IFRRO Statement at 31st WIPO SCCR 10 December 2015

ON ITEM 2) RIGHT OF REPRODUCTION AND SAFEGUARDING COPIES

1. We join those who have congratulated you on your re-election, Mr. Chair. We are confident that the SCCR work on the issue of exceptions and limitations for libraries will be carried forward in a constructive manner under your skilful leadership, and thank you for allowing IFRRO to take the floor.

2. We understand “Right of reproduction” as referring to the supply of copies by libraries/librarians of copyright protected works in the libraries’ collections to their users, and “Safeguarding copies” as being backup copies.

3. We acknowledge that exceptions and limitations to the exclusive rights in national legislation may be appropriate to enable defined libraries and archives to reproduce copyright-protected works, including for safeguarding purposes. This requires that they are based on clearly defined appropriate conditions, which observe the three-step test of the Berne Convention. It must also be ensured that safeguarding copies made under an exception do not lead to them being used to increase the number of works to be made available for access by the users.

4. Libraries, as well as authors and publishers, play a critical role in providing sustainable access to cumulative knowledge and cultural heritage in both developed and developing countries. A library should be permitted to reproduce a copy for its users, when these are eligible to receive it under a copyright exception compatible with the three-step test of the Berne Convention. In particular, it must be ensured that the copy does not conflict with the selling or other commercial exploitation of the work. Where possible, such reproduction should be subject to remuneration to authors and publishers, for instance through collective licensing schemes as successfully implemented in a number of WIPO Member States.

5. Otherwise, it is important that rightholders facilitate reproduction of works by libraries through licensing mechanisms, both on the basis of individual direct licensing by publishers and authors, and through collective licensing by collective management organisations, such as RROs. In a fast changing world, where technologies move with an unprecedented speed, regulations do not have the ability to offer the required flexibility. Licensing agreements do. They offer comprehensive tailor-made solutions to access scientific and literary works to meet the libraries’ and their users’ needs.

- END -