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ABOUT FREE PINT

FreePint is an online network of information searchers. Members receive this free newsletter twice a month: it is packed with tips on finding quality and reliable business information on the Internet.

Joining is free at <http://www.freepint.com/> and provides access to a substantial archive of articles, reviews, jobs & events, with answers to research questions and networking at the FreePint Bar.

Please circulate this newsletter which is best read when printed out. To receive a fully formatted version as an attachment or a brief notification when it's online, visit <http://web.freepint.com/>.

EDITORIAL

Today we publish an article on the important topic of occupational safety and health, by Paul Verlander. Charles Oppenheim's piece is on the impact of the new copyright directive on library and information professionals. It is one of a series of articles he has written on the topic in the academic press and we are very pleased that he has chosen to place this article exclusively with FreePint. There are a number of respected information professionals and academics writing in the legal field, and it is always important to read a range of different interpretations of new legislation in particular.

If you would like to explore more fully the areas that Charles Oppenheim's article covers, then I invite you to take part in our FreePint Virtual Exchange on copyright and the new law, and what it means for you <http://www.freepint.com/exchange/>. You can email your questions to our expert, Paul Pedley, who will then record a presentation incorporating your questions. The full presentation with accompanying documentation, relevant legislation and further reading and contacts will then be available to purchase as an electronic information pack from the FreePint shop in March.

Virtual Exchanges are an exciting new venture for us and are in response to feedback received from delegates at our various training exchanges run here in London. UK and International colleagues have also approached us about virtual training as a real alternative for people interested in a topic but unable to travel to London.

Although the Copyright Virtual Exchange will be based on English law, it will still be of interest to information professionals in other countries, especially other EU member states as they are also required to implement the copyright directive 2001/29/EC.

The obvious advantages of learning virtually is more cost-effective use of your time and no travelling costs. Everyone learns in a different way and at a different pace. Learning using our FreePint Virtual Exchanges will mean you can have your input via email, watch and listen to the presentation in sections at your own convenience, and follow up supporting information at your own computer. As ever, there will be plenty of opportunities for feedback and we would like your ideas for topics and presenter, wherever they are in the world. You can email me at <annabel.colley@freepint.com>.

The latest issue of VIP Eye - FreePint's sister publication with twice-monthly analysis of news in the UK European and international business information industry - has an interesting overview of Outsell's top predictions for the content industry in 2004. Find out more about VIP Eye and the monthly VIP at <http://www.vivaVIP.com>.

I returned Monday from my short break in Russia and it exceeded all expectations, with both Moscow and St Petersburg fascinating and breathtakingly beautiful in the snow. Thanks to those people who emailed me their travel tips and travelogues.

Annabel Colley Editor
FreePint <annabel.colley@freepint.com>

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The FreePint Jobs Update is being circulated widely every two weeks. This free newsletter now has 1,100 direct subscribers and is posted at the Bar and in the Bar Digest (circulation 11,000).

To see the Jobs Update No.67 visit <http://www.freepint.com/go/b27643> and to subscribe, modify your account at <http://web.freepint.com>.

Here are some of the latest featured jobs:

Information Manager
<http://www.freepint.com/go/j3000>
Science background? Like to live in Switzerland? Two Information Manager roles available at leading pharma firm
Recruiter: Sue Hill Recruitment

Senior Account Manager / Associate Director - Consumer Research
<http://www.freepint.com/go/j3011>
International consumer research agency seeks a senior executive to manage, guide and support 11 Account Managers, & RAs
Recruiter: Comtecs Ltd

Business Information Researcher
<http://www.freepint.com/go/j3012>
Proactive business researcher with two years experience for research, training and marketing with business consultancy.
Recruiter: Glen Recruitment

NB: There are 43 other jobs in the current edition of the Jobs Update <http://www.freepint.com/go/b27440>.

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"FreePint Virtual Exchange: Copyright and the new law : what it means for you"

Send in your questions for inclusion in this Virtual Exchange which will be available in March:

<http://www.freepint.com/exchange/>

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"An Introduction To Freedom Of Information"

ISBN 1-904769-03-9

This report covers the role that publication schemes play in the UK's freedom of information regime; the rights of applicants; the handling of freedom of information requests; complaints procedures; the exemptions; fees and charges; the importance of having good records management systems and procedures in place; and the interface between data protection and freedom of information.

