

WIPO STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS
27th Session. April 28 to May 2, 2014

Statement by Mr. Stuart Hamilton on behalf IFLA, on agenda item 5: Parallel Importation

Thank you, Mr. Chair:

I speak on behalf of the International Federation of Library Associations & Institutions (IFLA), the international body representing over 650,000 library and information professionals in 150 countries.

To turn to Topic 5, parallel importation.

Parallel importation is permitted by the TRIPS agreement (Article 6, “Exhaustion”), as well as by the WIPO Copyright treaty (Article 6, “Right of Distribution”), where member countries can permit international exhaustion of the distribution right.

Example: a book is published in the South Africa, but is not made available in Venezuela by the holder of the distribution rights for Venezuela. A library in Venezuela may purchase the book directly from South Africa, in order to respond to its patrons’ needs.

Libraries and archives may wish to import books from other countries which are not for sale in their national market for several reasons:

the mandate of the library may be impossible to fulfil unless is purchased from outside the country; for example National Libraries usually have a mandate to collect works by their nationals, in their national language and/or about their country.

a work is available in one market but is not yet published in the library or archive’s market.

the content of the imported work may vary in ways important to the library or archive’s users from a locally available version; for example literary scholars often require access to all versions of a text in existence in order to do comparative study.

the format of the imported work may be better suited to the function of the library and archive e.g. a hardcover edition is more robust for lending than a paperback version.

In response to an earlier intervention regarding the lack of evidence showing that we face an international problem, I would like to point out that Libraries are a truly global institution. Worldwide, there are more than 100 000 school libraries and tens of thousands of academic, research, university and national libraries. There are more than 320,000 public libraries, with 73% located in developing and transitioning countries. When we give examples in this forum, we are trying to illustrate to sorts of situation that numerous libraries and archives find themselves in every day.

The ability to parallel import is important to enable libraries to fulfil their missions: if a patron, for example a researcher, or a student, needs access to a work that is not available in their country, then libraries should be able to purchase it for them. We are here because we need a guarantee that libraries all over the world will be able to provide their patrons with the information they’re seeking. Thank you Chair.