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World Intellectual Property Organization (WIPO)
Extraordinary General Assembly

United States of America Statement

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Delivered by Justin Hughes,
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Thank you, Mr. Chairman.

In December 2009, the United States delegation came to the SCCR and said that we had concluded that it was the time to fashion new norms in international copyright to address what we believe is a genuine problem: the book famine, the unjustifiable lack of availability of special format copies for persons with print disabilities throughout the world. In 2010, the United States made a proposal in the SCCR for an instrument to address directly cross-border exchange of special format copies.¹ At the time, we said that we were open to the nature of the instrument that would establish these new international copyright norms, including the possibility of a treaty. We have always said that the *content* of the international norms is more important to us than the *form* of the instrument.

The important thing is to get the system right – to provide a workable, balanced approach that significantly improves access to culture, knowledge, and education for persons with print disabilities while safeguarding the integrity of the copyright system and the incentives it provides for the creation and dissemination of works for all people, including those with print disabilities.

Indeed, over fifteen years ago the United States was at the forefront of the now roughly sixty countries that have exceptions for persons with print disabilities in their national laws. Recognizing a preference for – and the importance of – rights holders making their works available, we nonetheless concluded that carefully balanced exceptions were needed in this area. And we established such exceptions in 1996.

Our delegation appreciates the tremendous effort so many delegations have made for this cause in the past few years. We want to recognize the 2008 proposal by Chile, Brazil,

¹ SCCR/20/10.

Nicaragua, and Uruguay on copyright exceptions;² the submission by Brazil, Ecuador, and Paraguay (later joined by Mexico and Argentina) of the WBU treaty text;³ the European Union's proposal for a Joint Recommendation on print disabilities;⁴ and the Africa Group's draft treaty proposal on copyright exceptions.⁵ We want to express our appreciation to our partners in the informal "four way" meetings in 2011 that eventually produced the first chairman's text that year, the increasing number of delegations that participated in the continuing informal meetings in 2012, and the tremendous efforts by all delegations in the recent SCCRs. As we have said before, these have been meetings of tremendous good will among delegates with unquestionably strong wills.

Over the past couple years, we have made tremendous progress and we now have a clear path with both challenges and opportunities to produce a complete, well-balanced instrument.

Mr. Chairman, we are pleased to join the consensus today in calling for a Diplomatic Conference in June 2013 to complete this work and produce a legally-binding agreement to establish international norms for copyright exceptions for persons with print disabilities.

We do so because we profoundly believe that nothing is more important to improve the situation of the world's blind than improving their access to the written word. The American disabilities activist Helen Keller eloquently captured the importance of access to books when she said in 1903,

"Literature is my Utopia. Here I am not disenfranchised. No barrier of the senses shuts me out from the sweet, gracious discourses of my book friends. They talk to me without embarrassment or awkwardness." [from *The Story of My Life* (1903)]

The great Argentine author Jorge Luis Borges, who had become completely blind by his 50s, echoed this idea when he wrote "[s]iempre imaginé que el Paraíso sería algún tipo de biblioteca" ("I have always imagined that Paradise will be a kind of library"). Our goal here is simple: to improve greatly the library that is available to millions of persons with print disabilities in all our countries, whether their language of cognition is Spanish or English, Tamil or Portuguese or Swahili, Bambara or Bahasa.

Mr. Chairman, we have come a great distance, but we have more work that must be done to reach a successful agreement. For that reason, the United States joins other delegations in supporting a clear mandate for further discussions before the Diplomatic Conference to clarify and settle as many outstanding issues as possible before June, including with respect to Agreed Statements. For us -- as we are sure for many of you -- success on these issues is vital to sustain support at home for our efforts here. We also support Member States making a final review to

² SCCR/16/2.

³ SCCR/18/2.

⁴ SCCR/20/12.

⁵ SCCR/20/11.

ensure that in our assessment we are all in a position for a successful Diplomatic Conference next summer. Having personally participated in both a successful and an unsuccessful WIPO diplomatic conference, I can assure all delegates that the former is much more satisfying.

Our delegation is committed to working with all other Member States in the months leading up to June because we cannot afford – persons with print disabilities throughout the world cannot afford – a failure. In all of this, we are inspired by the good will of our colleagues in this room and we remain optimists, optimists because, as Helen Keller said, “[n]o pessimist ever . . . opened a new doorway for the human spirit.”

Thank you, Mr. Chairman.

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