<http://www.freepint.com/shop/report/>

COMPANY AND MARKET ANALYSIS - CMA

COMPETITOR INTELLIGENCE - Financial Reports and much more CREDIT CHECKING - Credit ratings for UK companies BUSINESS TO BUSINESS PROSPECT LISTS - Address, telephone and director lists of client specified companies by many factors. INDUSTRY INFORMATION - Key industry trends CMA is a pay-as-you-go service giving access to a team of researchers for advice <http://www.irn-research.com/company-and-market-analysis.htm>

MY FAVOURITE TIPPLES
by Duncan Parry

Duncan Parry works in the UK editorial team of European pay-per-click search engine Espotting <http://www.espotting.com/>, creating advertising campaigns for the websites of leading UK brands.

Submit your top five favourite Web sites. See the guidelines at <http://www.freepint.com/author.htm>.

In the course of my work I use a number of dictionary and glossary websites. Here are some of the most useful:

- Acronym Finder <http://www.acronymfinder.com/> - Defines over 297,000 acronyms and abbreviations, including a reverse look-up feature for when you know there is an acronym or abbreviation, but just can't remember it.

- Economist Business Encyclopaedias <http://www.economist.com/encyclopedia/> - Business jargon can seem impenetrable at times. The Economist presents specialist dictionaries for Accounting, Banking, E-commerce, Economics and other business topics.

- MoneyExtra glossary <http://www.moneyextra.co.uk/glossary/> - Financial services most be one of the most jargon-laden industries. MoneyExtra's no nonsense UK glossary defines everything from ABI to zero-rated.

- Whatis?com <http://whatis.techtarget.com/> - Ever wondered what an ISP is? Baffled by TCP/IP or confused by DRAM? Whatis.com provides easy to understand definitions of Internet and computing jargon.

- On-line Medical Dictionary <http://cancerweb.ncl.ac.uk/omd/> - Definitions of scientific and technical terminology including medicine, chemistry, biology and physics. Provided by The University of Newcastle upon Tyne.

EVENTS

United Kingdom:
- "Knowledge Sharing, Creativity & Innovation" 24th February <http://www.freepint.com/go/e293>
- "Communities of Practice in Action" 25th February <http://www.freepint.com/go/e292>
- "Getting the best out of free Internet patent sources" 26th February <http://www.freepint.com/go/e297>
- "Building and sustaining a Collaborative Working Environment" 4th - 5th March <http://www.freepint.com/go/e274>
- "The Adaptable Enterprise" 15th March <http://www.freepint.com/go/e294>

Spain:
- "Gartner Symposium/ITxpo Barcelona 2004" 14th - 17th March <http://www.freepint.com/go/e270>

Australia:
- "Re-designing Your Intranet 2004" 16th - 19th March <http://www.freepint.com/go/e282>
- "Identifying and Managing Unstructured Information" 23rd - 25th March <http://www.freepint.com/go/e281>

United States:

- "Medical Device 2004" 21st - 25th March <http://www.freepint.com/go/e286>

FREE PINT BAR
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It's becoming increasingly difficult to select a range of questions to highlight here. I tend to pick unanswered ones or those that strike a particular chord with a number of regulars. The sheer number and quality of postings means that the Bar remains a great way to gauge the concerns and interests of FreePint's diverse readership.

For instance, the debate on dress codes for library staff has become quite lengthy and is surprisingly interesting <http://www.freepint.com/go/b27606>. After reading this you'll certainly form an opinion on what the staff in your local library are wearing next time you visit.

Can you help someone looking into bibliographic databases and wanting alternatives to BNB and BookFind <http://www.freepint.com/go/b27634>? What about removal firms specialising in packing library stock <http://www.freepint.com/go/b27591>? Or a look at auditing the information products organisations create <http://www.freepint.com/go/b27596>? Is there a computer program that can compare different texts to identify if they've been written by the same person <http://www.freepint.com/go/b27669>?

Moving from information-related to company-related queries, does anyone know of comparative research or opinion on Mergers and Acquisitions databases <http://www.freepint.com/go/b27661>? This could be a good topic for review in FreePint's sister publication VIP <http://www.vivaVIP.com>. There's currently a review of Hemscott Company Guru and VIP Eye has plenty of new product announcements twice a month, recently including those from IRN and Snapshots < http://www.vivaVIP.com/eye/>.

