



**SOCIETY OF
American
Archivists**

Statement to WIPO Standing Committee on Copyright and Related Rights SCCR 39

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ONLY WIPO CAN END THE BORDERS ON KNOWLEDGE

The Society of American Archivists thanks the Secretariat for the extraordinary amount of work and care they invested during the past year to advance work on the Action Plan for exceptions and limitations. SAA appreciates how this effort has enabled significant progress on archives matters. Through the Commissioned Archives Study by David Sutton, the three Regional Seminars, and the just-concluded International Conference there is now a general understanding of the following basic facts about archives.

Archival collections exist in all kinds of institutions. They contain materials in all information formats and include both institutional records and privately authored works. Archival collections are predominantly unpublished materials that were never-in-commerce. By their very nature they are cross-border knowledge assets. Because archives exist to be used for study and research, preservation is central to everything that archivists do.

The International Conference provided much to think about, but two perspectives from the closing session are fundamental. Kenny Crews emphasized that 1) preservation is preeminently important because it crosses all areas and 2) it must be digital. But action is needed before it is too late. Likewise, Jukka Liedes noted that both digital and cross border should be normal. Most importantly he affirmed that WIPO has the capacity to discuss and resolve complex problems such as these. On behalf of the Society of American Archivists, I thank the Secretariat for all their work on studies, seminars, and conferences to advance work on the Action Plan. SAA appreciates how this has enabled significant progress in the understanding of archives matters by Member States.

Archives, libraries, and museums are the stewards of the world's knowledge. Preservation and access to this knowledge is essential for global heritage and learning. Today's networked environment requires consistent copyright exceptions because national differences impede preservation and access to cultural heritage and economic development.

Today, the world faces two major threats to knowledge and cultural heritage: growing climate crises and technological obsolescence. But how can archives, libraries, and museums preserve and protect knowledge in the face of floods, wildfires, and obsolescence when our hands are tied by exclusive rights?

Some countries' funds are so limited that they can't even afford an archival photocopier, let alone deal with the devastation of climate disasters. For them, fee-based licenses seem absurd, especially when the vast majority of archival holdings were never in a market. To make matters even worse, creators are mostly unfindable. Who, then, would receive the permissions revenue?

The patience of the communities served by archivists has been stretched thin by WIPO's delay. We want to do right by copyright, but ever-expanding exclusive rights threaten archivists' mission. WIPO must provide a global policy that eliminates copyright's current borders on knowledge and enables archivists to fulfill their crucial societal mission.

The opponents of exceptions often say that no WIPO action is needed because existing international systems provide sufficient flexibility for countries to create exceptions for national needs. This is absurd. Is not WIPO's purpose to provide international policy guidance? In an organization devoted to creating unified solutions, national "flexibility" rings hollow. If WIPO does not provide an international framework for communication and the preservation of knowledge, there will chaos.

It is time to stop the posturing and to act to end borders on knowledge.



The Society of American Archivists (SAA) is the oldest and largest association of professional archivists in North America. Representing more than 6,000 individual and institutional members, SAA is the authoritative voice in the United States on issues that affect the identification, preservation, and use of historical records. SAA serves the education and information needs of its members and provides leadership to help ensure the identification, preservation, and use of the nation's historical record.

Since the 1960s, SAA has spoken in regard to archives and intellectual property and has issued more than 20 policy statements on copyright since the mid-1990s. SAA believes that archivists must take an active role in promoting the importance of archives and archivists in order to increase public support, shape public policy, and obtain the resources necessary to protect the accessibility of archival records that serve cultural functions as well as ensure the protection of citizens' rights, the accountability of organizations and governments, and the accessibility of historical records. Further, archivists promote and provide the widest possible accessibility of materials, consistent with any mandatory access restrictions. Although access may be limited in some instances, archivists seek to promote open access and use when possible.

Archivists are the custodians of writings and other materials that have been created by their own organizations and by third-party authors. Archivists try to provide access to these materials within the bounds of law, donor concerns, and public policy. Yet copyright law is perhaps the most important challenge that archivists face in providing wider access to our collections, especially digitally. It is also a challenge for the students and scholars wishing to use our collections in their research and study.

SAA created the Intellectual Property Working Group in May 2001. The Working Group responds to requests for assistance from the SAA Governing Council, tracks intellectual property issues of concern to archivists, and drafts responses or position papers for the Council as needed.

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