

Inter-sessional intergovernmental meeting on a development agenda for WIPO 3rd Session, Geneva July 20-22, 2005

by IFLA and EIFL

Mr Chairman, I am speaking on behalf of International Federation of Library Associations and also of Electronic Information for Libraries, which are both not-for-profit public interest membership based organisations. Since 1927 IFLA has represented the world's major libraries and library associations and through its 1700 member organisations in 150 countries it speaks for hundreds of thousands of professional librarians around the world. EIFL works with libraries in 50 developing countries.

Because of the importance of the copyright exceptions for libraries, archives and educational establishments and for users I am going to speak about item 3 on the list of specific actions under discussion by the IIM - the proposal for a treaty on 'Access to Knowledge and Technology'. Access to copyright works for the purposes of education, research or private study usually takes place in libraries, whether in person or remotely through virtual learning environments, or directly on the Internet. In the digital age countries can not have viable modern economies and social development without fair access to and re-use of knowledge as expressed in copyright works. In this context fairness requires the pro-active acceptance of agreed norms by both rightsholders and users.

All intellectual property initially arises from underlying ideas which are usually first expressed in a format subject to copyright, and it should be recognised that all creators of IP are themselves users of copyright works and will have made use of the exceptions and limitations to copyright for the purposes of education, research or private study. These exceptions are therefore crucial to assist developing countries and LDCs to catch up with developed countries. However in the last 10 years international treaties, supranational directives from the EU, and national legislation has worked to erode the information user's rights to enjoy and use the exceptions and limitations to copyright especially in the digital environment. We agree with the distinguished delegation from Chile that there is also a problem with unfair contractual licenses, whose terms are often very difficult for licensees (usually the weaker parties) to negotiate. Copyright is creating barriers to access and the fair use of knowledge. This is why an 'Access to Knowledge' Treaty is now needed to establish a proper international framework setting the norms by which copyright should be managed in such a manner which ensures that user rights are established and enshrined with respect to the digital age. We strongly agree with the distinguished delegation from Brazil that such a treaty would counter the trend towards the monopolisation and privatisation of information by ensuring that information remains publicly available to nurture education and innovation.

The distinguished delegation from the UK (speaking on behalf of the EU) referred to the existence of an agenda item on copyright exceptions and limitations before the SCCR (Standing Committee on Copyright and Related Rights). However, that committee has not met since the motion was tabled in November 2004 and there is no date announced for its next meeting. The UK delegation (on behalf of the EU) also suggested that the scope of a treaty on access to knowledge might go beyond WIPO's competence. This surprises us. Such a treaty, which is being proposed to deal solely with the IP issues related to access to knowledge and

technology, appears to be well within WIPO's brief and is fundamental to its development agenda. We agree with the distinguished delegation from Brazil that access to knowledge is not just an issue for developing countries, but also for developed countries since knowledge is a universal tool and equal access is an important need for all. This issue should remain with the IIM in future sessions.

We share the vision expressed in the Declaration of Principles adopted by the World Summit on the Information Society in November 2003, which promotes an inclusive society based on the fundamental right of human beings both to access and to express information without restriction and in which everyone will be able to create, access, use and share information and knowledge. To this end we support the achievement of a true balance between the rights of owners and users of intellectual property.

Thank you, Mr Chairman.

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