

Inter-Sessional Intergovernmental Meeting on a Development Agenda for WIPO 2nd Session, Geneva June 20-22, 2005

by Barbara Stratton

Mr Chairman, IFLA, the International Federation of Library Associations and Institutions, welcomes your continued leadership in guiding these important discussions about the future direction of WIPO.

This intervention is made with the full support of Electronic Information for Libraries, one of our members also present at this meeting, which works directly in developing countries. At the IIM/1 meeting we drew to your attention the importance of libraries and their crucial role in the economic and social development of all countries, especially developing countries and those in transition. We pointed out that developed countries all benefit from highly developed and sophisticated library infrastructures providing both analogue and digital information services and that these have led to an improvement in their populations' general education and knowledge particularly over the last 150 years, which in turn led to greater enterprise and prosperity for all.

Libraries constitute the basis from which all citizens can have access to information on an equal basis in a trusted and neutral environment. It is this trusted and neutral source of quality information and knowledge, which gives everyone the opportunity to improve their lives through education and personal development and participate to their maximum potential in the economic life and civil and democratic processes of their society.

IFLA works to support the major human development issues of literacy, lifelong learning, preservation of our cultural heritage, the bridging of the digital divide and sustainable development. It does this by coordinating programmes to develop library infrastructures in developing countries and assist their transition into the digital age, which is crucial for a country's development.

Just a few examples of library projects in developing countries are:

- book programmes for children and young people in Africa
- the creation of book-lending points at local fairs and markets in Latin America to encourage people to extend their reading into new and untried areas
- the training of librarians in Southern Africa to manage digital and virtual libraries
- the digitisation of local chronicles and resource sharing in Asia and Oceania
- reading as therapy workshops for survivors of natural disasters in Latin America and the Caribbean
- the creation of a network of rural Quéchuá libraries to give access to information in the Quéchuá language in Andean Latin America

As librarians our interest lies overwhelmingly in copyright and as the profession which in so many situations acts as the interface between rights holders and the users of copyright in libraries, we see that it is crucial that WIPO ensures that the maintenance of reasonable

exceptions and limitations to copyright enjoyed in many developed countries is also established in the copyright regimes of developing countries.

With regard to the proposals put forward at this meeting by some of the distinguished delegations, we would like to observe the following

- Libraries are pro-copyright because we recognise the need for creative works to be protected from piracy and other unfair exploitation. We uphold copyright laws and encourage users to respect them. Indeed we are the collecting societies' major customers.
- However, copyright is not about just protection but was from its early days meant to balance the need to protect creators and entrepreneurs in the work with the user's right to access information and the expression of ideas. The mechanism that makes copyright work is in fact the exceptions and limitations are combined with adequate protection of copyright.
- We call for WIPO to establish global minimum mandatory exceptions and limitations to copyright and related rights because there is an imbalance in power due to the rightsholder having exclusive rights leading to the creation of monopolies of information. Libraries have a duty to facilitate access to information and knowledge and this does not mean simply making it easy to get permission to use a work for which the user often is required to pay or is otherwise restricted. Libraries also have a duty to support and develop a learning culture, the local and national economy and free civil societies, which means that a certain level of access to information needs to be by right which is what the limitations and exceptions to copyright ensure for the greater public good.
- In our IIM/1 intervention we supported the proposals from Brazil on behalf of the Friends of Development Group and we continue to see these as offering the most comprehensive solution to all the major issues. We highlight the following numbered proposals from the Listing of Specific Action-oriented Proposals by Member States as of June 2005 tabled by Brazil at IIM/2, which we think will particularly benefit libraries.

(1) To amend the WIPO Convention to include explicit language on the Development Dimension

(3) To consider the elaboration of a Treaty on Access to Knowledge and Technology

(4) To formulate and adopt Principles and Guidelines for the development and implementation of technical assistance

(5) To establish an independent WIPO Evaluation and Research Office

(6) To consider measures to ensure wider participation of civil society and public interest groups in WIPO including their participation in the Policy Advisory Commission and the Industry Advisory Commission

(7) To formulate and adopt Principles and Guidelines for norm-setting activities in WIPO

(8) To undertake independent, evidence-based Development Impact Assessments with respect to norm-setting activities

(9) To establish a system of holding public hearings prior to the initiation of any norm-setting initiatives

(10) To improve information sharing on technical assistance including the establishment of databases, a dedicated web page and a WIPO Partnership Office

(12) To formulate and adopt a Code of Ethics for technical assistance staff and consultants

(13) To develop indicators and benchmarks for the evaluation of WIPO technical assistance

We believe that the full integration of development issues into all aspects of WIPO's work is essential to its future progress and achieving this will benefit all Member States, not just the developing countries. We wish you every success.

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