

CISAC

International
Confederation of
Authors and
Composers Societies

EWC

European
Writers' Council

FEP

Federation of
European
Publishers

FIA

International
Federation of
Actors

FIAD

International
Federation of
Film Distributors
Associations

FIAPF

International
Federation of Film
Producers
Associations

FILAIE

Federación
Iberolatinoamericana
de Artistas-
intérpretes/actores

FIM

International
Federation of
Musicians

GESAC

European
Grouping of
Societies of
Authors and
Composers

ICMP

International
Confederation of
Music Publishers

JOINT STATEMENT

on the WIPO instrument on copyright limitations and exceptions for persons with print disabilities

The undersigned NGOs, representing creators and rightholders from the creative industries in developing and developed countries around the world, respectfully call on WIPO Member States to subject their support for a possible international instrument on access for persons with print disabilities to essential conditions required in order to improve access to books for persons with print disabilities in harmony with and without prejudice to the existing international copyright framework. The instrument must be:

- 1. Consistent with international copyright law:** It is both possible and essential that this novel and untested instrument in the copyright system be crafted in a manner consistent with the existing international copyright framework, in particular the Berne Convention, the TRIPS Agreement, the WIPO Copyright Treaty, the WIPO Performances and Phonograms Treaty and the Beijing Audiovisual Performances Treaty.
- 2. Narrow in scope:** The preamble and the definition section must clearly focus the instrument's scope on increasing access to books and other textual works by persons with print disabilities.
- 3. Reaffirming the three-step test:** The instrument must expressly confirm the continued application of the three-step test to the operation of any exception or limitation. Any provision or statement on the relationship between technological measures and exceptions and limitations must also be subject to the test.
- 4. Flexible:** The instrument has to provide flexibility for Member States implementation in accordance with their legal traditions, including exceptions, limitations as well as alternative and effective measures such as voluntary access programmes and licensing. The instrument thus must uphold the freedom of contract.
- 5. Conditional upon commercial unavailability:** It must be ensured that solutions put in place by rightholders, whether commercial or otherwise, take precedence over copyright exceptions.
- 6. Ensuring appropriate care of digital files:** The instrument needs to ensure that Authorized Entities entrusted to handle digital files under an exception operate transparently, safely and with appropriate safeguards.

As representatives of the various creative sectors throughout the world who depend on copyright to contribute to our countries' economic, social and cultural development, we call upon Member States to focus on the clearly defined needs of persons with print disabilities, but not to let the exceptional circumstances of this particular issue redefine the basic principles of copyright.

Moreover, as concerns further work on other limitations and exceptions on the SCCR's agenda, we appreciate developing countries' legitimate requests for assistance in adapting their copyright laws to the global online environment. We believe that we can constructively assist WIPO in this endeavour and are supportive of practical solutions taking advantage of the existing international copyright framework's flexibilities and balancing limitations and exceptions as well as corresponding exclusive rights.

The undersigned organizations appeal for the conclusion of an instrument that is focused on increasing the availability of special format copies of books and other textual works for persons with print disabilities, especially in developing countries, whilst respecting an international copyright framework that supports and incentivizes creation, innovation and reinvestment.

IFJ

International
Federation of
Journalists

IFPI

International
Federation of
the
Phonographic
Industry

IFRRO

International
Federation of
Reproduction
Rights
Organisations

IFTA

International
Film and
Television
Alliance

IPA

International
Publishers
Association

IVF

International
Video
Federation

MPA

Motion Picture
Association

STM

International
Association of
Scientific,
Technical and
Medical
Publishers

WIN

Worldwide
Independent
Network