Other Bar enquirers want: a list of the top Campaign Management vendors <http://www.freepint.com/go/b27658>; a European equivalent to the US Census report for consumer lifestyles <http://www.freepint.com/go/b27642>; information on how business women in the Middle East perceive technology <http://www.freepint.com/go/b27626>; a list of top UK cities by office space or workspace <http://www.freepint.com/go/b27600>; a way to find non-SEC company information in America <http://www.freepint.com/go/b27556>.

There are always lots of Web-usage questions at the Bar, and someone wants to measure how long library staff dedicate to updating their Website <http://www.freepint.com/go/b27675>. Is there a service where you can email a document and it's printed and posted for you <http://www.freepint.com/go/b27635>? Do you know of an XP-compatible equivalent to Lotus ScreenCam <http://www.freepint.com/go/b27625>?

Can anyone point to reviews of visual search software <http://www.freepint.com/go/b27595> or explain the difference between RSS and Atom <http://www.freepint.com/go/b27627>? Is it possible to save and categorise a browser's History <http://www.freepint.com/go/b27562> or incorporate 'drilled' Google results into the Google Viewer <http://www.freepint.com/go/b27585>?

So many questions, so much valuable information. If you'd like a twice-weekly review of the latest at the Bar, sign-up for the Bar Digest at <http://web.freepint.com/>.

William Hann <william.hann@freepint.com>
Managing Editor, FreePint

TIPS ARTICLE

"Electronic Information for Occupational Safety and Health - Challenges for the Information Professional"
By Paul Verlander

Paul Verlander is an information specialist at the UK Health and Safety Executive, the UK regulator for health and safety at work and is part of a team of information specialists producing the HSELINE database. He is a recent graduate of Liverpool John Moores University in Information Management.

The field of occupational safety and health (OSH) encompasses all risks associated with work activities that may cause injury, disease or poor health. It should be distinguished from general health and safety issues, as work activity is a major risk in itself. To put this risk in context, Paul Schulte reports that in 1999, 1.1 million people died through work, 250 million sustained disabling injuries and 160 million incidents of occupational diseases were reported. In the UK, despite an improving health and safety record over the past twenty years, 226 people were killed at work in 2002/2003 according to the Health and Safety Executive (the author's employer and UK regulator). Similarly, it has been recognised that poor occupational safety and health is a major economic drain: Schulte asserts that economic losses amount to 4% of world GNP per annum.

Information is vital to the effective prevention of disease and injury in the workplace and is of importance not only to researchers and safety practitioners in the field, but also to employees who need to know whether they are at risk from their work. Equally, it cannot be ignored by employers who have statutory obligations to protect workers. The electronic provision of OSH information presents a number of challenges to the information professional, who must play a pivotal role in its dissemination. This article presents an outline of those challenges and will focus on five key themes: the cross-discipline scope of the subject; the variable nature of coverage; price of resources; problems of information dissemination; and the rapidly changing nature of the subject.

A Multi-faceted Subject

A major challenge to the information professional is the fact that the subject is multi-disciplinary, spanning a range of scientific and social scientific disciplines. Indeed, OSH encompasses chemical hazards, safety science, toxicology, industrial hygiene, psychology, management, industrial hygiene, ergonomics, engineering and law. The information professional, acting as subject specialist must, paradoxically, remain an all-rounder.

Technical and research information is spread across a range of electronic sources. There are multi-disciplinary OSH databases such as HSELINE provided by the UK Health and Safety Executive and NIOSHTIC provided by the US National Institute for Occupational Safety and Health. Key valuable resources, however, retain their national focus and contain bibliographic citations as opposed to full text. Paradoxically, whilst there are limited resources that encompass the whole subject, there is a growing mass of OSH information. The professional will be faced with over 6,000 databases internationally. It is therefore vital that information professionals can not only retrieve, but also critically evaluate appropriate resources.

The task is further compounded by the variety of forms that available OSH information may take.

It can be found in legislative documents, scientific research, statistics, technical standards, guidance for employees and a wide range of subject-specific journals only some of which are readily available on line.

Subject Coverage

In addition to the problem of the broad scope of OSH, the coverage of different areas of the subject by electronic resources varies. Risks associated with traditional large-scale manufacturing industries such as chemical hazards tend to be better covered than those with the post-industrial economy such as musculoskeletal disorders associated with display screen equipment. Some industries have a range of free online information available, such as construction -- through the NIOSH site Electronic Library for Construction Safety <http://www.cdc.gov/elcosh/>. However, coverage varies between industries. Quality information on some areas of OSH is often embedded in other subject databases such as Medline or more general e-journal hosts such as Science Direct <http://www.sciencedirect.com>.

