

Standing Committee on Copyright and Related Rights

Thirty-Fourth Session
Geneva, May 1 to 5, 2017

REPORT

adopted by the Secretariat

1. The Standing Committee on Copyright and Related Rights (hereinafter referred to as the “Committee”, or the “SCCR”) held its Thirty-Fourth Session in Geneva, from May 1 to 5, 2017.
2. (The following Member States of the World Intellectual Property Organization (WIPO) and/or members of the Bern Union for the Protection of Literary and Artistic Works were represented in the meeting: Algeria, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Côte D’ivoire, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lithuania, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Somalia, South Africa, Spain, Switzerland, Thailand, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of) and Viet Nam (102).
3. The European Union (EU) participated in the meeting in a member capacity.
4. The following Intergovernmental Organizations (IGOs) took part in the meeting in an observer capacity: African Regional Intellectual Property Organization (ARIPO), African Union (AU), League of Arab States (LAS), *Organisation Internationale de la Francophonie* (OIF), Organization of Islamic Cooperation (OIC), South Centre (SC) and World Trade Organization (WTO) (7).
5. The following non-governmental organizations (NGOs) took part in the meeting in an observer capacity: African Library and Information Associations and Institutions (AfLIA), *Agence pour la protection des programmes* (APP), *Alianza de Radiodifusores Iberoamericanos para la Propiedad Intelectual* (ARIPI), American Bar Association (ABA), Archives and Records Association (ARA), *Asociación Argentina de Intérpretes* (AADI), Association for the International Collective Management of Audiovisual Works (AGICOA), Association of European Performers’ Organizations (AEPO-ARTIS), Association of Commercial Television in Europe (ACT), European Law Students’ Association (ELSA), International, International Association of Broadcasting (IAB), International Association of Scientific Technical and Medical Publishers (STM), International Association for the Protection of Intellectual Property (AIPPI), International Society for the Development of Intellectual Property (ADALPI), International Literary and Artistic Association (ALAI), World Association of Newspapers (WAN), Canadian Copyright Institute (CCI), Central and Eastern European Copyright Alliance (CEECA), Copyright Research and Information Center (CRIC), Centre for International Intellectual Property Studies (CEIPI), Centre for Internet and Society (CIS), International Center for Trade and Sustainable Development (ICTSD), Chamber of Commerce and Industry of the Russian Federation (CCIRF), Civil Society Coalition (CSC), Actors, Interpreting Artists Committee (CSAI), Communia, International Confederation of Music Publishers (ICMP), International Confederation of Societies of Authors and Composers (CISAC), British Copyright Council (BCC), European Publishers Council (EPC), International Council on Archives (ICA), *Corporación Latinoamericana de Investigación de la Propiedad Intelectual para el Desarrollo* (Corporación Innovarte), Creative Commons Corporation, Daisy Consortium (DAISY), Digital Video Broadcasting (DVB), Electronic Frontier Foundation (EFF), Electronic Information for Libraries (eIFL.net), European Bureau of Library, Information and Documentation Associations (EBLIDA), European Visual Artists (EVA), *Fédération européenne des sociétés de gestion collective de producteurs pour la copie privée*

audiovisuelle (EUROCOPYA), Ibero-Latin-American Federation of Performers (FILAIIE), International Video Federation (IVF), International Federation of the Phonographic Industry (IFPI), International Federation of Actors (FIA), International Federation of Library Associations and Institutions (IFLA), International Federation of Film Producers Associations (FIAPF), International Federation of Journalists (IFJ), International Federation of Musicians (FIM), International Federation of Reproduction Rights Organizations (IFRRO), German Library Association, Independent Film and Television Alliance (I.F.T.A), International Authors Forum (IAF), International Council of Museums (ICOM), Karisma Foundation, Knowledge Ecology International, Inc. (KEI), *Latín Artis*, Library Copyright Alliance (LCA), Max-Planck Institute for Intellectual Property and Competition Law (MPI), Motion Picture Association (MPA), Canadian Museum of History (CMH), Program on Information Justice and Intellectual Property (PIJIP), North American Broadcasters Association (NABA), Scottish Council on Archives (SCA), Society of American Archivists (SAA), The Japan Commercial Broadcasters Association (JBA), Third World Network (TWN), European Broadcasting Union (EBU), International Publishers Association (IPA), Asia-Pacific Broadcasting Union (ABU), World Blind Union (WBU), Union Network International - Media and Entertainment (UNI-MEI), (72).

AGENDA ITEM 1: OPENING OF THE SESSION

6. The Director General welcomed the delegates to the Thirty-Fourth Session of the SCCR. The Director General stated that that was a particularly important meeting, as it was the last meeting of the Standing Committee before the WIPO General Assembly in October of that year. That was the last opportunity for the Committee to prepare any items that it would wish to see go for a decision at the assemblies. The Director General stated that the previous Committee meeting had led to significant progress in finding common ground in addressing the challenges that lay before the Committee. He indicated that the Committee had an extremely busy agenda that week, with a significant number of items under consideration. The issue of broadcasting, which had been in discussion for over 20 years, had a revised consolidated text that was prepared by the former Chair of the Committee. The objective of that session was to discuss that text and the elements around it, as well as to fine tune the proposal and build a solid basis for a common understanding on the issues that the Committee confronted. The Director General stated that the issue of exceptions and limitations was another long standing item on the agenda, which included different elements: libraries and archives, educational and research institutions and persons with other disabilities. The Committee had an enormous amount of information, which came as a consequence of the significant number of studies and surveys that had been requested in previous sessions. The Director General stated that it was now a matter of collecting the material available, analyzing it, synthesizing it and seeing what the Committee wished to do so as to find solutions to the issues that it considered required addressing. The Director General stated that there were two newer items on the agenda. One of those, the proposal put forward by GRULAC, was to look at the state of play with respect to copyright and the digital environment. That was an extremely important area of exploration that WIPO had been active in for a significant period of time, going back to the 1996 treaties and to the Beijing Treaty. With reference to the conference that was held in the previous year, WIPO was actively involved in promoting discussions on the global digital market. The Director General stated that on the agenda was also an item born from an initiative from the Delegations of the Republic of Congo and Senegal. The work on that item had started the previous Friday, through the very thought provoking and successful international conference on the artist resale right. Before the Committee was a big agenda, and though that was not an easy environment to make progress in any field, whatever it may be, the Director General hoped that the Committee would engage in multilateral discussions on those extremely important areas and would look for results where that was possible to achieve. The Director General expressed his deep gratitude and appreciation to the outgoing Chair of the Committee, Mr. Martin Moscoso of Peru. Mr. Moscoso had served as Chair for two terms, serving with great dedication, commitment and enthusiasm, and had been responsible for leading the advancement of the work throughout the period of his mandate. The Director General also thanked the outgoing

Vice-Chair, Mr. Santiago Cevallos, for his excellent support. The Director General stated that as the first item on the agenda, following the opening of the Standing Committee, it was time to elect the Chair and the two Vice-Chairs. There were informal discussions that had taken place amongst the various regional groups and in those informal discussions, a consensus had been reached with respect to the officers that the delegates wished to see lead the work of the Committee over the next term. The Director General opened the floor for proposals with respect to those offices.

AGENDA ITEM 2: ELECTION OF THE CHAIR AND THE TWO VICE-CHAIRS

7. The Delegation of Indonesia, speaking on behalf of the Asia and Pacific Group, nominated Mr. Daren Tang of the Intellectual Property Office of Singapore for the position of the Chair of the SCCR. The Delegation strongly believed that with Mr. Tang's vast experience and ability to forge consensus, he would make a valuable contribution in advancing the important work facing that Committee. The Delegation looked for support for that nomination.

8. The Delegation of Senegal, speaking on behalf of the African Group, stated that it wished to submit the name Mr. Abdul Aziz Dieng for the post of Vice-Chair.

9. The Delegation of Georgia, speaking on behalf of the Group of Central European and Baltic States (CEBS), nominated Mr. Karol Koscinsky as the Vice-Chair.

10. The Delegation of China stated that it agreed with nominations of Chair and Vice-Chairs as proposed by the Asia and Pacific Group.

11. The Delegation of Turkey, speaking on behalf of Group B, informally expressed its support for the candidates.

12. The Delegation of Colombia, speaking on behalf of Group of Latin American and Caribbean Countries (GRULAC) supported the nominations for Chair and Vice-Chairs of the Committee.

13. The Director General expressed that on the nominations, there was complete unanimity, which he stated was a very good start for the Committee. The Director General declared elected Mr. Daren Tang, the Chief Executive Officer of the Intellectual Property Office of Singapore, as the Chair of the Standing Committee, and Mr. Abdul Aziz Dieng and Mr. Karol Koscinsky as the Vice-Chairs. He invited the newly elected officers preside over the meeting.

14. The Chair stated that he was privileged that the Committee had trusted him and the two Vice-Chairs to lead the work of the SCCR, and that they fully intended to live up to that trust and that responsibility. The three of them came from different backgrounds and countries and though they brought to the table different perspectives and skill sets, what they shared in common was the belief that the work of the SCCR was extremely important. The importance of that work was because of copyright. The Chair said that the work of copyright was unique as it was something that had an impact on the lives of everyone across different sectors. Whenever a video was opened or launched on YouTube, or whenever music was accessed or whenever individuals consumed or created content, copyright was there, and as such its impact on the world was crucial. The work on that Committee, which affected the lives of everyone, was of extreme importance. The SCCR had been in existence since 1998 and was quickly coming up on its twentieth anniversary in just a few years' time. The work had been challenging as some of the items on the agenda had been around for a long time. The Chair stated that those challenges remained considerable, but that him and the Vice-Chairs, together with the Secretariat, and together with the Committee's support, cooperation and in the spirit of openness, transparency, fairness, would be able to give that meeting and all of its' different agenda items, the best possible push. The Chair expressed that as someone coming from

Singapore, which stood as a bridge between East and West, North and South, developed and developing, he had the perspectives and the experiences to help move forward the work of that Committee. Having started out his life as a jazz musician before coming to the decision that that didn't pay the bills enough, and then going to law school, the Chair expressed that he would like to think of the work of that Committee a bit like a jazz band. The members of the Committee all had different times when they would do their little thing, their own little improvisation, which he stated, like jazz, made it even more beautiful, energetic and dynamic. The Chair expressed that Mr. Abdul Aziz Dieng, was too a musician, and that Mr. Karol Koscinsky though not a musician had a wife who was an artist, and as such, all three shared some common connection. The Chair hoped the officers would bring all of that in a beautiful and meaningful tapestry that would take the work of the Committee forward in the years to come. The Chair looked forward to working with everyone in that room and with stakeholders. Even though the discussions were already very complex, the officers would ensure that the work of the Committee moved forward. The Chair acknowledged Mr. Martin Moscoso who was his friend and who the Chair stated, together with his team, did an amazing job. The Committee applauded Mr. Martin Moscoso. The Chair opened the floor to the two Vice-Chairs.

15. The Vice-Chair, Mr. Karol Koscinsky thanked the delegations for their trust and support, and especially thanked his original group, CEBS. The Vice-Chair stated that the officers were ready to facilitate and be of help to the Committee. He expressed that he came from a country that was both a member of the European Union but was too a country in transition. His country had a different experience, had different needs and understood that copyright could be perceived from different perspectives and that it needed balance. The Vice-Chair expressed his thanks to the Committee for the opportunity to work in such an international environment, which although filled with different opinions, its members were part of the tribe called human beings.

16. The Vice-Chair Mr. Abdul Aziz Dieng thanked all Member States for their confidence and particularly thanked the African Group, who put his candidacy forward. The Vice-Chair assured the Committee that he was involved in legislative issues around the resale right and was also involved at a sub-regional level on those issues and others. That was an important topic because information society, creativity and knowledge, were strategic materials that could only be protected through intellectual property means. The Committee was working on some of the most important issues in the world today, and he was very optimistic. The Vice-Chair expressed that he was optimistic because he saw the expertise of the Secretariat. The Vice-Chair stated that as he was a musician and the Chair was a musician, and since everybody loved music, and swing, he hoped that that meeting would be swinging.

AGENDA ITEM 3: ADOPTION OF THE AGENDA OF THE THIRTY-THIRD SESSION

17. The Chair opened Agenda Item 3, adoption of the Agenda of the Thirty-Third Session of the SCCR as included in document SCCR/34/1 Prov. The Chair opened the floor for comments.

18. The Delegation of Colombia, speaking on behalf of GRULAC, stated that under other matters, GRULAC felt it would be important to a briefing or an update from the Secretariat on the implementation of the Marrakesh Treaty. The Delegation did not want to add a point to the agenda item but wanted to see the issue dealt with under other matters.

19. The Delegation of Turkey thanked GRULAC for its proposal and requested more information regarding what structure and in what framework it would like to have on that update.

20. The Delegation of Colombia, speaking on behalf of GRULAC, stated that it would simply like to receive on the following Friday, a brief presentation from the Secretariat on the process of implementation of the Marrakesh Treaty.

21. The Delegation of Senegal thanked the Delegation of Colombia, speaking on behalf of GRULAC, for putting forward that proposal. The Delegation requested that the Secretariat clarify the framework for discussion around that.

22. Upon consultation with the Secretariat, the Chair stated that the brief overview would be about 15 to 20 minutes long. With no objections or more comments, the Committee adopted the agenda.

AGENDA ITEM 4: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS

23. The Chair opened Agenda Item 4, accreditation of new non-governmental organizations (NGOs). The SCCR had received new requests for accreditation, which were contained in document SCCR/34/2, and were requests made by the Canadian Artists' Representation, and the Federazione Unitaria Italiana Scrittori (FUIS). With no objections or comments from the floor, the Committee approved the accreditations of the new NGOs.

AGENDA ITEM 5: ADOPTION OF THE REPORT OF THE THIRTY-THIRD SESSION OF THE SCCR

24. The Chair moved to Agenda Item 5, the adoption of the report of the Thirty-Third Session of the SCCR. As there were no comments, the Chair invited the delegations to send written comments or corrections to the Secretariat, and invited the Committee to adopt document SCCR/33/7 Prov. The Committee adopted the document.

OPENING STATEMENTS

25. The Chair invited Regional Coordinators to deliver their opening statements.

26. The Delegation of Colombia, speaking on behalf of GRULAC, congratulated the new Chair and Vice-Chairs and thanked the Secretariat for the preparation and organization of that session. The Delegation recognized that the agenda required the Committee to work together so as to present, at the end of that week, recommendations to the next General Assembly. The Delegation expressed its gratitude to the Secretariat for its preparations that enabled the conference on resale rights. Recognizing the diversity of interests and priorities, GRULAC wished to a balanced agenda and discussions on the protection of broadcasting organizations, limitations and exceptions for libraries and archives and limitations and exceptions for persons with other disabilities. The Delegation expressed that it had been a promoter of proposals on the topic of exceptions and limitations, and a historic achievement of that Committee was embedded in the adoption of Marrakesh Treaty, which had also entered into force internationally, and which GRULAC attentively followed its implementation work. GRULAC recognized the challenges and problems that affected libraries and archives and recognized the need for an open discussion on limitations and exceptions for libraries and archives that would enable the formulation of possible solutions. GRULAC continued to be very interested in the proposal put forward by Uruguay, document SCCR/29/4, and also in document SCCR/33/4 by Argentina. With regard to the topic of limitations and exceptions for educational and research institutions and for persons with other disabilities, GRULAC reiterated its recognition of the work and the progress made by Professor Daniel Seng and looked forward to hearing an update on that and to information contained in document SCCR/33/6. The Delegation wished to hear about the progress on the recommendation made by GRULAC on having a study to analyze the effects of limitations and exceptions already established, for the cross border use of works and reproductions within the framework of the needs related to education and research. The Delegation had great expectations with regard to the presentation of the study on limitations and exceptions for persons with disabilities other than the disability that impedes access to text whose preliminary study was presented in the previous session. GRULAC reiterated its

signal-based approach position on the broadcasting organization discussion. It hoped to continue discussions on the basis of document SCCR/34/3. The Committee needed to take into account the other documents related to that agenda item, including the debate and examination of the proposal put forward at the previous session by the Delegations of Argentina, Colombia and Mexico contained in SCCR/33/5. The Delegation expressed its desire to continue discussions on the GRULAC proposal analysis of copyright in the digital environment with the cross cutting importance of that being recognized by Member States. The Delegation stated that it was undoubtable that there were challenges of user protected works and the digital environment and reiterated the importance of having a study on the progress made on that, in national copyright legislation in the previous few years. The Delegation hoped to hear the outcome of that in November of that year. The Delegation reiterated its willingness to work in a constructive way on all the topics of meeting.

27. The Delegation of Indonesia, speaking on behalf of the Asia and Pacific Group, congratulated the Chair and the Vice-Chairs and thanked the Secretariat for the organization of that meeting. The Delegation stated that the SCCR was an important Committee of WIPO dealing with issues of critical importance to Member States, namely broadcasting organizations, limitations and exceptions for libraries and archives and limitations and exceptions for research institutions and persons with disabilities, which were all issues that were of great importance to the Group. Looking back to discussions since the issues since the twenty-seventh session of the SCCR, it would not be wrong to say that the SCCR was facing difficulties, in as far as coming to an agreement, on how to proceed with some of those agenda items. The Delegation believed that in order to further the Committee's work, it had to refer to the work plan on those three issues, as discussed in the 2012 General Assembly guidance to the SCCR. The Delegation was aware of the emerging issues, namely the subject of artist resale rights and copyright in the digital environment, which it believed were of equal importance within that Committee. The Delegation congratulated the Secretariat for the successful convening of the international conference on artist resale rights. It provided a very useful platform to inform Member States on the importance of implementing resale rights for artists. The Delegation supported the agenda and program plan for that session of the SCCR and believed that the program of work reflected a better balance in the discussion for all outstanding issues that should receive equal level of commitment by the Committee. In the spirit of multilateralism, the Asia and Pacific Group reaffirmed its commitment to constructively negotiating a mutually acceptable outcome on all outstanding issues. The Delegation stated that how intellectual property worked, with respect to broadcasting, was an issue that required careful balancing. Members of the Group wanted to see the finalization of a balanced treaty on the protection of broadcasting organizations based on the mandate of the 2007 General Assembly, to provide protection on the signal-based approach for cablecasting and broadcasting organizations in the traditional sense. Limitations and exceptions were of critical importance to the Group, as the copyright system should be balanced, and should take into account commercial interests in copyrights and right holders, and should too take into account other competing interests in copyright, including the public interest in scientific cultural, social progress and promoting competition. As copyright dealt with aspects that affected the lives of everyone, exceptions and limitations had an important role to play in the attainment of the right to education and access to knowledge. The acquisition of that right was, in many developing countries, hampered due to the lack of access of educational and research material. The Delegation took note of all 11 subjects encompassing exceptions and limitations for libraries and archives. Most Member States of the Asia and Pacific Group believed it was time for the Committee to start discussing, without prejudging, the outcome of future work program on setting a normative agenda for exceptions and limitations for library and archives. The Delegation hoped that all Member States would engage constructively in the session, on the issues of exceptions and limitations based on previous discussions and new inputs, so that the Committee would continue to make progress on those issues. The Asia and the Pacific Group took note of the proposal submitted by GRULAC to discuss the current digital environment and copyright interface. The Delegation looked forward to learning more on the scoping study on the digital development on the national

legal framework in the last ten years. Members of my Group will make interventions in their individual capacities. Mr. Chair, this is the same committee which has given us Beijing and Marrakesh Treaty. I'm optimistic that with the spirit of constructivism and progress, we can pave the path towards meaningful outcomes in all important issues facing this committee. We look in order to productive results and tangible progress in this session. I thank you once again, Mr. Chair.

28. The Delegation of Senegal, speaking on behalf of the African Group, congratulated the Chair and the Vice-Chairs for their election, and offered its support and collaboration. The Delegation rendered homage to the outgoing Chair and Vice-Chair and expressed its gratitude to the Secretariat in the organization of the sessions. The Delegation welcomed the international conference on the resale right which it stated enabled the Committee to deal with issues such as the management of resale right, the art market and the importance of the implementation of that right. The Delegation hoped that the discussions that week would lead to strong outcomes. With regard to the broadcasting organization draft treaty against piracy, the Group expressed its gratitude for the Chair's document SCCR/34/3. [Recalling the General Assembly mandate, the Delegation felt it necessary to work in conformity with that mandate] and felt it appropriate to call for a diplomatic conference in 2018. The Committee needed to focus on essential issues, including the proposal note contained in document SCCR/33/5 presented by the Delegations of Argentina, Colombia and Mexico. The Delegation believed that the work on exceptions and limitations for libraries and archives, education and research, and other disabilities needed to be accelerated. The exceptions regime contributed effectively to a balance between private rights and the general interest, promoting access to a larger know-how. The Delegation continued to consider new subjects under Agenda Item 9, other matters related to the proposal presented by the Delegations of Senegal and the Republic of Congo on the resale right and GRULAC on copyright and traditional knowledge. The Delegation felt that opened work for the SCCR in the future.

29. The Delegation of Turkey, speaking on behalf of Group B, congratulated the Chair and Vice-Chairs and thanked the Secretariat for the preparation of that session. The Delegation made note of the resale rights conference and stated that it looked forward to the discussions on both the conference and on the issue of resale rights more generally. The Delegation stated that it continued to attach great importance to the negotiation of a treaty for the protection of broadcasting organizations. The Committee had the responsibility to take into account the voices of the real world and to respond to the technological developments developing in the various fields. The value of broadcasting and the appropriate implementation of such value was an important consideration for WIPO. In that regard, Member States had to work towards a solution that would fit in the current environment without letting solutions become outdated before they had an effect. The Delegation stressed the importance of remaining faithful to the 2007 WIPO General Assembly Mandate, which conditioned the convening of a diplomatic conference on the SCCR reaching agreement on the specific scope and objective protection of the treaty. The Delegation stated that it was only Member States that could ultimately agree upon practical and meaningful solutions and that could maintain the relevancy of that Committee and WIPO. The Delegation noted, with appreciation, the efforts of the former Chair who had introduced document SCCR/34/3, Revised Consolidated Text on Definitions, Object of Protection, Rights to be Granted, and Other Issues. That version was a good basis for further discussion on core issues such as definitions, objective protection, rights as well as other new issues. The Delegation believed that in all areas there was more work to be done and further technical clarifications required in order to maximize the chances that that treaty would find success. The Delegation stated that it would towards fulfilling the mandate. On the issue of limitations and exceptions, the Delegation expected that the Committee could find the consensual basis for its work, moving forward. The Delegation appreciated that the aim of the Committee's was to reach a better understanding of the topics with regard to the working methods. The Delegation stated that it was ready to continue discussions from the previous meetings, to explore common grounds upon which the Committee could stand. The Delegation

underlined that the Committee should give serious consideration to the objectives and the principles as proposed in documents SCCR/26/8, and SCCR/27/8. These documents promoted common ground where there existed no consensus on the normative work.

30. The Delegation of Georgia, speaking on behalf of the Group of Central European and Baltic States Group (CEBS) congratulated the Chair on his election. The Delegation expressed its thanks to Group B and GRULAC for supporting the CEBS Group candidate, Mr. Karol Koschinski. The Delegation thanked the Secretariat for the organization of the meeting and remarked on the excellent and timely organization of the international conference on artist resale rights. The Delegation thanked all the presenters for their invaluable input and for sharing their unique experiences, which it stated would be an important ground to work for the proposal coming from the Delegations of Senegal and the Republic of Congo. The CEBS Group thanked the Chair for preparing the document SCCR/34/3, Revised Consolidated Text on Definitions, Object of Protection, Rights to be Granted and Other Issues and stressed that it was committed to working towards the convening of a diplomatic conference. The Delegation wished to work on a treaty that would take into account the different types of broadcasting made possible by the rapidly evolving technologies, which had to integrate necessary elements in order to assure effective protection of broadcasting organizations. The Delegation looked forward to the progress of developing a legal instrument and stated that it favored the approach which equally protected any transmissions of broadcasting organizations over any other medium. The Group recognized the importance of the limitations and exceptions for libraries and archives, as well as for educational and research institutions, and persons with other disabilities and looked forward to sharing practices of different national approaches. The Delegation stated that it was ready to engage in discussions on the proposal put forward by the Delegations of Senegal and the Republic of Congo on the resale right.

31. The Delegation of China congratulated the Chair and Vice-Chairs on their election and expressed its heartfelt thanks to the Secretariat for the large amount of constructive and effective work and effort. The Delegation stated that it agreed with the agenda item of the session and stated that it would maintain a positive and flexible attitude towards any constructive proposals. The Delegation expressed that it had already provided its preliminary views and proposals on some technical issues, during previous meetings. The Delegation noted the successful international meeting on resale rights and too noted that the Marrakesh Treaty that had entered into force would also be an agenda item of the SCCR. The Delegation stated that over recent years, China had carried out many cooperation projects with WIPO so that it would push forward the entering into force of the Beijing Treaty. The Delegation noted that some Member States of WIPO had made positive progress in that regard. The Delegation expressed its trust that one of the important outcomes of the SCCR, the Beijing Treaty, would enter into force at the earliest stage so as to protect relevant performance.

32. The Delegation of Tajikistan, speaking behalf of the Central Group, congratulated and wished its best to the Chair. The Delegation thanked the Secretariat for its tireless work in the preparation of the meeting. The Delegation stated that the SCCR, being one of the important WIPO Committees, had proven itself as a significant negotiating platform in the field of copyright, and had produced treaties which went to serve and benefit all countries. However, although there was that progress made, there were also some outstanding issues which had been under discussion for quite some time. The Delegation addressed the importance of the agenda item on the protection of broadcasting organizations, limitations and exceptions for libraries and archives, limitations and exceptions for educational and research institutions, and for persons with other disabilities. The Delegation was of the view that time had arrived to bring those issues to a new phase and accelerate the negotiations. With regard to broadcasting, the Delegation took into account the technological advancements, challenges in the changing environment and as such noted that there was an urgent need to conclude a global treaty aimed at protecting broadcasting organizations from piracy. The Delegation looked forward to fruitful discussions on that matter, the result of which could lead the Committee to a diplomatic

conference. On limitations and exceptions, the Delegation acknowledged the important effects of knowledge and information for the benefit of all stakeholders, private and public. The Delegation hoped that that Committee would come up with innovative solutions, which highlighted the principle of inclusiveness and pragmatism for a better IP system, taking into being the needs and the priorities of both. The Delegation stated that it was ready to take the necessary measures to address all areas of negotiation in the remaining unresolved issues. The Delegation stated that members of its group would make interventions in their national capacities.

33. The Delegation of the European Union and its Member States thanked the Secretariat for the active role it had taken in the organization of the thirty-fourth session of the SCCR and congratulated the Chair and Vice-Chairs. The Delegation thanked the outgoing Chair, Mr. Moscoso, for his important contribution to the work of the Committee. The Delegation stated that it had been actively involved in the discussions on the protection of broadcasting organizations and that it was ready to continue to work constructively to advance that complex and technical matter. The Delegation stated that the treaty the Committee was working on should respond to both the current and future needs and interests of broadcasting organizations, as well as reflect the technological realities and developments of the twenty-first century. In that context, the Delegation welcomed document SCCR/34/3, the Revised Consolidated Text on Definitions, Object of Protection, Rights to be Granted and Other Issues and looked forward to in-depth discussions on that text. What was needed was a broad consensus as to the extent of the protection to be granted so that the treaty could provide broadcasting organizations with adequate and effective protection both in the current and the future technological environments. Considerable efforts had been made in order to build consensus on the main elements of the treaty, and that consensus should allow the Committee to agree on a meaningful text that reflected the technological developments that had occurred in the twenty-first century. Taking that into account, the Delegation reiterated its commitment to progressing towards the conclusion of a meaningful treaty and to that effect, worked towards convening a diplomatic conference in line with the 2007 General Assembly Mandate. The European Union and its Member States stated that it would continue to contribute constructively on the exceptions and limitations. It was its view that those discussions would be most useful if they were aimed at a more thorough understanding of the issues at stake, while also looking at possible solutions and flexibilities under the existing framework of the international treaties. The Delegation believed that the existing copyright framework allowed WIPO Member States to introduce, maintain and update the exceptions and limitations in the national legislation and meaningfully respond to the local needs and traditions, ensuring that copyright was an incentive and a reward to creativity. In that regard, the Delegation believed that useful work could be done in that Committee to provide guidance regarding the manner in which the international treaties were implemented in national laws. The Delegation did not see the need for any new and additional legally binding instruments in that area. The Delegation hoped that the Committee could come to a shared understanding on what would constitute a concrete outcome on those agenda items that could be supported by all delegations. The Delegation believed that the exchange of best practices in an inclusive way, for the benefit of all WIPO Member States, could serve as a useful tool in that respect. On the agenda item, other matters, the Delegation thanked the Delegations of Senegal and the Republic of Congo for including the resale right, droit de suite, in the agenda and for their initiative to hold a conference on the topic prior to that session. The Delegation gave its support for discussions on that topic at the international level. The Delegation stated that it was in favor of the inclusion of a new item on the permanent agenda of the SCCR, namely on the resale right, droit de suite.

34. The Chair thanked the Delegation of the European Union and its Member States and thanked all the group coordinators who gave their opening statements and their expressions of support.

AGENDA ITEM 6: PROTECTION OF BROADCASTING ORGANIZATIONS

35. The Chair opened Agenda Item 6 on the protection of broadcasting organizations. The Chair noted the support expressed by the delegation to continue the discussions based on a revised document which was prepared by the outgoing Chair, with the view to achieving the consensus required for convening a diplomatic conference on the protection of broadcasting organizations. The Chair stated that document SCCR/34/3, Revised Consolidated Text on Definitions, Object of Protection, Rights to Be Granted and Other Issues, was before the Committee for its consideration. The Chair noted that there was also document SCCR/33/5, Note on the Draft Treaty to Protect Broadcasting Organizations, submitted by the Delegations of Argentina, Colombia, and Mexico for the Committee's consideration.

36. The Delegation of Argentina congratulated the Chair and Vice-Chairs on their election. The Delegation expressed its thanks to the Secretariat for organizing that session meeting as well as the resale right conference. The Delegation supported the statement made by GRULAC. The Delegation stated that on behalf of the countries that had cosponsored document SCCR/33/5, the Delegations of Argentina, Colombia and Mexico, it would like to state once again the importance and the priority the delegations attached to the updating of the protection of broadcasting organizations. The Delegation was grateful for the preparation of document SCCR/34/3, Revised Consolidated Text on Definitions, Object of Protection, Rights to be Granted and Other Issues and believed that that document properly reflected the progress made in the discussions on broadcasting as well as highlighted the main issues that still had to be resolved. Consequently, it was a good basis for continuing discussions and reaching common understandings on the outstanding issues. Regarding the provisions on which consensus had not yet been reached, the Delegation stated that in resolving those issues, it was necessary to bear in mind technological changes that had taken place in recent years, and that affected the way in which broadcasting organizations carried out their activities. Effective protection to broadcasting organizations would only happen if the treaty came as a result of discussions held in that Committee. The protection of broadcasting organizations was different from other matters being discussed in that Committee, because of the rate of maturity that it had achieved. The Delegation hoped that the Committee could make progress so that a diplomatic conference could be convened 2018, as it was mentioned in SCCR/34/5.

37. The Delegation of Chile congratulated the Chair and Vice-Chairs and thanked the Secretariat for preparing the documents. The Delegation stated that it would participate in that session of the SCCR in a constructive spirit and would follow with great interest all the discussions on the agenda items. The Delegation expressed its gratitude for document SCCR/34/3 and stated that it was studying it, in light of discussion in that Committee and other proposals that it had brought forward.

