IFRRO Statement on Educational exceptions at 32nd WIPO SCCR 13 May 2016

1. We thank you again, Mr. Chair, for giving the floor to IFRRO.

2. Exceptions and limitations are important, also in education, but unremunerated exceptions must be limited to instances where primary and secondary markets cannot fulfil a market need efficiently and effectively.

3. In terms of copyright works, a nation should not depend on the creation of others through import of published works, with the obvious cultural, political and other influences this implies. We need to enable the local creation and publishing of material, created in the context with which we are familiar and on the premises we establish ourselves. This is particularly important in relation to education material.

4. Textbook publishing is also the motor in the publishing sector, accounting in some countries, for instance in South Africa, for up to 90% of the sector’s production.

5. The creation and publishing of new quality works nationally, requires that the creator and the publisher are protected from infringement and can claim to be rewarded for their efforts. Copyright is what enables the creator to make a living, and a nation to develop a viable publishing industry.

6. The secondary market includes uses authorised through collective rights management by RROs. It is best able to respond to local conditions – user needs, copying practices, domestic laws - as well as dealing with technological changes - while at the same time delivering benefits to all stakeholders in the value chain. The secondary market complements the primary market, but it is never meant to supplant it.

7. Experience from changes to legislation, which have led to interpretation that more use could be allowed under exceptions without prior authorisation and remuneration to rightholders, such as in Canada, has had a strong negative impact on the national publishing sector, especially for educational material.
8. Also students in Canada have complained that cancellation of agreements with the RROs has led to increased cost for educational material, up to 300%.

9. Copying, making available and distribution of works done under an agreement with a RRO would generally include Internet downloads or digitisation of works and storing on internal networks or virtual learning environments, TDM, and MOOC.

10. Educational institutions form a part of the ecosystem of published works. It is important that they are allowed and offered solutions to allow legal access to copyright works. The best way to arrange this is through direct licensing agreements with authors and publishers, combined with collective rights management by RROs.

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