



knowledge without boundaries

EIFL-IP

Promoting a fair and
balanced copyright system

Libraries determined to deliver on a copyright law fit for a modern Mongolia

Project Manager: Baljid Dashdeleg, Board Chair, Mongolian Libraries Consortium

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Results of an EIFL-IP funded project



Magnificent collection of one million rare books and manuscripts in Tibetan script, including literature and medical texts at the National Library of Mongolia. They are wrapped in silk or fine handmade shawls donated by local people as a traditional act of kindness.

The Context

Since the democratic revolution in 1990, Mongolia's political, social and economic life has undergone radical change. The legal environment has been re-created with new legislation adapted for the market economy, and the IP system has been entirely reformed. New laws on copyright and patents were adopted in 1993, and amended in 1999 and 2006. Mongolia acceded to the Berne Convention in 1997, the WIPO Copyright Treaty in 2002, and has signed the Beijing Treaty on Audiovisual Performances (not yet in force).

Mongolia's development priorities are set out in key policy documents such as [UNDP's Millennium Development Goals in Mongolia](#) and a [Comprehensive National Development Strategy of Mongolia](#) that envision the development of a knowledge-based society to provide economic growth and to meet the intellectual needs of its citizens. As a sign of the government's commitment to the provision of public ICT access, 70% of public libraries in Mongolia now have Internet access, and Mongolia's first library law is pending discussion in government.

In terms of copyright, libraries are governed by rules that were established in the print era that don't fit with recent technological changes and current policy ambitions. While the copyright law is under review in 2013, librarians want to become active in the review process to ensure that the new law meets the needs of libraries and their users in Mongolia today.

'In many cases, the library related copyright provisions are very limited and do not address contemporary technologies. In other words, they do not enable libraries in Mongolia to function well in digital age. They also fall short of the copyright exceptions for libraries in other countries.'

Jonathan Band, International Consultant

Project Objectives

The project partners were the Mongolian Libraries Consortium and the Ministry of Culture, Sport and Tourism.

The main objectives of the project were to:

- survey and evaluate activities in a representative sample of libraries to establish common digital services in Mongolia's libraries, as evidence for an evaluation of the copyright law;
- engage international and local expertise to analyse the law, compare with international standards, and to develop recommendations on copyright law reform;
- present the recommendations to the national copyright office, the library community and other stakeholders.

The expected results are that the library community will have concrete recommendations for an improved copyright law for library services in Mongolia that will be used in discussions with policy makers and stakeholders in different communities. Consequently, policy makers will be well informed about digital library services, and our position on the changes necessary to the copyright law.

Strategies and Tactics

- Map out day-to-day activities and services that involve copyright e.g. photocopying, digitization, book lending;
- ask copyright experts to do a comparative analysis of the copyright law and the activities, and advise on amendments;
- consult with representatives of the Intellectual Property Office (Director General, Head of the copyright and patent division) on the local legal situation and bring library copyright issues to their attention;
- raise awareness about copyright in the library community, discuss to what extent the law meets library needs, and how the law can be improved.

Key Achievements

- ✓ **A major result of the project is an independent legal analysis of Mongolia law concerning library services with recommendations for amendments that allow for the new digital opportunities.** An international expert evaluated the copyright law to determine what activities are currently permitted, and made suggestions for amendments in support of library activities including for education, accessible formats, digitization for library preservation, lending. Library provisions were compared with other countries such as the US, Canada, Europe and Asia. The local expert in addition looked at related laws, such as the Civil Code (2002), the Law on Science and Technology (2006), and Law on the Legal Status of the Mongolian Academy of Sciences (1996), that affect library services in Mongolia. Both experts reached the same conclusion: the law doesn't cater for library needs in Mongolia today.
- ✓ **We developed good working relations with the Intellectual Property Office (IPO),** who have requested information on modern library practices and international copyright standards for library services. For example, presentations by the Project Manager on copyright challenges for libraries in Mongolia at a workshop on 22-23 April 2013, and at an international conference in Ulaanbaatar on 23-24 May 2013 attended by representatives from Russia, China, Korea and WIPO was the first time the library community was invited to such events. Gained confidence to present the library perspective at national events on an equal basis with other stakeholders.

- ✓ **Awareness by the library community on copyright issues is greatly improved** through project meetings, and documents distributed through the [consortium website](#), [Facebook](#) and [Twitter](#).
- ✓ **On 30 April 2013, an article on copyright and library services was published in “Udriin sonin”**, a daily newspaper that discussed the challenges faced by libraries providing materials for distance learning, serving blind people and undertaking digital preservation activities while relying on very general legal provisions.
- ✓ *‘The library community has gained much new knowledge about the impact of copyright on library services, and the project team has done a lot of research into copyright and libraries. We are implementing this project not only to develop recommendations for amendments to the copyright law, but also to continue advocating until the changes are in place’.* Baljid Dashdeleg, Mongolian Libraries Consortium



Activities

- **In December 2012**, the project and research teams met several times to discuss the workplan and process; the questionnaire for the survey of library activities was devised.

The project team members were: D. Bayaraa, Officer of Library and Publishing Policy, Ministry of Culture, Sports and Tourism; D. Baljid, Board Chair, Mongolian Libraries Consortium; L. Gantulga, Executive Director, Mongolian Libraries Consortium.

- **In January 2013**, the results of the survey were evaluated from a representative sample of 17 national, college and public libraries, including three libraries in rural areas. The survey gathered information on types of collections, digital standards and technologies, common library services.
- **In February 2013**, the international and local experts delivered their reviews and recommendations on Mongolia’s laws to enable contemporary library services in Mongolia.
- **In March/April 2013**, the expert recommendations were distributed widely via the Mongolian Library Consortium; an extended meeting with the library community was held that included the participating libraries in the survey, the national IP Office and the [DAISY Talking Book Center](#) at Ulaanbaatar City Public Library.

‘The DAISY Talking Book Center converts printed books into DAISY format for the use of blind and visually impaired people. An extensive challenge is digitizing textbooks for blind children. Publishers, who own all the rights, do not permit the DAISY Center and the Mongolian National Federation of the Blind to convert the textbooks. So blind children learning at school have no modern books, and rely instead on ancient Braille textbooks printed in Russia during the socialist period. We must fix this situation urgently’.

Mr. Tsengel, DAISY Talking Book Center



Learning to use DAISY readers at Ulaanbaatar Public Library



Copyright advocacy for rural library team at the National Library

'Library copyright issues were first raised in 2008 when the National Library's strategy was developed. Since then, we have been struggling with the limited legal provisions that don't regulate the work of libraries in the digital environment. I'm delighted that the library community is working together to advocate for change on this important issue'.

Mrs. Tosgjargal, National Library of Mongolia

Lessons Learnt

- Working with representatives from different sections of the library community - consortium board members, library directors, civil servants, local and international lawyers – brought together a wide range of expertise and resources that gave team members confidence in what we were doing.
- The lawyers gave us a very clear understanding of the legal issues. Their outputs - precise recommendations for amendments to the law - were key to persuading the IP Office to work with us.
- The initial library survey provided a clear picture of current library activities, not only for us but also for the experts. So we believe that this got the project off to a good start.

The Future

We will actively follow the review process with the National IP Office, and continue to advocate and persuade for the best library provisions.

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For information on other EIFL projects in support of national copyright law reform, visit:
<http://www.eifl.net/advocacy-campaigns-national-copyright-law-reform>