

WIPO Standing Committee on Copyright and Related Rights (2010)

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Statement of Library Copyright Alliance

Thank you, Mr. Chairman, for the opportunity to speak on behalf of the Library Copyright Alliance, that represents over 139,000 academic, research and public libraries in the United States in providing library services and promoting the public interest. We appreciate your continued leadership of this committee.

Work on copyright limitations and exceptions is the most important responsibility of the committee at this time. We are confident that in focusing on the commonality of the four proposals, a solution can be found to benefit the blind and visually impaired, libraries and archives, and education.

We believe that all of these issues are critical to the future of the human intellect, and urge Member States to bring the copyright system into the 21st century for the benefit of all members of society. If for just one short week, most of us were to experience the inconveniences and obstacles faced by our blind and visually impaired colleagues, a solution would have been found long ago. We need to put an end to fears of economic harm, and extend meaningful action to resolve this problem.

We urge Member States to focus on the twin issues of a national exception for countries that currently lack an exception, and the cross-border distribution of works. The treaty proposal of Brazil, Ecuador, Mexico and Paraguay, and the U.S. proposal for cross-border distribution offer the best combination for success. Given the relative maturity of the issues surrounding print disability, this issue should proceed within the time frame for holding a diplomatic conference in 2012.

As a parallel activity within the committee, the issue of exceptions and limitations for libraries and archives, and education, should proceed in sequence. A core set of library limitations and exceptions is needed to sustain a global information society. Private licensing of information is not an adequate solution because it does not encompass the public policy considerations that have been built into the copyright system for well over a century.

Library organizations have identified the areas we see as most in need of a global solution in the form of copyright limitations and exceptions. They include library lending; document supply; preservation; use of works to further education, research, and private study, and for personal or private purposes; use of orphan works; cross-border exchange of information; validity of statutory limitations and exceptions over contracts; and exceptions for circumvention of technological protection for certain library activities.

Because libraries and archives shoulder the responsibility in society for collecting, organizing, and preserving information; because they spend, in the U.S. alone, billions of dollars per year on information resources and because libraries [1] and archives are respectful of copyright law, they have earned the status to be able to perform these functions for the continuity of civilization.

In conclusion, the needs of the blind and visually impaired, libraries and archives, and education demand realistic solutions for the 21st century, particularly in accordance with the goals of the WIPO Development Agenda. These are primary responsibilities for WIPO in moving forward on the issue of copyright limitations and exceptions.

Thank you, Mr. Chairman, for the opportunity to present our comments at this meeting.

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[1] In 2008 U.S. academic libraries spent approximately \$2.7 billion on information resources. Phan, T., Hardesty, L., Sheckells, C., and Davis, D. (2009). Academic Libraries: 2008 (NCES 2010-348). National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education. Washington, DC. (December 2009), <http://nces.ed.gov/pubs2010/2010348.pdf>.

In 2008 U.S. public libraries spent over \$1.3 billion for library collections. Institute of Museum and Library Services, Public Libraries Survey, Fiscal Year 2008 (June 2010), http://harvester.census.gov/imls/pubs/pls/pub_detail.asp?id=130.