

WHAT THEY SAID ABOUT LIBRARIES ...

QUOTES FROM MEMBER STATES AT THE 40TH MEETING OF THE
STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS,
WORLD INTELLECTUAL PROPERTY ORGANISATION



BANGLADESH

[Statement on behalf of the Asia and Pacific Group]

“ Mr. Chair, for the Asia-Pacific Group limitations and exceptions for libraries, archives, educational and research institutions, persons with particular disabilities are important to individuals and collective development of societies.[...]



BOTSWANA

“ Mr. Chairman, it is apparent that **the topic of limitations and exceptions remains an important matter for the SCCR to work on**. With a view to ensure a balanced copyright system. In view of the impact of the global pandemic on the work of the Committee, and the interim, my delegation pons upon WIPO to continue providing support to Member States that need support to address limitations and exceptions at national level.[...]



BRAZIL

“ Brazil welcomes the factual report with the results of the three regional seminars at the international conference on copyright limitations and exceptions for libraries, archives, museums, education and research institutions organized in 2019. Brazil attaches great value to these discussions and favours continued work on these issues by the Committee. In line with our historical position on this subject, **we believe limitations and exceptions to copyright must strike a balance between the legitimate interests of authors and creators and that of third parties**. In the case of librarians and archivists acting within the scope of their professional



activities, limitations and exceptions are a means to avoid exposing these categories to legal challenges. [...]

“ This delegation would like to call attention to the issue of limitations and exceptions regarding people with other disabilities not covered by the Marrakesh Treaty. Notwithstanding its undeniable importance, we note this issue to which the Brazilian Government is deeply committed, has received little attention from this Committee in recent years. **We see room for more in-depth exchange in this matter and would propose that future regional or sub-regional seminars address the issue of limitations and exceptions regarding people with other disabilities, with a focus on new technologies and accessibility.** We would like to explore with Members this proposal which we would like to see reflected in future work by this Committee. [...]



Chile

“ For Chile, **limitations and exceptions are inherent to any balanced copyright system, and this balance has become even more visible and important during the time of the pandemic.** [...]

“ I think it would be important that the report identify where exceptions and like limitations might be applied in all of these areas and present international texts, bearing in mind our mandate on this, we would like the work done on visually impaired persons to be repeated in all of those areas covered by the seminars in the conference so as to replicate the successful outcomes of the Marrakesh Treaty. In the same way, under the context of this pandemic, we think it might be a value that under exceptions and limitations, **we explore the flexibilities that copyright can offer to deal with the health crisis, especially with regards to online education and access to libraries and archives, which are at present shut to the public and which are necessary for access to culture.** Finally, we would like to point out that we think it is important that the conclusions of the report should not focus on areas whose subject matter is distinct from exceptions and limitations. For example, licensing and contractual issues are not relevant to the discussion here and might even hold up to us achieving or complying with our mandate. [...]



ECUADOR

“ Thanks to that, we have a lot of material that will be useful **to construct the consolidated text for a possible international instrument.** We should have a proper union tied rules on exceptions and limitations. [...]



EL SALVADOR

“ The information submitted is of great value as a foundation for debates on future work with regards to matters under limitations and exceptions to copyright, to which my delegation attaches a great importance. **We note, as a cross-cutting or as a constant throughout the report, the theme of digitalization and the digital format of works,** this is nothing new in the Committee and

*we've been discussing it over the last few years, and it's become observe that **there is a need to tackle the impact of new technologies on exceptions for libraries, archives, museums, and teaching and research institutions. It's important to make a formal start to a structured dialogue on the application of present exceptions and limitations in the digital area. We have to decide whether the same exceptions and limitations that we have at present in the international arena are sufficient or fit to be applied to works in digital format.** While it is true that a number of actions, national actions or measures have been identified, **we cannot yearned estimate the importance of having a proper international legal framework to adapt both the protection of copyright and related rights and exceptions and limitations** to these. [...]*



KENYA

“ Arising from the Nairobi Regional Meetings, it was observed, Mr. Chairman, that most of the African culture and institutions, notably archives, libraries, museums, and education and research institutions are copyright intensive. **However, most copyright laws do not adequately address such phenomena as digitization, digital access, cross-border use, orphans works, private copy, reproduction, and preservation.** It was observed that the major impediments to this, include not updating copyright legislation, lack of technical capacity and resources, lack or inadequate infrastructure to facilitate success, and cross-border cooperation [...].



