



International Federation of
Library Associations and Institutions

ITEM 6: IFLA Statement – General on Limitations and Exceptions

30 May 2018

I am speaking on behalf of the International Federation of Library Associations and Institutions, with members in over 150 countries around the world.

This meeting marks an anniversary. Ten years ago, exceptions and limitations formally became part of the agenda at SCCR, thanks to the initiative of Chile, Brazil, Nicaragua and Uruguay.

This committee recognised that WIPO has an essential role as regards exceptions and limitations to copyright.

At that first formal discussion in 2008, the Secretariat prepared a document calling for an action plan.

We are very grateful to the Chair and Deputy Director General for delivering on this.

Because action is as necessary as ever. Technology and user expectations have changed. Globalisation has accelerated. And the uniqueness and importance of WIPO's has role grown.

It is true, as some have suggested, that Member States do have the possibility to implement exceptions and limitations for themselves.

However, as recognised in the impact assessment published by the European Commission ahead of its draft directive on copyright in 2016, the resulting chaotic legal framework can leave users disadvantaged or confused, notably libraries, archives and museums.

In too many cases, as highlighted in the Rostama report at our last meeting, updates to exceptions and limitations have not kept up with the creation of new rights. In this vein, we urge members not to make this mistake in discussions on broadcasting.

With the shift to digital, licensing has become the standard means of accessing many resources. Where these offer new rights, they have proved highly valuable. However, the Commission notes that they are too often unhelpfully restrictive, or simply inadequate for the task.

Finally, the Commission underlines that due to limitations and exceptions not having cross border effect, institutions looking to promote the flow of knowledge between countries – in line with stated political priorities – face prohibitive transaction costs.

The impact assessment therefore argues that international 'intervention is indispensable to achieve one key objective of the copyright modernisation, which is to guarantee legal certainty in cross-border situations'. A similar view is expressed by Argentina in document SCCR/33/4.

These are, of course, arguments you and others in this room have heard before. Thanks to extensive discussions on libraries, archives and museums, the Committee has built up an understanding of the areas where the right exceptions to copyright will make the difference. With the action plans, we have the potential finally to prove the value of WIPO's work to our users.

Mr Chair, progress on exceptions and limitations for libraries, archives and museums should not be controversial.

As Vice President Ansip of the European Commission noted at this year's Charles Clarke lecture, new exceptions for public libraries, museums and archives will not destroy publishers' business models.

What progress will mean is better legal conditions for librarians, archivists, museum creators, teachers, tutors, trainers, researchers, innovators and creators in delivering sustainable development across the board.