



Provisional Committee on Proposals Related to a WIPO Development Agenda
Fourth Session, Geneva, 11-15 June 2007

A Development Agenda for WIPO

Why libraries care

"Libraries are essential to the free flow of ideas and to maintaining, increasing and spreading knowledge. As repositories of books and other printed material, they are key to promote reading and writing... The development of information technologies, and in particular the Internet, has created a completely new environment in which the role of traditional information services must be thoroughly revised. The potential of networking, cooperation and digitisation modify substantially the functions of acquiring, storing and disseminating information and knowledge. Here, special attention must be paid to the least developed countries so that they do not lag behind technological advances".¹

The role of libraries

Libraries collect, organise, preserve and make available the world's cultural and scientific heritage for current and future generations. Professional librarians believe that people, communities and organisations need universal and equitable access to information, ideas and works of imagination for their social, educational, cultural, democratic and economic well-being. The delivery of high quality library and information services helps guarantee that access².

There are many different types of libraries e.g. public libraries, school, college and university libraries, research libraries, health libraries and commercial and industrial libraries. They all have one thing in common however; they constitute the basis from which all citizens can have equal access to quality information and knowledge in a trusted and neutral environment.

Libraries and development

A strong library infrastructure is an integral part of a nation's development. This is evidenced by the most developed nations, such as Canada and Norway, who together have held the number one spot in the Human Development Index over the last ten years³.

Libraries work to support the major human development issues of literacy, lifelong learning, preservation of our cultural heritage, the bridging of the digital divide and sustainable

¹ http://portal.unesco.org/ci/en/ev.php-URL_ID=18765&URL_DO=DO_TOPIC&URL_SECTION=201.html

² <http://www.ifla.org/III/intro00.htm>

³ http://en.wikipedia.org/wiki/Human_development_index

development. Projects supporting library infrastructures in developing countries and assisting their transition into the digital age include:

- book-lending points at local fairs and markets in Latin America to encourage people to extend their reading into new and untried areas;
- the creation of a rural library network in Andean Latin America to give access to information in the Quéchuá language;
- training librarians in southern Africa to manage digital and virtual libraries.

The greatest resource for development is the human resource. In the information society, this means that an educated population is essential to economic progress. A basic building block for a well educated population is a literate population. There is a direct correlation between literacy rates and library holdings. Research has shown that **countries with the lowest library holdings per inhabitant have the lowest literacy rates**⁴. Libraries build capacity by promoting information literacy and providing support and training for effective use of information resources.

The Millennium Development Goals are one of the great challenges facing the international community. **Developing countries must ensure that learning content is made available to the widest possible base as part of their focus in achieving the Millennium Development Goals**⁵.

Libraries and digital technologies

Digital technologies are transforming how works, both copyrighted and public domain, are created, disseminated and used, as well as how libraries and archives preserve and make these works available. The digital environment has the potential to transform access and use, especially for those disadvantaged by distance or economic circumstance. ICTs offer libraries wonderful new ways of providing access to global resources in a local setting and opportunities to develop new services. For example, academic and research libraries in 50 eIFL.net member countries are benefiting from access to dozens of major databases in humanities & literature, science & technology and business information.

In future, students in Dakar or Phnom Penh can have access to the same resources as a student in Oxford or Harvard. **Through their libraries, developing country scientists and scholars can have access to first class electronic information, enabling them to become world class researchers.**

Libraries and copyright

Libraries support copyright because we recognise the need for creators to be rewarded for their work and for creative works to be protected from unfair exploitation. We uphold copyright laws and encourage our users to respect them.

But copyright is not just about protection for rightsholders. Copyright was from the beginning meant to balance the need to protect creators with the user's right to access information for teaching, learning and further creative endeavours. **The mechanism that makes copyright work is in fact, the exceptions and limitations and a limited term of protection, combined with adequate protection of copyright.**

Librarians believe that the traditional copyright balance has been severely eroded, especially in the digital environment, where content providers attempt to use contracts to override statutory exceptions and limitations. Librarians all over the world are publicly voicing their concerns about

⁴ The Librarian's Companion by Vladimir F. Wertsman; Greenwood Press, 1996

⁵ www.col.org/programmes/infoknowledge/CopyrightDoc_200505.pdf

the global trend which favours rightsholders, representing an increasingly narrow range of global commercial interests, at the expense of society as a whole and in particular, at the expense of developing countries. **Unbalanced and disproportionate copyright laws further inhibit access to resources or impose unrealistic costs on already disadvantaged societies.**

Libraries and the WIPO development agenda

The international library community strongly supports the Group of Friends of Development because we believe that their proposals will help to buck the trend. We welcome the opportunity to contribute to discussions on a Development Agenda over the last two years. We appreciate the constructive efforts of Member States and the Secretariat. We believe that the outcomes thus far are positive. **Now it is important to ensure that there is consensus on the remaining substantive issues and that there is an agreed mechanism on how the accepted proposals are incorporated into the work programme of WIPO.** In particular, we wish to highlight some proposals of prime importance to libraries.

