

WHAT THEY SAID ABOUT LIBRARIES ...

QUOTES FROM MEMBER STATES AT THE 39TH MEETING OF THE
STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS,
WORLD INTELLECTUAL PROPERTY ORGANISATION



Algeria

“ We believe that exceptions and limitations hope to increase access to copyrighted works and create a balanced copyright system, which will benefit creators on the one hand and educators and others promoting access to education and knowledge on the other. International cooperation is the best way of having a framework within which to govern and implement exceptions and limitations [...]



We urge the committee to continue with its work, to develop one or more appropriate legal instruments on exceptions and limitations in accordance with the decision taken by the assemblies in 2012. This means compromise, while preserving the interests of sources and the wider interest of the public when it comes to having access to knowledge and culture. ”



Argentina



“ Argentina supports balanced work within the framework of the Committee for exceptions and limitations to copyright and related rights for libraries, archives, teaching establishments, research institutions and persons with other disabilities. As could be confirmed amongst the activities carried out within the framework of the plan of action on limitations and exceptions, even when a large number of solutions are available through national legislation and the implementation

of good practices, there are still difficulties at the trans-border level which create difficulties in harmonizing the needs of rightsholders and users, particularly in a digital, globalized environment. ”



Bolivia (Plurinational State Of)

“ As for exceptions and limitations for libraries, archives, museums, research institutions and persons with other disabilities, Bolivia considers that one should not lose from sight the social nature that intellectual property should have. We should find an effective balance between the protection of copyright and the promotion of innovation, as also accessibility for all and the

guarantee of such access to information and social and cultural development. For this reason, we believe that including exceptions and limitations is of fundamental importance in order to maintain a balanced international system.

Along the same lines, it is worth pointing out that 161 members have acceded to the Marrakesh Agreement for more balanced accessibility to knowledge, particularly for the most vulnerable groups. ”



Brazil

“ We welcome the efforts made and the results achieved on the issues of exceptions and limitations because a successful outcome here is to make sure that we can balance two things. First of all, the remuneration of authors and creators for their creations and secondly promoting the interest of businesses and the wider public in having access to science, technology and culture.



“ We would like to take the opportunity to inform you that we are in the process at this moment of complementing for the accession of the Marrakesh treaty and at the same time we are amending our copyright laws. The discussions that have been held here have been very helpful to Brazil in further deepening our knowledge and expertise on these issues. ”



Chile



“ This delegation considers that the SCCR as the only multilateral forum to deal with international challenges concerning copyright and related rights should do active work on the subject in order to face all of these challenges. In connection with this, our delegation considers that the Committee should consider all possible tools available to it, including the possibility of agreeing on an instrument or instruments internationally to cope with these challenges.

Our delegation acknowledges the existence of shared challenges, which must be dealt with through international coordination. That exercise should take place in this Committee as a means of granting greater certainty to those involved and in this way facilitating access to knowledge, as also to cope with the challenges of new technological changes. ”



Croatia (on behalf of the Central Europe and Baltic States Group – CEBS)

“ CEBS reiterates the importance of the work of libraries, archives, museums as well as educational and research institutions for their contribution in both social and cultural development of our societies. It is our special interest that global infrastructure would ensure access for persons with disabilities in both analogue and digital frameworks. ”



Dominican Republic



“ I would like to mention at this stage, that the issue of exceptions and limitations to copyright is an issue, the importance of which is shared by all countries, and that's particularly true, now that we are in the digital era. Limitations and exceptions are a natural part of any balanced copyright system. Copyright should not be seen as an obstacle in the way of doing something, but something that makes it easier for us to do it. ”

The one thing we all need is to achieve a balance, a balance between the rights of creators and access to the cultural heritage of countries, particularly across borders. ”



Ecuador

“ Ecuador supports the continuation of a balanced work program which will include discussions on exceptions and limitations for libraries and archives and limitations and exceptions for educational and research institutions and persons with other disabilities. We endorse the importance of having a copyright system which is linked to exceptions and limitations, and they should have the same importance attached to them as the rights to which they are applied. This way, we could have a proper balance between the users' rights and rightsholders. ”



We support the work done during the regional meetings, the studies on the issues and the conclusion of the international conference. We hope that it would be helpful the member states in getting further with the building on the consolidated documents for text-based negotiations so we can protect private licences and support those groups that need access and use of works and will promote knowledge, research and education. We hope we would be able to make a contribution to achieving sustainable development goals for supporting vulnerable groups and ensuring that educational and research institutions can do their work properly. ”