INDONESIA

“ Related to the statement made by Bangladesh on behalf of APG and we ensure that libraries museums, archives, educational institutions and as well as people with other disabilities are important to individuals and development of societies. **The topic of limitations and exceptions to copyright is an issue shared by all countries as limitations exceptions are a natural part of any**



balanced copyright system as an obstacle as facilitated to the objectives. The current COVID-19 pandemic has shown us that the way our educational institutions as well as libraries, archives, and museums worldwide need a supportive environment with limitations so they can form functions without necessary risk. As such, we are encouraged by the results of the implementation of the Action Plans on limitations and Exceptions. We welcome the outcomes of the three regional seminars in Singapore, Nairobi, and Santo Domingo as well as international conference held here in Geneva. As stated by Director General in the opening statement the events provided opportunities to address the most significant and urgent issues related to limitations and exceptions. Indonesia hopes the outcomes of this will not only remain as report documents, but it is our hope that this Committee will transfer them into a concrete work program for the SCCR on the issue of limitations and exceptions. Mr. Chair, the important issue now is where we go from here. In this regard, we encourage a customized and approach when capacity building is provided for Member States to develop national legal framework on this issue. However, it should be understood that capacity-building alone is not enough to resolve all the problems we're facing with regard to the issue of limitations and exceptions. **Indonesia certainly looks forward for future work program on limitations and exceptions, including one that would also resolve the cross-border issues. [...]**



MALAYSIA

“ **As this unprecedented time, an action to prioritize work on a instrument that will support and promote the use of flexibilities in an international system to respond to public needs during the COVID pandemic, with schools and libraries forcing to closure, we had to shift education, research and the learning activities online overnight.** In that connection, Malaysia sees that priority has to be given to analyse the COVID and for all possible tools available including the possibility for this topic to be on the negotiation item to the SCCR Exceptions and limitations future work. We command the Secretariat for future it work and concerted efforts toward organizing the limitations and exceptions discussions at such an in-depth level particularly during regional seminars and the international conference. **Malaysia acknowledges the various challenges at the national level and transnational for the libraries, archives, museums and educational institutions and reflected on the importance with a goal of achieving an effective and balanced outcome for the changing societal needs. Malaysia hopes that a range of possibilities can be considered on the way forward from the action plan that was adopted at the SCCR 36. With the priority on the instrument in whatever form of preservations and digital and cross-border use for education research, library, archives, are and educational institutions.[...]**



[statement on behalf of the group of Latin American and the Caribbean countries, GRULAC]

“ Mr. Chairman, with regard to limitations and exceptions for libraries and archives, for teaching and research institutions, and for persons with other disabilities, GRULAC recognizes the importance of implementing the activities contained in the action plans adopted by the Committee in 2018. **We reiterate the mandate of the Assemblies of WIPO to work towards an instrument or legal instruments in this area. [...]**



“ We welcome the report on regional seminars and international conference on limitations and exceptions. Mr. Chair, licensing and exceptions are not mutually exclusive but rather a part of the same enabling environment as stated by a number of participants during the regional seminars: an international instrument is important to inform local law making with high-level principles and minimum baselines that can be implemented flexibly at the local levels. **My delegation forms the formulation of an international instrument on copyright exceptions and limitations for libraries, archives, museums and education and research institutions, as it would be a great legislative assistance and a umbrella guideline for the Member States to revise and read off their statutes in line with the international instrument. Mr. Chair, an international instrument should be well thought out with special consideration to the development perspective while according to online and digital cross-border uses of education. [...]**



“ I always think that **libraries, archives, and educational institutions are by their nature to provide public information, and the exceptions and limitations are pivotal pillars of these activities because they are in the public interest and can balance the public interest and the interest of rightsholders. This report stakes stock of the views of the**

exceptions and limitations offers suggestions for the work and for the roles Member States and we can engage. In this place China would like to engage on future work with a view to reach consensus on this work. [...]



