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Chartered Institute of  
Library and Information  
Professionals

## WORLD INTELLECTUAL PROPERTY ORGANIZATION

Standing Committee on Copyright and Related Rights

29<sup>th</sup> Session (SCCR 29) 8-12 December 2014

### **Intervention by CILIP: the Chartered Institute of Library and Information Professionals**

#### LIBRARIES AND ARCHIVES LIMITATIONS AND EXCEPTIONS

Mr Chairman, I speak for CILIP, the Chartered Institute of Library and Information Professionals, the main UK professional association for librarians, information and knowledge managers.

There is significant growing demand for both cross-border information transfer and access to mine text and data held in library and archive's digital holdings, but, as library and archive interventions at SCCR26 and 27 demonstrated, there are many obstacles to this which is why the community has come to WIPO. Professor Crews' 2014 findings show that there are still no national laws facilitating cross-border information transfer by libraries and archives and indicate that only a few countries have extensively modernised their copyright laws since the original Study, so the patchwork of national laws, which don't fit well together to meet the needs of a global electronically connected Information Society, that he had exposed in 2008, still persists.

The proposals in Document SCCR/26/3, consolidated in Document SCCR/29/4, appear to be largely derived from exceptions contained within the EU copyright framework, as well as from US 'fair use' and UK 'fair dealing' provisions, so most of the proposed exceptions actually already exist somewhere. What was new is the desire of a significant number of Member States that a way be found to provide an international context for these best practice concepts to create better functioning cross-border information access and transfer by libraries and archives for not-for-profit uses, for which these proposals are key.

The European Union is due to produce proposals next spring to modernise its own copyright framework of Directives to create its own Digital Single Market. It is clear from its public consultation a year ago and public statements made since the new Commission took office in

November, that the need to facilitate cross-border information transfer and services is the driving force for copyright reform that will affect all 31 European Economic Area countries<sup>1</sup> plus five more EU candidate countries, totalling some 36 countries<sup>2</sup>, not just the 28 existing members of the Union. Yet, perplexingly, the EU itself has said that WIPO should not follow its own internal example. We hope therefore, the EU might explain how, in the absence of international contextualisation, piecemeal updates of national copyright laws would help libraries and archives globally, to meet the non-commercial cross-border demand for their services.

We welcome the Chairman's chart of the Library and Archive Topics (tabled 12 December 2014) as a useful tool to help the Committee move forward from where it has been stuck this past year. We respectfully request that the Committee uses it to engage in open discussion based on the proposals contained in document SCCR/26/3 as consolidated in Document SCCR/29/4, to explore the issues and find international solutions that will work, keeping an open mind as to the form that the solutions might take.

Thank you for your attention.

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<sup>1</sup> <https://www.gov.uk/eu-eea>

<sup>2</sup> This number may rise as two additional countries are official potential EU candidate countries  
[http://europa.eu/about-eu/countries/index\\_en.htm](http://europa.eu/about-eu/countries/index_en.htm)