38. The Delegation of Nigeria congratulated the Chair and Vice-Chairs and extended its deep appreciation to the outgoing Chair, Mr. Martin Moscoso and his Vice-Chair, Mr. Santiago Cevallos. The Delegation thanked the Secretariat for its preparation for that meeting. The Delegation stated that there was no doubt that technologies and marketplaces had significantly evolved since the adoption of the Rome Convention in 1961, thereby necessitating the need to update the protection of broadcasting organizations at the international level. The protection of broadcasting organizations in the traditional sense, which was mandated by the 2007 WIPO General Assembly, had been on the front line of the SCCR for an uncomfortably long period of time without concrete results. It hoped that that session of the SCCR would change the course of that trajectory and expressed its preference for a signal-based broadcasting treaty. Member States had to share greater commitment and political will to engage more positively on that agenda item. The Delegation stated that it was studying document SCCR/34/3, prepared for consideration by the Committee. The Delegation believed that that document substantially captured the textual proposals, clarifications and evolution of discussions on broadcasting organizations over the recent SCCR sessions and that it made useful recommendations. The Delegation believed that such documents would add impetus to the deliberations of the

Committee and would facilitate attainment of the needed consensus to advance towards making a recommendation for the convening of a diplomatic conference on the protection of broadcasting organizations in 2018.

39. The Delegation of the European Union and its Member States stated that a treaty on broadcasting organizations was a high priority for the European Union and its Member States. The Delegation was strongly committed to advancing the work of the previous sessions. It hoped that further progress could be made on the basis of the Revised Consolidated Text on Definitions, Object of Protection, Rights to be Granted and Other Issues that has been prepared for that session. The Delegation stated that it had a number of technical and substantive comments on the text and that it was ready for in-depth discussions on that text. The Delegation considered whether the Committee's work should result in a meaningful treaty that reflected the technological developments that had occurred in the twenty-first century. The Delegation believed that the transmissions of traditional broadcasting organizations over computer networks such as simultaneous transmissions or catch up transmissions were not internationally protected from acts of piracy. The Delegation attached great importance to the adequate catalog of rights which would allow the necessary protection for the broadcasting organizations against acts of piracy, whether they occurred simultaneously with the protected transmissions or after those transmissions had taken place. The Delegation looked forward to discussing in more detail the other issues that had not yet been discussed in depth by the Committee. More generally, what was needed was a broad consensus as to the extent of the protection to be granted so that a future treaty could provide broadcasting organizations evolving in a complex world with adequate protection. The Delegation hoped that considerable efforts which had been made during previous sessions and the work still to be undertaken during that and future sessions could allow the Committee to find a solution on the main elements of the treaty and bring it to a successful outcome. The Delegation stated that it would continue to work towards the convening of a diplomatic conference in line with the mandate of the 2007 WIPO General Assembly.

40. The Delegation of Brazil congratulated the Chair and the Vice-Chairs. The Delegation stated that it would discuss broadcasting in good faith and with an open mind. The Delegation stated that a signal-based approach was the best way for a new treaty to achieve a balance between broadcasters, stakeholders and third parties, including other right holders under the copyright system. A way to reach that goal was to carefully discuss the definitions contained in document SCCR/34/3 in a way that reduced ambiguities and ensured legal certainty. The Delegation stated that it committed to working towards a balanced text that reflected the legitimate interests and priorities of all stakeholders.

41. The Delegation of Georgia, speaking on behalf of CEBS, reiterated the great importance that the Group paid to the conclusion of a treaty that would go to protect broadcasting organizations, and noted its eagerness to advance the work of the Committee in achieving progress on the Revised Consolidated Text on the Definitions, Object of Protection, Rights to be Granted and Other Issues prepared by the Secretariat. The Delegation stated that it was looking forward to building its discussions on the latest revision of the text, which illustrated the progress achieved during the last session, and advanced work in developing an effective and legal instrument that would protect the broadcasting organizations in the traditional sense, but would take into account an ever rapidly evolving digital environment. The Delegation reiterated its commitment to work towards convening a diplomatic conference on adopting the treaty, which would produce a meaningful outcome.

42. The Delegation of Iran congratulated the Chair on his election and thanked the Secretariat for its hard work in the preparation for the meeting. It aligned itself with the remarks made by the Asia and Pacific Group. The Delegation stated that while it understood the productive work carried out in preparation of the Revised Consolidated Text on Definitions, Object of Protections, Rights to be Granted and Other Issues, it believed that that text could be a good

basis for further elaborations. The Delegation stated that in that Committee, society's free access to knowledge shall not be compromised at the expense of certain right holders. Traditional broadcasting remained a central mechanism for access to information, knowledge, and culture in many countries. It was its view that the Committee should avoid guaranteeing strange or extra rights which would cause extra costs for the public and affect access to broadcasting content. The Delegation stated that the Committee played an important role in developing a legal framework for the protection of broadcasting organization against signal piracy. In that regard, the Delegation recalled the mandate given to that Committee, which was to negotiate and conclude a WIPO treaty on the protection of broadcasting organizations including cablecasting organizations. Based on that mandate, it was crystal clear that a scope of the treaty would be confined to the protection of broadcasting and cablecasting organizations in the traditional sense. Taking into being the mandate of that Committee, the definition of broadcasting should be limited to the traditional definition and type of the transmission exploited by the traditional broadcasters. The Delegation stated that while it knew the evolving digital environment and technological development, it would like to underline that the scope of the treaty, as one of the main elements to be discussed, would, indeed, affect the entire provisions of the treaty. It was as such essential to reach agreement on the definition of broadcasting and cablecasting organizations in the traditional sense.

43. The Delegation of the United States of America congratulated the Chair and the Vice-Chairs their election and thanked the former chair, Mr. Martin Moscoso for his dedication in moving forward the work the Committee. The Delegation stated that it was prepared to continue to engage constructively at a technical level on the issues in the revised Chair's draft text. The Delegation considered it important to represent the interests of all of its stakeholders and to contribute actively to all normative discussions. The revised consolidated text was a reasonable basis for further discussion, on the issues that the Committee had been addressing in the last few sessions, those were definitions, objective protection and rights, as well as the new other issues. The Delegation noted that while the Committee had reached a better understanding of each other's positions, and the text had become clearer, there were still significant disagreements among Member States on some of the most fundamental issues, notably, the object of protection and the rights to be granted. The Delegation supported the statement made by Group B which stressed the mandate of the 2007 WIPO General Assembly, where it was requested that the SCCR reach agreement on the objectives, specific scope and objective protection before making any recommendation to proceed to a diplomatic conference. The Delegation stated that it was eager to hear from delegations that had not been actively involved in the discussion of the draft treaty lately, as broad participation was necessary to be able to realistically evaluate the status of the Committee's work. The Delegation believed that a mature text, with a clear path forward, was of utmost importance before deciding to convene a diplomatic conference.

44. The Delegation of Turkey, speaking on behalf of Group B, reiterated the importance of a legal framework for the effective protection of broadcasting organizations to address the technological issues and the reality that broadcasting organizations faced in the modern world. The Delegation stressed the importance of remaining faithful to the mandate of 2007 WIPO General Assembly, which conditioned the convening of diplomatic conference on the SCCR to reaching agreement on the objectives specific scope and object of protection of the treaty. Group B believed that there were other elements that required further discussions, if the Committee was to progress to a stage where it could convene a diplomatic conference. The Delegation believed that Member States had differing understandings of the underpinning principles that the Chair's text was based upon. Therefore, the Committee had to discuss those elements so that a consensus could be found on which the Chair's text is based. The Delegation remained committed to the discussions and to furthering its technical understanding. The Delegation stated that the critical element in the text was the technical understanding and the knowledge of the issue facing broadcasting organizations in today's world, and how it could be the basis of a treaty text. Therefore, due consideration had to be paid to that text.

45. The Delegation of The Republic of Moldova congratulated the Chair and the Vice-Chairs. The Delegation stated that it supported the statement made by CEBS on the importance of a treaty on the protection of broadcasting organizations. The Delegation appreciated the visible progress realized during the previous session and on the consolidation of the revised text. The Delegation encouraged all the Member States and stakeholders to actually get involved in the negotiation of a treaty adoption on broadcasting.

46. The Delegation of the Russian Federation congratulated the Chair and Vice-Chairs. The Delegation thanked the outgoing Chair for the revised consolidated text. The Delegation expressed its desire to examine that text and to focus the Committee's attention on the agreed upon text. The Committee had made significant progress in recent times and it seemed that it was ready to submit that treaty to a diplomatic conference. The Delegation stated that it did not understand the problem with the object of protection and that it had seen obstacles impeding agreement to a treaty at the diplomatic conference. The Delegation asked if the Committee would be able to make new progress that would lead to new forms of communication or if the Committee was going to approach it from the point of view of traditional broadcasting. That was what distinguished that session from the previous ones. Was the Committee going to take into account Internet broadcasting or not? Was it going to concentrate on traditional broadcasting and therefore prepare that document in that way or not? The Delegation stated that the Committee had to find a compromise. It was extremely important to find that compromise in that Committee, otherwise, the discussions would continue for another 20 years. The Delegation expressed that the Committee should also discuss whether it would be traditional broadcasting or whether it would take into account new forms of broadcasting. The Committee had to decide what was more important to achieve, a new agreement and a new treaty, or to continue the discussion. The Delegation was in support of preparing an agreement, a new treaty, and it proposed that the Committee do its best in focusing its efforts and work on the text that had been prepared.

47. The Delegation of Japan congratulated the Chair and thanked the Secretariat for all the peremptory works for that Committee. The Delegation stated that under current copyright, phonogram producers and the dissemination of copyrighted works, among them the performers and the phonogram, enjoy protection, but that the international protection for broadcasting organizations had been left behind for a long time. The Delegation believed that the Committee should use its efforts to conclude a text to convene a diplomatic conference on a new treaty as early as possible.

48. The Delegation of the Republic of Korea extended its congratulations to the Chair and Vice-Chairs. The Delegation thanked the Secretariat for its hard work in the preparation of that meeting. The Delegation stated that on whether to protect different transmissions of broadcasting organizations, it was of the view that the catchup service should not be included in the object of protection, nor rights to be granted. The Delegation nevertheless emphasized that the Committee stay open and flexible to a possible solution option that would be able to breach the gap between those in support of the aforementioned position and those that were not. The Delegation was looking forward to engaging in a dialogue with other Member States and to creating concrete outcomes that would lead to the planning of a diplomatic conference in the nearest future.

49. The Delegation of Cote d'Ivoire congratulated the Chair and the Vice-Chairs and thanked the Secretariat for its excellent work in the preparation of the working documents. The Delegation supported the statement made by the African Group. The Delegation attached great importance to all the items on the agenda of that session and hoped that the discussions would lead to a consensus text, and that a diplomatic conference would be very soon convened. The Delegation stated that its country was in the process of changing anything to do with the audio

visual area and would take everything that was said in the Committee into account during that work.

50. The Delegation of Malawi congratulated the Chair and the Vice-Chairs. The Delegation thanked the outgoing Chair, Mr. Martin Moscoso, for the amazing work he did in guiding the SCCR and the Secretariat for the smooth organization of the SCCR. The Delegation congratulated the Delegations of Senegal and the Republic of Congo for the wonderful and successful international conference on resale rights. The Delegation welcomed the statement made by the Delegation of Senegal on behalf of the African Group. The Delegation wished to further discuss those substantive issues such as achieving agreements on object and scope of protection of broadcasting organizations. The text that had been prepared by the Chair formed a good basis for a healthy debate on those outstanding issues, with a view to making progress on the outstanding issues and possibly convene a diplomatic conference in 2018.

51. The Chair thanked all the delegations for their statements and requested the Secretariat to provide a brief explanation of document SCCR/34/3.

52. The Secretariat stated since developments had taken place since the thirty-third session of the SCCR, the Committee had requested that a revised version of the consolidated text on definitions, objective protections and rights to be granted be prepared. That was the new text that was before the Committee, document SCCR/34/3. That document was prepared with a new presentation, including additional explanations to facilitate the decision making process by the Committee. The document contained four parts on objective protection: definitions, objective protection, rights to be granted and a new category which was other issues. The first three issues, which were the definitions, the object of protection and the rights to be granted, had been extensively discussed by the Committee, essentially on the basis of the informal charts which had been prepared by the outgoing Chair. The Secretariat stated that in the new structure of the document, the first part was on definitions, with the order of definition having been changed, and some of the definitions also polished. Some of the provisions included in the whole text were either in brackets, in italics or in a side box, indicating that the Committee had not achieved consensus about those provisions. In order to facilitate the Committee's understanding, the presentation had been modified to include some notes at the beginning of the document. On the definition of broadcasting, the definition was presented inside a box, meaning that there was still no consensus about that definition and the text provided for two alternatives. The box highlighted that there was further work to be undertaken by the Committee, with the aim of achieving at that session, a single text. There were two alternatives: Alternative A, limited broadcasting to wireless transmissions, but it included in paragraph two, a specific definition for cablecasting and Alternative B was a more technology neutral definition of broadcasting. The Secretariat noted that while Alternative B received significant support at the previous session of the Committee, the reference to wire transmissions was still in italics as one delegation had indicated some concerns with regard to that provision. The inclusion of wire transmissions was pending due to the internal consultations in that Member State. In order to accommodate that concern, a new agreed statement had been added to the text, agreed statement number two, which clarified that the provisions applicable to broadcasting were applicable to cablecasting. In relation to the definition of broadcasting organization, and, of course, as a consequence of the previous and resolved issue related to the issue of broadcasting, where there were still two alternatives, the definition of cablecasting in the definition of broadcasting organization is also under brackets. That was the case actually of several provisions in the text, where cablecasting was still in brackets, as the solution to that issue depended on the finalization of the definition of broadcasting as such. In that definition, there was another unresolved issue which was indicated in italics and which referred to the entities that delivered the signals exclusively by means of computer networks, which the Committee did not wish to include in the scope of protection. That bracket was in relation to the fact that transmissions of a computer network which were not considered broadcastings, had been removed, compared to the previous version of that text. Further work was required from

the Committee to clarify that broadcasting and possibly cablecasting organizations that provided services over the digital transmissions would be protected with other entities. In other words, nonlinear services, such as pure video on demand services, not related to traditional broadcasting would not be protected. In relation to the definition of retransmission, it had also been further polished in the new text as it was possible to remove one of the alternatives which had been deleted. The Secretariat stated that the text now referred to retransmission by any means of a program carrying signal broadcast. The word "broadcast" was added compared to the previous version, and there was also the word acting on its behalf, which was included compared to the previous version. The text contained, for first time, a definition of the third transmission, extending the protection beyond simultaneous and near simultaneous transmissions. That definition was still in italics and would require further input from the Committee. In particular, in relation to the clarification of the scope of online broadcast-related services which were discussed last time, such as in particular, simulcasting and catch up TV services. The Committee had expressed some desire to protect such services, while also stressing the need to refine the definition of the third to exclude the generating the pure video on demand services as such. In relation to the definition of prebroadcast signal that definition appeared also in italics. It aimed to provide a definition of what was to be considered a prebroadcast signal, and that definition would also require some further input from the Committee. Part two of the document, SCCR/34/3 related to the object of protection as such. Progress had also been made in the discussion in relation to the object of protection, which had led in that new text to the deletion of one of the alternatives. There were mainly three issues which remained to be addressed in that proposed chapter, object of protection. In paragraph 1, there was the reference to prebroadcast signal which remained in italics and there, the Committee needed to decide whether prebroadcast signals should be included in the object of protection. In paragraph 2, the word "deferred" was still in brackets as well as the making available rights. The Secretariat stated that as it had previously mentioned, the Committee was still discussing the inclusion and wording of those elements, which appeared in different parts of the text. In paragraph 2, subparagraphs I and II, they also needed to be further considered by the Committee and they appeared in italics and brackets. Subparagraph I provided a text which allowed Member States to limit the protection of deferred transmissions as provided in subparagraph I. Subparagraph II was applicable only in the case that paragraph I remained and it provided a possibility for contracting party to limit national treatment and to apply material reciprocity in the case of deferred transmissions. That Paragraph relied on the fact that if the Committee decided not to include deferred transmissions in the object of a protection, in the text, then subparagraph I and II would not be needed and they should be deleted. That issue was still under consideration by the Committee as such. In part three, rights to be granted, some text had been streamlined there. The legal protection was provided under an exclusive right of authorizing was already provided also under the Beijing Treaty. The expression by any means also at the end of that subparagraph 1 appeared in italics as it required a decision from the Committee. The text of paragraph 1, subparagraph II had been harmonized with the wording of subparagraph 1 by referring to retransmission and program carrying signal, and in the last paragraph, paragraph 2, which was still in italics, related to the possible inclusion of prebroadcast signals and the rights to be granted, and the protection which was provided and the rights to be granted was now in the form of a right to prohibit being authorized with transmission by broadcasting organizations of their own prebroadcast signal by any means. The text contained a new chapter on other issues, which appeared for first time in that consolidated document. Other issues consisted, essentially of provisions relating to the beneficiaries of protections, to limitations and exceptions, to obligations concerning technological measures, obligations concerning rights management information. Those provisions were addressed for first time on the basis of that consolidated text and the drafting had been based namely on existing documents, such as SCCR/27/2 rev. The provisions closely followed recently adopted provisions in international treaties such as the WIPO Performances and Phonograms Treaty (WPPT) and the Beijing Treaty. The Secretariat noted that in some cases it was necessary to adapt or take into consideration the broadcasting and

the cablecasting environment and that was in particular the case for the provision relating to technological protection measures and rights management information.

53. The Chair stated that the Committee was moving to informal and requested that the Secretariat make the necessary announcement concerning that.

54. The Chair stated that there had been very intense and comprehensive discussions in the informal setting about the Chair's consolidated text. The Chair stated that upon having those discussions it was clear as to which issues were disagreements and divergences at the policy or political level. The Chair stated that further technical drafting work needed to be done to sort those things out. The Chair stated that in his view, perhaps the key policy difference, along with one or two others, was the issue of deferred transmissions. There were other issues, but the Chair singled out that one as he felt it was one of the most difficult issues. Discussions had started, and there were some that had been going on for quite some time. The Chair hoped that that was the chance for Member States to engage anew on those issues and carry on talking about them. In terms of what was next, the Chair stated that upon discussions with the regional coordinators, the Committee was not going to be able to propose a consensus recommendation to the General Assembly that was ready to move towards a diplomatic conference. The Chair stated that the SCCR had to show some progress under the Chair as well as under the hard work from the Secretariat, the Member States, all the experts, there had been movement. That movement was reflected in the amazing work that had been done by the previous Chair as well as the Secretariat to have a consolidated text. The Chair stated that there was a structure that everyone was comfortable with, and elements which everyone was prepared to engage with. The Chair raised for consideration, to move the Chair's text into a Committee text. That move from Chair to Committee required everyone in that room to feel secure, to feel that their views on issues, which may not be political or technical, that they were reflected in some way in the document, and that there was space for those proposals to be considered. The Chair stated that he would like to see reflected in some way in the Committee working document the proposals that had been tabled. The Chair stated that the Secretariat would attempt to do a first cut at incorporating those proposals in a way that gave everyone comfort. On that basis, the Chair stated that the Committee put a recommendation to the General Assembly. The Committee working document, which used to be the Chair's consolidated text, could be a basis for further discussions, with a view to considering whether that may at some time lead to a diplomatic conference without specifying the time for that diplomatic conference. In that case, the work done by the Committee would be properly reported to the General Assembly and show that work had been done in the last year. The Chair opened the floor for reactions.

55. The Delegation of Senegal stated that in its meeting with the Chair, it had proposed for the regional coordinators to consult with members of their group on the various proposals that had been made. The Delegation wished to have group meetings before coming back to the issue.

56. The Delegation of the Russian Federation supported the proposal made by the Chair. The Delegation considered that a small step forward and stated that it was really important to make that Committee document and actually to start working properly. The Delegation stated that it had been in the Committee for more than ten years and the plenary was an effective way of working.

57. The Delegation of the European Union and its Member States stated that there was much wisdom in the proposal that was put forward by the Delegation of Senegal that Member States have some time to consider the Chair's proposal. The Delegation stated that it had a number of questions relating to the methodology of the Chair's approach. The Delegation stated that certainly the European Union would subscribe to the Chair's proposal to turn that document into a Committee document as it made sense. However, the document that was there going into that session had achieved a certain degree of stability and maturity. All the comments and all

the bracketed text had been discussed. It had been refined over the previous sessions. The Delegation asserted that what was before the Committee was now a situation where potentially new elements, elements that may possibly not have been discussed at length, would now suddenly find themselves inserted into that new document which would therefore be more varied than the one that was there coming into that week. The Delegation asked the Chair if he had imagined ways of differentiating those elements that had already been discussed at length and had achieved a certain level of stability with the new elements that would be added in as a result of that week's discussions.

58. The Chair stated that the reason of moving that document from a person document to a 190-country document naturally meant that there would additional factors added in there. The Chair asked the Delegation of the European Union and its Member States if it had any specific proposals in mind. The Chair stated that he would also look to whether the other countries would have any strong views as to that. The Chair asked the Delegation of the European Union and its Member States if it was referring to an annex.

59. The Delegation of the European Union and its Member States stated that the general sense of direction that it had experienced in the last few sessions of the SCCR had been one towards streamlining the text and one in the opposite direction, which was unfortunate. The Delegation stated that it understood that in changing the status of the document, then it was normal that all Delegations would want to see national positions reflected in that document that belongs to the whole of the Committee. The Delegation stated that it was not necessarily talking about an annex but thought it interesting to differentiate the existing text from those new additions, some of which had not been discussed before.

60. The Chair stated that some way of differentiating would be useful not just from the temporal perspective, but would also be useful for people back home who needed to understand and grapple with what was very fresh. A way to differentiate could be to use a different font, bold or a different color. The Chair stated that he would consult with the Secretariat.

61. The Delegation of Colombia, speaking on behalf of GRULAC, stated that GRULAC would like to review the proposal with fresh eyes, obviously taking into account the high level of participation it saw in the informal with Member States, including those of its group. The Delegation wished to think about the proposal as well as the text that was presented by the Secretariat.

62. The Delegation of Italy supported the statement made by the Delegation of the European Union and its Member States. The Delegation stated that as an alternative it could think to a list of discussed issues with the alternatives that could be circulated and be the object of a more detailed, in particular, the first transmission, extension in time of secondary transmission, even over the Internet and all the issues that were already listed.

63. The Delegation of Brazil expressed its thanks to the Chair for his leadership. The Delegation stated that it wished to see some of the items that were reflected in document SCCR/27/2 somehow included in the new draft that would be submitted to the Committee. Those items were: Article 2, the general principles; Article 3, the protection and promotion of cultural diversity; and also Article 4, defense of competition.

64. The Delegation of China thanked the Chair for his leadership and stated that it supported the proposal to convert the Chair's text into the Committee's text. The Delegation supported the suggestion by the Delegation of the Russian Federation. The Delegation also thought that the plenary discussions were more effective than the informal discussions. The Delegation supported the proposal by the Delegation of the European Union and its Member States that in

the consolidated text there should be a differentiation between the discussed rather mature text and the new text, so as to avoid any duplication.

65. The Delegation of the United Kingdom thanked the Chair for his leadership. The Delegation stated that the Chair had made mention of two elements in the deliberations of moving the Chair's text to the Committee's text. The Delegation stated that it could only support what had been said to be considered by the Committee. The Delegation expressed that the second recommendation the Chair had mentioned was a sweet and short recommendation for the General Assembly from the Committee. That was somewhat of a new element and where the Chair made mention of the fact that it would be sweet and short, the Delegation stated that it would really appreciate it if there would be a proposed wording of that as well.

66. The Chair thanked the Delegation of the United Kingdom for that suggestion. The Chair stated that it would receive suggestions and have those circulated around the room and beyond. The Chair thanked the Committee for its engagement and opened the floor for announcements.

AGENDA ITEM 7: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

67. The Chair introduced Agenda Item 7, limitations and exceptions for educational and research institutions and for persons with other disabilities. Before plunging into the discussions, the Chair wished to share with the Committee his perspectives which he had discussed the Vice-Chairs and some of the Member States who had talked to the Chair about their expectations for that part of the agenda. The Chair stated that everyone in that room, as members of the Committee had a great opportunity and responsibility to make ensure that the corporate system took care of all stakeholders in that system. The Chair stated that in discussions, if members of that Committee could see how those discussions could make a positive impact on the lives of millions of citizens in different countries, struggling with different issues, and on different stakeholders and institutions within those communities, the he as the Chair thinks that if that were the case, then the Committee would have gone to full some of the responsibilities that it had. The Chair stated that copyright had an impact on the lives of every person, as when an app was launched, or music downloaded, or when content was consumed, the enjoyment of those activities, that right, was underpinned in copyright. The Chair hoped that in discussions, the Committee would able to move towards something that was constructive and useful, not from the government perspective, but from the Committee's perspective. He stated that discussions should go to positively impact the lives of millions, making apparent the usefulness of the work that is done in the Committee. With regard to that part of the agenda, limitations and exceptions for libraries and archives, the Chair invited the Committee to discuss the agenda bearing in mind four documents: document SCCR/26/3, 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 adopted by that Committee in 2013; document SCCR/26/8, Objectives and Principles for Exceptions and Limitations for Libraries and Archives, submitted by the Delegation of the United States of America; document SCCR/29/4, Consolidation of Proposed Texts Contained in Document SCCR/26/3, prepared by the African Group and the Delegations of Brazil, Ecuador, India and Uruguay; document SCCR/33/4, Proposal Concerning Limitations and Exceptions for Libraries and Archives and Limitations and Exceptions for Educational and Research Institutions and for Persons with Other Disabilities, submitted by the Delegation of Argentina. There were also the two very comprehensive and important studies that had been commissioned by WIPO. There was the study by Professor Kenneth Crews, document SCCR/30/3, Study on Copyright Limitations and Exceptions for Libraries and Archives: Updated and Revised, and the study by Mr. Jean-François Canat and Professor Lucie Guibault, SCCR/30/2, Study on Copyright Limitations and Exceptions for Museums. The Chair highlighted the informal chart, containing 11 subjects that had been identified by Member States and that had been developed by the former Chair in previous sessions of the SCCR. The Chair opened the floor for comments.

68. The Delegation of Senegal, speaking on behalf of the African Group, hoped that the Committee's work would contribute to defining, sufficiently, clear orientation or guidance on exceptions and limitations. The Delegation stated that the importance of exceptions and limitations in developing countries no longer needed to be demonstrated. Exceptions and limitations contributed to strengthening access to knowledge, promoting research and innovation, and they too supported libraries and archives in developing countries, in completing their public service missions, while having broader opportunities in what they provided. On a cultural level, those exceptions and limitations played a crucial role in the area of cooperation, while favoring and safeguarding preservation of cultural, artistic and scientific heritage. They also stroke a balance required between the recognition of rights and the address of general interest concerns. The Delegation stated that it was therefore urgent for the Committee to rapidly establish an appropriate international instrument, in accordance with the mandate to allow libraries and archives to reproduce works or protected documents, under property law, without having to have prior authorization. In that regard, the African Group wished to apply document SCCR/29/4, a compilation of texts proposed in document SCCR/26/3 by the African Group, the Delegations of Brazil, India and Uruguay, as a basis for negotiations on the legal instrument to be established. The Delegation stated that its argument reflected the convergence of regional views on the topics it covered. The Delegation stated that that could also be good for teaching establishments and research and reiterated its 2012 proposal to bring together the texts on exceptions and limitations in favor of libraries and archives on the one side, and teaching establishments and research establishments, on the other hand. The Delegation believed all of the resources of the Committee had been sufficient to allow it to achieve significant results.

69. The Delegation Thailand, speaking on behalf of the Asia Pacific Group, reiterated that exceptions and limitations were of critical importance. Application of copyright system had to be balanced and had to take into account the interests of copyright holders, and equally important, had to take into account other competing interests in copyright, including the public interest in scientific, cultural, social progress and the promotion of competition. The Delegation hoped that all Member States would engage constructively in that session, so as to continue to make progress on that issue.

70. The Delegation of Georgia, speaking on behalf of CEBS, acknowledged the fundamental role played by libraries and archives in social and cultural development. The Delegation welcomed discussions over the issue of facilitating the fulfillment of the public interest undertakings by the libraries and archives. It acknowledged that alternative approaches adopted by the Member States, and the rich exchanges of best practices, were a solid ground to elaborate a national legal framework that integrated the local needs and could serve as an example for other Member States in that Committee. The Delegation thanked the Chair for his work on the first revised draft on limitations and exceptions for libraries and archives and stressed that the Committee take note of the document which explained how exceptions and limitations functioned officially at the national level, within the framework of the existing international treaties. The Delegation stated that it was not in a position to favor the legally binding international instrument on exceptions and limitations for libraries and archives. The Delegation envisaged the possible outcome of the discussion in that Committee as guidance on the national implementation of the international treaties.

71. The Delegation of Turkey, speaking on behalf of Group B, supported the view that libraries and archives played a particularly important role in cultural and social development. As had been described by studies presented during previous sessions, many countries had already established their own exceptions and limitations for libraries and archives, which worked well in their respective legal domestic systems, within the current international framework. The Delegation stated that the work of that Committee had to be shaped in a manner reflecting that reality and complimenting the well-functioning current framework. The Group appreciated the aim of the Committee's discussion, which was to reach a better understanding of the topics with

regard to working methods. The Delegation was ready to continue the discussion from previous sessions, in order to explore common ground upon which the Committee could stand. The Delegation stated that the Committee should fully regard the reality that no consensus existed within that Committee for the work, and that that reality should be duly considered as members looked to work together. The Delegation highlighted that the objectives and principles proposed in the document SCCR/26/8, on the topic of exceptions and limitations for libraries and archives, could complement the Committee's work on exceptions and limitations for libraries and archives.

72. The Delegation of Colombia, speaking on behalf of GRULAC, recognized that in all Member States there were challenges facing libraries and archives, and given that situation, the Committee's debate should draw possible solutions to those problems. The Delegation was very interested in continuing the debate on the proposal put forward by the Delegations of India, Uruguay, Brazil and the African Group, document SCCR/29/4, and on the proposal presented by the Delegation of Argentina, SCCR/33/4.

73. The Delegation of China realized that exceptions and limitations were very important for innovation and for the exchange of culture. In order to better preserve civilization, especially in the digital environment, and in order to better satisfy the role of archives, libraries and educational institutions, the Delegation believed that continuing that discussion was very important. The Delegation had domestic legal framework, but was willing to participate in the discussions in that Committee constructively.

74. The Delegation of the European Union and its Member States reiterated its belief in the crucial function of libraries and archives for the dissemination of knowledge, information and culture, and the preservation of history. The Delegation continued to believe that there was merit in discussing how a balanced international copyright framework could enable those institutions to fulfill their public interest mission, while continuing to ensure that copyright was an incentive and reward to creativity, and was willing to engage constructively in those discussions. The Delegation stated that its favorite approach remained one where the work in that Committee focused on how exceptions and limitations could function efficiently within the framework of existing international treaties, and where WIPO Member States took responsibility for their own national legal frameworks supported by an inclusive exchange of experiences and best practices, and when necessary, the assistance of WIPO. The Delegation believed that a meaningful way forward could be to focus on thorough and systematic understanding of the problems faced by libraries and archives against their needs, giving full consideration to the solutions provided by innovation and relevant markets and those available under the current international framework. The Delegation stated that it had engaged in the discussions on the Chair's informal chart on those premises. The Delegation took note of document SCCR/34/5, Informal Chart on Limitations and Exceptions for Libraries and Archives that the Chair had introduced and of which Member States were invited to comment during that session of the SCCR. The Delegation stated that that working document of the Chair should not be attributed to the Committee as such, but that it reflected the Chair's view on the discussion. The Delegation reiterated that the purpose of that exchange of best practices, as reflected in the Chair's revised chart, was to understand how exceptions and limitations can function efficiently at the national level within the framework of the existing international treaties. The Delegation believed that a possible outcome of the discussions in that Committee, under that agenda item, could serve as a guide in the national implementation of international treaties. The Delegation stated that it could not support work towards binding instruments at the international level.

