

WIPO STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS

30th session: 29 June – 3 July, 2015

Statement of the Scottish Council on Archives Representative on Preservation

Thank you for the opportunity to speak on behalf of the Scottish Council on Archives, and congratulations to you Mr. Chairman on your re-election as chair. Thanks also to the Secretariat for their excellent work.

I would like to use the example of digitisation work taking place at the Glasgow School of Art to comment on the need for an international treaty to include a preservation exception for archives. In May 2014, a fire severely damaged part of the Glasgow School of Art, Charles Rennie Mackintosh's architectural masterpiece. The Mack library was lost and part of the archive collections were also damaged. This experience has highlighted the importance of preservation exceptions in copyright law for archives and libraries.

Since the fire, the archive collections held at the School have been inaccessible while essential conservation treatment has been carried out. Limited access to physical collections will be available while renovation of the Mackintosh building is completed. There are now plans to digitise most of their collections during the conservation process, by relying on the preservation exception in UK law.

To compensate for lack of access during conservation treatment, the archivists have made some material available from their collections through their online catalogue. This material has been digitised on an ad-hoc basis over the years, and took place before the fire broke out.

Archivists at the Glasgow School of Art have undertaken a comprehensive rights clearance exercise for the material they have made available online since the fire. They contacted relevant collecting societies in the UK to assist in this project. The societies involved could only provide a few contact details, despite being provided with a list of 195 rightsholders. This illustrates that licensing cannot fill the gap when exceptions to copyright law are unavailable for archivists, because collective management organisations do not always hold a mandate for the types of rightsholders most commonly represented in archive collections.

From the study by Professor Kenneth Crews, we know that 84 out of 188 countries do not provide a preservation exception for archives, or 45%. Seeking individual permissions in the absence of specific preservation exceptions is beyond our resources. Exceptions are essential for safeguarding continued access to archive collections, and they cannot be replaced by licensing agreements where no mandate exists. An international treaty would provide a basis for introducing exceptions where they are needed, and would support preservation of archival heritage regardless of location, especially where collaborative, cross-border, digital preservation initiatives are beginning to come to fruition.

Thank you, Mr. Chairman.