

**Statement of Library Copyright Alliance to the
Assemblies of the Member States of WIPO
Geneva, September 22-30, 2008**

Thank you, Madame Chair. I speak on behalf of the Library Copyright Alliance, a coalition of five major American library associations committed to addressing copyright issues that affect the library community, as well as the public that we serve; and also on behalf of the International Federation of Library Associations and Institutions, representing the world's major libraries and library associations through its 1700 member organizations in 150 countries. I would first like to express appreciation to the Chair of the Assembly, Dr. Martin Uhomoibhi, and to you, Madame Chair, for your leadership of this Assembly. I would also like to take this opportunity to congratulate Dr. Francis Gurry on his appointment as Director General of WIPO, and to acknowledge outgoing Director General Dr. Kamil Idris for his many years of dedication and service to this organization.

Libraries are uniquely positioned to take advantage of one of the most important flexibilities in national laws: the preservation of copyrighted content. We were pleased by WIPO's organization of the International Workshop on Digital Preservation and Copyright in July, aimed at improving policies and practices supporting digital preservation of copyrighted content. Digital information faces an uncertain future due to the absence in many nations of adequate copyright laws and policies. For all of the attention devoted to copyright protection of digital works, many works themselves are disappearing before our eyes, resulting in loss of cultural heritage and the historical record. It is critically important that requisite flexibilities be introduced in national laws to enable digital preservation and access to the very works being protected by copyright today.

It is widely considered that developing a global approach to limitations and exceptions is one of the central challenges facing the international copyright regime today. We commend the recent work done by the Standing Committee on Copyright and Related Rights in commissioning expert studies on limitations and exceptions in the digital environment for the visually impaired, and for libraries and archives; and a study on educational activities including distance education. It is our hope that these studies will provide a multilateral framework to counteract the heightened standards of protection established in recent years, and to restore the balance necessary to maintain diffusion of knowledge.

We support the progress made this year by the Committee on Development and Intellectual Property on the work program for the WIPO Development Agenda. We encourage activities that enable developing and least developed countries to fully benefit from the global intellectual property system. This means taking new approaches, beyond those already in place within WIPO's existing training and assistance programs. It means minimizing levels of protection and enabling the use of existing copyrighted works to foster the innovation and creativity envisioned in the original proposal for the Development Agenda. This can be achieved through adequate limitations and exceptions for education, research, and creativity, through increased access to knowledge and technology, through balanced IP education, through new approaches to copyright licensing, and by maintaining a robust public domain. We also encourage Member States to include the international library community in local efforts at technical assistance and capacity building, as a means toward facilitating access to information and a balanced approach to intellectual property protection.

The U.S. library community supports the work of the [Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore \(IGC\)](#) toward finding a responsible solution to the protection and use of traditional knowledge and cultural expression. While librarians value openness and the ability to meet their mission to document and preserve cultural heritage, we also recognize that existing legal systems may not be appropriate or workable for all forms of cultural expression. We encourage a solution appropriate to the fundamental nature of traditional knowledge and cultural expression that also respects the essential need for access to information.

Common to all of these efforts is the broad commitment to meet the real needs and the real possibilities of the world of digital information, as well as acknowledgement of the world's diversity and the richness of national experiences and cultures. The digital environment has the potential to support access to information for all members of society, and to satisfy the interests of all stakeholders, but this can only happen if copyright laws remain balanced, and if the rights of the public – of users of copyrighted works – are recognized and reinforced through international instruments and effective national legislation.

Thank you again, Madame Chair, for providing us the opportunity to present our comments at this Assembly.

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