



Assemblies of the Member States of WIPO  
Forty-Third Series of Meetings, Geneva, 24 September – 3 October 2007

### **Intervention by IFLA and LCA**

## **A Development Agenda for WIPO Why libraries care**

### **Libraries and development**

A strong library infrastructure is an integral part of any nation's development. This is evidenced by nations such as Canada and Norway, who together have held the number one spot in the Human Development Index over the last ten years<sup>1</sup>. The growth of knowledge is key to development. Libraries are key to the preservation and broadest possible dissemination of knowledge in societies.

Libraries work to support the major development issues of literacy, the preservation of cultural heritage and bridging the digital divide. They provide a means by which all citizens can have equal access to quality information in a trusted and neutral environment.

Libraries uphold copyright laws and encourage their users to respect them. In supporting the free flow of information and ideas, librarians recognise that copyright is intended to balance creators' rights with users' rights. Copyright protection which embraces robust exceptions and limitations is the only viable mechanism to achieve this balance.

### **Libraries and the WIPO Development Agenda**

The international library community has welcomed the opportunity to contribute to discussions on a Development Agenda for almost three years and have appreciated the constructive efforts of Member States and the Secretariat. We believe that the framework of 45 proposals agreed by the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA) are positive and commend them to the General Assembly.

The implementation of the PCDA's proposal for the establishment of a WIPO Committee on IP and Development will ensure that there is a forum to monitor implementation and to continue

<sup>1</sup> [http://en.wikipedia.org/wiki/Human\\_development\\_index](http://en.wikipedia.org/wiki/Human_development_index)

discussion. The resourcing and implementation of the Development Agenda will be crucial to its successful delivery.

We wish to highlight some issues of prime importance to libraries.

*The creation of a fair balance between IP protection and safeguarding the public interest (Recommendations 10 & 45).*

National policy makers should be encouraged to promote the use of options and flexibilities and consult with all stakeholders, including librarians.

*The support and preservation of a robust public domain, and identification of and access to public domain content (Recommendations 16 & 20).*

The public domain is part of the common cultural and intellectual heritage of mankind and is a major source of inspiration for creators and researchers. However, copyright norms impact directly on the public domain. When private rights on content are increased, material in the public domain decreases. We are pleased therefore that the PCDA proposals acknowledge that WIPO has a role to play in this regard.

*Access to knowledge and technology (Recommendation 19)*

Access to knowledge is an essential tool for the successful implementation and delivery of the Development Agenda. We believe that much work needs to be done in this area to create concrete outcomes. As a first step, we support the suggestion put forward in a recent ICTSD paper<sup>2</sup> by Ron Marchant (until March 2007, the Chief Executive of the UK Patent Office) and Sisule Musungu (of the Universities of Berne and Yale) that WIPO holds an Open Forum in 2008 on access to knowledge and technology and to discuss other models to support innovation.

*Norm setting (Recommendations 20-22)*

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, need to be constantly re-stated and updated for the digital era to underpin access provisions for libraries. Therefore we support the requirement that in its working documents WIPO addresses the safeguarding of national implementation of intellectual property rules, links between IP and competition, IP-related transfer of technology, potential flexibilities, exceptions and limitations for Member States and the possibility of additional special provisions for developing countries and LDCs.

*Digital divide (Recommendation 24)*

Educational and public libraries in developed countries are in the vanguard of initiatives to close the digital divide which exists still between the affluent and poorer sections of society and between those of working age and many senior citizens. Libraries are the natural place in the community or in educational institutions for people to first encounter the internet. Additionally, and very importantly, librarians are skilled teachers in information literacy and able to train and provide users with the essential tools they need to navigate and evaluate content on the World Wide Web.

Librarians therefore fully support this Recommendation that WIPO expands its activity in this regard in support of the World Summit on the Information Society (WSIS) outcomes and would

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<sup>2</sup> Marchant, Ron and Musungu, Sisule F. Essential elements of a WIPO Development Agenda – what could constitute success? page 4, item 6. International Centre for Trade and Sustainable Development (ICTSD), June 2007. <http://www.iprsonline.org/ictsd/docs/PCDA%20essential%20elements.pdf>

encourage developing countries to also deliver their digital divide initiatives through public and educational libraries.

*Assessment, evaluation and impact (Recommendations 33 & 35)*

We believe that establishing an annual review and evaluation of all WIPO's development oriented activities and the establishment of appropriate indicators and benchmarks will boost confidence and enhance the role of WIPO, and in particular, its standing amongst all stakeholders.

Additionally we support the introduction of new studies by WIPO, should Member States so request, to assess the economic, social and cultural impact of the use of intellectual property systems in those countries.

*Civil Society participation (Recommendation 42)*

Librarians welcome this recognition of the valuable role and expertise that NGOs bring to WIPO on IP issues that this Recommendation implies, and look forward to working ever more closely with WIPO and also with the individual Member States at national level and regional level.

The **International Federation of Library Associations (IFLA)** is a public interest membership based organisation representing the interests of library and information services and their users in international fora since 1927. It has 1700 member organisations in 150 countries comprising library associations and the world's leading libraries. IFLA's copyright advocacy is coordinated by its Copyright and other Legal Matters Committee (IFLA-CLM) <http://www.ifla.org/III/clm/copyr.htm>

The **Library Copyright Alliance (LCA)** represents the five major US 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 which collectively represent over 80,000 information professionals and thousands of libraries of all kinds throughout the United States on copyright issues affecting libraries and their patrons <http://www.librarycopyrightalliance.org/>

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