

## **Standing Committee on Copyright and Related Rights**

**Informal Session and Special Session  
Geneva, April 18 to 20, 2013**

DRAFT REPORT

*prepared by the Secretariat*

1. The Standing Committee on Copyright and Related Rights (hereinafter referred to as the "Standing Committee", or "the SCCR") held its Informal Session and Special Session in Geneva from April 18 to 20, 2013.
2. The following Member States of the World Intellectual Property Organization (WIPO) and/or members of the Berne Union for the Protection of Literary and Artistic Works were represented in the meeting: Andorra, Argentina, Australia, Austria, Bangladesh, Belarus, Benin, Botswana, Brazil, Burundi, Cameroun, Canada, China, Colombia, Costa Rica, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, El Salvador, Finland, France, Gabon, Germany, Guatemala, Holy See, Hungary, India, Iran (Islamic Republic of), Ireland, Ivory Coast, Jamaica, Japan, Kenya, Latvia, Lebanon, Luxembourg, Malaysia, Morocco, Myanmar, Nigeria, Pakistan, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Serbia, Singapore, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Trinidad And Tobago, Turkey, United Kingdom, United States of America and Viet Nam (63).
3. The European Union (EU) participated in the meeting in a member capacity.
4. The following intergovernmental organizations took part in the meeting in an observer capacity: African Union (AU), *Organisation internationale de la francophonie* (OIF) and the World Trade Organization (WTO) (3).
5. The following non-governmental organizations (NGOs) took part in the meeting in an observer capacity: Association of American Publishers (AAP), Central and Eastern European Copyright Alliance (CEECA), Centre for Internet and Society (CIS), Civil Society Coalition (CSC), Computer and Communication Industry Association (CCIA), Exchange and Cooperation Centre for Latin America (ECCLA), *Fédération européenne des sociétés de gestion collective de producteurs pour la copie privée audiovisuelle* (EUROCOPYA), *Fédération internationale de la vidéo*/International Video Federation (IVF), International Authors Forum (IAF), International Chamber of Commerce (ICC), International Federation of Film Producers Associations (FIAPF), International Federation of Library Associations and Institutions (IFLA), International Federation of Reproduction Rights Organizations (IFRRO), International Group of Scientific, Technical and Medical Publishers (STM), International Publishers Association (IPA), Knowledge Ecology International, Inc. (KEI), Library Copyright Alliance (LCA), Max Planck Institute for Intellectual Property and Competition Law, Motion Picture Association (MPA), North American Broadcasters Association (NABA), *Organización Nacional de Ciegos Españoles* (ONCE), Software and Information Industry Association (SIIA) and World Blind Union (WBU) (23).

#### **ITEM 1: OPENING OF THE SESSION**

6. Mr. Francis Gurry, the Director General of WIPO, opened the meeting and stated that it was a great pleasure to welcome all delegations and to open the Informal Session of the Standing Committee on Copyright and Related Rights. The Director General stated that over the course of the following three days there would be a series of meetings which would start with an Informal Session of the SCCR that would presumably take place on April 18 and 19, 2013. On April 20, 2013, there were expected to be both a Formal Session of the SCCR as well as the Preparatory Committee for the Diplomatic Conference convened, that were going to take place in Marrakesh in June 2013. The Director General reminded all delegations that there was very little time left. During the following three days, delegations would have to achieve agreement on the outstanding issues. There were not many outstanding issues left but it was extremely important to reach agreement on those issues during the upcoming days in order to be able to go to the Diplomatic Conference in Marrakesh with a great deal of comfort about the outcome. The Director General made a plea to delegations to be as reasonable as possible in their expectations and in reaching agreement. He wished them all the best in that task.

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

7. The Director General read out the proposals for the Chair and Vice-Chairs that had been the subject of discussion amongst regional coordinators. It was proposed that Ambassador Selim Kunalalp of Turkey would chair the Formal and Informal Sessions of the SCCR as well as the Preparatory Committee for the Diplomatic Conference. Madame Graciela Peiretti of the Delegation of Argentina and Madame Alexandra Grazioli of the Delegation of Switzerland were proposed to act as Vice-Chairs.

8. The Delegation of Belgium handed forward the nominations.

9. The Delegation of the Dominican Republic stated that it supported those candidates.

10. The Delegation of India, speaking on behalf of the Asian Group, endorsed the nomination of the Chair and the two Vice-Chairs.

11. The Director General declared Madame Peiretti and Madame Grazioli as Vice-Chairs and Ambassador Kunalalp of Turkey as Chair. They were invited to preside over the meeting.

12. The Chair thanked all delegations for the confidence they had placed in him and asked for their indulgence as he was not very familiar with the previous work of the SCCR. In view of the strong political interest in the negotiations, the Chair was confident that the work would be ready in time for the Diplomatic Conference. The Chair reminded delegations of the importance of the meeting and the common objective of concluding the basic proposal of substantive provisions of the Treaty. Delegations were therefore asked to keep in mind the shared goal of putting together a practical instrument that would improve lives by facilitating access to published works for the visually impaired and persons with print disabilities. The Chair noted that their support and flexibility, as well as their spirit of compromise and political will to complete the Treaty during the sessions, would be needed. The work that had been achieved during the previous Special Session of the SCCR, held from February 18 to 22, 2013, was presented in document SCCR/25/2 Rev. This replaced the previous document SCCR 25/2. The new document contained a draft text of the International Agreement or Treaty on Limitations and Exceptions for Visually Impaired Persons and Persons with Print Disabilities. SCCR/25/2 Rev constituted the substantive articles of the basic proposal. It had been approved at the Special Session of the SCCR and the Preparatory Committee meeting in February 2013 and would be the working text for the Informal and Formal Session of the SCCR in April 2013. There were only three days to undertake work on the remaining alternatives and brackets in the text. Delegations were therefore asked by the Chair to be available to work each day until late.

## **ITEM 3: ADOPTION OF THE AGENDA**

13. The Chair turned to agenda item 3, which was the adoption of the Agenda of the Informal Session and Special Session included in document SCCR/SS/GE/2/1 Prov. The agenda was adopted after the SCCR's approval.

