



Library Databases (Sample Scenarios from the CSTB)

Rights and Responsibilities of Participants in Networked Communities

Author(s)

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Year

1994

Description

A student uses the library's electric database and journals without paying for services. The library has liability or obligation to enforce policy. This is one of 5 scenarios that discuss computers and Internet privacy, sampled from a publication of the Computer Science and Telecommunications Board (CSTB).

Body

The library of a large university connected to the Internet subscribes to an electronic database (accessible via a gateway on the library system) and an electronic journal (to be distributed to subscribers by electronic mail). The database owner provides access for up to six users at a time, for a flat fee to be paid by the library. The electronic journal provides its electronic mail service to subscribers who have authorized the charge for the subscription against their Master Card accounts, Anyone can post materials to public areas on the system.

Questions

1. The library discovers that a student has defeated the six-user limit and regularly logs onto the database as an extra user. What liability/obligation does the library have to the database provider? Must it report this security breach to the database provider? Should the university discipline the student? Does it have an obligation to change its system? What obligations stem from copyright law and what obligations turn on the contract between the parties?
2. A faculty member regularly copies and posts portions of the journal in a public area of the system. She invites her students to access these areas, so that they can discuss these materials in class. What liability, if any, does the university have for infringement of copyright? What if the journal is already available to students in paper form in the library? May the journal require by contract that copies not be redistributed to more than a stated number of people or that copied materials not consist of more than a stated portion of the journal? How can the journal enforce the contract?
3. A graduate student/lecturer figures out how to send an electronic mail message that looks like it is part of the journal distribution. This fake *edition* of the journal defames an innocent non-public figure. Is the university liable? Must it discipline the graduate student? What recourse does the journal have?
4. After having received a copy of the journal, a student refuses to pay the Master Card bill for her subscription. The journal claims that the library should make good on this charge, or at least help the journal collect from the student (perhaps putting the charge on the student's bill from the bursar). Result? Should the journal be entitled to cut off all subscriptions through the library unless the university cooperates?
5. An assistant librarian excerpts portions of the database on a particular subject and includes them in a newsletter distributed by electronic mail. The university charges for subscriptions to this newsletter by users who are not otherwise affiliated with the university. Because the newsletter has accurate excerpts of the best materials on its narrow topic, many non-university readers cancel their subscriptions to the database. If the newsletter uses only a tiny portion of the overall materials in the database, can the database provider enjoin the redistribution as copyright infringement? What if the database consists entirely or substantially of materials (e.g., government documents) that are, individually, in the public domain? If such excerpts are held legal under fair

use, can the database provider ban the redistribution by contract? Is that the best strategy for the database provider to use to protect its interests and maximize its revenue?

Notes

This scenario was excerpted from the NRC report entitled [Rights and Responsibilities of Participants in Networked Communities](#) (NAP 1994). Each scenario in the report includes additional materials and commentaries on the significant issues.

Rights

Use of Materials on the OEC

Resource Type

Case Study / Scenario

Mini-case

Open-ended scenario

Parent Collection

Sample Scenarios on Social Issues Surrounding Internet Privacy

Topics

Intellectual Property and Patents

Discipline(s)

Computer Sciences

Information Sciences

Social and Behavioral Sciences