



# 对资讯领域知识产权问题之思考

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# 武汉大学



# Miss Marry E. Wood Established and Boone Library School at Wuchang



1905年文华书院学生参加“文华公书林”开工奠基典礼



# I like to say

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- what I present today is reflects simply view of the speaker
- myself and by no means binds any other institution



# 要点

- 资讯领域面临的一些知识产权问题
- 国际知识产权制度的变化
- 对处理这些问题的思考



# 面临什么样的知识产权环境

- 大力推进信息化
- 后TRIPS环境
- 资讯技术的变化



# 资讯管理面临的新任务

- 资讯管理与公共部门
- 资讯管理与私营部门



# 履行加入WTO的承诺

- 2001年多哈会议
- 成员的国民待遇
- 最低标准
- 争端解决机制



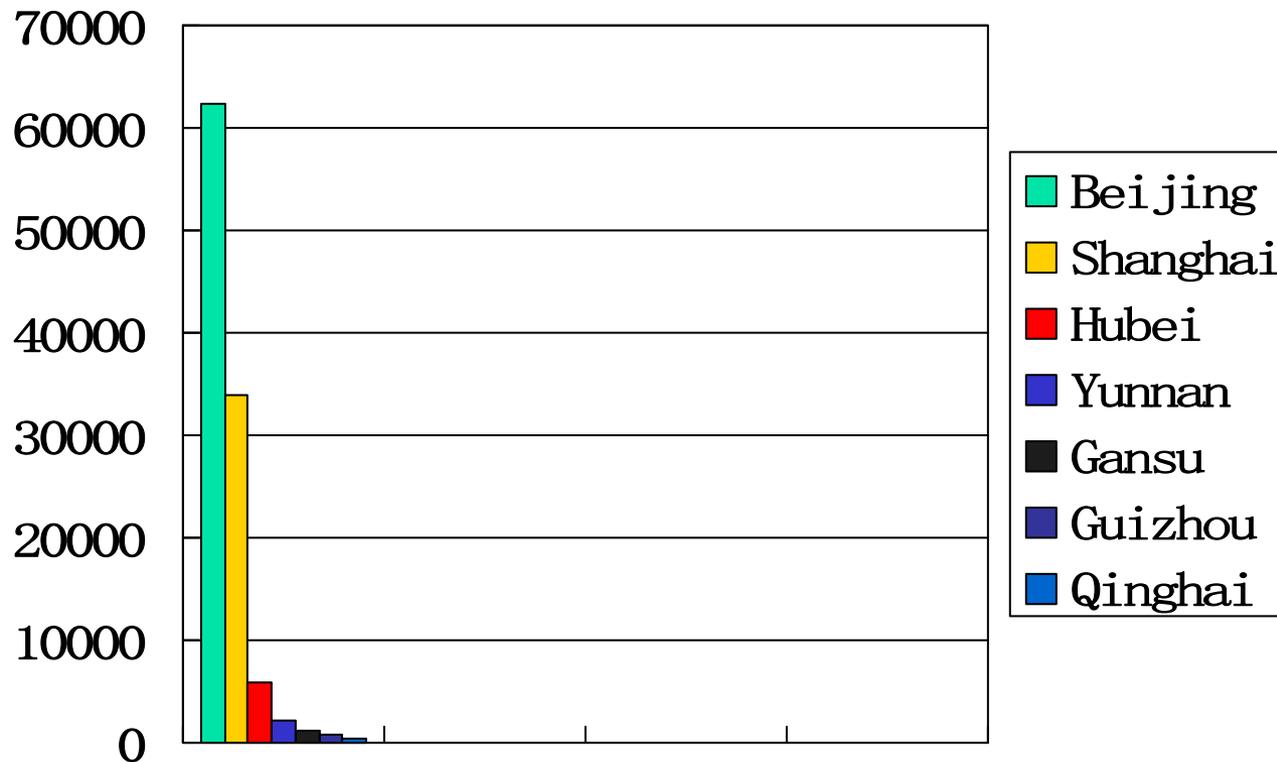
# 须遵守WTO的新规则

- 知识产权是私权
- 成员的国民待遇
- 最惠国待遇
- 最低标准原则
- 与其他4公约的关系
- 执法措施与争端的防止和解决（DSB 要求磋商30天时限 斡旋、协商或调解60天时限 成立专家组60天 提出报告3-6个月时限）

