

WIPO STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS

23rd Session: Geneva, 21 November 2011 – 02 December 2011

Limitations and exceptions for libraries and archives

Intervention by the Canadian Library Association

Thank you Mr. Chairman. The Canadian Library Association joins colleagues from the other organizations representing the library and archive community at this meeting in expressing its appreciation for the days dedicated to the focus of the SCCR on exceptions and limitations for libraries and archives, and the extensive support from member states on their importance, including the background paper presented by Brazil.

CLA is the advocate and public voice of our diverse membership, a membership that works in college, university, public, corporate, non-profit, government and school libraries all over Canada. CLA recognizes that all of the provisions advanced are essential to enable libraries around the world to facilitate access to information in the service of the public interest. It also acknowledges that, within the Canadian context, different sectors of the library community will have different priorities for the provisions in the treaty, based on the types of users they serve and the content formats they provide. With that in mind, CLA has agreed that among the top concerns of the Canadian library community are:

Obligations Concerning Technological Protection Measures (Article 14 TLIB). We thank the African Group for their proposal on a Draft WIPO Treaty on Exceptions and Limitations (SCCR/22/12) that specifically includes language allowing circumvention of the technical protection measures for non-infringing uses. CLA believes that without the ability to override technical protection measure information policy is reduced to an 'off switch' thus permitting owners' rights to overreach their legitimate limits, and impinging on a library or archive's rights use and preserve works.

A second priority concerns the Obligation to Respect Exceptions to copyright and Related Rights (Article 13 TLIB), also mentioned in the African Group proposal. CLA believes that without the requirement that these treaty provisions override contracts made by private parties, there is a great danger that this treaty will not govern much of library holdings in the digital age. Already, in excess of 70% of collections in academic libraries in Canada are now acquired through contracts for access rather than through purchases of items.

And finally, CLA also supports the Right to Library Lending. While Canadians enjoy the ability to lend library materials, all libraries require the right to lend works or materials to their users. Lending is essential for facilitating access and dissemination of knowledge, which are cornerstones of library principles.

A treaty on Limitations and Exceptions, as it applies to libraries and archives, is vital in establishing a set of base requirements within the international copyright regime to support the essential services and activities that libraries and archives provide around the world.

Thank you Mr. Chairman.

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20 November 2011