

## **ICOM's Efforts to Advocate for Exceptions to Copyright for Museums**

ICOM applauds any effort to experiment and discuss issues surrounding exceptions to copyright for museums. It is within the context of experimentation, that ICOM wishes participants at today's program well. While an American approach to copyright law and fair use may not be suitable in every copyright system and cultural environment, it is still to everyone's benefit to examine, ponder and discuss the various legal systems and their benefits and limitations so as to better understand subject matter.

Since 2014, ICOM has advocated before the World Intellectual Property Organization (WIPO), the United Nations Agency responsible for international treaties about copyright law and related policies and programs, for exceptions to copyright for museums. ICOM's position is that exceptions to copyright for museums are necessary to allow museums to fulfill their missions, given how museums access and communicate materials in the twenty-first century. For this reason, ICOM and its partner organizations, the International Federation of Library Associations and the International Council of Archives, have advocated for an international treaty on subject. In 2014, ICOM was successful in lobbying member states of WIPO for support to commission a study about the current status internationally of museum exceptions to copyright. This study was the first of its kind. Previously, WIPO had only addressed copyright exceptions for libraries and archives. WIPO published the museums study in 2015.

This past May, after ICOM's considerable effort to garner support for exceptions to copyright for museums from WIPO's member states, WIPO committed to updating and integrating their expert studies about exceptions to copyright law for libraries, archives and museums, as well. Therefore, expert-based studies that member-states of WIPO will reference for the purposes of negotiating exceptions to copyright will now include libraries, archives and museums as an integrated whole.

Now that museums are working together with libraries and archives as a coalition to advocate for exceptions to copyright, formal recognition of museums as a beneficiary of copyright exceptions by the member states of WIPO is the next and critical step. In 2016, ICOM sent formal correspondence to the Director General of WIPO to signal its desire to move on this important issue. There is now considerable positive momentum among member states of WIPO for this purpose but it is up to ICOM's members to signal a need for exceptions to copyright for museums to their government representatives as well.

For more information on this important issue and to review ICOM's formal statements on copyright exceptions for museums, please see information at the following links:

<http://icom.museum/news/news/article/icom-speaks-up-for-copyright-exceptions/>

For information about the Standing Committee on Copyright and Related Rights at WIPO and to access copies of their studies, including the museums study, see:

[http://www.wipo.int/meetings/en/topic.jsp?group\\_id=62](http://www.wipo.int/meetings/en/topic.jsp?group_id=62)

To read about ICOM's work on subject in greater depth, please see

Rina Elster Pantalony, "Museum Scholarly Communications and Copyright Law: A Call for Balanced and Nuanced Exceptions Premised on Museum Mission and Mandate"; Museum International No.271-272; ICOM & Blackwell Publishing; London; 2017; p.p. 110-117

To become involved in ICOM's work on copyright and related matters, please contact the ICOM Secretariat.