

# WHAT THEY SAID ABOUT LIBRARIES ...

QUOTES FROM MEMBER STATES AT THE 37TH MEETING OF THE  
STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS,  
WORLD INTELLECTUAL PROPERTY ORGANISATION



## **BOTSWANA**

“ *Limitations and exceptions are an important tool to find balance for both the rights holders and larger society, for creativity and exchange of information, for use by libraries, archives and education, research and access by persons with other disabilities.*

## **BRAZIL**

“ *I would like to make a question in light of the unfortunate tragedy that eclipsed the significant part of the Brazilian history with the burning of our national museum in Rio de Janeiro on September 2, 2018. As most of you are aware of, major pieces of Brazil's scientific and cultural heritage went up in smoke as a devastating fire ripped through much*



*of our national museum founded by the Brazilian Imperial family in 1918. By the time the catastrophe was over, most of the 20 million of scientifically and culturally invaluable artefacts were lost. 200 years of memories and science lost forever in a country that is a little more than 500 years old. So my question to you, Dr. Crews, is **how countries could harmoniously act or resort to law or turn to treaty making law that could in the aftermath of such tragedies assure that cross-border action and cooperation among key stakeholders is possible** in order to seek assistance and support to review their scientific and cultural heritage.*

[as a question to Prof. Crews' presentation<sup>1</sup>]

<sup>1</sup> The video of the question by the delegate of Brazil, followed by Professor Crews' answer, is available through the [WIPO livestream](#) (select "Wed 28 – English, Afternoon Session" and min. 52 sec. 44).

“ Undoubtedly, this delegation continues to favour a copyright system that takes into account the interests of right holders and scientific and cultural goals in a balanced manner. **Adequate incentives for the creation and the production of works must go hand in hand with the promotion of knowledge, and in the sense, exceptions and limitations in the assignments of the rights of education are without prejudice, or better put, benefit the sustainability and the efficacy of the copyright system.** The same applies to the exceptions and limitations for libraries, archives, educational research institutions and persons with other discussions.



## COTE D'IVOIRE

“ We believe that the work programme is a balanced one and will allow us to discuss each issue in a rational manner. This Agenda, of course, is crucial for social and economic development, and therefore we recognize the results achieved to date despite the difficulties. We hope that the debates are on the protection of broadcasting rights, it will lead us to the organizing of a Diplomatic

Conference. **Limitations and Exceptions of libraries and archives, also it is particularly important and legal protection in this area is of the greatest importance for my Delegation.**



## ECUADOR

“ The work of the committee is directly linked with achieving the **Sustainable Development Goals, inter alia number 4**, which guarantees inclusive high quality teaching and allows people to learn throughout their life cycle. Here, **archives and libraries play an important part for social development.** As to the compilation of the document, archives are important and the issue of copyright is key here. Some people do have difficulties when these institutions try to harmonize the technologies with their existing services. **So there has to be an effort to align international standards in this field.**





## EGYPT

“ We recognize the importance of limitations and exceptions to copyright for libraries and archives with a view to align these institutions to disseminate



*information and knowledge on a broad basis, and in cooperation with teaching and research institutions. Certainly any copyright issue in the Digital Environment should be addressed in order to allow all people access to this knowledge. At our last session, we would like to imagine the efforts undertaken at a national level in order to increase dissemination of knowledge and we established the knowledge bank which should strengthen motivation and creativity within the framework of the Sustainable Development strategy 2030.*



## EL SALVADOR

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

“ The GRULAC considers exceptions and limitations extremely important. It is essential that there is a balance between the interest of the rights holders and the collective interest of society at large. **In this context, access to knowledge and the right to education are of the utmost**

*importance in which libraries, museums and archives and teaching and research institutions play a predominant role.*



## INDIA

“ The exceptions and limitations for research institutions and people with other disabilities are of great significance for the developing countries. These are enabling tools for education and access to knowledge, besides advancement in culture. [...] However, it is essential that the action plan<sup>2</sup> [...] also provides a **direction**

**on eventual consensus-based and harmonized outcome document on limitations and exceptions.** Mr. Chair, the delegation of India will continue to contribute constructively the deliberations of this committee and the true spirit of multilateral cooperation.



## INDONESIA

“ [statement on behalf of the group of Asia and the Pacific countries] In order to promote cultural and science and education, we believe in a balanced copyright system that takes into account the rights of right holders and ensures that the larger public benefits by enhancing access to these works. **Exceptions and limitations have an**

**important role to play in the attainment of the access to knowledge and education for all.** [...] Furthermore, the Asia and the Pacific group believes that the agreed action plans<sup>3</sup> have set good basis for further consideration of this committee, to progress on this very important issues. [...] We hope that all Member States will engage constructively on this session on the issues of exceptions and limitations based on previous discussions and the agreed action plans towards positive action plans to deliver real progress on this issue.



<sup>2</sup> The [action plans](#) on the topic of limitations and exceptions to libraries, archives, museums, and educational and research institutions and persons with other disabilities were adopted in the previous meeting of the SCCR and are implemented throughout 2019.

<sup>3</sup> See footnote number 2.



