

Standing Committee on Copyright and Related Rights

Thirty-Second Session
Geneva, May 9 to 13, 2016

SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

1. The Thirty-Second Session of the Standing Committee on Copyright and Related Rights (SCCR or Committee) was opened by Mr. Francis Gurry, Director General, who welcomed the participants. Ms. Michele Woods (WIPO) acted as Secretary.

AGENDA ITEM 2: ADOPTION OF THE AGENDA OF THE THIRTY-FIRST SESSION

2. The Committee adopted the draft agenda (document SCCR/32/1 PROV.) with the addition of an ad-hoc, non-precedential agenda item on the *Contribution of the SCCR to the implementation of the Respective Development Agenda Recommendations*. This new item was added as agenda item 8 before *Other matters* (which became agenda item 9) and the *Closing of the Session* (which became agenda item 10).

AGENDA ITEM 3: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATION

3. The Committee approved the accreditation as an SCCR observer of the non-governmental organization referred to in the Annex to document SCCR/32/2, namely the Canadian Museum of History (CMH).

AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE THIRTY-FIRST SESSION

4. The Committee approved the draft report of its thirty-first session (document SCCR/31/6) as proposed. Delegations and observers were invited to send any comments on their statements to the Secretariat at copyright.mail@wipo.int by June 15, 2016.

AGENDA ITEM 5: PROTECTION OF BROADCASTING ORGANIZATIONS

5. The documents related to this agenda item were SCCR/27/2 REV., SCCR/27/6, SCCR/30/5, SCCR/31/3 and SCCR/32/3, as well as informal charts and non-papers prepared by the Chair.

6. The Committee welcomed and considered document SCCR/32/3 prepared by the Chair, entitled *Revised Consolidated Text on Definitions, Object of Protection, and Rights to be Granted*.

7. Some delegations requested further clarification on the document and others suggested amendments to the text.

8. The Committee requested that the Chair consider the textual proposals and clarifications made during the session with respect to definitions and object of protection with a view to integrating them in document SCCR 32/3.

9. The Committee decided to continue discussions on a revised version of document SCCR 32/3 that will be prepared by the Chair for the next meeting of the Committee.

10. This item will be maintained on the agenda of the thirty-third session of the SCCR.

AGENDA ITEM 6: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

11. The documents related to this agenda item were SCCR/26/3, SCCR/26/8, SCCR/29/3, SCCR/30/2 and SCCR/30/3 as well as an informal chart prepared by the Chair.

12. Discussions were based on the chart introduced by the Chair on “exceptions and limitations for libraries and archives”. This chart was designed to serve as a useful tool to provide structure to discuss the substance of each topic, drawing on the many resources before the Committee. This will allow the Committee to have an evidence-based discussion respecting differing views and understanding that the goal is not to guide the discussion toward any particular or undesired outcome, but instead to lead to a better understanding of the topics and of their actual relevance to the discussions and the intended outcome.

13. The Chair highlighted some of the elements that were drawn from the views expressed in comments and submissions of Members of the Committee on the topics of preservation, the right of reproduction and safeguarding copies, legal deposit, and library lending during previous SCCR sessions.

14. Members of the Committee also exchanged views regarding several of the topics listed on the Chair’s chart, namely parallel importations, cross-border uses, and orphan works, retracted and withdrawn works, and works out of commerce. In addition, concerns that could arise when considering limitations and exceptions related to these topics and possible measures to address such concerns were expressed. Suggestions were also made for alternative approaches.

15. This item will be maintained on the agenda of the thirty-third session of the SCCR.

AGENDA ITEM 7: LIMITATIONS AND EXCEPTIONS FOR EDUCATIONAL AND RESEARCH INSTITUTIONS AND FOR PERSONS WITH OTHER DISABILITIES

16. The documents related to this agenda item were SCCR/26/4 PROV., SCCR/27/8, and SCCR 32/4.

17. The Committee heard the presentation by Professor Daniel Seng on the Draft Study on Copyright Limitations and Exceptions for Educational Activities, contained in document SCCR/32/4. The Committee welcomed the presentation and delegations and observers participated in a question-and-answer session with Professor Seng. Professor Seng announced that he intended to complete the study for all WIPO Member States for SCCR/33, and requested assistance from Committee Members to obtain additional information about national laws. The Committee requested the updating of the information contained in the presentation of Professor Seng for the next session of the Committee and many Members agreed to send information on their national laws to be used for the completion of the study. Amendments and clarifications should be sent to the Secretariat (copyright.mail@wipo.int) by June 15, 2016.

