



International Federation of
Library Associations and Institutions



Francis Gurry
Director General
World Intellectual Property Organization
34, chemin des Colombettes
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June 10th 2011

RE: The Exceptions and Limitations Agenda at WIPO

Dear Director General

The International Federation of Library Associations and Institutions (IFLA), Electronic Information for Libraries (EIFL), the World Blind Union (WBU) and the Computer and Communications Industry Association (CCIA) consider that an international exceptions and limitations agenda is a key tool to enable the right balance of copyright in the 21st Century. A copyright system that respects both rights and freedoms will protect users, rights holders and society as a whole.

In this context, we would appreciate clarification regarding the comments you made at the World Copyright Summit on the 8th June in Brussels on international norm setting on intellectual property. In answering the final question of the session, you mentioned that “One of the things more generally... that we’re seeing unfortunately, or have seen in the intellectual property world for the past ten or fifteen years, is that the agenda tends to be a negative one - it tends to be looking at the exceptions, the limitations, and the other ways of *not* having intellectual property. I’m very keen to see us coming back with a positive agenda for intellectual property.” In light of this statement, we would appreciate it if you could clarify your views regarding the exceptions and limitations agenda in the WIPO SCCR.

In response to requests from Member States, exceptions and limitations have been placed on the agenda of SCCR. As a result, a very useful series of studies for the visually impaired, libraries and education has been published, followed by surveys of exceptions and limitations in Member States. We welcomed these studies and were happy to advise in their preparation upon WIPO’s request. In our view WIPO, as the core UN agency for copyright, has a responsibility and a crucial role to be the neutral field for all stakeholders, respecting decisions made by Member States while setting the work agenda, and providing support with technical expertise for achieving Member State objectives. Your statement suggests a bias against balance and in favour of more protection; and your use of “us,” given the audience you were addressing, could imply that the WIPO Secretariat is aligning itself with a specific set of rights holder interests. In this context, the library community and the World Blind Union would like to express its concern that the message to be taken from your remarks must be that copyright exceptions are negative for the welfare of copyright rather than being a positive and beneficial tool to sustain learning, support the exchange of scholarly information and promote creativity.

We are also concerned that your comments are not representative of the views of the Member States of WIPO. Many provisions of the Development Agenda relate to the importance of flexibilities in IP and the need for a balanced system, and the instruments focused on limitations and exceptions currently before WIPO were, of course, introduced by Member States. As the head of the US delegation to SCCR recently observed, exceptions and limitations are “part and parcel” of intellectual property.

The key public policy goals of growing the creative industries around the world and the success of research leading to new discoveries and inventions in medicines and technology and equal access for persons with print disabilities are underpinned by copyright exceptions that allow access to and sharing of information.

IFLA, EIFL, WBU and CCIA are committed to the exceptions and limitations agenda at SCCR. With the 22nd meeting of the SCCR rapidly approaching we would be keen to understand your position so that any confusion can be dispelled as soon as possible. We hope that you will be able to publicly restate WIPO's commitment to the success of the exceptions and limitations agenda prior to the start of the 22nd meeting so that we can work together to achieve success on the important tasks ahead.

Sincerely,



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