Cluster A

To develop and improve national institutional capacity, inter alia, to ensure a fair balance between IP protection and safeguarding the public interest.

It is important that national policy makers promote the use of options and flexibilities and that they consult with all stakeholders, including librarians.

Cluster B

To draw up proposals for the preservation and identification of, and access to the contents of the public domain.

The public domain is part of the common cultural and intellectual heritage of human and is a major source of inspiration, imagination and discovery for creators. We believe that WIPO has a role in this regard because copyright norms set by WIPO, in particular the scope and duration of rights, impact on the public domain. When private rights on content are increased, material in the public domain decreases.

To consider the possibility of establishing in WIPO an area of analysis and discussion of incentives for promoting creative activity, innovation and technology transfer, considering inter alia the possibility of a treaty on access to knowledge and/or other instruments and mechanisms to achieve access to knowledge, alongside free and open development and creative commons models.

We believe that an essential tool for the successful implementation and delivery of the Development Agenda is the formulation, in due course, of a treaty on access to learning and knowledge to update the WIPO internet treaties (WCT and WPPT) to rebalance copyright and render it fit for the modern age. We call on Member States to agree without prejudice to consider future proposals for such a treaty. We support the sensible suggestion put forward in the recent ICTSD paper⁶ by Ron Marchant (until March 2007, the Chief Executive of the UK Patent Office) and Sisule Misungu that WIPO holds an Open Forum next year “to consider the feasibility, objectives and scope of a possible treaty on access to knowledge and technology to discuss other models to support innovation other than those driven by traditional IP e.g., open collaborative projects, open source software development and others.” It is important for the

⁶ Marchant, Ron and Musungu, Sisule F. Essential elements of a WIPO Development Agenda – what could constitute success? p4 #6. International Centre for Trade and Sustainable Development (ICTSD), June 2007. <http://www.iprsonline.org/ictsd/docs/PCDA%20essential%20elements.pdf>

Development Agenda's success that such discussions lead to concrete outcomes and are not an end in themselves.

To include in working documents for norm setting activities provisions on, inter alia, mechanisms to prevent anti-competitive practices and abuse of monopoly rights; flexibilities and policy space for the pursuit of public policies; exceptions and limitations; differential treatment provisions for developing and least developed countries.

Librarians support the public policy goals enshrined in the principle of exceptions and limitations. Long-standing exceptions and limitations, designed mainly for the print environment, must be re-stated and updated for the digital era to underpin access provisions for libraries.

Cluster D

To establish an independent development impact assessment capability within WIPO with respect to technical assistance, technology transfer and norm-setting, which could evolve towards an independent Evaluation and Research Office (WERO) that would be responsible for, inter alia, evaluation of all WIPO's programs and activities and carrying out of "Development Impact Assessments" in norm-setting activities, and technical cooperation.

We believe that this would boost confidence and enhance the role of WIPO, and in particular, its standing amongst all stakeholders.

Cluster F

To renew the mandate of the PCDA in order to review the implementation of agreed recommendations and to continue discussion of proposals that were not subject of a decision in the 2006 General Assembly.

A great deal of effort has been invested in the Development Agenda process by all involved. This proposal will ensure that there is a forum to monitor implementation and to continue discussion.

Electronic Information for Libraries (eIFL.net) is an international not-for-profit library consortium which advocates for the wide availability of electronic information for libraries in developing countries and countries in transition. Its global membership embraces nearly 4,000 leading libraries serving millions of users in 50 countries in Africa, Asia, Eastern Europe, former Soviet Union and the Middle East.

The **International Federation of Library Associations (IFLA)** is a not-for-profit public interest membership based organisation. Since 1927 IFLA has represented the world's major libraries and library associations and through its 1700 member organisations in 150 countries it speaks for hundreds of thousands of professional librarians around the world.

The **Library Copyright Alliance (LCA)** consists of five major library associations - the American Association of Law Libraries, the American Library Association, the Association of Research Libraries, the Medical Library Association, and the Special Libraries Association. Collectively representing over 80,000 information professionals and thousands of libraries of all kinds throughout the United States, these five associations cooperate to address copyright issues that affect libraries and their patrons.

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