

**PRINCIPLES FOR WIPO MEMBER STATES ON
COPYRIGHT EXCEPTIONS AND LIMITATIONS FOR
LIBRARIES, ARCHIVES AND MUSEUMS**

1. The Berne Convention underlines that in addition to copyrights granted, there is an important role for exceptions and limitations to these rights as a means of achieving public interest goals. This balancing of rights and exceptions is also clear in the two parts of Article 27 of the Universal Declaration of Human Rights.
2. The United Nations, through the 2030 Agenda, has identified seventeen Sustainable Development Goals, many of which include targets focusing on the importance of the possibility to access and use information. The same Agenda calls on Member States and others not to leave anyone behind.
3. In the contemporary world, digital technologies are playing an ever-growing role. It is crucial that legal frameworks keep up with such evolutions, in order to protect the balance and promote the goals for which they were established. Furthermore, and in line with the focus on the global sharing of knowledge set out in the United Nations 2030 Agenda, there is a pressing need to enable cross-border activities.
4. Libraries, archives and museums exist and work around the world, adapting their services to the needs of their users and communities. Yet they have a globally recognised role in ensuring the preservation and safeguarding of, and access to, knowledge, culture and information.
5. Once libraries, archives and museums have legitimate access to a work, they rely extensively on exceptions and limitations to copyright in order to carry out their missions. Such uses, insofar as they are consistent with fair practice, should be unremunerated and not require prior authorisation.
6. Licences have an important role in facilitating initial access and permitting uses going beyond those covered by exceptions and limitations. However, they should not replace such uses, and in many cases are not practical due to the nature of works.
7. Given the similarities in their objectives – and increasingly in their work – a basic set of exceptions and limitations for libraries, archives and museums, adapted for digital uses and allowing for cross-border activities would make a major contribution to promoting education, research, culture and access to knowledge. The Informal Chart prepared by the Chair (SCCR/34/6) provides a basis for defining such a basic set.
8. Such an approach should leave space to adapt to specific situations at the regional, national and local levels, in line with an interpretation of the three-step test that respects legitimate interests, including of third parties, deriving from educational and research needs, and other human rights and fundamental freedoms; and other public interests, such as the need to achieve scientific progress and cultural, educational, social, or economic development, and the protection of competition and secondary markets.
9. These exceptions and limitations should be protected from override by contract. Technological protection measures which prevent their enjoyment should not enjoy legal protection from circumvention. Libraries, archives and museums should not be held liable for the activities of their users, or for the activities of their staff when carried out in good faith and with a reasonable belief that such activities are lawful.