Because of the serious ramifications of its use, it is vital that OSH information (like medical information) is reliable and authoritative. In addition to numerous official resources such as the websites of the UK Health and Safety Executive <http://www.hse.gov.uk>, the US Occupational Safety and Health Administration <http://www.osha.gov/>, professional representative groups such as the Institute of Occupational Safety and Health <http://www.iosh.co.uk/> and established information providers such as Technical Indexes' Occupational Health and Safety Information Service <http://www.tionestop.com/>, there is much information of varying quality from private consultancies. Furthermore, the quality of OSH information varies between different countries, making comparative study difficult. For example, although most developed countries collate OSH statistics there is no agreed universal method for collation making comparison problematic.

Cost of Resources

This leads then to another problem facing those wishing to provide quality OSH information - cost. The majority of cross-subject OSH resources available incur significant costs to the user. Because of high subscription costs, the growth in online sources on occupational health and safety is not necessarily mirrored by increased access. Despite a range of good quality information available freely on the Internet, most specific OSH databases are very expensive to acquire. For example, the full text UK database of health and safety regulations,

OSHPLUS, costs GBP995 per year per single user. Similarly, the UK web database HSE Direct, containing the full text of regulations, costs GBP219 plus VAT for a single user. If they are to be made available on a network for multiple users, these costs increase substantially. The limited free-access approach of the medical database Medline, through PubMed <http://www.ncbi.nlm.nih.gov/entrez/query.fcgi>, is not mirrored by the major OSH databases HSELINE, CISDOC, NIOSHTIC and their host OSHROM <http://www.ovid.com/>. A notable exception to the rule is the database Toxline that can be accessed via the National Library for Medicine <http://toxnet.nlm.nih.gov/>.

Disseminating Information

OSH information is vital for a number of different user groups. A major challenge to the information professional providing electronic resources is to ensure that resources are appropriate for the audience. Four major user groups needing OSH information can be identified: information for researchers; guidance for managers and inspectors; information for supervisors and specialists; and information for workers. This problem is particularly apparent for the latter two groups, as much available information is highly technical and specialised. Paradoxically, it is the most specialised information such as the Health and Safety Executive's (HSE) research reports in the UK <http://www.hse.gov.uk/research/publish.htm> and the National Institute for Occupational Safety and Health (NIOSH) technical documents <http://www.cdc.gov/niosh/homepage.html> that are freely available on these organisations' websites. The technical nature of information can act as a barrier to concerned individual workers and their representatives. Conversely, in the UK whilst access to short publications and leaflets is available via the HSE website <http://www.hse.gov.uk/pubns/index.htm> a majority of the detailed guidance is only available electronically via the priced HSE Direct database.

The Changing Face of OSH

Finally, returning to the issue of subject scope, another challenge facing the information professional is the fact that the very nature of the subject is constantly changing due to global changes in working patterns. Herrick and Stewart (1999) argue that, "Any summary of information sources for occupational safety and health is quickly rendered out of date by the rapidly changing nature of the field." Traditionally, OSH information resources have been based mainly around industrial health and safety. For example, OSH databases such as NIOSHTIC and HSELINE focus heavily on chemical hazards and industrial accidents. However, the growth of white-collar employment has not been adequately reflected in OSH resources. A case in point is ergonomics. Issues such as the use of display screen equipment and repetitive strain injury (RSI) have limited coverage on OSH electronic resources. Equally, specific risks associated with child, women and migrant workers are under-represented on OSH databases. It is worth noting that despite growing concern for the welfare of Asian and Hispanic workers in Europe and the US, there is little information published in their indigenous languages.

A Pivotal Role for the Information Professional

In conclusion, given the multi-faceted changing nature of the subject, the cost of quality resources and the plethora of on-line information of variable quality, the role of the information professional in disseminating OSH information is a crucial one. There is no central gateway of resources in the field comparable to services for medicine and general health, such as the NHS Electronic Library for Health <http://www.nelh.nhs.uk/> and OMNI <http://omni.ac.uk/>. Much of the quality information in the field comes at a substantial financial cost. The researcher is well catered for by specialised databases such as OSHROM, HSE Direct and others if they are willing to pay for the services. However, it is sometimes difficult for workers and their safety representatives to access relevant easily understandable information freely. Unfortunately, such people are unlikely to have available funds to access costly subscription services giving full text information. This means the role of the information professional in searching for, selecting and reviewing resources is vital. Whilst there is a wealth of largely free information available online, the information professional has a vital role to play in disseminating information to a disparate audience.