## **ITEM 4: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS**

14. The Chair observed there had been no requests for accreditation of new Non-Governmental Organizations.

15. The Delegation of Morocco pointed out that Morocco had indeed submitted a request for the admission of a new Moroccan NGO.

16. The Secretariat explained that the Moroccan NGO's request for accreditation had been understood to be for accreditation as an observer to the Diplomatic Conference. That matter would be handled by the Preparatory Committee on Saturday the April 20, 2013. The request had been received and the Legal Counsel's office was working to ensure it was processed in order to allow the participation of the Moroccan NGO in the Diplomatic Conference.

#### **ITEM 5: ADOPTION OF THE REPORT OF THE SPECIAL SESSION OF THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS**

17. The Chair turned back to agenda item 5 and requested that delegations that wished to comment on the report should do so by contacting the Secretariat at the e-mail address [copyright.mail@wipo.int](mailto:copyright.mail@wipo.int). The report was approved.

#### **ITEM 6: LIMITATIONS AND EXCEPTIONS FOR VISUALLY IMPAIRED PERSONS/PERSONS WITH PRINT DISABILITIES**

18. The next item was agenda item 6, which concerned Limitations and Exceptions for Visually Impaired Persons/Persons with Print Disabilities. The Chair wished to remind delegations of the principles that had been agreed on at previous meetings to frame the discussions. It had been agreed that all brackets or as many as possible should be removed, no additional brackets should be added and decisions should be made on the basis of general consensus. As there were not going to be any opening statements held at the plenary that morning, the Chair invited delegations and observers to provide their statements to the Secretariat again by sending an e-mail to the address [copyright.mail@wipo.int](mailto:copyright.mail@wipo.int) for inclusion in the final report of the meeting. The Chair then invited the Secretariat and regional coordinators to provide housekeeping announcements.

19. The Secretariat informed the Committee about the available meeting rooms for the SCCR during the following days and about the cafeteria services. Furthermore, it noted that the deadline for the online registration for the Diplomatic Conference had been extended to May 15, 2013. It also announced that signature for the Beijing Treaty on Audiovisual Performances (BTAP) was going to be open until June 26, 2013. To arrange to provide signatures, Member States were asked to see the Secretariat. The Secretariat also stated that it was already possible to ratify the BTAP. Member States interested in learning about the procedure of ratification should contact the Secretariat as well. Finally, the Secretariat noted that for the SCCR 26 to take place in July 2013, the Secretariat would move to an online registration system.

20. The Delegation of the European Union asked its Member States to convene a coordination meeting in the afternoon.

21. The Chair asked regional coordinators plus six delegations to gather in Room B for informal discussions. There he would propose a work plan and immediately begin with the discussions on the text. The work achieved would be reported to the Plenary on the following day. Delegations and observers would be able to listen to the negotiations taking place in Room B from Room A under the same ground rules that had applied during the previous Special Session of the SCCR. The Chair invited the Secretariat to restate those procedures.

22. The Secretariat indicated that there would be a live audio feed as well as the text on the screen shown in Room A for all delegations and accredited observers of the SCCR to the meetings that week. As pointed out at the SCCR meeting in February 2013, the integrity and informality of the negotiations should be respected and maintained. The audio feed to Room A

was being provided in the interests of transparency and all participants, whether they were in Room A or Room B, were asked not to communicate to the public or to outside media groups either live nor at any future time about the content or the nature of the discussions taking place either in general terms or by way of quoting specific individuals or delegations. That included Tweeting, blog posts, news stories, postings to e-mail list servers and any other forms of communication. Regional coordinators had advised the Secretariat that in the event this request was not observed then in order to preserve the integrity of the meeting, it may be necessary for delegations to agree to stop the audio feed to Room A.

23. The Representative of Knowledge Ecology International, Inc. (KEI) requested clarification on the announcement of the Secretariat. The Representative asked whether it was possible to blog and communicate about the meeting if the subject matter being communicated was not related to the participant listening to the audio feed, but instead contained information that the participant had learned outside the meeting rooms.

24. The Secretariat confirmed that the previously stated ground rules did not apply to activities taking place outside of the meeting rooms.

25. The Chair reported to the Plenary that a great amount of work had been done the day before on a number of critical issues. He therefore wished to express his appreciation to all delegations that had shown flexibility and the willingness to engage with each other in order to make progress possible. The Chair then invited the Secretariat to provide detailed information about the advancements of the negotiations achieved on April 18, 2013.

26. The Secretariat informed the delegates that constructive discussion and work had taken place on three topics. These were commercial availability in the context of national law exceptions and limitations, the right of translation and the technological protection measures provision in Article F. With respect to Article C(4), which regulated the commercial availability provision for national law limitations and exceptions, new language had been proposed that showed compromise among Member States. The new proposal stated that "A Member State contracting party may confine limitations or exceptions under this Article to works which in the particular accessible format cannot be obtained commercially under reasonable terms for beneficiary persons in that market. Any contracting party availing itself of this possibility shall so declare in a notification deposited with the Director General of WIPO at the time of ratification of, acceptance or accession to that Treaty, or at any time thereafter." The first sentence constituted a permission to provide limitations and exceptions where works were not commercially available, thus taking commercial availability into account. Member States were not required to implement those provisions, but Member States that provided for them in their national legislation at the present time or those who decided to implement them in the future, would be permitted to do so. The second sentence of Article C(4) had been added for the sake of transparency. It allowed Member States to be informed when the provisions in the first sentence were made applicable in another Member State by providing that a Member State should notify the Director General of WIPO through a declaration at the time of ratification, acceptance of or accession to the Treaty, or at any time thereafter when there was a change in the situation with regard to a commercial availability exception. For example, where a provision that was not included in national legislation had been added or where it was made no longer applicable. Footnote 7 contained two agreed statements with respect to Article C(4) that were still the subject of ongoing work. The first agreed statement was a reference to the relationship with Articles D and possibly E. Final determination on that would not be made until further work was done on Article D. Concerning the second agreed statement, there seemed to be general agreement on having an agreed statement at that part of the Treaty which made some reference to how the commercial availability provision in Article C (4) related to the three step test. However, there were still a number of brackets remaining because a number of Member States wanted to discuss that issue with their capitals. There would be further discussion on how to refine that agreed statement and remove the brackets. The commercial availability