75. The Delegation of Argentina stated that, in the previous session, it presented document SCCR/33/4, Proposal Concerning Limitations and Exceptions for Libraries and Archives and Limitations and Exceptions for Educational and Research Institutions and for Persons with other Disabilities, on the basis of document, new elements of discussion came up in the previous session. The Delegation stated that the practices used by libraries and teaching institutions

could not be addressed within Member States as they needed to be resolved on an international level. Therefore, there was a need to have minimum standards and approval of coordination rules. In that document, those elements were proposed to establish frame for limitations and exceptions, which initiated harmonization on an international level of literary works, but took into account, principles of international uniformity. The aim was to come up with a consensus on what use of works by libraries and archives did not undermine the usual use and the rights of the authors. However, the issue was that when a provision was adopted, it was interpreted or applied differently in each legislature, therefore, there was a need to introduce coordination rules to avoid any uncertainty for people working in libraries, archives, and users and rights holders. There was a need to have assurance that illicit use in some territories was not illicit in others, therefore, application which was legal in some jurisdictions could not be changed and made illegal by proceedings in another country. The Delegation believed there was need for a clear legal instrument that allowed the Committee to improve social and economic development by promoting copyright, while taking into account various different jurisdictions. The Delegation stated that to date, there was no study on the existence and content of similar standards on national legislation. It deduced, therefore, that it would be useful to have a consensual framework on the cross-border use of works and reproductions in the framework of a basic framework of exceptions and limitations previously agreed on by Member States.

76. The Delegation of the Russian Federation stated that the Committee's discussion over the past few years had clearly shown the need to have exceptions and limitations, and there was no person in that Committee who would object to that view of the situation. The practice of the Marrakesh Treaty indicated that such exceptions and limitations were required. However, there was a serious challenge with regard to the development of the Internet. The Internet meant that the Committee had to think about taking decisions which would not, on the one hand, undermine or infringe the rights of authors, and on the other hand, which also reflected the interests of people who were covered by exceptions and limitations and would allow them to widely access those works for the benefit of citizens. The Delegation stated that in the Russian Federation, such exceptions and limitations were already included in existing legislation, and had shown to be effective. Existing treaties, such as the Berne Convention, the Rome Convention and the Internet agreements, did not at present allow the introduction of such exceptions and limitations. The Delegation stated that it was not a good idea for the Committee to break down its time on two absolutely indistinguishable documents. Whether libraries and archives or research and education institutions the discussion was all on limitations and exceptions, and as such should be reflected in one working document. Those exceptions and limitations should be merged in a single text. The Delegation stated that many of those who had spoken insisted on the need to have a legal document, a binding document that was for example, like the Marrakesh Treaty, or protocol to the Berne Convention. The Delegation stated that the Committee needed to find a compromise on what document it wanted to have at the end of the day. The Delegation stated that the Committee needed to resolve whether that was going to be a binding treaty or instructions or guidelines or an international instrument of some kind.

77. The Delegation of Canada congratulated the Chair and the Vice-Chairs and thanked the Secretariat for its hard work and support. The Delegation commended the previous Chair's work in designing an informal chart which had provided the Committee with a valuable framework for discussing those issues. The Delegation felt it important to acknowledge that the Committee had made some progress in refining the Chair's chart and that that tool had been successful in providing the Committee with an appropriate framework for discussions. The Delegation believed that by continuing a structured exchange of national practices and national experiences, the Committee would continue to build its understanding of what could be achieved together. The Delegation expressed its appreciation for the studies carried out by that Committee, namely, Professor Kenneth Crews' study on limitations and exceptions for libraries and archives and the study on copyright exceptions and limitations for science, which provided a fulsome international picture of exceptions and limitations for libraries, archives and for

museums. The Delegation noted that those international discussions had already and would continue to be useful in informing domestic copyright policy analysis. Among the modernizing reforms of the Canadian Copyright Act in 2012, Canada enacted provisions that required Parliament to review the Act every five years, to insure that it remained responsive to the changing environment and the first of such a review was expected in the following fall. The Delegation believed that the exchanges in that Committee provided a valuable analysis of the main elements of effective modern national practices in that field. The Delegation continued to be keen to learn from the experiences of other Member States and observers on that excellent international exchange.

78. The Delegation of Chile stated that that was a topic which was especially interesting for it. There were various documents to be considered under that agenda item, including a proposal from GRULAC as well as the table prepared by the Chair, which it believed could allow the Committee to find points of convergence on that topic. The Delegation hoped that discussions during that session would allow the Committee to reach agreement on specific ways in which to progress its work.

79. The Delegation of Nigeria aligned itself with the statement it had made on behalf of the African Group on the exceptions and limitations agenda. The Delegation stated that one of the objectives of copyright exceptions and limitations at the international level was to give information on knowledge to a wide number of users for public use and public good. The importance of that was not emphasized in the current global knowledge-based economies and root systems. The Delegation underscored that exceptions and limitations were critical to the maintenance of an appropriate balance between the content and interest of rights holders and protected works. That spirit was encapsulated in the Sustainable Development Goals (SDGs), specifically SDG 4, which called on all stakeholders to work together to insure inclusive and equitable quality education and to promote long life learning opportunities for all. The Delegation stated that an analysis of Professor Daniel Seng's study on copyright and exceptions and limitations reviewed exceptions and limitations to copyright in different jurisdictions across the 189 Member States. For Nigeria the study enforced the need for an international instrument which would provide general conditions for the application of exceptions and limitations, so as to introduce some level of certainty on how exceptions and limitations could be equitably handled within the Member States of WIPO. The Delegation called on the Committee to review task-based work on exceptions and limitations for libraries and archives and on the exceptions and limitations for research institutions and for persons with other disabilities, which had immense similarities with issues discussed under libraries and archives. The Delegation offered its strong support for the proposal to hold regional and or cross-regional meetings on the exceptions and limitations agenda of the Committee. The Delegation looked forward to the document on the study of access by persons with disabilities to protected limited works and welcomed the questionnaire which would form part of the information based on that study.

80. The Delegation of Brazil aligned itself to the statement made by the Delegation of Colombia on behalf of GRULAC. The Delegation believed a balanced copyright system was a powerful instrument to encourage the creation and diffusion of knowledge. Those goals were best achieved when those institutions were able to carry out their activities in full. In that regard, it underlined the importance of cross-border aspects regarding exceptions and limitations, which required efforts on the part of the Committee to bring their national legislations a little closer together. That was necessary to insure the enjoyment of meaningful exceptions and limitations for libraries and archives. Discussions at the SCCR should take into account recent technological developments which had substantially affected the activities of libraries and archives and had the potential of extending their outreach in unprecedented ways. To reach that full potential, institutions needed legal certainty in fulfilling their mission. As had been stated by representatives from library associations in previous sessions of the SCCR, librarians were often liable to sanctions due to lack of clarity regarding cross-border access to copyrighted

works. That was an opportunity for achieving a higher degree of international harmonization, insuring the smooth functioning of those exceptions and limitations for the benefit of society. With those concerns in mind, the joint proposal tabled by the African Group and the Delegations of Ecuador, India, Uruguay and Brazil, document SCCR/29/4, brought valuable suggestions for discussion. That document covered a number of items in the Chair's presented for that session, such as technological protection measures, right of reproduction and limitation on liability for libraries and archives. The Delegation found important contributions in document SCCR/26/8, tabled by the Delegation of United States of America and in document SCCR/33/4 presented by the Delegation of Argentina. The Delegation believed that the important work on those issues could present an important contribution on the part of WIPO to the fulfillment of SDGs, as was stressed by the Delegation of Nigeria.

81. The Delegation of Iran (Islamic Republic of) underlined the central role of libraries and archives in the learning, creative, innovative and discovery process. Libraries and archives continued to fulfill their central and traditional function as facilitators of research, particularly given the emerging challenges of the digital environment and pertinent copyright concerns. Exceptions and limitations for library and archives had an essential contribution in the attainment of the right to education and access to knowledge, increasing educational opportunities and promoting cultural work, actualization of which in many countries was hampered due to lack of access to relevant application and research material. According to SDG 4, obtaining a quality education was the foundation of improving people's lives and sustainable development. Libraries and archives played an undeniable role in implementation of that goal. In that regard, the issue of how the copyright system afforded a balance between the interest of rights holders and public interest was quite significant. The copyright system had to equally take into account the interest of rights holders as well as other competing interests in copyright, including the society's interest in scientific cultural and social progress. That balance of interest was reflected in Article 7 of TRIPS with the need to maintain balance between the rights of authors and larger public interest, particularly education, research and access to information. The Delegation stated that the existing limitations and exceptions and visions in the current international copyright treaties did not sufficiently address emerging technology and cultural changes. The Delegation was of the conviction that pragmatic norm setting solutions were essential to move toward a balanced international copyright law. In 2012, the WIPO General Assembly provided a mandate to the SCCR, to continue discussions toward an appropriate international legal instrument or instruments, with the target to submit recommendation on limitations and exceptions for libraries and archives to the General Assembly. According to that mandate, the Delegation strongly supported establishing a legally binding instrument for exceptions and limitations for libraries and archives. The objective of that instrument was to address the capacity of libraries and archives to carry out their public service role in the development of societies. It was highly expected from the SCCR to accelerate negotiations and make progress on the text-based work by engaging substantively in the discussion in order to fulfill its mandate. The Delegation took note of the revised version of the Chair's chart.

82. The Delegation of the United States of America aligned itself with the statement made by Group B. The Delegation expressed appreciation for the revised Chair's informal chart which contained much useful information. The Delegation appreciated the number of positive references to its principles and objectives chart, and it would look for opportunities throughout those discussions to evolve that document.

83. The Delegation of Botswana congratulated the Chair and Vice-Chairs and appreciated the work of the Secretariat. The Delegation aligned itself with a statement made by the Delegation of Senegal on behalf of the African Group. The Delegation stated that limitations and exceptions would help it to strike a balance between the interest of rights holder and the public interest. The Delegation stated that the table prepared by the former Chair and the studies carried out would assist the Committee as it engaged in that topic. The Delegation found that the question of whether or not the Committee should come up with a legally binding instrument

called for the Committee to engage fruitfully bearing in mind the objective of the copyright system as a whole.

84. The Delegation of Malawi aligned itself with the statement made by the Delegation of Senegal on behalf of African Group. The Delegation believed libraries and archives played a crucial role in facilitating access to information to education institutions and too appreciated the important role that the rights holders played in making works available to the public. The Delegation was open to discussions that would provide a balanced copyright framework at the international level.

85. The Delegation of Ecuador expressed its support for the statement made by the Delegation of Colombia, on behalf of GRULAC. The Delegation stressed the importance of exceptions and limitations for libraries and archives which were extremely important for the development of culture and access to information and education. My Delegation remained interested in following debate of the joint proposal by the Delegations of Brazil, Uruguay, Ecuador and India.

86. The Delegation of Benin of stated that it had national legislation in the area of libraries, archives and copyright. The Delegation was interested in the work of the Committee, so as to achieve the establishment of an international instrument, which would not in any way cause problems for the workings of libraries and archives but would promote the services they offer, particularly in the area of the dissemination of knowledge, research and fluid circulation of information. The Delegation supported the statement made by the Delegation of Senegal on behalf of the African Group.

87. The Chair opened the floor to NGO statements.

88. The Representative of the International Federation of Library Associations and Institutions (IFLA) was proud to have attended sessions of the SCCR for many years and was gratified that Member States understood and support the role of libraries, archives and museums in promoting knowledge and the understanding of diverse cultures. As the Delegation of the United States of America stated in document SCCR/26/8, exceptions and limitations facilitated the public service role of libraries and were executives maintaining the balance between the rights of authors and larger public interest, particularly education, research, and access to information that was essential in today's society. That balance has eroded over time as rights holders have promoted the fallacious notion that copyright was primarily or only about protection of rights, not the public good. In a world where information was increasingly borderless, as borderless as broadcast signals, the idea that issues related to access to information were local, as one delegate astonishingly stated earlier, was really incomprehensible and misguided. That is not to say, however, that local or national action was not needed as one element in the equation of access to information. In that limited sense, the Representative agreed that the exchange of national experiences in that body over the past several years had been helpful as have been the studies commissioned by WIPO from Professor Kenneth Crews which demonstrated the wide variation in exceptions and limitations existing in SCCR's Member States, including their absence in numerous countries. The Representative applauded WIPO for commissioning those studies and urged that the Secretariat build on the studies produced by Professor Crews to develop a regularly updated searchable database of exceptions and limitations for libraries, archives and museums to be accessible across-borders so that legislators and citizens who did not attend those sessions could easily learn from other's experience on an ongoing basis. The Representative recommended that the SCCR capitalize on the past sharing of Member States' national experiences and the suggested approaches in the Chair's chart of SCCR/33 by creating a draft law on exceptions and limitations for libraries, archives and museums in collaboration with all stakeholders so that there would be practical outcomes for recent discussions in that body. Such a draft law would draw on the Committee's past discussions on the subject but would not be binding nor would it prejudice, in any way, the

outcome of the Committee's own work. The Representative stood ready to work with its colleagues in the archival and museum communities as well as with rights holders, delegates to SCCR and the Secretariat to achieve that objective. The Representative supported the Chair's final chart document SCCR/33, and urged that it be adopted as a working document. On the proposal presented by the Delegation of Argentina, document SCCR/33/4, the Representative hoped that the Committee would request that the Secretariat prepare a study on issues related to limitations and exceptions for libraries, archives and museums and a cross-border context including digital uses.

89. The Representative of Society of American Archivists (SAA) stated that it believed in the importance of WIPO's work because copyright was central to the mission of archivists. Archivists collected and preserved all types of creative works for one reason only, to be used. Most archived works, however, had never been in commerce, but people globally needed them to maintain their culture, identity, protect human rights and support innovation through new creative works. If such works could be made available digitally, however, and across-borders, they might as well not have existed. Archivists and librarians were conscientious about copyright, but sometimes strict adherence to the law conflicted with their collections and their mission. For example, a 1970's collection of over 120 interviews of legendary jazz musicians were available for onsite study in the archives of the U.S. Research Library, but, their general usefulness had been hobbled by unbalanced copyright law because the original copyright assignment mentioned neither derivative works nor the yet to be invented Internet. As a result, risk averse librarians and lawyers were unwilling to allow digital accessibility of the interviews. Although jazz could thrive without taking risks, an archivist's obligation to the future required that risk was minimized. That was why reasonable exceptions were needed, so as to deal with the tremendous ambiguity inherent in collections. Copyright was already perceived to be under attack. Could WIPO afford to turn away allies such as archivists? Archivists had a very positive public approval rating from the very people that WIPO needed to reach. To keep archivists on board, the development of exceptions for archives had to remain on the SCCR's agenda. To that end, the Representative stated that the Committee's work had to continue based on the previous Chair's chart and that chart had to become a working document for the Committee.

90. The Representative of the Center for Internet and Society (CIS) stated that CIS worked on issues of access to knowledge and adult digital rights in India, wished to share in the Committee, the organization's experience, which highlighted the difficulty of building digital archives in India. In the previous year, the government of India had embarked upon the important project of archiving digital material to store for preservation purposes. Since the Indian Copyright Act did not contain an exception for the purposes of preservation by an archive, the entire project had incurred high costs in terms of money and time. Money because the project had to get expensive legal assistance to set up processes to obtain rights clearance from all of the performers who were a part of the work and the copyright holders. The Representative stated that partnering organizations had expressed legitimate fears of supplying works in case of a potential copyright and related rights implication which could implicate them with criminal or civil liability. The Representative stated that in such a scenario, for the benefits of other states who needed to update standards corresponding to the national legal instrument, it would be useful to adopt proposals envisioned in document SCCR/26/3 that addressed those issues and others.

91. The Representative of the International Council of Archives (ICA) stated that archival institutions existed throughout the world and governments, organizations and individuals created records to provide evidence of their actions to document their rights and obligations and to preserve their heritage. Archives acquired and preserved those documents and made them available for all to use as the raw materials for cultural, academic, social and scientific research. The nature of archival material presented a particular problem. Archives held billions of copyright works that were not created or intended for commercial purposes because they were never published and the rights holders for such works could not be located. For those reasons,

collective licensing was not a workable solution. The archival mission to make their holdings available for research is hamstrung by a web of inconsistent copyright laws that had failed to keep up with social and technological development. In that body, systemic discussion of the eleven topics, archivists provided a rich array of real life examples that clearly demonstrated the need for exceptions, for mutual recognition by Member States of exceptions and limitations to copyright that would permit archives everywhere to serve an international audience. The results of that excellent work were summarized in the Chair's informal chart on limitations, exceptions for libraries and archives. Every creator benefitted from the work of his or her predecessors and knowledge of that earlier work came largely from libraries and archives. The Representative stated that many of the rights holders who were represented in that room could not have created their works without archivists. The Representative asked why creators would not wholeheartedly support exceptions for archives and libraries that would only go to benefit their work. The Representative continued to hear assertions from some groups that national solutions were sufficient. The Representative stated that it should be abundantly clear that national solutions were far from sufficient. There was need for solutions that applied in a global network environment, and in that regard, the Chair's informal chart on limitations and exceptions for libraries and archives prepared at thirty-third session of the SCCR, refined and clarified the topics to be addressed and provided a practical approach to continue to move that initiative forward. The Representative supported IFLA's call to have the chart adopted as a working document of the Committee, and supported IFLA's call for a study of cross-border issues.

92. The Representative of the International Federation of Journalists (IFJ) stressed the essential role of libraries and archives and fully supported them having the freedom to have copies for preservation. The Representative stated that IFJ had repeatedly called for libraries and archives to have proper direct funding to do that themselves, and not to be forced to subcontract digital archiving to commercial operations. The Delegation of Brazil had earlier referred to the potential to extend the outreach of libraries and archives in unprecedented ways. The making of works available on the Internet, was an important supplement to the vital role of libraries and archives in the education and training of many, including journalists. The IFJ believed that the solution to that issue was collective licensing and necessary capacity building to insure that efficient democratically controlled collective licensing was available in all Member States and could deal with cross-border issues as the collective licenses that already existed already did. Many of those 600,000 journalists, particularly those who focused on international reporting, were poorly paid. Where there was such collective licensing, it made important contribution to their economic survival as independent professionals with their own essential contribution to make to the recording and preservation of our culture from within our cultures and not relying on foreign reporting.

93. The Representative of the German Library Association stated that libraries and archives faced a problem and that even there was a high level of the international copyright protection, on the other hand, there was no such uniformity in limitations, for example, the limitations listed in the Chair's informal chart such as limitations for preservation, lending and document delivery. The Representative stated that limitations and exceptions were like a patchwork of different national legislations and that for every library service crossing borders that meant that the local library staff had to be aware not only of the limitations and exceptions in their own country, but also in the country of destination of that service. According to the 2016 German library index, in university libraries, around 60% of their acquisitions were electronic. In technical universities, the portion of electronic acquisitions was even much higher. Those numbers in international comparison were even low. The Representative asserted that research libraries were more digital than they were paper based. In the electronic world, the problem was that resources were only available after agreement on license stipulations formulated by the rights holders mostly. That meant contracts were concluded, which could eventually override the limitations and exceptions. The Representative stated that the Committee should agree in one form or the other. The objective of facilitating cross-border library teaching and research services could be achieved by introducing an international mandatory instrument on limitations and exceptions.

Another track to facilitate cross-border use could be the introduction of principles of harmonization, combined with a rule of mutual recognitions like proposed in the document by the Delegation of Argentina.

94. The Representative of Knowledge Ecology International, Inc. (KEI) stated that, in addition to the excellent studies that had been done by Professor Kenneth Crews, and other people that had studied library exceptions, it would be interesting to have an economist study the economics of exceptions. Libraries were not only part of the research and development infrastructure of a country but were too an essential part of the competitiveness and ability of a country to have a strong high tech sector that played an important role in development. The Representative stated that it would be interesting to know what the assessment was on that, because other industries had an assessment and talk about the number of jobs their industries produce. It would be interesting to know how many people were employed in different countries in the library sector, and also what contributions the library sector made to the economic development of the country and also what challenges the libraries faced in terms of pricing. The Representative stated that there were a number of areas where it was difficult to reach consensus on, and other areas where it was much easier. That discussion of the archiving and the preservation of documents was a pretty good case. The making available of what was archived and preserved, in terms of documents, was more challenging to reach consensus on, than it was to ensure that people had adequate exceptions to merely do archiving and preservations. The Representative stated that it would be unfortunate if in looking at the wide range of issues that libraries faced, that people did not move forward in areas where consensus could be reached such as preservation and archiving.

95. The Representative of Electronic Information for Libraries (eIFL.net) thanked the African Group, GRULAC, the Asia Pacific Group and the other delegations for having spoken of the interrelationship between the SDGs and the establishment of access to libraries and archives as emphasis was placed on access to information. The Representative stated that though the Internet was global, legislation on copyright stopped at borders, and that was why everyone was there. Digital technology had changed the world, but in copyright, there was no recognition of the extent to which people had access to information. The way that the world studied and learned in that day and age, meant that people did not have full access. Copyright was important, and limitations and exceptions were crucial for a modern information infrastructure as well as for open access and other licensing models. The Representative was very pleased that other countries had modified proposals on copyright and had expanded their exceptions or introduced new ones. However, some countries who were updating their laws were not enough to resolve a broader problem, the demand for cross-border access to information for science, research and culture, and the need to insure that nobody was left behind in the access to knowledge meant that there was a need for that aspect to be taken into account. The Representative invited the Committee to read the document that featured specific issues and that was compiled and submitted to the Committee. The Representative supported the interventions by the International Federation of Library Associations and Institutions (IFLA) and the Center for Internet and Society (CIS).

96. The Representative of the International Council of Museums (ICOM) stated that she was there to give a voice to museum professionals. Upon consultation with the international museum community, and in keeping with the results of the WIPO study on exceptions and limitations on copyright for museums, ICOM joined forces with its library and archive colleagues to pursue exceptions to copyright for the benefit of libraries, archives and museums as enumerated in the Chair's informal chart that provided for exceptions for all three. That pursuit was not intended to disrupt markets, but instead was targeted to instances where museums and indeed libraries and archives were unable to carry out their often shared mission. The Representative stated that ICOM was very pleased that the Delegation of Canada had called for a museum study in 2013 during the twenty-sixth session of the SCCR. The first draft of the museum study on exceptions was distributed and presented at the thirtieth session of the SCCR

in 2015. The study distributed by WIPO provided a broad basis of understanding the status of exceptions for museums within WIPO Member States and provided for the basis for ICOM's continued advocacy of exceptions for museums. ICOM was committed to the belief that a harmonized approach towards libraries, archives and museums was both possible and necessary to achieve the overall objective of obtaining operational exceptions for materials and cultural heritage collections at the international level. There were many instances where museums, libraries and archives crossed mandates, given the nature of their distinctive collections. Libraries held collections that included artifacts more traditionally aligned with museum collections or had accessioned collections that included unpublished materials often found in archives. Museums held archival collections, there were libraries within museums, and museums also included study collections as part of their overall collections. Museums like archives oftentimes included a vast array of artifacts in their collections and included materials that had often been published and unpublished. At the same time, libraries, archives and museums faced the same obstacles created by copyright law in trying to fulfill their respective missions be it education, public interest, access to collections and communication of scholarship. That particularly true when museums were examined not simply as stewards of art collections but as stewards of historic scientific and natural collections as well. The similarities were magnified when the challenges they faced with their twentieth century collections were examined. Museums, libraries and archives faced similar challenges in preserving, exhibiting and providing access and in communicating about art collections.

97. The Representative of the European Bureau of Library, Information and Documentation Associations (EBLIDA) stated that the consolidated libraries and archives studies in the thirtieth session of the SCCR and the museum study from 2015 revealed that the national frontier-based approach to copyright with regard to libraries, archives and museums was now in disarray, too disparate and stuck in the pre-Internet era. In the European Union that had been the justification of proposing mandatory cross-border exceptions to copyright. In the face of the ever expanding Worldwide Web, however, national copyright laws were in need of constant modernization to allow institutions to function optimally in an international cross-border online environment. Since the detailed discussion of the topic had been summarized by the previous Chair, in his document from the thirty-third session of the SCCR, the Representative wished to offer practical suggestions for moving forward. The Representative stated that the Committee should establish the principles of inclusion in the overarching note for international copyright framework for copyright exceptions and limitations affecting libraries, archives and museums. The proposals made by the Delegation of the United States of America in document SCCR/26/8 offered useful guidance that could shape the content of the Committee's work. A comprehensive and effective solution for libraries should set standards for, and protect national copyright exceptions, that impacted on the functions of those institutions, including preservation of materials and content, copying for document delivery in any format including cross-borders, lending of works including remotely, protecting limitations and exceptions for override by contract terms, holding partially inaccessible legal protections of TPMs, making orphan works available online to the public, text and data mining of legally accessed content, acquiring work including by importation and protecting libraries, archives and museums and staff accounting for them in good faith for criminal or civil liability for unintended copyright infringement. There were various ways in which the Committee could support work and that could usefully be adopted by the Committee. In line with the European Union's call for guidance to Member States, the Representative welcomed efforts from the Secretariat to further inform their discussions. In line with the proposal from the Delegation of Argentina, which correctly addressed the need for a minimum set of exceptions and limitations nationally and the solution for cross-border issues, that was what the European Union itself was seeking to do domestically. The Representative welcomed a study on cross-border issue as a basis for further discussion. In order to provide further guidance to Member States, the Committee could request the Secretariat to convene an expert group first and foremost of library, archive, and museum copyright experts, as well as copyright academics, lawyers and relevant stakeholders to support the commissioning and tasking of an agreed expert to develop modern WIPO draft law for libraries, archives and

museums. The Representative stated that the Committee might wish to request that the Secretariat provide a useful tool to assist its work by creating online publicly accessible database of copyright exceptions and limitations. Additionally, since the pace of change in copyright law, which affected the library, archive and museum sector, was moving very fast, the Representative stated that the Committee might request an annual report from the Secretariat of changes to national practices in copyright and related rights.

98. The Representative of *Corporación Latinoamericana de Investigación de la Propiedad Intelectual para el Desarrollo* (Corporación Innovarte) stated that the proposal to work with the aim of a treaty on exceptions and limitations to copyright that would go to protect the balance and legitimacy of the system for copyright and related rights, with regard to libraries and people with disabilities, was something that the Committee had been discussing since 2004 starting with the proposal from the Delegation of Chile. The adoption of the Marrakesh Treaty showed that provisions on copyright, to protect categories of people threatened or undermined by the lack of exceptions, was not only possible, but good and showed that it was possible to protect libraries, archives and possibly also museums. In that regard, the Representative requested the members of the Committee in good faith to consolidate all of the work done based on the text which had already been considered, the informal summary of the Chair. The document which was based on textual proposals either for a treaty or another form of instrument was based on proposals submitted by various delegations including the Delegations of Brazil, India, the United States of America and many others. The Representative proposed that the Committee adopt that text without any prejudice to what form the work might take in the future. The Representative believed that the proposal from the Delegation of Argentina was particularly useful since it sought to come up with a solution to the obstacle, namely, the lack of harmonization of rules on libraries and archives at the international level. That proposal was a complement to what had already been worked on by the Committee, with regard to principles and topics which were necessary for exceptions on a national level. The Representative stated that that proposal should be subject to greater analysis by the Committee.

99. The Representative of the Electronic Frontier Foundation (EFF) stated that the updating of exceptions and limitations was an important way to insure that libraries and archives were equipped to meet the challenges of fulfilling missions in the digital age. The Representative stated that norm setting was the only way to insure that WIPO Member States provided a basic level of modernized limitations and exceptions for libraries. However, the Representative recognized that Committee members did not have the appetite for norm setting in that area at that point in time for various reasons. In that light, the Representative supported the proposal by the International Federation of Library Associations and Institutions (IFLA) for a draft law and searchable database on library limitations and exceptions. That was a workable compromise that did not commit members to norm setting, but which that would be a useful interim step towards the harmonization of limitations and exceptions for libraries worldwide. The Representative expressed EFF's hope that in the following SCCR session, time will be made available for NGOs to make statements about the broadcast treaty.

100. The Chair invited the NGOs that did not have a chance to speak email their written statements to the Secretariat.

101. The Chair stated that it was interesting for him to hear comments from the floor that which reflected the fact that the cross-border element of limitations and exceptions was more and more on the minds of stakeholders. The Chair was also very interested in the fact that a number of Member States had commented and observed that the impact of limitations and exceptions could not be addressed in isolation, but had to be addressed in a more thematic fashion. The Chair stated that the agenda items were divided into different types of exceptions and limitations, but the Chair thought that the points and observations made by others that those issues were connected was a fair. Based on the documents and proposals presented by Member States, both formally and informally, and the work of the Chair, the Chair wished to

discuss the work between then and the following SCCR session. The Chair wished to discuss what could be done in preparation of the General Assembly that could advance the Committee's work, bring value to stakeholders, and give a sense that the work of that Committee had a positive impact on the different lives of people and institutions in the respective countries across the world. The Chair stated that he made those proposals in the spirit of asking for views and asking for reactions, and not with the spirit of trying to close off discussions. The Chair stated that it had heard a couple of interesting fascinating suggestions including commentary about, and praise for, Professor Kenneth Crews report. The Chair wondered whether one of the things that the Committee could work on was to update the Crews study, as it was done in 2015, and things had been moving fast in that area. With the Marrakesh Treaty, there had been renewed interest in how the corporate system could help create engagement of other stakeholders and help support national and other objectives. The Chair wondered if an updated study was needed, and that it would not require a lot of resources on the Committee's part. The Chair stated that Professor Crews had indicated interest in that so it was perhaps something to think about and share views. The Chair stated that another thing that came up as part of the cross-border discussion to limitations and exceptions, was to ask the Secretariat to organize a seminar or Conference or some kind of event where researchers, academics, experts, people who are really deep and steeped into the details of those areas could focus on and to talk about the cross-border impact of the limitations and exceptions and not just from a library, archives perspective, but from across the different agenda items including museums, and even educational research institutions. The Chair stated that as someone who was the regulator and was leading copyright review in Singapore, when they engaged with stakeholders in Singapore on that, there were a lot of similar issues. There were challenges relating to exhaustion of rights, challenges relating to different approaches to limitations and exceptions, challenges relating to not knowing enough about how the industry is shaped and its nature. The Chair stated that another thing he thought should be considered was to not so much model laws but to look at whether the Committee could develop benchmarks and principles that would guide its and that would influence domestic regulators to look at those issues. The Chair thought that the couple of NGOs had mentioned model laws as a way of saying that eventually changes were best made when they enshrine the law, but the Chair also believed that at the broader level, benchmarks, principles were also equal. The Chair stated that he had heard a couple of comments about whether it was time for the informal chart done by the Chair to move into another place. On that piece, the Chair wished to hear the Committee's view on whether that was possible at that point in time. The Chair noted that there were comments made both privately and publicly that suggested that maybe not all of the elements in the chart needed to be at the same level of priority. The Chair requested comments on that. With regard to moving to a normative agenda on those issues, the Chair stated that as with other sessions, that topic was still frankly speaking quite far from a consensus. There were very passionately held views either way and in the interest of focusing on what could be done in the following few weeks and months, the Committee's views on the specific work items, any other work items that it thought were useful, were very welcome.