Stephanie Taylor is a project manager with Fretwell-Downing Informatics, a library solutions technology company. Her previous experience includes working in academic libraries and electronic library management, document delivery and inter-library loans. She can be contacted at <stephanie.taylor@fdisolutions.com>.

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- "Developing Web-Based Instruction - Planning, Designing, Managing and Evaluating for Results" ISBN 1856044947, published by Library Association Publishing.

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"Developing Web-Based Instruction - Planning, Designing, Managing and Evaluating for Results"
Edited by Elizabeth A Dupuis
Reviewed by Stephanie Taylor

Web-based instruction is one of the hot topics of the moment. It offers the promise of minimising cost, maximising expertise and improving services. The attraction to budget handlers, information professionals and users is obvious. And the combination of the online format and instructional content means this is going to end up in the in-tray of the information professional.

This book aims to be the handbook of choice for just that occasion. It covers everything - from the initial proposal through planning and design to managing the service and final evaluation. First impressions were - too much detail! I just wanted to cut to the design/development information. Then I realised that was exactly what I could do.

The book is designed with its feet firmly on the ground, and the three clear sections -- 'Planning and Management', 'Evaluation and Assessment' and 'Design and Development' -- meant I could get to where I wanted quickly and easily. Each chapter is written by someone with practical experience in the area they are writing about. This shows. I didn't get that suspicious feeling I sometimes have with practical guides that I'm only being told about the bits the author knows about.

Chapters are thoughtfully organised for quickly dip in and out of. If you're an expert in one area, you can easily skip that bit to concentrate on the areas you need help with. That said, the advice is well thought out, and acts as a neat reminder of areas you thought you were an expert in, with useful hints, tips and new perspectives.

As I read on, I was impressed that the reality of the modern information workplace was central to the book. The need to push for new services, operate on limited budgets and time, and snatch expert input from busy colleagues were all dealt with. A project is treated as a holistic venture that needs to begin with a proposal for time and resources and end with an assessment report to stakeholders. This is a guide to unlock ideas and

transform them into a working service. What I'd thought was superfluous information proved to be essential to the success of a project.

Advice is backed up with practical examples and the emphasis is always on the practical. Difficult question are asked - such as whether the web is the best medium for your users or not - the kind of things that make the difference between success and failure. The design section focuses on the foundations of good design and interactivity. It doesn't get bogged down in details that are not only irrelevant to the non-techies but are out of date in six months.

The only flaw was a tendency to liberally scatter the text with foot-noted references. This seemed out of step with the generally practical tone of the book and rather distracting. I appreciated the resources sited, but would have preferred a comprehensive bibliography for each chapter.

That is a small quibble, though. If you find yourself thinking big, online thoughts over a couple of Christmas drinks with your colleagues, put this book on your wish list. By this time next year, you could be offering a new or improved service to your users.

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FEATURE ARTICLE
"Legal Issues For Information Professionals. How UK Copyright Law Has Changed With The EU Directive"
By Charles Oppenheim

The Copyright and Related Rights Regulations 2003 <http://www.hmso.gov.uk/si/si2003/20032498.htm> came into force at the end of 2003. This Statutory Instrument updates the UK Copyright Designs and Patents Act 1988 and implements an important EU Directive that attempted to bring copyright law up to date.

The text of the original CDPA can be found at <http://www.hmso.gov.uk/acts/acts1988/Ukpga_19880048_en_1.htm>. It is worth stressing however, that the text takes no account of the changes implemented by the Statutory Instrument. The CDPA is a lengthy and complex document, and is a useful cure for insomnia. In this brief article, I review the major implications of the Regulations for library and information professionals.

Communication to the Public Right

Placing material on an Intranet without the copyright owner's permission is an infringement of this right, even if few people have access to the Intranet. This right was already implicitly present in the CDPA. The new restricted act is defined as broadcasting the work or making the work available to the public by electronic transmission in such a way that members of the public may access it from a place and at a time individually chosen by them. The outstanding question that remains is: what constitutes the public? I understand that a small sub-set of the public will indeed be considered to be the public.

