

REQUEST FOR CONTRIBUTIONS FOR THE INFORMATION SESSION ON THE IMPACT OF THE COVID-19 PANDEMIC ON THE COPYRIGHT ECOSYSTEM

INTRODUCTION

During the upcoming 42nd Session of the Standing Committee on Copyright and Related Rights (SCCR), an Information Session on the Impact of the Covid-19 Pandemic on the Copyright Ecosystem will take place. In order to provide a clear overview of the “impact on the cultural, creative and educational ecosystem, including copyright, related rights, and limitations and exceptions”, the Secretariat kindly invites Member States and Observers to share existing examples of situations that arose and actions that were taken and/or interventions that were made during the Covid-19 pandemic with respect to the industries or institutions that are being considered in the Information Session. We ask you to describe these situations or actions by providing the information requested below. If you are able to give us some elements of your response before March 15, it could help our researchers who are preparing the overview. In addition, all contributions received by the eve of the Information Session will be uploaded (with your permission) onto the WIPO web site.

Please send this form by email to the following address: copyright.mail@wipo.int with the subject: “Information Session”.

INFORMATION REQUEST

1. Full name of the entity or individual submitting the response.
International Federation of Library Associations (IFLA)
2. Contact person with email address and telephone number for questions or clarifications about the submission.
Matt Voigts, Copyright & Open Access Policy Officer
3. Would you accept having your response made public (e.g. posted on the WIPO website)?
 Yes
4. Do you accept having the information contained in your responses mentioned in studies and presentations for the Information Session?
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5. **Brief** description of example, measures or interventions that took place (up to 200 words).
(Explanation: Please briefly explain the situation and why it is of interest for the Information Session. Examples could include policies put in place or other measures aimed at increasing the resilience of an industry or institution, or to assist the people they serve.)
The International Federation of Library Associations (IFLA) and Electronic Information for Libraries (EIFL) conducted a survey in February and March 2022 on libraries' challenges with copyright during COVID-related closures. We received 111 responses from 29 countries. 81.8%

of libraries said they had challenges. Around 69% of those challenges included textbooks. Other respondents made reference to films & videos (physical copies and streaming), eBooks, and out-of-print materials. 51.7% said they had challenges with cross-border factors – such as students & faculty returning to their home countries or moving abroad to countries where licenses did not necessarily permit access.

70.5% of libraries only provided a part of requested materials. Respondents said that the temporary, expansive offers publishers provided to their content lasted several months, during the pandemic's initial chaotic period when students, faculty and staff were facing other challenges adapting to the pandemic's 'new normal'. These also did not always coincide easily with the schedule of the school year and newly offered materials could not necessarily be incorporated into classwork. By the time longer-term plans were in place for online learning, the offers were expiring. Library professionals also had frequent complaints about costs of licenses and the restrictions on percentage of print books that could be digitized for patrons who requested them (given values between 10-20%), as well as platforms DRM restrictions on individual users for copying, sharing, and retaining content.'

It was also noted that obtaining educational licenses for commercially-available streaming material (such as Netflix) was difficult, even as this content was ostensibly 'widely available' to those with Internet access when physical locations were closed.

6. Territory where it took place (continent, country, and city or region).

Worldwide

7. Relevant sector or sectors.
Libraries, Educational and Research, Choose an item.

7.1 Additional observation or sector not listed above:
Click or tap here to enter text.

8. Please provide the key lessons from this example.

Among the other challenges COVID brought, licensing issues often made it difficult for libraries to provide materials requested by faculty and students for research and classes, even if they held physical copies in their collections.

9. Please provide links to relevant documents or other sources that could provide further information about this example.

IFLA/EIFL Copyright & COVID survey report to be released prior to WIPO SCCR 42.

10. Please provide any additional comment you might have.
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In July 2021, a group of Canadian and Indian researchers had a paper on COVID-19 and vaccine hesitancy retracted about “because they didn’t have the proper license to mine a database of news articles used in the study.”

6. Territory where it took place (continent, country, and city or region).

Canada, India

7. Relevant sector or sectors.
Libraries, Educational and Research, Choose an item.

7.1 Additional observation or sector not listed above:
Click or tap here to enter text.

8. Please provide the key lessons from this examples

Licensing restrictions can inhibit access to materials and techniques that can produce critical insights – including about fighting the pandemic.