# 中国的信息差距（网站）

## The Geographical Distribution of Websites

Websites are located in bigger cities and developed areas





# 知识产权的范围

- 版权与相关权
- 专利权
- 商标权
- 地理标志
- 工业品外观设计
- 集成电路布图设计
- 未披露信息



# 知识产权与一般财产权的区别

- 知识产权是任意独占权
- 知识产权的附属性和抽象性
- 知识产权的有限性
- 知识产权的实施义务
- 知识产权是权利束



# 大陆知识产权法

- 著作权法 1990年9月7日通过，2001年10月27日修改
- 计算机软件保护条例(2001)
- 《中华人民共和国著作权法实施条例》，自2002年9月15日起施行
- 著作权集体管理条例(2004)
- 信息网络传播权保护条例(2006)
- 最高人民法院关于审理著作权民事纠纷案件适用法律若干问题的解释(2004)
- 最高人民法院关于修改《最高人民法院关于审理涉及计算机网络著作权纠纷案件适用法律若干问题的解释》的决定(二)（2006年11月20日最高人民法院审判委员会第1406次会议通过）法释〔2006〕11号



# 大陆知识产权法

- 刑法(节录)
- 民法通则(节录)
- 最高人民法院、最高人民检察院关于办理侵犯知识产权刑事案件具体应用法律若干问题的解释(二)法释〔2007〕6号
- (2007年4月4日最高人民法院审判委员会第1422次会议、最高人民检察院第十届检察委员会第75次会议通过)
- 1886伯尔尼公约 1992年10月加入
- 1952世界版权公约 1992年10月加入
- 1961保护表演者、录制者和广播组织罗马公约



# 大陆知识产权法

- 1971保护录音制品制作者禁止未经许可录制其录音制品日内瓦公约 1993年4月加入
- 1996 版权条约
- 1996录音制品条约
- 正在谈判的其他条约草案



# There are three categories of liabilities for IP infringement

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- Civil liability
- Administrative liability
- Criminal liability



# legal relieves

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- cessation of an infringement;
- compensation of damages and
- punishment of the infringement
- Interested parties may choose one of above approaches to protect his/its IP right



# The approaches to imposing the liabilities

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- judicial system is responsible for establishing and imposing the criminal liability
- administrative authorities are concerned with the matter of civil liability to the same extent, more focused on the administration and protection of the public interest, and for violation of the administrative law and regulations.



# Copyright Enforcement System in China

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- Civil Judicial Approach
- Administrative Approach
- Criminal Judicial Approach



# jurisdiction of the Chinese court on foreign-related copyright case

- According to the provision of Article 304 of the *Opinions of the Supreme people's Court on Several Issues Relating to the Application of the Civil Procedure Law of the People's Republic of China*, all of the following are foreign related civil cases: when interested parties in the case are foreigners, the legal fact takes place in a foreign country, or the subject matter of the infringed right is in a foreign country. Cases of the following nature are also foreign-related civil cases: the two interested parties are a Chinese and a foreign citizen, legal entity or other organization; the act of infringement of the IP right takes place in a foreign country; or the subject matter of infringed right is in a foreign country. The Chinese court has jurisdiction over such cases.
- A case of dispute over copyright on a computer network shall be under the jurisdiction of the people's court of the place where an infringing act is committed or where the defendant has his or its domicile. The places where infringing acts are committed shall include places where equipment used to carry out accused infringing acts, such as network servers or computer terminals, etc. are located. Where the place in which an infringing act is committed or in which the defendant has his or its domicile is difficult to be determined, the place in which the plaintiff has deposited the finances of the contents of infringement may be deemed the place where the infringing act is committed.



# 可以利用著作权

- 推动数字化资源建设
- 保障数字化资源的利用
- 保障图书馆高效地运行
- 信息资源自主知识产权
- 建设健康文化
- 提升在政府眼中的地位
- 融资



# 信息资源面临哪些著作权问题

- 信息服务的法律定位
- 文献资源资源建设
- 作品数字化与服务平台
- 信息资源集成
- 信息发布、链接、转载
- 文献复制、传递
- 文摘、软件、数据库、研究报告
- 参考咨询、知识仓储、知识服务
- 资源共享



# 信息资源面临哪些著作权问题

- 信息服务的法律定位
- 侵权与非侵权的界限
- 授权机制与付费
- 抗辩与救济措施
- 政府政策问题
- 涉及的国际问题



# 今天著作权问题比以前更加复杂

- 读者需求的变化
- 从点-面传播到点-点传播
- 互动与个性化
- 边际曲线的变化
- 侵权隐蔽 容易
- 作者、出版者与读者金三角的坍塌
- 网信息社会刚刚起步，知识产权政策难以确定



# 2001新著作权法的影响

- 2001著作权法的背景
- 数字化作品受到保护
- 缩小了公有领域
- 集体管理组织管理权利的机制
- 扩大了专有权的范围权
- 缩小了合理使用与法定许可使用的范围



# 2001新著作权法的影响

- 许可使用的权利是专有使用权的，应当采取书面形式
- 增加了技术措施与权利管理信息的规定
- 转载或作为文摘、资料刊登他人作品的，应当自使用该作品之日起2个月内向著作权人支付报酬
- 规定了法定赔偿制度和全面充分赔偿原则
- 增加了诉前临时禁令和财产保全制度