India



“ Mr Chair, limitations and exceptions are critical elements of an effective copyright system. Limitations and exceptions, allow the attainment of the right to education and access to knowledge, the advancement of culture, science and education. Limitations and exceptions are necessary to facilitate the work of libraries and archives and for educational and research institutions and for persons with other disabilities. We acknowledge the progress made on the discussions on all

the topics of the exceptions and limitations for libraries, museums, archives and educational and research institutions. ”



Indonesia

“ This delegation shares the view that one of the objectives of the copyright system is to encourage and reward creativity, not necessarily for intermediaries only but most for creators and authors. It is also important to have a constant reminder that another objective for the copyright system is for the knowledge and cultural advancement to access for the public for public interest purposes. It is especially important for institutions with activities to have this objective which includes Libraries, Archives, Museums, educational and research institutions.



Like any system of priority and exclusive rights, in order for a regime to be accessible for all society, we need to justify the granting of exclusive rights including the granting of exclusive rights on copyrights protected works. Again we need a constant reminder, that the exclusive rights granted to copyright owners are not without certain restrictions.

Borrowing the Director-General's remarks on the opening statement of the international conference last week: "Limitations and exceptions to copyright lie in the fair balance of the copyright system. The whole purpose of having the copyright system with respect to the competing interest that surrounds innovation and creativity enhance our works in this committee on limitations and exceptions".

Mister Chair, we hope that this session of the SCCR, after having the opportunity to digest the rich results of the implementation of the action plan, will be able to agree on a concrete way forward in our options without prejudging the final outcome, of course, possible areas for international cooperation in the area of limitations and exceptions within this committee and this organization.

Indonesia believes the key to an agreement under the topic of exceptions and limitations in this Committee lies in giving mutual respect to all perspectives and views. It is time for each of us to abandon our own long-held views on how exceptions and limitations issues should be handled internationally. It is time as well to realise that it is not only a national issue that only requires a national solution; it is also time to realise that some of the exceptions and limitations issues need international solutions. So Indonesia hopes that the upcoming session of the SCCR, as a committee, we will be able to do some work and meet in the middle for mutual agreement for an international solution or solutions. ”



Iran

“ Striking an adequate balance between copyright protection and promoting the dissemination and use of works in the public interest through creating an exceptions and limitations regime in the form of an international legal instrument constitutes the basis for the SCCR mandated by the General Assembly on these two agenda items.

The importance of the balance of interest in copyright system is reaffirmed by article 7 of the TRIPS agreement which stipulates the need to maintain a balance between the rights of authors and the large public interest particularly education, research and access to information. Differences in national legislation with regards to exceptions and limitations in the copyright system are bound to block the flow of knowledge. An international framework to harmonise national legislation is a requirement. We are of the conviction that norm-setting is the only way to ensure that WIPO member states provide a basic level of modernized legislation on exceptions and limitations for all institutions. ”



Jordan



“ I would like to talk about the human legacy, which is a responsibility we should be handing on to future generations which must have access to the knowledge and the wealth of their grandparents' civilization. It is important for such knowledge to be accessible without violating intellectual property rights or the rights of right holders. We believe that we need to facilitate access to information because the right to information is a universal right. A right to knowledge is developed thanks to training

and knowledge. We need to look at the common points around which we can rally, and to preserve the rights of all stakeholders and rights owners, as well as enabling very important institutions such as libraries, archives and educational institutions to help them in their work in such a way that this will make it easier to follow current digital developments. ”



Kenya

“ Developing countries, in particular in Africa are suffering under the weight of few or not relevant exceptions, generally or specifically designed to enhance development in the cultural sectors. These sectors are therefore less efficient in a rapidly-changing world [...]. There is a need to update the specific copyright laws for the Member States. We need modern specific exceptions and



limitations that can respond to the challenges posed by modern technology and modern way of doing things [...].

Developing Countries, mostly in Africa, should engage in the digitization of works that are found in these cultural institutions so that they can be protected from deterioration. In addition, this decision can also enhance the communication and exploitation of these works. The other way forward is the preservation in all forms, including preservation based on cultural means of preservation of all the cultural objects that are found in these cultural institutions. ”



Malaysia

“ The [international] conference highlighted the challenges different members face with the cross-border exchange, Internet and online learning. We believe the work of the Committee could facilitate the promotion of balance of the limitations and exceptions and access to knowledge. This is very important for Malaysia who is in the process of reviewing our copyright law. As we have also learned from the regional seminars, many gaps remain in national legislation, making access to materials difficult, or leading to complete disregard of copyright.



