



International Federation of
Library Associations and Institutions

WIPO STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS

Cross-Border Issues

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Thank you, Mr. Chair. I speak on behalf of the International Federation of Library Associations and Institutions, which represents libraries and librarians throughout the world.

In a world that is increasingly digital, there can be no more important over-arching principle than this: that cross-border uses are permitted for limitations and exceptions for libraries and archives, whether they be lending, preservation, reproduction of copies, etc. The internet has no borders; therefore, the notion that libraries and our users should be forced to deal with 100+ national flavors of exceptions is unworkable, ludicrous, and a failure of the international copyright system. This proposed exception may be the most important of all those being considered by SCCR since it underlies many of our core library and archive activities.

What is the problem? As we have often noted, libraries and archives seek the balance between users' and owners' rights that have been fundamental to copyright since its inception. What we lack, but desperately need, are clarity and the ability to operate effectively in the digital environment. I will give 4 brief examples: (1) a recent study undertaken by a Canadian academic found that 43% of the large body of research papers reviewed were co-authored by scholars from 2+ countries: 1 paper, but multiple authors, multiple countries, and multiple copyright regimes is a recipe for confusion. As collaborative research and publications are now the norm, the lack of clarity and harmonization have become an increasing impediment and frustration to those who seek to advance and disseminate knowledge worldwide; (2) libraries need to lend and borrow to satisfy the information requirements of users for works not available for purchase or lying outside the scope of a particular library's mission; but as the Crews study demonstrated, many countries have no provisions for lending or document delivery; and even if all did create their own, different copyright exceptions, how would a librarian possibly keep abreast of rules in 180+ countries?; (3) librarians and archivists increasingly work across borders to re-assemble digital archival collections documenting the various diasporas that occurred throughout human history; but varying laws governing lending, preserving, and copying these geographically dispersed collections force archivists and librarians either to give up in despair or spend endless hours trying to determine, understand and cope with different countries' exceptions; and (4) many universities now have campuses in multiple countries, which challenges librarians, faculty and students to know what rules apply, as they move from campus to campus, for common activities like making copies for private use

The solution, which we urge this body to become serious about, is to move from discussion to action on proposals submitted years ago by the African Group and GRULAC to provide the clarity, balance, harmony and rationality in copyright that libraries and archives need to perform our public service missions in a digitally-connected world.

We remain completely mystified by the repeated assertions by some delegations that all of the problems we cite can easily be solved within the “existing international legal framework,” or at national level. We see zero evidence to support this claim. As a colleague noted at a previous SCCR, nothing, pre-Berne, prevented member states from setting copyright term for a period of 50 years after the author’s death. But Member States recognised the importance of an international norm. We now call on this body to recognize and accommodate the importance of international norms governing our cross-border activities.

Thank you, Mr. Chair