# 2001新著作权法对图书馆的影响

- 增加了诉前证据保全制度
- 增加了对侵犯著作权的民事制裁措施
- 增加了出版者、复制品制作者注意的义务与过错推定原则



# 网络信息资源著作权司法制度的发展

- 确认了数字化表现的作品符合著作权法上作品的构成要件
- 将传统作品数字化属于复制
- 数字化作品在网络上传输是一种独立的对作品的使用行为

# 网络信息资源著作权司法制度的发展

- ICP对其向公众提供的信息是否侵权负有注意的义务
- 提供链接服务者在知道所链接的信息侵权后仍不采取相应措施构成侵权
- 网络服务者有应要求提供其他侵权人注册资料的义务，否则应承担侵权责任
- 有利于提高司法效率的网络案件管辖权规定



# 国际上解决图书馆著作权问题的主要立场

- 国际图联
- 美国研究图书馆协会
- 美国科学院等
- 欧盟
- 出版协会
- 发展中国家
- 内容开放运动



# IFLA的立场

- 信息是为所有人的
- 版权不应当成为信息与思想获取的障碍
- 也不能仅仅为付得起的人所获取



# IFLA的立场

- 数字化的信息如同印刷本那样可以被平等地获取
- 简单的付费方案
- 对于数字化作品，不必付费也不经许可，图书馆用户可以阅读、听或私下通过网址或远距离观看公开的市场化版权资料，可以浏览公开提供的版权资料，为个人或教育的目的图书馆员可以复制享有版权的数字化作品合理部分



# 美国国家人文社会科学同盟

- 保持创作者、版权人和公众利益平衡
- 版权应保持付得起的费用
- 事实属于公共领域
- 个人隐私不应与权利管理系统联为一体
- 新权利的创立应谨慎
- 版权行使不应妨碍研究



# 美国正在浮现的信息基础设施 委员会

- 知识产权正面临数字化困境
- 煤窖中的金丝雀
- 保持利益平衡
- 知识产权仍然是适用的,但必须变革
- 从长远看待变革



# 欧洲版权用户联盟

- 新技术和服务并不要求国家和国际法大修改
- 现存版权法在电子社会环境下仍然是适应的
- 继续保持利益的平衡



# 欧盟法

- 协调欧洲信息社会版权与相关权特定方面等7个指令(directives)

# 数字时代知识产权的若干观点

- 你所知道的关于知识产权的知识都是错的  
(Everything you know about IP is wrong) John Balow, 1995
- 特别权 (Sui generis right), 欧洲联盟, 1996 WIPO版权条约, 美国《数字千年版权法》1998
- 版权走到尽头了吗? Should we begin digging copyright's grave? T. C. Vinjie, 2000





# 数字时代知识产权的若干观点

- 数字化困境：信息时代的知识产权 **The Digital Dilemma: Intellectual Property in the Information Age** , 2000
- 为什么全球知识产权制度是不平衡的？ Why Lawmaking for Global IP is Unbalance, P. Gerhart 2000
- 施舍馅饼给南半球 , Offering Cake for the South EIPR ,2000



