



## STATEMENT

### In support of the request by Least Developed Countries (LDCs) to extend the LDC TRIPS exemption for as long as a country remains an LDC

8 March 2021

*IFLA and EIFL call on the Member States of the World Trade Organization to extend international trade law measures which reduce burdens on the poorest countries, and allow them to set regulatory frameworks to enable their libraries to support education, research and cultural participation.*

Least Developed Countries (LDCs) are recognised by the United Nations as facing severe structural impediments to sustainable development and are highly vulnerable to economic and environmental shocks. They are characterised by constraints such as low per capita income, a low research and industrial base, and weak education systems.

As such, the need to prioritise and strengthen support for LDCs is recognised in the Programme of Action for the Least Developed Countries for the Decade 2011–2020<sup>1</sup>, such as, allowing policy space so that copyright law fully supports national development needs and priorities in key areas such as education, literacy, research and innovation.

Article 66.1 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) provides such policy space by granting LDCs an exemption from implementing the substantive obligations for protection and enforcement of IP rights, including copyright.

The exemption, that is set to expire on 1 July 2021, is highly relevant for libraries and those who rely on them. Libraries are a core part of the education, research, and cultural infrastructure in any country. A viable technological and industrial base requires a strong R&D sector, which in turn is created and fostered by a quality education system. All rely on access to up-to-date, global information resources and learning support services that are typically provided by academic, research and public libraries. In developing countries, students and researchers often rely entirely on the library for learning and research material, as well as access to digital technologies.

IFLA and EIFL therefore call on WTO member states to approve the request by Chad, on behalf of the LDC Group, to extend the exemption period granted by Article 66.1 for as long as a country remains an LDC, and to grant an additional period of 12 years after a country graduates from LDC status.

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<sup>1</sup> Economic and Social Council, Resolution adopted by the Economic and Social Council on 6 June 2019, E/RES/2019/3

For the library community, the exemption would have the practical effect of enabling governments freely to craft modern copyright exceptions to maximise possibilities to use copyright-protected content for education, research and innovation, without fear of sanction. For example, this would facilitate classroom use and online education, support world-class research, and enable the use of digital tools, such as text and data mining (TDM) for medical and scientific discovery.

Thus, the exemption would support libraries in LDCs to play their role in contributing to economic growth and socio-economic development. It would boost attainment of the Sustainable Development Goals on education, research and development (that have stagnated in LDCs)<sup>2</sup>, and raise literacy rates<sup>3</sup>. In particular now, it would also enable libraries to provide online and remote services, capitalising on the significant gains in LDCs in Internet coverage and network connectivity<sup>4</sup>.

While the importance of Article 66.1 is lasting, it would be particularly fitting to extend its application now, in the light of the COVID-19 pandemic. The pandemic has exacerbated the challenges faced by LDCs, with the United Nations Development Programme (UNDP) estimating that global human development, as the combined measure of the world's education, health and living standards, is on course to decline for the first time in 30 years<sup>5</sup>. Now and for the years to come, LDCs need maximum policy flexibility to face these challenges, and to be equipped for future shocks such as climate change.

Finally, an additional period of 12 years after a country graduates from LDC status<sup>6</sup> is necessary as it takes time to overcome capacity constraints, develop robust education systems, and nurture viable technological bases to compete in global markets.

IFLA and EIFL call on WTO member states to support the request by LDCs in a spirit of global solidarity, and in support of attainment of the 2030 Agenda for Sustainable Development for the benefit of all.

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<sup>2</sup> General Assembly Economic and Social Council Implementation of the Programme of Action for the Least Developed Countries for the Decade 2011–2020 Report of the Secretary-General 19 March 2020, A/75/72-E/2020/14

<sup>3</sup> Literacy rates improved, increasing from 57.6 per cent in 2011 to 64.8 per cent in 2018. However, more than 350 million people in the least developed countries do not possess basic reading and writing skills. Ibid para 33

<sup>4</sup> Internet access in the least developed countries increased from 4.8 per cent in 2011 to 18.3 per cent in 2017. Ibid para 11

<sup>5</sup> UNDP (2020), COVID-19 and Human Development: Assessing the Crisis, Envisioning the Recovery:<http://hdr.undp.org/en/hdp-covid>

<sup>6</sup> A record number of countries due to graduate from LDC status before the end of 2024 - Bangladesh, Nepal, Lao, Myanmar, Timor Leste

## **About IFLA**

The International Federation of Library Associations and Institutions (IFLA) is the leading international body representing the interests of library and information services and their users. It is the global voice of the library and information profession, advocating for equitable and meaningful access to information as the cornerstone of sustainable development.

Contact: Stephen Wyber, [stephen.wyber@ifla.org](mailto:stephen.wyber@ifla.org)

## **About EIFL**

EIFL (Electronic Information for Libraries) works with libraries to enable access to knowledge in developing and transition economy countries in Africa, Asia Pacific, Europe and Latin America. The EIFL Copyright and Libraries programme advocates for a fair copyright system, and supports librarians to become advocates for access to knowledge. More information: [www.eifl.net](http://www.eifl.net)

Contact: Teresa Hackett, [teresa.hackett@eifl.net](mailto:teresa.hackett@eifl.net)