Negotiations for a Treaty for library copyright exceptions

Manon Ress, PhD
on behalf of KEI Europe
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Libraries are a significant economic actor

- 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

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TOPIC 7: ORPHAN WORKS, RETRACTED AND WITHDRAWN WORKS, AND WORKS OUT OF COMMERCE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

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<thead>
<tr>
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<th>2 years</th>
<th>5 years</th>
<th>10 years, or longer</th>
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<tr>
<td>Binding, mandatory</td>
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<td>Binding, optional protocol</td>
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<tr>
<td>Soft law (recommendation, model law, technical assistance)</td>
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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TOPIC 7: ORPHAN WORKS, RETRACTED AND WITHDRAWN WORKS, AND WORKS OUT OF COMMERCE (Mandatory, but providing flexible solutions, short to medium term, possible model law for implementation)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 illustrate how outcomes could differ by topic, and not necessarily and endorsement of a specific outcome.