9. Please provide links to relevant documents or other sources that could provide further information about this example.

[‘A very unfortunate event’: Paper on COVID-19 vaccine hesitancy retracted](#) (Retraction Watch, 30 July 2021)

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eBook platform DawsonEra - with whom, according to an IFLA/EIFL survey respondent, many Francophone publishers contracted to exclusively host their content - went bankrupt in summer 2020, which threatened to render inaccessible a substantial amount of its content before other platforms offered to host it.

IFLA's survey recorded other complaints on the lack of availability of French-language eBooks, as well as the level of service from French publishers, including a lack of integration functionality with library records and cataloguing systems.

6. Territory where it took place (continent, country, and city or region).
France, Francophone countries

7. Relevant sector or sectors.
Publishing, Educational and Research, Libraries

7.1 Additional observation or sector not listed above:
Click or tap here to enter text.

8. Please provide the key lessons from this example.

Issues with platforms can potentially render large amounts of material lost or inaccessible, even if libraries have paid for licenses – especially if the material is only available on a single platform. Material in languages other than English may have fewer digital options available.

9. Please provide links to relevant documents or other sources that could provide further information about this example.

[Info from ProQuest](#) on hosting content after DawsonEra's end

Couperin, the French library consortium, and two other French library associations published an open letter to French publishers last year calling for better eBook options for libraries. It contains contact info for the list of signatories: <https://www.couperin.org/breves/1443-lettre-ouverte-aux-editeurs-francophones-pour-une-ouverture-des-contenus-et-une-pluralite-d-editeurs-francophones-dans-nos-collections-d-ebooks>

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Standing Committee on Copyright and Related Rights

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In April 2020, Japan announced that it would fast-track implementation of a planned copyright law amendment allowing online classes to use copyrighted materials (subject to remuneration). For the academic year, the government would cover the usage fees.

6. Territory where it took place (continent, country, and city or region).

Click or tap here to enter text.

7. Relevant sector or sectors.

Educational and Research, Libraries, Choose an item.

7.1 Additional observation or sector not listed above:

Click or tap here to enter text.

8. Please provide the key lessons from this example.

An exception to allow use of copyright-protected materials for online classes was deemed necessary (subject to remuneration). It was essential to enable education to continue during COVID-19 restrictions.

9. Please provide links to relevant documents or other sources that could provide further information about this example.

[Japan Approves a Kind of “Fair Use” Treatment of Works in Online Classes Early, Facing Schooling Challenges of COVID-19 \(link\)](#)

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The #EBookSOS campaign solicited examples during the pandemic of discrepancies between the cost of a print book and an EBook license for a single user. The average print book price was 57.29 GBP and user licenses on average cost of 602.10 GBP per single user. The data collected was regarding books from 10 publishers.

6. Territory where it took place (continent, country, and city or region).
UK

7. Relevant sector or sectors.
Publishing, Libraries, Educational and Research

7.1 Additional observation or sector not listed above:
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8. Please provide the key lessons from this example.

There were large discrepancies between the cost of print books and digital user licenses during the pandemic period, when print copies were difficult to provide to students.

9. Please provide links to relevant documents or other sources that could provide further information about this example.

[#EBookSOS spreadsheet](#)

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A digitized copy of an out-of-print book, supplied to a researcher by a library participating in the above Emergency Temporary Access Service (ETAS), helped to change global advice on how COVID is spread.

6. Territory where it took place (continent, country, and city or region).

USA

7. Relevant sector or sectors.

Choose an item, Choose an item., Choose an item.

7.1 Additional observation or sector not listed above:

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8. Please provide the key lessons from this example.

Access to materials through a variety of channels is vital to emergency situations – and without ETAS options to access content (including print and out-of-print content not otherwise digitized), vital research into COVID may have been hindered.

9. Please provide links to relevant documents or other sources that could provide further information about this example.

[THE 60-YEAR-OLD SCIENTIFIC SCREWUP THAT HELPED COVID KILL \(WIRED, 13 MAY 2021\)](#)

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