From the discussion, we are of the view that national frameworks alone are insufficient and that there is a need for international harmonisations and exceptions and limitations. Moving forward, we believe the SCCR could take stock of the activities under the action plan and the Committee to consider the need for harmonisation further [...].

We hope the constructive spirit of all Member States will further promote the progress and harmonisation of exceptions and limitations for the libraries, education and research institutions, archives, museums and for persons with other disabilities. The success of developing a knowledge-based society that promotes education and ensures accessible materials for all could not be undertaken by any party alone, but requires the contributions of all stakeholders from authors, publishers, collective societies and policymakers and beneficiaries. ”



Mexico (on behalf of the Group of Latin American and Caribbean Countries - GRULAC)

It is our belief that the studies, the



“ regional seminars and the international conference which took place this weekend have been useful in order to better understand challenge facing by member states in order to achieve and maintain the balance and harmonization that should always exist between copyright on one hand as a mechanism to promote creation and innovation and on the other hand to protect access to information and public interest.

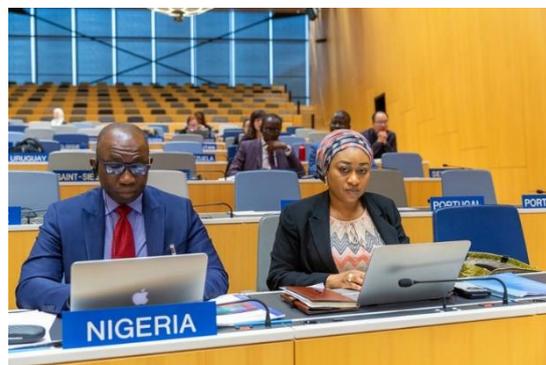
It is our feeling that the studies carried out at the regional seminars and at the international conference have been really useful in helping us to have a better understanding of the topics and have more tools to achieve the goals that we set for ourselves as

member states as well to achieve the balance which should exist between copyright as an instrument to promoting innovation and creativity and on the other hand, the access to information and other types of public interest. ”



Nigeria

“ Mr Chairman, we are pleased to report that blind and visually impaired students in Nigerian schools have begun receiving books in accessible formats, thanks to an ongoing WIPO ABC project. This is one of the immediate outcomes of the Marrakesh Treaty which Nigeria ratified in October of 2017. In our opinion, it also demonstrates the importance of an international framework as a catalyst for achieving concrete deliverables and the use of the copyright system in an increasingly global economy.



Mr Chairman, Nigeria is committed to a balanced copyright system that not only benefits rights owners but also and more importantly promotes the holistic and sustainable development of other sectors of the society, in light of the promotion of national heritage, education, and access to knowledge. While we particularly welcome the excellent studies that have been done on limitations and exceptions for education and research institutions, this remains the linchpin of today's international copyright system.

We have seen from the studies that member states are at a different level in the uses of existing flexibilities, and several solutions have been suggested to have the needed balance. This confirms the need for an international framework to address the new issues being thrown up by emerging digital realities and the flow of knowledge and information.

While Nigeria subscribes to the notion of balance, it is automatic that in achieving this, of a context of inequality, may not always be possible via equal treatment. The field of play in today's knowledge and Information Society is already skewed against the developing world; hence, the need for radical intervention in the prevailing international legal landscape. ”



Pakistan

“ We sincerely appreciate and support the statement why the distinguished Asia-Pacific group and the Latin American Caribbean group GRULAC, we join hands for the common objective in the formulation of an international instrument on copyright, limitations and exception for libraries, archives, museums and educational and research institutions.



This would certainly be a great legislative assistance and an umbrella guideline for the Member States to revise and redraft their statutes in line with the international instrument. I strongly believe and propose that international instrument be well thought out with special consideration with reference to all the groups from LDCs, developing countries and developed countries. ”



Philippines

“ We consider copyright limitations and exceptions as an important tool for pursuing its national Development Agenda. Preservation of works and education are better acts of progress. As an official from the Ministry of Education, I can attest to the significance of ensuring expiration and pursuit of all possible avenues for disseminating information and knowledge not only through existing frameworks that we agree must be utilised but equally important also through activities that seem to continuously improve the landscape. Addressing development gaps is an issue we persist in advocating. We will continue to engage constructively in this regard and look forward to the factual report of the regional seminars and the international conference. ”



Singapore (on behalf of Asia Pacific Group)



