

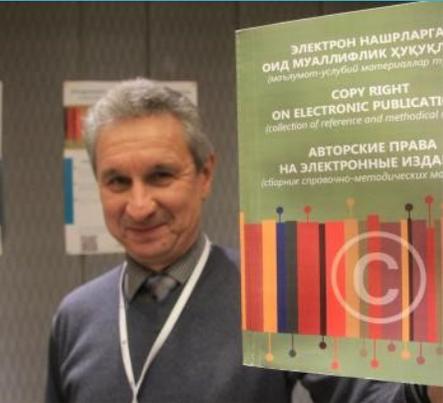
Copyright and Libraries Programme (EIFL-IP)

Teresa Hackett
Programme Manager

EIFL General Assembly
Online
30 September 2020

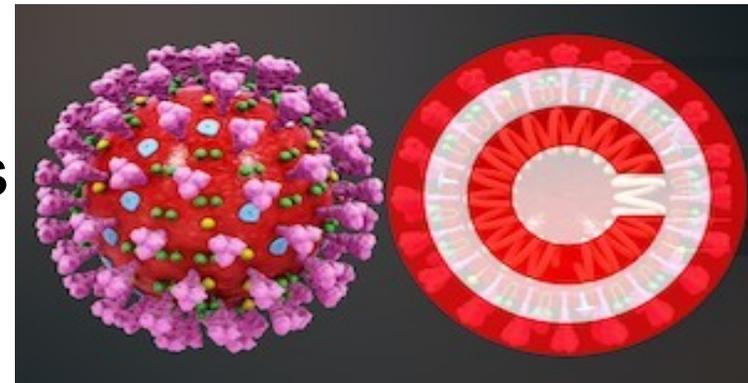
- **Copyright and COVID-19** (and future resilience for other disruptive events)
- **Marrakesh Treaty** for persons with print disabilities
- **Copyright law reform**: Myanmar, South Africa
- **Copyright and trade**: proposed US-Kenya Free Trade Agreement

- Support national copyright law reform
- Advocate for global copyright rules to benefit libraries
- Build capacity of librarians in copyright
- Develop practical resources in multiple languages



The library experience

- **Libraries at forefront** supporting teachers and students in moving courses online, provision of learning material
- Copyright librarians had to quickly assess **impact of the new situation** – mass switch to online learning - according to national copyright law, and/or applicable licences
- Some **copyright laws** are better adapted than others
- Some **licence restrictions** problematic e.g. limits on no. of simultaneous users



Emerging COVID lessons

Importance of statutory L&Es incl.

- benefits of flexible exception – safety valve in times of emergency
- ensuring licence terms don't override L&Es

Shouldn't have to rely on goodwill of individual publishers to deliver on fundamental right to education, especially in times of crisis

