



WIPO Standing Committee on Copyright and Related Rights
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ICA Statement on Translation

Archival institutions do not routinely translate their holdings into another language, although one can find examples when archives have translated their holdings, e.g. the Newton Project at the University of Sussex translated selected religious writings by Sir Isaac Newton from Latin into English, and the Moravian Church Archives in the US has translated 18th and 19th century journals from German into English. These of course do not infringe because the copyright has expired. Nonetheless, despite these examples, archival institutions do not routinely translate their holdings into another language.

However, there are occasions when it is necessary for an archives to translate in copyright records (or a portion thereof) that are in another language to present such documents in an exhibit, to prepare a guide in the official language(s) of the archival institution, or to establish whether there is content that should be restricted in some way. For example, the Moravian Church mission to Nicaragua operated educational institutions and hospitals. The missionaries kept detailed journals documenting their work, written in the Miskito language. Some of these records from the 1930s-1980s are in the Moravian Archives in the US. But no one reads Miskito. The records may contain personal information about students, patients, and participants in the political upheavals of the 1960s and 1970s, but without translation the records remain closed for fear of compromising the privacy of the subjects of the records. While the Church would own the copyright in these particular records, there may be other holdings in which the church is not the rights holder that need translation in order to prepare descriptions of their content or indeed to determine whether the records can be made available at all.

Making their holdings available for research is fundamental to the archival mission. Therefore it is desirable that the instrument resulting from this process include an exception that permits archives to translate works in order to determine the content of the records, both to identify and safeguard sensitive information and to prepare descriptions of their holdings to make them accessible for non-commercial purposes throughout the world.

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