

3rd WIPO Conversation on AI and IP – IFLA Statement

Merci, M. l’Ambassadeur, pour la parole.

I am speaking on issue 16, on behalf of the International Federation of Library Associations and Institutions, representing all types of libraries, and with members in over 150 countries worldwide, as well as Electronic Information for Libraries and Creative Commons.

The ability of libraries to fulfil their missions properly depends heavily on the copyright laws in place. In particular, the possibility to deliver access to information and culture, and to support education and research, relies on adequate exceptions and limitations.

The ability of library users to make use of rights to quote, comment on, criticise, or draw on works in research is, in turn, a key way of delivering on rights to freedom of access to information and freedom of expression.

While there certainly are many questions right now about what limits on speech may be needed, there is, I hope, consensus that the requirement to pay a licensing fee should not be one of them.

Therefore, when addressing the subject of the use of AI to enforce copyright laws, it is vital to ensure that it does not – inadvertently or otherwise – limit lawful and legitimate expression and speech.

The risk is real. We have seen efforts to mandate the use of automated content recognition technologies by online platforms to filter user uploads for potential copyright infringement. The providers of such technologies admit that they cannot recognise the context necessary to assess whether the use of third party content is lawful and legitimate, namely if an exception or limitation applies.

The problem of ‘false positives’, of takedowns of legitimate content, is well documented. Also relevant is the misuse of these technologies by self-proclaimed rightholders, who wrongly claim ownership of public domain and open licensed works.

This has not stopped the drive by some to apply or require such filters, regardless of the consequences or the impact on freedom to impart and receive information.

We therefore hope that WIPO’s work in this field going forwards will be clear not just about the promise, but also about the weaknesses of AI as a tool for IP administration and enforcement. It should, in particular, underline that there remains no substitute for human judgement.

I would also like to note agreement with the points made by Anthea Seles of the International Council on Archives, on the importance of ensuring that IP does not stand in the way of transparency and widely accepted open governance principles.

Thank you.