



International Federation of
Library Associations and Institutions

The Hague, 4 July 2012

Library statement on Trans-Pacific Partnership Agreement negotiations

IFLA and other library organizations express concern at TPPA IP chapter

Libraries play an essential role in fostering equitable access to information and cultural expression, while ensuring that the interests of creators are respected and protected. This role is recognized in copyright law which grants creators and content providers certain rights to the commercial exploitation of information and cultural expression, but reserves important rights of access to and use of copyright material for the benefit of society at large. The balance between appropriate economic protections for creators and content providers and fair limitations and exceptions fosters a vibrant and participatory civil society.

IFLA and the international library community are committed to upholding this balance and are therefore troubled by the emergence of non-transparent intellectual property (IP) negotiations taking place outside of the World Intellectual Property Organisation (WIPO) and World Trade Organisation (WTO). These negotiations focus solely on copyright protection and enforcement, neglecting essential limitations and exceptions to copyright. Libraries are deeply concerned that these negotiations pose a threat to the fundamental balance in copyright.

The methods of negotiation and stated objectives of the Anti-Counterfeiting Trade Agreement (ACTA), a multilateral trade agreement on IP enforcement standards, have been the subject of controversy and considerable opposition in the European Union and throughout the world. The European Parliament voted to reject the Anti-Counterfeiting Trade Agreement on July 4th 2012.

Meanwhile, IFLA and the signatories of this statement have observed with concern the emergence of similar negotiations on international IP standards in the form of the Trans-Pacific Partnership Agreement (TPPA), by countries in the Asia-Pacific region. The TPPA is a multilateral trade agreement between Brunei Darussalam, Chile, Vietnam, Malaysia, the United States, Australia, New Zealand, Peru and Singapore, covering all aspects of commercial relations between the countries. The TPPA includes an extensive intellectual property chapter.

As has been the case during negotiations of ACTA, negotiating texts for the TPPA and countries' positions have been withheld from the public. The draft text proposed by the United States for the IP chapter of the TPPA, leaked in February 2011, does not reflect the balance necessary to protect the public domain and the ways in which society may access and use content. Exceptions to copyright protection are noticeably absent from this 'gold standard' IP agreement for the 21st century.

While the international library community supports international efforts to control commercial counterfeiting and unauthorised file sharing, IFLA and its partners are concerned that agreements like ACTA and the TPPA erode the fundamental balance in copyright law and do not seriously consider and protect the interest of the broader community in having equitable access to knowledge and cultural expression.

IFLA and the undersigned organisations are gravely concerned that despite the controversy surrounding ACTA, which has not yet been ratified by any of its signatory countries, TPPA negotiations continue to take place behind closed doors, without stakeholder advice and comment on draft text, and may be pursuing a similarly restrictive IP enforcement standard. The issues surrounding international copyright law and policy development must be discussed in an open and transparent forum, to ensure fair representation of the views of civil society groups, developing countries, members of legislative bodies and the public at large.

IFLA and the international library community urges Governments to take steps to prevent the negotiation of international IP standards behind closed doors, without an open and informed debate with all stakeholders. IFLA and other library organisations participate in discussions held by the World Intellectual Property Organisation, with access to negotiating texts and transparent information sharing mechanisms. The signatories to this statement urge Governments to insist that trade agreements affecting international intellectual property policy be subject to the same high standard of transparency.

For more information about the Trans-Pacific Partnership Agreement and issues affecting libraries, see the presentation from the Australian Digital Alliance, [How access to knowledge may be restricted under the TPP](#).

** As of the 19th June 2012 both Canada and Mexico have been invited to join the TPPA negotiations.*

Signatories

International Federation of Library Associations & Institutions (IFLA)
American Library Association (ALA)
Association of College & Research Libraries (ACRL)
Association of Research Libraries (ARL)
Australian Libraries Copyright Committee (ALCC)
Canadian Association of Research Libraries (CARL)

Canadian Library Association (CLA)
Library & Information Association of New Zealand Aotearoa (LIANZA)
Library Association of Chile (CBC)
Peruvian College of Librarians (CBP)
Vietnam Library Association (VLA)

For more information on the signatory organisations, please see:

www.ifla.org/en/publications/library-statement-on-trans-pacific-partnership-agreement-negotiations

For additional information about IFLA's position on TPPA, contact:

Stuart Hamilton

Director of Policy & Advocacy

stuart.hamilton@ifla.org

+00 31 70 314 0884

