



Electronic Information for Libraries

World Book and Copyright Day 2009

Statement by eIFL.net on the Importance of Users' Rights for Libraries, Education and Development

To mark World Book and Copyright Day on April 23rd 2009, eIFL.net librarians seek to highlight the importance of users' rights for libraries and education in developing and transition countries.

Libraries and Education

Libraries of all types provide access to knowledge, learning and ideas, and are an essential component in fostering creative, innovative and prosperous societies. The quality of the library service is one of the criteria applied when an institution seeks accreditation as a university, is part of the benchmarking in the ranking of universities and when budgets are approved for public libraries. Libraries are the "heart" or "academic core" of their institutions. Well-resourced libraries with up-to-date technologies, services and access to global resources enable institutions to fulfil their mission to provide world-class research outputs and academic tuition. In other words, **the effectiveness of educational institutions, or the entire community, in turning out successful students, quality graduates, active citizens for the labour market and the most highly skilled researchers depends on the provision of quality learning support services provided by libraries.**

Libraries and Development

The greatest resource for development is the human resource. This means that an educated population is essential to achieving economic progress. Libraries build capacity by providing quality learning support services to educational institutions and by promoting information literacy for lifelong learning.

Here are two examples from different regions. Innovation and technological progress are replacing production and other traditional growth factors in modern day economies. A UNESCO report (2005) on science, technology and economic development in south-eastern Europe concluded that investment in scientific and technical knowledge is critical to the region emerging from a decade of transition, disintegration and conflict. Libraries in Serbia are contributing towards this goal by providing access to international journals for scientists and researchers, whose presence in world science is increasing as a result¹.

Achieving the Millennium Development Goals (MDGs) remains one of the biggest challenges for the international community. Student teachers, doctors and engineers

¹ Libraries supporting economic development: access to international journals aids Serbian research
http://www.eifl.net/cps/sections/news/spotlight/2007_09_10_libraries-supportin

in Africa, whose training is essential for the success of the MDGs, often rely entirely on the university library for learning and research material for their courses. **All countries must ensure that learning content is made available to the widest possible base as part of a strategy for development.**

Libraries and Copyright Exceptions and Limitations

The purpose of copyright is to encourage the creation and dissemination of knowledge. It does this by granting legal protection to creators who may be rewarded for their work, and by providing reasonable access to society to encourage innovation, research and further creativity. So from the beginning, copyright was meant to balance the need to protect creators with the user's need to access information and knowledge goods. Exceptions and limitations have been recognised from the earliest days of the Berne Convention (1886) and are an integral part of a well-functioning copyright system. **The mechanism that makes copyright work is exceptions and limitations and a limited term of protection, combined with appropriate protection for rightsholders.**

“For libraries, copyright exceptions and limitations are critical to meeting our missions to support learning and research, promote the flow of information, provide equitable access to information to the public, preserve cultural heritage and encourage free expression...Libraries rely on limitations and exceptions to fulfil their mandate to collect, organise, preserve, and make available the world's cultural and scientific heritage. Library exceptions expand the accessibility of library collections, support the research needs of library users, and enhance education. They allow libraries to copy works in copyright for the purposes of teaching, research, and preservation, and to serve people with disabilities who may require special formats for accessibility².”

Over the years, however, the copyright system has become increasingly unbalanced in many countries due to the introduction of digital technologies, as new rights for copyright owners have been introduced and the term of protection extended, while exceptions and limitations for the use of digital material have not kept pace. Unfair licence terms for access and use of digital content, as well as legal protection for technological protection measures, have created further pressures on libraries providing services in the digital environment.