102. The Delegation of Senegal stated that the Chair's indications clarified the path ahead for the Committee's work. The Delegation stated that the African Group was in favor of having an international legal instrument concerning exceptions and limitations, irrespective of its form. From that viewpoint, the Delegation stated that the initial guidance given, for instance, the seminar, would need to take account of the latest changes that had taken place in connection to copyright and the impact of those changes on the process. The Delegation stated that it would be in favor of more information, of a document from the Committee, which could subsequently lead to a standard setting activity.

103. The Delegation of Chile stated that with regard to the Chair's question about the equality of the Chair's informative table, the Delegation had heard from observers and other delegations that that document could be a document adopted by the Committee as a working document. Based on the different views expressed by delegations, some were looking for a binding

instrument while others were looking at another way of approaching that issue as reflected in national experiences. The Delegation stated that that would in fact be a good basis for future work, bearing in mind that the Chair's proposal had the possibility of developing benchmarks and principles. The Chair's proposal was a good basis for that work and could serve a living document that would not prejudice the positions of delegations. And if that were not the case, a clarification could be made in the very same document itself. The Delegation stated that the Committee had done a lot of work and that unless it came up with a document on which it could continue to work, then the time spent in many long discussions would be quite complicated. The Delegation supported that proposal and stated that the document did not preempt or prejudice the positions of delegations.

104. The Chair thanked the Delegation of Chile and stated that the document did, in painstaking detail, clarify that it was not to guide the discussion towards any particular direction but to lead to a better understanding of the topics and their actual relevance of discussions and intent and outcome. The Chair stated that the Committee needed to show the General Assembly what the work of that Committee had led to. That could be concretized as the Committee had done a lot of work.

105. The Delegation of the United States of America stated that it still had not had a chance to consult internally, so those were preliminary actions. The Delegation favorably noted the suggestion to update the Crews study as it had been a valuable study in the past and he was an outstanding scholar. The Delegation stated that developments were rapidly changing, so we that would be a useful approach. The Delegation noted the development of principles and the word used by the Chair, benchmarks. The Delegation stated that on initial reading, it thought it a little bit prescriptive and preferred the phrasing of the principles and objectives approach, but would be favorably disposed to that. The Delegation noted that that there were already principles embodied not only in its document, but also in the Chair's chart, so it agreed. The Committee had a great deal to draw from, in terms of its achievements, as was noted by the outgoing Chair the chart itself was an interim outcome. The Delegation was still considering the possibility of moving the chart into a Committee document, but it was not totally persuaded at that point that that was a necessary step. The Delegation state that it would continue to draw from the Chart as an accomplishment, but that it would continue to contemplate.

106. The Delegation of Brazil supported the idea of updating Professor Crew's study and that would be very useful. The Delegation supported the suggestion of a seminar and took note of the comments made by the Delegation of Chile and the Delegation of the United States of America. The Delegation agreed that there were a variety of national approaches to the whole issue of limitations and exceptions to libraries and archives, and no one was listening. The Delegation stated that its own law was not a great example of what it was looking forward to achieving. The Delegation felt that there should be some minimum standards between all delegations agreed upon otherwise the whole concept of cross-border would be meaningless.

107. The Delegation of Iran (Islamic Republic of) stated that that agenda item had been on table in the SCCR for years and that so much work had been done during the previous year with regard to that topic. The Delegation stated that it had no problem updating the study and having a seminar, asked the Committee to bear in mind the mandate that had been given to the Committee. The Delegation was of the view that it was time to reach an agreement with regard to the future work plan for that agenda item. The Delegation stated that the Committee was mandated to work toward a legal instrument, and it was the time to think about how the Committee was going to work on that agenda item and achieve some kind of norm setting process. As had been expressed by the Delegation of Nigeria, that session of the Committee could be a turning point with regard to the exceptions and limitations for libraries and archives as the Committee needed to reach an agreement for the future.

108. The Delegation of the European Union and its Member States commended the Chair for his proposals on the way forward. The Delegation stated that other than being able to agree on the updating of the Crews study, it would like further time to be able to consider the Chair's proposals.

109. The Delegation of Canada supported the updating of the Crews study and believed that that would be helpful for the Committee. The Delegation wondered if it would be appropriate and helpful to update the study on limitations and exceptions for museums as well.

110. The Chair thanked the Delegation of Canada for its suggestions. The Chair stated that the discussions had been interesting and that he appreciated the candor and the passion of which the delegations have been speaking. The Chair stated that it would speak to the regional coordinators, touch upon those topics a little bit, and encouraged the Committee to have those conversations. The Chair stressed the need for the Committee to continue its work in some way, and in a way that did not prejudge and did not detract from the bigger discussions, whether a normative instrument was needed. The Committee needed to do things that were practical, and which would ensure that the Committee was multitasking and that it had a practical work program. The Chair indicated that he was cognizant to report to the General Assembly in a way that allowed understanding the hard work that was being done in the Committee.

111. The Chair asked the Secretariat to report on the side events.

AGENDA ITEM 8: EXCEPTIONS AND LIMITATIONS FOR EDUCATIONAL AND RESEARCH INSTITUTIONS AND FOR PERSONS WITH OTHER DISABILITIES

112. The Chair opened Agenda Item 8, limitations and exceptions for educational and research institutions and for persons with other disabilities. The Chair stated that as with Agenda Item 7, there had been quite a lot of discussions, studies and work by different experts and different third parties on that issue. The Chair stated that concerning that topic of educational and research, the Committee had the chance to use and to shape the international corporate regime for the good of millions of people who needed to have better access to education and to research and to all of the other activities. The Chair stated that based on a presentation that he had heard from the International Publishers Association (IPA), the four very dynamic educators and publishers from the world that they had watched, were impacting the lives of their communities, and it would be remiss of the Committee to not take that opportunity to work towards supporting, not just them, but the many, many others in different countries who are trying to do similar things. A lot of work had already been done in that regard, and the Chair wished to highlight three documents that were on the table: document SCCR/26/4 Prov., Provisional Working Document Towards an Appropriate International Legal Instrument (in whatever form) on Limitations and Exceptions for Educational, Teaching, and Research Institutions and Persons with Other Disabilities Containing Comments and Textual Suggestions, which was prepared by the Secretariat but had not been adopted by the Committee; document SCCR/27/8, Objectives and Principles for Exceptions and Limitations for Educational, Teaching, and Research Institutions, which was submitted by the Delegation of the United States of America; and document SCCR/33/4, Proposal Concerning Limitations and Exceptions for Libraries and Archives and Limitations and Exceptions for Educational and Research Institutions and for Persons with Other Disabilities, which was submitted by the Delegation of Argentina. During the previous SCCR session, the Committee had involved and engaged a number of experts and academics, and the Committee had requested for the updating of information containing the very voluminous study on copy limitations and exceptions for educational activities from Professor Daniel Seng from the University of Singapore. Professor Seng was now working on that and would present his results at the thirty-fifth session. The Chair opened the floor to regional groups and delegations.

113. The Delegation of Colombia, speaking on behalf of GRULAC, referred to the proposal by the Chair and stated that upon consulting with members of GRULAC, it welcomed the proposals that were represented, particularly with regard to updating the study by Professor Seng. The Delegation also supported the proposal made by the Delegation of Canada to update the museum's exceptions and limitations study. The Delegation stated that the table presented by the previous Chair was a very useful tool, which had to be converted into a document on the basis of which the Committee could continue its work. The Delegation stated that it was very interested in the Chair's reference to a guide document for benchmarking and principles purposes. The Delegation requested some more information about the content of that proposal, which it found to be very interesting. On exceptions and limitations for educational and research institutions and for persons with other disabilities, the Delegation welcomed the work done by Professor Seng and looked forward to that update in the following session. The Delegation stated that it was very interested in knowing the possible progress made on GRULAC's proposal on the effect of exceptions and limitations already established in national legislation with regard to cross-border use of works for educational and research purposes.

114. The Chair stated that in relation to the benchmarking and guidelines, the idea was to look at how the Committee could put together a DIY guide that worked well for the regulators, legislators, and policymakers, on what elements of a law, or other administrative or policy actions, could look like, for the different types of limitations and exceptions involving libraries and archives, but even extending to education institutions, research institutions. That did not call for a limited or a very narrow view of one type limitations and exceptions. The Chair stated that a DIY guide had to address what would be some of the basic elements in each country, what would be some of the intermediate elements, and what would be some of the more interesting or maybe a bit more current elements. The Chair stated that that is what principles was meant to reference. As to benchmarks, the Chair stated that the word "examples" or some other word might be more comfortable for everyone. Having looked at some of the principles and elements that could be considered, the Chair stated that examples should be given on how those actually work. For example, if there was a country or a territory that had a great way of framing its limitations and exceptions for certain types of institutions that could be included in there.

115. The Delegation of Senegal, speaking on behalf of the African Group, stated that study and research were great challenges in developing countries, and that enabling libraries, educational and research institutions to give public access to that educational heritage was an important action. The Delegation expressed that the African Group would like to have an international legal instrument which would enable its countries to insure access to knowledge and know-how, and which supported educational and research institutions in that area and also persons with other disabilities.

116. The Delegation of Georgia, speaking on behalf of CEBS, reiterated its strong recognition that education and research institutions played a great role in the development of the society, and that they supported discussions on the limitations and exceptions for educational and research institutions and for persons with other disabilities. The Delegation expressed its gratitude to Professor Seng for his research on education and research. The Delegation was looking forward to the study on limitations and exceptions for persons with disabilities other than print disabilities undertaken by Professor Blake Reid and Professor Caroline Ncube. The Delegation expected to hear a more evidence-based approach to having the national and legal framework in that regard. The Delegation believed that those useful discussions on the licensing might be of interest for all Member States. The Delegation stated that a legally abiding instrument would not be an appropriate work of that Committee, on that topic, and that under that agenda item and based on the proposed chart by the Chair during the previous session, Member States could exchange experiences to find solutions to any specific issues under the international and national legal instrument.

117. The Delegation of Turkey, speaking on behalf of Group B, recognized the importance of the exchange of experiences with limitations and exceptions for educational and research institutions. As the studies presented during the previous sessions indicated, many countries had already established their own exceptions and limitations for educational and research institutions, which worked well and respected their respective domestic legal system within the current international legal framework. The work of that Committee should be shaped in a manner reflecting that reality and complementing the well-functioning framework. The Delegation observed a similar lack of consensus on that item, as is the case on the previous item on the agenda, namely the limitations and exceptions for libraries and archives. The Delegation appreciated that the aim of the Committee's discussions was to reach a better understanding of that topic. The Delegation highlighted the objectives and principles proposed in document SCCR/27/8. The Delegation believed that the objects and principles laid out in the document could complement work on the limitations and exceptions for educational and research institutions.

118. The Delegation of the European Union and its Member States continued to welcome and support discussions on the existing international copyright framework that could properly support educational and research institutions and people with disabilities, both in the analog and digital worlds. The Delegation welcomed the work carried out by Professor Seng on exceptions and limitations for educational, teaching and research institutions, and it looked forward to hearing about the finalized scoping study on limitations and sections for persons with disabilities, other than print disabilities, undertaken by Professor Reid and Professor Ncube. The Delegation stated that it was important that WIPO Member States maintain a certain degree of flexibility which was particularly relevant across WIPO's membership. In many Member States, licensing also played an important role, either alongside the application of exceptions or instead of the application of exceptions. For those reasons, the Delegation did not think that working towards legally binding instruments would be necessary or, indeed, appropriate. Corresponding to what had said in the context of the preceding agenda item in the past, the Delegation believed that discussions on the basis of the chart that the Chair proposed at the previous session of the SCCR would be most useful if that focused on exchanging best practices with a view to finding efficient and effective solutions that addressed any specific issues, the limitations and exceptions or licensing under the current international treaties and at the national level. The Delegation emphasized its view that the work undertaken by that Committee on the subject could have a meaningful outcome only if the Committee shared the same understanding of the starting point and of the objective of the exercise. Clarity on that aspect was important, and in the same way, other subjects discussed by the SCCR should be pursued with having the need for an efficient use of time and resources in mind.

119. The Delegation of China stated that limitations and exceptions for educational and research institutions and persons with other disabilities deserved thorough research. The Delegation welcomed the updated study by Professor Seng and that of Professor Crews, and stated that it was ready to provide information from China to those two studies.

120. The Delegation of Iran (Islamic Republic of) attached great importance to the fair use of the system, and having that meant fair regulations and exceptions and limitations for educational and research institutions and persons with disabilities other than print. In that regard, the Delegation appreciated Professor Seng for his effort in finalizing his study and looked forward to seeing the updated version of the study and also the scoping study of the exceptions and limitations for persons with disabilities other than print by Professor Reid and his team. Bearing in mind the mandate by the General Assembly, the Delegation supported current initiatives to draft an appropriate legal instrument on limitations and exemptions for educational and research institutions and persons with disabilities at international level. Such a legally binding instrument would make it possible to meet the needs of all Member States in terms of the legitimization of the work.

121. The Delegation of Brazil reaffirmed its belief that a well-balanced copyright system was an unparalleled tool for promoting, rewarding, and disseminating knowledge. Those were three necessary aspects of the system. The Delegation stated that it had made suggestions in the past, which were incorporated in document SCCR/26/4 Prov. and believed that those suggestions remained entirely valid.

122. The Chair requested that the Secretariat briefly present the progress report on behalf of Professor Seng.

123. On behalf of Professor Daniel Seng, the Secretariat reported the progress status of the updated and revised version of his study. The Secretariat stated that the original study was available on the WIPO website as document SCCR/33/6. As a short background, during the previous session of SCCR, Professor Seng had presented a study, and then the Committee had a question-and-answer session with him. During that session, some of the Committee members requested that Professor Seng update and revise the study in order to correct some points or to add several new topics in the study. It was also during that previous session that the former Chair, Mr. Martin Moscoso, introduced an informal chart with those topics. Many of the topics were identified in the same study, but Mr. Moscoso also selected a few of the topics in the chart from documents already submitted to the Committee during previous sessions. In that regard, the Committee had requested that Professor Seng add some of those new topics into the study. The Secretariat presented a list of topics that Professor Seng had agreed to include in the updated version of his study. The Secretariat stated that some of those topics had already been reflected in the updated version, and the others were still in progress. According to Professor Seng, he had already corrected three requests in the updated version of his study. First, he updated the study to include regional agreements, such as the Cartagena Agreement and the Bangui Agreement. Second, he adjusted the study to reflect all the course corrections requested from some Member States, including requests from Germany and Nigeria. And third, Professor Seng updated the study to identify Member States that were members of Internet treaties in order to distinguish them from nonmember countries. There were now four topics that Professor Seng was undertaking in progress. The first one was the analysis on provisions specifically addressing the issues of digital copying and digital dissemination in the Berne Appendix context. The existing study used the original Berne Appendix classification of "reproduction" and "translation", and Article II.2 stated that license was to make translation of the work in the said language and published the translation in printed or analogous forms of reproduction. Article III.2 of Berne Appendix stated the license was to reproduce and publish an edition with the digital copying considered one of the analogous forms of reproduction, and digital dissemination as one form of publication in the Berne Appendix. Professor Seng also noted that some Berne Appendix provisions permitted organizations to secure licenses to transform published works for use in educational broadcast or for the dissemination of the result of certain types of research, including broadcast, made through a digital medium. So the digital dissemination could also occur through such licenses in the context of the Berne appendix. The existing study reviewed simply if Member States adopted the Berne Appendix in their national copyright laws. For the revised version of study, Professor Seng was undertaking a new review of domestic copyright laws on the definitions of reproduction, publication, and communications so as to evaluate the scope of those definitions in relation to digital copying and digital dissemination. Professor Seng noted that he would go through this exercise only in the context of legislative definitions and not in the context of case law, where he was aware that some Member States may expand, remit, or hold those definitions, legislative definitions by "interpretations." The Secretariat would provide the necessary support to Professor Seng to go through this exercise, which may require some legislation to be translated. Professor Seng was also undertaking the analysis on provisions which disallowed contracts from overriding copyright limitations and exceptions for educational activities. That was a complete renewed review, which meant that the existing study did not cover the topic as such, and that it did not capture all of those provisions. So far, Professor Seng had discovered that Member States adopted different formulations on those types of provisions. Some Member States adopted the positive

formulation, like corrective license granted in place of limitations and exceptions, which could not be more restrictive than such limitations and exceptions, while others adopted a formulation like limitation or exceptions that operated in absence or awareness of contract. Professor Seng was also working on a new chapter in the updated version of the study for the analysis on limitations and exceptions restricting liability of educational institutions. It was still in progress, but Professor Seng had already noted a myriad of formulations among Member States. For example, some countries exempted educational institutions from criminal liability from copyright production whilst others remitted damages payable by educational institutions. Professor Seng also thought that his review may end up incomplete because those types of provisions may be found in non-IP registrations, such as panel statutes, which were out of scope for his review at that time. That work may require further translations of some legislations and the Secretariat would be ready to support him in that regard. Professor Seng also tried to expand the search for provisions enabling translation for educational activities beyond the Berne Appendix. Just to be clearer, the existing study had already analyzed the provisions on adaptation and translation in the context of Berne Appendix. Professor Seng was reviewing the national provisions again in order to see if there are any general limitations or exceptions on adaptation and translation outside or beyond the scope of Berne Appendix. Like the case of previous liability exceptions, Professor Seng noted the myriad of formulations among Member States, for instance, some countries formulated that the context of private use whilst other countries employed a broader term, like "use," which could easily encompass translations whilst others extended limitations and exceptions for translations or adaptations for educational activities. As conclusion, the updated and revised version would first encompass some regional agreements and reflect Member State correction feedback such as the Internet Treaty membership status. It would also expand the Berne Appendix analysis in order to encompass the digital copying and digital dissemination concept. And finally, it would review Member State legislations for three additional classes of provisions, and those three categories included contractual overrides, restrictions against civil and criminal liability for educational institutions, and finally, extension of limitations and exceptions to general adaptations and translations beyond the Berne Appendix. The updated and revised version of the study was planned to be presented directly by Professor Seng in the following session of SCCR.

124. The Chair stated that it was very useful for the Committee to get a sense of what Professor Seng was focusing on and what his progress was so far. The Chair noticed the number of requests from Professor Seng to have feedback from Member States, in relation to translations of legislation and other types of instruments, and urged those who wished to be of help to reach out to Professor Seng.

125. The Representative of Communia wished to address the Committee on the subject of the limitations and exceptions for educational purposes. The Represented stated that Professor Seng's study found that some Member States had narrow exceptions in the copyright works for educational activities. Those narrow exceptions prevented certain educational practices, such as the quotation of an entire image in a school presentation. When it came to modern educational practices, namely those that occurred in digital and online teaching environments, the legal standing was even more problematic. Indeed, certain acts which teachers were allowed to perform in face-to-face teaching may not be permitted in digital and online contexts. For instance, in the Netherlands, the law was clear that a teacher could show a movie from a DVD in class, but if the same teacher wanted to show a video from a free publicly accessible website, that teacher would not be able to do it. That was due either to inappropriate legislative techniques or to domestic policy decisions. In any case, what was certain was that cross-border educational uses were compromised at the onset due to the current national copyright laws, including within regions that enjoyed a high level of harmonization, such as the European Union. Therefore, continuing to discuss those issues in a forum that would lead toward an internationally binding instrument as mandated by the General Assembly 2007, seemed essential.

126. The Representative of the International Federation of Journalists (IFJ) stated that all those works remained one of the key raw materials for education. IFJ deeply regretted that educational and research institutions were underfunded. The Representative stated that no one was proposing that schools and colleges should get free electricity or free phone calls. The solution there was collective licensing through collective management organizations that were democratically controlled by the rights holders they represented. There was a wealth of misunderstanding of the issues. According to a statement addressed to the European Union by a pro-education site, it reads on the site, "We want you to have the freedom to teach without breaking the law. Before teaching their students about how representations of Shakespeare's "Romeo and Juliet" have changed through the ages, a teacher may have to ask permission from the rights holders of every movie she wants to screen in class." The Representative stated that educators had to be relieved from this impossible task, but that even in the European Union that was an impossible task, and schools had to pay for a license from a collecting society and had no further administration. The Representative stated that in the United Kingdom, the collecting societies were working successfully on streamlining the system of licensing and making it more efficient in time and cash.

127. The Representative of the International Authors Forum (IAF) congratulated Chair and vice-Chairs and thanked the Secretariat for its work. The Representative stated that in an increasingly homogenized world, cultural diversity was important, and that it was the authors who maintained that in digital arts, literatures, language, and music, whose works were being considered in the proposals being discussed at WIPO. There were individual authors whose rights were involved in all countries and those rights had to be given primary consideration. They needed fair remuneration if they were to continue the work everybody wanted access to. Without payment, they would not be able to continue to create and the diversity and quality of content would suffer and the quantity of works produced would be limited. The Representative believed that there were already international copyright provisions in place that worked well and that would be able to enable the development of licensing frameworks, which enabled access, including a cross-border access provision through educational institutions, and ensured fair payment. Authors believed that those existing provisions contained sufficient flexibility for countries represented at WIPO to continue to work towards national solutions, such as licensing frameworks, which could be developed according to local needs.

128. The Representative of Corporación Latinoamericana de Investigación de la Propiedad Intelectual para el Desarrollo (Corporación Innovarte) stated that there was an indication, in current legislation, that the study of exceptions for educational limitations was not appropriate for countries, and that was a problem for international and learning cooperation in the area of communication. In order to overcome those challenges, the Representative stated that an international agreement, which would enable a minimum of common exceptions and limitations, and which would make it possible to have compatible roles for cross-border use of educational resources, was indispensable.

129. The Representative of the Program on Information Justice and Intellectual Property (PIJIP) congratulated the Chair. The Representative stated that coming from a country that has educational exceptions that are open to the use of any kind of work protected by copyright, those exceptions were open to any education-related activity or purpose, and were open to the use by any user, not just restricted to, for instance, teachers or educational institutions. Those rights were subject to a fairness test that made sure the authors and the rights holders were protected within those kinds of uses. That openness in the exceptions environment was part of what enabled the kind of innovations that allowed access to learning materials through new technologies and over the Internet. The Representative stated that Communia and the American University would host a side event on the outcomes of a research project that examined user rights and the value of those user rights. That research indicated that wealthy countries were developing openness in the education environment more quickly and more thoroughly than poorer countries were, but that the problems were not just related to poorer

countries. As the Representative of Communia had noted, that was not just a problem with developing countries but was too an issue in wealthy countries. There were environments where the education copyright was too restrictive to enable the basic educational learning processes that were necessary in the current environment. The Representative encouraged that the process moving forward, including the construction of any new charts and agendas, focus the discussions on those values of educational exceptions, where educational exceptions were open to works, open to users, and open to the full range of activities that were expected in the classroom.

130. The Delegation of Colombia, speaking on behalf of GRULAC, stated that picking up from what GRULAC had previously said, it wished to put forward a recommendation, and that it would like to hear Professor Seng's response to including in the study, an analysis of the current limitations and exceptions established in national legislations for the cross-border use of works within the framework of education and research. The Delegation stated that when it saw the presentation and the conclusion of that so far, it did not see any reference to the inclusion of that proposal made by GRULAC.

131. The Chair addressed that question to the Secretariat.

132. The Secretariat stated that it had contacted Professor Seng about whether he could, with the data that he had in his database, which was basically information on the national laws of Member States, provide responsive data on that subject, and he had told the Secretariat that that really was not possible based on the data that he had. Professor Seng had explained that there were a couple of reasons for that, one of which was that, not having seen many versions that directly addressed the question of cross-border transfer within copyright laws he did not anticipate that he would find a lot of data. Professor Seng had explained that what he thought would be required was an analysis of exhaustion requirements, which would be very complicated, and not something that could be simply have drawn from the database. As those particular laws were often found different places, sometimes in copyright law but not always, Professor Seng did not feel, based on the data that he had available, that he was able to undertake further work on that particular topic.

133. The Delegation of Colombia, speaking on behalf of GRULAC, took note of the comment and stated that it did not have any more questions.

134. The Chair requested that the Secretariat present on an initiative that started with a questionnaire that the Committee had received on the availability of materials in Member State countries. The Chair requested, Deputy Director General, Sylvie Forbin, to present on that part.

135. The Deputy Director General provided an update on the information, which had been provided in a circular a few weeks earlier. First, it had seemed to the Secretariat that, without prejudice to the work being carried out within the SCCR on the normative agenda, together they could attempt to look at some innovative solutions to facilitate access to educational materials. That included access to textbooks, educational text, and distance learning modules, which could be promoted through the process. The starting point had been to respond to one of the fundamental objectives of the United Nations, Goal 4 of the Sustainable Development Goals, to ensure inclusive and quality education for all. That issue overlapped with WIPO's mission. Second, education was a driver for innovation and development, and WIPO was the primary organization with a focus on development, through the use of innovation and intellectual property. Third, while there were other organizations working on that goal to ensure inclusive and quality education for all, including UNICEF and other agencies of the United Nations (U.N), within its field, scope and mandate, WIPO did cover the issue of education. They did not wish to duplicate initiatives being carried out by other agencies, but they wanted to complement them through the specificities of their intervention. During the course of that day, they had seen how important education was as an important subject and the panoply of different instruments that it

required. Perhaps other instruments could still be developed. They wanted to respond to two main challenges. The first was to contribute to guaranteeing access to educational materials and learning modules of high quality, particularly in low-income countries. The second objective was to ensure the sustainability of the national publishing sector. They had seen that significant private investment had been involved in that process. Market conditions, were also relevant, and public support, existed in most of the countries. However, those public funds were not adequate to respond to all the needs of the education sector. The approach that had been adopted to try to face those challenges, was an approach, which overlapped within three circles. First, research, together with the search for models and innovative licensing schemes. Second, the creation of a trustful environment, thanks to an appropriate level, legal playing field, shared with a maximum of countries. On that playing field everybody had fair and equal access. Finally, an important objective for the project was to strengthen the capacities of the publishing industry within the countries that wished to develop their own educational publishing sector, as one of their medium- or long-term objectives. They had envisioned three pillars. The first, would be articulated around a public-private partnership. There they had defined the objectives, implementation, the achievement of those objectives and a follow-up discussion, which would come from a dialogue between the stakeholders. It would lead to a collaboration between the various different actors, private and public. The second pillar concerned the legal framework. It was necessary to ensure that it created an environment of trust among the various different partners and stakeholders and also facilitated innovative cross-border exchanges. They had looked at the traditional legislative arsenal, but they could also look for unconventional and innovative legislative approaches that could be implemented. The third pillar concerned the means of cooperation that could be developed for countries wishing to develop their local publishing industry, create new educational publishing industries or strengthen the capacities within them. That could be done through a transfer of technology, and a transfer of know-how between publishers in a country where the activity was flourishing, and publishers in countries that wished to develop the same. In order to achieve that, they had sent out a description of the project in a note, which had included a questionnaire that would enable them to analyze and clarify the needs, and look at them from various angles. First, what was the target population for the project? Would it be primary schools, secondary schools, secondary institutions or tertiary education and research institutions? They had envisaged looking mostly at primary and secondary schools, touching a little bit on universities. However, they needed to be fairly modest in their initial approach. Second, looking at the market for educational materials, they already had some basic information through the reports established by the International Publishers Federation. However, they also needed feedback from the Member States about the market that needed to be covered. They also needed to know how educational materials reached the end user. Were they given through public means? Was it a public-private market? Or, was it totally private? That may be the case in some places, but they needed to have information from the Member States, so that they could see how the import of works compared to works at a local level. They needed to know the level of existence of the local publishing industry in the educational sector, including what percentage of works came from abroad, and what countries they came from. In order to have that information, they needed to have the questionnaires returned quickly. It was a very short timetable, but they were not a university or research center themselves. They wanted practical operational approaches, and for that, they really needed that information from the Member States. They would not have the possibility to verify that information on the ground. In the second phase, they had identified some stakeholders, including the authors of educational works and teaching modules, publishers, the publishing and printing houses, bookstores and libraries. They had indicated that there were printing houses, because it was an important aspect to know whether the printing house was found in the country, or whether books were printed in another country. There were also national educational policymakers, donors, NGOs that were interested in participating in the project, and the U.N agencies and development organizations with whom they would work in close cooperation, to complement their activities. There was also any other partner that had not been mentioned that would be important to include in their efforts. The following step was to begin pilot initiatives. They would try to marshal all the conditions for success to kick off the

initiatives. It was a progressive and open process. They would begin activities with those who were interested in taking part in the projects, whether it was to receive support or to help provide it. Then they would define the partners, other than the Member States, ready to help with the implementation of the project.

136. The Chair thanked the Deputy Director General for a very comprehensive run-through of what seemed to be a meaningful initiative that had been undertaken by WIPO, to help improve access to educational materials and learning modules, and ensure the sustainability of the national printing industry, which was a key stakeholder in all of their education sectors. The Chair inquired whether there was a timeline in which expressions of interest should be forwarded to the Secretariat. He asked if that was something that would only be available to interested Member States.

137. The Deputy Director General stated that they could begin immediately if there were some who wished to take advantage of their presence to provide suggestions. As she had mentioned, it was an open process. They hoped that the responses to the questionnaires would enable them to have specific elements to build the first partnerships. Some stakeholders had already expressed their interest.

138. The Chair urged all Member States to share the news with their stakeholders. For those who had stakeholders already engaged in the initiative, he encouraged them to get in touch with the Secretariat as soon as possible, to think about ways in which they could tap into the energy behind the initiative. There had been some ideas about what a cross-border seminar would look like, but it would be good to clarify that. Was it going to be a seminar style, conference style, or some other modality?

139. The Deputy Director General informed the Chair that on Friday morning - through the exercise they had started in parallel, on the exploratory study on the evolution of legislation regarding digital challenges – the Member States would see how the Secretariat had tried to initiate some thinking that corresponded to the expectations of an international organization. At all the levels of their interventions, they had to think in an international fashion, about the functioning of exceptions and limitations. They had already noted that the topic was a part of the DNA of WIPO and the organization's Creative and Cultural Industries Sector. They would like for the process to be cross-border in nature, transposed in terms of thinking and reflection. In other words, they believed that to think about the issues, they should gather several brains, and place them together in the same place to exchange equivalent levels of expertise, from different geographical horizons. It was an exercise that had already provided sound results on the topics that the Member States had requested the Secretariat to look into. They proposed that exercise, and not a conference format, to allow the experts to be able to speak and exchange their points directly, without being faced with a roster. It did not mean they were going to do that on camera behind closed doors. In no way did they wish to have a nontransparent or closed exercise. Consequently, they could gather together some academic experts, who would put the topic on the table and think about the main underlying issues. Professor Seng had told them earlier that it was not easy to penetrate the world of contracts. As a result, they needed the stakeholders to be able to discuss that. With their agreement, they would like to bring together a small group of international experts in the coming months. They needed to have a bit of preparation for that complex topic. In the second stage, before the future SCCR, they would include the representatives of stakeholders, who could contribute their experiences, expectations and for some of them their fears, to that academic thinking. It would be a debate limited in number so that it would be very concentrated in terms of energies and intelligence. However, it would help them with common thinking.