# 数字时代知识产权保护保护目标的

## 变化

- 投资保护目标
- 数字化保护目标
- 全球化保护目标
- 自主化保护目标
- 利益平衡目标



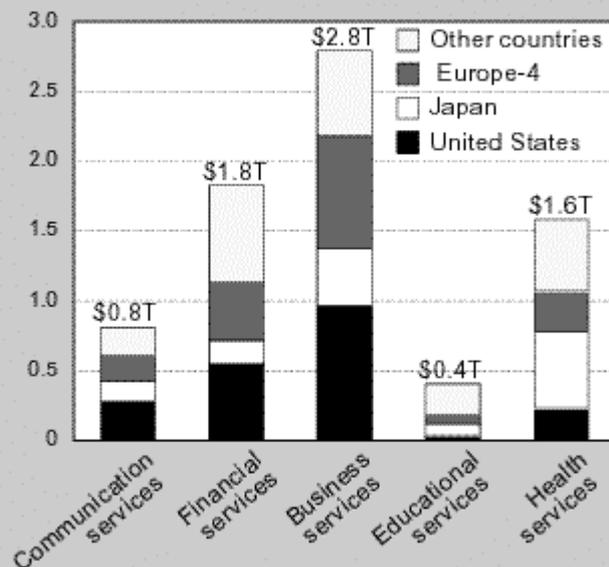
# 数字时代要建立投资保护目标

- 服务经济与知识产权
- 知识与经济与知识产权
- 信息经济与知识产权

# 数字时代要建立投资保护目标

Figure 7-3.  
Global activity in five knowledge-based service industries in 1997

Trillions of Dollars

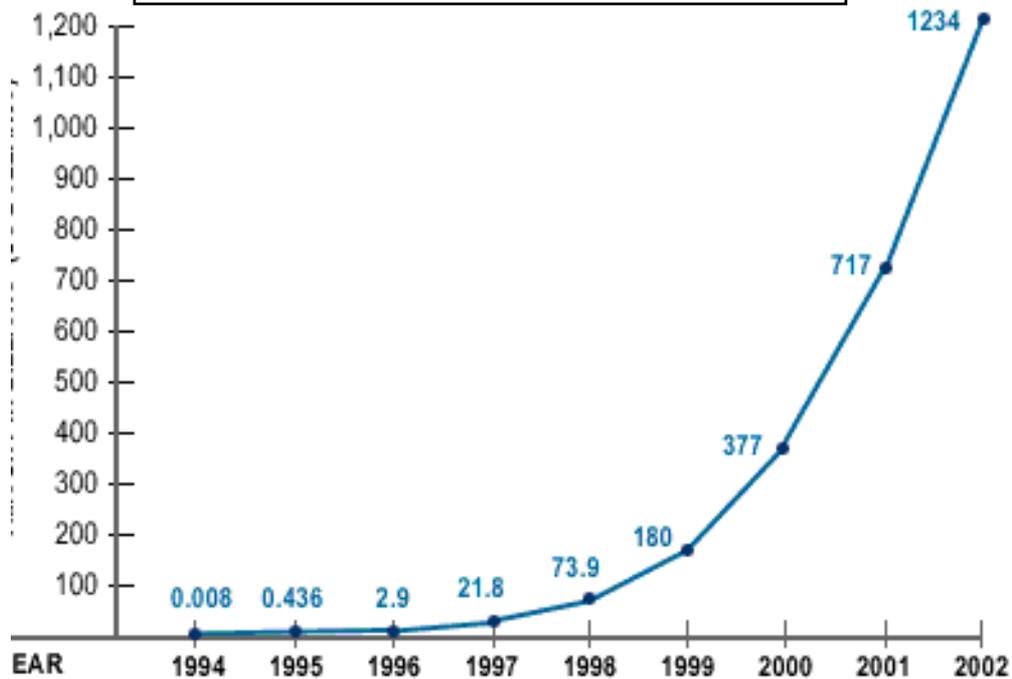


NOTE: Europe-4 refers to the four largest European economies: France, Germany, Italy, and the United Kingdom.

See appendix table 7-5. *Science & Engineering Indicators – 2000*

# 全球信息基础设施投资与知识产权

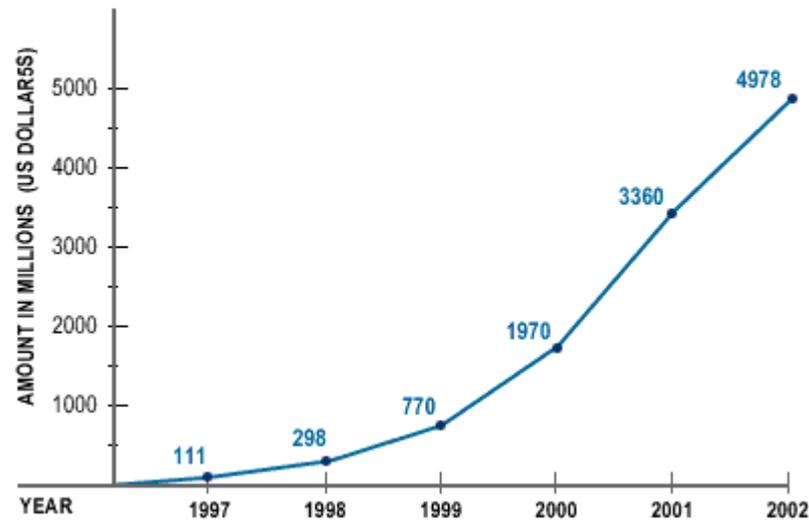
图表 6：因特网造成的收入（1996-2002）（10 亿美元）



# 网络消费与知识产权

2002年欧洲网络消费将达到50亿美元

图表 7 :欧洲消费者在欧洲网络上的消费(百万美元)(1997-2002)



[www.nau.com/serveys/analysis/](http://www.nau.com/serveys/analysis/)



# 数字时代经济权利的扩张

- TRIPS WIPO Treaty EU Directive 国内法
- 经济权利扩张的倾向  
传统权利的延伸 特别权扩张 技术保护扩张
- 理性地看待知识产权扩张



