



STATEMENT FROM

ELECTRONIC INFORMATION FOR LIBRARIES (eIFL.net)

AND

LIBRARY COPYRIGHT ALLIANCE (LCA)

WIPO COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY

FIFTH SESSION, GENEVA, 26-30 APRIL 2010

Thank you, Mr Chairman. I would like to congratulate you on your election as chair of this Committee. I represent Electronic Information for Libraries, an international NGO that works with libraries in developing and transition countries. This statement is supported by the Library Copyright Alliance. Our interest is with copyright and related rights.

I would like to thank the Secretariat for all the documents prepared for this meeting, including the Director General's report. I would like to comment on a project discussed in agenda item 6, the Director General's report and Agenda item 8. The project is Intellectual Property and the Public Domain (Recommendations 16 and 20).

This project will focus, as a first step, on analysing the implications of a rich and accessible public domain, and will explore the various tools available for identifying and accessing subject matter that has fallen into the public domain.

I would like to highlight an issue that has a major impact on access to material in the public domain - the role of technological protection measures (TPMs). TPMs are problematic because they are allowed to restrict access to the public domain.

There are two major concerns. The first is that TPMs do not know - and by their nature cannot know - when the term of copyright protection expires. This means that the content remains inaccessible, even when it has fallen into the public domain.

The second concern is obsolescence. TPMs, like many technologies, quickly become out-of-date unless they are actively maintained by the producer. It is said that the average life span of a TPM is three to five years. Commercial mergers and acquisitions mean that the original keyholder might not be found, so that it might not be possible to transfer digital material onto new platforms or operating systems. As a result, it is conceivable that a great number of digital works with TPMs will be inaccessible in the future.

Libraries understand the problem. This is because the world's libraries, mandated to preserve our cultural heritage, need to be able to transfer protected digital works to other formats for preservation purposes, so that the content is fully accessible when the rights have expired. Major libraries, such as the British Library, have expressed their grave concern about the impact of TPMs on the preservation of our cultural and scientific heritage, and have called on policy makers to find a solution.

In conclusion, we believe that the role of TPMs is such a critical issue, and central to the existence of a rich and accessible public domain, that it should be examined as part of the project work programme. The library community is ready to offer advice or assistance in this regard.

Thank you, Mr Chairman.

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