



International Federation of
Library Associations and Institutions

WIPO STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS

36th Session: Geneva, 28 May -1 June 2018

Agenda item 5: Protection of broadcasting organizations

I'm speaking on behalf of Electronic Information for Libraries (EIFL) and the International Federation of Library Associations and Institutions (IFLA).

We thank the Delegations of Argentina, Brazil and Chile for their proposal on Limitations and Exceptions.

We appreciate the inclusion of Limitations and Exceptions in document SCCR/35/12 Revised Consolidated Text.

However as currently drafted, they are optional and narrow when they need to be mandatory and broader. Here's why.

Awarding new legal protection for the programme-carrying signal in effect puts a fence around the content that is broadcast.

In order to allow continued legal access to that underlying content, there must be a mechanism for institutions such as libraries to get access. The mechanism is L&Es.

Since the intention of the treaty is to protect against signal theft, not block access to third party content transmitted by the broadcast signal, clear safeguards to ensure access for social, educational and public interest purposes is necessary.

To illustrate, I will share four examples of diverse uses of broadcast material by different types of libraries - university, national and public libraries.

In Botswana, the University of Botswana Library has a collection of historical films, the most popular are on black history. Students watch and analyse the films as primary research material for their studies.

In Armenia, lecturers at the American University of Armenia show documentary films in the library for students studying topics such as human rights and genocide studies.

Public libraries in Botswana provide access to a wide range of radio and TV shows for educational and community purposes. Popular broadcast events include the Opening of Parliament, Independence Celebrations, and Presidents

Celebrations in June and July. For children, their favourites are wildlife programmes.

In Lithuania, the National Library has a cinema where patrons can participate in educational programmes and creative workshops about TV, film, and cinema.

It would be terrible if the treaty caused significant unintended consequences for public institutions in using such broadcast content, for example, by making rights clearance more time-consuming and complex, increasing transaction costs for publicly funded institutions, or causing the activities to be stopped altogether because it was too expensive or legally risky.

But without exceptions to the new right this is exactly the scenario we might have.

Especially when the proposed term of protection that is 50 years.

To avoid unintended consequences that would be harmful to education and society, or spill over to content that is in the public domain, or that is licensed under an open content licence, robust exceptions are needed.

We draw your attention to Limitations and Exceptions in document SCCR/27/2 REV Alternative C for Article 10 that would be a good basis for discussion.

Thank you.

[Delivered by EIFL on behalf of EIFL and IFLA]
