

**STATEMENT OF LIBRARY COPYRIGHT ALLIANCE
WIPO STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS
NINETEENTH SESSION
GENEVA, 14-18 DECEMBER, 2009**

Thank you, Mr. Chairman, for the opportunity to speak on behalf of the Library Copyright Alliance, representing over 139,000 research and public libraries in the United States. We congratulate you on serving as chair of this committee. We also wish to congratulate Ambassador Trevor Clarke on his new appointment, and we thank the Secretariat for their efforts in preparation for this meeting.

First, we believe that a WIPO treaty for the blind and visually impaired is needed to resolve the global accessibility issues that have been under discussion since the early 1980s. A 1985 joint WIPO-UNESCO report recommended a solution in the form of a new treaty. Up to now a treaty has not materialized, nor have effective market solutions.

The current situation represents both a market failure and an international policy failure. To think that the market on its own will suddenly change direction is unrealistic. International norms, however, can change. It is time for laws to enable the world's blind and visually impaired persons to access information on an equal basis with others. We urge WIPO to do the right thing and to avoid a third failure--a moral failure. We respectfully urge WIPO Member States to support the treaty proposal and to reach a consensus towards its adoption.

We would like to thank the delegation of the United States for its very thoughtful and positive statement yesterday supporting efforts for persons with print disabilities, and for expressing a sincere commitment to achieving an international consensus on cross-border distribution and on specific limitations and exceptions for print disabled persons.

Second, more broadly, we urge Member States to strengthen limitations and exceptions for access to information, including digital information, in all parts of the world. We are pleased with the excellent new reports on educational activities that, we believe, illuminate the need for minimum mandatory exceptions to create more consistency across national laws.

It is important to consider the role that exceptions for libraries and education have played historically, and the role they still need to play. Exceptions for libraries and education, and for the blind, existed in

national laws as common practice long before many current protections, including the reproduction right, became international norms, and long before the 3-step test came into being. Indeed both the reproduction right and the 3-step test were formulated around such pre-existing exceptions in national laws, with an express purpose to accommodate and encompass them.

Mandatory limitations and exceptions fulfill a most critical role. It has been noted that the mandatory exception for quotation (Berne Article 10(1)) makes scholarship and education possible. Also, the news industry runs on the basis of both that exception and a mandatory limitation for current news (Berne Article 2(8)). It is impossible to overstate, but easy to take for granted, the importance of mandatory limitations and exceptions based on public policy imperatives. All of us who study, or read or listen to news, or who have received an education, benefit from them.

We believe that the work being done presently will provide the necessary framework for reinforcing exceptions on library and educational activity and that this should become a specific agenda item for the committee. We ask Member States to transform the current work into a system of minimum limitations and exceptions to provide the balance necessary for a durable and sustainable global information society.

Thank you, Mr. Chairman.

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