



**International  
Federation of  
Library  
Associations and Institutions**

## Statements made by IFLA at [WIPO SCCR/43 \(March 13 – 17, 2023\)](#)

### **Opening Statement**

Thank you, Mr. Chair. Speaking on behalf of the International Federation of Library Associations and Institutions (IFLA), I want to emphasize again the importance of limitations and exceptions in the operation of modern libraries. IFLA is very grateful to the secretariat for having commissioned in recent years two studies by Professor Crews and other authors demonstrating the wide variety in limitations and exceptions for libraries at the national level. One may draw many conclusions from these studies, but the overriding one for the library community is that - in a world where knowledge knows no boundaries, and where library collaboration across borders is necessary and common - we desperately need international norms covering such core library activities as lending and preservation. ‘Best practices’ may be helpful; but they cannot be an adequate substitution for agreed international norms. Thank you, Mr. Chair.

*Delivered by Winston Tabb, Head of IFLA Delegation*

### **Statement on the Broadcast Treaty**

I speak today for International Federation of Library Associations & Institutions. On behalf of IFLA, I would like to congratulate the Chair and Vice Chair, and thank everyone involved in the coordination of the sessions this week at SCCR/43.

With respect to the Broadcast treaty, I would like to echo the concerns and views of many, many delegates and civil societies in the room, including the African Group’s detailed and well-considered statement.

Firstly, we would like to express concern about fixation, and the limits it may place on preservation and access to material by individuals, libraries and other cultural institutions that record and share broadcast content for purposes otherwise allowed under copyright law. Without this work, many works will be lost to the present and lost to history.

Secondly, echoing in particular the Copyright Expert Network’s statement, we would like to underline the general and paramount importance of limitations and exceptions to the work of preservation and access.

And thirdly, we are interested in seeing up-to-date empirical evidence about what the treaty would hope to achieve - including for users – by and beyond combatting piracy as an end in itself, particularly given the dramatic changes to broadcasting business models and consumption patterns around the world in the years since this treaty has been under discussion.

*Delivered by Matt Voigts, Copyright & Open Access Policy Officer*

## **Statement on the panel discussion of online cross-border uses of works for education and research**

Thank you very much to the panel for your insights and experiences in education and research. I speak for IFLA, and echo questions from Togo and several civil societies. I also speak as the author of a short study on cross-border copyright issues as related to preservation available on IFLA's website.

International collaboration for digital preservation is a norm, to share resources and technical expertise. Collections are often internationally complicated – particularly in post-colonial contexts, where important collections regarding one country is often held in another. But it's often not clear what backups are allowed in these different countries. In that ambiguity, the public domain is often the lowest hanging, clearest fruit for making digital backups. Unfortunately that leaves materials after the 1920s at risk.

As has been mentioned by others, in the classroom - especially during COVID-19 closures, as international students went home – educators often had difficulties licensing and (even when licensed) providing practical access – due to various technical restrictions - for desired course material or necessary research material.

And personally, living in the Netherlands, a relatively small country in Western Europe, I find many historically important, popular movies – those that for example, wind up on 'best movies of all time lists' like the recent once in a decade Sight & Sound poll – have not been licensed locally for streaming or released on modern physical media.

This is all to say that internationally, for preservation and classroom use, for old and new material, collective licensing solutions (like those discussed by the panel) only work in a fraction of scenarios, and educators and preservations often have to decide what to do in ambiguous situations, My question is: how can the solutions proposed help us in urgent, ambiguous situations, with the quality of education and the historic survival of unique materials at stake?

*Delivered by Matt Voigts, Copyright & Open Access Policy Officer*

*As a note: no members of the panel took up this question, after having been prompted twice more by the Chair to address its preservation-related elements.*

## **Statement on the preservation toolkit**

Thank you Chair.

My name is Sara Benson with the International Federation of Library Associations and Institutions (IFLA).

IFLA wishes to thank the Secretariat and the experts for this excellent work in cutting through the complexity and confusion in the crucial area of preservation of all kinds of works and for providing a constructive manner to understand the issues involved in designing a preservation statute.

We welcome an additional toolkit addressing the issue of access to preserved works, as providing access to knowledge is a key mission of libraries.

IFLA has recently completed a study demonstrating the unique challenges that libraries face when attempting to collaborate on cross border preservation projects.

As a query to the panel, I wish to ask whether more standardized language in national laws will help to resolve the challenges that libraries face with cross border preservation?

Thank you.

*Delivered by Sara Benson, Chair, CLM*

## **Statement on the Public Lending Right (PLR)**

Thank you for the floor.

The proposal appears to have evolved significantly since the last paper shared with the committee. It is hard to determine just what it is being proposed. We have heard references to looking only at benefits – as if the Committee has already determined its support for this – instead of looking at benefits and drawbacks, and to making no assessment at all.

More broadly, we still worry that we may be coming at this question from the wrong end. Rather than starting by inventing or promoting rights to administer, it would be more useful to look holistically at how to support writers. In particular, there is copyright-related work with far clearer cross border implications, that could be highly relevant for this committee, such as on rights reversion.

Finally, we should also be humble, and accept that not every question requires a copyright solution, and thus be ready to recognise where cultural policy may actually be the correct place to start.

*Delivered by Stephen Wyber, Director of Policy & Advocacy*