



INTERNATIONAL FEDERATION OF LIBRARY ASSOCIATIONS AND INSTITUTIONS
FEDERATION INTERNATIONALE DES ASSOCIATIONS DE BIBLIOTHECAIRES ET DES BIBLIOTHEQUES
INTERNATIONALER VERBAND DER BIBLIOTHEKARISCHEN VEREINE UND INSTITUTIONEN
FEDERACION INTERNACIONAL DE ASOCIACIONES DE BIBLIOTECARIOS Y BIBLIOTECAS
МЕЖДУНАРОДНАЯ ФЕДЕРАЦИЯ БИБЛИОТЕЧНЫХ АССОЦИАЦИЙ И УЧРЕЖДЕНИЙ
国际图书馆协会与机构联合会

الاتحاد الدولي لجمعيات ومؤسسات المكتبات

Global Library and Archives Community welcomes new report from United Nations Special Rapporteur on Copyright Policy and the Right to Science and Culture

On Wednesday 11th March 2015 the UN Special Rapporteur in the field of Cultural Rights presents a report to the 28th session of the Human Rights Council in Geneva regarding copyright policy in the context of cultural rights. The international library and archive community welcomes the report that examines copyright from a critical but often neglected perspective: the human dimension.

“ The human rights perspective focuses attention on important themes that may be lost when copyright is treated primarily in terms of trade: the social function and human dimension of intellectual property, the public interests at stake, the importance of transparency and public participation in policymaking, the need to design copyright rules to genuinely benefit human authors, the importance of broad diffusion and cultural freedom, the importance of not-for-profit cultural production and innovation, and the special consideration for the impact of copyright law upon marginalised or vulnerable groups.¹ ”

We, the undersigned, support the view that the international copyright framework in the digital environment reflects an imbalance that favours the needs of industry over the public interest, and does not provide the necessary safeguards and support for the activities of not-for-profit cultural institutions, such as libraries and archives. We therefore commend the Special Rapporteur for focusing the report on the impact of copyright on the expanding opportunities for public participation in cultural life, as well as the need to protect authorship.

In particular we appreciate the emphasis on:

- The differentiation between corporate rights holders and authors and creators, and how rights holders must not be presumed to speak for the interests of amateur or professional authors (Paragraph 99)
- How "stronger" copyright protection does not necessarily advance the material interests of creators, and how exceptions and limitations can play a role in establishing opportunities for income (Paragraph 48)
- The recognition that libraries face an unequal bargaining situation with publishers when it comes to licensing electronic resources, and that licensing is not the only solution for the problems facing cultural institutions (Paragraph 80)
- Support for the development and promotion of open licensing systems, including Open Access and Creative Commons (Paragraphs 82 and 111)
- The growing awareness that it is important to ensure that copyright exceptions cannot be overridden by contracts – why should lawmakers invest in creating statutes that can be abrogated by a license? (Paragraphs 86 and 107)

Most importantly, we strongly endorse the recommendation that member states of the World Intellectual Property Organisation (WIPO) should support the adoption of international instruments on copyright exceptions and limitations that will benefit libraries and archives (paragraph 109). As we have consistently stated at WIPO's

¹ United Nations, General Assembly, *Copyright policy and the right to science and culture*, A/HRC/28/57 (24 December 2014), p. 19, § 90, available from: undocs.org/A/HRC/28/57.



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Standing Committee on Copyright and Related Rights (SCCR), copyright exists to balance the rights of creators with the public interest. Yet over the past century, eight new treaties in favour of rightsholders have been granted, while only one treaty for users has been created. To re-calibrate the system, international measures need to be taken now to ensure that the shift from the print to the digital environment does not leave libraries and archives unable to properly fulfil their roles in support of access to cultural and scientific knowledge. We therefore echo and support the proposal of the Special Rapporteur in the field of cultural rights “to expand copyright exceptions and limitations to empower new creativity, enhance rewards to authors, increase educational opportunities, preserve space for non-commercial culture and promote inclusion and access to cultural works.” We hope that the report stimulates debate on copyright issues among the broader international community, and encourages new thinking on the social and human values associated with copyright law.

Note

The Human Rights Council is an inter-governmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe. It holds at least three regular sessions per year.

Read the report:

www.ohchr.org/EN/Issues/CulturalRights/Pages/impactofintellectualproperty.aspx

Signatories

- The International Federation of Library Associations and Institutions (IFLA)
- Electronic Information for Libraries (EIFL)
- The Society of American Archivists (SAA)
- The American Library Association (ALA)
- The Association of Research Libraries (ARL)
- The Association for Progressive Communications (APC)
- Fundación Karisma
- The Australian Library and Information Association (ALIA)
- The Australian Government Libraries Information Network (AGLIN)
- The Australian Libraries Copyright Committee (ALCC)
- European Bureau of Library Information and Documentation Associations (EBLIDA)