

Limitations and Exceptions for Libraries, Archives and Museums

Why, What, How and When?

Libraries have been engaging at the World Intellectual Property Organisation for over 12 years in order to achieve better laws that will allow our institutions – and their users – to fulfil their missions.

Why: Access to information is essential for equitable sustainable development

The possibilities to learn, carry out and benefit from research and innovation, access and enjoy culture, and preserve heritage are key characteristics of any strong society. In 20 different targets the United Nations Sustainable Development Goals, more or less explicitly, recognise this need.

If this access is not open to all, new development gaps emerge, within and between countries. It is therefore a matter of public interest that everyone has the possibility to access and use information. Much of the time, there is also no prejudice to rightholders from doing so.

Libraries, Archives and Museums ensure that everyone can access information, regardless of their background or resources. But to do this, they need to have rules which allow them to carry out their missions, notably taking copies for preservation, research and education purposes, and giving access through lending or supply, including digitally. Yet in too many countries, this is not the case.

What: A minimum set of exceptions in all countries, with cross-border effect

All people, in all countries, should enjoy the same possibilities to access information. This is essential if development gaps are to be closed, not widened. With a minimum set of exceptions to copyright in all countries, it becomes much easier to achieve this through libraries, archives and museums.

Moreover, these rules should allow for cooperation across borders. Not only is our heritage often spread across borders (for reasons of migration or colonialism for example), but when we are looking for solutions to global challenges, such as climate change or epidemics, we need global information as a basis for research.

How: International action by WIPO

While flexibilities exist within international law, they have clearly not been enough to ensure that all people in all countries enjoy the same level of access to information. Moreover, when governments try to make use of the possibilities within Berne, there are frequently loud arguments against action. Finally, given that Berne only allows for exceptions at the national level, it provides no certainty around cross-border uses, a problem exacerbated by variation between copyright laws.

An international instrument would, in one act, give the impetus to countries to implement a full minimum set of exceptions and limitations to copyright, clarify that this is permissible under international law, and allow for cross-border working. Only WIPO can achieve this at a global level.

When: As soon as possible

The world needs to act now in order to achieve the Sustainable Development Goals by 2030. With more and more possibilities for those with the right laws to use information to learn, research or simply participate in cultural life, the divide between the haves and have-nots risks growing. A lack of copyright reforms supporting exceptions and limitations is leaving too many countries and people left behind, and global potential for innovation and research unrealised.