



**WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)**

**STATEMENTS BY EIFL 2022**

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## **ASSEMBLIES OF THE MEMBER STATES OF WIPO A/63**

### **Agenda item 9. Report on the Standing Committee on Copyright and Related Rights (SCCR)**

I am speaking on behalf of Electronic Information for Libraries. We thank the Secretariat for the report on SCCR.

Madam Chair, the COVID pandemic has changed how we work, interact and use technology. During the pandemic, libraries learnt that clear rules, backed by law, are necessary to properly support online education, research and digital access to library collections.

In this context, we welcome the proposal by the African Group for a work program on limitations and exceptions. L&Es are an integral part of the international copyright system. They are essential for reducing copyright barriers to the creation and sharing of knowledge, including across borders. They support the WIPO Development Agenda and key SDGs on education, innovation and protecting the world's cultural heritage.

We look forward to progress on this topic in 2023, in particular the toolkit on preservation.

In addition, L&Es in the draft broadcast treaty should be strengthened - currently there is no obligation in the text to provide exceptions of any kind for social, educational or informational uses.

Thank you.

## **Standing Committee on Copyright and Related Rights (SCCR/42) Forty-Second Session**

### **Protection of Broadcasting Organizations**

I am speaking on behalf of Electronic Information for Libraries.

The COVID pandemic has highlighted the need for modern laws for copyright and related rights that fully support the shift to online education and critical research.

The pandemic thus lays bare a fundamental problem with the current text (document SCCR/42/3) - there is no obligation to provide exceptions of any kind for social, educational or informational uses. The article on Limitations and Exceptions (Article 10) is optional, not mandatory. It doesn't provide for exceptions that are mandatory in other treaties such as quotation in the Berne Convention, and the making of accessible format copies in the Marrakesh Treaty. It doesn't draw on best practices in other supra-national laws, for example, the mandatory exception for preservation in the EU Digital Single Market Directive.

Academic libraries hold great collections of historical films and documentary material used for research and study. Public libraries show broadcast material for civic education and community information. During COVID, television played a vital role keeping us informed, entertained and to keep children learning - future scholars on the pandemic will require access to this material. We need exceptions for these types of uses.

The need for exceptions is magnified by the provisions on deferred transmission of stored programmes (Article 7), and the 20-year term of protection (Article 11).

Thank you.

## **Standing Committee on Copyright and Related Rights (SCCR/42) Forty-Second Session**

### **Limitations and Exceptions - Proposal by the African Group for a Draft work Program on Exceptions and Limitations (SCCR/42/4)**

I am speaking on behalf of Electronic Information for Libraries.

In terms of next steps on limitations and exceptions, we welcome the proposal by the African Group for a work program on exceptions and limitations.

Mr Chair, the COVID pandemic highlighted the gap between the information haves and have nots in terms of copyright - countries with better exceptions were better prepared, while in others the absence of clearly defined rights left librarians and teachers struggling, unable to support teachers and students. As a teacher in a rural University somewhere in South Africa, this is an experience I live with daily.

The work program supports the need for an equitably balanced copyright regime. It is linked to the WIPO Development Agenda, and achievement of key SDGs, including education, safeguarding heritage, and access to information.

The proposal builds on the work of this committee before the pandemic, particularly the regional seminars and the international conference in 2019. It correctly recognizes that there is considerable agreement among member states on the need for exceptions and limitations in two priority areas: preservation by cultural heritage institutions; and online education and research, including across borders.

The committee's work showed that the copyright laws of many countries simply are not equipped to meet the many threats facing our cultural heritage: earthquakes, fires and floods exacerbated by climate change, and war. In 2021, Africa lost a part of its history in a devastating fire at the University of Cape Town: due to copyright barriers, some items had no digital backups.

Mr Chair, we now have tools to preserve all of our cultures for future generations. We must not allow copyright law to stand in the way.

## **Standing Committee on Copyright and Related Rights (SCCR/42) Forty-Second Session**

### **Other Matters – Proposal for a Study Focused on the Public Lending Right in the Agenda and Future Work of the Standing Committee on Copyright and Related Rights of the World Intellectual Property Organization (WIPO)**

Delivered in French

Merci de donner la parole à Electronic Information for Libraries.

Nous remercions le Sierra Leone, Panama et le Malawi pour leur proposition pour la mise en place d' une étude sur le Droit de Prêt Public.

Le prêt public est le prêt non commercial d'œuvres au public effectué par les bibliothèques. Le Droit de Prêt Public (DPP) consiste en l' introduction d' une taxe à payer par les bibliothèques pour le prêt de ces œuvres.

Comme nous avons eu à l'exprimer par le passé, notre préoccupation est que ce droit de prêt public (DPP) présente un risque pour les services de prêt public gratuits, pour les budgets des bibliothèques et pour les budgets de nos États qui supporteraient ces coûts supplémentaires qu'engendrerait l' introduction de ce droit de prêt.

Aujourd'hui, le choc économique causé par le COVID continue d'exercer une pression sur les pays et l' indice de développement humain mondial, en tant que mesure de l'éducation, de la santé et du niveau de vie dans le monde est en passe de décliner pour la première fois en 30 ans.

Monsieur le Président, comme indiqué dans la proposition, le droit d'auteur n'est qu'une des trois approches de mise en œuvre du DPP. Ainsi, nous pensons qu'un autre forum, tel que l'UNESCO, qui a un mandat de politique culturelle plus étendu, est mieux placé pour examiner ce sujet.

Néanmoins, s'il doit y avoir nécessairement une étude sur le DPP, elle devrait être holistique et prendre en compte tous les approches, avantages et inconvénients du droit de prêt public pour les bibliothèques. Elle devrait également porter sur les autres moyens par lesquels les gouvernements pourraient soutenir les auteurs tels que l' octroi de subventions directes, la mise en place d' allègements fiscaux, etc. Pour finir, nous exprimons également le souhait que les bibliothèques soient associées et/ou consultées lors de la rédaction des termes de référence de cette étude.

Merci.

## **Standing Committee on Copyright and Related Rights (SCCR/42) Forty-Second Session**

### **Other Matters – Proposal for a Study Focused on the Public Lending Right in the Agenda and Future Work of the Standing Committee on Copyright and Related Rights of the World Intellectual Property Organization (WIPO)**

English version

Thank you for giving the floor to Electronic Information for Libraries.

We thank Sierra Leone, Panama, and Malawi for their proposal for a study focused on the Public Lending Right.

Public Lending is the non-commercial lending of works by libraries to the public. Public Lending Right (PLR) is the introduction of a fee for the lending of such works by libraries.

As previously expressed, our concern is that Public Lending Right (PLR) poses a risk to free public lending services, to library budgets, and to government budgets that would bear the costs of the introduction of a lending right fee.

Today, the economic shock caused by COVID continues to apply pressure in low income countries, where global human development, as a measure of the world's education, health and living standards, is on course to decline for the first time in 30 years.

Mr Chair, as noted in the proposal, copyright is just one of three approaches to implementation of PLR. Thus we believe that another forum, such as UNESCO, that has a broad cultural policy remit, is better suited to examine this topic.

However, if there is to be a study on PLR, it should be holistic. It should include all approaches, advantages and disadvantages of public lending rights to libraries, as well as other ways that governments can support authors, such as direct grants, tax breaks, etc. and we respectfully ask that the library community should be consulted when any Terms of Reference are being drafted.

Thank you.