provisions in Article D concerning cross border exchange had not been addressed yet and were still subject to discussion. The other provision included Article C, the right of translation, had been discussed and was still in brackets. During the negotiations, the positions of different delegations were clarified and many examples were discussed but there had not been any change in the text yet. There had been some efforts to describe what kind of languages would be the subject of the right of translation. Views on how that could work varied. Some delegations suggested that official languages enshrined in constitutions could be the subject of a right of translation under some circumstances while others suggested that languages used for educational purposes could be subject to that provision. Another point of view was that there needed to be some kind of limitation so that languages that were not commonly available commercially would be the subject of the right of translation. Yet another position argued that all languages should be eligible. Although there remained work to be done on that issue, there was a better understanding among the delegations of what the parameters of the discussion might be. The relationship of the proposal to the existing elements of the Berne Convention, both the appendix to the Berne Convention and the references to translation within the core text of the Berne Convention, had been constructively discussed as well. That issue would be left for further discussion. Nevertheless there had been many expressions of willingness by delegations to understand the reasons for the proposal. The Secretariat concluded that at that point of the negotiations it was still an open question whether the goal of the right of translation was to provide equal access for the visually impaired to works that were also available to sighted persons or whether it would be appropriate to provide access for visually impaired persons to additional works that would then not be available to sighted persons. Turning to Article F, which regulated the obligations concerning technological measures, the Secretariat indicated that there were still two alternatives in the text. Delegations had stated their support for one or the other alternative during discussions and two new suggestions had been raised. One proposal was to delete the Article entirely and the other was to work on a possible agreed statement on technological measures. A potential reason for the agreed statement approach was that it was the same approach that had been formerly used in the BTAP. A small group had worked together the day before to draft an informal proposal that could potentially be an agreed statement or a similar instrument. That work would need to be continued as it had not been completed. Some proposals for the drafting of that text had been provided for discussion in the regional groups that morning. Furthermore, a note on Article F had been added to the Annex. The Secretariat noted that was an additional proposal, which had been the subject of some discussion in relation to technological measures as well. The proposal provided that contracting parties might adopt such effective and necessary measures given that the actual or likely adverse impact on the contracting parties' law protecting technological measures on the beneficiary persons' lawful use of the work was established by credible evidence in a transparent, legislative or administrative proceeding. There had been a fair amount of discussion about the meaning and the goal of that proposal. The Secretariat concluded by noting that discussion had also been about the various national systems with regard to assessing the use of exceptions to technological measures in order to allow the operation of limitations and exceptions.

27. The Chair opened the floor to delegations for comments on the briefing of the Secretariat or on other issues that had been subject to discussion during the negotiations of the day before.

28. The Representative of Knowledge Ecology International (KEI) thanked the Chair and commented on Article F, referring to an administrative proceeding which had taken place in the United States of America on the renewal of limitations on the use of technical protection measures and possible uses allowed by the visually impaired. Despite the petition to remove that exception from the list, the panel rejected the removal due to a lack of evidence in the case. The Representative believed that this was probably due to the burdensome requirement of re-establishing the need for an exception every other year, and added that that proposal was rejected by the Library of Congress, which led the head of the United States of America Copyright Office to reverse the outcome of the proceeding. The Representative was therefore

surprised by the proposition made by the Delegation of the United States of America to impose such obligations.

29. The Delegation of Egypt expressed its satisfaction with what had been achieved during the informal negotiations and encouraged everyone to continue along the same path. The Delegation emphasized the importance of being flexible to find solutions to the remaining pending issues and to preserve a balance. It hoped that a consensus would be reached on most questions before the Marrakesh Diplomatic Conference. As far as commercial availability was concerned, the Delegation pointed out that in order to be sufficiently flexible the proposal would need to be revisited. The Delegation called upon all members to respect the requests of countries that needed that exception, emphasizing that nothing should be made mandatory and that every country should be free to make its own choice. The Delegation also expressed its hope to reach a positive outcome in relation to the right of translation, observing that it was of paramount importance for many countries. It insisted on the importance of granting legality and non-discrimination, not only for those who used Braille but in particular for those who did not. The Delegation stated that the proposal concerning the right of translation was justified because there were many visually impaired people in developing countries, who might only benefit from those exceptions if the translation clause was accepted.

30. The Chair thanked the Delegation of Egypt and aligned himself with the call for flexibility. The Chair proposed to conclude the meeting pointing that some work still needed to be done on the proposals relating to technological protection measures. He proposed that the drafting group which had worked on that issue reconvene, and that they report at a later stage in the day to the broader group. The Chair also proposed that the discussions continue in the afternoon and informed delegations that a feed of the transcripts would be made available for Member States and observers. The session was adjourned.

31. The Chair opened the Plenary Meeting of the Special Session and invited the Director General of WIPO to say a few words.

32. Mr. Francis Gurry, the Director General of WIPO, stressed that it was the last day and that it would be partially devoted to the formal proceedings and to the Preparatory Committee. He also pointed out that there was little time left for negotiating and that some breakthroughs were desperately needed. He therefore encouraged everyone to look to close off some issues and to find agreements on them in order to be in a very good position for the Diplomatic Conference in Marrakech.

33. The Chair thanked Dr. Francis Gurry for his wise words. He announced that the agenda for the meeting that day would be the same as the informal part of the meeting.

#### **ITEM 4: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS (cont.)**

34. The Chair then turned again to item 4 of the Agenda, the accreditation of new Non-Governmental Organizations. The Alawite Organization for the Promotion of the Blind in Morocco (OAPAM) requested the status of ad hoc observer to the Special Session of the SCCR and also to the Diplomatic Conference. The Chair stated that the relevant information regarding the requesting NGO had been made available; therefore the delegations were invited to approve the admission of that NGO as an observer. Insofar as no delegation had any comment to make, the OAPAM was granted the status of observer.

