

How global copyright rules can better serve people, creativity, and development

Access to Knowledge Coalition





Copyright requires balance:

Protecting creators and enabling access to knowledge are complementary goals, not opposing ones.

Limitations & exceptions are part of copyright, not loopholes or mechanisms to undermine authors' rights:

They are lawful mechanisms designed to serve education, research, preservation, accessibility, and the public interest.

The three-step test protects both creators and society:

Legal certainty around limitations and exceptions strengthens legitimacy, fairness, and trust in the system.

The WIPO L&E agenda is about minimum standards, not weakening rights:

Current proposals seek clarity and coherence based on standards that already exist in many legal systems.

Fair access to knowledge is essential for development:

Strong knowledge ecosystems reduce inequality, encourage creativity, and support democratic participation in the digital age.





Education: legal analysis

Teacher wants to show a short YouTube video in a live online class.
Is it legal?

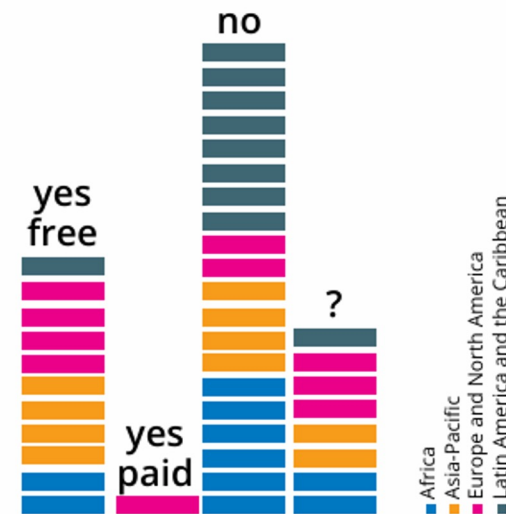


Figure 1 Nobre, T. (2022) *Is it legal? Education and copyright in the digital age*. Education International.



Education

“This is a normal lecture hall in a university. It has only the whiteboard. No internet connectivity. Some books are too expensive to buy and we are sometimes forced to photocopy pages of books. Access to materials online is not easy and some require a certain fee to be paid in order to access. The costs are prohibitive and public institutions cannot afford. This is our daily struggle.”
Grace Nyongesa



Students and teachers with disabilities



“we do not have the appropriate materials developed for the learners with intellectual challenges, for example, we are grateful [for] curriculum designs, but any other material concerning the learners with intellectual challenges is not available, the ones given by the government- we get materials for the regular classroom, we rely primarily on individual efforts and like I said, that means that a teacher will have to buy bundles”, Teacher from Kenya



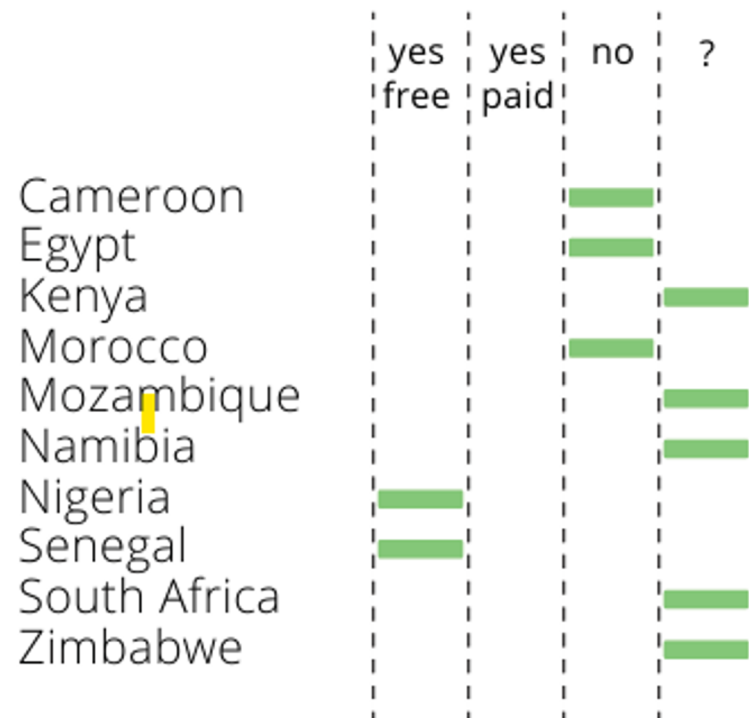
Global findings on education

- Teachers work with a **variety of resources** and mostly use **part of copyright-protected works**.
- **Chilling effects and stopping innovative teaching practices: unable, reluctant to carry out specific uses such as** adapting materials and making them accessible for students
- Teachers **need training on copyright legislation** to make informed decisions
- **Educational cross-border activities** remain a challenge and are only regulated within the EU and exchanges of protected materials beyond EU borders are not possible.

Perspectives from teaching and research



Africa



Scenario 1: A teacher wants to email her students a news article as part of homework. Is it legal?

Scenario 2: A teacher wants to share a diagram with her students on a messaging app. Is it legal?

Source: Nobre, T. (2022) Is it legal? Education and copyright in the digital age. Education International.



