

# The WIPO study on Copyright Limitations and Exceptions for Libraries and Archives

Making Copyright Work for Libraries and Consumers

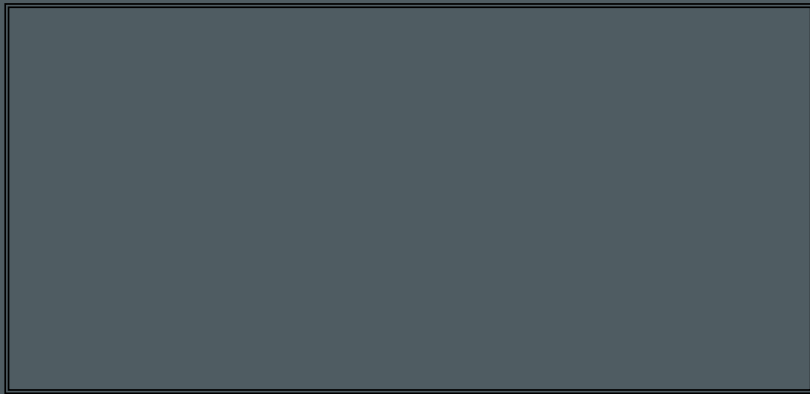
Library of the European Parliament

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# Statutes from 149 WIPO Member States

## Diversity

- historical influences;
- regional agreements e.g. EU;
- cultural and economic values;
- political realities;
- competing interests.

# Statutes from 149 WIPO Member States

- No exception for libraries or archives - 21 countries
- General exception only - 27 countries
- Copying for Research or Study – 74 countries
- Copying for Preservation – 72 countries
- Copying for Replacement – 67 countries
- Document supply – 17 countries
- ILL – 6 countries
- Anti-circumvention measures – 26 countries



# Diversity in preservation provisions

## Criteria

- single or multiple copies;
- from or for the Permanent Collection of the library;
- available on the market for purchase,
- in some cases the library has to certify that the copy is not reasonably available.

## Conditions included

- the condition of the work;
- if the work has already been lost, damaged or stolen or
- if it is to protect the work against loss or deterioration.

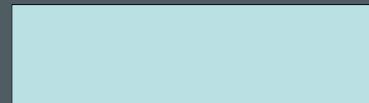
# Key findings

- Most countries have at least one statutory library exception

Broad recognition of the vitality of libraries and archives

- Exceptions not updated for technological change

While most countries have a prohibition on circumvention, only 26 countries had a library anti-circumvention provision





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## Copyright Limitations and Exceptions

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## Treaty Proposal on Copyright Limitations and Exceptions for Libraries and Archives

*IFLA is working with WIPO Member States to gain support for a binding international instrument on copyright limitations and exceptions to enable libraries to preserve their collections, support education and research, and lend materials.*

To demonstrate what is needed, IFLA, together with the International Council on Archives (ICA), Electronic Information for Libraries (EIFL) and Corporación Innovarte, has produced the Treaty Proposal on Copyright Limitations and Exceptions for Libraries and Archives, (TLIB), to guide WIPO's Member States in updating limitations and exceptions for libraries worldwide.

TLIB is intended as a constructive proposal to feed into the discussions at WIPO.

The limitations and exceptions mandated by the Treaty proposal are based on a set of principles that were developed in 2009 by librarians, intellectual property specialists, the World Blind Union, and representatives of other civil society NGOs.

It governs the use of all copyright works and also of all materials protected by related rights, according to national law. It applies to materials in any format, digital and non-digital.

### The Treaty proposal covers:

- \* Parallel importation (i.e buying books from abroad)
- \* Cross-border uses of works and materials reproduced under a limitation and exception
- \* Library lending
- \* Library document supply
- \* Preservation of library and archival materials
- \* Use of works and other material under related rights for the benefit of persons with disabilities
- \* Use of works for education, research and private study
- \* Use of works for personal and private purposes
- \* Access to retracted and withdrawn works



# **SCCR/23 identified 11 topics related to libraries and archives**

- preservation
- right of reproduction and safeguarding copies
- legal deposit
- library lending
- parallel importation
- cross-border uses
- orphan works, retracted and withdrawn works & out of commerce works
- limitations on liability of libraries and archives
- technological measures of protection
- contracts
- right to translate works

# **Current proposals by WIPO Member States related to libraries and archives**

- Draft WIPO Treaty on E&L for Persons with Disabilities, Educational and Research Institutions, Libraries and Archives, presented by the African Group (SCCR/22/12)
- The Case for a Treaty on Exceptions and Limitations for Libraries and Archives: Background Paper by IFLA, ICA, EIFL and Innovarte, presented by Brazil (SCCR/23/3)
- Objectives and Principles for E&L for Libraries and Archives, presented by the United States of America (SCCR/23/4)
- Lending, Reproduction and distribution, TPMs, Limitation on liability presented by Brazil, Ecuador and Uruguay (SCCR/23/5)
- Preservation, Parallel Importation, Cross-border uses, Orphan works, Access to retracted and withdrawn works, Contracts presented by Ecuador (SCCR/23/8 Prov.)



# References

- Study on Copyright Limitations and Exceptions for Libraries and Archives, prepared by Kenneth Crews, Director, Copyright Advisory Office, Columbia University  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=109192](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=109192)
- Treaty Proposal on Copyright Limitations and Exceptions for Libraries and Archives, prepared by IFLA, ICA, EIFL, Innovarte  
<http://www.ifla.org/en/node/5856>
- WIPO Standing Committee on Copyright and Related Rights :  
Twenty-Third Session. Proposals by Member States  
[http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=22210](http://www.wipo.int/meetings/en/details.jsp?meeting_id=22210)

**Thank you.**

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**Knowledge  
without  
boundaries**