**ITEM 6: LIMITATIONS AND EXCEPTIONS FOR VISUALLY IMPAIRED PERSONS/PERSONS WITH PRINT DISABILITIES (cont.)**

35. The Chair then turned again to item 6 of the Agenda on Limitations and Exceptions for Visually Impaired Persons and Persons with Print Disabilities and invited the Secretariat to provide a brief summary of the progress made the previous day.

36. The Secretariat reported that the issue of technological measures had been briefly discussed, but many Member States had expressed their need to get additional feedback and reactions from their capitals on that issue. It had therefore been agreed to put the question aside. The Secretariat then moved on to present the work which had been achieved on Article D(4) regarding cross border transfer provisions and the commercial availability clauses. It stated that a new proposal had been made and that Member States had discussed very pragmatic aspects of how cross border transfer of works would take place and how commercial availability could come in that transfer system. It indicated that another proposal would be provided to Member States on the topic and that one of the issues raised was the need to provide assurances or guarantees to countries that would be, generally speaking, exporters of accessible format works. The Secretariat presented the two alternatives available. It stated that one of them was to simply provide those guarantees and assurances as an alternative to a commercial availability clause in Article D. The other was a stand-alone provision to address the so-called Berne gap. The Secretariat described the Berne gap as the situation where some countries, likely to be recipient countries, were not members of the Berne Convention, the WCT or the TRIPS Agreement. Such a situation therefore led to the need to ensure that some guarantees were available to them if they were exporting accessible format files. It also pointed out that many proposals had been put on the table and that many common themes had been developed, emphasizing that some type of assurances or guarantees would be appropriate. The Secretariat stressed that it was very important to be inclusive in the approach adopted as the treaty would be a human rights instrument. The Secretariat concluded by stating that Member States had come up with many proposals and that 12 of them had been consolidated down to three for discussion in regional groups. The Secretariat also indicated that according to how those discussions went, it might be possible to consolidate them into a single proposal on the topic.

37. The Chair announced the upcoming schedule, inviting the regional coordinators for a meeting to plan the rest of the day, and emphasizing the need to make a productive use of the time available.

38. The Representative of the World Blind Union (WBU) expressed its appreciation for the goodwill and hard work of the various negotiators. The Representative highlighted that there were 285 million blind and visually impaired throughout the world who needed access to materials and that the Treaty would grant an exception allowing materials to be produced in a specialized format for them. It also clarified that although it had previously been agnostic on some of the concepts that were being discussed, such as the three step test and whether it needed to be included or not, it now took the view that copyright holders already had protections through international instruments, and that those protections should not be repeated in a document aiming at granting exceptions. It emphasized that that would create dysfunctions where restatements of those rights would be seen by some as overreaching and by others as insufficient. The Representative continued by stating that the Treaty was not an instrument to convey rights or to reaffirm rights but rather to grant the ability for an authorized entity to take material and produce it for the blind. By mentioning specifically commercial availability, it stressed that in practice, no authorized entity would spend its limited resources to produce a material in a specialized format if that format already existed. It stated that by introducing that exception into the Treaty a world of complications would be created for its application to cross border sharing. The Representative recommended focusing on the rights of an authorized entity to produce accessible material and on a simple instrument that would not impose

burdens, as to dissuade authorized entities from trying to address the book famine.

39. The Representative of Knowledge Ecology International (KEI) referred to the discussions which had taken place the previous day on the options available for countries that were not members of the Berne Convention or the WTO agreements. It proposed on that point to refer to a more balanced document such as the TRIPS Agreement as a standard. The Representative also suggested that the Treaty should state that countries which were outside those other agreements should implement the exception in a way which was consistent with the obligations that they would have had if they were abiding to the TRIPS Agreement. The Representative also emphasized that insofar as the TRIPS Agreement made references to the exceptions of the Berne Convention, it provided flexibility in important areas.

40. The Representative of the World Blind Union (WBU) took the floor again, wishing to speak on behalf of those organizations from developing countries which were members of the WBU. It pointed out that the objective of the meeting was to solve human rights' problems, such as access to information, to literature and to education for the visually impaired. It also wished to remind the delegations that the Treaty should solve the problem of access to reading, and that it should be possible to implement it in reality. The Representative also indicated that its associations had very few resources and tremendous needs, and that it was important to concentrate on access to works in accessible formats, in particular to provide access to persons in one country to works produced in another. The Representative pointed out that too many bureaucratic requirements would constitute an impediment, and that the countries of the south were not only importers, but also wanted to share their own resources within their regions. The Representative concluded by stating that technological measures sometimes impeded the use of accessible formats. If the Treaty would not respond to its needs, it would be far worse result than no treaty at all.

41. The Chair adjourned the Plenary Session and invited the delegates to reconvene at a later stage in the day to consider the results of the deliberations. It added that the Plenary would be followed by a meeting of the Preparatory Committee.

42. The Chair re-opening the plenary, announced that the meeting would start by looking at the draft conclusions and the draft text of the international instrument of the Treaty. The Chair also stated that the Preparatory Committee would need to be opened where a number of items would be addressed, and be followed by the Standing Committee again for any statements that delegations and other participants may wish to make. Finally, Member States would still need to switch back to the Preparatory Committee for the adoption of the report. The Chair justified that proceeding by pointing out that it would allow the Secretariat to put the final edits to the Preparatory Committee report, while statements were being made in the Standing Committee. He also emphasized that as that day was the last meeting of the Preparatory Committee, there would not be any other opportunities for its report to be adopted. The Chair then moved to present the two texts which needed to be adopted, one of them being the conclusions taken up in the informal setting, edited with previously-made comments and amendments. Insofar as no comments or objections were made, the conclusions were adopted. The second text was the revised version of the draft text dated that evening. The Chair noted that the text also incorporated the changes previously made in the informal meeting, and expressed his hope that the delegations had had the opportunity of going through it. Having noted there were no requests for the floor, the Chair declared the draft text adopted. He thanked the Secretariat for having put it together quickly and accurately.

