): 239-261 [in Persian].
- Holland, B. L. (2006). Moral Rights Protection in the United States and the Effect of the Family Entertainment and Copyright Act of 2005 on U.S. International Obligations. *Vanderbilt Journal of Transnational Law* 39 (1): 216- 252. <https://b2n.ir/r56107>
- Horri, A. (1993). *A review of information and information science*. Tehran: Iran Public Libraries, Library publication [in Persian].
- Hossain, Z. (2020). Copyright literacy of library and information science professional's in Bangladesh. *Ifla Journal* 47 (1): 78-90. Available at: <https://doi.org/10.1177/0340035220904067>
- Law for the Protection of Authors, Composers and Artists Rights (1970). <https://rc.majlis.ir/fa/law/show/96427> [in Persian].
- Lear, Ch. (2022). Controlled Digital Lending of Video Resources: Ensuring the Provision of Streaming Access to Videos for Pedagogical Purposes in Academic Libraries. *Journal of Copyright in Education and Librarianship* 5(1): 1-19.
<https://doi.org/10.17161/jcel.v5i1.14807>
- Mirshamsi, M. H. and Hamed, M. (2020). Analysis of the Copyright System Practical Procedure on the Moral Right. *Private Law Research* 9 (32).
<https://b2n.ir/u59899> [in Persian].

- Onoyeyan, G. and Awe, O. (2018). Role of librarians in the protection of copyright in Nigeria. *International Journal of Library and Information Science* 10(7): 71-77. <https://b2n.ir/u29205>
- Panezi, A. (2014). Legal Challenges for Online Digital Libraries. *IDP, Revista de Internet, Derecho y Política* 19: 18-34. Available at: <http://hdl.handle.net/1814/40446>
- Papi, Z. (2015). *Copyright in cyberspace with emphasis copyright in Iran*. Doctoral Dissertation, Islamic Azad University, science and research branch, Tehran [in Persian].
- Papi, Z. (2024). An Analysis of the Copyright Protection of Works in Libraries: A Case Study of the National Library of Iran as the Authoritative Institution of Iranian Libraries. *Library and Information Sciences*, 27(2), 5-41. doi: 10.30481/lis.2023.419051.2100 [in Persian].
- Rezaei, A. (2011). *Comparative study of the intellectual property of Academic Works*. MS thesis, University of Tarbiat Modares, Tehran [in Persian].
- Sadeqi Fasai, S., & Erfanmanesh, I. (2015). Methodological Principles of Documentary Research in Social Sciences; Case of Study: Impacts of Modernization on Iranian Family. *Strategy for Culture*, 8(29), 61-91. [in Persian].
- Schöpfel, J. and Soukouya, M. (2013). Providing Access to Electronic Theses and Dissertations: A Case Study from Togo. *D-Lib Magazine* 19 (11/12). Available at: doi:10.1045/november2013-schopfel
- Sirhan, A. A. (2010). Intellectual property and copyright laws and their impact on digital resources in Jordan. *European Journal of Scientific Research* 45: 301-309.
- Ujing, Zh. (2012). Protection of intellectual property rights in the development and utilization of the dissertation process. *Cross-Cultural Communication (CSCanada)* 8(5): 127.
- U.S. Copyright Law (1976) U.S. Copyright Office (2020) Copyright Law of the United States (Title 17) and Related Laws Contained in Title 17 of the United States Code. <https://b2n.ir/f80352>
- Yoon, H-Y. and Kim, S-Y. (2012). On the improvement of the Copyright Law of Korea for library services for persons with disabilities. *Journal of Librarianship and Information Science* 45 (2): 140-152. DOI: 10.1177/0961000612457106