

CLA Statement on a Treaty for services to Visually Impaired People

Thank you Mr Chairman. The Canadian Library Association notes the progress which has been made in advancing deliberations on establishing basic minimum standards for limitations and exceptions in the areas as laid out in the SCCR schedule. While recognizing that during the deliberations the issues relating to the visually impaired and print disabled, libraries and archives and education and other disabilities can become intertwined it remains the belief of CLA that they are most properly addressed in separate treaty instruments in their order of maturity. While sufficient time should be allocated in each area to advance deliberations, it is important that there be agreement at this SCCR on a recommendation to the General Assembly on a treaty instrument for TVI.

Last week it was stated that fair dealing and fair use are mere defences against alleged infringing activity. I remind delegates of the ruling of Canada's Supreme Court in 2004. In a unanimous decision the Court found that (quote):

“The fair dealing exception, like other exceptions in the *Copyright Act*, is a user's right. In order to maintain the proper balance between the rights of a copyright owner and users' interests, it must not be interpreted restrictively”. (End quote)

CLA believes that the July 21st “Proposals for revised text for document SCCR/23/7” brings delegates closer to an acceptable consensus on TVI. We note an area of concern for CLA: the definition of “authorized entity” must acknowledge the important role currently played by libraries in a number of jurisdictions providing alternate format content to our visually impaired and print disabled users as one of a number of activities carried out by the library.

In conclusion, while eagerly awaiting the continuation of deliberations on library and archive limitations and exceptions, CLA urges delegates to move now on a recommendation on a treaty instrument for the print disabled. Millions of visually impaired and print disabled individuals spread across all of the nations represented here today await formal WIPO recognition of their basic human right to equal access to the world's print heritage.

Thank you, Mr. Chairman.