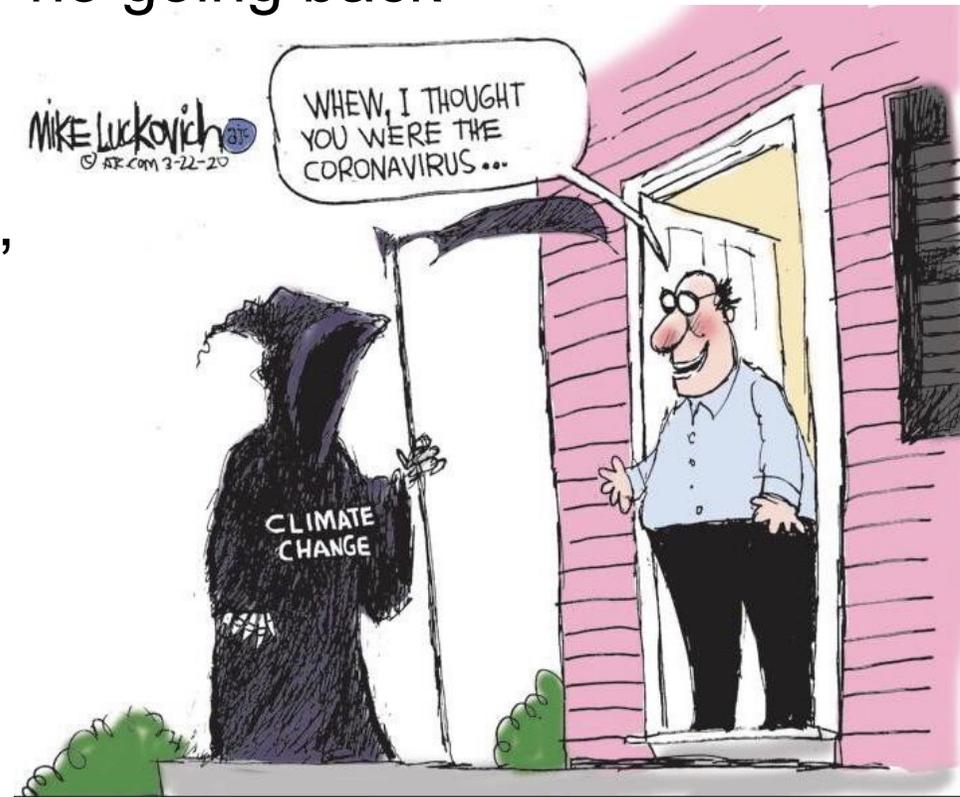
Copyright literacy: role of librarians in helping teachers and students navigate the legal issues ✓ promoting OA & OERs

Pricing models for academic e-books: up to 10 times cost of printed version for single-user licence & availability

§107 · Limitations on exclusive rights: Fair use⁴¹
Notwithstanding the provisions of sections 106 and 106A, the reproduction, distribution, performance, display, or transmission of a copyrighted work, including such use by reproduction in copies or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use thereof, the factors to be considered shall include—
(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

Where are we now?

- Massive shift in terms of how education is delivered
- Online, digital and cross-border – no going back
- World is sensitized to benefits of ‘open’ – teachers, researchers, governments
- Resilient copyright laws for a post-COVID world, future pandemics and other disruptive events, such as climate change



Building on work at WIPO Advocating for copyright limitations and exceptions

HOME LIVE SESSIONS ASSEMBLIES OF THE MEMBER STATES OF WIPO (A 61) DAY 2 AM

ASSEMBLIES OF THE MEMBER STATES OF WIPO (A 61) DAY 2 AM
22/09/2020 09:44:59 (GMT +02:00)

eifl KNOWLEDGE WITHOUT BOUNDARIES



TIMELINE

- 01:38:28 HUNGARY
- 01:41:19 GREECE
- 01:42:56 CHAIR
- 01:45:00 SRI LANKA
- 01:47:37 CHAIR
- 01:48:32 BOTSWANA
- 01:51:24 CHAIR
- 01:51:49 GREECE

HOME LIVE SESSIONS ASSEMBLIES OF THE MEMBER STATES OF WIPO (A 61) DAY 3 PM

ASSEMBLIES OF THE MEMBER STATES OF WIPO (A 61) DAY 3 PM
23/09/2020 14:44:59 (GMT +02:00)



eifl KNOWLEDGE WITHOUT BOUNDARIES

WIPO Assemblies 21 – 24 September 2020

“For libraries, COVID has highlighted the critical need for modern copyright laws that fully support the shift to online education and critical research”.

EIFL statement at WIPO 2020 Assemblies

- **Right to research:** text and data mining, digital preservation
- **Right to education:** fair access to teaching materials online

Forum that sets global copyright rules:

**WIPO Standing Committee on Copyright and Related Rights
(SCCR), 16-20 November 2020**

Marrakesh Treaty for persons with print disabilities: WIPO's most popular treaty

98 countries (28 September 2020)
incl. 19 EIFL partner countries (19%)

