

WIPO STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS
30th session: 29 June – 3 July, 2015

Statement of the Society of American Archivists Representative on Preservation

The Society of American Archivists, North America's largest professional archival organization congratulates you on your re-election, and we congratulate the vice-chair as well on his election. We also wish to express our appreciation for all the work and the gracious care that the Secretariat provides in support of the meeting. Because our members manage billions of primary source works from throughout the world, SAA has been coming to WIPO to encourage uniform standards. However, we have been discouraged by the constant drone that all WIPO should do is "share national experiences." So, many of my colleagues have concluded that archives' only choice is to consider copyright irrelevant. Fortunately, the last SCCR's examination of Ken Crews' data suggests a way forward because they showed that nation-specific measures are failing.

Society's dependence on and use of archives has grown tremendously in today's networked world, but we cannot fulfill our mission to preserve the world's heritage and serve our global users without consistent and predictable laws. Professor Crews' 2015 update shows that fully 45 percent of WIPO countries do not permit archives preservation copying, and those that do provide a dizzying array of variations. Doesn't WIPO exist to resolve these national discrepancies and allow a fair environment so that everyone knows where they stand no matter what country they deal with?

Today's reality is that archivists throughout the world are facing huge preservation challenges both individually and collectively. Archivists know that preservation of certain resources can only be conducted via international collaborative projects, such as the example I provided at Tuesday's side event – that of Chinese scholars needing to find a way to capture and preserve the many records about their country now found around the world in the personal papers of missionaries who served in China in the 19th and early 20th century.

So, what does archives preservation mean? At its most basic level, today it requires three core steps: 1) make a copy, whether on paper, film, or digitally; 2) make regular backups and security copies; 3) make available to users the replacement copy when the original has become damaged, obsolete, lost, or severely at risk.

Accordingly, what archivists need for a preservation exception is: 1) The ability to make copies of any kind of unpublished work that is currently held in the archives; 2) The ability to make and or migrate as many copies as are required to meet the preservation purpose; and 3) Make those copies made for preservation purposes available to the public only in the same manner as we could have made the original available.

Twenty-first century archivists cannot respond to our global audience without clear exceptions. Crews' 2015 study clearly showed that costly confusion remains. This may be difficult work, but

it is WIPO's and SCCR's job to find a 21st-century solution for today's interconnected world.