

WIPO Standing Committee on Copyright and Related Rights by ICA (2010)

21st session, November 2010



Statement by the International Council on Archives

Thank you, Mr Chairman, for the opportunity to make an intervention for the first time to the Committee on behalf of the International Council on Archives.

Archives hold huge numbers of copyright works. They are the working files and papers of governments and organizations, that tell us why and how decisions were taken, and also the private papers of families and individuals. Each file may contain many documents such as letters, photographs and maps, or may consist of a film or sound recording, and every one may be a distinct copyright work. Archives are essential for the proper and efficient running of organizations and they constitute the memory of nations and societies. The majority of archival materials have very low economic value but they do have immense evidential and cultural value all around the world.

You will appreciate, then, that archivists are primarily concerned with unpublished materials, rather than the published materials that concern most copyright experts and owners. Everyone depends on them, but few people take an interest in them until they need them. Even the rights owner organizations do not, since there is no organization that can reasonably claim to represent the interests of millions of individual creators of unpublished letters or diaries.

We have two primary roles: to preserve materials in our care, often recorded on fragile and short-lived media, and to make those materials available for study and research by everyone, no matter what they wish to study and no matter who they are. We thus share many of the concerns of librarians and are working with them to seek a balanced copyright system that benefits all members of society in all parts of the world.

Archivists recognize and respect intellectual property rights and are vigilant in ensuring that users respect it too. At the same time, exceptions and limitations to copyright are vitally important to enable us to provide our services in the digital age. Archivists everywhere must be able to copy archival materials of all kinds for preservation purposes and to make copies for researchers, including accessible copies for reading disabled people. Any agreement on access to copyright works for reading disabled people must take unpublished works into account.

We all expect to find the materials we require to be available on the internet. The problem of clearing rights in orphan works is thus a significant one for archivists: what prospect is there of us discovering the identity and location of the current owners of copyright in thousands of

letters written by private individuals? It is most important to us that the Committee's work programme includes consideration of orphan works.

Archivists are keen to help in the development of copyright systems. To that end we hope that Member States will now support a work plan to develop a treaty for reading disabled people, that clearly also sets out a programme for work on exceptions and limitations for libraries and archives, and for education, so that each issue can be considered on its own merits.
Thank you Mr Chairman.

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