

**Statement of Library Copyright Alliance to
WIPO Committee on Development and Intellectual Property
Second Session, Geneva, 7-11 July 2008**

Thank you, Mr. Chairman, for the opportunity to speak on behalf of the Library Copyright Alliance, representing the interests of five major American library associations that host a membership of over 87,000 individuals and institutions. The Library Copyright Alliance is committed to addressing copyright issues that affect the library community nationally and internationally as well as the public that we serve.

We are grateful to the Chairman and the Secretariat for the efforts you have made since March to modify the recommendations adopted at the first session and to provide a progress report on the recommendation currently being implemented. We offer our firm support for the goals and successes of this process and are committed to participating in the implementation of activities that improve the ability of developing countries and least developed countries to fully benefit from the global intellectual property system.

We encourage Member States to consider including the international library community in local efforts at technical assistance and capacity building, which will serve to promote the goals of information access and a balanced approach to intellectual property protection. Today librarians encounter the real needs of individuals and organizations making use of copyrighted material for creative, educational, and informative purposes. Librarians can play a positive role in WIPO's efforts. In this regard we appreciate the reference under proposed activity for recommendation 10 for "forging links with the user and professional community."

We would also like to make the observation that the Development Agenda represents the evolution of an idea, an idea embracing the notion that access to educational and informational materials is a necessary means toward the achievement of material progress and welfare. Promoting the protection and commercialization of intellectual property as a strategy, as reflected in the documents for this meeting, may eventually serve as a means toward economic improvement in developing countries, but what must happen first is for the intellectual property to come into being. For that to happen efforts must be made to minimize levels of protection and to make it easier for those in developing countries and least developed countries to use materials that will form the building blocks for development. We recommend consideration of an amendment to the Berne Appendix as part of this strategy, as well as implementation of functional limitations and exceptions in national copyright laws. We view this as fundamental to the success of the Development Agenda, and hope that it will be articulated in further discussions of the remaining 39 recommendations.

Thank you again, Mr. Chairman, for providing us the opportunity to present our comments at this meeting.

Contact:

Janice T. Pilch, Representative
Library Copyright Alliance
E-mail: pilch@uiuc.edu

Joint Statement of International Federation of Library Associations and Library Copyright Alliance

WIPO Committee on Development and Intellectual Property Second Session, Geneva, 7-11 July 2008

The International Federation of Library Associations, representing through its 1,700 member organizations in 150 countries hundreds of thousands of professional librarians around the world, and the Library Copyright Alliance, a coalition of five major American library associations representing over 87,000 individuals and institutions, offer this joint statement in connection with the discussion of documents CDIP/1/3, CDIP/2/2, and Information Note 1 issued at this meeting.

A number of the activities under discussion, both from the list of 19 proposals identified for immediate implementation, and the list of activities proposed to implement the remaining 26 proposals, involve public awareness, education, training and outreach on various aspects of intellectual property. A challenge to these programs will be creating a workable equilibrium between intellectual property protection and the special needs of developing countries and least developed countries to make available the benefits of new information and communications technologies, and the content they provide, to transform the lives of citizens.

The success of the Development Agenda will depend on concrete efforts made to facilitate access to knowledge and technology that foster creativity and innovation and to strengthen WIPO activities aimed at this goal. Unless priority is placed at this stage of the implementation on expanding the knowledge base through specific measures that bring more existing works of intellectual property into use in developing countries and least developed countries, the Development Agenda will be compromised.

Educational programs are a critical activity to this end. Libraries support activities that are central to the work of the Development Agenda, and are fully committed to its success. In the area of copyright, libraries are uniquely positioned to contribute to the educational programs organized by WIPO which establish and maintain the fine balance between rights holders and users of information. Libraries are significant stakeholders in the intellectual property structure as they are major purchasers of content; they negotiate and manage rights and access to content; and they provide a direct link to the user community. As intermediaries, librarians and information specialists can provide critical expertise in areas such as licensing of commercial databases, implementation and instruction in the use of electronic resources and specialized databases, approaches to copyright licensing and new licensing models, creation of digital repositories to

increase the knowledge base in developing countries, understanding of the international scope of the public domain, and application of limitations and exceptions in the law that facilitate the creation of new knowledge while respecting the rights of copyright holders.

Current and proposed WIPO activities include programs offered by the WIPO Academy, programs on technical assistance, and Geneva-based programs. They also include sub-regional, regional and inter-regional seminars and workshops on copyright issues, as well as rosters of consultants available to Member States in specialized areas to enhance the programs. We encourage WIPO and its Member States to consider the importance of including the international library community in these efforts, particularly as they involve educational, academic and research institutions.

In supporting access to knowledge and technology to foster innovation, adequate limitations and exceptions for the purposes of education, scholarship, and creativity, and a robust public domain, the library community is prepared to contribute fully to the development goals of WIPO and its Member States through educational initiatives. The work of librarians contributes to a balanced approach to copyright education, in the sincere interest of bridging the digital divide.

Contacts:

Victoria Owen, Representative
International Federation of Library Associations
E-mail: owen@utsc.utoronto.ca

Janice T. Pilch, Representative
Library Copyright Alliance
E-mail: pilch@uiuc.edu