18. A scoping study on limitations and exceptions for persons with disabilities other than print disabilities will be presented at SCCR/33. The Secretariat explained the scope of this study, described the process by which a complementary survey on national laws on this subject could be prepared for SCCR/34, and announced that the Secretariat will request information from Member States in order to provide data for such a survey.

19. The Committee held discussions on the topic of limitations and exceptions for educational, teaching and research institutions and their relationship with the fundamental role of education in society, with reference to the existing documents, including the draft study prepared by Professor Seng.

20. Some Members requested the preparation by the Chair of a chart like the limitations and exceptions chart for libraries and archives to be used as a tool to focus discussions on this topic. The Chair agreed to prepare such a chart, using the categories identified in the draft study prepared by Professor Seng and elements contained in previous discussions and documents as a starting point. Reference was made by one delegation to the proposal of using objectives and principles as a way to achieve a common understanding in regard to the topics related to this agenda item. The Chart will allow the Committee to have an evidence-based discussion respecting differing views and understanding that the goal is not to guide the discussion toward any particular or undesired outcome, but instead to lead to a better understanding of the topics related to this agenda item and of their actual relevance to the discussions and the intended outcome.

21. This item will be maintained on the agenda of the thirty-third session of the SCCR.

AGENDA ITEM 8: CONTRIBUTION OF THE SCCR TO THE IMPLEMENTATION OF THE RESPECTIVE DEVELOPMENT AGENDA RECOMMENDATIONS

22. Several delegations made statements regarding this agenda item, which was added to the agenda on an ad hoc, non-precedential basis.

23. The Chair stated that all statements including those submitted to the Secretariat in writing by May 20, 2016 in relation to the contribution of the SCCR to the implementation of the respective Development Agenda recommendations would be recorded in the report of the thirty-second session of the SCCR and would be transmitted to the 2016 WIPO General Assembly in the report of the SCCR to that body in line with the decision taken by the WIPO General Assembly related to the Development Agenda Coordination Mechanism.

AGENDA ITEM 9: OTHER MATTERS

24. The documents related to this agenda item were SCCR/31/4 and SCCR/31/5.

25. The Committee discussed the *Proposal for Analysis of Copyright Related to the Digital Environment*, document SCCR/31/4, submitted by the Group of Latin American and Caribbean Countries (GRULAC). Members of the Committee and observers acknowledged the importance of the subject and offered comments on and reactions to the proposal. A reference was made highlighting the importance and relevance of the recent WIPO conference on a Global Digital Content Market. Many Members welcomed future consideration of the topics raised in the proposal and made various suggestions as to how that could proceed. A proposal was made to add the topic to the SCCR agenda as a standing agenda item.

26. The Committee discussed the *Proposal from Senegal and Congo to include the Resale Right (droit de suite) in the Agenda of Future work by the Standing Committee on Copyright and Related Rights of the World Intellectual Property Organization*, document SCCR/31/5. Members of the Committee and observers acknowledged the importance of the subject and offered comments on and reactions to the proposal. Many Members welcomed future consideration of the proposal and made various suggestions as to how that could proceed. A proposal made to have a presentation at SCCR/33 of an external study prepared by Professor Sam Ricketson was supported by some Members. Some Members suggested the commissioning of an SCCR study on the topic.

27. These topics will be maintained on the agenda of the thirty-third session of the SCCR.

28. The Committee made and discussed various proposals related to the inclusion of the proposed agenda items and the need to consider future topics for the Committee's work, reflecting different views in this regard. Further consultations on the issue of inclusion of the proposed topics and on the possibility of adding new topics will be arranged.

29. Some regional groups and some Members expressed support for the Chair's proposal to hold an extraordinary session of the Committee on protection for broadcasting organizations. Some others were of the view that an extraordinary session on protection for broadcasting organizations should only be held following an agreement on the scope, objectives and object of protection of the proposed treaty and considered it unnecessary or premature.

30. Some regional groups expressed support for the Chair's proposal to hold regional meetings on the subject of limitations and exceptions for libraries and archives. One of these groups expressed a preference for the regional meetings to include the subject of limitations and exceptions for educational and research institutions and persons with other disabilities. Some other groups did not support the Chair's proposal,

SUMMARY OF THE CHAIR

31. The Committee took note of the contents of this Summary by the Chair. The Chair clarified that this summary reflected the Chair's views on the results of the thirty-second session of the SCCR and that, in consequence, it was not subject to approval by the Committee.

AGENDA ITEM 10: CLOSING OF THE SESSION

32. The next session of the Committee will take place from November 14 to 18, 2016.

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