

Negotiations for a Treaty for library copyright exceptions

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on behalf of KEI Europe
May 2, 2014, WIPO SCCR 27

Libraries are a significant economic actor

- Libraries purchased \$6.6 billion of STM materials in 2011.
- The overall purchases of books, journals and other copyrighted materials was estimated \$23.8 billion in 2012.
- Libraries spend billions more in maintaining facilities, paying staff, and providing telecommunications and computing services.

In Europe, libraries are a larger employer than book or journal publishers

Number of jobs in copyright intensive industries*

- Library and archives activities 397,800
- Book publishing 317,150
- Publishing of journals and periodicals 13,300

*Intellectual property rights intensive industries: contribution to economic performance and employment in the European Union, Industry-Level Analysis Report, September 2013. A joint project between the European Patent Office and the Office for Harmonization in the Internal Market

The 11 topics for library exceptions

TOPIC 1: PRESERVATION

TOPIC 2: RIGHT OF REPRODUCTION AND SAFEGUARDING COPIES

TOPIC 3: LEGAL DEPOSIT

TOPIC 4: LIBRARY LENDING

TOPIC 5: PARALLEL IMPORTATIONS

TOPIC 6: CROSS-BORDER USES

TOPIC 7: ORPHAN WORKS, RETRACTED AND WITHDRAWN WORKS, AND WORKS OUT OF COMMERCE

TOPIC 8: LIMITATIONS ON LIABILITY OF LIBRARIES AND ARCHIVES

TOPIC 9: TECHNOLOGICAL MEASURES OF PROTECTION

TOPIC 10: CONTRACTS

TOPIC 11: RIGHT TO TRANSLATE WORKS

**Some issues may be actionable sooner than others,
and there are many possible outcomes**

Short term	Binding, mandatory
Medium term	Binding, Optional
Longer term	Soft law (technical assistance, model law, recommendations, etc.)

Possible outcomes for topics

	2 years	5 years	10 years, or longer
Binding, mandatory			
Binding, optional protocol			
Soft law (recommendation, model law, technical assistance)			

Illustrations of possible outcomes*

TOPIC 1: PRESERVATION (Binding and mandatory, accomplished in the short term)

TOPIC 2: RIGHT OF REPRODUCTION AND SAFEGUARDING COPIES

TOPIC 3: LEGAL DEPOSIT (Binding but optional protocol, short or medium term)

TOPIC 4: LIBRARY LENDING (Binding and mandatory, short term)

TOPIC 5: PARALLEL IMPORTATIONS (Binding but optional, short of medium)

TOPIC 6: CROSS-BORDER USES (Binding but optional, or model law in short to medium, perhaps binding in longer term)

TOPIC 7: ORPHAN WORKS, RETRACTED AND WITHDRAWN WORKS, AND WORKS OUT OF COMMERCE (Mandatory, but providing flexible solutions, short to medium term, possible model law for implementation)

TOPIC 8: LIMITATIONS ON LIABILITY FOR LIBRARIES AND ARCHIVES (Optional, short term)

TOPIC 9: TECHNOLOGICAL MEASURES OF PROTECTION (Mandatory, short term)

TOPIC 10: CONTRACTS (Binding but optional, short to medium, or model law)

TOPIC 11: RIGHT TO TRANSLATE WORKS (Optional)

** Presented only to illustration how outcomes could differ by topic, and not necessarily and endorsement of a specific outcome.*