EIFL supported 22 countries: Azerbaijan, Belarus, Botswana, Côte d'Ivoire, Estonia, Ghana, Kenya, Kyrgyzstan, Latvia, Lesotho, Lithuania, Malawi, Moldova, Mongolia, Poland, Russia, Serbia, Slovenia, Tanzania, Thailand, Uganda and Zimbabwe

* Since EIFL 2019 GA

The **MARRAKESH TREATY** to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled

What? INT'L TREATY ADMINISTERED BY A UN AGENCY, WIPO. FIRST COPYRIGHT TREATY WITH HUMAN RIGHTS PRINCIPLES AT ITS CORE, ADOPTED IN 2013. **PRINT DISABLED** CANNOT: READ TEXTS HOLD A BOOK OR TURN PAGES. DUE TO VISUAL, LEARNING, OR PHYSICAL DISABILITY. **ACCESSIBLE FORMATS**: BRAILLE, AUDIO, LARGE PRINT.

Remove Legal Barriers: FOR PRODUCTION AND CROSS-COUNTRY SHARING OF ACCESSIBLE FORMAT COPIES. **More Books**: AND OTHER PUBLISHED WORKS AVAILABLE IN ACCESSIBLE FORMATS. REALIZE THE RIGHT TO KNOWLEDGE. **More Opportunities**: FOR PRINT DISABLED PEOPLE IN EDUCATION, JOB, AND CULTURE.

Why? **BOOK FAMINE**. **LESS THAN 1%** OF PUBLISHED BOOKS ARE MADE INTO FORMATS ACCESSIBLE TO PRINT DISABLED PERSONS IN DEVELOPING COUNTRIES. Source: the World Blind Union (WBU). **EXCLUSION**. **OVER 75%** OF BLIND AND VISUALLY-IMPAIRED PEOPLE OF WORKING AGE UNEMPLOYED. Source: WBU. **MORE THAN 80%** OF PEOPLE WITH DISABILITIES LIVE IN POVERTY. Source: the United Nations.

Act Now! Join & Implement The **MARRAKESH TREATY**. **ONLY 7** COUNTRIES IN THE ASIA-PACIFIC HAVE BECOME PART OF THE MARRAKESH TREATY SO FAR (NOV 2017). **Achieve the SDGs**. "Leave no one behind." "Reach the furthest behind first."

Marrakesh Treaty

- September 2019: Co-organized **first international workshop on putting the treaty into practice** in a region - Estonia, Latvia, Lithuania, Poland, Belarus and Russia
- ‘**The Marrakesh Treaty: Getting Started**. An International Library Workshop’, Lithuania
- ‘**Getting Started**’ practical **guide** in English, French, Portuguese, Russian, Spanish
- **First book exchange Poland and Lithuania**, new library cooperation



Myanmar

- Copyright law adopted, 2019 (not in force yet)
- Provides legal infrastructure to support libraries, education and research
- New exceptions for private study, quotation, online teaching, course-packs, and use in virtual learning environments
- Document delivery services, digital preservation by libraries and archives
- Accessible format copies for persons with print disabilities

LEADER, COPYRIGHT ADVOCACY FOR LIBRARIES MYANMAR

Tin Win Yee, Group Leader of the Myanmar Library Association (MLA) Legal Affairs Committee, and EIFL Copyright Coordinator in Myanmar, led library advocacy to ensure that Myanmar's new copyright law, adopted in May 2019, would enable the development of modern, effective library services.

The Copyright Law of 2019 is one of many new laws that are being introduced as the country shifts to democracy after more than 50 years of military rule. It replaces a law enacted over a century ago, in 1914.

"We have over 5,000 libraries in Myanmar. It was essential that the new law would include appropriate limitations and exceptions to give libraries the freedom we need to support research and education, especially national priorities such as distance education," said Tin Win Yee.

EIFL reviewed the new copyright law at the draft stages, made recommendations on library provisions, held discussions with the local library community and met with policy-makers in Myanmar.

In 2017, the MLA submitted suggestions – including EIFL's recommendations – to Parliament when the copyright bill was being debated.

"Our advocacy was successful. Our suggestions on library provisions were included in the new copyright law," said Tin Win Yee.

