

## WIPO STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS

20<sup>th</sup> Session: Geneva, 21-24 June 2010

### Intervention by eIFL: Electronic Information for Libraries

Intervention delivered by Kondwani Wella, Kamuzu College of Nursing, University of Malawi.

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Agenda item 7: Limitations and exceptions

Thank you, Mr Chairman, for the opportunity to speak on behalf of Electronic Information for Libraries. This statement is supported by the International Federation of Library Associations, and will focus on exceptions and limitations for libraries and education.

In the WIPO study commissioned for this Committee, Professor Xalabarder states "All works to be used for teaching purposes, either under a teaching exception or under license, must be obtained from somewhere and libraries are usually the source to provide the works to be used for teaching purposes.

Exceptions and limitations increase the use of library collections, support the research needs of library users, and enhance education. They are important to libraries everywhere, but they are critical in developing countries. Education is a priority for governments in Africa, where many countries are seeking to widen access to tertiary and higher education. This means using new modes of delivery, including e-learning.

Kamuzu College of Nursing at the University of Malawi, where I work as a librarian, is piloting an e-learning project with a UK university to support the delivery of medical, nursing and clinical officer education in Malawi. If such projects – many of which are cross-border – are to reach their full potential, we must have exceptions and limitations to support education and e-learning policies.

We thank the African Group for their appreciation of these issues in their proposal for a Draft WIPO Treaty on Exceptions and Limitations - document SCCR/20/11. We welcome the recognition of the role of libraries, archives, and educational institutions in providing access to education, culture and information.

In particular, we support provisions that enable libraries and their patrons to use works for education, research or private study. Although libraries are part of the education eco-system, many national laws don't cater for such uses by libraries, and many more lack provisions for virtual learning environments.

We support provisions for cross-border uses of print and digital works, because such uses are currently problematic.

We support provisions so that copyright laws cannot be trumped by contracts or technological protection measures. It can be difficult and costly to negotiate terms in licences for provisions that are already in the national copyright law, a needless waste of scarce resources in a least developed country.

We have some initial suggestions for clarification, for example, that the exceptions should apply to other necessary uses such as translation and communication to the public, but we would like some more time to carefully examine the proposal in detail.

Distinguished delegates, libraries globally spend billions of dollars on published materials and databases, mostly funded from the public purse. Libraries are regulated institutions, and have long been the intermediary between publishers and library users. We sincerely believe that our requests are reasonable and proportionate, and necessary for libraries serving the public interest.

We look forward to discussing the issues to enable libraries to work effectively in support of knowledge and education. We are ready to share our professional expertise, and to engage in constructive dialogue with Member States for effective solutions. We support the holistic approach as put forward by the African Group.

At the same time, Mr Chairman, the international library community appreciates the urgent need to address the issue of the book famine for visually impaired and print-disabled people, 90% of whom live in the developing world. We fully endorse the timetable for the adoption of a treaty, as proposed by Brazil, Ecuador, Mexico and Paraguay (SCCR/20/9).

An end to the book famine is long overdue.

Thank you, Mr Chairman.