

## IPA Statement - WIPO SCCR 40

16-20 November 2020

Thank you, Chair

The IPA congratulates you on your ascension to the Chair. We also want to express our deep sorrow at the news of the passing of our friend and colleague Carole Croella. We join the staff at WIPO, the delegates of Member States, and the representatives of other observers in mourning for Carole. She is profoundly missed by all of us.

The IPA thanks the Secretariat for the *Report on Regional Seminars and International Conference on Limitations and Exceptions*. We participated in all three Regional Seminars along with publishers from each region, as well as in the International Conference. During each event, we found the process transparent and conducive to intense discussion. The exchanges between participants were rich and constructive. Local voices were heard loud and clear, especially in the seminars held in Nairobi and Santo Domingo. The critical importance of local contexts, cultures and curricula was acknowledged when considering the delivery of educational resources. We were pleased to hear that Member States also acknowledge the importance of copyright protection for their own publishing industries.

The IPA underlines that, as stated in the *Report*, “It is important to recall the essential role of copyright to support and reward creativity. Creators have an indispensable role in providing what will become cultural heritage as well as what is at the core of education and research.” Therefore, strong copyright protection as an enabler of local creative industries must be the starting point for any debate on limitations and exceptions.

During the Seminars and Conference, numerous Member States stated they had yet to assess their national needs in order to establish strategies that, while accounting for limitations and exceptions, also promoted the development of their creative industries. Establishing a strong copyright protection framework is essential to such strategies. As the *Report* points out, Member States agree that “Copyright should not be seen as an obstacle but as a facilitator. One should not mix freedom of access with access for free”.

The *Report* also points to the Berne Convention, by stating that “Limitations and exceptions are guided by the three-step test.” The existing international legal framework already enables Member States to legislate and address their individual challenges. The IPA calls on national legislators to conduct fair impact assessments that are grounded in a deep understanding of the ecosystem which enables production and consumption of cultural products, and that recognize the vast array of licensing solutions made available by publishers across the world.

The IPA highlights the time-tested importance of the global copyright framework. In these unprecedented times, this framework has once again proven to be inherently innovative, enabling publishers to support governments, teachers, parents, and the public, as people adapted to home-schooling and as governments sought reliable scientific data upon which to base policies to protect their citizens.

Despite these challenging circumstances, the publishing community has yet again stepped up to support governments, teachers, parents and the public. In education, the efforts of the publishing industry to develop innovative business models over the past few years have proven timely, and publishers continue to work with both public and private sector partners to create digital educational content and platforms for both the short and long terms.

The COVID-19 pandemic does not make copyright protection less viable. On the contrary, this is a time when we need authors, publishers, and a strong legal framework more than ever.