

WIPO STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS
27th Session. April 28 to May 2, 2014

Statement by Ms. Ellen Broad on behalf IFLA, on Libraries and Licensing:

Thank you, Mr. Chair,

I speak on behalf of the International Federation of Library Associations & Institutions (IFLA), the international body representing over 650,000 library and information professionals in 150 countries.

We are seeking a provision that safeguards the exercise of our national copyright limitations and exceptions from override by contract. We thank the African Group, Ecuador and India for their proposals on this topic, and would like briefly to note that there are existing precedents for the language they have proposed: Article 15 of the European Directive on the Legal Protection of Databases (Directive 96/9/EC), and Article 9(1) of the European Directive on the Legal Protection of Computer Programs (Directive 91/250/EEC).

We have been told that the existing international framework provides sufficient policy space for national exceptions.

However, for libraries in many regions, their national exceptions no longer apply. In the digital environment, publishers could be described as our copyright policy makers. They determine what services we are permitted to provide to patrons in our communities, in our countries – the exceptions and limitations crafted by our government policy makers to ensure libraries are able to fulfill their services in the public interest no longer apply. And this is not simply a national problem.

We have been making a selection of licenses available each day outside the room for you so you can see for yourself the complexity of the licensing environment in which we find ourselves. A university library in South Africa may be asked to sign licences with conditions set by a publisher in the United States. Academic libraries in the United Kingdom are operating under German, American and Dutch laws. Public libraries are grappling with eBook licences that greatly restrict how they are able to lend eBooks to their patrons. For libraries in some countries, these licence terms and conditions they're being asked to sign are not even in their own language. I'd like to add my support to the comments made by our esteemed colleague from Knowledge Ecology International in an earlier intervention, that establishing norms of copyright exceptions for libraries would in fact simplify the complex licensing situation in which we find ourselves.

A recent British Library study indicated that by the year 2020, so in less than six years, 80% of scholarly works will be available in an electronic format; and of these, 40% will be exclusively in electronic formats. The digital environment is a global one, and as more of our countries' populations come online, the challenges for libraries and archives to provide researchers in other countries with access to electronic scholarly works; to preserve these works; to provide accessible format copies of these works for the visually impaired; and to undertake other activities deemed in the public interest by their policy makers, will only get worse.