

18th December 2013

**WIPO Standing Committee on Copyright and Related Rights 26th Session
Suggestions for an appropriate International Legal Instrument (in whatever form)
on exceptions and limitations for Libraries and Archives**

The British Copyright Council represents those who create, hold interests or manage rights in literary, dramatic, musical and artistic works, performances, films, sound recordings, broadcasts and other material in which there are rights of copyright and related rights.

Our members include professional associations, industry bodies and trade unions which together represent hundreds of thousands of authors, creators, performers, publishers and producers. These right holders include many individual freelancers, sole traders and SMEs as well as larger corporations within the CCIs. Our members also include collecting societies which represent right holders and which enable access to works of creativity.

The British Copyright Council is an NGO Observer Member of WIPO.

**Statement from the British
Copyright Council**

In considering exceptions applicable to libraries and archives, it is important to be clear about the nature and extent of an institution which can properly be described as a “library” or “archive” relevant to the debate.

In an increasingly online world, the services that may be provided by bodies that are in whole or in part “libraries” or “archives” are increasingly comparable to services that are provided by bodies which would not be regarded, in the traditional sense, as a “library” or an “archive”.

Therefore economic concerns arise if copyright provisions which apply to the use of copyright works within the services provided by libraries and archives effectively remove or replace important opportunities for creators and investors in copyright works to secure a fair reward for the use of their works.

That is not a challenge to the public value of the important services that are supported by the existence of libraries and archives within the defined limits.

However, in this debate, it is vital to recognise the current balanced and flexible provision for exceptions and limitations, including licensing options, within existing International Copyright Treaties which already service the diverse cultural and public service requirements of individual WIPO Member States.

It is to be hoped that this fundamental framework is not forgotten as any debate for a further Instrument relating to the topic of libraries and archives, is taken forward.