



WIPO Standing Committee on Copyright and Related Rights (2010)

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Agenda item 7: Limitations and exceptions

Intervention by EIFL: Electronic Information for Libraries

Thank you, Mr. Chairman. I am speaking on behalf of Electronic Information for Libraries, an NGO that works with libraries in 48 developing and transition countries.

We are grateful to the Committee for the attention given to the issue of exceptions and limitations, and appreciate the consideration by many delegations to libraries and archives in their opening statements.

We were deeply disappointed that no agreement was reached at SCCR/20 on the way forward. We urge the Committee to agree a work plan that prioritises a solution for VIPs, and progresses library and archive issues.

From my experience working as a university librarian in Zimbabwe, I will give two examples of challenges faced by libraries in Africa in their endeavour to get access to knowledge.

The first challenge is about the relationship between contracts and exceptions, a matter that was raised yesterday during the discussion. Students and academics in Africa are using electronic resources, such as scientific and technical journals, made available through libraries. Contract terms that govern access and use of the e-resources often undermine copyright exceptions and this limits the uses of the material which would otherwise have been allowed in national law. It is both difficult and costly to re-negotiate these terms, a needless waste of scarce resources. We believe an international solution can be found in copyright law since precedents for safeguarding exceptions in contracts already exist in the European copyright acquis, namely the Directives on computer programs (Art 9) and on databases (Art 15).

The second challenge I raise today is that libraries and archives are responsible for the preservation of our cultural heritage. Because there are no international norms for copying for preservation, libraries and archives in more than half the world's countries, including Africa, lack legal certainty with respect to digital preservation activity. It is imperative that we can preserve Africa's rich and diverse culture including its unique written and oral histories. Otherwise we risk losing Africa's heritage from the memory of the world.

The issues I have described are important. At the same time, the book famine continues for millions of blind and visually impaired people. EIFL reiterates its support for a work plan that enables the VIP treaty to move ahead without delay, and that allows for a phased introduction

of other issues raised by the African Group and other delegations, each on its own merit and state of readiness.

We thank all the delegations that have shown a commitment to libraries, and we look forward to continue working with you.