

Standing Committee on Copyright and Related Rights

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OBJECTIVES AND PRINCIPLES FOR EXCEPTIONS AND LIMITATIONS FOR LIBRARIES AND ARCHIVES

Document presented by the United States of America

ADOPTION OF NATIONAL EXCEPTIONS

Objective:

Encourage Member States to adopt exceptions and limitations in their national laws, consistent with their international obligations, that facilitate the public service role of libraries and archives, maintaining the balance between the rights of authors and the larger public interest, particularly education, research, and access to information.

Principles:

Exceptions and limitations, which are an integral part of national copyright systems, play a critical role in enabling libraries and archives to meet the needs of the public, helping individuals to achieve their full potential and engage with others.

Exceptions and limitations for libraries and archives help these institutions to assist individuals in seeking, receiving and imparting information so that they may participate meaningfully in public life.

Exceptions and limitations also advance knowledge by preserving and providing access to the world's cultural, artistic, and scientific heritage.

Both affirmative protections for authors and exceptions and limitations, including those for library and archival services, are vital to achieving the copyright system's goals of encouraging creativity, innovation, and learning.

PRESERVATION

Objective:

Enable libraries and archives to carry out their public service role of preserving works.

Principles:

Exceptions and limitations can and should enable libraries and archives to carry out their public service role of preserving works that comprise the cumulative knowledge and heritage of the world's nations and peoples.

To that end, exceptions and limitations can and should enable libraries and archives to make copies of published and unpublished, including highly ephemeral materials, such as works for purposes of preservation and replacement, under appropriate circumstances.

The need for such preservation exists in a variety of media and formats and may include the migration of content from obsolete storage formats to different formats.

SUPPORT FOR RESEARCH AND HUMAN DEVELOPMENT

Objective:

Enable libraries and archives to carry out their public service role of advancing research and knowledge.

Principles:

Libraries and archives advance knowledge by providing access to their collections, which together comprise the cumulative knowledge of the world's nations and peoples.

Libraries and archives are essential to the knowledge economy of the 21st century – supporting research, learning, innovation and creative activity; providing access to diverse collections; and providing information and services to the general public, including disadvantaged communities and vulnerable members of society.

Reasonable exceptions and limitations can and should establish the framework enabling libraries and archives to supply copies of certain materials to researchers and other users directly or through intermediary libraries.

LEGAL DEPOSIT

Objective:

Encourage the adoption of national legal deposit laws and systems.

Principles:

Legal deposit systems help develop national collections and may help in preservation efforts, particularly if they include many categories of works published in multiple formats.

Libraries and archives also serve the public by maintaining essential government information. Copyright restrictions on government materials should not limit the ability of libraries and archives to receive, preserve, and disseminate government works.

EXCEPTIONS AND LIMITATIONS IN A DIGITAL ENVIRONMENT

Objective:

Enable libraries and archives to carry out their public service mission in the digital environment.

Principles:

Digital technologies are changing how libraries and archives obtain, preserve, and provide access to digital content.

Limitations and exceptions should appropriately ensure that libraries and archives can preserve and provide access to information developed and/or disseminated in digital form and through networked technologies.

OTHER GENERAL PRINCIPLES

Other exceptions and limitations, including general use exceptions, may also play an important role in enabling libraries and archives to carry out their public service mission.

Member States should recognize limitations on the liability of certain types of damages applicable to libraries and archives and their employees and agents that act in good faith, believing or having reasonable grounds to believe that they have acted in accordance with copyright law.

Rightsholders have a critical role in ensuring sustainable access to copyrighted works in developed and developing countries. Where rapidly changing technology requires flexible solutions, Member States should encourage collaborative and innovative solutions among all stakeholders.

Museums share many of the same public service roles as libraries and archives, and Member States may consider extending the same or similar exceptions and limitations for museums.

Libraries and archives should have adequate safeguards in place to ensure the responsible and lawful exercise of exceptions and limitations by libraries and archives.

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