Russian Federation

“ According to the output of the conference, which was held as part of the implementation of the Plan of Action, proposals were made on each of these **L&Es** and we would like to stress we believe it's extremely important to resolve cross-border issues, the examination of legal ambiguity, and difference in the legislations of various countries and pay special attention to the preservation of the cultural heritage in digital form, and also focus on international principles and systems which will be applicable to museums, libraries, archives, libraries, and educational and research institutions. The COVID pandemic has shown a very important need for digital technology, including remote access and cross-border use. We agree that the existence of digital materials should become generalized. This year the drawbacks and backwardness of existing international instruments have become particularly glaring when the whole international system of copyright and relate the rights had unprecedented challenges, and the work of millions of museums, library, and archives in traditional sense of the word was under threat. **The lack of recognized international guidance makes it difficult to have cross-border access and exchange of culture and progress becomes more difficult as well. We stress the exclusively important role of libraries, archives, and museums in preserving the cultural well-being of people and presence of research for providing access and quality education and research.** Education and research institutions in the digital environment is a difficult task to achieve.[...]



Trinidad and Tobago

“ For Trinidad and Tobago, the work of the SCCR is of particular importance given our recent accession to the Beijing Treaty, Marrakesh Treaty and Rome Convention. **We also applaud the focus of the SCCR as it relates to limitations and exceptions for libraries and archives, as well as limitations and exceptions for educational teaching and research institutions, and for persons with other disabilities.** [...]



United Kingdom

[statement on behalf of the group B]

“ Group B is committed to the general principles as set out in the report, and **limitations and exceptions are an essential part of the balanced copyright framework and underpin cultural heritage and education as a common good.** [...]

“ This collection of information will no doubt be invaluable for our work on limitations and exceptions in these particular areas going forward. **A focus on digital aspects of this work seems timely, considering the ongoing COVID-19 pandemic and the challenges, in particular, concerning access to education and cultural works.** [...]



Zimbabwe

[statement on behalf of the group of Africa Group]

“ In light of the COVID-19 pandemic, never before has the subject of copyright limitations and exceptions been more pertinent for educational and research purposes. Open Source publications on health research are essential to the common human endeavour, to find a solution to this global health challenge. Furthermore, children in developing countries have been denied online access to educational research materials because of copyright restrictions. Finally, chairperson, the group stands ready to participate actively and in good faith to carry out deliberations successfully. [...]

“ As you are aware, the Regional Seminar for the African Group on libraries, museums, archives, and education and research institutions on the field of copyright was held in June of 2019 in Nairobi, Kenya. This was followed by an international conference on copyright limitations and exceptions for libraries, archives, museums, and educational and research institutions, which was held in October of 2019 in Geneva. The Group reiterates and reaffirms the support for the 2012 General Assembly mandate, namely to continue discussion to work toward an appropriate international legal instrument or instruments where the model law joins recommendation treaty and or other forms on limitations and exceptions. [...]

“ The Group believes that a balanced copyright system which rewards creators and provides suitable access, assures progress and sustainable development of societies by incentivizing, creating, and promoting public welfare through dissemination of knowledge, culture, and science. The Group noted that the seminars focused on the following thematic areas, preservation of works, reproduction of works, access to works, and cross-border exchange of works. In many areas, it was noted that Member States have disparate national laws which pose an obstacle to inter-state cooperation and domestic implementation. The Group continues to analyse the report and various studies presented in previous SCCR sessions with a view to reaching a successful conclusion to this long-standing matter. We look forward to further discussion on this agenda item at SCCR 41. Chairperson, the advent of COVID-19 pandemic has presented a unique challenge to our global community. Children have been denied access to online educational material due to restrictive copyright regulations. It is an acute challenge which requires our urgent attention in this Committee. Similarly, Open Source information sharing of research material is an essential enabler for global cooperation in solving our common health challenges. Members are reminded on the success of the SCCR on the conclusion of the Marrakesh Treaty which illustrated the collaborative efforts of Member States and political will to address an area of great public interest. In the same vein, the SCCR is called upon to respond to the current challenges. [...]



European Union

“ European Union and its Member States strongly believe that libraries, archives, and museums play a crucial role in the dissemination of knowledge, information, and culture, along with the

preservation of our history. We also attach importance to the support of educational and research institutions and for people with disabilities, both in the analogue and digital wards. And within the existing international copyright framework. We have foreseen merit in the work carried out in this Committee as is set out in the Action Plans on Limitations and Exceptions. [...]