140. The Chair stated that it was the right time for them to focus their energies on very concrete things that they could do, and had already been doing. The topics should be discussed on a global basis. It was an opportune moment - after having heard the reports from

Professor Seng, as well as some comments from other stakeholders and the Secretariat - to look at what could be a possible work program for all the limitations and exceptions. He noted that he was going back and forth, referring to all the limitations and exceptions discussions. He had heard there was some appetite for updating the Crews study. He believed that could be done without much fuss. Mr. Crews had already indicated an openness and interest in doing that. He had also heard that there was some interest in the development of principles, like a DIY kit. It would provide guidance for domestic frameworks regarding cross-border services involving all the institutions of interest on that agenda item. He had also heard that they should have some kind of engagement or dialogue. There had been some discussions that morning about a typical seminar, which would be open, just like the format they had for the resale rights discussion on Friday. However, he had heard from the Secretariat, that maybe they needed to have some kind of expert roundtable, not only with academics, but inclusive of practical and operational experts, to find out what were the cross-border challenges. He assumed that they would produce a report, or some kind of document that would help inform their discussions at the following SCCR. In relation to education, they should encourage Professor Seng to finalize the study. That was something that was uncontroversial.

141. The Delegation of Senegal, speaking on behalf of the African Group, thanked the Deputy Director General for a very brilliant presentation, which had provided clear-cut information about the role that WIPO could play in attaining the objectives allocated to international community, in reference to education. The Delegation reiterated its desire of having a basic text on which they could envisage future discussions. The summary that had just been made did not reflect that fact. It would like to clarify that, specify it, and think about a formula that would lead them to having a basic text, which could be the object of future discussions.

142. The Chair stated that he had mentioned the proposals that addressed the points on which they could focus. He was aware that there was a strong desire, on the part of some Member States, to see the work move towards a normative instrument. However, he sensed from the room that there was also a sizable number of Member States who were of the view that the timing would not be right for that. The discussions about the work program ahead were not prejudged. The more engagements they had, the more they had information, and the more they could get their stakeholders involved. That led to a good basis on which they could move towards consensus on the normative instruments. However, perhaps at that point in time he would ask the Member States to address the comments that had been made by the Delegation of Senegal. The Delegation had indicated unequivocally, the desire of some Member States to move towards a normative agenda.

143. The Delegation of Benin inquired whether they needed to react to The Deputy Director's presentation on publishing. When they were talking about publishing, they were within the framework of fundamental provisions that addressed the access to knowledge and the fluid transmission of knowledge. The Deputy Director General had stated that WIPO would play its role, providing provisions at an international level to ensure the transmission of knowledge. She had spoken of a note, but the Delegation was surprised to hear a memo had been transmitted to respond to a questionnaire. How could they have access to the questionnaire to be able to respond to it in an intelligent fashion?

144. The Chair stated that the note had been sent out fairly recently on April 21, 2017.

145. The Deputy Director General stated that a note had been transmitted through the Permanent Missions in Geneva. They had to provide that information to the authorities at the Member States' Ministries of Foreign Affairs. The note had been sent out on April 21, 2017. She could also give it to the Delegate personally.

146. The Delegation of Nigeria expressed its support of the statement made by Senegal on behalf of the African Group. The Delegation had taken note of the summary that had been

provided. First, the Chair had spoken of an update of Professor Seng's study. He had also mentioned developing examples and principles, as a guide for cross-border uses, and for further engagement, through a seminar or conference of experts, on selected issues. There had also been mention of the need to finalize the study on educational exceptions. The Delegation shared the view that it would be important and helpful to finalize the study on educational exceptions, and for Professor Seng to update the study. However, speaking to what the Delegation of Senegal had said, there was an incredible number of participants present, including Member States, that wished to move forward with text-based, norm setting on that very important issue. It had not seen that presented. It understood that the Chair had just provided a summary, taking the sentences of what Member States had said. The Delegation inquired about the status of the Chair's chart on education and research institutions. Where was it in the summary that had been provided? What work would be continued on the Chair's chart, if that was the lowest-hanging fruit that the Committee could adopt to continue the discussions?

147. The Chair thanked the Delegation of Nigeria for having mentioned the informal chart that had been introduced by the former Chair during the previous session. They had requested views on that chart intersessionally. However, there had not been a single comment. The chart did present a chance to organize the discussions around structures and themes. However, they had not received any comments on it. Perhaps there was an opportunity for them to open that up for conversation to see whether there was an appetite for that chart to be a basis towards discussions leading to a normative instrument.

148. The Delegation of the United States of America provided preliminary feedback on the rich range of choices that the Committee had been presented with. As the Chair had summarized, there was a great deal of sentiment in the room to update the Crews study, and it agreed with that. It was also keen, as had been signaled before, on moving towards some kind of statement of objectives and principles, coming out of the Committee, that could be used by national policymakers to help inform their decisions. National choices typically provided the best possibilities to advance educational, social, and information policies. That was very important and it wanted to be a strong member of that conversation. It was also quite supportive of finalizing the Seng study. That was a major contribution, and it looked forward to that work. At that point, it still had some questions with respect to the seminar on cross-border uses. It looked forward to finding out more about that study. The Delegation understood they would to hear more on that during the week. More broadly, many Delegations had the sentiment that they came and brought experts to the room. They would be interested in learning more about the complex process of experts informing experts.

149. The Delegation of European Union and its Member States thanked the Chair for the proposal that he had made under the previous Agenda Item. The Delegation also thanked the Deputy Director General for her interesting presentation, and the information she had provided on a possible event addressing the cross-border impact of limitations and exceptions. Notably, with regards to the composition of the panel, it was very interested in hearing more about the process involved in due time. The Delegation would like follow that actively. Concerning the timing of such an event, the European Union and its Member States proposed that it should take place during the following session of the Committee to allow them to profit most from such an event. As had been said earlier that day, it was of the opinion that an update of the Crews study would provide valuable support, to the work of the Committee, as well as also to those involved in reform at a national level. It was also supportive of the finalization of the Seng study regarding the present Agenda Item. The European Union and its Member States shared the view the Chair had expressed earlier, that a model or draft law was not needed and was not desirable. It supported the idea to develop guidance and benchmarks for the national implementation of exceptions and limitations that could guide legislators. Such benchmarks would be particularly useful. They would build on the work carried out in the context of the studies commissioned by the Committee. Finally, there should be a clear understanding that

such work should not lead to any textual or normative work. At that point, the European Union and its Member States could not support giving a more formal status to the chart.

150. The Delegation of Colombia speaking on behalf of GRULAC repeated that it welcomed the proposals regarding the Committee's future work in that field. It thanked the Deputy Director General for the presentation which had been made. It was very important that the Secretariat received the input and information required, specifically contained in the circular that had been handed out. It was absolutely essential that the information was as comprehensive as possible so that they could continue their work.

151. The Delegation of Nigeria referred to its previous intervention on the Chair's informal chart. It recalled the process that they had undergone for that informal chart. The expectation of asking the Chair to develop a chart was that it would guide the discussions. It was not intended to lead to any outcome, which had been noted in the Chair's summary. The Delegation wondered to what extent they had made the Chair and Member States engage in the discussions, only to not give consideration to the Chair's chart, to start the discussion on education exceptions. That would not be fair to both exceptions because they had gone through the chart for exceptions and limitations on libraries and archives. Many of the elements were similar. They needed to be able to discuss them. The Committee needed to be able to address the elements that had been identified by the Chair. All Member States had accepted that the Chair develop that chart.

152. The Chair invited the Delegates to think about specific work programs overnight. He would need to start talking to the regional coordinators about that. At the same time, perhaps the following morning, they could begin the session by going through the informal chart that the previous Chair had prepared. Since there had been no comments intersessionally, they should not assume it was due to indifference. The following morning, they would have a chance to go through that. They would then move on to a presentation from Professor Ncube, and the people from Colorado would present on the disabilities issue.

153. The Delegation of Tunisia thanked the Deputy Director General for her presentation, and for her commitment to the very pertinent project she had proposed. It supported the statement of Senegal on limitations and exceptions. The Delegation would like to continue the discussions on the basis of text-based work, which they could look at throughout the work of the Committee.

154. The Chair reminded the Delegates that they had spent the previous day discussing exceptions and limitations on a number of items. It had been very instructive to hear the views of not only Delegations but also NGOs. That had included libraries, archives, educational and research institutions. They also had the chance to talk about the documents and the informal papers that had been the subject of so much work over the last few months, and indeed perhaps the last few years. They had also begun to discuss the possible future steps ahead. Sometime that morning, perhaps after the presentation, he proposed that they move their energies towards discussing the outcome on limitations and exceptions. Perhaps the later part of the morning or maybe after the lunch break, they would address resale rights. There would also be an exciting video conference, with Professor Grady who would be able to talk to them about what had happened last Thursday and Friday, and more importantly about the overall landscape of resale rights. He welcomed Professor Ncube, Professor Reid and the Colorado students to the Committee. They would take them through a presentation and a scoping study on persons with disabilities, apart from the print disabilities.

155. Professor Reid, his students and Professor Ncube, presented their progress report on the study on, Limitations and Exceptions for Persons with other Disabilities, not currently covered by the Marrakesh Treaty. The video of that presentation can be found at (Thursday, May 4, 2017 Morning Session): <http://www.wipo.int/webcasting/en/?event=SCCR/34#demand>

156. The Chair thanked the Professors for having provided an overview of the challenges that people with other disabilities faced, including how that interacted with the copyright and related rights regime. One of the challenges they had faced in Singapore - where there was a fairly sizable number of people with visual and hearing disabilities - was that after about a year of implementation of the Marrakesh Treaty, cross-border aspects became very important. Even though they had been given the right to have materials for persons with disabilities, there were other countries where the bulk of those materials were being produced. He inquired whether smaller countries had had the same experience. He asked the Member States to share their thoughts on the cross-border aspects.

157. Professor Reid affirmed that it was an issue they had been thinking about a lot. There had not been enough of responses to the survey to speak definitively on it. However, it could be said that it was obviously an issue that had been explored in a lot of depth in the context of the Marrakesh Treaty. New technologies would force them to reexamine the cross-border aspects in a new way. For example, one could imagine if a machine learning service was operated in one country and used in another, it might raise some of those issues. They could think of some other hypotheticals as well. It was something that they would be taking a hard look at in the study.

158. The Delegation of Argentina stated that some of the other disabilities had been covered in a number of national processes and national legislations when implementing the Marrakesh Treaty. Would it be sufficient once a state had ratified the Treaty to extend the concept of disability, defining it not only as audio or visual, but also any neurological disability that affected people and prevented them from acting in a conventional way? In that way, the same resources available under Marrakesh could be made available to people with those disabilities. Would that be enough to cover those difficulties? Could that be considered as a promising way forward, or should they depend on the international regime?

159. Professor Reid stated that it was a positive step to consider expanding the list of disabilities to include cognitive and intellectual disabilities. They had seen some sort of expansions in the context of the Treaty's implementation and in the responses they had already received. It was definitely one possible approach. The question was whether the scope of works covered under the Treaty was sufficiently exhaustive. Thinking about audio visual works, obviously they were worried about closed captions, audio descriptions and those sorts of things. He was not sure if it covered the waterfront to expand the list of disabilities, but it was certainly an important step a good start.

160. Professor Ncube suggested that if a country was expanding the list of disabilities in the domestic legislation, it was probably apt to also extend the list of works. If they keep it to the Treaty's works, it would not be sufficient.

161. The Delegation of the United States of America observed that one of the central concepts in the Marrakesh Treaty was the notion of an authorized entity, which had a very specific focus and context in the Treaty. While they had such an array of experts with them, the Delegation was interested in hearing more about what corollary groups to authorized entities existed in relation to the range of disabilities that had been discussed that morning. It was a question of fact, rather than law.

162. Professor Reid affirmed that that was a very important question. In the cognitive and intellectual disability space, because there was no specific copyright exception in the United States addressing that in particular, there was no formal definition of an authorized entity such as there was in the Marrakesh Treaty. But in their conversations with both cognitive and intellectual disability stakeholders, the primary group that was engaged in the transformative work that had to happen was educators. In the context of elementary school, or kindergarten up through to grade 12 education, there were a lot of disability services, and professionals who

specialized in adapting curricula for people with cognitive and intellectual disabilities. As a result, if they were to think about defining a class of entities that might be engaged in that kind of work, he would start there. Obviously, there weren't legislative examples to work off yet, so he could not answer that question directly. However, it was something they would be thinking about in the study.

163. The Delegation of Mexico shared its country's experience. Mexico had deposited its ratification to the Marrakesh Treaty on September 31, 2016. In its legislation, the Treaty was already part of law. As they all knew, the purpose of the Marrakesh Treaty was to provide people with visual disabilities with access to books in general. But also in force in Mexico was the possibility of providing access to people with all other disabilities. Currently, Mexican legislation covered what had been provided in the Marrakesh Treaty, as well as all other disabilities. It was a law that was in force in the country, which had been introduced to cover all of the country's international human rights obligations.

164. The Delegation of Chile looked forward to seeing the outcome of the study after Member States had sent in the requested information. Referring to the question that had been posed by the Delegation of Argentina, the Delegation observed that they had been talking about the need or not to have a binding international treaty on exceptions. They already had one of those examples, which was the Marrakesh Treaty. The Delegation inquired whether they could see an impact from the replies that they had already received. Additionally, had there been greater exceptions in that area because there was already a treaty in force? The value of their study, which was going to cover all disabilities, would be in analyzing that possible difference. Of course, the Treaty had not been in force very long. As a result, the analysis might be preliminary. It would be interesting to confirm the impact of an international treaty on exceptions for the purpose of national implementation.

165. Professor Reid stated that they very much intended to look into that during their analysis, and thanked the Delegation of Chile for its the suggestion. They would try to do some longitudinal tracking of legislation that had come in after the adoption of the Marrakesh Treaty.

166. The Delegation of Nigeria observed that during the presentation, it had heard that 15% of the world's population, or about 1 billion people lived with a disability. The Delegation had also heard that it disproportionately affected people in developing countries and was on the rise. In their preliminary survey, would they speak about particular exceptions for persons with disabilities, where there was a commonality across many Member States? In that regard, would it be an easier platform to gain consensus amongst Member States for pushing exceptions in those areas?

167. Professor Reid stated that they were at too much of preliminary a stage to answer that question. However, one of the goals of the study was to see if there were common threads, whether that was through the implementation of the Marrakesh Treaty, or through other statutes that countries had adopted either in advance of the Treaty or since. They would definitely be looking for those threads and hoped to have something interesting to report back to the Member States.

168. The Representative of the World Blind Union (WBU) asked whether the study had taken into consideration the impact of remuneration or compensation schemes in the application and implementation of exceptions for persons with disabilities. In the case of people with a visual disability, the European Union and its Member States had proposed to allow remuneration schemes basically "à la carte", which had created great concerns, as far as legal uncertainty. It had also created greater costs, and had to do with discrimination. Was it discriminatory that a person with a visual disability, would have to put up, either to the authorized entity or state, a greater cost of remuneration and compensation, when many other types of exceptions to copyright for sighted people had no compensation at all? He had been told by legal experts that

it could be a violation of the rights of persons with disabilities and it was a violation of the Universal Declaration of Human Rights.

169. Professor Reid stated that he did not know that they would be taking a position one way or another on that in the paper. However, the issue of remuneration was certainly something that they would be looking at in their analysis. Hopefully the study would be useful in illuminating the debate to which the Representative had referred, and would provide some additional data points that people could look to, in terms of which countries had taken what stance on the issues the Representative had raised. They appreciated the question and would make sure to address it.

170. The Representative of the International Federation of Library Associations (IFLA) wished to underline that in many countries that had a library law, there was a clear mandate for their institutions to serve all of their communities, including those groups who may otherwise struggle to access information. The statistics had shown the role of libraries in serving disadvantaged communities. The Representative's organization had played an active role in developing guidelines and best practices, including within the U.N context. Clearly, they had engaged closely on the Marrakesh Treaty and had welcomed progress towards effective ratification, without unnecessarily harmful barriers to the effectiveness of its provisions. The work of the European Commission on that had been admiral, as the opposition of some national governments had been regrettable. Given the lack of evidence on piracy, or measures such as commercially available checks, or supplementary remuneration, such as those that had been mentioned by his colleague, over and above the costs of buying and converting texts, what reason was there for maintaining that? Second, to what extent was WIPO's commitment to Article 30 of the Convention of the Rights of Persons with Disabilities, to take part in the cultural right on an equal basis with everyone else?

171. The Chair stated that he understood the passion that the NGOs had on those issues. However, the scope of study, may not necessarily address the questions and the issues that they had raised.

172. Professor Reid stated that on the one hand, taking a normative position on the very important questions that had been raised was probably beyond the scope of the study. However, they would do their best to identify those points of contention and identify arguments on both sides, to the extent that that further aided the discussion around both of them. They would do their best to address those points.

173. The Representative of Knowledge Ecology International (KEI) stated that his mother was deaf. It had been a disappointment to them when the Marrakesh Treaty had narrowed the works that were to be covered, and had also effectively narrowed the disabilities in the Treaty, to exclude people who were deaf. The presentations by the experts had been great because they had highlighted the complexity of the other disabilities. The Marrakesh Treaty had been a step backwards in terms of the inclusiveness that had been seen in the U.N. Convention, and also in some countries' legislations. In the document, SCCR/18/5, Article 15, subparagraph b was the original version of the Treaty that had become the Marrakesh Treaty, the initial negotiating text submitted by the Delegations of Brazil, Paraguay and Ecuador. . It was based on the draft by the World Blind Union (WBU). The WBU draft initially had language, which stated, "contracting parties shall extend the provisions of this treaty, to persons with any other disability, who due to that disability, needed an accessible format of a type that could be made under Article 4, in order to access a copyright work to substantially the same degree as a person without a disability." That had been dropped from the Marrakesh Treaty. Could WIPO consider at a General Assembly meeting, a joint recommendation stating that countries who implemented the Marrakesh Treaty, should include something along the lines of what had been in Article 15b of the document SCCR/18/5, along with whatever additional text was needed to

address the unfortunate narrowing of the works, which were covered under the Marrakesh Treaty?

174. The Chair pointed out that that question was best answered by the Committee and not by Professor Reid. If there was a written statement on that point, it would be best shared.

175. Professor Reid confessed his lack of knowledge regarding the protocol on the question that had been asked. They had received a lot of feedback from the deaf and hard-of-hearing community in particular, that echoed the disappointment that had been raised about issues not being addressed in the Marrakesh Treaty, such as, closed captioning. They had seen those issues arise several times in the United States of America. There was currently ongoing litigation, about song lyrics being excluded from closed captions, over concerns that were apparently rooted in licensing disagreements. So that was an issue that had had some real practical concerns for the deaf and hard-of-hearing community. It was one of the reasons they had endeavored to make sure to include that in the scope of the study. He was not sure to what extent the issues related to cognitive and intellectual disabilities had come up during the discussions around Marrakesh. However, the people they had spoken to in that community were very interested in seeing those issues addressed. There were educators that were very worried about those issues. They appreciated the spirit of the comment and would try to make sure that the study was inclusive in terms of describing all of those issues.

176. The Representative of Corporation Innovarte asked whether they could agree that according to humanitarian law, and the rights of person with disabilities, Member States that did not have adequate copyright law, had to provide full access to all types of works, for persons with print disabilities, or risk noncompliance with their international obligations, with regard to persons with disabilities? If that was the case what should be the role of WIPO?

177. The Chair stated that while questions of that nature were interesting, they were not really within the scope of the study. If it was something the study took on board it would reflect both sides of the discussion.

178. Professor Reid stated that answering that question directly was probably beyond the scope of the study. However, as they had heard at the beginning of the presentation, which had begun with reference to the Convention on the Rights of Persons with Disabilities (CRPD), that was an issue they would at least describe, although, he did not know that they would reach a normative conclusion.

179. The Representative of the Electronic Frontier Foundation (EFF) expressed his enthusiasm about reading the study when it was published. He inquired whether it would address technological measures. The Article 7 had been fought over for quite some time. Eventually the text they concluded stated, "Contracting Parties must take appropriate measures to ensure that the beneficiaries of the Treaty have access, notwithstanding the absence of technological protection measures." Would that be a subject of that study?

180. Professor Reid stated that the short answer was yes. There had been a lengthy history of working through that particular issue in the United States, in the context of the Section 1201 review. To the extent that the Member States had had experience with that, or had addressed the particular issue of technological protection measures, or digital rights measures in the implementation of the Marrakesh Treaty, they would be keen to learn about that in their responses to the survey. To the extent that they received responses on that, it would definitely be addressed in the survey.

181. The Chair stated that the authors of the study would need the views and inputs of the Member States on the questionnaire, in order to be able to get enough information to finalize the report and produce something that would further enrich their discussions. A deadline for the

responses had been set for June 2, 2017. He urged them all to submit answers to the questionnaire to Disability-copyright@colorado.edu. If there were any questions about the questionnaire, it could be sent to the Secretariat.

182. The Delegation of Argentina stated that, with regards to other disabilities, when Argentina was drafting the implementation of the Marrakesh Treaty, they had recognized that there was the need for other types of disabilities. They had proposed the question of cognitive disabilities, which could benefit other communities, not merely the visually disabled. It had not yet been adopted by their Congress, but they had recognized that it was not going to be that easy to allow those other groups to benefit from the trans-border benefits of the Marrakesh Treaty. It was in the legislation, despite their concerns about the possibility of difficulties. Nevertheless, they had covered those who were hard of hearing and those who had learning difficulties. A person would could not read, who was blind, could not go to the text. They needed a parent or another individual to give them access to the written word. However, after some years of learning sign language, they could then read for themselves and no longer needed specially adapted works. But that was still a problem at the trans-border level. While they could establish broad exceptions nationally, they could not yet resolve the problem at the international level. So once again, the Delegation expressed its concern and desire that they examine the cross-border aspect of exceptions and limitations for those who had cognitive disabilities other than visual disabilities.

183. The Chair stated that the Member States would address what could be done in relation to the general topic of limitations and exceptions. In that regard, the Delegation of Canada had a proposal in relation to limitations and exceptions for museums.

184. The Delegation of Canada reiterated the point it had made previously. In addition to supporting the updating of the Crews study, it might be helpful for the Committee to consider an update of the study on limitations and exceptions for museums. There had been some support amongst other Member States for that.

185. The Chair stated that at that point he wished for them to focus their energies on the next steps. He had come partly from the corporate world, which liked to look at roadmaps and work plans. He suggested that they spend the last day and a half talking about the different kinds of activities that could be done under that part of the Agenda. They had heard from Member States that there was a desire to have larger discussions about the normative developments in that area. With that in mind, he suggested that perhaps one of the things they could report to the General Assembly in October was a roadmap, that would draw together all of the different initiatives under five strands. The first strand would be on data and knowledge. Under that rubric, they would look at whether they would update and finalize the Crews study. That included the update on museums. Since the Crews study would be looking at libraries and archives, perhaps museums were best placed in that category, rather than in education. The second theme would be on engagement. There, they had a number of suggestions. One, was to ask the Secretariat to consider a seminar, symposium or expert round table, where there would be discussions on the cross-border nature of exceptions and limitations. They had heard that morning from the presenters, as well as from many interventions, that many of the limitations and exceptions could not, or should not be tackled from the domestic angle. The third theme was projects. They had heard the presentation of the Deputy Director General and had responded very positively to that. As part of that project, they could create a DIY toolkit that would allow Member States to have access to guidelines and examples. GRULAC and other countries had been quite keen to have a look at and use those examples and guidelines, to help guide legislators and policymakers in shaping a domestic legislative agenda. The fourth element was more of a process to review those activities at the upcoming meeting of the SCCR in November. Finally, the fifth element would be to evaluate all of those activities at the SCCR in May of the following year, with a view to seeing if at that point in time, they could move towards discussion that would move the normative agenda. He would ask the Secretariat to

circulate a short paper that described that proposal of the roadmap. They would ask the regional coordinators to consult with the Member States and then they would hear some views and get some feedback.

186. The Delegation of Colombia speaking on behalf of GRULAC recognized the Chair's leadership role in the debates. It requested that the initiatives be provided in writing. It also noted that GRULAC had expressed its support of the Canadian proposal, in the area of exceptions and limitations for museums. The Delegation observed that the Chair had not mentioned the question of the charts, which had been presented by the previous Chair, and how they could be included in the roadmap. They had been considered useful up to a point, and could, perhaps, be included as documents. It was a possibility and a step forward.

187. The Chair stated that the informal charts had been well received by a sizable number of Member States. There were two charts. The chart that had been more extensively discussed was on libraries and archives. There was a second chart that the Delegation of Nigeria had mentioned, which was the chart on educational institutions. One possibility was to have those charts be part of the data pillar of the roadmap, and to consider whether they could become documents of the Committee. The charts had been very neutrally drafted. It was not clear that they were pressured to mention the discussion. The former Chair had been very careful to drop a chapeau. They could be something to be considered under the data and the knowledge pillar. He saw the charts as informing and enriching their discussions.

188. The Delegation of the United States of America supported the suggestion of Canada to integrate museums, given their function. The Delegation viewed the charts as a very useful tool, or a gift, as it were, from the outgoing Chair, and they embraced them in that spirit. They also noted, however, that many of the topics went beyond a mere summary of the discussions. Those additional elements, that had been provided by the outgoing Chair had not yet been subject to discussion in the Committee. In that respect, it would be very important to continue to have those documents available to the Member States because they would certainly enrich and inform their discussion. However, the Delegation was of the view that it might be premature to transform them into Committee documents. However, they remained open to hearing other views.

189. The Delegation of China supported the proposal by the Chair to develop a roadmap on that issue. It also agreed with the proposal of Canada regarding updating and expanding relevant study outcomes. It was ready to provide its feedback questionnaire to the Secretariat, so that the various national legislations and the practices could be taken into account. The Delegation hoped that the Chair and the Secretariat would provide information in writing about the roadmap.

190. The Delegation of Senegal speaking on behalf of the African Group stated that it was flexible. It had displayed a great deal of constructive spirit in its work, and it was in that spirit that it had accepted many of the proposals made in the room. In the same spirit, the Delegation had expressed a preference for an international legal instrument. They hoped that the Chair's roadmap covering the five points would go in that direction. The African Group considered that it was very useful and relevant to keep the Chair's diagram as a future document for discussion at forthcoming sessions. It was a well-structured document. It set out a lot of information, in terms of approach and also obstacles that required further discussion.

191. The Delegation of Benin stated that it had received the note and the questionnaire. Having read that document it considered it to be a very interesting questionnaire. It required national collaboration from Member States. It required cross cutting work by a country because many Ministries were involved if they were to provide useful answers to the questionnaire. In order to be useful, the document needed a roadmap, as had been suggested, that would go hand in hand with practical mechanisms for follow-up and evaluation. In that way, they would know

where they had been coming from, where they were going and what to do with the results. If the work was done in that spirit, they would be able to have information and results that would be useful for the work of the Committee.

192. The Delegation of the Islamic Republic of Iran stated that most of the Chair's proposal was okay for the Delegation. However, in its view, for one of the topics, exceptions and limitations for libraries and archives, it was important to have a clear roadmap for the future. That topic had been a separate agenda item in the SCCR since the twenty-third session of the Committee in 2011. They had a clear mandate from the General Assembly in 2012 to continue discussion towards an appropriate international legal instrument, and to submit some recommendation to the General Assembly in that regard. They also had had three different studies commissioned by WIPO in 2008, 2014, and 2015. The Chair's chart, had been discussed adequately in the Committee, and the Delegations had exchanged their views and experience in that regard. With the General Assembly mandate and the development of the topic in the past years, in its view, the topic had been addressed sufficiently at a preliminary level. It was now mature enough to be considered by Member States at a normative level. Accordingly, it was of the view that the Chair's chart was a useful tool for further discussions on that issue in a normative manner. It should become a working document of the Committee as a part of the roadmap for the future.

193. The Delegation of Egypt stated that African countries had in fact, adopted very flexible positions in order to drive the work of the Committee forward, and overcome the current frozen state of the various items on the agenda. That flexibility, in fact, extended to limitations and exceptions for educational and national archives. As they were seeking to establish several legal instruments in that matter, and considering the unjustified reluctance of certain parties to establish such an instrument, the Delegation wished to endorse the statement made by the Distinguished Delegate of Senegal on behalf of the African Group. That proposal had been to have the chart that had been submitted by the previous Chair be considered an official document of the Committee for its future sessions. It also welcomed the Chair's proposal to hold one or several seminars on the question of limitations and exceptions for libraries and archives. At the same time, that required them to work on the drafting of that instrument or those instruments they were aiming for. Referring to the proposal by the Russian Federation, the Delegation supported the idea to consider merging all limitations and exceptions into one item on the Committee's Agenda for future sessions. The digital environment should also be included. It was a sound idea, which they could further examine, so that it may become a proposal for the future. The Delegation also welcomed the proposal for updating the various studies.

194. The Delegation of Colombia speaking on behalf of GRULAC thanked the Secretariat for its efforts in attempting to collect information useful to Member States and the activities of the Committee. The Delegation expressed its gratitude for the presentation by the Deputy Director General, as well as the presentation of the initiative for the study presented that day. Many of the discussions had been held up because they did not have useful information from the Member States.

195. The Delegation of Chile thanked the Chair for setting out the four areas for actions with future evaluations. It was a pragmatic approach with regards to the future work. It was a good way to allow them to put their ideas into force. On the subject of libraries and archives, it had reacted to the Chair's suggestion regarding the chart and what had been proposed by the previous Chair. It saw that a company treatment for exceptions and limitations was beginning, but they should recognize that there were differing levels of development in that work. They were thankful for what the Delegation of the Islamic Republic of Iran had said, and for the review of what had happened since 2011 to date. There were differing levels of development and there were different disabilities. They had the experts there on that. As a result, they wanted to stress once again that the chart on exceptions and limitations for libraries and

archives should be a working document. In view of the varying positions in the Committee, that was important. It should be on the table as an informal document, together with other documents. The Delegation hoped that that would be received positively. With regards to changing the items on the agenda, that was something they still had to consider. They had not discussed that in the group and they would like to hear what other Delegations thought.

196. The Chair shared his preliminary reactions to the proposals by some Member States to put all of the limitations and exceptions together. From a certain conceptual and architectural point of view, there was some attraction towards that because, after all, limitations and exceptions shared a common theme; how they could make the copyright regime work to support different causes that had more of a social or cultural aspect, that went beyond what was purely industrial or economic. That was not to say it was too exclusive, but there was a certain feeling that they needed to address some of the unmet needs. There were cross cutting measures in limitation and exceptions themes, as well as cross-border issues. As much as they tried to sort things out internally, a lot of the issues required cooperation. However, at the same time, from a process point of view, the Delegates had also pointed out that the discussions on libraries and archives were a lot more mature. The Delegation of the Islamic Republic of Iran had said that that discussion went back to the twenty-third session of the SCCR, whereas the discussions on the other limitations and exceptions were a bit more recent. In the area of disabilities, on the one hand they had the Marrakesh Treaty, which was a very mature expression on the treatment of people with visual or print disabilities. On the other hand, there were other types of cognitive disabilities that the Delegation of Argentina had addressed, which had not acquired the same level of maturity. He urged Member States to consider and reflect on that because while they did want to address the issues, they could be recognized from the study perspective, or from the data or knowledge gathering perspective. They could be viewed as a whole, but perhaps from the process or from the work agenda perspective, they may have to remain as they were at that time.