43. The Delegation of the Dominican Republic, speaking on behalf of the Group of States of Latin America and the Caribbean (GRULAC) wished to thank the Secretariat and the Chair for its work. The Delegation highlighted the commitment of GRULAC to the Treaty. The Delegation also referred to all the efforts it had made by offering proposals to reconcile the concerns of different delegations without losing sight of the main objective of giving visually

impaired persons an international instrument which would allow them quick, efficient access to printed versions of published works. The Delegation reaffirmed its commitment to carry out all necessary efforts to successfully conclude negotiations which would lead to a Treaty that would come from the Diplomatic Conference in Marrakesh. It also expressed its concern for the backwards trend. It stated that the revisions of the texts which were the object of consensus could only change if there were substantial moves and if they met the condition of being agreed by consensus. Furthermore, the Delegation indicated that GRULAC was firmly convinced of the need and the importance of the Treaty for the communities of visually impaired. It added that that text represented an opportunity to give a definitive and positive response to the more than 200 million visually impaired who required the instrument. The Delegation finally called all of the delegations who would be in Marrakesh to bring a positive spirit and a commitment to give an efficient, effective response to all of the blind communities, and to meet the responsibilities that they had been granted.

44. The Delegation of Morocco congratulated the Chair for having been elected to the head of the Committee, not only for the negotiations but also for the Preparatory Committee for the Diplomatic Conference in Marrakesh. The Delegation applauded the Chair for his wisdom, open mindedness and skill which had allowed them to move forward. As regards the draft of the Treaty, the Delegation expressed its disappointment, insofar as the Committee had failed to finalize the drafting of the text in Geneva or to achieve a commitment before the Diplomatic Conference. It regretted that those objectives had not been achieved due to different positions. The Delegation indicated however, that the feeling of disappointment and frustration was balanced out by a feeling of optimism, particularly because the spirit which had prevailed in the previous days allowed it to hold hope for concluding a Treaty. It also announced that the Delegation would show flexibility, responsibility and commitment, and expressed its hope that the rest of the delegations and groups would do the same. The Delegation stated that it had observed in the previous days open dialogue, concessions made by some and by others, commitments allowing not the opening of doors, but at least windows, through which the blue sky of Marrakesh could be seen. It expressed its hope that all the delegations would have the same mindset at the beginning of the Diplomatic Conference in Marrakesh, and pointed out that that would be last chance, without any room for mistake or maneuver or hesitation. It emphasized that a moral duty rested upon the delegations and groups, and that in Marrakesh the entire international community would be watching with hope. The Delegation also stressed that the Treaty should not fail because of pressure from publishers or from artists, and that there was a political need to show a humanitarian gesture. It encouraged all of the delegations to be fully engaged from the start and to spare no effort so that the negotiations could begin right from the opening of the conference. It appealed to everyone to arrive the day before so that the negotiations could start on the first day as scheduled. The Delegation also invited all other delegations to register their participation in the WIPO system with the Secretariat as soon as possible so that the Secretariat and the Moroccan authorities could be prepared adequately. The Delegation concluded by thanking the Chairman for all the efforts made and the progress which was limited but significant. It noted that Morocco would be very privileged and honored to be the host country of a conference which was humanitarian in nature and which was long awaited by many people, particularly in southern countries. The Delegation also observed that visually impaired suffered particularly in the southern countries because of the issues of language, geographic expansion, dialects, illiteracy, unlike northern countries where they had governments, facilities, and measure to respond to their needs. The Delegation noted that the Treaty would therefore be very beneficial for developing countries and pointed out that the combined efforts of developed and developing countries were necessary in order to conclude it.

45. The Chair thanked the Delegation for its kind words and for the gratitude it had expressed towards the Secretariat and the interpreters. It emphasized that Morocco had undertaken a great responsibility as a host country, and called for all delegations to support that noble task.

46. The Delegation of Algeria, speaking as a coordinator of the African Group expressed its

appreciation to the Chair for his diligence and skill, and thanked the Secretariat for its hard work. The Delegation also expressed its gratitude towards all delegations and interpreters who had stayed in the late hours, and qualified the draft as an excellent working basis for negotiations at the Diplomatic Conference. The Delegation stated that the document set forth very clearly the position of all Member States and had the merit of clarifying the possibilities of building the first Treaty dealing with the exceptions and limitations, which would allow the visually impaired persons to have access to printed work. The Delegation added that it had hoped to come up with a more specific result at the session, but that the remaining shady areas would be lit by the sun in Marrakesh. The Delegation also emphasized the need to have simple access to education for all of the visually impaired throughout the world, and urged groups to hold the necessary negotiations at every level, as this was the only possibility for the materialization of the Treaty. The Delegation reasserted its flexibility, spirit of compromise and political will so that the discussions may be crowned with success.

47. The Delegation of the European Union and its Member States congratulated the Chair for the excellent work achieved until that day and his professionalism and patience. The Delegation also expressed its gratitude towards the Vice Chairs, the Secretariat, and the interpreters for their excellent work. The Delegation pointed out that the European Union and its Member States considered that there had been an excellent cooperation, and a true willingness to discuss and to understand each other, even on issues on which delegations had different views. It also noted that some progress had been made, although not as much as hoped for. The Delegation stated however that there was indeed a possibility to successfully conclude the Treaty and that all the delegations had a good understanding of each other's main concerns. It also emphasized that agreements needed to be found to successfully conclude the negotiations. The Delegation highlighted the need to act in order to address the very specific needs of the visually impaired throughout the world, and stressed its political will to do so. The Delegation noted however that there was very little time remaining until the Diplomatic Conference and expressed its hope that the Treaty would be successfully concluded with continued goodwill from all parties, in order to enhance an access to books for the visually impaired persons throughout the world.

