



ASSOCIATION OF
RESEARCH LIBRARIES



STATEMENT ON
PRINCIPLES FOR COPYRIGHT EXCEPTIONS FOR LIBRARIES AND ARCHIVES
LIBRARY COPYRIGHT ALLIANCE
WIPO SCCR 23RD SESSION
GENEVA, 21-30 NOVEMBER 2011

Thank you, Mr. Chairman, for the opportunity to provide the perspective of the Library Copyright Alliance regarding the issue of limitations and exceptions for libraries and archives. The Library Copyright Alliance represents over 139,000 academic, research, and public libraries in the United States.

We are pleased that the legitimacy of the issue of limitations and exceptions for libraries and archives is recognized and is being addressed in a serious forum. We welcome all of the proposals discussed including principles from the draft treaty proposed by the African Group, document 23/3 submitted by Brazil that was informed by IFLA and related NGOs, and the opening statement given by the delegation of the United States. Many Member States have kindly acknowledged the important role libraries have played in their own attainment of knowledge.

Throughout history, libraries have acted as repositories of works that comprise the cumulated knowledge, cultural heritage, and collective memory of nations and peoples. As many interventions from Member States have emphasized, limitations and exceptions are needed to allow libraries to carry out their public mission of providing access to their collections, regardless of format, for the purpose of the advancement of knowledge and creative activity.

Digital technology allows libraries to carry out their core missions more efficiently and effectively. Copyright laws should include appropriate limitations and exceptions to allow libraries to utilize the opportunities afforded by digital technology. Contractual licensing of information is not always a viable solution as it often prevents lawful uses of copyrighted works, undermining the services of libraries and impeding intellectual and creative activity at all but the most financially privileged institutions.

To advance knowledge and creativity, libraries and archives should be permitted to:

- make copies of works for preservation for all categories of works in all media and formats;
- migrate content away from obsolete storage formats;
- import works to build their collections;
- lend the materials in their collections;

supply copies to users directly or through intermediary libraries regardless of the format and the means of communication;
make copies of individual items for individual users for research, study, and other private purposes and to provide users with the facilities to make such copies for themselves;
and make available to the public works whose rights holder cannot be identified or located.

There is a need for limitations on the liability of libraries and archives and their employees that act in good faith, believing or having reasonable grounds to believe, that they have acted in accordance with copyright law.

We continue to support work to achieve consensus on a recommended set of minimum limitations and exceptions with a broader, situation-based, and flexible exemption like fair use, which ultimately benefits both rights holders and users of information.

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