197. The Delegation of Brazil believed that the mandate of 2012 should be borne in mind, and that they should still work towards the necessity of an international instrument in whatever form for limitations and exceptions and other issues. It also believed that whatever the form of that international instrument, they would need a minimum set of agreed rules, in the absence of which any limitations and exceptions would lose much of their effectiveness. In that sense, they wished to support the statement made by the Delegation of the Islamic Republic of Iran. They also supported the Chair's suggestion for a roadmap. They thought it was sensible but they called attention to the importance of ensuring that exceptions and limitations, to the best extent possible, were dealt with in separate tracks. It seemed to them that the treatment of limitations and exceptions for libraries and archives had been moving faster and making more progress than, for example, educational and research institutions. It supported the comments made by the Delegation of the United States of America about the importance of including museums. It also supported Egypt's suggestions that the Committee to begin reflecting more intensely on limitations and exceptions for the digital environment. However, in all of those cases, it was important that their concern about separate tracks was taken into account. Finally, it agreed with the other Delegations about the importance of keeping the two valuable charts as working documents in the future work. With those conditions, the Delegation fully support the idea of a roadmap.

198. The Delegation of Georgia emphasized the fundamental role that libraries, archives, educational and research institutions and museums played in social and cultural development. The discussions over the issues that day had facilitated a fulfillment of the public interest undertaken by those institutions. Therefore, it acknowledged the importance of a more complex approach that the Chair had presented, and would be in favor of studying that roadmap. It believed that such an approach would provide the rich exchanges of best practices, to be elaborated in national, legal frameworks that integrated the local needs. The Chair had mentioned engagement as one of the strategies under the proposed roadmap, and had

suggested organizing seminars that would include discussions on exceptions and limitations with cross-border, cross cutting elements. It needed to consider that idea. Likewise, it looked forward to studying what had been presented by the deputy Director General the previous day. The Chair's proposal was very interesting but at that stage, it would be good to see the details of the roadmap. As it had understood, the work would be bring them not to the legally binding international instrument, but rather to the exchange of experience, in order to find solutions to any specific issues under the international and national legal instruments.

199. The Delegation of Indonesia believed that exceptions and limitations were of critical importance and thanked the Secretariat for all the hard work it had done in preparing all the documents, and making sure that there was time allocated for the issues of exceptions and limitations. It also appreciated the presentation delivered by the Deputy Director General, as well as the presentation that morning. It looked forward to seeing much more progress on the issues of exceptions and limitations for libraries and archives, educational and research institutions and for persons with other disables. The Delegation reminded the other Member States that they had a mandate from the 2012 General Assembly, that the Committee should work towards an appropriate international legal instrument or instruments in whatever forms on the topic of exceptions and limitations. They needed to continue to substantively engage in discussions on that issue. Indonesia supported the suggestion of a roadmap that the Chair had proposed, and echoed what the other Delegations had already stated. A separate track for exceptions and limitations would be preferable because for libraries and archives, there was a different level of maturity. They had spent a lot of time discussing those issues that were now in the informal chart on limitations and exception for libraries and archives. The Delegation would like to see the chart adopted as a Committee working document. The Delegation also supported the idea of including the discussions on exceptions and limitations for museums with those on libraries and archives. It also stressed that they needed a constant reminder that the intended purpose of copyright was the right to culture, science and education. Indonesia believed that needed to be in the copyright regime. They still had the incentives for people to be creative, but they should also remind themselves that the copyright regime was there to advance culture, science and education. It should be balanced. It should take into account commercial rights, and equally it should take into account other competing interests, including the public interest in scientific, cultural and social progress, as reflected in Article 7 of the TRIPS Agreement. They needed to maintain a balance between the rights of authors and the larger public interest, particularly education, research and access to information.

200. The Delegation of Nigeria supported the Chair's proposal for a roadmap. It believed that it would be very useful and would provide predictability and clarity on the activities of the SCCR. It hoped that the roadmap that was prepared would take into account the different levels of maturity of the different topics in the Committee. It supported the idea of seminars or original events to enhance and build a common understanding on the different issues. It hoped that careful consideration would be given to the role that the Chair's charts on library and archives and research institutions would play.

201. The Delegation of the European Union and its Member States welcomed an opportunity to comment on the specifics of the Chair's proposal as they stood.

202. The Delegation of the Russian Federation supported the position of the Delegation of Brazil, which was a very wise approach. It was not important what document they produced in the final analysis. But they needed to produce an understanding that minimum standards on exceptions and limitations were needed. This was extremely important. For that purpose, the main step was to adopt a roadmap. As in the past, the Delegation could not agree to the fact that they had made more progress in some areas or others. When they had the roadmap, they would be very clear about what direction they were moving in. The nature of exceptions and limitations were exactly the same in character. Once they had defined them, they would realize their importance, both for museums and archives, and educational and other learning

institutions. It agreed with the Delegation of the United States of America that they should include museums as well. That would be a very good decision. The Delegation stressed that a roadmap would enable them to make very serious progress in all of those directions.

203. The Delegation of India appreciated the Chair's proposal for a new roadmap for future SCCR sessions. However, it emphasized that discussions on the existing documents on exceptions and limitations should be considered with the objective of forming an international instrument. With regards to libraries and archives, it supported the proposal by the Delegations of the Islamic Republic of Iran and Egypt.

204. The Chair stated that they had received a number of comments and suggestions and had managed to come up with a draft document. They would make hard copies as soon as possible for the regional coordinators and would send a soft copy so that they could share the draft with all of the Member States. They had adjusted a couple of things in the course of the discussions. They believed that the word "action plan", was more proactive and more action oriented. They had incorporated the suggestion to include a museum-related data and knowledge aspect, based on the comments from some Member States that museums were an important element. They had put in square brackets the question of whether or not they should adopt, or consider the adoption of the informal chart. They would have a meeting with the regional coordinators to discuss that.

AGENDA ITEM 9: OTHER MATTERS

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

205. The Chair gave the floor to Professor Kathryn Graddy for her presentation via video conference.

206. Professor Graddy summarized the International Conference on Artist's Resale Right, held at WIPO on April 28, 2017. The video of that summary can be found at (Thursday, May 4, 2017 Afternoon Session): <http://www.wipo.int/webcasting/en/?event=SCCR/34#demand>

207. The Chair thanked Professor Graddy and opened the floor to questions.

208. The Delegation of Mexico stated that it was very clear that resale rights were fair, just, and in favor of artists. The Delegation asked Professor Graddy to state what percentage she thought she was fair to pay to the authors through this resale right.

209. Professor Graddy responded that in the European Union, the percentage was a sliding scale from 0.25 per cent up to 2.5 per cent, with a maximum of 12,500 euros. Australia had instituted a rate of 5 per cent and the maximum that had so far been paid out was \$55,000. The Professor stated that the correct percentage probably depended on the price of the painting as that made a big difference. For example, in the case of Picasso's painting that was recently sold for \$170 million, if you were to collect 5 per cent on the \$170 million that would be about \$10 million that would go to Picasso's heirs, which \$10 million was a lot for a resale of a painting. The Professor stated that in the case of Australia, she was not sure if the \$55,000 went to an indigenous artist or not, but that \$55,000 seemed much more reasonable. The Professor stated that maybe a higher rate of 2.5 per cent was important but that \$500 did not seem very reasonable or that one may have a cap on the amount, but perhaps the higher rate. That could be a reasonable compromise between the two ways that different countries could actually implement resale.

210. Professor Graddy made a presentation on the results of the preliminary study on the artist's resale rights. The presentation of that preliminary study can be found at (Thursday, May 4, 2017 Afternoon Session): <http://www.wipo.int/webcasting/en/?event=SCCR/34#demand>
211. The Chair stated that the presentation was a very comprehensive overview of an empirical study based on the economic data and analysis of the implementation of artist's resale rights. He opened the floor for questions.
212. The Delegation of France stated that it was very pleased with the results of the study which confirmed a study that had been carried out in the European Union when it had evaluated the directive on resale right. One of the things that the European Union had studied when it assessed its directive was the economic impact. The study did not find any proven economic impact, which that finding was in line with one of the conclusions presented by Professor Graddy. The Delegation thanked the Professor for having stressed the inalienable nature of resale right, which made it possible for artists to receive a complimentary income, enabling them to carry on their artistic and creative activities as a result of that extremely important inalienable characteristic. The Delegation stated that at the beginning of the presentation, Professor Graddy had given the example of a resale experiment in California that was in her view, unsuccessful. The Delegation stated that as far as it understood, perhaps the success or the lack thereof, was a result of the background of the resale right in California. The Delegation stated that in France that would have been income or turnover, whereas in California, that was profit. The Delegation stated that its idea of resale right, which was linked to its proportional remuneration system for the artist, was in proportion to the sales and not to the profit. It seemed to be complicated to set up remuneration based on profits, as one needed to know the profit margin, and that was too intrusive when compared to the market and the profit made by the collections. The Delegation asked whether the lack of success of the California initiative was due to the complexity of their system.
213. Professor Graddy responded that once there was a tracking of artist's resale rights, she was not sure that there was any more complex than that. She did not think that people in California really tried to make it work and she did not think that there was a follow-up on artists. There was no good record keeping, so it was in effect not implemented well. The big issue was that it was just too easy for one to take his or her painting from California to Arizona and sell it. Within the European Union, it was not that easy, as one had to take it out and face export duties. Christie's could not just say it was going to close its auction house in France and move it somewhere else as there was too much to be lost. As more countries were implementing that, the competitive effects were evening out because everybody had an even playing field. The Professor stated that she was not sure she had a strong opinion on the complexity of the profit versus the resale, other than that they did a very bad job in California and that it was simply too easy to move from California and sell one's paintings somewhere else.
214. The Chair wished to follow up on the point that was being made by the Delegation of France, which was whether it would be practical to implement profit-based remuneration, rather than income-based remuneration. One of the points the Delegation tried to make was that perhaps one of the additional reasons why the law did not work in California was that it was based on profit rather than income, whereas in France, it was based on income.
215. Professor Graddy stated that it was true that collection agencies often cited compliance as being huge, meaning they did not know what it was purchased for. That perhaps could have been one reason why it failed, but, there were also other major reasons why the California law did not work.
216. The Delegation of Canada stated that Professor Graddy had mentioned various elements: models based on profit, based on resale price, models with caps, sliding scales, minimum sale prices. The Delegation wondered if in Professor Graddy's research, she had been able to get a

sense of whether different approaches or models were emerging, for instance, different approaches for countries with large art markets, versus different approaches for countries with maybe smaller art markets.

217. Professor Graddy stated that countries with smaller art markets, which were countries where paintings were sold for less, tended to go for a higher commission rate, 5 per cent, than countries with huge art markets. The Professor stated that a difference she had missed had to do with the price of the painting. There should be a cap on super valuable paintings and extremely high priced paintings, but maybe, countries with smaller art markets may want to increase, as Australia had done.

218. The Chair thanked Professor Grady and stated that the Committee looked forward to the completion of the study and the final presentation at the following meeting. The Chair encouraged additional questions to be emailed to the Secretariat who could forward them to the Professor. The Chair opened the floor to general comments on the resale right.

219. The Delegation of Benin regretted the fact that the resale right's conference did not actually enable Member States to have a proper discussion in the presence of the artists themselves. The Delegation thanked Professor Graddy for her intervention, which it stated helped the Committee understand the issue a bit more. The issue of resale rights was very important, particularly for African countries, and especially for the French speaking countries, as they were the ones who had introduced the resale right. With the support of WIPO and UNESCO, the government of Tunisia brought together, earlier that year, a committee which proposed provisions on the rights of the resale right under copyright. That was the Tunis Model Law for Developing Countries, which had, in a clear framework, specific provisions on the resale right. The Tunis Model Law called for 5 per cent which it saw as a reasonable amount to require. The French legislation, which was based on the 1957 French law on copyright, and the French speaking African countries legislation, which was based on the Tunis Model Law of 1977, reflected that 5 per cent. There was a well-structured art market throughout the African continent, which would be unimaginable without the resale right. Benin had been restructuring its art market, and had recently created various structures. The Delegation favored the inclusion of resale right on the official agenda of the SCCR, whose discussions could lead to a Diplomatic Conference on the resale right to bring it into international law. The Delegation believed that the collective organizations for management and artist rights would be able to guarantee effective remuneration to artists in all jurisdictions around the world.

220. The Delegation of Malawi stated that the topic of artist's resale rights was important to Malawi, as in the previous year, it had just passed a law that had provisions on the artist resale right. The Delegation stated that it had learned a lot from the conference and from the experiences of other countries, that would help Malawi smoothly implement the artist's resale rights. The Delegation wished to maintain the topic of the artist's resale right on the agenda of the SCCR, and have it included as an official item.

221. The Delegation of the European Union and its Member States thanked the Delegations of Senegal and the Republic of Congo for their proposal to put resale rights in the agenda, going back to SCCR 27 and tabled at SCCR 31, and as for the initiative to hold a conference on the topic prior to that session. As it had reiterated in previous meetings of that Committee, the European Union attached great importance to the resale right. The resale right had formed part of the European Union's legal framework for more than a decade, and there was dedicated legislation applicable in all its 28 Member States. The Delegation welcomed the presentation by Professor Ricketson on the resale right at the previous session, and thanked Professor Graddy for her presentation. The artist's resale right was a topic of high importance for creators of all countries and regions in the world, and that was underlined in the artist's resale right conference, which was a good example of a substantive debate based on economic evidence. The Delegation wished to see such discussions on that topic within the Committee and gave its

support for discussions on the resale during the SCCR. The European Union and its Member States furthermore believed that if the SCCR agenda was expanded to cover additional items in the future, priority should be given to that issue. The Delegation looked forward to sharing its experiences and information on the implementation of the European Union resale right directive, and the merits of that right and urged all delegations to support the proposal from Senegal and the Republic of Congo and to accept the resale right as a self-standing item in the agenda of the SCCR.

222. The Delegation of Georgia, speaking on behalf of CEBS stated that it attached great importance to the proposal put forward by the Delegations of the Republic of Congo and Senegal to include the resale right in the agenda of the future work of the Committee. The Delegation stated that the conference was an excellent opportunity to share different practices. The Delegation was in favor of advancing the work which would fuel deliberations on the resale rights and are looked forward to engaging constructively in the discussions on the issue.

223. The Delegation of Botswana thanked the Secretariat for organizing the informative international conference on resale and expressed its appreciation of the findings of the study by Professor Graddy, which confirmed that there was need for resale rights. The Delegation thanked the Delegations of Senegal and the Republic of Congo for their proposal to consider resale rights in the work of the SCCR. The Delegation supported the proposal for the resale rights to be included in the future work of the SCCR.

224. The Delegation of the United States America stated that as it had noted in previous sessions of the SCCR, the resale royalty right was subject to discussion in the United States. That discussion was informed by a recent revision of the 1992 U.S. Copyright Office report *droit de suite*, the artist's resale royalty right. The Delegation had reason to believe that the discussion would continue and intensify. The United States was not among the WIPO Member States that had implemented *droit de suite* regime at the domestic level at that time. The Delegation stated that it was nonetheless willing to participate in an informed discussion of the topic, and welcomed the Secretariat's commissioning of a resale royalty right study that focused on the actual operation of the right at the national level, a useful resource for the Committee. On the basis of Professor Graddy's presentation, the Delegation had reason to believe it would be an excellent addition to its work. The Delegation stated that it was not in a position, at that time, to support the making of the resale royalty right a standing item of the agenda of that Committee, nor did it think norm setting in that area was yet mature.

225. The Delegation of Italy supported the introduction of that subject to the agenda of the following meeting of the SCCR. The study undertaken by Professor Graddy showed that the creation of a resale royalty right created no problems for the market, and particularly, not for the auction houses market. The Berne Convention foresaw the resale right, and therefore was nothing new.

226. The Delegation of Japan stated that as it was one of the countries that did not have the resale right in national legislation, such of information on the resale right was beneficial to its understanding on how it would benefit artists and the art market. The Delegation expressed concern that introducing the topic as a standing item may reduce the time for discussion on the broadcasting treaty, the topic that it considered as a top priority. After many years of discussion, the Delegation would like to conclude the broadcasting treaty topic as early as possible. In that regard, the Committee should focus on the agenda on the table. The Delegation supported conducting the study proposed by the Delegation of the United States of America as it may be useful to objectively analyze the pros and cons of resale rights.

227. The Delegation of the Czech Republic stated that many of the experiences it had with the implementation of the resale rights corresponded to what had been presented by several

speakers during the resale rights conference. For the Delegation, the topic of resale right was very important and it supported the inclusion of that topic on the agenda of the SCCR.

228. The Delegation Senegal thanked all the Member States who had accepted the holding of the conference, and thanked the Secretariat who had organized everything. The Delegation thanked all of the experts and artists who had contributed to the success of the conference. The Delegation expressed that it seemed that for WIPO, intellectual property was not an end in itself, as it understood it. The mission of WIPO was to encourage creativity and innovation through the use of intellectual property, and the resale right was a very simple thing and not at all complicated to understand. The artist should have an ongoing interest in the commercial success of their art and it was very difficult to find anybody who would actually say no to that. Everybody, even if they were politically correct, would still say yes, the artist had to have that interest; and if the answer was yes, then we must not be accused of passivity. That was a right which artists were demanding very passionately. One could see how passionate they were when they talked about this, and when one saw what was happening in music or in the audio visual spheres, there were difficulties because of downloading and streaming, and the market for those was exploding, and the art market was huge at the moment. There was a need to look very carefully at that and find a solution because the solution was already within grasp. The Delegation wished to discuss the resale right that currently existed in Africa and the African art market. It was understood that the African art market, although it was still relatively small, was emerging and growing. That meant that the works created by the artist were not just remaining in Africa but were traveling around the world. For instance, Cellise was a talented Senegalese artist who had just received 7,000 Euros, which was huge in Senegal. Although not hugely rich, he now had the money to buy materials, to work better, to produce better things, to produce quality works of art in better conditions, works which may well also leave the country. So even in Africa, there was a need to see that principle of reciprocity. Now, even if the artists themselves did not travel, their works were already traveling around the world. And under the principle of reciprocity, that was why there was a demand the universality of the resale right because it had huge consequences for the lives of those artists and the lives of their families. The Delegation stated that it heard again and again of people who had reticence with regard to the resale right, but did not hear any real arguments and that was not very productive. On subjects that were being discussed for example, broadcasting and exceptions, and people gave clear reasons why they held the positions that they did, but the Delegation had not heard any clear reasons why people held the positions they did with regard to the resale right. The Delegation restated its proposal that it stated should be given greater attention, and stated that the vast majority of the Member States had agreed to continue discussing it. The Delegation stated that together with the Republic of Congo and other Member States, they were going beyond that and suggesting that the resale right now be included as a standing agenda item for the work of that Committee. The Delegation stated that it may be seen that international organizations were unproductive in the way that so much time was spent talking, without making progress. That was a subject that had a very simple solution, which would really improve the lives of the artists, and would certainly help WIPO to promote creativity.

229. The Representative of the International Confederation of Societies of Authors and Composers (CISAC) expressed gratitude for the growing support that the resale right initiative was receiving from members of the Committee. The international conference on the economic impact of the resale right was a unique opportunity to gather, in one location, various players in the art market from around the world. Present at the conference were dealers, academics, economists and journalists who engaged in discussions about the resale right, its economic impact, and the importance in supporting the livelihood of artists. The Representative thanked the Secretariat for its excellent work in organizing the conference, which contributed to enriching the debate and promoting a better understanding of the right. Visual artists had the opportunity to make their voice heard in an authoritative forum and passionately expressed the importance of the resale right for their lives and creative careers. While the right represented insignificant sums for sellers and auction houses, for many visual artists, that remuneration was a vital part

of their income. The Representative stated that it was emotional to listen how the resale right had changed the lives of many creators and had enabled them to live off their works, and in many cases, helped them to become renowned artists. Visual artists indicated that the resale right was the only legal instrument that allowed them to maintain a connection with the unique art works they created. It forced the art market to be more transparent, which helped visual artists know where their works were and who owned them. That was a crucial point because when a work of art increased in value, it did because of the artist's growing reputation. And it was only fair that the artist himself or herself would be able to share in that. Some other important elements had emerged from the discussions. The economic impact of the resale right on the art market was analyzed by Professor Graddy who, together with Professor Farchy, was in charge on the economic study of the resale right commissioned by WIPO. According to the findings of the study in the targeted countries, there was no evidence that the resale right had a relevant impact on market prices or volumes of art works. Instead, the resale right had proven to be a tool to foster creativity in visual art. The Representative was confident that the early findings of that authoritative study would dispel the concern with regards to the effects of the resale right to the art market. Today, with the increasing implementation of the resale right across the world, it had proven to be a fundamental instrument to foster creativity in visual arts but there was important progress to be made in order to achieve effective harmonization and security availability around the world. As it was pointed out during the Conference, the right was recognized under international copyright law, but more so in a manner that was basic and insufficient. It was included in Article 14 of the Berne Convention which remained the principle grouping for global artist rights, however, it was not compulsory and it was subject to the requirement of reciprocity. That particular nature of the right in the Berne Convention opened a measurable obstacle for visual artists worldwide. Practically it meant that artists did not get the right, even in countries that recognized it, if the right did not exist in the artist's own country. The situation was, therefore, that the availability of the right and the level of protection varied from one country to another, and depended upon the nationality of the author and his or her place of residence. Some countries representing major art markets had not incorporated the right, impeding in that way its application to a considerable number of artworks. For that reason, it was important to insure its effective monitorization and secure its availability around the world. As the Committee had expressed its interest in discussing the resale right the Representative invite it to formally introduce the resale right as a future item of the SCCR. The Committee should not miss the opportunity to commence an in-depth analysis of the shortfalls of the existing international framework on the right, and address any needed updates to ensure that all creators benefitted from the same protection, and received a share when their works were sold by auction houses or galleries. That Committee could change the situation of visual artists worldwide and could give them the protection they truly needed and deserved. The Representative strongly encouraged Member States to introduce the resale right as a future agenda item, to discuss the issue, and to identify the problems and determine the solutions that needed to be found at an international level for the sake of visual artists.

230. The Representative of the International Federation of Journalists (IFJ) fully supported the proposals that the artist's resale rights be included on the standing agenda. That was an important principle that authors' rights and copyright should provide a means of support for independent, dedicated and professional creators. The Representative adopted the argument of CISAC and Delegation of Senegal. The Representative echoed the point made by Senegal that the resale right not only vitally supported artists, but was a demonstration to the world that WIPO was fulfilling its mission to promote and encourage creativity.

231. The Representative of the European Visual Artists (EVA) highlighted its participation in the discussion at the resale right's conference and thought the conference was balanced and that all stakeholders were able to their views to that question. A lot of issues around the resale right were clarified, as Committee members witnessed the importance of the resale right for the visual creators and visual artists. That was an economic right that had great importance for the artist, but was also gave them the right to transparency, the right to follow their works, to get

information, a point which was too important for visual artists. The Representative recommended that the SCCR take that question as a standing agenda item.

232. The Representative of the International Authors Forum (IAF) stated that the artist resale right entitled creators and the authors of original works of art to a royalty each time their work was resold through an auction house or art market professional. An artist's resale right recognized the ongoing stake an artist had in the increasing value of their work, and it helped to establish parity to artists. Authors benefitted from resale markets where resale rights were collected, but as Professor Graddy had noted, they missed out in other markets where the resale right did not exist. There was a growing trend toward selling artworks online, and that had contributed to art sales being increasingly international. An international resale right would resolve disparities between countries who had the right and those who did not, and would ensure that artists received remuneration from sales of their work, especially when their work was sold abroad. The AIF welcomed the introduction of the resale right on the SCCR agenda.

233. The Representative of the Library Copyright Alliance (LCA) stated that the resale right went against a fundamental principle of copyright law, the exhaustion doctrine. Under the exhaustion doctrine, a copyright owner's distribution right on a particular copy was exhausted after the first authorized sale of that copy. The resale right run contrary to that principle and diminished the rights of an owner of a copy of a work. The Representative stated that any discussion of the resale right had to recognize that basic conflict.

234. The Representative of Knowledge Ecology International, Inc. (KEI) supported the proposal to continue discussions on the artist's resale right. The Representative thought that the Ricketson draft treaty was a good starting point for an international instrument.

235. The Representative of *Corporación Latinoamericana de Investigación de la Propiedad Intelectual para el Desarrollo* (Corporación Innovarte) believed that all countries had the freedom to provide for the resale right as was indicated in the Berne Convention. The Representative had heard the preliminary report of the study and they showed that in the case of the United Kingdom, there was no negative impact. Rather than the fact that the United States of America, for example, did not have the resale right, the Representative did not see any cross-border issue. Until a better case was made, the Representative did not think that that issue should on the agenda.

236. The Representative of the Canadian Artists' Representation (CARFAC) stressed the importance of the centrality of the original work of art. The artist resale right was not new, almost 100 years, and was neither a charity nor a tax, but was rather a fair and just recognition that as the artistic creation builds in value over time that should be recognized through modest compensation to the originating artist. In the spirit of the notion that justice delayed was justice denied, the Representative urged the Committee to pursue vigorously the artist resale right so that Canadian artists, and those that did not presently have the artist resale right, may soon benefit from what would become the world standard.

237. The Chair stated that he wished to update Committee members on the discussions that he had with regional coordinators. What was discussed was for Committee members to look at Agenda Items 6, 7 and 8, and to ask themselves what could be the subject of a Chair's summary and what could be possible recommendation to the General Assembly in relation to those items. As a result of the discussions, the Chair would work with the Secretariat to update or to revise the action plan that had been sent to the regional coordinators.

AGENDA ITEM 9: OTHER MATTERS (Cont.)

Proposal for Analysis of Copyright Related to the Digital Environment

238. The Chair opened the session and apologized for the late start. He informed the Delegates that discussions had been underway between the regional coordinators regarding the outcomes of the meeting. He then began discussions on, the Proposal for Analysis of Copyright Related to the Digital Environment, which had been tabled by GRULAC. He invited group coordinators and delegations to make statements on that topic. He asked that statements be kept short in the interest of time, as the Secretariat and Professor Sirinelli were present and would be sharing their observations on the study.

239. The Delegation of Brazil stated that it hoped to continue the discussions regarding copyright in the digital environment, the subject of document SCCR/31/4, which had been tabled by GRULAC. Recent advances in technology had enabled the creation of business models based on the use of copyrighted works on digital platforms. These innovative business models generated opportunities and channels for all participants in the creative process. That had been the case since 2015, when digital market sales worldwide surpassed sales of physical formats and became the primary source of revenue for recorded music. That was also true for Brazil, where digital was the new reality in the music business. It was not just a matter of commercial success. It was a sea of change in the whole copyright landscape. However, legal reasoning and practices regarding copyright still reflected, to a large extent, analog realities. As a result, legitimate concerns were being raised at the national and international level regarding, among other issues, the remuneration of copyrighted works. Digital platforms affirmed that most of the revenues were being distributed as royalties, but authors and performers complained about a lack of remuneration. Likewise, producers and the cultural industry highlighted the “value gap” in the amount due for their rights. In its delegation’s view, the sustainable growth of the digital market required that the value of music be safeguarded and that creativity be adequately rewarded. The proposal tabled by GRULAC aimed to emphasize the importance of transparency in the remuneration of copyright and related rights in the digital environment. That would allow creators and artists to properly understand the payments and accounts they received, enhancing the management and exercise of their legitimate rights. The scoping study to be presented at the next session would be instrumental in having a more informed discussion in the following session of the committee. The Delegation expected that the study would include a coverage of the developments in the legal framework, as well as recent decisions in different countries around the world. The study should also address the important issue of the role of collective management organizations in the digital environment. Additionally, due to the cross-border nature of many digital transactions, the Delegation stated that the next steps should be considered within the SCCR among all Member States. The Delegation believed that Member States should be informed about the topics that would be addressed in the scoping study, to ensure that they remained in line with the concerns raised by GRULAC in their document. Finally, for all the reasons stated above, the Delegation requested that the Committee considered making copyright in the digital environment a permanent item on its agenda. The Delegation stressed that that topic addressed the present and not the future.

240. The Delegation of the European Union and its Member States stated that in line with what had been said during previous sessions, its Delegation was of the view that the issue of copyright in the digital environment merited attention and discussion, so that copyright could be more efficiently protected, and could play its role in the digital era. In that context, the Delegation took note of the update and report regarding the scoping study on the impact of digital developments on the evolution of national legal frameworks over the past ten years, which the Committee had supported at SCCR 33. That being said, it was important to note that those were potentially very wide topics, not necessarily clearly defined, and not only related to copyright. Therefore, before the Committee could address those topics, the Delegation was of the opinion that the concrete subject of the Committee’s conversation should be addressed first.

241. The Delegation of Georgia speaking on behalf of CEBS stated that CEBS believed that the topic was important, in terms of ensuring effective and adequate protection of copyright in the digital era. CEBS had also taken note of the scoping study on the impact of digital developments on the evolution of national legal frameworks. At the same time, CEBS was considering the wide nature of the topic, which went beyond the scope of copyright protection, and wished to emphasize that it preferred determining a concrete topic for discussion, which would provide for an efficient use of time.

242. The Delegation of Colombia speaking on behalf of GRULAC thanked the previous speakers for their interventions, which recognized that the topic was of vital importance to the Member States. The Delegation repeated that for GRULAC, as had been stated in its general statement at the beginning of the session, the challenges for protected works in a digital environment were undeniable. GRULAC looked forward to discovering the kind of results the requests for the studies would provide. GRULAC reiterated the importance of having a study that reflected the progress that had been made in the past ten years, regarding international legislation on copyright related to the digital environment.

243. The Delegation of Senegal speaking on behalf of the African Group thanked GRULAC for its proposal. As previously indicated, the Delegation was looking forward to the results of the studies. Those studies would provide elements of a response. The African Group was committed to taking an active part in the discussions on that issue in a constructive spirit.

244. The Delegation of the United States of America stated that its delegation believed that the SCCR should be a forum to discuss timely, significant, substantive copyright issues without preparing for norm setting. The initial GRULAC proposal for SCCR work in the broad area of copyright in the digital age offered an opportunity to test the subjective practice. As the Delegation had said before, it would not be possible to discuss all the topics in the broad-ranging original GRULAC proposal, and some of the topics were more likely to result in productive exchanges of views than others. As a result, the Delegation welcomed the efforts of the informal group of copyright experts and the Secretariat to narrow the range of topics on which the SCCR would focus. There was a cautionary note as well. In the view of the United States of America, copyright policy issues, as opposed to marketplace issues, such as remuneration of artists and performers and questions of bargaining power, were more likely to result in productive exchanges in the forum.

245. The Delegation of the Russian Federation expressed its support for the issues that had been raised. It was very much interested in discussing the use of copyright and the Internet. At present, it was a very serious problem in society. It led to very heated discussions. There were very extreme views. On the one hand, everybody wanted to use the opportunities provided by the Internet to access copyright. On the other hand, there were very many problems arising with counterfeiting and the infringement of copyright, precisely through the Internet. The Delegation already had a great deal of experience in that area. A few years ago, the Russian Federation had adopted a special law on counterfeiting via the Internet. The Delegation was prepared to share its experience in future discussions. However, there was a concern that the topic was very broad, and the Delegation feared that the Committee would not be able to cover it completely if it were an agenda item. As a result, it preferred that the Committee completed the items it had already started to discuss. Referring to the position expressed by the United States of America, the Delegation stated that perhaps the problems that existed could be examined in an informal setting, with periodic updates. The Delegation's position was that an informal approach should be adopted for that topic.