48. The Delegation of Venezuela thanked the Chair for chairing the informal session and the Secretariat for its work. The Delegation was pleased at seeing the compromises achieved and stated that the issues outstanding were more of a political nature rather than a technical one. It quoted the words of the Chair, who had stated previously that there should not be any changes made which were not inspired by substantive reasons. The Delegation expressed its agreement with this statement and reasserted its knowledge of what was at stake. It concluded that after years of negotiations, the participants were in a state of suspense and that everyone was committed to a successful conference.

49. The Delegation of India, speaking on behalf of the Asian Group, expressed its appreciation for the efforts made by the Chair in his highly professional manner, emphasizing that the Chair's skill and experience had helped and guided the delegations to conclude a draft basic proposal, which would lead to the conclusion of the most important Treaty in the history of WIPO. The Delegation stated that this was the first time that a Treaty had been negotiated, not for the protection of rights, but for the humanitarian cause of providing accessible format copies for the enjoyment and knowledge for the visually impaired persons and persons with print disabilities. The Delegation reaffirmed its will to remove all the square brackets and final proposals in order to be able to negotiate a final text and adopt the Treaty in Marrakesh, even if it was necessary to work late at night, or on a Saturday and Sunday.

50. The Delegation of Ecuador congratulated the Chair on the way he had conducted the work of the session. It also expressed its gratitude towards the Secretariat for the arduous work it had done and also to the interpreters. The Delegation emphasized that that was the last meeting before the Diplomatic Conference, and endorsed the statement made by the GRULAC

Representative, noting however, that as the Delegation of Morocco had affirmed, the discussions on pending issues had not met its expectations. The Delegation stated that the text had left many doors open, and expressed its hope to see those doors closed, pointing out that as long as there was political will and technical input, there could be a Treaty enabling the visually impaired to have access to printed works. The Delegation concluded by expressing its special appreciation to the Delegation of Peru for its hard work in the drafting groups.

51. The Delegation of Egypt thanked the Chair for his very able leadership during the negotiations, in particular for his smile which had enabled the optimistic feeling that obstacles could be overcome. The Delegation also thanked the Secretariat and the WIPO experts for their efforts, which had enabled the delegations to reach many breakthroughs. The Delegation expressed the wish it previously had, to come out of the meeting with further feelings of satisfaction. It stated that the result at hand caused it to be worried about the pathway for the negotiations in Marrakesh. It emphasized the fact that after four years of negotiations, there were new proposals and new challenges. The Delegation called for further negotiations to take place in Marrakesh and stressed the need for further efforts so that a consensus could be reached, which required flexibility and seeking practical solutions. The Delegation aligned itself with the Delegation of Morocco, reaffirming that the task ahead was a humanitarian one to serve the needs of the visually impaired people, and emphasized that the most important criteria was to meet their expectations, and not the cost and gain criterions. The Delegation therefore called for very strong political will to come to the assistance of the visually impaired people who were expecting the results of the negotiations to contribute to further their education and progress. The Delegation concluded by stating that there were true intentions to achieve those results and expressed the hope that Marrakesh would provide the necessary environment for the adoption of political decisions and resolutions.

52. The Delegation of Brazil noted that the statement made by the Representative of GRULAC expressed very clearly and eloquently its position. The Delegation thanked the Chair for his skillful conduct of the work achieved and also the Secretariat and interpreters for their unflagging efforts. The Delegation also expressed its concern that there was still a lot of hard work remaining before the Diplomatic Conference and suggested the organization of simultaneous negotiations on certain themes in order to make a more rapid headway on outstanding issues. The Delegation stated that it would enable more efficiency if the delegations worked on this simultaneous negotiation track.

53. The Delegation of Nigeria stated that making even a small inch was important as a sign of progress, which it expressed its gratitude for. The Delegation also thanked the Vice Chairs for having made sure that the session went forward as planned and assisting in making the transition smooth. It also expressed its gratitude towards the Secretariat, for its flexibility and the interpreters along with the regional coordinators, in particular the Regional Coordinator for the African Group, the Delegation of Algeria. The Delegation also thanked the Secretariat staff. The Delegation aligned itself with the African Group's statement reasserting the importance of that meeting and that session, and stressing that there still was a lot of challenges ahead. It also stated that the difficult conversations which had taken place were important to lay the parameters and to help delegations to understand each other and to be reminded of the importance of the task. The Delegation pointed out that the mutual commitment, both political and ethical to meet the needs of the visually impaired people had risen to the top, and that it had been an important way to keep them on track. The Delegation also aligned itself with the Delegation of Morocco and expressed its heartfelt gratitude for the invitation to Marrakesh but also for reminding everyone the importance of finishing the task. It stressed that although there still was a lot of work to be done in the present meeting and in Marrakesh, there was also work to be done in the capitals with the various stakeholders and beneficiary groups. The Delegation emphasized that the work done in Marrakesh was critically linked to the work done in the delegations' capitals, and stressed the importance of bringing along the public at large. It pointed out that the Treaty could not only exist on paper and that it had to have a meaningful

and material impact on the lives of the visually impaired people. It also stated that the Treaty must recognize the important contribution that creativity and all the elements involved in the copyright system brought to the wellbeing of national and international communities. The Delegation concluded by thanking all the authors, authors' groups, publishers and right holders who had come out, along with the representatives of the civil society that reminded everyone that the interests are competing, but not irreconcilable. It also stated that although interests were sometimes conflicting, a common cause was shared, which was to make the intellectual property system and copyright system respond to the needs of authors, users and the public at large.

54. The Delegation of the United States of America expressed its gratitude for the efforts that all the delegations had put in at that session of the SCCR. It stated that the main goal of the United States of America remained the negotiation of a legally binding agreement that would lead in the years to come to significantly greater access to print materials for persons with print disabilities, while safeguarding the rights of the international copyright system. It recalled the success of the Diplomatic Conference of Beijing, but stressed that it should not obscure the difficulty of the present project, as there were simply more open and more difficult issues facing the Member States than when the delegations arrived in Beijing. It highlighted that there were too many brackets and too many options that still divided the delegations in seeking to meet the needs of the world's blind people, while continuing to protect the world's authors. It therefore referred to the suggestion made by the Delegation of Brazil, calling everyone attending the Diplomatic Conference in Marrakesh to be open to innovative ways of trying to work on issues, including if necessary, to work on multiple issues at once. It also observed that success in Marrakesh would depend on having enough determination to achieve a reasoned balance. It concluded by referring to the spirit of Beijing, hoping that in the years to come people in print disability communities around the world would speak with pride of the perseverance of Marrakesh.

