

# **IFLA and the Access to Knowledge (A2K) Treaty: Statement by IFLA (2005)**

**Inter-sessional Intergovernmental Meeting on a Development Agenda for WIPO  
1st Session, Geneva  
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Mr Chairman, IFLA extends its congratulations to you and the Vice-Chairman upon your election and wishes you all success in the task ahead.

IFLA, the International Federation of Library Associations and Institutions represents the interests of libraries and information services as well as the users of such services throughout the world. We wish to associate our intervention with that of Electronic Information for Libraries (eIFL) which works in developing countries and the two statements are complementary.

As the 'peoples' universities' and 'idea stores' libraries are an essential component in providing access to knowledge and learning which fosters a creative and democratic society, enabling nations and individual citizens to develop. As the gateways to information and powerhouses of knowledge open to the ordinary citizen, it is in libraries that most users encounter intellectual property rights. If these are not properly balanced against user exceptions and rights, IPRs form barriers to further creativity and development.

Libraries are the interface between rightsholders and users in the management of IPRs and they seek to see fair play for both. As evidenced by the most developed nations, a strong library infrastructure is essential to a nation's development. Such an infrastructure needs to go hand in hand with the protection, or even the enhancement, of the limitations and exceptions to copyright so that the public interest is served. In this regard IFLA would support proposals for an Access to Knowledge Treaty.

IFLA welcomes the opportunity to discuss the important issues that have been raised by the Member States of WIPO. These issues have serious implications for education, libraries and other information providers, and above all their users. Given that our work is in providing people with access to information, copyright issues are our major concern and we believe that copyright is a core part of the discussions on integrating the development agenda into WIPO's work because the erosion of access to knowledge through over restrictive copyright laws has the effect of sabotaging development. This is particularly relevant to the digital environment. Indeed, with regard to the potential of the internet as a tool for development the Executive Summary and the main Report of the UK's Commission on Intellectual Property Rights , which has been much lauded by delegations to this meeting, recommends that

"Developing countries should think very carefully before joining the WIPO Copyright Treaty. Countries should also not follow the lead of the US and the EU by implementing legislation on the lines of the DMCA or the Database Directive."

**In particular we wish to draw to your attention the following issues:**

- The growing imbalance of intellectual property laws in favour of rights holders and to the detriment of users, resulting in constant erosion of exceptions and limitations
- The monopolisation of information via restrictive intellectual property rules in both the print and digital environments
- The inhibitive effect of copyright laws on the development of new technology where the technology in question has substantial non-infringing uses
- There is constant pressure towards increasing the term of copyright protection ever upwards in the name of harmonisation. This has resulted in the shrinking of the public domain and a subsequent negative impact on education, research and creativity. Copyright is supposed to foster creativity but over protection actually stifles it. This applies in both developed and developing countries, but the latter rely more on works in the public domain as they have fewer resources with which to buy access to protected works.
- Technological protection measures which override fair use applications and create serious barriers to accessing information and the promotion of research and innovation.
- The chasm between the digitally advanced and the digitally deprived is widening. Current copyright rules foster the dependence of developing countries on developed countries
- Free Trade Agreements - Currently some developed countries are imposing unnecessarily stricter copyright laws on their free trade partners in excess of the requirements of the Berne Convention and the TRIPS Agreement. WIPO and the WTO need to work together for a new approach to intellectual property.

IFLA supports the recommendations of the Friends of Development group of Member States, in particular the need to review the WIPO Mandate and Governance, the promotion of pro-development norm setting including the recognition of different countries' levels of technological, economic and social development and also the recognition of the rights of different stakeholder groups and the citizen as users of IP, and the development of supportive IP and trade policies by industrialised countries. We believe that adoption of the development agenda throughout WIPO's work would bring WIPO on board with other international organisations and enhance its position amongst NGOs and other stakeholders working in this field, producing effective and beneficial partnerships. The NGOs have a lot of expertise to contribute to WIPO and are willing to do so. We trust that the adoption of the Development Agenda by Member States will foster closer and more open working practices and partnerships between WIPO and the NGOs.

**For further information contact:**

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