International treaties already contain certain flexibilities for governments to implement exceptions and limitations in support of access to knowledge. The WIPO Copyright Treaty (1996) recognises the need to “maintain a balance between the rights of authors and the larger public interest, particularly education, research and access to information”. Yet evidence shows that these flexibilities are often not adequately transposed into national law for the benefit of the public. The WIPO commissioned study Copyright Limitations and Exceptions for Libraries and Archives (Crews, 2008)³ showed that twenty of the twenty-one countries with no exceptions for libraries in their national legislation are developing countries. An earlier study by Consumers International⁴ found that none of the eleven developing countries

² eIFL/IFLA/LCA statement Copyright Limitations and Exceptions for Libraries at WIPO SCCR/17 http://www.eifl.net/cps/sections/docs/ip_docs/sccr17-joint-statement

³ http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=109192

⁴ Copyright and Access to Knowledge (2006) <http://www.consumersinternational.org>

surveyed in the Asia Pacific region had implemented all the flexibilities available to them under international treaties.

Exceptions and limitations are important to libraries everywhere, but they are of critical importance to developing and transition countries whose capacity to access knowledge is crucial to their social and economic development.

eIFL-IP librarians:

- support effective provisions in national copyright law to fulfil the public service mission of libraries. These include exceptions and limitations for⁵:

- the support of education
- research or private purposes
- persons with disabilities
- preservation
- inter-library document supply
- technological protection measures (TPMs)
- orphan works.

In addition, licence terms in contracts should not be permitted to override exceptions and limitations provided by copyright law. The policy goals enshrined in exceptions and limitations should prevail. Consistent with the Berne Convention, the term of copyright should not be longer than life of the author plus 50 years. A robust public domain provides new opportunities for creativity, research, and scholarship;

- supporting the need for a global approach to exceptions and limitations, look forward to progress in discussions on exceptions and limitations at the WIPO Standing Committee on Copyright and Related Rights (SCCR) in May 2009. In particular, we support the proposal by Brazil, Chile, Nicaragua and Uruguay (SCCR/16/2), calling for a formal recognition by the Committee of minimum mandatory exceptions and limitations. We welcome publication of the studies on exceptions and limitations for visually impaired people (SCCR/15/7) and for libraries and archives (SCCR/17/2);

- call on Member States to implement the Recommendations from the WIPO Development Agenda adopted in 2007⁶, in particular Technical Assistance and Capacity Building (Cluster A) and Norm-setting, flexibilities, public policy and public domain (Cluster B). The Development Agenda is very important for librarians in eIFL.net participating countries and we call on WIPO Member States to ensure that the work plan is coordinated to include all Committees and activities so that the goals of the Development Agenda are fully realised.

Librarians in eIFL.net countries work every day to support the major human development issues of literacy, lifelong learning, the preservation of our cultural heritage, the bridging of the digital divide and sustainable development. Access to knowledge, however, is not just an issue for developing and transition nations, but also for industrialised countries since knowledge is universal and equal access is an important need for all.

⁵ As set out the joint library statement WIPO SCCR/17 See Footnote 2

⁶ <http://www.wipo.int/ip-development/en/agenda/recommendations.html>

Notes:

Electronic Information for Libraries, known as eIFL.net, is an independent foundation that negotiates, supports and advocates for the wide availability of electronic resources by library users in developing and transition countries. The goal of the eIFL.net programme, Advocacy for Access to Knowledge: copyright and libraries, known as eIFL-IP, is to protect and promote the interests of libraries in copyright issues in eIFL participating countries.

More information: <http://www.eifl.net/>

eIFL.net participating countries (April 2009): Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Botswana, Bulgaria, Cambodia, Cameroon, China, Egypt, Estonia, Ethiopia, Georgia, Ghana, Jordan, Kenya, Kosova, Kyrgyzstan, Laos, Latvia, Lesotho, Lithuania, Macedonia, Malawi, Mali, Moldova, Mongolia, Mozambique, Nepal, Nigeria, Palestine, Poland, Russia, Senegal, Serbia, Slovenia, South Africa, Sudan, Swaziland, Syria, Tajikistan, Ukraine, Uzbekistan, Zambia, Zimbabwe.