246. The Delegation of Chile stated that it supported the statements made by GRULAC, and the Delegation of Brazil. The Delegation was of the opinion that the Analysis of Copyright Related to the Digital Environment, specifically the treatment of rights of different business models, could be analyzed in the Committee. It would help in national policies, and national

policymakers could adopt legislation to reflect new realities. That would facilitate the greater inclusion of artists in the new reality, which was not as new anymore. As the Director General had said in his presentation to the ambassadors a week ago, in the year 2015, for the first time the music industry had had positive numbers, and they welcomed that. The digital environment had had its changes. The Delegation supported the fact that that could be analyzed and discussed in the SCCR, and it looked forward to the Secretariat's response regarding the study that they had requested as a group.

247. The Chair thanked the Delegation of Chile for its intervention. He stated that the time had come to turn to the Secretariat, which had been requested to commission a scoping study on the impact of digital developments on national legal frameworks over the last decade.

248. The Deputy Director General explained that the Secretariat has responded to the request that had been expressed during the previous SCCR, to initiate a scoping study on the impact of the digital environment on the evolution of legislative national frameworks over the past ten years. Dr. Guilda Rostama, who had been commissioned to conduct the study, was introduced. Dr. Rostama, who was of Iranian, Canadian and French origins would be expected to understand the several cultures and schools inherent in the exercise. Last February she had begun to work actively on the study and was now in a position to present a first-stage report. The study would be introduced in its entirety at the following SCCR. Operating in a rather innovative way,, academics and experts in copyright had met for two days, on April 6 and 7, 2017, at the request of the Secretariat. They had been asked three questions; First, to identify the various stream of changes in the copy right framework, which were occurring in the digital world. Second, whether legislative amendments in the Member States, introduced in the past ten years, responded effectively to the digital challenges. Third, how the new laws had adressed the continuous relevance of the principles and legal concepts of the treaties managed by WIPO, while taking into account the technological and societal evolutions linked to the digital world. For that rather difficult task 11 experts on copyright had been chosen. That list of 11 experts was not a closed list. As the work undertaken was to be continued, it was hoped that proposals would be received from other Member States. The list was also open to other volunteers. One of the experts who had taken part in those discussion, Professor Pierre Sirinelli, had been asked to present a summary of the work which had been undertaken during the two-day meeting. The Secretariat introduced Dr. Pierre Sirinelli, Professor of private law at Paris 1 University (Panthéon Sorbonne), founder and director of the Study Centre for Immaterial Rights and the president of the French group of International Literary and Artistic Association (ALAI).

249. Dr. Guilda Rostama presented the first steps which had been taken on the scoping study on the impact of the digital environment on copyright legislations since 2006. She informed the Delegates that she would first present the methodology of the study, focusing particularly on the method of identifying the relevant Member States' legislations, which would be included in the study. Four general themes had been identified with the help of the WIPO Secretariat. She would then present examples of the first general trends and highlights that had been identified at that stage of the study. And finally, she would look at the next steps of the scoping study. Regarding the methodology, she noted that phase one had been conducted between February 1, and March 31, 2017. That phase had consisted of the identification of the Member States that had adopted a law after the beginning of 2006 until present. She called the Member States' attention to the fact that although the study sought to analyze digital developments over the past ten years, it had been difficult to determine whether the amendments that had been made to the copyright laws actually related to digital technology or not. As a result, it had been decided to include all the laws that had been either created or amended since 2006. However, on the account of relevance, some instruments that had been adopted before 2006 had been included in the scoping study. Those included the European Union Directive of May 22, 2001, on the harmonization of certain aspects of copyright and related rights in the information society, as well as the directive of April 29, 2004, on the enforcement of intellectual property rights. Most of

the laws had come from the WIPO Lex database. However, additional research had been conducted to identify more recent instruments that had not yet been included in the WIPO database tool. Where such instruments existed, they had opted for the most recent version, provided that that law had been published on the official website of the Member State and it had been drafted in English, French or Spanish. Finally, she called the Member States' attention to the fact that only the provisions that explicitly referred to digital technology had been incorporated in the analysis. She explained, for example, if a Member State had provided an example for the right of exception for educational students, that exception had been included in the study only if it expressly referred to digital and electronic reproductions. She had prepared a map to demonstrate an example of the volume of Member States that had been included in the study, apart from the United States of America, Canada, Australia, and the European Union. There would be 120 laws from 105 Member States. From the Latin American and Caribbean region, there would be 14 Member States, 19 from the African region, and 23 from the Asia-Pacific region. The list of the identified Member States would be distributed to the Member States by the Secretariat. Dr. Rostama then addressed the four general themes that had been identified in the study. The first theme that had been identified related to the digital environment and the copyright value chain. That theme would tackle the reproduction right, the making available right, the communication to the public right, the right of distribution and rental, and the right to specific remuneration for digital exploitation of protected subject matter. The second theme related to limitations and exceptions. That theme focused on the right to make computer programs and backup copies on the reproduction of databases. It would also focus on user-generated content, digital limitations and exceptions applied to libraries, archives, and educational institutions. The third theme of the study focused specifically on the impact of digital technology on the scope and on the management of copyrights. Here, the study would take a look at the specific definitions adopted by Member States on the elements of the digital world. It would also look at computer programs, databases, and digital rights management. There was also a particular focus on interoperability, temporary reproductions and the storage of works in digital forms. Finally, the study would focus on new digital players and would bring special attention to Internet service providers' liability. The plan was to look at the definition that Member States had given to Internet service providers and how they had defined the scope of their liability. Dr. Rostama then presented a few examples of the identified highlights. She noted that while it was still a work in progress, she thought it would be interesting to show the patterns that had been identified thus far. Regarding the right of reproduction adapted to the digital environment, they had been able to identify two general trends. The first trend that Member States had adopted was to give a broad definition of the right of reproduction and then to include a technical component. So, Member States said that they had given a definition of the right of reproduction. They said that it included temporary or permanent archiving. In the second general trend, Member States chose to exclude certain digital reproductions from the general right of reproduction, and that was usually addressed in three steps. In the first step, Member States stated that users could make a provisional and/or a private copy. In the second step, they said that that exception did not apply to software or databases. And finally, they gave a specific definition of the right of reproduction for databases and/or computer programs. It was a special definition that was applicable to those items with their own limitations and exceptions. Another general trend regarded the right to make available to the public digital transmissions. The vast majority of Member States modeled their definition of the right of communication and the right to make available to the public on those of the WIPO administrated treaties. However, some Member States went a little further and provided more specific details on the digital environment. For example, they focused on the making available of copies to the public by means of an electronic retrieval system. Or they focused on the diffusion of signs through electronic devices. Or they even tackled the making available of copies of works through the Internet. Some others emphasized under the definitions of communication to the public, the interactive aspect of communication to the public and placed an emphasis on video on demand and music on demand. Regarding the question of the specific remuneration for right holders for the digital exploitation of their works, they had found that that right might be granted either to authors, performers, producer of phonograms or to all three. For example, there were Member

States that granted a right to additional remuneration to producers and performers whose recording was communicated to the public by telecommunication. Some others guaranteed that the authors received fair and equitable remuneration for the marketing and the distribution of a book published in digital form. They had also looked at exceptions and limitations in the digital environment and particularly what concerned libraries and educational institutions. For instance, some Member States allowed the possibility for educational institutions to make, under certain conditions, multiple reproductions and communications of journal articles, copyrighted works and anthologies in electronic versions of the works. Some others, tackled the making available of works in computer networks, providing that the access to the works was only available to pupils or to students and their teachers. Regarding libraries and archives, some Member States allowed the possibility for libraries, archives, and museums to provide a digital copy to a person who requested one, but they needed to ensure that that person could not reproduce the material or communicate it to someone else. Finally, one last example of the identified highlights of the study related to the new digital players, and in particular Internet intermediaries. Member States had adopted different approaches for that which concerned Internet intermediaries. Some defined Internet intermediaries according to their activities, including transmissions, routing of copyrighted material, caching and storing of a copyright material on a system network. Then according to each activity, they defined different scopes of liability. But some others had a different pattern, choosing not to provide such a detailed definition of Internet intermediaries. They only focused on the reliability of Internet intermediaries and on notifications and counter-notifications of online infringing material. To conclude her presentation Dr. Rostama spoke about the next steps of the study. She stated that approximately 2/3 of the legislations were left to be analyzed. After the analysis had been completed the scoping study would be drafted in collaboration with the WIPO Secretariat. It would then be sent to the experts for their suggestions and recommendations and then an editing phase would take place. Finally, it would be presented to the Member States during the thirty-fifth session of the SCCR, which would take place in November 2017. Dr. Rostama then mentioned the brainstorming session that had taken place in April 2017 in Geneva and presented the experts that had participated in the meeting. They included: Professor Mihaly Ficsor, Professor Joseph Fometeu, Professor Jane Ginsburg, Professor Andres Guadamuz, Professor Justin Hughes, Professor Marisella Ouma, Professor Daniel Seng, Professor Tatshuiro Ueno, Professor Raquel Xalabarder, Professor Fernando Zapata, Professor Pierre Sirinelli.

250. Professor Pierre Sirinelli presented his report, summarizing the work that had taken place during the two-day meeting of the experts. The video of that presentation can be found at (Friday, May 5, 2017 Morning Session):
<http://www.wipo.int/webcasting/en/?event=SCCR/34#demand>

251. The Delegation of Colombia speaking on behalf of GRULAC expressed its appreciation of the presentation which had been made. GRULAC had taken note of the broad range of information contained in the preliminary report and looked forward to the final results at the November session of the SCCR. The Secretariat had referred to the process through which the study had been put under way. GRULAC had taken note that the Secretariat had stated that the expert meeting had been a brainstorming session. The Delegation thought it was very important that it had been described as “an open-ended process”, which the Secretariat hoped to complete with suggestions and inputs from Member States. That had been confirmed by the team working on the study. GRULAC wanted to make that point very clear. The Delegation wished to emphasize that it was very important that the process should be an open one.

252. The Delegation of Colombia supported a number of the concerns that had been expressed by Professor Sirinelli. The Delegation agreed that caution should be taken when approaching some of the issues that had been identified, before making any decisions in the Committee. It valued the identification of a number of problems, including whether the existing international norms required reinterpretation, whether to examine the effects of their

implementation, or whether to completely revise the 1996 WIPO administered treaties. There was also the author, who was at the center of the discussions but no longer seemed to be. They should be doing work to see whether authors could receive fair remuneration for their work. There was also the influence of other legal regimes, and it was important to examine that. Colombia's copyright law did not have to do with competition law and so that too was something to be examined in light of how users made use of works and how they accessed them. The Delegation was thankful for the explanation of the methodology behind the study that had been presented. It was important to know how conclusions had been reached.

253. The Delegation of El Salvador supported the statement that had been made by Colombia on behalf of GRULAC. As at previous sessions, the Delegation repeated that it was important for the Committee to address the topic of copyright in the digital environment. It was a cross-cutting problem, which had become extremely important in the Committee's discussions. The Delegation looked forward to the final results of the study. The conclusions had been truly interesting, but the Delegation had the impression that it had been a closed-door discussion that had been taking place in parallel. The issues should be discussed in the Committee, by Member States, based on the results of the study or studies. The Delegation could not assess the results of the expert meeting because it had not been present. It was not able to attend. The Delegation was of the opinion that the experts had reached their own personal conclusions. It requested that for any future exercises of that type, Member States should be able to participate in the process of the selection of the participants and their discussions.

254. The Delegation of Brazil pointed to the treatment of exceptions and limitations in a balanced environment and the importance of all participants in that process. It was of the opinion that the essential role of WIPO and that of the Committee regarded all the trans-border aspects, as well as the growing importance of international cooperation. That was becoming ever more important in the digital world of today.

255. The Delegation of the European Union and its Member States had taken note, and was very supportive of the fact that both the study and the discussions at the expert meeting had, among other topics, highlighted the importance of a fair sharing of value online across the whole value chain. They had also asked questions and looked at the role of intermediaries including the question of the fair remuneration for authors, and ways and means to get there. As had been stated earlier, the European Union had recently addressed that issue in the proposed directive on copyright in the digital signal market. The Delegation would be happy to provide explanations as well as insight into what had led to the adoption of that proposal. The proposal was currently being negotiated between the co-legislators. As a result, the outcome was still uncertain, but there had been vast preparatory work. It would come as no surprise that it could see great value in having such a discussion on those issues within the Committee. Therefore, the Delegation looked forward to the completion of the study to be presented at the following session of the SCCR. It would return with additional questions at that time. The Delegation was particularly interested in hearing more about the possibility of having a checklist for contracts between intermediaries, and the methodology for developing clauses in that regard. It was also curious to hear more about the possible global registry of works. Both ideas could be very interesting.

256. The Delegation of the United States of America thought that the presentation had been very useful and instructive. It had taken note, in particular, of the notes of prudence and caution, with which it fully agreed with. The Delegation had been struck by the practical nature of many of the suggestions, which it believed was an important way forward. It looked forward to reading the full study and continuing the conversation.

257. The Delegation of Algeria noted that its copyright office had had experience dealing with intermediary providers such as YouTube. As a result, it had an enormous amount of concern regarding what should be considered making available to the public or mechanical reproduction,

because the payment was very, very small. That was the first problem. The second problem, regarded the registry which had been mentioned. It could be a very good solution for everything that was used, if a distinction could be made between intellectual works and any other short film put on that site. It was important to make that distinction because YouTube had communicated enormous lists identifying works with regards to remuneration. CIS Net, which identifies the works of more than 300 societies throughout the world belonging to CISAC, could not sufficiently process, identify, and pay the rights holders what was due to them.

258. The Delegation of Brazil shared its reflections regarding the accountability necessary for proper remuneration for authors, transparency of the values that were being remunerated and the use of fair contracts in the system. Cross-border aspects had also been mentioned especially in the digital environment. That led to questions about different regulations and how they would communicate with one another. It was another aspect that showed the important role of WIPO in that matter. Additionally, the Delegation underlined the need for dialogue between collective management entities and governments, a failure of which could risk the application of reciprocity agreements. There was also the important role of exceptions that had been mentioned by Professor Sirinelli. The proper use of exceptions and limitations brought balance to the copyright system and enabled it to be more effective. A final point related to the liability of Internet service providers. That topic was being discussed in other fora, including the World Trade Organization's (WTO) discussions on e-commerce. It merited further reflection. Brazil had a law, which had been recently enacted on that matter, and it had taken special care to avoid encroaching upon the liberty of Internet users.

259. The Chair asked the Delegates if there were any reactions to the proposal, which had been made by the experts for a possible program on three areas. That point had not been specifically addressed but it would be useful for the experts to hear their reactions. If there were no immediate reactions, then that left some time for NGOs to speak.

260. The Delegation of El Salvador observed that if a request was being made for reactions to the proposals made by the group of experts, its Delegation had already referred to not being able to assess the proposals because of the format of the deliberations. Much valuable information had been given to them by the professors. However, it should be presented in an open format to all Member States so that they could then incorporate them into the subject under discussion by the Committee.

261. The Delegation of Chile stated that in response to the Chair's question and in reference to what had been said by the Delegation of El Salvador, taking a decision would require them to see all the proposals in a document. They had not received any written information before the meeting. It was difficult to make a decision. They needed to have something in writing in order to be able to make their decision, and to be clear about what was being discussed.

262. The Secretariat stated that it had tried to react to what had been suggested and had provided new materials within the past six months for their reflection. Its intention had not been to rush the Member States into a process, which they did not want to be involved in. It had just tried to provide some detailed study of the issues. It had no mandate to submit a report to the Member States in the SCCR. However, in the interest of transparency, and to show that work was progressing, a kind of halfway report had been given. The Secretariat thanked the two speakers for having provided them with some preliminary food for thought. Ms. Rostama's study was still to be completed, and would be completed by the following session of the SCCR. With regards to the methodology they had selected, once Ms. Rostama had completed her study, she would submit it to the group of experts that had met on April 6 and 7, 2017. In the interest of openness and transparency, and to respond to the concerns expressed by El Salvador, the Secretariat proposed that experts who wished to be associated with that work and the study should approach them. They would find the ways and means to put them in touch with Ms. Rostama and the group of experts. In any case, the group of experts would be invited

to make a number of comments on the study. That was a part of the study. It was a new kind of study that was being proposed; a collective study. The Secretariat would submit the work to the Member States at the following session of the SCCR. It would provide a written document on what had been described by Professor Sirinelli, together with the work of the 11 experts and a number of proposals. It would be possible for the Member States to work on a number of elements of those proposals during the following session of the SCCR.

263. The Chair suggested that after the lunch break they begin with the Marrakesh presentation and then move quickly to the draft recommendations to the General Assembly, as well as the review of the Chair's summary.

264. The Delegation of the United States of America thanked the other Delegations for having stated that a close look at the specifics, as opposed to the general descriptions, take place before following session of the SCCR. The Delegations could then come prepared to adequately respond to the specifics of the suggestions. The Delegation restated its general orientation in that area; substantive copyright policies in the area of the digital environment, as opposed to what they were calling marketplace issues, probably was the most productive way forward. It would look at the proposals through that lens, and it needed to do so in a timely way before the meeting.

265. The Delegation of France referred to the proposal made by the Delegation Chile, which the Secretariat stated could be achieved for the following SCCR. In other words, the proposal to have a summary document that would contain the conclusions described by Professor Sirinelli, so as not to lose all the information that had been exchanged over the two days of the meeting. That would facilitate a more open discussion at the following session of the SCCR.

266. The Representative of FIGA observed that there had been work taking place to facilitate the identification of authors, in a voluntary manner, at the copyright hub. The Representative looked forward to further contact and discussions with the Committee and the group of experts.

267. The Representative of CISAC thanked the Secretariat for the initiative, which could contribute to a constructive discussion in the Committee on a number of issues raised in the document proposed by GRULAC. CISAC thanked the two professors for their presentations on the work done in April, and looked forward with great interest to the presentation of the conclusions at the following meeting of SCCR in November. Referring to the need for the transfer of values, the Representative asserted that it was the greatest challenge facing creators. Then there was the changing role of Internet service providers, as very often the authors were marginalized by the digital economy and the value chain. Finally, there had been comments about the need to interpret WIPO treaties in the most faithful way possible, and also comments about prudence in implementing exceptions and limitations using other alternatives where possible, such as licenses.

268. The Representative of FILAIE associated himself with the statements made by the United States of America and the European Union. The Representative congratulated GRULAC on the proposal and reminded the Committee that in the face of all the studies, which were very interesting, performers believed that there were priorities. They included the very low or zero remuneration being paid to authors for their works and performances on Internet in the digital environment. Consequently, he recommended that the study focus on that issue and that the GRULAC proposal should be a permanent item on the agenda. With regards to the discussion on the legal systems used, that should also be included on the agenda of the Committee as well as the three conclusions reached by the Professor. In all that, the market was developing rapidly, so the norms should be invented as quickly as possible so that they could compete on an equal footing in the market.

269. The Representative of KEI wished to take a closer look at the study. The Representative observed that in the original GRULAC proposal, looming large were issues about economics, the concentration of ownership in the area of distributing works, as well as questions about the fairness of the distribution of revenues between creative people and distributors of works. In some ways that had been described in the study. Although it looked like there was a very competent cast of characters in terms of the researchers, it might be useful to examine whether there were economists who could be brought in, to shed more light on the issues raised in the initial paper. Finally, the Representative had spoken to some Delegates about the issue of metadata, as it related to digital works. It was a really new topic that had come about because of the digitalization of works and the development of the Internet. They often thought that metadata was managed on behalf of right owners but not necessarily on behalf of creative individuals, audiences, readers or listeners. Consequently, the Representative believed that it was related to the GRULAC proposal. It might be a subset, but it was also a topic that they would like to see explored more.

270. The Representative of PAAIG stated that the role of limitations and exceptions in the digital environment should be a priority for the Committee at that time. There were things called “non-expressive uses” that were necessary for technological processes, but did not compete with the copyright owner. They were necessary to offer services over the Internet. PAAIG had been doing research in that area. It had also been conducting studies, which suggested that the presence of those exceptions was related to investment in the growth of local digital technologies. Streaming could not exist without buffering. Artificial intelligence, machine learning, text and data mining, Internet-based translation services, could not exist without the right to use whole works for purposes that did compete with the original. However only a small number of countries around the world provided those clear limitations and exceptions. The lack of those limitations and exceptions had been reducing local investment and innovation in that area. As the experts had noted, the European Union had taken a step in the right direction in that regard, creating a mandatory exception for certain technological processes in their directive. That model was not perfect. Many of those digital innovations actually required permanent copies. Nonetheless, the concept that a mandatory exception was needed in that regard, to facilitate cross-border digital trade, local production and innovation, should guide the Committee.

271. The Representative of Innovarte believed that the issue of guaranteeing fair remuneration for creators was extremely important. That item should be considered as a standing item on the Committee's agenda. However, in reference to the statement by the Delegation of El Salvador, the Representative agreed that there should be more participation and transparency in the work being done in the group of experts. That would guarantee that all of the concerns and issues were covered in relation to the work. Finally, the checklists on contracts should not only include intermediary platforms such as YouTube, but also contracts between authors and producers or collective entities. That should be a subject of interest for the Committee.

272. The Representative of Latin Artists stated that its organization represented associations of actors and other performers in the audiovisual field. It was grateful for the examination of the precarious situation of artists and other creators in connection with the use of their performances in the digital era. That had been described effectively by GRULAC in its proposal. It affected not only musical work, but also audiovisual works, as had been clarified by the Delegation of Brazil during the previous session of the Committee. Despite the fact that the same Delegation had referred exclusively to music in the current session. The solution was not just exploratory studies. It was also necessary to bear in mind that the scope of the study exceeded the specific problems indicated in the GRULAC proposal. Particularly in the need to find appropriate formulas to guarantee that artists and other creators could benefit from the economic content of their performances in the digital era. In other words, formulas that guaranteed that artists and authors could have fair remuneration in the online use of their performances and works. From that viewpoint, the framework of the study should not just look

at computers or databases. That could simply distract them from the questions they had before them, which seemed to be of concern to certain Delegations. Ultimately, if the debate that had taken place at the previous session of the Committee focused on the GRULAC proposal, the study should focus exclusively on the problems identified in that proposal. The Representative was attentive to the conclusions, which he hoped would be reached and presented at the following session of the Committee. He hoped that they would foster a debate that could no longer be delayed. Artists and authors needed solutions. They could not allow time wasting to take place. They needed equitable sharing of the economic benefits derived from the digital use of their interpretations and works. Lastly, Latin Artists was of the opinion that that question should be a standing independent item on the agenda of the Committee.

273. The Representative of LCA echoed the statements made by the Delegations of El Salvador and the United States of America, that it would be very helpful to have the written conclusions of the experts in advance, so that they could react to them intelligently. He also agreed with the Delegation of the United States of America that the Committee should focus on copyright issues and not abstract market issues. If they started focusing on issues like the value gap, they also needed to consider the value of the free global distribution provided by Internet platforms to authors.

274. The Representative of AADI noted that its organization had welcomed the discussion, since the first time GRULAC had brought its document forward. It was an informed document made available in December 2015 by the Delegation of Brazil. At that time and today, apart from a legal solution for each country, the document SCCR 31/4, had played a major role in placing the issue of performers' rights in a digital era on the agenda, and had made it possible to see the damage suffered by performers and artists. It had also made obvious who had caused that damage: major musical production companies. AADI had made public that streaming was a communication to the public that generated the right of remuneration through collective management, mandatory for artists and performers in a musical work. Presently, it was not the only one to have that stance. There was FILAIE, a Latin American company of artists and performers, which had stated at its annual meeting in October 2016, the importance of document SCCR/31/4, which proposed an analysis of copyright in the digital age. The document would make visible the various difficulties artists encountered and would also enable them to consolidate their work. On a daily basis, they could see how major corporations made huge profits at the expense of performers. Action was needed to prevent that and promote the position of performers in the digital era.

275. The Representative of CIS stated that the study could initially focus on all the key actors along the value chain involved in content dissemination in the digital environment. Complementing the study of the legal environments, that would shed light on the national legal frameworks and provide evidence of transparency, or the lack thereof in the businesses involved. It would also demonstrate the extent of the low proportion of copyright payments to creators and their unfair treatment.

276. The Representative of Elfidonnet stated that there had been very many proposals in the interest of libraries regarding, the management of copyright limitations and exceptions in the digital environment, digital exhaustion, licenses, territoriality, and the interpretation of the three-step test. He was very interested in the findings on the review of copyright laws for digital uses, which had been addressed at the start of the presentation. When data from the Crews study on Limitations and Exceptions for Libraries and Archives had been examined, it had been found that digital copying, even for reasons of preservation, had been expressly barred in over a third of the countries that had amended their copyright laws in the last five years. The Representative asked if the study would also consider examples of the problems experienced by the beneficiaries of certain exceptions, such as the library and archive community, when working in the digital environment, as had been presented to the Committee over the last

number of years? That would help to further inform the discussion and the possible conclusions.

277. The Delegation of Chile clarified its last intervention, which had been cited by another Delegation. The Delegation stated that it was not necessarily proposing the creation of a new document of what had been presented. Its statement had been in response to the question regarding whether the delegations agreed to the work program or the three elements that had been presented to them. It was in line with what the Delegations of El Salvador and the United States of America had expressed in that regard. The Delegation would like to see that in written form before the question was passed to them.

278. The Delegation of Colombia informed the chair that the Delegation of Chile's statement had been a request from GRULAC. GRULAC would like to receive in writing the report that had made during the session. It agreed that it was not possible to respond to the proposals and ideas shared because it was in a stage of reflection.

279. The Chair reminded the Delegates that they had spent the morning session discussing Agenda Item 9, and the views on the GRULAC proposal on copyright issues relating to the digital environment. Responding to the suggestion, which had been made by GRULAC on the first day of current session, they would proceed with a quick update on the implementation of the Marrakesh Treaty, which would be presented by the Secretariat.

280. The Secretariat stated that in terms of progress towards the Marrakesh Treaty implementation, first, it had looked at how many Member States had ratified the Treaty. Due to the cross-border transfer provisions, it was quite relevant with regards to implementation, that the parties trying to carry out the cross-border implementation had ratified or acceded to the Treaty. Presently there had been 27 ratifications and accessions to the Marrakesh Treaty, 13 of which had come from the GRULAC region. That region was in the lead in terms of helping to get the Treaty across the finish line and in to force. While the GRULAC region continued to be very active in supporting the Treaty, there was a good variety of geographic regions that had joined the Treaty as well. It had been good to see that there were more countries in Africa and Asia that were joining the Treaty. There were also instances where a legal step had been taken in a country towards ratification, for example, an approval by a Parliament, but the Secretariat had not yet received the instrument of ratification or accession. They were aware that a lot of countries had been working towards that. Regarding the work of the Secretariat, excluding the Accessible Books Consortium (ABC), which would be discussed by the Representative of the ABC, there were a variety of ways in which it had been assisting Member States who wanted to join the Treaty. First, they had carried out a series of promotional activities about the Treaty in each region. The only region remaining was the CACEEC region. It was hoped that promotional activities there would be carried out by the end of that year. The activities had been programs to train government officials involved in the ratification and accession process of the Treaty. In addition, there were a number of programs working with countries, in terms of joining all WIPO Treaties, and that included the Marrakesh Treaty. There had also been requests going beyond the Treaty implementation, to join the Treaty and figure out how to make it work. For example, how to make authorized entities work with each other across borders. There had been a successful program in ULAC, in the Latin American region, as well as a successful program in Capo Verde. The Secretariat anticipated doing more of that kind of programming in the future. That involved both the Copyright Law Division and the ABC project. It had also been tasked in the Treaty to establish an information access point. The Secretariat would send out a questionnaire to Member States quite soon, requesting information about the authorized entities and the contact points in the Member States. The questionnaire would be sent to countries that had already joined the Marrakesh Treaty. That was an ongoing project of updating that information. The project was being led by Paolo Lanteri in the Secretariat. It was expected that that site would be up and operational before the following meeting of the Marrakesh Assembly.

281. The Representative of the ABC, Monica Halil, stated that the ABC had been launched during a session of the SCCR in June 2014. It was the successor to the previously named stakeholders' platform. They were now approaching the ABC's third anniversary. She provided a summary of its key achievements since 2014. The ABC acted as a complement to the Marrakesh Treaty, to implement the objectives of the Treaty at a practical level. Its aim was to increase and distribute the number of accessible format works, be it Braille, audio or large print, to persons who were print disabled around the world. It was one possible initiative amongst many about how the Marrakesh Treaty might be made operational. ABC was a public/private leadership led by WIPO. It was comprised of the following umbrella organizations; the World Blind Union, International Council of Education for People with Visual Impairment, The DAISY Consortium, International Association of Library Associations, Sightsavers, Perkin's School for the Blind, the International Publishers Association, the International Federation of Reproduction Rights Organization and the International Author's Forum. One of the ABC's key activities was capacity building, whereby training and technical assistance was provided to NGOs, commercial publishers and the ministries of education in developing countries. It provided funding once training and technical assistance in accessible book production had been provided. It also provided funding to produce educational materials in national languages in accessible forms in those countries. In 2014, it had not started any capacity building projects. Currently there were projects in Argentina, Bangladesh, India, Nepal and Sri Lanka. It was hoping to sign agreements for projects that month in Botswana, Uruguay and Vietnam. The projects in Bangladesh, Sri Lanka and Botswana were funded by the Government of Australia and hopefully the Government of Vietnam. One project was funded by the United Nations Foundation. The model being used in capacity building activities was to try to find a local champion in the country who then acted to promote accessibility within the country. In that manner, they had managed to produce, or will have produced 3600 accessible educational books in national languages by December 2017. All of the projects that were currently underway were run by a project manager who was blind. They also provided multi-stakeholder workshops, whereby training was provided not only to the local NGOs, but also to commercial publishers and the Ministry of Education. Another principal activity of ABC was to promote and implement the ABC Global Book Service, or what was previously called "the Tiger service". The service was a free global online catalog of accessible books that had been contributed by libraries for the blind. That catalog was held at WIPO on its servers. The ABC Global Book Service provided an automated, readymade technical platform that was secure and had a wide selection of accessible books in various languages. It was a business to business platform that allowed participating libraries to supplement their collections of accessible books for free. But it was not a service that was provided directly to the visually impaired end user. When the ABC started in 2014 there had been 11 libraries for the blind. Currently there were 25 libraries that had joined the ABC global book service. Through the service the libraries had downloaded 7500 digital files in accessible forms. In 2014, 200 files had been downloaded. The increase in the number of works that had been downloaded was evident. If one estimated that accessible formatted works that were humanly narrated costed USD \$2,000 to produce, it represented savings of USD \$15 million. The libraries had reported that they had made loans of the books to 128,000 end users who were visually impaired. In summary, since the Member States had adopted the Marrakesh Treaty in June 2013 and ABC was launched, it was estimated that the ABC would have delivered benefits to approximately a quarter of a million people.

282. The Chair closed Item 9 of the Agenda and moved on to the agenda item on the discussion of recommendations to the General Assembly. He noted that they were all aware that extensive discussions had been underway with regional coordinators on the outcome and shape of the recommendations. They were also aware of the discussions that had happened in that Forum. Time would have to be set aside for consultations within the respective groups. He inquired if there were Member States who wished to add or supplement what had already been said in the discussions with regional coordinators, regarding what the recommendations should be like. During the discussions, they had been trying very hard to see if the recommendations

could go beyond a very simple recommendation to the General Assembly that, “the Committee should continue its work.” They had been discussing various elements of that.

283. The Delegation of Turkey inquired if they would receive any text. It wished to receive the text as early as possible, so that it could base its discussion on that.

