

## **International Council on Archives (ICA) Statement on Limitations & Exceptions**

### **SCCR 36**

**28 May-1 June 2018**

Mr. Chairman, I represent the International Council on Archives, an organization dedicated to the preservation and use of the world's archival heritage.

WIPO's mission is to "lead the development of a balanced and effective international IP system that enables innovation and creativity for the benefit of all." The role of SCCR is to ensure that copyright works effectively internationally. Limitations and exceptions are a fundamental component of an appropriately balanced copyright system, which provides reasonable access to works for the benefit of society.

Past interventions have made it clear that a national regime such as copyright functions poorly in a digital world. Among the issues affecting libraries, archives, and museums are cross-border uses and orphan works, two issues that are desperately in need of a truly international solution, which is WIPO's unique responsibility.

As the Supreme Court of Canada has said, limitations and exceptions are not just loopholes; they are users' rights, which, along with owners' rights, are a fundamental part of the copyright system. Limitations and exceptions are essential to innovation and the advancement of knowledge. Robust limitations and exceptions must be a mandatory component of whatever framework emerges from this endeavour.

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