IFRRO Statement at 30th WIPO SCCR 2 July 2015

1. We congratulate you on your re-election, Mr. Chair, and thank you for allowing IFRRO to take the floor.

2. IFRRO is the main network for the Collective Management Organisations, and authors and publishers organisations in the text and image sector, with 145 member organisations in some 80 countries worldwide. The Collective Management Organisations in the text and image sector, which are referred to as RROs - Reproduction Rights Organisations - exist on all continents, in small as well as big countries, in developed countries as well as those under development.

3. By “Preservation” we understand reproduction, including digitisation and other forms of electronic reproduction for the sole purpose of preserving and archiving of a copyright work. This implies no further use of the reproduced work.

4. IFRRO acknowledges that there are countries where appropriate exceptions may be required to enable institutions to perform preservation duties or opportunities legally in accordance with the remit of their public services, and supports such exceptions in national legislation. We also note that a number of WIPO Member States include such exceptions in their laws.

5. Right of reproduction for assigned libraries and archives under an exception may comprise the making of a copy to replace a work that is already included in its collection, where the original is fragile, damaged, or needs to be completed, or requires conversion from an obsolete format; format-shifting may be required for continued preservation due to technical obsolescence of recording media and the resulting need for recurrent “migration” from one format to the next. Such exceptions should be made subject to the work not being commercially available.

6. Preservation copies, other than those preserved through national libraries’ deposit schemes, which are allowed through an exception should be limited to works which are no longer commercially available. A work which is available in the market and has been preserved through a national deposit scheme has no need for further preservation.

7. The use of a copy made by a library or archive for preservation purposes under an exception must be qualified and restricted to the original work in the possession of the collection, or, when appropriate, the replacement copy. A preservation copy may be used instead of the original copy rather than in addition to it. Also, in accordance with the “three step test of the Berne Convention, the use must not pursue any direct or indirect commercial purpose.

8. We recognise, however, the important role of libraries in preserving and providing access to cumulative knowledge and cultural heritage. Appropriate licensing arrangements should ensure that they can perform this role adequately. More specifically, online access and other forms of making works available to their users and further distribution should be made only under a licensing agreement with rightholders or their representatives, such as RROs, the Reproduction Rights Organisations.

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