



**SOCIETY OF
American
Archivists**

**Statement to WIPO Standing Committee on Copyright and
Related Rights
37th Session**

**Status of the Archives Study Mandated by SCCR36's
*Action Plan***

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For seven years the Society of American Archivists has asked SCCR to help mitigate barriers to our work because of copyright's overly broad reach. Created to regulate commercial print material, the copyright system now extends to virtually all forms of creative expression, even the billions of unpublished, ordinary documents never intended for artistic or commercial markets.

Kenneth Crews' 2008 study and the 2010 Africa Group proposal identified the problem and called for an international instrument to ensure compatible copyright exceptions to enable archivists and our users to function in the modern world. Otherwise, archivists would be violators or enemies of the copyright system.

SCCR36's Action Plan called for an archives study. We are disappointed that a preliminary report is not being presented today. We therefore encourage the Secretariat to move quickly to commission substantive work so that a report can be presented at SCCR38.

In a constructive spirit, the SAA suggests organizing on the following elements:

- 1) types of archival collections;
- 2) types of documents and copyrighted works within these collections (ranging from administrative to creative and artistic works);
- 3) types of activities necessary to accomplish the archival mission;
- 4) ways copyright supports or inhibits archival functions;
- 5) which exceptions identified by Crews address the intersection of copyright and archival functions; and
- 6) implications of the digital environment for archives functions.

The study also should consider how this matrix plays out in different legal traditions. SAA believes that any credible study of archives will discover that what archivists do and the collections we make available support, not undermine, the creative industries.

Currently, copyright's overreach into the cultural materials we curate demonstrates to our publics the absurdity of this antiquated system. The longer copyright goes without exceptions to enable archives, libraries, and museums to work on behalf of the public, the more the credibility of copyright diminishes. This is no time to fiddle while Rome—that is, copyright—burns. We need follow-through at SCCR38 and quick action soon thereafter.