

Committee on Development and Intellectual Property (CDIP)

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REPORT ON THE INTERNATIONAL CONFERENCE FOR LEAST-DEVELOPED AND DEVELOPING COUNTRIES ON COPYRIGHT AND MANAGEMENT OF PUBLIC SECTOR INFORMATION

prepared by the Secretariat

1. An “International Conference for Least-Developed and Developing Countries on Copyright and Management of Public Sector Information” was held on June 14, 2019, in Nairobi, Kenya.
2. It is recalled that the organization of the International Conference was foreseen in the “Revised Proposal on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content” (CDIP/13/11) and was approved by Member States during the Nineteenth Session of the Committee on Intellectual Property and Development (CDIP). The underlying objective of the International Conference was to raise awareness on topics related to Public Sector Information (PSI) and copyright.
3. The Annex to this document contains the report on the International Conference comprising a summary of discussions under each of the themes.
4. *The CDIP is invited to take note of the information contained in the Annex to the present document.*

[Annex follows]

1. The “International Conference for Least-Developed and Developing Countries on Copyright and Management of Public Sector Information” (“International Conference”) was foreseen in the “Revised Proposal on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content” (CDIP/13/11)¹ and was discussed and approved by Member States during the Nineteenth Session of the Committee on Intellectual Property and Development (CDIP).

2. The International Conference was held on June 14, 2019, in Nairobi, Kenya; the event was organized in cooperation with the Kenya Copyright Board (KECOBO). For cost-efficiency and time-management considerations, the International Conference was organized back-to-back with the “Regional Seminar for African Countries on Libraries, Archives, Museums, and Educational and Research Institutions in the Field of Copyright” which took place in Nairobi on June 12 and 13, 2019, which all African countries were invited to attend.

3. In addition to the 52 WIPO Member States from Africa, WIPO also offered funding to cover the participation of representatives of Least Developed and Developing countries in other regions: Five from Asia Pacific; four from Latin and Central America, and one from the Arab region.

4. The International Conference was open to Member States and accredited Intergovernmental Organizations only. Representatives of the following countries attended the International Conference: Angola, Benin, Botswana, Brazil, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, Comoros, Congo, Cote d’Ivoire, Democratic Republic of Congo, Djibouti, Dominican Republic, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea Bissau, India, Jordan, Lesotho, Liberia, Malawi, Mali, Morocco, Mozambique, Namibia, Niger, Nigeria, Peru, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, South Africa, Sudan, Togo, Tunisia, Uganda, United Republic of Tanzania (2), Zambia, and Zimbabwe. In addition, representatives of the following Intergovernmental Organizations attended the International Conference: African Regional Intellectual Property Organization (ARIPO), African Intellectual Property Organization (OAPI), and European Union.

5. As reflected in the project document CDIP/13/11, the main objectives of the International Conference were to raise awareness on topics related to Public Sector Information (PSI) and copyright, and to provide a forum for discussion and for sharing of existing policies implemented by Member States.

6. The Program² was structured around the following main topics:

- i. Basic concepts and social and economic relevance of PSI
- ii. Relation between PSI and Copyright
- iii. PSI and licensing
- iv. Showcase of national initiatives, strategies and best practices.

7. Each topic was addressed by several international experts, selected on the basis of their knowledge and expertise, taking into account geographical balance. The following 12 speakers contributed to the International Conference: Mr. Kenneth Crews (United States of America), Mr. Aziz Dieng (Senegal), Mr. Thomas Ewert (Germany), Mr. Joseph Fometeu (Cameroon), Mr. Maximilano Marzetti (Argentina), Ms. Cristiana Sappa (Italy), Mr. Ben Sihanya (Kenya), Mr. Paul Uhlir (United States of America), Ms. Sarah Venites (Brazil), Mr.

¹ https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=281039

² https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=436951

Tomoaki Watanabe (Japan), Ms. Raquel Xalabarder (Spain), and Mr. Mikhail Zhuravlev (Russian Federation).

8. The working languages of the International Conference were English and French, with simultaneous interpretation provided throughout the meeting.

9. In accordance with the project document CDIP/13/11, a dedicated webpage³ was created to make available the following resources: all written presentations delivered by the international speakers; three short videos on national approaches on PSI of Argentina, Japan and Russian Federation; the Report on How to Optimize the Re-Use of PSI in LDCs and Developing Countries (2019), prepared by Ms. Cristiana Sappa; and the Report on Using Copyright to Promote Access to PSI (WIPO/CR/WK/GE/11/4) prepared by Ms. Catherine Jasserand and Professor Bernt Hugenholtz.