# 图书馆著作权问题解决途径

- 利用著作权法给图书馆的特权
- 法定许可使用
- 与集体管理机构谈判
- 尽到注意的义务
- 设立投诉通道
- 利用开放许可证



# 图书馆著作权问题解决途径

- 合理的收费政策
- 图书馆联盟分摊知识产权成本
- 国家许可证
- 合理的抗辩
- 参与立法建议



# 图书馆著作权问题解决途径

- 图书馆内部活动
- 开放用户群与封闭用户群
- 登记用户与非登记用户
- 馆内获取与馆外获取
- 延伸服务
- 增值服务



# 利用开放资源与许可证

- 开放源代码自由软件 (freeware)
- 开放内容(open content)
- 共同资源(creative common)
- 开放图书 ( Open Access Books )
- 开放课件 ( Open Courseware )
- GNU通用公共许可证 (GNU General Public License )
- CC Deed



# 对一些案例的讨论

- 国家科技图书文献中心
- 中国科学院科学数字图书馆
- 美国记忆等
- 超星等



# 数字时代图书馆观念的变革

- 读者来图书馆仅仅查找本馆资料的时代已经过去了
- 仅仅利用本馆藏书满足读者需要的时代已经不复存在
- 独立建设馆藏的时代已经结束



## II E-Content COPYRIGHT SPECIAL

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- content is king (OCLC)
- from the view of enforcement
- from the view of library
- From the view of vendor



# Content is king (OCLC)

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- **E-content, or e-text** is, generally, any textual information that is available in a digitally encoded human-readable format and read by electronic means, but more specifically it refers to files in the ASCII text file format.
- an ebook, ejournal, emusic, ecourseware and so on.



# Content is king (OCLC)

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- All kinds of digitized content (music, books, documents, video). Generally, all information that is capable of being stored in digital format can be e-content.



# E-Content in Libraries

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- Library Web Sites (the pages of information, data, text, images, graphics, hyperlinks or computer code published on, or available via the world wide web, which are under the ownership or control of King's and from which a hyperlink has been created to these terms and conditions)
- Library and Consortia Catalogs
- Full Text Databases
- Electronic journals
- E-Books
- CD-ROMs and DVDs
- E-databases



## Who is the copyright holder of e-content?

- As a principle of Chinese Copyright Law, copyright belongs to the author. According to Article 11, the copyright of a work shall belong to its author, unless otherwise provided in the Law. The author of a work is the person who has created the work. When a work is created according to the intention and under the supervision and responsibility of a legal entity or other organization, such legal entity or organization shall be deemed to be the author of the work.
- The citizen, legal entity or other organization whose name is mentioned in connection with a work shall, in the absence of proof to the contrary, be deemed to be the author of the work.
- The copyright holder of the print material and its digital format is the same. There are no fundamental differences between the two. In Chinese Copyright Law, there are no additional rules which separate the belonging of the copyright of the print or digital material; therefore, when the copyright and the permission of use is not transferred, the person who creates the work or the legal entity or organization who is responsible for the work is the copyright holder of the work. Article 12 reads: “Where a work is created by adaptation, translation, annotation or arrangement of a preexisting work, the copyright in the work thus created shall be enjoyed by the adapter, translator, annotator or arranger, provided that the exercise of such copyright shall not prejudice the copyright in the original work.” The digitization of print materials is a simple act of duplication, not a creative activity; therefore, it does not generate any new copyright.



# E-content: publishing

- **In 1994, several Chinese information technology companies began marketing electronic databases to serve Chinese academic institutions, libraries, and government agencies.** (see Yurong Y. Atwill 2005)
- Tsinghua Tongfang Optical Disc Company (TTOD)
- Chongqing VIP Information Consulting Company (VIP)
- Wanfang Data



## categories of e-content:

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- E-reference database, such as : ISI : SCI , SSCI , A&HCI , BIOSIS Preview
- Full-text database, such as: ProQuest : ABI/INFORM , ARL , PQDD(A) , PQDD(FullText)
- E-fact databases:



# Digitalizing library collections

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- NLC
- Shanghai Library
- Provincial library
- Academy library
- .....
- Rare books
- Images
- Newspapers
- Magazines
- Reference books



# Imported e-content

- Started in 1997 Science Online ,36 consortia for different databases
- National library consortia
- Academic library consortia
- Special library consortia
- Regional library consortia
- Cooperated with 27 publishers/database vendors (ProQuest, EBSCO, Academic Press, China InfoBank, IOP, John Wiley, Kluwer, Nature, RSC, ISI, Science, Gale, Ei, OCLC, CSA, IEEE, Elsevier, Springer, ACM, AIP, APS,Royal Society, Maney)
- Total : 112 database
- Reference databases ( abstracts and index ) :SCI , SSCI , AHCI , Ei , INSPEC , CSA , OCLC FirstSearch , WOSP ( ISTEP+ISSHP ) , BIOSIS , PQDD...
- Full-text databases ARL , PQDD全文 , ABI , ASE , ASP , BSE , BSP , IEL , ...
- Factual databases Genome Database, China InfoBank, Gale Resource Center, JCR, ...
- E-journal Science, Nature, Kluwer, Elsevier, IOP, RSC, Springer, John Wiley, IDEAL, AIP, APS, ACM, Maney, Royal Society
- E-book NetLibrary
- 112 databases
- 12 , 000 full-text e-journals
- Member libraries involved in:More than 5600 academic libraries,about 100 special libraries and public libraries