Making Temporary Copies

As required by the Directive, there is a new clause to the CDPA that states that the making of a temporary copy that is transient, incidental, is integral to a technological process, has no economic significance and is done solely for onward transmission of the work or to lawfully use the work is not infringement. This right only applies to literary, dramatic, musical or artistic works, a sound recording, a film or a published edition, and does NOT apply to databases or computer programs. The implications for this exception not applying to databases or computer programs are unclear.

Fair Dealing for Research or Private Study

This exception is reduced to fair dealing only for research for a non- commercial purpose, or for private study. Elsewhere, private study is now defined as NOT including any study which is directly or indirectly for a commercial purpose. I do not think this was a requirement of the Directive. This could have significant implications for those undertaking private study with a view to gaining money in the future. There is also a new obligation that sufficient acknowledgement is required unless it is impractical. This forces people to use good citing habits! I have commented elsewhere <http://www.managinginformation.com/copyright_difficulties2.htm> on what I guess would be regarded as commercial or non-commercial purposes.

Fair Dealing for Criticism of Review

The CDPA has been amended to only allow this exception provided that it is accompanied by sufficient acknowledgement and provided that the work has been made available to the public. It then defines 'made available to the public' as issuing copies to the public, making the work available by an electronic retrieval system, rental or lending of copies to the public, performance or communication to the public. Two issues are raised here. Firstly, one cannot any longer do fair dealing for criticism or review of an unpublished work, a change which will affect scholars; secondly, making the work available by means of an electronic retrieval system gives no indication that the availability has to be to the public. Presumably, common sense will prevail on this latter point, and the setting up of a private IR system would not be considered making available to the public.

Copying by Librarians

Copies for patrons now may only be made for research for non- commercial purposes, or for private study (which has also to be non-commercial). However, other exceptions for librarians, including supply of copies to other libraries and replacement copies of works for preservation, are unchanged. The standard declaration form also has to be changed. Also, the charges for one library supplying another (whether document supply or preservation copies) change slightly. Instead of the library supplying the copy charging not less than the cost for production, it must now charge precisely the cost of production. However, copying for patrons remains as at present, i.e., a charge not less than the cost of creating the copy. The new definition of private study is not referred to in the proposed changes to the declaration form,

Charles Oppenheim has been Professor of Information Science at Loughborough University since 1998 <http://www.lboro.ac.uk/departments/ls/staff/coppenheim.html>. He is Project Director of the Library and Information Statistics Unit (LISU) and has been involved in legal issues in information work since the mid 1970s. He is author of "The Legal and Regulatory Environment for Electronic Information" (Infonortics, 2001) and the regular "Lislex" column in the Journal of Information Science. Charles is an Honorary Fellow of the Chartered Institute of Library and Information Professionals. He is a member of the Legal Advisory Board of the European Commission. He was the Specialist Advisor to the House of Lords' Inquiry into the Information Superhighway. His publishable hobbies include collecting interesting T shirts.

GOLD

- FreePint No.131 20th February 2003. "France - Business and Economics Sources on the Web" and "Poisons, Potions and Toxins – Toxicology Sources on the Web" http://www.freepint.com/issues/200203.htm
- FreePint No.106 22nd February 2002. "Searching for 'The Daily Me'" and "So you want to start your own business? Web resources that every budding entrepreneur should consult before taking the plunge" http://www.freepint.com/issues/220202.htm
- FreePint No.81, 15th February 2001. "Economics sources" and "Aboriginal Australia on the World Wide Web" http://www.freepint.com/issues/150201.htm
- FreePint No.56, 22nd February 2000. "UK Political & Government Web Sites" and "Topics and Collections: An Alternative Metaphor for Using the Web" http://www.freepint.com/issues/220200.htm
- FreePint No.32, 18th February 1999. "Environmental Information on the Internet" and "New Library: now comes the action" http://www.freepint.com/issues/180299.htm
- FreePint No.8, 19th February 1998. "A New Light on the Horizon" and "Current Awareness Research on the Internet" http://www.freepint.com/issues/190298.htm

Penny <penny@freepint.com>

and it is up to a librarian to decide whether to (i) ignore the matter and assume patrons will know the new law, (ii) change the wording of the declaration itself, or (iii) add a footnote on the declaration regarding what private study now means. My own recommendation would be (iii).

