SCCR 33 - Item 5: Protection of broadcasting organizations
16 November 2016 – CHECK AGAINST DELIVERY

I am speaking on behalf of the International Federation of Library Associations and Institutions (IFLA) and Electronic Information for Libraries (eIFL.net).

IFLA represents thousands of libraries with important collections of audio-visual material that reflect our cultural and documentary heritage.

As part of their public interest mission, libraries are in charge of preserving this material, and making it available to students, researchers, and the public at large. We thereby help ensure access to knowledge.

Any new layer of rights that affects access to content - particularly that which is already in the public domain - is therefore potentially antithetical to libraries' mission.

The proposed broadcasting treaty would risk damaging the public interest, unless several safeguards are put in place.

We will not tackle exceptions and limitations this time around, but it goes without saying that these should be full, robust, and ideally mandatory.

But as concerns the discussions today, it cannot be the case that a new transmission of previously broadcast material creates new rights. This risks taking works out of the public domain, with no benefit to the original creators.

New rights for broadcasters must NOT make the search for all potential rightholders more onerous – and more likely to fail, adding to the problem of orphan works. This is the risk if post-fixation rights are incorporated into the Treaty.

It would be counter-productive if WIPO were to make this problem worse at a time that individual countries are trying to solve the issue of orphan works.

In short, the **solution** must be to keep any new rights to a minimum – both in terms of subject and scope, to avoid any damaging term extensions, and to ensure that new rights must be accompanied by a robust set of exceptions that are flexible, reasonable, and able to accommodate unforeseen changes in technology and new uses of content.

Thank you.