# Imported e-content

- Consortium organizers includes
- National Project e.g.:CSDL,NSTL,CALIS
- Regional Project,e.g.:Shanghai Education Network Library,Shanghai Library,Jiangsu Academic Library and Information System
- Funding from the government and related library



## E-content cost declines

- During the year 2003-2005, there are 31 university libraries each download PQDD over 40000 titles. download per paper cost from RMB 8.74 Yan to RBM 6.06 Yuan.  
(by Yan Yi, Qinhua University)

# E-content cost declines

	目录浏览	文摘浏览	全文下载	全文下载成本
2003 年	36335	22034	15375	¥ 4.96
2004 年	48309	36502	27128	¥ 2.57
2005 年	45456	33762	26161	¥ 3.11



# Library Book Spending Down

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*Library Book Spending Down—The Survey of Academic Libraries, 2002 Edition*, shows that U.S. academic library purchases of print resources are down precipitously: 6 percent from 2000 to 2001, and 8 percent in 2002.

*(Against the Grain, Nov. 2002.)*



# Library Book Spending Down

- Rick Anderson, University of Nevada, Reno, believes that five years from now “research journals will be published almost entirely online.” (*Against the Grain*, Sept. 2002.)
- *Large scientific publishers have primary titles online* (*Library Journal*, Apr. 15, 2002.) By OCLC 2004



# Digital expanding

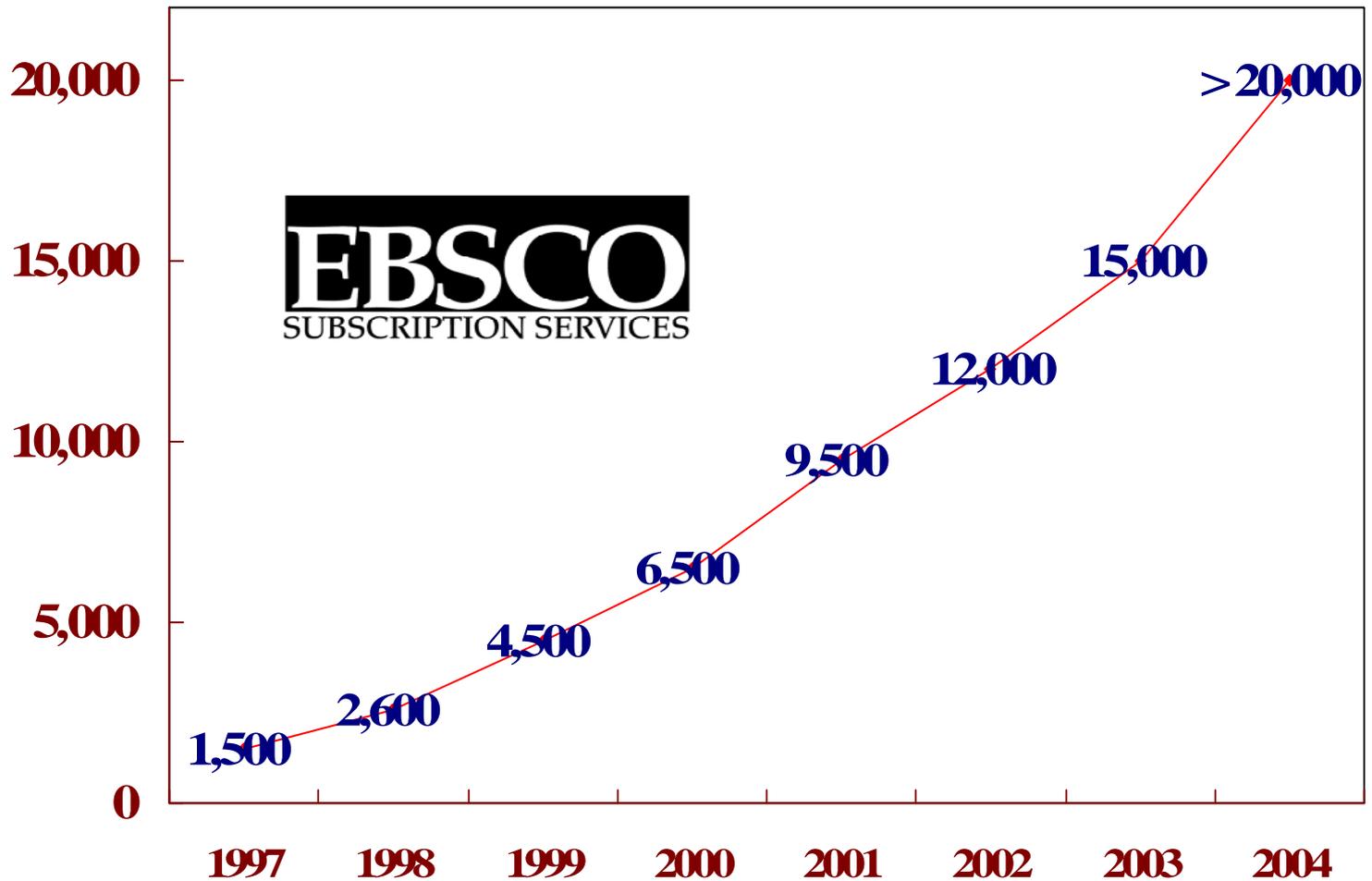
- *ePrint Archives Expanding*
- *Scholarly Articles Accessible*
- *Digital Electronic Theses & Dissertations*
- *More College Courses Available*
- Digital project worldwide:
- **Digitization Projects**