10. At the end of the International Conference, representatives of Member States were given a questionnaire to provide their feedback. 28 participants responded to the questionnaire; an average of 97 per cent of respondents were overall satisfied, very satisfied or totally satisfied with the “International Conference” and 93 per cent found what they have learned to be very or extremely useful.

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11. The presentations and the reports available at the dedicated webpage provide a detailed substantive analysis of all relevant aspects of PSI in relation to copyright. The resources will remain available to Member States and the general public and could serve as reference material to develop national policies in this field. The following paragraphs represent an attempt to highlight some of the main outcomes and points of discussion under each topic.

12. The International Conference was opened by Ms. Sylvie Forbin, Deputy Director General, Copyright and Creative Industries Sector, WIPO, and Mr. Edward Sigei, Executive Director, Kenya Copyright Board. In their opening remarks, they both highlighted the strategic importance of the debate on PSI, with special reference to the positive impact that sound public policies may have for least-developed and developing countries. The International Conference was a useful opportunity for Member States to raise their awareness and share their experiences and positions in relation to PSI and copyright.

13. Under topic 1, “Basic concepts and social and economic relevance of PSI”, international speakers attempted to provide a definition of the concept of PSI, identifying some of the main categories as well as trying to capture their economic and social importance. Mr. Fometeu defined PSI as any document and data produced, commissioned or stored for official purposes by the State or public sector bodies, clarifying that those may include: all State administrations such as Courts, Assemblies; decentralized local authorities; legal persons under public law; private legal entities entrusted with a public service mission; and international organizations. More generally, PSI may include a large variety of content such as data, statistics, metadata, administrative documents, records, compilations, databases and other information resources. Speakers converged on a number of benefits associated with the wide availability of PSI such as support of economic growth and greater returns from public investments in data and information activities; societal benefits, both individual and collective; meeting society’s expectations for access to and use of digital information; promoting reputational benefits and implementing ethical principles.

³ https://www.wipo.int/meetings/en/details.jsp?meeting_id=52886

Mr. Ewert indicated that within the EU, the economic impact of data was huge; in 2016, there were 254,850 data companies across the EU, a figure that could increase to some 360,000 by 2020. Moreover, it was estimated that, provided that an enabling framework was in place, the European data economy could grow from 1.99 % of EU GDP in 2016 to 4 % by 2020.

14. Under topic 2, “Relation between PSI and Copyright”, international speakers clarified that a large share of all types of PSI in principle are protected under copyright and that copyright has an important impact on how PSI can be accessed and re-used by the public. National copyright legislations treat PSI in very different ways, some provide for partial or even complete exclusion of PSI from copyright protection (e.g. United States of America), others assume full or near-complete government copyright ownership (e.g. United Kingdom). The Berne Convention (Article 2(4)) leaves it to countries to decide whether official acts such as “texts of a legislative, administrative and legal nature, and (...) official translations of these texts” should be granted copyright protection. However, as was made clear, the notion of public sector information is much broader than this limited category of official acts; it may include reports, studies or databases that are largely protected world-wide. Ms. Sappa analyzed the specificities of cultural, educational and research institutions in creating and providing access to PSI and highlighted how limitations and exceptions may play an important role in allowing certain specific re-uses of PSI.

15. Under topic 3, “PSI and licensing”, international speakers analyzed the current licensing options to allow and incentivize the re-use of PSI that is protected by copyright. In countries where PSI does enjoy copyright protection, open content licensing structures, including portals and repositories, are being developed and successfully deployed. Such licensing structures can be standard models of licenses permitting the re-use of PSI, such as Creative Commons or Free and Open Source Software, or tailor-made licenses, such as the UK Government Licensing Framework. The WIPO Open Access Policy⁴ was also cited as a mixed approach where flexible terms of use of the WIPO website are coupled with the use of Creative Commons Intergovernmental Organizations (CC IGO) licenses for most publications and content made available on external platforms.

16. Under topic 4, “Showcase of National initiatives, strategies and best practices”, international speakers presented the current regulation and national policies in the field of PSI in the following countries: Argentina, Brazil, France, Kenya, Italy, Japan, Russian Federation, Senegal, and the United States of America. Presentations provided concrete examples of national policies and displayed the high degree of difference among national approaches. This session highlighted that most developing and least-developed countries have not yet addressed the issue of PSI and copyright from a national policy perspective.

[End of Annex and of document]

⁴ <https://www.wipo.int/tools/en/disclaim.html>