55. The Delegation of Senegal reaffirmed its optimism despite the probable difficulties. It also referred to the delegations' efforts to understand their respective differences. It aligned itself with the moving words of the Delegation of Morocco, reaffirming its optimism about the successful outcome of the conference. It also observed that it was not a race of speed, but rather of substance, and that the finish line was Marrakesh. The Delegation concluded by stating that given the political and humanitarian engagement and WIPO's aim to ensure access to knowledge and education, as well as the delegations' firm commitment to impaired people, the finish line would be jumped over.

56. The Delegation of the Russian Federation stated that publishing services for visually impaired persons were not necessarily adapted to the vital needs of education, culture and learning. It asserted that the Committee had carried a great task in searching for solutions to the different questions related to limitations and exceptions for visually impaired persons and the blind. It affirmed that although there were still a great number of pending issues the holding of the Diplomatic Conference would allow the conclusion of a new international Treaty. It also expressed its hope that the Diplomatic Conference would allow all delegations to show flexibility and bring their positions closer together in order to overcome challenges. It observed that the implementation of a format which would allow for visually impaired persons to access print would give them more possibilities as regards obtaining information, benefiting from cultural and informative services. The Delegation concluded by calling on all delegations to bring together all their efforts in the Diplomatic Conference in order to arrive to a Treaty.

57. The Delegation of Peru endorsed the statement made by the Regional Coordinator of GRULAC. It expressed its concern due to all the work still ahead, but also affirmed its openness to arrive at creative and innovative ways to deal with it. It aligned itself with the proposal made by the Delegation of Brazil to try to arrive at innovative and alternatives methods of working while demonstrating transparency. It concluded by expressing its hope that

delegations could work in their individual capacity in the run up to Marrakesh. The Delegation underscored that the only way forward was to work, not only looking at the proposals from their own interests and concerns' perspective, but focusing also on the interests of other parties.

58. The Chair recognized the work done by the Delegation of Peru in helping make the progress that had been achieved.

59. The Representative of the Motion Pictures Association (MPA) expressed its unambiguous support for a Treaty that would address the real needs of the intended beneficiaries. It also stated that it was firmly and unequivocally against any attempt to overreach and roll back the accomplishments of past international agreements. It proposed to delegations that any attempt to hijack a Treaty for other agendas should not be tolerated. It expressed its confidence that a good Treaty could be achieved within those parameters, and felt encouraged by the constructive attitude and intensive discussions, in particular on the three step test, that had prevailed on the previous days.

60. The Representative of Knowledge Ecology International (KEI) recalled that the purpose of the Treaty was to create a system where countries, having exceptions in the copyright law for people with disabilities, could exchange works across borders. It underscored that anyone who was not a beneficiary and who operated outside of the exception was guilty and subject to all the sanctions, criminal and civil, for infringing copyright. It urged the Delegations of the United States of America and the European Union and its Member States, to stop using the Treaty as a means for creating new restrictions on exceptions and to simplify things. It asked for the elimination, as much as was possible, for any provisions creating all kind of ideas on the functions of the three step test and to create a system where things could be exchanged across borders.

61. The Representative of the Center for Internet Security (CIS) pointed out that everyone who had attended the meetings of the SCCR since 2008 was aware that India had the world's largest population of visually impaired persons and persons with print disabilities. The Representative informed the delegates that two of the members of the Delegation of India, who were blind, in addition to another member who had passed away, had spent years working on policy issues related to people with disabilities with the World Blind Union. It urged the delegations to take step forward and expressed its disappointment that some elements which had been taken to be settled were opened again. It observed that the onerous requirements and procedures that were already laid down in the Treaty were seen by some countries as not being onerous enough. It regretted the assumption that blind people would wrongly take advantage of these provisions and that it was feared that sighted persons might take advantage of these provisions related to the blind. The representative underscored that there was nothing in those provisions that could permit the infringement by sighted people, emphasizing that there were already multifarious ways of infringing copyright without resorting to such Treaty. It expressed its disappointment with the onerous requirements and bureaucratic processes included in it that would unrealistically increase transaction costs for the visually impaired. The Representative concluded by stating that when it came to the economic rights of copyright owners, at the current international level there were no formalities, but when it came to the human rights of visually impaired persons to access information, a right specifically guaranteed to them under the UNCIPD, some delegates in the room wished to assure as many formalities as possible. It concluded by noting that it regretting the stand taken by the Delegation of the European Union and its Member States.

62. The Representative of the International Video Federation (IVF) reported that its statement also included the International Federation of Film Producers Associations (FIAPF). It stated that both IVF and FIAPF members were absolutely in favor of an instrument which facilitated and increased the availability of accessible format copies to visually impaired persons, consistent with international norms. It recommended that the Treaty provide the necessary incentives, for

it to be ratified as much as possible, such as accessible format copies to be made available on reasonable terms. It observed that it was its understanding that the existence of special formats was far a better option than for authorized entities to have to systematically create and sustain the financial burden associated with the making of special formats. It therefore indicated that commercial availability under reasonable terms should be seen as a way to further incentivize and facilitate access by the visually impaired community in practice. It highlighted that any instrument needed to provide legal certainty and to be consistent with international legal norms, which were feasible to reach. It also stressed that in a situation where not all countries wished to conclude and ratify a Treaty, it was necessary to find within it established rights from which that instrument would provide exceptions such as the three step test. The Representative supported the delegations with a view to finding a resolution. It indicated to the delegates that fair use and fair practice notions remained unclear in national or international copyright law and that referring to such undefined terms in an international treaty was therefore unwise. The Representative concluded by hoping that the Treaty would be consistent with international norms and that therefore it could have a higher chance of being ratified by as many countries as possible, just as other treaties adopted in WIPO.