Circumvention of Protection Methods

It becomes an offence if someone manufactures for sale or hire, imports, distributes, sells, hires, advertises or has in his possession for commercial purposes any means whose sole intended purpose is to facilitate the unauthorised removal or circumvention of a technical device attached to software. It is also an offence if he publishes information to enable or assist someone to remove or circumvent the device - but only if knew, or had reason to believe, that this would result in infringing copies being made. This offence is deemed equivalent to copyright infringement, with the same potential penalties. 'Technical device' is defined as something intended to prevent or restrict acts on the program not authorised by the copyright owner and which are acts restricted by copyright.

A person who deliberately circumvents a technical device to protect copyright works that are not software can be sued as if he had infringed. Similarly, a person who manufactures for sale or hire, imports other than for his private domestic use or sells, offers for sale or hire, advertises, possesses or distributes in the course of business, or distributes other than in course of business but prejudicially affects the copyright owner, anything which is primarily designed for the circumvention of technical devices, commits an offence. The guilty party is liable to criminal proceedings as well as being sued for copyright infringement.

What, however, if the lawful user is prevented from accessing material he or she would have been permitted in the past to access under fair dealing because of a technical device? The interested party, or a representative of a class of persons, can make a complaint to the Secretary of State that they cannot carry out a permitted act due to a technological measure. The Secretary of State may then give directions to the copyright owner that he makes available to the complainant the means of carrying out the permitted act. It shall be the duty of the copyright owner to comply with the directions given by the Secretary of State, and failure to do so is actionable.

This sounds complicated enough, but to add to users' problems, if there is a voluntary licensing scheme allowing people to carry out the relevant permitted act, they cannot appeal to the Secretary of State. It is not clear whether such a voluntary scheme can be charged for; if it can be, and whether the charge is excessive or not, in practice the copyright owner has avoided any problem under this part of the new law. None of this in any case applies to copyright works made available to the public on agreed contractual terms in such a way that members of the public may access the works at a time and place individually chosen by them. This seems to include standard online licences. So in practice, it may be very difficult for people to exercise fair dealing exceptions if the technical device stops them getting access to copyright materials. The way the SI is worded appears to me to contradict the intention of the Directive (which

was more generous to users) and it could be that someone will challenge the wording of the SI at some stage.

Rights Management Information

It becomes copyright infringement if someone knowingly and without authority removes or alters rights management information where by doing so he is inducing, enabling or concealing infringement (i.e., information stating who owns the copyright, such as (c) Charles Oppenheim, 2004. All rights reserved.) It also becomes infringement to knowingly and without authority distribute, import or communicate to the public copies of as work from which such rights management information has been removed or altered.

Internet Service Providers

They can have an injunction against them if they have actual knowledge of another person using their services is infringing copyright. In particular, they would be considered to have actual, knowledge if a copyright owner had informed them that infringement had taken place.

Conclusions

The changes in the law are complicated and in some places controversial. Time will tell how much users take note of the commercial/non-commercial distinction and how copyright owners react to any alleged infringements, or what sorts of licences they offer for commercial copying. The question of bypassing technical devices is likely to cause headaches in the future as well. To add to the problems, the CDPA as a document is now a dreadful mish-mash of numbering, sub-numbering, lettering, etc. It is high time it was completely re-numbered. This is done routinely for complex pieces of legislation such as the Companies Act, and it is puzzling that no such effort has been done for the CDPA.

Disclaimer: It should be stressed that this article simply represents my personal opinions and should not be construed as legal advice

- C. Oppenheim, Legal issues for information professionals: some recent developments, Information Services and Use, 1991, 11, 73-85.
- S. Ellis and C. Oppenheim, Legal issues for information professionals II: Data Protection and the media: background to the Data Protection Act and the EC Draft Directive on Data Protection, Journal of Information Science, 1993, 19, 85-97.
- S. Ellis and C. Oppenheim, Legal issues for information professionals III, Attitudes to data protection amongst UK media librarians, Journal of Information Science, 1993, 19, 99-117.
- C. Oppenheim, Legal issues for information professionals IV: The legal issues associated with Electronic Copyright Management Systems, http://ukoln.bath.ac.uk/ariadne/issue2/copyright/ (March 1996).
- M.A. Blackstock and C. Oppenheim, Legal issues for information professionals V: Freedom of Information, Journal of Information Science, 1999, 25 (4), 249-264.
- C. Oppenheim, Legal issues for information professionals VI: copyright issues in digitisation and the hybrid library, Information Services and Use, 2000, 20 (4), 203-210.