



International Federation of  
Library Associations and Institutions

**Wednesday 18 December 2013, Winston Tabb**

Thank you, Mister Chair. I congratulate you on your election as 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 160 countries.

As the international organization whose mission is dissemination of information, we played an active role in informing the drafting 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.

But WIPO, to ensure its credibility and effectiveness, has more to do to ensure that the rights of all stakeholders, including users, remain an integral part of the international copyright regime. Copyright is for ALL – for users, creators and owners.

From the beginning, copyright laws have recognized the role of libraries and archives in achieving the goals of the copyright “ecosystem.” 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 in recognition of 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; and in educating authors about their own rights.

In a digital world where information is increasingly borderless, however, the immense disparity in national exceptions and limitations for libraries makes it 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 ascertain 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. Libraries cannot serve as fully effective intermediaries in such a rapidly changing international information exchange environment - one in which new forms of research such as text and data mining require new, trans-border exceptions – until SCCR’s Member States demonstrate the necessary courage and resolve to strengthen users’ rights, as it so admirably did for the visually impaired in Marrakesh.

Many Member States – most notably the African Group, Brasil, Ecuador, Uruguay, India and the US – have proposed specific texts; these texts must remain the focus of discussion in this body so that SCCR is prepared, as agreed in WO/GA/43/13, to submit recommendations on limitations and exceptions for libraries and archives to the General Assembly no later than the 28<sup>th</sup> session of the SCCR, to enable libraries and archives – working with creators and owners – to realize, for everyone, the promise of the information age.