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AGENDA ITEM 15

INTERVENTION

International NGO:

International Federation of Library Associations and Institutions (IFLA)

[Mr Chairman / Madam Chair]

I speak for IFLA, the International Federation of Library Associations and Institutions and EIFL, Electronic Information for Libraries, concerning the SCCR's text-based work on Limitations and Exceptions for Libraries and Archives.

While copyright protections are global and mandatory, exceptions for the most part are optional and national. As a result, in some countries there are no exceptions for libraries and archives. In others exceptions for core library activities such as preservation and lending are absent. In many cases, exceptions are not being updated for the digital environment, and new issues such as Virtual Learning Environments or Text and Data Mining are not being addressed, or are being taken away by contract. In a digital world where information is increasingly borderless the immense disparity in national exceptions and limitations for libraries, evidenced in the study by Professor Crews, makes it virtually impossible to competently to fulfill our role as intermediaries between rightsholders and users.

This year, librarians and archivists from five continents gave real-life examplesⁱ to SCCR of problems they encounter, demonstrating a major dysfunction in the international copyright system deriving from lack of national and cross-border provisions. Claiming that all problems can be solved at national level, is absurd. The problem needs an *international* solution.

Libraries and archives hold unique materials of international importance and have a global reach. The demand for information under a national exception flows in *both* directions between countries – no country is immune from needing information from elsewhere in support of education, research and culture. People expect libraries and archives to provide information to them irrespective of location; yet when exceptions stop at the border and libraries cannot legally provide the material, people are denied access to information.

We are thus asking WIPO to set international minimum norms designed to solve the real practical copyright problems that libraries and archives face in providing information services. We are grateful to the many Member States who support this position.

We therefore urge the General Assembly to renew its recommendations made in 2012 that SCCR continues text-based work towards a binding international legal instrument, with the target to submit recommendations on limitations and exceptions for libraries and archives to the General Assembly in 2016; based on proposals by Member States contained in document SCCR/26/3 adopted by SCCR.

Limitations and exceptions *are* the normal business of SCCR. As digital technologies evolve, we urgently need a well-functioning international copyright system that supports the legitimate interests *all* copyright stakeholders,

Thank you for your attention.

ⁱ <http://www.eifl.net/copyright-exceptions-and-limitations>