



AUTHORS
ALLIANCE

authorsalliance.org
510.480.8302

2705 Webster St. #5805
Berkeley, CA 94705

*Thirty-Seventh Session of the World Intellectual Property Organization (WIPO)
Standing Committee on Copyright and Related Rights
Geneva, Switzerland — November 26-30, 2018*

How Educational Limitations and Exceptions Benefit Authors

Educational limitations and exceptions to copyright can help authors reach new audiences, enhance their reputations, and contribute to the advancement of knowledge, without undermining fundamental purposes of copyright policy: incentivizing creation and rewarding creators. Likewise, explicit acknowledgement of limitations and exceptions for educational purposes in international law would encourage the diffusion of knowledge. Authors can benefit from educational limitations and exceptions in many ways:

- **Limitations and exceptions for educational purposes can help authors reach wider audiences.** Limitations and exceptions facilitate engagement with works that users would otherwise forego due to the cost, difficulty, or even impossibility of licensing, allowing authors to reach new readers without interfering with the normal market for their works. This in turn helps authors establish a larger readership.
- **Educational limitations and exceptions also promote significant reputational benefits for authors.** Educational limitations and exceptions help authors build reputational capital because the uses they enable, such as the use of excerpts from a work in a classroom, signal that the author has made significant contributions to their field. These benefits are especially pronounced for academic authors, whose scholarly reputations are enhanced when their works are assigned as classroom reading.
- **Educational limitations and exceptions can also reinforce academic authors' incentives to create.** Limitations and exceptions amplify authors' abilities to contribute to the advancement of knowledge by allowing readers to more readily discover, make use of, and build on their works. These benefits are particularly motivating to academic authors, who often create works in order to share their knowledge, insights, and ideas with a new generation of learners.

- **Equitable considerations also favor expanded academic limitations and exceptions.** Many authors of works that are still in copyright did not have access to the expanded array of dissemination options that exist in today's publishing ecosystem, including more open frameworks. If they had, they might have chosen to make their works more readily available to the public, but instead their works are often under the control of third-party rights holders. As more academic authors are making their scholarship openly accessible, educators increasingly have the option to assign freely available academic works. As a result, authors of earlier works will be disadvantaged if educational limitations and exceptions do not provide a mechanism by which educators can readily assign reasonable portions of their works for educational purposes.
- **Insofar as authors are also learners, researchers, and educators, educational limitations and exceptions benefit them by allowing them to access and use the copyrighted works that they need to build their knowledge, engage in research activities, and instruct their students.** For example, graduate students and professors need to be able to access and assign limited portions of works in order to teach new generations of learners. If educational limitations and exceptions do not permit limited unremunerated uses for limited educational purposes, essential learning, research, and teaching activities would be unreasonably frustrated.