

Libraries, archives take centrestage in copyright debate

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Adela Talbot, Western News Western Law professor Margaret Ann Wilkinson was the only Canadian academic to sit on the 23rd session of the Standing Committee on Copyright and Related Rights, part of the World Intellectual Property Organization in Geneva last November.

Libraries and archives need to have a special role in the copyright environment, according to a committee of the World Intellectual Property Organization (WIPO).

“I’m having trouble articulating just how exciting this is,” says Western Law professor Margaret Ann Wilkinson. As a representative of the Canadian Library Association (CLA), Wilkinson sat on the 23rd session of WIPO’s Standing Committee on Copyright and Related Rights (CCRR), held in Geneva last November.

WIPO is one of 17 specialized agencies of the United Nations (U.N.), created in 1967 to promote creative activity and protection of intellectual property throughout the world.

The meeting’s first three days saw, for the first time, libraries and archives become the sole focus of international treaty development for exceptions and limitations to copyright. And although no formal treaty was signed, a working document has been developed and will be discussed in the future.

“This is the first time there’s been a worldwide consensus on a special role for libraries and archives. Exceptions are where libraries and educational institutions have always lived,” adds Wilkinson, who is trained as both a lawyer and librarian. She was the only Canadian academic to sit on the committee.

Last September, Wilkinson got an invitation from the International Federation of Library Associations (IFLA) to look over a draft treaty in preparation for the committee’s meeting in Geneva, one she attended as part of the IFLA team, but accredited to the CLA.

So, what’s so “exciting”? Why do libraries need exceptions in the copyright environment? And what issues relating to exceptions for libraries and archives will WIPO be working with, following November’s meeting of the CCRR?

A document presented by Brazil at the Geneva meeting notes that in order to provide a necessary service and fulfill their public interest mission, libraries and archives need adequate exceptions in copyright law that would provide a balance between users and creators of protected works. Exceptions allow libraries to preserve collections, support education and research and help maintain equal access to knowledge.

For example, some exceptions allow libraries and archives to make print and digital copies of copyrighted works in order to share works with users and other libraries as well as help with preservation of materials.

As it stands, there is no international standard for exceptions for libraries and archives. This means in some countries, they operate without exceptions that would allow

preservation and replacement of printed materials, meaning documentary heritage could, one day, cease to exist.

Along with requests to allow libraries and archives to reproduce and distribute copyright material, without limits, for educational purposes, was a proposal to permit lending of copyright works for all libraries.

“As a Canadian, I wouldn’t have thought to address that,” Wilkinson says. “It’s just taken for granted here, but not in other countries. It is the right of libraries to lend books, but there are countries in the world where the law is not clear that libraries have this right.

“Canada is, in its domestic law, really advanced in the area of users’ rights and really advanced in areas of libraries and archives exceptions. So it’s surprising when you look at the whole world, how far Canada has moved ahead.”

Wilkinson adds the IFLA document is forward-looking when it comes to addressing an ever-increasing age of digitization.

Though WIPO has no sanctions available, Wilkinson adds that the result of the November meeting is at least, to some level an aspirational treaty developed with the consensus of nations.

“You would hope that nations would adopt it, even if it doesn’t have the strength of a trade treaty. But then again, WIPO, as a U.N. body, does have some effect,” she says.

So, why is all this a big deal? It’s all about equal access to information, Wilkinson explains.

“In a number of traditions, especially the democratic traditions, access to information is an integral part of informing the electorate. Libraries are seen to have a big role in that,” she says.

“At the meeting in Geneva, with the whole community (present), my observation was that whether (nations) started with the democratic ideal of the library, or simply started with a fundamental understanding of the contribution of a library, they all seemed to support the idea that libraries formed an important and trusted intermediary role in their societies. And that was a good basis for moving forward.”