**“ On the issue of exceptions and limitations for libraries, archives museums, educational institutions and persons with other disabilities, the importance of having an effective balanced and contributing an exceptions and limitations regime for the benefit of both rights holders and the general public interest cannot be over emphasized. We are of the conviction that the work of the committee on limitations and exceptions is not intended only to reach a common understanding member states, rather it's mandated to carry out the legal framework for exceptions and limitations. Based on the mandate given to the committee by the General Assembly<sup>4</sup>, and bearing in mind the notable progress achieved on the discussion on all subject matters, **my delegation supports establishing a legally binding instrument in the area of exceptions and limitations.** We are of the opinion that norm setting is the only way to ensure that WIPO Member States provide a basic level of harmonized limitations and exceptions for such institutions [...]**

Among actions, regional seminars<sup>5</sup> for analyzing the situation of all subject matters is the most welcome inclusion [in the action plans<sup>6</sup>]. However, the main objective of the action plans should be the fulfillment of mandate. We believe that after the end of the implementation of the action plan, SCCR should undertake an exercise and make a recommendation to the General Assembly according to its mandate.



<sup>4</sup> In 2012, the WIPO General Assembly decided that the SCCR would “continue discussion to work towards an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms”.

<sup>5</sup> The regional seminars are part of the action plans (see footnote number 3). They will be conducted in three different regions before the meeting of the SCCR in October 2019, and their “objective would be to analyze the situation of libraries, archives and museums as well as educational and research institutions, and areas for action, with respect to the limitations and exceptions regime and the specificities of the region”.

<sup>6</sup> See footnote number 2.



## MALAYSIA

“ The sustainable development goals give us impetus to the task at hand to ensure that knowledge and education reach the furthest first and to promote the inclusive societies. [...] The flexibility and the constructive spirit of all Member States were the backbone for how we could achieve this success [...]

We would like to share some efforts that Malaysia has taken in. **In August of 2018, Malaysia successfully hosted the world library Information Congress. The event congregated not only librarians, but also policy makers, copyright experts, academicians and other stakeholders to deliberate on the role of libraries in promoting access to information and knowledge. Under the theme of “transform societies transform libraries”, the Congress reached its aim of promoting libraries and librarianship at the regional and international levels.** We are also proud that KL has been selected as the world capital for the year 2020. We believe this recognition would further boost the development of our local book industry and promote the access to books and reading in KL and throughout Malaysia. To ensure the success of developing a knowledge-based society, promoting inclusive education and ensuring accessible reading materials is an effort that can be undertaken by no one party alone and requires the contribution of all stakeholders from office, publishers, collecting societies, policymakers and also the beneficiaries. Mr. Chair, **these some are concrete examples where a balanced copyright system has been successful in promoting access to knowledge, and we believe there's room for progress and the action plans<sup>7</sup> present a very good roadmap.**



<sup>7</sup> See footnote number 2.



## MOROCCO

[Statement made on behalf of  
the African Group]

**“** *This is something of great importance for the African Group, and for many of the Member States. Our group continues, as has been underlined during many SCCR sessions, to consider the issue of limitations and exceptions for libraries, archives, and research institutes, and people*

*with handicaps as one of its priorities within this committee’s agenda. The African group is convinced that these issues should be dealt with as a priority, as much as it is convinced that the debate around these topics should progress.*

[...]

*We would like to note now that the results of the activities in the plan of the action should lead to a discussion on the basis of the 2012 mandate by the General Assembly<sup>8</sup>, and the SCCR should work on one or several legal instruments on this subject.*



## MALAWI

**“** *As a delegation, we believe that libraries, museums, education and research institutions, as well as archives play a very crucial role in social and cultural development by facilitating access to information*



## PEOPLE'S REPUBLIC OF CHINA

**“** *The Chinese delegation with regard to the item of exception and the limitations have always been open because the balance of copyright system is very important for the development of culture in all countries.*

<sup>8</sup> See footnote number 4.



## SENEGAL

“ My delegation wishes to reiterate the **great interest it has in the issue of exceptions and limitations.** [...]”

We would like to thank the Secretariat for the steps they have taken, particularly the organization of the regional seminars<sup>9</sup>, which will undoubtedly contribute to improving mutual understanding of the needs and the concerns of developing countries and least developed countries for access to knowledge. Education, training and development are extremely important for our countries. [...]

We would also reiterate our call for an inclusive debate, which would allow us to collect the views of all stakeholders and to give a body to the mandate of the General Assembly<sup>10</sup>, through the work of the committee.



## UGANDA

“ Exceptions and limitations in copyright law are an important tool for balancing the rights of the owners and the legitimate interests of the public. However, as several WIPO commissioned studies have shown, limitations and exceptions are treated disparately across a broad spectrum of Member States. Moreover, the digitization of published works continues to create more challenges for users. The case in point is technology protection measures. Some of these challenges were not envisaged in existing international instruments. **Therefore, what we are watching for is a harmonized minimum standard approach on how Member States treat limitations and exceptions for education and research activities, for libraries and archives and for museums and persons with other disabilities.**”

<sup>9</sup> See footnote number 5.

<sup>10</sup> See footnote number 4.