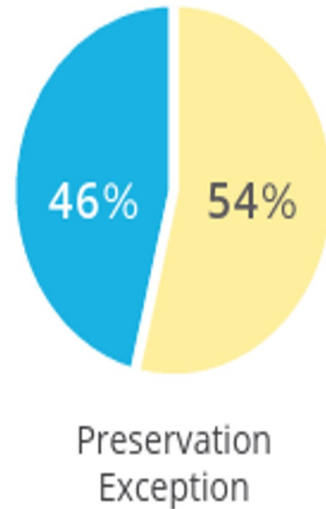
Perspectives from teaching and research: Africa

A?K

- # Education
- * Research
- ⚙ Cultural Heritage



Preservation in Africa



Can a library copy a work to preserve it?

Safeguarding national cultural heritage for future generations is a core library responsibility. Long-term preservation requires the making of copies.

YES=28 **NO=24**

Source: EIFL and IFLA from WIPO Study on L&Es (2017)



Archives





Academic Libraries

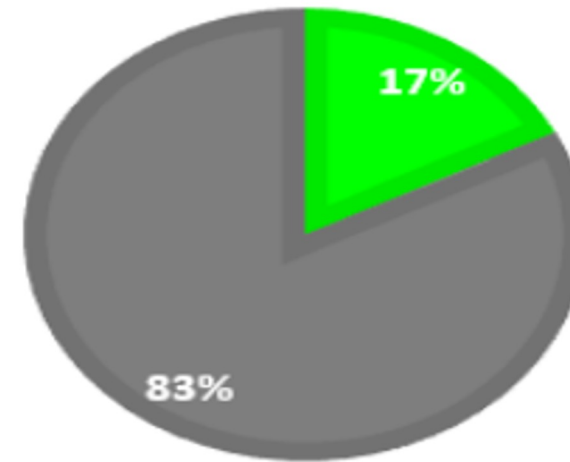




Asia Pacific Region

Can a Library Share a Copy of a Work with a Researcher in Another Library?

Libraries support researchers in other institutions by giving access to copies of rare or unique works on an ad hoc basis.
YES = 7, NO = 33

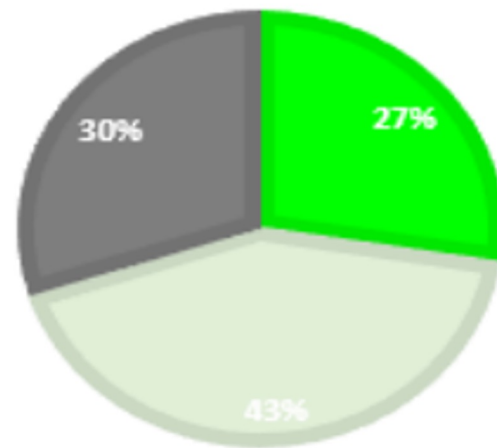


DOCUMENT SUPPLY EXCEPTION

Source: IFLA from WIPO Study on L&Es (2017)



Asia Pacific Region



DIGITAL RESEARCH
EXCEPTION

Can a Library Make Digital Copies of Works for Research?

Libraries are keen to ensure that new techniques such as text and data mining, which involve digital copying, as well as to support researchers more flexibly.

YES = 11, NO = 29



Example from Fiji

2022: Librarian from University of South Pacific Elizabeth Reade Fong

“Fiji has one of the most outdated and restrictive laws where basic teaching activities, such as showing a YouTube video in an online class or posting an article on a university platform, are illegal. In such instances, teachers, have to either forego the use of information thus depriving students of knowledge or disregard copyright legislation, exposing themselves to possible legal consequences.”

-Education International, “The Copyright Experience of the University of the South Pacific (2022).

National Libraries of Latin America

Joint Statement by the National Libraries and Other Library Institutions of Latin America:

For a Copyright System That Supports the Preservation of and Access to Bibliographic and Documentary Heritage



Asociación de Estados Iberoamericanos para el Desarrollo de las Bibliotecas Nacionales de los Países de Iberoamérica.

DECLARACIÓN CONJUNTA DE LAS BIBLIOTECAS NACIONALES Y OTRAS INSTITUCIONES BIBLIOTECARIAS DE AMÉRICA LATINA

Por un Derecho de Autor que apoye la Preservación y el Acceso al Patrimonio Bibliográfico y Documental

 ACCESO JUSTO al CONOCIMIENTO
Alianza de la Sociedad Civil Latinoamericana para el Acceso Justo al Conocimiento

 ABINIA

 IFLA International Federation of Library Associations and Institutions



“Brazilian copyright law does not even clearly address the **right to lend** works or the possibility of **making preservation copies**. It is difficult to interpret copyright law as something that should prevent the preservation of cultural heritage, yet the regulatory gap on the part of public authorities persists, and libraries still lack the **necessary support and legal certainty**.”

Jorge Moises Kroll do Prado

President of the Brazilian Federation of Associations of Librarians, Information Scientists, and Institutions

“...We face many challenges, ranging from the inability to **digitize for preservation purposes** to the secure provision of the **most basic digital services**, such as adding cover images to digital reference catalogs or providing access to digital collections.”

Rafael Andrade and Mónica Paz.

Directors of the Library of the Uruguayan Parliament

“We do not have a legal framework that would allow us to provide users within the Court system with **access to materials obtained from databases** or other paid subscriptions, or to launch **digitization projects to provide access** to collections of legal journals that are **out of commerce** or from publishers that no longer exist...”

Federico Reggiani

Head of Library Coordination and the Central Library of the Supreme Court of Justice of Buenos Aires, Argentina

Thanks!

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