

EWC-Statement – WIPO SCCR 48 E&L , **Agenda item 5**: Limitations and exceptions for libraries and archives, and **Agenda item 6**. Limitations and exceptions for educational and research institutions and for persons with other disabilities. On the WIPO Toolkit on Access to Copyrighted Works in the Collections of Cultural Heritage Institutions: Libraries, Archives and Museums (SCCR/48/5).

Written input, 1667 characters.

The European Writers' Council (EWC) misses the equal balance between authors and users of the WIPO Toolkit on Access to Copyrighted Works in the Collections of Cultural Heritage Institutions: Libraries, Archives and Museums (SCCR/48/5) which would reflect the non-normative form a WIPO toolkit should be.

We are aware of the challenges of Cultural Heritage Institutions, but they are book market actors, too. Hence, the Toolkit must not overinterpret exceptions as benefits for private users and clearly state them as uses in pure public interest. Furthermore, it must also state that L&Es to authors' rights and copyright must fulfil the three-step test criteria, embedded in the international copyright treaties, and require a respectful acknowledgment of the works of authors for the information society.

We also state that the Toolkit is very narrowed on access under legal perspectives alone – but we are convinced that copyright is often not the problem to grant access. We ask therefore to include the critical importance of the budgets that governments are generally willing to allocate to education, culture, and cultural heritage, as well as the frequent lack of technical, administrative, or human resources infrastructure, and the urgently needed internal capacity building measures to build up knowledge work in a way that continues to respect the rights of authors, who are at the beginning of every cultural and economic chain.

We ask the authors of the Toolkit therefore to go back to reflect on a more balanced version respecting the protection of copyright instead of promoting to introduce new exceptions on the cost of the vulnerable authors.

About the European Writers' Council (EWC)

The EWC is the world's largest federation of writers in the book sector and of all genres (fiction, non-fiction, academic, children's books, poetry, etc.). With 52 organisations and professional guilds from 34 countries of the EU, the EEA and of non-EU areas, the EWC represents 250.000 writers and translators, writing and publishing altogether in 37 languages. The EWC is the world's leading federation for the defence of book authors' rights since 1977.

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