

**Ugwu, Uchenna Felicia, PhD Student, University of Ottawa “*Reconciling the Right to Learn with Copyright Protection in the Digital Age: Limitations of Contemporary Copyright Treaties*”**

Currently, the world is in an information era, where a lot of information is made available on the internet, through digital databases and by means of information and communication technologies (ICT). In a digital age, ensuring access to such technologies plays an essential role in achieving the human right to learn, as is acknowledged in various international regulations. Yet, because access to technology is also subject to exclusive intellectual property rights (IPRs) like copyrights, such rights may hinder access to technological knowledge and the right to learn. However, making content available is insufficient; content must be made available in an accessible, affordable manner that can be utilized for effectively advancing human rights.

In attaining the right to learn, it will be important to identify how to balance IPRs and the human right to learn, in such a manner as to ensure minimum interference with access to knowledge. For example the use of Open Source software to ensure access to digital educational material and the right to learn must be reconciled with the existence of digital right management (DRM). One of the legal instruments important in effecting such balancing is the institution of limitations and exceptions to the exclusive rights of copyright owners, within trade and intellectual property (IP) related regulations.

This paper analyses issues in the following steps: Firstly, a review of previous literature is conducted, to understand the importance of exceptions to copyright in facilitating access to knowledge, and the human right to learn. Secondly, doctrinal examination will be made of the provisions of contemporary international IP treaties, specifically the WTO-TRIPS Agreement, the WIPO Copyright treaty, and the Berne Convention, the WCT and the WPPT; to identify the exceptions they provide for the human right to learn. Thirdly, critical analysis will be made of the scope, limitations, overlaps and effectiveness of these exceptions, to identify how suitable they are for advancing access to digital learning materials, especially amongst the poor and neediest. Suggestions are then made as to how countries can advance the right to learn, by fully utilizing such exceptions, without contravening the limits of IP law. Relevant jurisprudence in which such exceptions have been considered will also be reviewed.