284. The Chair noted that the text would be e-mailed to all regional coordinators.

AGENDA ITEM 10: CLOSING OF THE SESSION

285. The Chair opened Agenda Item 10 the closing of the week's proceedings. He stated that along with his Vice-Chairs he had been extremely honored, privileged and grateful for the chance to be their guides and facilitators during the week. All three of them believed passionately in copyright. They came from environments in which they interacted with creators and artists. Whether they were musicians, frustrated musicians, regulators or policymakers, they came from environments that wanted to use the corporate system for the good of their societies and for the good of their economies. He truly believed that everyone in the room had the same passion for transforming and making the copyright system work for them. There were disagreements because copyright was extremely complex and technical. Unlike other types of intellectual property (IP), copyright had an impact on everyone's life. He told his colleagues that patents and trademarks might be the bread and butter of the business world, but copyright was the bread and butter of every single citizen. It was not surprising that they found themselves having disagreements and having different opinions. However, he believed that should not stop them from finding processes, structures and dynamics that would allow them to move the Committee's agenda forward. He thanked the many colleagues who had worked very hard to try to move the process ahead. A lot of flexibility and understanding had been shown. Of course, there had been frustration along the way too, but that was natural. All that made the work of the Committee much more enriching. He did not believe for a moment that the work was unidimensional. Certainly, the reactions during the week, across the different topics, had been far from unidimensional. He expressed gratitude to all the representatives of the Member States, as well as the representatives from the NGOs, who had so much passion and had brought candor and spirit to the discussions. He also thanked the Secretariat and the team, which had worked tirelessly before and throughout the meeting to gather all the documents and bring together the logistics for the meeting to be run smoothly. He also thanked the many unseen persons, who had been speaking to their ears, the interpreters, who were working with them at that late hour. There were also many people behind the scenes, who had been involved in the photocopying of the materials and arranging the of the rooms. If they had not gotten the results that all of them wanted, at least the friendships that had been created would allow them to work in a pragmatic way. With those relationships and networks building, one day they would achieve what they wanted to achieve on all of the items on the agenda.

286. The Delegation of Indonesia speaking on behalf of the Asia-Pacific Group stated that it was is relatively happy with the outcome of that session of the SCCR. It believed that with all the ups and downs within the week, it had seen that there was an opportunity that they could actually make progress. The Delegation was of the opinion that they were not that far. They could try to use that opportunity again in the next session of the SCCR. The Asia-Pacific Group was very optimistic that the Committee, which faced a lot of important issues of equal importance, would make progress between the General Assemblies and its upcoming sessions. The Delegation thanked the other Delegations, its comrades, the Chair and the Vice-Chair for another successful SCCR. It thanked the Secretariat, the Deputy Director General and her team. It also thanked the conference service and the interpretation sections. Without them it would be hard to imagine a smooth and successful meeting in the course of the week. The Asia-Pacific Group thanked all Regional Coordinators for their hard work and commended all Member States and Officers for their participation. It had recognized the constructive spirit and

the commitment to make progress, as well as the flexibility that had been shown by Member States and all Delegations throughout the meeting.

287. The Delegation of Chile thanked the Chair and the Secretariat for the excellent work that had been carried out throughout the week. From the very beginning the experience the Chair possessed, and the way in which he had managed the work, had really influenced the way that they had managed to achieve progress during week. Although the outcome did not reflect all the work that had been done by the Secretariat and the Member States that week, they were confident that the momentum had been increased and that at the following session they would make great progress with their agenda items.

288. The Delegation of Senegal speaking on behalf of the African Group thanked the Chair for the work that he had carried out that week with the Vice-Chairs, the Secretariat and the members of the Bureau. It had been remarkable. They had given them very useful documents and timely information. It also thanked the interpreters who had facilitated their work. Even if the outcome had been less than what they had hoped for, they were optimistic about the upcoming sessions, and had not lost hope. The Delegation renewed its confidence in the Chair and his leadership and was sure he would lead them to a good outcome.

289. The Delegation of Colombia speaking on behalf of GRULAC thanked the Chair for the leadership that he had shown from the very beginning of the discussions. It recognized that those five days of work had had significant momentum. They had seen genuine progress. Unfortunately, the final result did not really reflect all of the progress and the efforts that had been made during the week on various different agenda items. Nevertheless, they needed to remain optimistic that the work would continue moving forward. It thanked the Chair, the Secretariat and the interpreters for their good work. It also thanked all the colleagues for the dynamic of the negotiations. Sometimes they saw great optimism followed by realism, which showed they could not achieve everything they hoped for in a week. The Delegation was of the opinion that they had achieved the maximum that was possible that week.

290. The Delegation of Georgia delivered the closing statement on behalf of the CEBS Group. It thanked the Chair for his skillful guidance during the work of the Committee, which had not been not an easy task. It had observed his professionalism in guiding the Committee towards progress. In the same way, it expressed gratitude to the Vice-Chairs and reemphasized the extremely efficient efforts of the Secretariat, invested in the preparation and advancement of the work of the Committee. It thanked the Member States for their constructive and efficient deliberations during the week's difficult exercises. It reiterated the great importance that GRULAC attributed to the conclusion of the Treaty on the protection of broadcasting organizations. It remained positive and optimistic in advancing the work towards developing an effective legal instrument. It commended both the Chair and the Secretariat for drafting the Summary by the Chair, and looked forward to the following session to address the agenda items in the same constructive manner.

291. The Delegation of China thanked the Chair and the two Vice-Chairs for their excellent leadership. It also thanked The Deputy Director General and the Secretariat for their efforts in that successful session of the SCCR. During the meeting, they had shared the results of studies. That would improve the understanding of the topics in their hands. It thanked all the Member States for their positive and flexible attitudes. It believed that that full, flexible and sincere discussion would be conducive and necessary for the early achievements of their results. It would continue to participate in SCCR discussions in a positive and constructive manner. The Delegation believed that with their joint efforts, they would make substantial progress.

292. The Delegation of Brazil affirmed its contributions to the discussions on the broadcasting Treaty. With the hard work, which had been done during the informal meetings, under the

Chair's guidance, it expected to have a working document on that issue very soon. Although that could not be achieved during the current session, the Delegation was of the opinion that document SCCR 34/4 was a positive development and an important step in that direction. It believed that the two charts on limitations and exceptions were valuable tools. It looked forward to continuing the discussions on that issue. The Delegation also stressed the importance of copyright in the digital environment as a standing agenda item. It looked forward to the scoping study and hoped it would prove to be a valuable instrument for directing the discussions in an informed and constructive manner. Finally, it congratulated the Chair on his leadership during this session, and his efforts to always accommodate different viewpoints in a transparent manner. It had been excellent work. It also thanked the Deputy Director General and the Secretariat for their work on a productive session.

293. The Delegation of Turkey speaking on behalf of Group B thanked the Vice-Chairs and the Secretariat for their tireless efforts through the week. It thanked the Delegates for their contributions to the discussion and the NGOs for revealing the positions of the sector. Group B also thanked the interpreters for being with them in the Plenary and also during the group meetings.

294. The Chair thanked the Delegations for the note of hope and optimism that many of them had expressed in their closing statements. He declared the meeting closed.

[Annex follows]

ANNEXE/ANNEX

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NICARAGUA

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Luis-Alberto VARGAS ROJAS, Representante Alterno, Misión Permanente, Ginebra

Nohelia Carolina VARGAS IDIÁQUEZ (Sra.), Primera Secretaria, Misión Permanente, Ginebra

NIGÉRIA/NIGERIA

Afam EZEKUDE, Director General, Nigerian Copyright Commission, Abuja

Osondu Bartholomew Collins NWEKE, Assistant Director, Nigerian Copyright Commission (NCC), Abuja

Michael Okon AKPAN, Head, Regulatory Department, Copyright Commission, Federal Secretariat, Abuja

Chichi UMESI (Ms.), First Secretary, Permanent Mission, Geneva

OMAN

Ahmed AL KALBANI, Writer, Intellectual Property Department, Ministry of Commerce and Industry, Muscat

Mohammed AL BALUSHI, First Secretary, Permanent Mission, Geneva

OUZBÉKISTAN/UZBEKISTAN

Uktamjon IBRAGIMOV, Head, Copyright Department, Agency on Intellectual Property, Tashkent

PAKISTAN

Farukh AMIL, Ambassador, Permanent Representative, Permanent Mission, Geneva

Aamar Aftab QURESHIA, Deputy Permanent Representative, Permanent Mission, Geneva

Mariam SAEED (Ms.), First Secretary, Permanent Mission, Geneva

Bilal Akram SHAH, First Secretary, Permanent Mission, Geneva

PANAMA

Janice CIGARRUISTA CHACÓN (Sra.), Directora General, Dirección General de Derecho de Autor, Ministerio de Comercio e Industrias, Panamá

PAYS-BAS/NETHERLANDS

Cyril Bastiaan VAN DER NET, DR, Legislative Department, Private law, Copyright, Security and Justice, The Hague

PÉROU/PERU

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PHILIPPINES

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Josephine MARIBOJOC (Ms.), Assistant Secretary, Legal Affairs, Department of Education, Manila

Arnel TALISAYON, First Secretary, Permanent Mission, Geneva

POLOGNE/POLAND

Dariusz MANCZYK, Minister Counsellor, UN Department, Ministry of Foreign Affairs, Warsaw

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PORTUGAL

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RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

CHA Danbi (Ms.), Deputy Director, Art Policy Division, Ministry of Culture, Sports and Tourism, Sejong

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JUNG Dae Soon, Counsellor, Permanent Mission, Geneva

LEE You Jin (Ms.), Assistant Director, Copyright Policy Division, Ministry of Culture, Sports and Tourism, Sejongi

RÉPUBLIQUE DE MOLDOVA/REPUBLIC OF MOLDOVA

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RÉPUBLIQUE DÉMOCRATIQUE DU CONGO/DEMOCRATIC REPUBLIC OF THE CONGO

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Anicet YOMBORANYAMA NGAMBA, attaché de presse, Cabinet du ministre de la culture et des arts, Ministère de la culture et des arts, Kinshasa

RÉPUBLIQUE DÉMOCRATIQUE POPULAIRE LAO/LAO PEOPLE'S DEMOCRATIC REPUBLIC

Khounekham INTHASANE, Third Secretary, Economic and Commercial Section, Permanent Mission, Geneva

RÉPUBLIQUE DOMINICAINE/DOMINICAN REPUBLIC

Trajano SANTANA SANTANA, Director, Dirección General, Oficina Nacional de Derecho de Autor, Ministerio de Cultura, Santo Domingo

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RÉPUBLIQUE POPULAIRE DÉMOCRATIQUE DE CORÉE/DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

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JONG Myong Hak, Counsellor, Permanent Mission in Geneva, Geneva

RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

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ROUMANIE/ROMANIA

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Bucharest

Cristian FLORESCU, Head, International Relations Department, Romanian Copyright Office,
Bucharest

ROYAUME-UNI/UNITED KINGDOM

Neil COLLETT, Head of European and International Copyright, Copyright and IP
Enforcement Directorate, United Kingdom Intellectual Property Office (UKIPO), Newport

Robin STOUT, Deputy Director of Copyright Policy, Copyright and Enforcement Directorate,
Intellectual Property Office, Newport

Faizul AZMAN, Senior Policy Advisor, Intellectual Property Office, London

SAINT-SIÈGE/HOLY SEE

Carlo Maria MARENGHI, Attaché, Permanent Mission, Geneva

SÉNÉGAL/SENEGAL

Abdoul Aziz DIENG, conseiller technique, Ministère de la culture et de la communication,
Dakar

Lamine Ka MBAYE, premier secrétaire, Mission permanente, Genève

SERBIE/SERBIA

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SINGAPOUR/SINGAPORE

Daren TANG, Chief Executive, Intellectual Property Office of Singapore (IPOS), Singapore

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Shze Min YAH (Ms.), Deputy Director, International Engagement Department, Intellectual Property Office of Singapore (IPOS), Singapore

Diyanah BAHARUDIN (Ms.), Legal Counsel, Legal Department, Intellectual Property Office of Singapore, Singapore

Shaun NG, Senior Executive, Intellectual Property Policy Division, Ministry of Law, Singapore

Jyotsna SHANKAR (Ms.), Second Secretary, Permanent Mission, Châtelaine

SLOVAQUIE/SLOVAKIA

Anton FRIC, Counsellor, Permanent Mission, Geneva

Jakub SLOVAK, Third Secretary, Permanent Mission, Geneva

SOMALIE/SOMALIA

Faduma MOHAMUD (Ms.), Ambassador, Permanent Mission, Geneva

Sharmake ALI HASSAN, Third Secretary, Permanent Mission, Geneva

SUISSE/SWITZERLAND

Ulrike Irene HEINRICH (Mme), conseillère juridique, Division du droit et affaires internationales, Institut fédéral de la propriété intellectuelle, Berne

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Reynald VEILLARD, conseiller juridique, Division du droit et affaires internationales, Institut fédéral de la propriété intellectuelle, Berne

TCHAD/CHAD

Adji MALLAYE, deuxième conseiller, Mission permanente, Genève

THAÏLANDE/THAILAND

Vipatboon KLAOSOONTORN (Ms.), Senior Legal Officer, Department of Intellectual Property, Copyright Office, Ministry of Commerce, Bangkok

Patamaporn CHINMANEEWONG (Ms.), Legal Officer, Department of Intellectual Property, Ministry of Commerce, Nonthaburi

Sudkhet BORIBOONSRI, Counsellor, Permanent Mission to the World Trade Organization (WTO), Geneva

TOGO

Tele Dometo SEWAVI-MENSAH (Mme), administratrice culturelle, Ministère de la communication, de la culture, des sports et de la formation civique, Lomé

TUNISIE/TUNISIA

Nasreddine NAOUALI (Mme), conseiller, Mission permanente, Genève

TURQUIE/TURKEY

Olcay HAYTA, Expert, Directorate General of Copyright, Ministry of Culture and Tourism, Ankara

Ramazan Umut KARAKURT, Assistant Expert, Directorate General of Copyright, Ministry of Culture and Tourism, Ankara

Osman GOKTURK, Second Secretary, Permanent Mission to the World Trade Organization (WTO), Geneva

UKRAINE

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Sergii ZAIANCHUKOVSKYI, Head, Department of Copyright and Related Rights, Ministry of Economic Development and Trade, State Intellectual Property Service, State Enterprise, Kyiv

URUGUAY

Juan José BARBOZA CABRERA, Consejero, Misión Permanente ante la Organización Mundial del Comercio (OMC), Ginebra

Silvia PÉREZ DÍAZ (Sra.), Presidenta Consejera de Derecho de Autor, Montevideo

VENEZUELA (RÉPUBLIQUE BOLIVARIENNE DU)/VENEZUELA (BOLIVARIAN REPUBLIC OF)

Saletta PALUMBO DE CARO (Sra.), Coordinación de registro de la producción intelectual, Caracas

Genoveva CAMPOS (Sra.), Consejero, Misión Permanente, Ginebra

VIET NAM

HOANG Long Huy, Director, Copyright Industries Management Division, Hanoi

MAI Van Son, Counsellor, Permanent Mission, Geneva

II. OBSERVATEURS/OBSERVERS

PALESTINE

Ibrahim MUSA, Counsellor, Permanent Mission, Geneva

III. DÉLÉGATIONS MEMBRES SPÉCIALES/SPECIAL MEMBER DELEGATIONS

UNION EUROPÉENNE (UE)*/EUROPEAN UNION (EU)*

Thomas EWERT, Legal and Policy Officer, Digital Economy and Coordination, European Commission, Brussels

Sabina TSAKOVA (Ms.), Legal and Policy Officer, Digital Economy and Coordination, European Commission, Brussels

Agata Anna GERBA (Ms.), Policy Officer, Copyright Unit, Directorate General Connect, European Commission, Brussels

Oliver HALL-ALLEN, First Counsellor, Permanent Delegation, Geneva

* Sur une décision du Comité permanent, la Communauté européenne a obtenu le statut de membre sans droit de vote.

* Based on a decision of the Standing Committee, the European Community was accorded member status without a right to vote.

Lucas VOLMAN, Intern, United Nations Office, Geneva

IV. ORGANISATIONS INTERGOUVERNEMENTALES/
INTERGOVERNMENTAL ORGANIZATIONS

CENTRE SUD (CS)/SOUTH CENTRE (SC)

Viviana MUÑOZ TELLEZ (Ms.), Coordinator, Development, Innovation and Intellectual Property Programme, Geneva

Nirmalya SYAM, Programme Officer, Innovation and Access to Knowledge Programme, Geneva

Sanaz JAVADI (Ms.), Intern, Development, Innovation and Intellectual Property Programme (DIIP), Geneva

LIGUE DES ÉTATS ARABES (LAS)/LEAGUE OF ARAB STATES (LAS)

Sameh ABOULENEIN, Ambassador, Geneva

Youcef TILIOUANT, First Secretary, Geneva

ORGANISATION DE COOPÉRATION ISLAMIQUE (OCI)/ORGANIZATION OF ISLAMIC COOPERATION (OIC)

Halim GRABUS, Counsellor, Permanent Delegation, Geneva

ORGANISATION INTERNATIONALE DE LA FRANCOPHONIE (OIF)

Antoine BARBRY, conseiller, Mission permanente, Genève

ORGANISATION MONDIALE DU COMMERCE (OMC)/WORLD TRADE ORGANIZATION (WTO)

Wolf MEIER-EWERT, Counsellor, Geneva

Hannu WAGER, Counsellor, Intellectual Property Division, Geneva

ORGANISATION RÉGIONALE AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE (ARIPO)/AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

Maureen FONDO (Ms.), Head, Copyright and Related Rights, Harare

UNION AFRICAINE (UA)/AFRICAN UNION (AU)

ISMAIL MENKARI, directeur général, Bureau marocain des droits d'auteur (BMDA),
Ministère de la culture et de la communication, Rabat

Georges-Rémi NAMEKONG, ministre conseiller, Délégation permanente, Genève

V. ORGANISATIONS NON GOUVERNEMENTALES/
NON-GOVERNMENTAL ORGANIZATIONS

African Library and Information Associations and Institutions (AfLIA)

Helena ASAMOAH-HASSAN (Ms.), Executive Director, Accra

Agence pour la protection des programmes (APP)

Didier ADDA, conseil en propriété industrielle, Paris

Alianza de Radiodifusores Iberoamericanos para la Propiedad Intelectual (ARIPI)

José Manuel GÓMEZ BRAVO, Delegado, Madrid

Felipe SAONA, Delegado, Zug

Armando MARTÍNEZ, Delegado, Ciudad de México

American Bar Association (ABA)

June BESEK (Ms.), American Bar Association Representative, New York

Archives et Records Association (ARA)/Archives and Records Association (ARA)

Susan CORRIGAL (Ms.), Chief Executive, Taunton, England

Asociación Argentina de Intérpretes (AADI)

Susana RINALDI (Sra.), Directora de Relaciones Internacionales, Buenos Aires

Association de gestion internationale collective des œuvres audiovisuelles

(AGICOA)/Association for the International Collective Management of Audiovisual
Works (AGICOA)

Mariam MAHDAVI (Ms.), Head, Legal and Licensing, Geneva

Association des organisations européennes d'artistes interprètes (AEPO-ARTIS)/Association
of European Performers' Organizations (AEPO-ARTIS)

Xavier BLANC, Secretary General, Brussels

Association des télévisions commerciales européennes (ACT)/Association of Commercial
Television in Europe (ACT)

Emilie ANTHONIS (Ms.), European Affairs Advisor, Brussels

Association européenne des étudiants en droit (ELSA International)/European Law Students'
Association (ELSA International)

Olha BEREZINA (Ms.), Head of Delegation, Brussels

Lukas GRODL, Delegate, Brussels

Elisabeth NTILO (Ms.), Delegate, Brussels

Anna WOJCIECHOWSKA (Ms.), Delegate, Brussels

Asociación internacional de radiodifusión (AIR) /International Association of Broadcasting (IAB)

Juan ANDRÉS LERENA, Director General, Montevideo
Edmundo REBORA, Miembro, Montevideo

Association internationale des éditeurs scientifiques, techniques et médicaux (STM)/International Association of Scientific Technical and Medical Publishers (STM)

André MYBURGH, Attorney, Basel
Carlo SCOLLO LAVIZZARI, Attorney, Basel
Ted SHAPIRO, Attorney, Brussels

Association internationale pour la protection de la propriété intellectuelle (AIPPI)/International Association for the Protection of Intellectual Property (AIPPI)

Shiri KASHER-HITIN (Ms.), Observer, Zurich

Association internationale pour le développement de la propriété intellectuelle (ADALPI)/International Society for the Development of Intellectual Property (ADALPI)

Brigitte LINDNER (Ms.), Chair, Geneva

Association littéraire et artistique internationale (ALAI)/International Literary and Artistic Association (ALAI)

Victor NABHAN, Past President, Paris

Association mondiale des journaux (AMJ)/World Association of Newspapers (WAN)

Holger ROSENDAL, Head of Legal Department, Copenhagen

Canadian Copyright Institute (CCI)

William HARNUM, Treasurer, Toronto
Marcia LEA (Ms.), Acting Executive Director, Canadian Artists' Representation, Ottawa
Darrah TEITEL (Ms.), Director, Ottawa
Glenn ROLLANS, Canadian Copyright Institute Representative, Edmonton

Central and Eastern European Copyright Alliance (CEECA)

Mihály FICSOR, Chairman, Budapest

Centre de recherche et d'information sur le droit d'auteur (CRIC)/Copyright Research and Information Center (CRIC)

Shinichi UEHARA, Visiting Professor, Graduate School of Kokushikan University, Tokyo

Centre d'études internationales de la propriété intellectuelle (CEIPI)/Centre for International Intellectual Property Studies (CEIPI)

François CURCHOD, chargé de Mission, Genolier

Centre for Internet and Society (CIS)

Anubha SINHA (Ms.), Programme Officer, Delhi

Centre international pour le commerce et le développement durable (ICTSD)/International Center for Trade and Sustainable Development (ICTSD)

Pedro ROFFE, Senior Associate, Geneva
Jimena SOTELO (Ms.), Junior Programme Officer, Geneva

Chamber of Commerce and Industry of the Russian Federation (CCIRF)

Elena KOLOKOLOVA (Ms.), Representative, Geneva

Civil Society Coalition (CSC)

Melissa HAGEMANN (Ms.), Fellow, Washington, D.C

Comité "acteurs, interprètes" (CSAI)/Actors, Interpreting Artists Committee (CSAI)

José Maria MONTES, Asesor, Madrid

Communia

Aleksander TARKOWSKI, President, Warsaw

Teresa NOBRE (Ms.), Legal Expert on Copyright (Observer), Lisbon

Confédération internationale des éditeurs de musique (CIEM)/International Confederation of Music Publishers (ICMP)

Coco CARMONA (Ms.), Director General, Brussels

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Confédération internationale des sociétés d'auteurs et compositeurs (CISAC)/International Confederation of Societies of Authors and Composers (CISAC)

Leonardo DE TERLIZZI, Legal Counsel, Neuilly-sur-Seine

Gadi ORON, Director General, Neuilly-sur-Seine

Adriana MOSCOSO DEL PRADO (Ms.), Director, Legal and Public Affairs, Madrid

Conseil britannique du droit d'auteur (BCC)/British Copyright Council (BCC)

Andrew YEATES, Director, London

Conseil des éditeurs européens (EPC)/European Publishers Council (EPC)

Jens BAMMEL, Observer, Geneva

Conseil international des archives (CIA)/International Council on Archives (ICA)

Didier GRANGE, Special Counsellor, Geneva

Jean DRYDEN (Ms.), Copyright Policy Expert, Toronto

Corporación Latinoamericana de Investigación de la Propiedad Intelectual para el Desarrollo (Corporación Innovarte)

Luis VILLARROEL VILLALÓN, Director, Santiago

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Creative Commons Corporation

Delia BROWNE (Ms.), National Copyright Director, Copyright Advisory Group to Education Council, Sydney

Daisy Consortium (DAISY)

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Digital Video Broadcasting (DVB)

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Electronic Frontier Foundation (EFF)

Jeremy MALCOLM, Senior Global Policy Analyst, San Francisco

Electronic Information for Libraries (eIFL.net)

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European Bureau of Library, Information and Documentation Associations (EBLIDA)

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European Visual Artists (EVA)

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Fédération européenne des sociétés de gestion collective de producteurs pour la copie privée audiovisuelle (EUROCOPYA)

Yvon THIEC, General Delegate, Brussels

Nicole LA BOUVERIE (Ms.), Representative, Brussels

Fédération ibéro-latino-américaine des artistes interprètes ou exécutants (FILAIE)/Ibero-Latin-American Federation of Performers (FILAIE)

Luis COBOS, Presidente, Madrid

Miguel PÉREZ SOLÍS, Asesor Jurídico de la Presidencia, Madrid

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Paloma LÓPEZ (Sra.), Miembro del Comité Jurídico, Departamento Jurídico, Madrid

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Fédération internationale de la vidéo (IFV)/International Video Federation (IVF)

Benoît MÜLLER, Legal Advisor, Brussels

Scott MARTIN, Consultant, Los Angeles

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Fédération internationale de l'industrie phonographique (IFPI)/International Federation of the Phonographic Industry (IFPI)

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Fédération internationale des acteurs (FIA)/International Federation of Actors (FIA)

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Anna-Katrine OLSEN (Ms.), General Secretary, Copenhagen

Bjørn HØBERG-PETERSEN, Senior Legal Adviser, Copenhagen

Fédération internationale des associations de bibliothécaires et des bibliothèques (FIAB)/International Federation of Library Associations and Institutions (IFLA)

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Philipp HOFFMANN, Expert, Brussels

Alaa KARKOTI, Expert, Brussels

Bertrand MOUILLIER, Senior Advisor, Brussels

Oumar SALL, Expert, Brussels

Fédération internationale des journalistes (FIJ)/International Federation of Journalists (IFJ)

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Fédération internationale des musiciens (FIM)/International Federation of Musicians (FIM)
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Fédération internationale des organismes gérant les droits de reproduction (IFRRO)/
International Federation of Reproduction Rights Organizations (IFRRO)

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Independent Film and Television Alliance (I.F.T.A)

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International Authors Forum (IAF)

Luke ALCOTT, Secretariat, London
Barbara HAYES (Ms.), Secretariat, London
Maureen DUFFY (Ms.), Author, London

International Council of Museums (ICOM)

Advisory Office, Columbia University, New York
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John MCAVITY, Executive Director, Canadian Museums Association, Ottawa

Karisma Foundation

Amalia TOLEDO-HERNÁNDEZ (Ms.), Project Coordinator, Bogota

Knowledge Ecology International, Inc. (KEI)

Thiru BALASUBRAMANIAM, Geneva Representative, Geneva
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Jose Maria MONTES, Layer, Madrid

Library Copyright Alliance (LCA)

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Max-Planck Institute for Intellectual Property and Competition Law (MPI)

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Motion Picture Association (MPA)

Christopher MARCICH, International President, Brussels
Katharina HIERSEMENZEL (Ms.), Senior Copyright Counsel, Brussels

Musée canadien de l'histoire (MCH)/Canadian Museum of History (CMH)

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Program on Information Justice and Intellectual Property (PIJIP)

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North American Broadcasters Association (NABA)

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David FARES, Senior Vice President, Government Relations, 21st Century Fox, New York
Bradley SILVER, Chief Intellectual Property Counsel, Time Warner, New York
Ian SLOTIN, Senior Vice-President, Intellectual Property, Los Angeles

Scottish Council on Archives (SCA)

Victoria STOBO (Ms.), Copyright Policy Advisor, Glasgow

Society of American Archivists (SAA)

William MAHER, Professor, Illinois

The Japan Commercial Broadcasters Association (JBA)

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Corporation, Tokyo
Yusuke YAMASHITA, Assistant Director, Program Code and Copyright Division, Tokyo

Third World Network Berhad (TWN)

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Sangeeta SHASHIKANT (Ms.), Legal Advisor, Geneva

Union européenne de radio-télévision (UER)/European Broadcasting Union (EBU)

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Union internationale des éditeurs (UIE)/International Publishers Association (IPA)

José BORGHINO, Secretary General, Geneva
Ted SHAPIRO, Legal Adviser, Geneva
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Cayube DIAS GALAS, Editorial Manager for Foreign Languages, Sao Paulo
Rachel MARTIN (Ms.), Manager Publisher Relations and Communications, Amsterdam
Malak OBEID (Ms.), Manager and Editor, Sharjah
Anne BERGMAN-TAHON (Ms.), Director of the Federation of European Publishers, Brussels
Carlo SCOLLO LAVIZZARI, Lawyer, Geneva
Ben STEWARD, Director Communications and Freedom to Publish, Geneva
Brian WAFAWAROWA, Executive Director Learning Services, member of the IPA Executive
Committee, Cape Town
Rodrigo COSÍO GUERRA, Communications and Marketing Manager, Mexico
Yixuan ZHANG (Ms.), Communication Assistant, Geneva

Union de radiodiffusion Asie-Pacifique (URAP)/Asia-Pacific Broadcasting Union (ABU)

Suranga B. M. JAYALATH, Group Director, Colombo
Bo YAN, Director, Beijing
Nahoko HAYASHIDA, Senior Manager, Copyright and Contracts Division, Tokyo
Nawaz DOOKHEE, Manager, Legal Department, Legal Department, Kuala Lumpur
Hirano MASATAKA, Copyright Officer, Tokyo
Bulent HUSNU ORHUN, Lawyer, Abu Delegate, Ankara
Seemantani SHARMA (Ms.), Legal and Intellectual Property Services Officer, Legal
Department, Kuala Lumpur

Union mondiale des aveugles (WBU)/World Blind Union (WBU)

David HAMMERSTEIN MINTZ, Senior Advocate, Valencia
Laurence R HELFER, Professor of Law, North Carolina
Molly K LAND (Ms.), Professor of Law and Human Rights, Connecticut
Joël Norbert FAVRE, Legal Expert/ WBU Representative, Geneva

Union Network International - Media and Entertainment (UNI-MEI)

Hanna HARVIMA (Ms.), Policy Officer, Nyon

VI. BUREAU/OFFICERS

Président/Chair: Daren TANG (Singapour/Singapore)
Vice-présidents/Vice-Chairs: Karol KOŚCIŃSKI (Pologne /Poland)
Abdoul Aziz DIENG (Sénégal/Senegal)
Secrétaire/Secretary: Michele WOODS (Mme/Ms.) (OMPI/WIPO)

VI. BUREAU INTERNATIONAL DE L'ORGANISATION MONDIALE DE LA
PROPRIÉTÉ INTELLECTUELLE (OMPI)/
INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL
PROPERTY ORGANIZATION (WIPO)

Francis GURRY, directeur général/Director General

Sylvie FORBIN (Mme/Ms.), Vice-directrice générale, Secteur du droit d'auteur et des industries de la création / Deputy Director General, Copyright and Creative Industries Sector

Michele WOODS (Mme/Ms.), directrice, Division du droit d'auteur, Secteur du droit d'auteur et des industries de la création /Director, Copyright Law Division, Copyright and Creative Industries Sector

Carole CROELLA (Mme/Ms.), conseillère principale, Division du droit d'auteur, Secteur du droit d'auteur et des industries de la création/Senior Counsellor, Copyright Law Division, Copyright and Creative Industries Sector

Geidy LUNG (Mme/Ms.), conseillère principale, Division du droit d'auteur, Secteur du droit d'auteur et des industries de la création /Senior Counsellor, Copyright Law Division, Copyright and Creative Industries Sector

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