



Bibliotecas, derecho de autor y la Organización Mundial de la Propiedad Intelectual

IFLA, 1 de noviembre, 15h CEST, La Haya

PORQUÉ participamos?

QUÉ estamos haciendo?

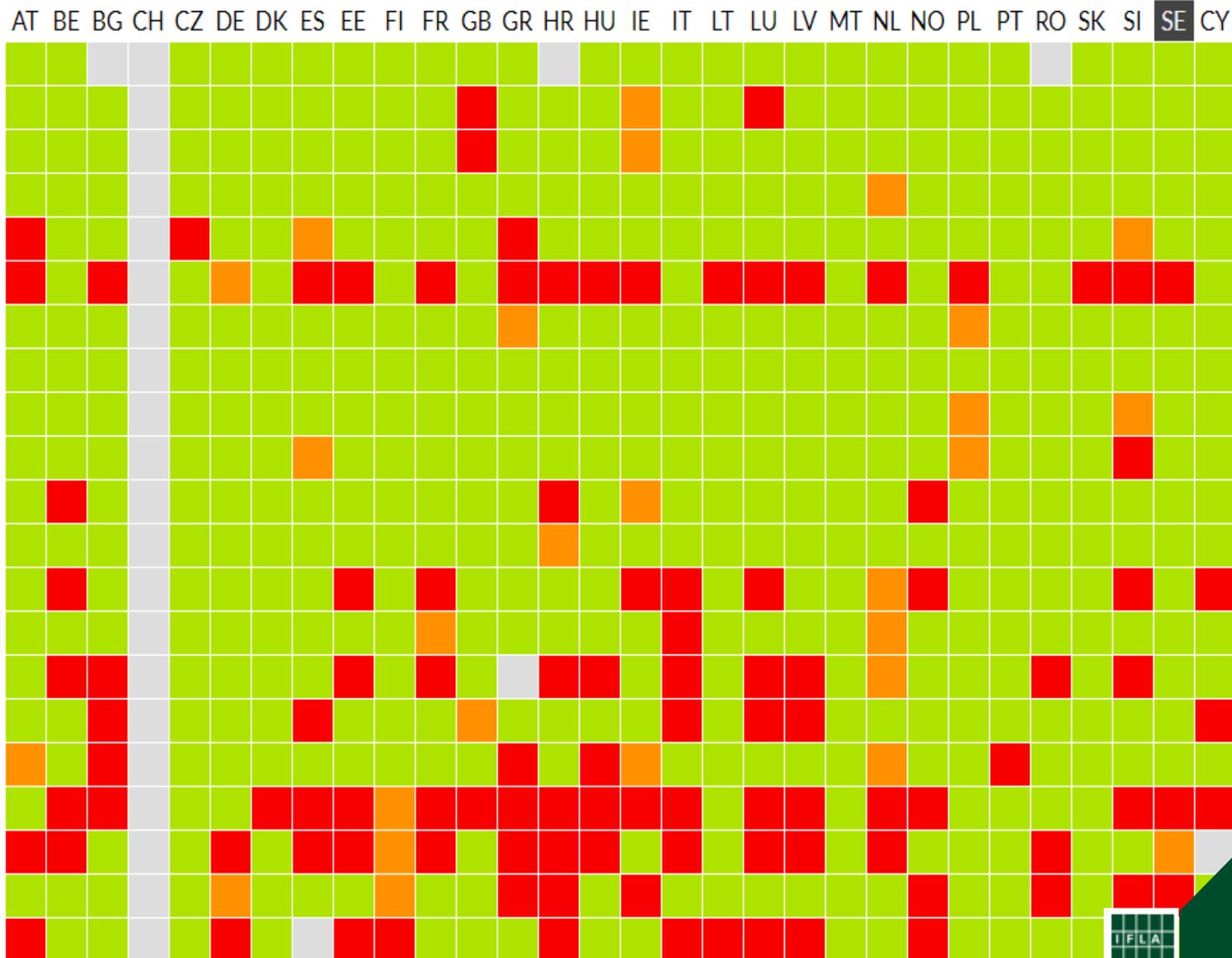
CÓMO puedes ayudar?



Convenio de Berna

*Protección obligatoria,
excepciones opcionales*

- 5.1 Temporary acts of reproduction
- 5.2(a) Photocopying/photo-reproduction
- 5.2(b) Private copying
- 5.2(c) Reproductions by Libraries, Archives & Museums
- 5.2(d) Ephemeral recordings made by broadcasters
- 5.2(e) Reproduction of broadcasts by social institutions
- 5.3(a) Illustration for teaching or scientific research
- 5.3(b) Use for the benefit of people with a disability
- 5.3(c) Reporting by the press on current events**
- 5.3(d) Quotation for criticism or review
- 5.3(e) Use for public security purposes
- 5.3(f) Use of public speeches and public lectures
- 5.3(g) Use during religious or official celebrations
- 5.3(h) Use of works of architecture or sculptures in public spaces
- 5.3(i) Incidental inclusion
- 5.3(j) Use for advertising the exhibition or sale of works of art
- 5.3(k) Use for the purpose of caricature, parody or pastiche
- 5.3(l) Use for the demonstration or repair of equipment
- 5.3(m) Use for the purpose of reconstructing a building
- 5.3(n) Use for the purpose of research or private study
- 5.3(o) Pre-existing exceptions of minor importance





LIMITS OF LICENSING

In the library context, licenses can give but they can also take rights away.

This infographic offers examples of provisions in real licences that limit what libraries can do with works they have bought.

~ CONTRACT ~

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Prohibiting data mining



Library

Vendor

Note: All examples above are contractual terms extracted from actual contracts

Las actividades de preservación e investigación se internacionalizan, emergen problemas relacionados con la digitalización, y la complejidad aumenta





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OMPI

- **191 Estados Miembros**
- **Agencia de las Naciones Unidas**
- **Derecho de autor, pero también...
patentes, marcas, modelos industriales,
denominaciones de origen,
conocimientos tradicionales**
- **Posibilidad de adoptar tratados
internacionales**
- **Programas de formación**

SCCR

Estudios de Kenneth Crews

11 temas:

- Preservación
- Reproducción
- Préstamo
- Depósito legal
- Importación paralela
- Acceso transfronterizo
- Obras huérfanas y obras fuera de comercio
- Límites a la responsabilidad
- Inaplicabilidad de cláusulas contractuales
- Medidas tecnológicas de protección
- Traducciones

Pero con qué objetivo?





Pasos efectivos para asegurar que las bibliotecas y sus usuarios se beneficien de un marco de excepciones y limitaciones moderna y complete.

Efecto transfronterizo de las excepciones y limitaciones para facilitar la cooperación internacional

Guías prácticas o ayuda a los estados miembros a aprobar leyes adecuadas para las bibliotecas

Evidencia accesible para leyes de derecho de autor para bibliotecas



“Todo gobierno puede introducir nuevas excepciones y limitaciones, no necesitamos acción de la OMPI”

“Las licencias resuelven todos los problemas que plantean las actividades transfronterizas”

“No hay manera alguna de frenar a los países que adoptan excepciones demasiado amplias”

“Hay que dar tiempo a los editores para estabilizar su negocio en la era digital”



Cómo puedes ayudar

- Pide a la oficina de propiedad intelectual de tu país o al ministerio de cultura que hablen en favour de las bibliotecas en la OMPI
- Comparte ejemplos con nosotros de casos en que la falta de excepciones al derecho de autor ha complicado tu trabajo
- Síguenos en las redes sociales y comparte tu interés

IFLA

Síguenos:

@IFLA, #Copyright4Libraries

Contacta con nosotros:

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