

WORLD INTELLECTUAL PROPERTY ORGANISATION

**STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS
23rd meeting, November 2011**

**Statement by the
International Council on Archives/
Conseil International des Archives**

Thank you Mr Chairman. May I, on behalf of the archives profession worldwide, congratulate you on the progress you have made in addressing the need for international instruments on limitations and exceptions to copyright, in recognition of the vital part they play in providing for the needs of societies around the world.

As you know, archives hold the unique materials that record the history of the peoples of the world, the decisions that have been made on their behalf by their leaders and the reasons for those decisions, and the history of the activities of governments, organisations of all kinds and individuals. Archives deal primarily with unpublished materials, and in that significant respect they differ from libraries. However, many of the public services that archives provide, with no commercial motivation, are very similar to those of libraries.

Some archival materials present no copyright problems, either because copyright has expired or because copyright is owned by the parent organisation. However, archival materials inevitably contain many works in third party copyright. Every letter received by an organisation, that ends up in its archive, was copyright of the sender not the recipient.

The International Council on Archives is grateful to the African Group for proposing a treaty containing limitations and exceptions in favour of libraries and archives, and to Brazil for putting forward further issues for consideration as presented by IFLA. It has worked closely with IFLA in the drafting of its proposal for a treaty. We look forward to real progress on these at this meeting. Three areas are of particular interest to archives:

- a preservation copying exception, which is the subject of article 14 of the African Group proposal, is vital. Without it, around the world paper records are decaying, films and sound recordings are becoming unplayable and in some cases becoming dangerous, and digital materials are becoming worthless as technology advances.
- the absence of exceptions permitting copying for users and the transmission of those copies electronically across frontiers, which are the subject of articles 11, 12, 13 and 15 of the African Group proposal, is hindering research and academic learning, because many researchers, especially in developing countries, cannot afford to travel to visit archival institutions.
- orphan works are a major problem for archives, which are the subject of article 21 of the African Group proposal. Papers such as unpublished letters and diaries written by private individuals almost inevitably become orphans. There is no commercial interest in such works but there is immense cultural value in them.

Archivists around the world are looking to the SCCR to make possible the preservation of the world's memory, as represented by archives, and the use of that memory to stimulate the creation of new works for the advancement of mankind.

Thank you Mr Chairman.

Tim Padfield
tim.padfield@nationalarchives.gsi.gov.uk
+44 (0)20 8392 5381