



Copyright limitation and exceptions for libraries and archives – How National Library Associations Can Help –

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What's the issue?

IFLA holds the position that the current system of copyright limitations and exceptions for libraries and archives is not fit for the digital age. Without an updated system of exceptions and limitations, libraries are unable to offer their users a full range of digital and traditional services. An updated system is needed to enable libraries to provide users with both historical and new services, in pace with technological change, and to cooperate across national borders.

What is IFLA doing?

IFLA is working with Member States of the World Intellectual Property Organization (WIPO) to gain support for a binding international instrument on copyright exceptions and limitations to enable libraries to preserve their collections, support education and research, and lend materials. To guide WIPO's Member States in updating limitations and exceptions worldwide, library and archive groups produced the Treaty Proposal on Copyright Limitations and Exceptions for Libraries and Archives (TLIB). TLIB governs the use of all copyright works and also of all materials protected by related rights, according to national law. It applies to materials in any format, digital and non-digital. TLIB has articles on preservation; lending; document supply; parallel importation; orphan works; and cross-border uses. It also proposes obligations to respect exceptions to copyright and related rights in relation to contracts; obligations concerning TPMs; and a limitation on liability for libraries and archives. The Treaty proposal suggests a basic foundation for all countries, setting out a framework for national copyright laws that is flexible and consistent with existing international law. It does not seek to impose harmonisation or a 'one size fits all' approach.

What is the current status of the library efforts?

The 23rd meeting of WIPO's Standing Committee on Copyright and Related Rights (SCCR/23) in November 2011 dedicated three days to discussion of limitations and exceptions for libraries and archives. The Committee has a mandate to carry out text-based work, and parts of TLIB text have been tabled by members of the African Group at WIPO, as well as Brazil, Ecuador and Uruguay. Following SCCR/23, there is now text on the table for each of the articles contained in TLIB. Nb. TLIB itself is NOT tabled; its content, however, is guiding discussions.

SCCR/23 concluded with agreement for further work on a list of topics relating to libraries and archives which includes preservation, right of reproduction and supply of copies, legal deposit, library lending, parallel importation, cross-border uses, orphan works, retracted and withdrawn works, liability of libraries and archives, technological measures of protection, contracts, and the right to translate works. Member States have until the 29 February 2012 to submit written comments to the WIPO Secretariat for inclusion in the document *Provisional Working Document containing comments on and textual suggestions towards an appropriate international legal instrument (in whatever form) on exceptions and limitations for Libraries and Archives* (SCCR/23/8 Prov.), which will be discussed at SCCR/24 in July 2012.

Please note: The Document WIPO Member States comment on is the [Draft Compilation on Copyright Limitations and Exceptions for Libraries and Archives](#).

How can national library associations help?

We believe it is crucial to ask library associations worldwide to encourage their national copyright offices in submitting comments on this document. IFLA would therefore like all national library associations to again contact their copyright offices to make them aware of the progress at the last meeting, offer help for the written comments to WIPO and discuss the next steps towards SCCR/24. Please refer to IFLA's *Treaty Proposal on Copyright Limitations and Exceptions for Libraries and Archives* (TLIB), which proposes text and explanatory notes on the topics. Additional background information on the topics will follow in the next weeks.

You can help by doing the following:

1. Contact all relevant library organisations in your country and work with them to identify a copyright expert/representative from your library community. If you are unable to identify an expert contact wiebke.dalhoff@ifla.org
2. Work with your expert/s to identify the department and persons responsible for library copyright issues in your government. [WIPO has a list of copyright offices on its website](#).
3. Use the '**Draft Letter**' to contact your government representative to request a meeting. You should do this as soon as possible.
4. **Study the *Draft Compilation on Copyright Limitations and Exceptions for Libraries and Archives*** on which the WIPO Member States comment on.
5. **Meet your representatives** and:
 - a. Make them aware of the progress at SCCR/23
 - b. Encourage them to make written comments to WIPO on the *Draft Compilation on Copyright Limitations and Exceptions for Libraries and Archives* with the deadline 29 February 2012.
 - c. Offer to provide expertise to help develop their position in advance of SCCR/24 (if appropriate).
 - d. Offer help with the written comments to WIPO
 - e. Discuss the next steps towards SCCR/24 in July 2012.
 - f. Provide them with contact details so that they might request further information from you, if needed.
6. Report back to wiebke.dalhoff@ifla.org regarding the results of the meeting and any questions you might have.

Further information about copyright limitations and exceptions, you may find at:

www.ifla.org/copyright-tlib