# Digital expanding

- Widespread Involvement in Digitization Projects
- commercial digitization expanding
- national digitization growing
- state and local projects increasing
- Google ,yahoo
- Other

# EBSCO E-Journal increased quickly





# Content copyright special

## From the view of copyright owner

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- Copyright has always been a tension between owners and users
- Machine readable materials pose particular problems for copyright owners
  - easier to be copied
  - high quality
  - easily sent to many other people
  - low cost copying
  - difficulty in policing such actions
- different countries have different rules and traditions regarding copyright



# from the view of enforcement

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- law
- evidence
- jurisdiction
- cross board or region



# from the view of library

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- public access to information
- increase in powers of rights owners and a decrease in the ability of users to gain access to materials
- fair use of content
- easy to infringing copyright
- technology measure and right management



# from the view of library

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- balance between copyright and public good
- libraries use E-Content purchased
- Protect Copyright
- Protect library



# Copyright belongs to its author(s)

- the copyright in a work shall belong to its author, unless otherwise provided in Law. The author of a work is the citizen who has created the Work. Where a work is created according to the intention and under the supervision and responsibility of a legal entity or other organization, such legal entity or organization be deemed to be the author
- The citizen, legal entity or other organization whose name is mentioned in connection with a work shall, in the absence of proof to the contrary, be deemed to be the author of the work. Some may be enjoyed by the adapter, translator, annotator or arranger, co-authors, compiler, commissioned party. and so on



## The copyright holders of the Printed Materials and their Digital Content are same one

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- The digitization of print materials is a simple act of duplication, and it does not generate new copyright.
- There are no fundamental differences between the two types of copyrights
- Please reference to 2003 interpretation by The Supreme People's Court, Art.2 and 3



# Cases related e-content

- Rongshuxia is one of the biggest Chinese websites of original works known to the world. A large number of network writers have signed copyright permission contacts with the website to confer special rights of publishing their works. China Social Publishing Company was charged with copying writings of Rongshuxia into its "Network Life Series" in April without the latter's permission. This case regarded as China's first case involving disputes over downloading and publishing others' original works online. The case was closed by [Beijing](#) No. 1 intermediate people's court on December 1, 2000. The indicted party China Social Publishing Company was ordered to stop infringing on and publishing books immediately, pay the plaintiff Rongshuxia website a loss of RMB\$10,001, and make open apologies for its infringements made on Xinmin Evening Paper and Beijing Evening Paper. Beijing No. 1 intermediate people's court made the judgment that irrespective of a new digital form of transmission developed writings make no changes on their own. So to download or publish others' network writings should still follow the copyright law.



# Cases related e-content

- In May 1999, Wang Meng et.al v. The Century Internet Communication Technology Co.Ltd (Beijing Online for short). Beijing Online communicated seven literary works of Wan Meng and other five writers without their consent. Since the copyright law was not revised then, and the “right of communication through network” was not a statutory right incorporated in copyright, Beijing Haidian District Court ruled, under the former copyright law, that the defendant infringed the plaintiffs’ copyright of use and the right of remuneration in their seven works, and ordered the defendant to cease the infringement, apologies to the plaintiffs and pay for their damages.



# Cases related e-content

- On 27 June 2002, Beijing Haidian District closed the case of dispute arising from the infringement of the right of communication through network of Chen Xinliang, a law professor of Beijing University by the China Digital Library Co., Ltd under Article 47, paragraph one of the revised copyright law, the court decided that, the defendant's act of communicating plaintiff's work to the public on the network without his authorization constituted an infringement, and order the defendant to cease the infringement, eliminate ill effects, make apology, and bear the civil liabilities for damages.



