IFRRO Statement at WIPO SCCR, November 2012

1. Thank you, Mr. Chairman, for giving the floor again to IFRRO.

2. As stated previously, IFRRO accepts the print disabled communities’ request for a WIPO instrument specifically shaped for their needs.

3. Exceptions and limitations in an instrument for the print disabled need to be made subject to the three-step test in the Berne Convention, which the WIPO Member States are party to anyway, and as reiterated recently in the Beijing Treaty.

4. We also fail to see the need to specifically mention “fair use” in the text of the instrument. WIPO Member States have different legal traditions and apply different concepts for exceptions and limitations. It would hardly be possible to list them all. "Fair use" – contrary to the three-step test – is not an internationally recognised legal concept. It is also not defined at international level and only exists in a limited number of countries, where it needs to be seen in conjunction with often complex case law. If it is at all required to make references in the text of the instrument, it should rather be to allocations of the exception, in accordance with national legal traditions.

5. We further submit that exceptions be made subject to copies not being commercially available through ordinary channels.

6. Finally, IFRRO encourages WIPO Member States to contribute to the dissemination of the already existing enabling technologies framework, which has been developed jointly by the print disabled and rightholder organisations.

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