

WIPO STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS
20th Session: Geneva, 21-24 June 2010

Intervention by IFLA: International Federation of Library Associations

Agenda item 7: Limitations and exceptions

Thank you, Mr Chairman, for inviting the International Federation of Library Associations to speak. Our statement is made with the support of Electronic Information for Libraries. Our organisations very much welcome this Committee's focus on exceptions and limitations, particularly those including libraries and archives - institutions that support the needs of visually-impaired persons and education as well as many other users. We were pleased to see the proposal put forward by the African Group (SCCR/20/11), and look forward to working with the African Group to develop these proposals further.

Regarding the proposed treaty for visually impaired and other print disabled people, IFLA appreciates the proposals of the United States and the European Union and believes they will aid this Committee's discussion of the core issues. However, we think the proposals, as presently formulated particularly by the EU, present issues that need further development to adequately meet the needs of print disabled people – and the many libraries that serve them.

The most salient concern directly affecting libraries is the definition in both proposals of 'trusted intermediaries,' which appears to limit them to agencies or not-for-profit bodies that exist *primarily* to assist print disabled people or which provide them with specialised services. The definitions are focussed on cross-border imports and exports and do not seem adequately to address onward distribution or the conversion of works for end users, as set out in Article 4 of the proposed treaty for print disabled people. The most convenient places for this activity are libraries in the communities where print-disabled people live, study or work, and which have a long history of serving print disabled people. For example, Chancellor College library, University of Malawi has an electronic embosser, scanners, and seven Perkins Braillers for the use of their students. Such libraries must be included as 'trusted intermediaries'.

Print-disabled individuals are entitled to the basic freedom to obtain any title they want, personally and easily, at the time and place they want it, on the same basis as other readers, but in an accessible format. Libraries are the most trusted and trustworthy of intermediaries, run in accordance with an exemplary code of professional ethics and a primary mission that require us to

serve all users equally – including the print-disabled. So we believe that all libraries are already ‘trusted intermediaries,’ and should, as such, be allowed not only to supply already converted works, but to make on-the-spot accessible copies of works for print-disabled individuals in compliance with agreed standards - and without great fuss, expense and bureaucracy.

Additionally, we should mention two important issues of principle arising from the EU’s joint recommendation:

- We recognise that trusted intermediaries should meet certain criteria; however, we believe that the requirement to obtain the consent of rightsholders, such as publishers, would enable rightsholders to opt in and out at will. This would likely result in perpetuating the “book famine” for print- disabled people that we are trying to end! How would this take us forward from where we are now?
- It is not clear why trusted intermediaries must specially ‘register’ the individual print-disabled persons they serve. Statistical information can be gathered without personal registration, so we ask why this special registration is necessary? Not all countries have strong data protection measures, so a registration requirement also gives rise to significant privacy concerns regarding access to sensitive personal data revealing who considers themselves print disabled and what they are reading.

While voluntary stakeholder agreements have their place in increasing accessibility for visually impaired persons, IFLA supports a binding international treaty to remove the copyright and related rights barriers to disabled people’s right to read – the solution represented by the World Blind Union, who know best what solutions are most appropriate for the people they represent. We thus applaud the timetable proposal from Brazil, Ecuador, Mexico and Paraguay to adopt a treaty by 2012

Thank you for your attention.

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