

World Intellectual Property Organization (WIPO)
Standing Committee on Copyright and Related Rights (SCCR)
Twenty-Third Session
Geneva, November 21 to 25, 28, 29 and December 2, 2011

Conclusions

Limitations and Exceptions: Libraries and archives

1. The Committee took note of three new documents, namely “the Case for a Treaty on Exceptions and Limitations for Libraries and Archives: Background Paper by IFLA, ICA, EIFL and INNOVARTE, presented by Brazil (document SCCR/23/3); “Objectives and Principles for Exceptions and Limitations for Libraries and Archives,” presented by the United States of America (document SCCR/23/4); and the “Proposal on Limitations and Exceptions for Libraries And Archives,” presented by Brazil, Ecuador and Uruguay (document SCCR/23/5).

2. Delegations identified 11 common topics for discussion, namely: 1) preservation, 2) right of reproduction and safeguarding copies, 3) legal deposit, 4) library lending, 5) parallel importations, 6) cross-border uses, 7) orphan works, retracted and withdrawn works, and works out of commerce, 8) limitations on liability of libraries and archives, 9) technological measures of protection, 10) contracts, 11) right to translate works.

3. A compilation of the comments made by the delegations on the above topics, as well as the provisions on libraries and archives of the Draft WIPO Treaty on Exceptions and Limitations for the Persons with Disabilities, Educational and Research Institutions, Libraries and Archives, proposal by the African Group (document SCCR/22/12), and of the above documents SCCR/23/4 and SCCR/23/5; was prepared by the Secretariat.

4. This compilation, including any further legal, textual or other comment or correction, on any of the above 11 topics sent by delegations to the WIPO Secretariat by February 29, 2012, will constitute a Committee document titled “Provisional working document containing comments on and textual suggestions towards an appropriate international legal instrument (in whatever form) on exceptions and limitations for libraries and archives,” identified as document SCCR/23/8 Prov. This document will constitute the basis for the future text-based work on the matter to be undertaken by the Committee in its 24th session.

Limitations and Exceptions: visually impaired persons/persons with print disabilities

5. The Committee took note of Chair’s proposal for an international instrument on limitations and exceptions for persons with print disabilities (document SCCR/22/16).

6. On the basis of this proposal and taking into account the various comments made, and text-based options presented, by delegations, a “Working document on an international instrument on limitations and exceptions for visually impaired persons/persons with print disabilities” was adopted by the Committee (document SCCR/23/7). This document will constitute the basis for the future text-based work on the matter to be undertaken by the Committee in its 24th session, with an aim to agree and finalize a proposal on an international instrument on limitations and exceptions for visually impaired persons/persons with print disabilities.

7. The Committee encouraged the stakeholders to continue the work of the Stakeholders' Platform.

Limitations and exceptions

8. The Committee agreed that the item of limitations and exceptions will be maintained on the agenda of the 24th session of the SCCR.

Protection of Broadcasting Organizations

9. The Committee thanked the Secretariat for organizing the Informal Consultations on the Protection of Broadcasting Organizations in Geneva on November 26, 2011 which were attended by Members and observers of the SCCR, and thanked its Chair Ms. Alexandra Grazioli from Switzerland. The discussions contributed to progress the work on a draft treaty to update the protection of broadcasting and cablecasting organizations in the traditional sense. The outcome of the consultations was presented to the SCCR/23 session and the report of the meeting is contained in document SCCR/23/9.

10. The Committee took note of the draft treaty proposal presented by the Delegations of South Africa and Mexico (document SCCR/23/6). Members made comments and asked preliminary questions.

11. The Committee reaffirmed its commitment to continue work, on a signal based approach, consistent with the 2007 General Assembly mandate, towards developing an international treaty to update the protection of broadcasting and cablecasting organizations in the traditional sense.

12. The Committee approved the work plan as set out in the annex of these conclusions.

13. The protection of broadcasting organizations will be maintained on the agenda of the 24th session of the SCCR.

Annex

Protection of Broadcasting Organizations: work plan

1. To maintain the momentum regarding a draft treaty on the protection of broadcasting organizations and cablecasting organizations in the traditional sense, the Committee agreed to continue discussions on a signal based approach consistent with the 2007 General assembly mandate and agreed on the following work plan:

2. Members are invited to send textual, legal and other comments to the proposal of the delegations of South Africa and Mexico (document SCCR/23/6) to the WIPO Secretariat by February 29, 2012. These comments will be made available to the Delegations of South Africa and Mexico for their due consideration. The Delegations of South Africa and Mexico will, based on the comments received, revise the proposal. The Secretariat will make all the comments available on a SCCR Forum (www.wipo.int/copyright), as they are received, for discussion at the next SCCR.

3. In order to expedite discussions and with a view to making a recommendation to the 2012 WIPO General Assembly on the possible scheduling of a Diplomatic Conference, two working days of the SCCR/24 session will be dedicated to the protection of broadcasting

organizations with the objective of reaching agreement on a single text to pursue text-based discussions at the SCCR/24 session.

4. The following WIPO documents will also be used as a basis for discussions:

- Draft Treaty on the Protection of Broadcasting Organizations proposed by the Delegations from South Africa and Mexico on the protection of broadcasting organizations (document SCCR/23/6), taking into account the comments received by the WIPO Secretariat by February 29, 2012;
- Report of the Chair of the Informal Consultations on the protection of broadcasting Organizations held in Geneva On November 26, 2011, (document SCCR/23/9)
- Elements of the Draft Treaty on the Protection of Broadcasting Organizations prepared by the Chair of the Informal Consultations on the Protection of Broadcasting Organizations held In Geneva on April 14 and 15 April 2011 (document SCCR/22/11);
- Comments on the Draft Treaty for the Protection of Broadcasting Organizations: Proposal by the Delegation of Japan (document SCCR/22/7);
- Proposal on the Draft Treaty for the Protection of Broadcasting Organizations: Proposal by the Delegation of Canada (document SCCR/22/6)
- Revised Draft Basic Proposal for the WIPO Treaty on the Protection of Broadcasting Organizations (document SCCR/15/2);
- Protection of the Rights of Broadcasting organizations, submitted by the European Community and its Member States (document SCCR/6/2);
- Article 1*bis*, submitted by the European Community and its Member States (document SCCR/9/12); and
- Any other textual contributions.

Next Session of the SCCR

The 24th session of the SCCR will take place in July 2012, after the Diplomatic Conference on Audiovisual Performances. The dates will be announced by the Secretariat in due course.