“ The group believes that limitations and exceptions for Libraries, Archives, Museums and educational and research institutions, as well as persons with other disabilities, are of critical importance to the individual and collective development of societies. In order to advance and promote culture, science, innovation and education, we believe in the balance of copyright system that not only takes into account the commercial interests of copyrights and rightsholders but also the larger public benefit by enhancing access to this works. Limitations and exceptions have an important role to play in access to knowledge and education. ”



South Africa

“ We do worry that the slow pace to conclude work on core agenda items coupled with the rapid advancement of digital economy will seriously compromise our ability to achieve the creation of a truly appropriate balance between the interests of rightsholders and users of protected works through an effective international copyright limitations and exceptions framework [...]. ”



We recognize that copyright laws should be effective in promoting and encouraging the creation of an investment in creative works. We appreciate and believe that the creation of new knowledge in a competitive economy is dependent to a significant extent both on the protection of Intellectual Property and on addressing the matter of an international legal instrument in whatever form on balanced limitations and exceptions for libraries, archives museums and educational and research institutions and for persons with other disabilities. The IP ecosystem is changing where users are becoming creators, and therefore an appropriate balance and harmonization on an international level needs to occur in order for all Member States to participate in the opportunities of digital economy. ”



Uganda (on behalf of the African Group)



“ The African Group has already supported and emphasised the key role of the work of the SCCR and has been an advocate for advancing the balanced international system of copyright and related rights. A balanced copyright system is essential for the promotion of culture, science and education and achieving sustainable development [...]. The rapid development of digital infrastructures and technologies has influenced how IP assets are created, stored and disseminated, accessed and otherwise consumed. Consequently, the social and economic expectations of users and rightsholders also keep evolving. Therefore, the appropriate balance and harmonisation on an international level are to account for all Member States to participate in the opportunities of the digital economy [...].

We are pleased to note at this stage that from the initial reports from the regional seminars consensus is emerging on topics of which international action can be taken. We look forward to furthering discussion on such topics. We further note that there are further activities be implemented in accordance with action plans. And we look forward to the presentation and discussion of reports on further studies on libraries, archives and museums, and educational research institution as well as typologies on archives.

“ We wish to underline once again the importance of copyright limitations and exceptions as an integral part of the international copyright system for as long as it has existed. Limitations and exceptions play an important role in balancing the rights of creators of works and the right of the public to access the works. A balanced international copyright system assures progress and sustainable development of societies by incentivising creators and promoting public welfare through the dissemination of knowledge, culture and science.

Mr Chairman, limitations and exceptions benefit everyone. The rightsholders and users alike in both Developed Countries and Developing Countries. Authors, researchers and publishers alike need an appropriate level of access to copyrighted works for their ongoing activities. The copyright system has reasonably accommodated all these two aspects. Creators and public interest in order to promote progress.

Mr Chair, cross-border access and sharing of copyrighted materials are increasingly becoming difficult for all players including libraries, archives, museums as well as educational research institutions, and persons with other disabilities due to the disparity and unpredictable treatment of L and Es at the national level. The digital evolution has opened new opportunities for access and use of copyrighted works. However, it has also created additional challenges to access, transfer and otherwise exploitations of copyright works. This has disturbed the balance that existed in the analogue era.

Therefore, it is imperative to discuss this balance in an inclusive manner for all Member States and societies at large in order for the copyright system to incentivize creativity, innovation and development rather than being a barrier. The group believes that the proposed international instrument with a model law with recommendations, treaty or other forms on limitations and exceptions for libraries, archives, museums, educational and research institutions and persons with other disabilities, gives us a new impetus to find global solutions to address challenges posed by the digital era. Let us be reminded of the success of this committee on the conclusion of the

Marrakesh Treaty, which illustrates collaborative efforts of member states and political way to address an area of great public interest [...].

Initial reports from the expert studies as well as initial reports from regional seminars show that in the area of Libraries, Archives and Museums, the consistency of imagining some issues which could form an international action. We look forward to the discussion on the full report of the seminars and other issues. Member states and stakeholders highlighted their needs for solutions and a number of other important issues that should be advised by the committee such research, online education especially relating to cross-border uses and digital technologies. ”



Zimbabwe

“ These meetings greatly assisted my delegations to have a sound understanding on the subject of exceptions and limitations to copyright.

Mr Chair, in September 2019, the government of Zimbabwe deposited its instrument for the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise printed disabled and we are in the process of amending our copyright and neighbouring copyrights acts. We value the subject of limitations and exceptions and express the hope that this session shall work on a program that concretizes the future action plan which gives further clarity and works on conversion on a balanced framework on exceptions and limitations.



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