

Thank you, Madame Chair.

I speak on behalf of IFLA, the International Federation of Library Associations and Institutions, the international body representing over 750,000 library and information professionals in more than 150 countries; and EIFL, Electronic Information for Libraries, which partners with libraries and library consortia in more than 60 developing and transition countries in Africa, Asia, Europe to enable access to digital information.

Like so many other Member States and NGOs that spoke yesterday, we were thrilled by the results of the diplomatic conference in Marrakesh. Libraries played an active role in informing the drafting of the treaty, and as authorized entities will play a critical role in working with Member States, the WIPO Secretariat, rightsholders and other NGOs to implement it and achieve its noble goals. As institutions charged by our governments with preserving and disseminating knowledge, we needed and welcome this new mandate.

But WIPO has more to do to ensure that the rights of all stakeholders, including users, remain an integral part of the international copyright regime so that it remains credible and effective. Thus we look forward to the discussions on the agenda of SCCR26 this December concerning limitations and exceptions for libraries and archives, institutions that serve users.

From the beginning, copyright laws have recognized the role of libraries in achieving the goals of the copyright system. Indeed, the first limitation on copyright, included in the Statute of Anne - an “Act for the Encouragement of Learning” nearly 400 years ago - required the deposit of copyrighted works in various libraries in the United Kingdom. This provision recognized the critical, and privileged, role libraries have always played in the preservation and dissemination of our cultural heritage.

But libraries also play another critical role in the copyright arena: and that is our role in educating users about permissible uses of copyrighted works, serving as a critical intermediary between rightsholders (mainly publishers) and our users.

In a digital world where information is increasingly borderless, however, the immense disparity in national exceptions and limitations for libraries makes it virtually impossible for us competently to fulfill our role as intermediaries between rightsholders and users. As the study commissioned by WIPO and completed by Professor Kenny Crews in 2008 demonstrated, it is problematic to determine what libraries can legally do from the patchwork of provisions that exist; and discouraging to note that c. 25% of WIPO Member States - located almost totally in Africa and Latin America – have either no exceptions for libraries, or such a general exception that it provides little useful guidance for libraries and users. How can libraries possibly serve as effective intermediaries in such a chaotic international information exchange environment?

We therefore look forward with great anticipation to SCCR26 in December, when the Committee will resume text-based discussions with regard to an international instrument on exceptions and limitations for libraries and archives. Many Member States – most notably the African Group, Brasil, Ecuador, Uruguay, India and the US – have proposed specific texts; these texts should be the focus of discussion

so that SCCR is prepared, as proposed in WO/GA/43/13, to submit recommendations on limitations and exceptions to the General Assembly no later than the 28th session of the SCCR.