In 2019: EIFL engaged in copyright law reform in 20 countries in the EIFL network.

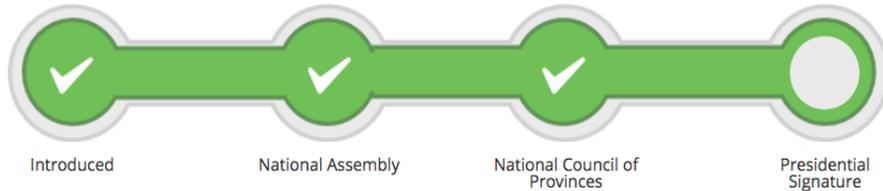


"The new copyright law supports the delivery of online education, the creation of electronic course packs for teaching, and the provision of document delivery services by libraries, good news for learning and research in Myanmar."

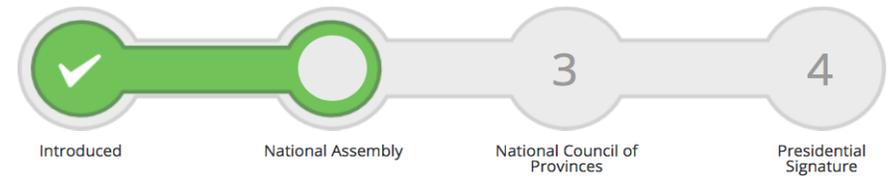
– TIN WIN YEE

Thanks to Tin Win Yee and the team in Myanmar!

South Africa



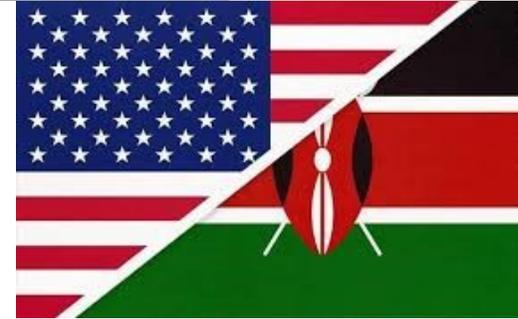
Awaiting Presidential signature, 2019



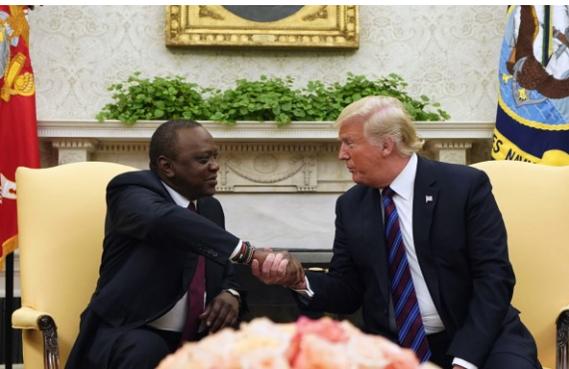
Back to parliament, 2020

- Bill returned to National Assembly by President citing constitutional concerns e.g. retrospective payment of royalties to authors, artists and performers; fair use and exceptions for libraries, education
- Big pressure from industry and multinationals, US and EU
- Threat of trade sanctions and withdrawal of investment; EIFL testified at public hearing, US Trade Representative (January 2020), wrote to President (2019) and Speaker of Parliament (2020) in support of the Bill
- Copyright Amendment Bill (2017): Well-crafted exceptions for libraries, education and research, people with disabilities, fair use (EIFL model law)

Proposed U.S.-Kenya Free Trade Agreement



- Comprehensive bilateral trade agreement that aims to strengthen economic relationship
- US - 'Model for additional trade agreements across Africa'
- Proposes a chapter on Intellectual Property
- First time a standard of IP protection similar to U.S. law would be applied in sub-Saharan Africa - raises significant concerns
- EIFL working with Kenya Libraries and Information Services Consortium (KLISC) to ensure the best outcomes for libraries



More information

eifl.net

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Questions? Comments?

Thank you.