



INTERNATIONAL FEDERATION OF LIBRARY ASSOCIATIONS AND INSTITUTIONS

FEDERATION INTERNATIONALE DES ASSOCIATIONS DE BIBLIOTHECAIRES ET DES BIBLIOTHEQUES

INTERNATIONALE VEREINIGUNG BIBLIOTHEKARISCHER VERBÄNDE UND EINRICHTUNGEN

FEDERACION INTERNACIONAL DE ASOCIACIONES DE BIBLIOTECARIOS Y BIBLIOTECAS

МЕЖДУНАРОДНАЯ ФЕДЕРАЦИЯ БИБЛИОТЕЧНЫХ АССОЦИАЦИЙ И УЧРЕЖДЕНИЙ

国际图书馆协会与机构联合会

الاتحاد الدولي لجمعيات ومؤسسات المكتبات

International Federation of Library Associations and Institutions,
Prins Willem-Alexanderhof 5,
2595BE The Hague,
The Netherlands

19 October 2016

Ms Mariá Claudia Lacouture,
Minister of Trade, Industry and Tourism,
Ministerio de Comercio Industria y Turismo
Calle 28 No 13A -15,
Bogotá,
Colombia

Dear Minister,

I am writing to on behalf of Donna Scheeder, the President of IFLA, the International Federation of Library Associations and Institutions. We are a global organisation, with members in over 140 countries, representing hundreds of thousands of libraries and Library associations around the world. We work both to help librarians deliver the best possible service to their users, and to promote reforms that give libraries the laws and resources necessary to do their jobs.

I am aware that Colombia is currently considering ambitious copyright reforms. As you know, it is exceptions and limitations to copyright that allow libraries to play their essential balancing role, ensuring remuneration of rightholders, but also the equitable access to knowledge that allows for learning, innovation and creativity into the future.

With access to knowledge recognised by all governments as essential to the achievement of the Sustainable Development Goals, the role of libraries has perhaps never been more crucial. In communities around the world, they are the main conduit for getting reliable information to all people, including farmers, health workers and teachers. Exceptions to copyright for libraries enable them to fulfil their promise to assist governments to attain these goals.

It cannot be denied that as digital technologies are redefining how people access knowledge, citizen expectations are evolving rapidly. Yet at the same time, rightholders have greater opportunities than ever before to restrict use of copyrighted materials through licensing contract terms or technological protection measures. These prevent libraries from meeting their users' needs. We risk seeing a disconnect between rightholders and readers, undermining the balance and legitimacy of the copyright system. Copyright reforms should therefore aim to avoid this situation, and rather promote growth, equality and wellbeing for all.

We therefore welcome your initial proposals to provide copyright exceptions for libraries. Both IFLA and the Colombian library community stand ready to share their own experience and suggestions on legislative changes that could allow librarians to fulfil their potential in a digital age.

IFLA offers the following comments for your consideration.



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Proposals on eliminating reproduction exceptions are a cause for concern. Reproduction, including a digital format, is a crucial part of libraries to serve their users, playing an important role in giving access in the first place, facilitating activities such as text and data mining. Removing provisions that have been so central to the work of libraries will only lead to frustration for both librarians and users.

Similarly, we would recommend the inclusion of clear measures to allow circumvention of technological protection measures that prevent libraries and their users from taking advantage of their legal rights, not just to take decisions about purchasing, but preservation and use.

We would also recommend action on orphan works. They constitute an extensive part of the collections of many libraries, but without the legal clarity offered by an exception, risk remaining locked away for years, benefitting nobody.

It is also important to acknowledge the potential of digital to allow users to access library resources remotely, and not just on-site. At a time that the Europe Union (EU) is looking to update its dedicated terminals exception, we would be happy to share further information about permitting access at distance, through closed networks, which can permit better service to users.

The reforms will also be a good opportunity to ratify the Treaty of Marrakesh, which has now entered into force, and extend their benefits to people with all forms of disability. It will be important to resist any pressure to introduce new barriers to access as part of this process, notably through provisions obliging supplementary remuneration of rightholders, checks on commercial availability of works before making and sharing copies, and unnecessary and burdensome record-keeping requirements.

In ratifying, you will give Colombians with visual impairments and other disabilities access to a wealth of accessible books, as well as joining the movement towards universal application of the Treaty of Marrakesh – eleven other Latin American and Caribbean countries have already done so.

To meet the standards of international best practice, we also call for exceptions on preservation for digital works, orphan works, cross-border uses, translation and limitation on liability for librarians.

On an international level, libraries advocate for balanced, welfare-enhancing copyright regimes worldwide. There is increasing acceptance of this approach. The EU is starting to promote mandatory exceptions among its members, while the text of the Trans-Pacific Partnership incorporates Fair Use principles.

Colombia, alongside other WIPO members, is engaged in discussions on achieving global progress on exceptions and limitations for libraries, archives and museums. In parallel with your national reforms, we would welcome your support in this forum.

At this important time, when Colombia is looking to the future, despite challenges, a law that gives libraries the opportunity to deliver on their potential is an investment in growth, equality and wellbeing. As has been demonstrated in research around the world, libraries offer significant returns on investment, and can contribute to the delivery of whole range of the Sustainable Development Goals.



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I hope that your reforms will help libraries to achieve this. We stand ready to offer any further information, evidence and support to this end.

Yours faithfully,

Eve Woodberry
Chair, Copyright and Other Legal Matters Committee

cc. Oficina de Asuntos Legales Internaciones del Ministerio de Comercio
Industria y Turismo
cc. Dirección Nacional de Derecho de Autor