

IFLA and the Access to Knowledge (A2K) Treaty (2005)

Intervention by IFLA

Inter-Sessional Intergovernmental Meeting on a Development Agenda for WIPO 2nd Session, Geneva

June 20-22, 2005

Mr Chairman, IFLA, the International Federation of Library Associations and Institutions, welcomes your continued leadership in guiding these important discussions about the future direction of WIPO.

This intervention is made with the full support of Electronic Information for Libraries, one of our members also present at this meeting, which works directly in developing countries.

At the IIM/1 meeting we drew to your attention the importance of libraries and their crucial role in the economic and social development of all countries, especially developing countries and those in transition. We pointed out that developed countries all benefit from highly developed and sophisticated library infrastructures providing both analogue and digital information services and that these have led to an improvement in their populations' general education and knowledge particularly over the last 150 years, which in turn led to greater enterprise and prosperity for all.

As librarians our interest lies overwhelmingly in copyright, and as the profession which in so many situations acts as the interface between rights holders and the users of copyright in libraries, we see that it is crucial that WIPO ensures that the maintenance of reasonable exceptions and limitations to copyright enjoyed in many developed countries is also established in the copyright regimes of developing countries.

With regard to the proposals put forward at this meeting by some of the distinguished delegations, we would like to observe the following :

- Libraries are pro-copyright because we recognise the need for creative works to be protected from piracy and other unfair exploitation. We uphold copyright laws and encourage users to respect them. Indeed we are the collecting societies' major customers.
- However, copyright is not about just protection but was from its early days meant to balance the need to protect creators and entrepreneurs in the work with the user's right to access information and the expression of ideas. The mechanism that makes copyright work is in fact the exceptions and limitations combined with adequate protection of copyright.
- Libraries are stakeholders in copyright policy. Policy makers need to seek out the views of librarians when developing new legislation and other measures. Clear transparent mechanisms for such consultations are vital in both WIPO and within all its Member States.
- In our IIM/1 intervention we supported the proposals from Brazil on behalf of the Friends of Development Group and we continue to see these as offering the most comprehensive solution to all the major issues. We highlight the following numbered proposals from the

Listing of Specific Action-oriented Proposals by Member States as of June 2005 tabled by Brazil at IIM/2, which we think will particularly benefit libraries. They will make WIPO more transparent in its dealings with both rightsholders and users of copyright and in particular the proposal to bring about an Access to Knowledge Treaty would do much to redress the current imbalance in copyright which is in the rightsholders favour and which is leading to the creation of monopolies of information.

(1) To amend the WIPO Convention to include explicit language on the Development Dimension

(2)

(3) To consider the elaboration of a Treaty on Access to Knowledge and Technology

(4) To formulate and adopt Principles and Guidelines for the development and implementation of technical assistance

(5) To establish an independent WIPO Evaluation and Research Office

(6) To consider measures to ensure wider participation of civil society and public interest groups in WIPO including their participation in the Policy Advisory Commission and the Industry Advisory Commission

(7) To formulate and adopt Principles and Guidelines for norm-setting activities in WIPO (8) To undertake independent, evidence-based Development Impact Assessments with respect to norm-setting activities

(9) To establish a system of holding public hearings prior to the initiation of any norm-setting initiatives

(10) To improve information sharing on technical assistance including the establishment of databases, a dedicated web page and a WIPO Partnership Office

(12) To formulate and adopt a Code of Ethics for technical assistance staff and consultants

(13) To develop indicators and benchmarks for the evaluation of WIPO technical assistance

We believe that the full integration of development issues into all aspects of WIPO's work is essential to its future progress and achieving this will benefit all Member States, not just the developing countries. We wish you every success.

For further information contact:

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