## Cases related e-content

- On 17 June 2003, the Beijing No. q Intermediate People's Court closed the three cases in which China Encyclopedia Press charged the Beijing Century Superstar Cooperation. The Guangdong Zhongshan Library, Shenzhen Library, Liaoning Library with infringing of its right of communication through information network. The interested parties reconciled, and the court finally closed the cases with a decision allowing the plaintiff withdraw its accusation.



# Cases related e-content

- On 17 June 2005, the Beijing No. 4 Intermediate People's Court closed the three cases in which seven IP scholars including Professor Zheng Chengsi, accused Beijing Shusheng Digital Technology Co., Ltd. (shushengg) of infringing of their right of communication through network in their works. The court decided, Shusheng is a business run for business profits, not a library for public good. Its restriction make it impossible for more than three people to read online simultaneously and its allowing them to make screen copying only are not acts of fair use. Besides, Shusheng's uploading the seven plaintiff's copyrighted works involved in the cases onto the Shusheng Website for public to browse has infringed their right of communication through network in their works. The court therefore decided the defendant to cease the infringement, eliminate ill effects, make apology, and bear the civil liabilities for damages.



# E-content Use Strategies

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- Library
- vendor



# Library's Strategies: general

- Some crucial areas librarians should look for in the contracts to ensure that those e-resources purchased can be used to support activities of regular teaching and research needs at the library. To avoid of the risk of copyright infringement, the library should take the following measures:
  - To uphold the position of copyright protection
  - Select publishers with good reputation. In general, large size publisher, or publisher with long history, and academic research institutions are compliant with copyright law
  - Pay attention to recently publicized copyright disputes, and avoid products published by the parties involved.
  - Use proper channels of acquisition
  - Include copyright warranty clause in the license agreement or purchase contract



# Library's Strategies:licence

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- License as business decision, are negotiable
- There is no universal list of deal breakers
- What is acceptable can vary even for one institution
- Purchase decision amounts to weighing risks vs. value



# Special attention should be paid to the following three clauses

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- The definition of authorized users, usage
- ILL and document delivery
- to charge a fee
- to distribute documents retrieved f
- Whether licensee is allowed to download the complete database for digital preservation purposes.



# Library's Strategies: licence

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- reflection of Fair Use
- Goal is to limit your responsibility to “Reasonable Efforts”
- Be sure licensor states right to license and/or copyright ownership
- Avoid indemnifying the licensor (especially in cases involving intellectual property infringement)



# Library's Strategies

- Ask for exception to cap on liability for damages in cases involving infringement
- Be sure you can actually provide security levels requested
- Watch for unrealistic late payment fees
- Be sure termination is for a serious breach; ask for a cure period



# Library's Strategies

- Be sure there is an authorized countersignature
- Avoid non-disclosure statements
- Be sure no other documents outside license are incorporated into agreement
- Watch out for hidden 'click-through' licenses that may differ from signed license
- Avoid vague/ill-defined terms
- Avoid administrative burdens or requirements that would force a break from institutional policy (e.g. revealing individual user names)
- Avoid allowing terms to change from time to time



# Library's Strategies

To avoid the risk of infringement, library should check the following items before sign the license:

- The database provider should have a license issued by authority to publish such kind of publication;
- How the copyright authorization is obtained? From the author/original publisher or from copyright collecting agency?
- If the database provider is able to provide evidence of payment to copyright holders?
- the term “authorized uses” covers the practices, such as display, digitally copy a portion, print copy of a portion, recover copying costs, archival/backup copy, course packs, electronic reserve, electronic links, caching, indices, scholarly sharing, or interlibrary loan?



# vendor's strategies

China has about over two thousands academic libraries and other . The challenge becomes how to be part of the successful group of companies doing business in China and to avoid infringement.

A well-developed, comprehensive IPR strategy should be a major part of the business plan .Such a strategy should include the following (American Embassy):

- Prevention
- Protection
- Professional Advice
- Use Chinese law to protect your copyrights
- Three Types of Action Against Infringes



- Finally, as an educator of library science, I would like to see a healthier environment for the distribution of electronic resources. Database providers also have the social obligation to facilitate the distribution of information, to protect against monopolizing scholarly resources and make it more difficult to disseminate such information resources. The library and database providers should work closely to provide easy and affordable access of information to library users, thus create a better research environment for the researchers and students. This will be a win-win situation for both database providers and libraries



# 建立平衡的知识产权制度

- 精神权利与财产权
- 公权与私权
- 知识产权保护与信息的公共获取
- 知识与信息差距
- 公平与效率（建立国家版税清算中心、发展版权代理机构、鼓励资源共享）



# 保护知识产权的挑战

- 成本
- 人力
- 制度

谢谢!

