



**STATEMENT FROM
LIBRARY COPYRIGHT ALLIANCE (LCA)
AND
ELECTRONIC INFORMATION FOR LIBRARIES (eIFL.net)**

**WIPO COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY
FIFTH SESSION, GENEVA, 26-30 APRIL 2010**

Thank you, Mr. Chairman, for the opportunity to speak on behalf of the Library Copyright Alliance, representing public, academic, and research libraries in the U.S. This statement is supported by Electronic Information for Libraries. We congratulate you on your election as chair of this committee.

The Development Agenda offers an unprecedented opportunity to benefit libraries in developing and least developed nations. As the committee continues its implementation, we offer a concrete proposal for a project that, if mainstreamed with current activity in the SCCR, would solve a specific, real problem of the type that the Development Agenda was designed to target.

The current system of copyright provisions governing library activity is insufficient for a durable and sustainable global information society. Flexibilities have not expanded with enhanced rights and obligations. They do not sufficiently address digital activity, or cross-border distribution of works. Private licensing often prevents certain uses of works, and technological protection measures prevent uses that copyright law has long intended to support. The impact of this “freeze” in LDCs and developing nations is tangible.

We offer a suggestion within the framework of the Project on Intellectual Property, Information and Communication Technologies (ICTS), the Digital Divide and Access to Knowledge [CDIP/5/REF CDIP/4/5 Rev.], referenced in the Director General’s Report on Implementation of the Development Agenda [CDIP/5/2]. Drawing from the new studies on libraries, archives and education within the SCCR, the project would explore the potential of minimum mandatory provisions essential to education, research, and e-information services to enhance access to knowledge in LDCs and developing nations. It would cover:

- Cross-border uses of print and digital works to support the primary mission of libraries. Such uses are currently problematic.
- Library lending and document supply, as essential services for furthering social and economic development. Many national laws lack such provisions.
- Library preservation. In many countries, libraries lack legal certainty with respect to digital preservation, especially involving audiovisual materials, sound recordings, e-books and websites.
- Of key importance for LDCs and developing nations are library provisions for education, research, and private study, including provisions that would make online global education more feasible than

it is at present. Open access in scholarly communication is a major focus related to education and research.

- Further exceptions include accessibility for persons with disabilities.
- The project should uncover solutions to the use of orphan works that otherwise stand to be forgotten or foregone in the digital age.
- It should explore policies reaffirming that copyright limitations and exceptions are important statements of national and international principle and that they should not be varied by contract.
- Finally, because implementation of anti-circumvention legislation in many nations exceeds the requirements of Article 11 of the WCT, further study of unnecessary restrictions should be encouraged.

We need concrete outcomes from the Development Agenda. We ask Member States to consider, in relation to the above-mentioned project, discussion of a functional system of minimum mandatory limitations and exceptions that removes barriers to equitable access to information. This would enhance the component on Copyright and Access to Information and Creative Content.

We note that the copyright study proposed for this project is designed to be conducted by multiple parties, including civil society organizations. To facilitate the multi-stakeholder approach, representatives from the international library community are prepared to be involved in addressing the issues.

Thank you again, Mr. Chairman, for the opportunity to present our comments at this meeting.

Contacts:

Janice T. Pilch
Library Copyright Alliance
E-mail: pilch@illinois.edu

Teresa Hackett
eIFL.net
E-mail: teresa.hackett@eifl.net