



IFRRO Statement at WIPO SCCR, 25 July 2012

1. We thank you, Mr. Chair, for giving the floor to IFRRO.
2. IFRRO acknowledges that there are countries where appropriate exceptions may be required to enable institutions to perform preservation duties or opportunities legally, in accordance with the remit of their public services, and supports such exceptions in national legislation. Many WIPO Member States already include such exceptions in their laws.
3. Libraries should be allowed to lend out copyright works in tangible formats, which are returned to the library after the expiry of the lending period. Rightholders should have the right to receive some remuneration for such lending. We note that at least 54 countries, possibly more, have adopted public lending library schemes in their legislation. Libraries should also be enabled to provide access for their users to works in their collections with the permission and under a licence from the rightholders or their representatives, such as RROs.
4. The same principle – based on the permission and a licence with the rightholders or their representatives – should apply to cross-border uses. Any International Document Delivery of copyright works should be conducted with the permission of the rightholders in the country of supply and in the country of reception or their authorised representatives in the country of supply and in the country of reception; or, if performed under any exception complying with the three-step test in national legislation in the country of supply, or the country of reception, or of both countries, then at conditions agreed to and accepted by the rightholders or their authorised representatives in both countries.
5. The reproduction and making available of orphan and out-of-commerce works is best handled when voluntary stakeholder initiatives, including licensing arrangements, set the point of departure for it. Solutions to enable the digitisation and making available of orphan works and out-of-commerce works require a country-specific approach, considering national legal and other traditions. This is best achieved when stakeholders are offered the opportunity to establish the premises for it. We refer to the Memorandum of Understanding on the digitisation and making available of out-of-commerce works through collective licensing, which associations representing libraries, authors, publishers, RROs and IFRRO have signed in Europe.
6. Also, the same stakeholders in Europe have jointly and voluntarily developed tools such as model licensing agreements, mechanisms to facilitate rights clearance through the one-stop shop represented by collective management, and the ARROW system, which, on average, reduced time, efforts and costs involved in identifying rights, rights status and rightholders by 95%, in comparison to traditional search.
7. Regarding technical protection measures, the reference point should be the established WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

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