63. The Representative of the Library Copyright Alliance (LCA) noted that the three step test appeared in the draft around ten times approximately. It underscored that the very simple idea of allowing authorized entities to provide accessible format copies to beneficiary persons had become very complicated, while the initial idea was to have a very simple structure that countries without exceptions could easily adopt into their national law. It stressed that it was too complicated that everything had to be subjected to a commercial availability test or a three step test, and that countries without an exception would not have a clear roadmap of what steps they needed to take in order to adopt a three step test compliant exception. It hoped that the Diplomatic Conference would allow them to make the Treaty simple again and to provide a very clear template without the extra multiple invocations of the three step test which led to uncertainty and confusion. The Representative concluded by referring to a handbook that it had recently edited, listing 45 countries that had in their national laws currently fair use or fair dealing provisions. It therefore stated that these were widely adopted norms and that they were not unfamiliar or unusual, but very much part of the fabric of the international copyright framework.

64. The Representative of the International Publishers Association (IPA) stated that the people who had taken a look at the negotiated text might be skeptical and believe that the negotiations were going around in circles, by adding brackets and reducing them. However, it highlighted that having seen and having heard the negotiations over the previous days, there were good reasons to have hope and to believe that the Marrakesh Treaty would be a success. It underscored that there had been no accusations of bad faith on any side except from a few NGOs and that there was a great deal of reaching out and trying to understand exactly the needs of each side. It indicated to the delegates that they were reassured by the glimmers of hope and on the areas where consensus appeared to be possible, at least in the long-term. It stressed that the international publishing community wanted access for all persons with print disabilities, not just in countries that were served by the Berne Convention. It wanted a Treaty, not only written on paper, but also as a reality. It reaffirmed its support for the World Blind Union in its effort to achieve that treaty and offered to provide solutions for all those difficult issues like the three step test, commercial availability, fair use, in such a way that they would have the access that they need while preserving the international copyright system. It underscored that there would be a failure if the Treaty did not ensure that every single person in every country of this world who had a print disability and who required access, could not get it. It highlighted the necessity to create a win-win situation by achieving that objective in a way that also safeguarded the principles of copyright. It added that it was its deep belief that it was possible to create such solution within a framework that was completely compatible with all the principles, ideals and values that WIPO stood for. The Representative concluded by stressing its will to put books within the reach of all, at the same time, and at the same place, irrespective

of disability, which was an aspiration also shared with the World Blind Union. It also invited delegates that had any questions on the possible solutions to speak to it, so that it could explain its concerns and feelings that all of the interests could be matched and achieved in one single Treaty. The Representative ended by affirming its optimism for the Diplomatic Conference in Marrakesh.

## **ITEM 7: CLOSING OF THE SESSION**

65. The Delegation of Côte d'Ivoire observed that it had not been included in the list of participants and requested its inclusion.

66. The Chair requested the Secretariat to take note of the request made by the Delegation of Côte d'Ivoire. He observed and underscored the willingness of delegations to engage with each other, and recommended that in Marrakesh delegations should move away from long-established and oft-repeated positions. The Chair aligned himself with the delegations that had expressed great awareness of the challenges and the importance of the task that lay ahead, which led him to believe that the Diplomatic Conference would be a success. The Chair expressed regret for not having been able to clean up more the text and not having reduced the tasks that lied ahead for the Diplomatic Conference, but hoped that delegations would continue to see each other until then, and to see whether they could make further efforts at narrowing differences that existed still between them. The Chair concluded by thanking everyone who had participated and contributed for all the extraordinary efforts they had put in.

67. The Chair closed the Informal and Special Session of the SCCR and invited participants to move on to the Preparatory Committee for the Diplomatic Conference to conclude a Treaty to facilitate access to published works by visually impaired persons and persons with print disabilities.

## **CONCLUSIONS**

1. The Committee noted that significant progress had been made on the substantive provisions to conclude a treaty on limitations and exceptions for visually impaired persons/persons with print disabilities.
2. The Committee adopted the revised "Draft text of an international instrument/treaty on limitations and exceptions for visually impaired persons/persons with print disabilities" (based on document SCCR/25/2 Rev.) as document SCCR/SS/GE/2/13/4, reflecting the advances made during the session.
3. In accordance with the Decision of the Extraordinary General Assembly (December 17-18, 2012), the Committee agreed to recommend to the Preparatory Committee:

To adopt document SCCR/SS/GE/2/13/4 as the Basic Proposal for the Substantive Provisions of the Treaty to be considered by the Diplomatic Conference, with the following changes:

- A bracketed version of the General Clause with proposed revisions was included in the Annex;
- A bracketed agreed statement was added in a footnote to Article C(1)(B);
- New text was substituted for the text in Article C(4);
- Two new agreed statements were proposed in a footnote to Article C(4); one is agreed and one is bracketed;
- A bracketed Alternative C was added to article D(3) and a related bracketed agreed statement was added in a footnote;

- Two bracketed alternatives for a proposed additional paragraph to be added to Article D and one bracketed alternative to Article D(1) were added to the Annex;
- Notes in the Annex related to Articles C(4) and D(2)(B) were deleted;
- A proposed alternative to Article F with brackets was included in the Annex;
- Footnotes listing some proposed options for Article F were added to the Annex; and
- A bracketed proposed alternative to Article J was added to the Annex.

[Annex follows]

**ANNEXE/ANNEX**

**LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS**

I. MEMBRES/MEMBERS

ALLEMAGNE/GERMANY

Kai NITSCHKE, Federal Ministry of Justice, Berlin

Pamela WILLE (Ms.), Counsellor, Permanent Mission, Geneva

ANDORRE/ANDORRA

Montserrat GESSÉ (Mme), premier secrétaire, Mission permanente, Genève

ARGENTINE/ARGENTINA

Graciela PEIRETTI (Sra.), Directora de Coordinación y Relaciones Internacionales en materia de Propiedad Intelectual, Dirección Nacional de Derecho de Autor, Buenos Aires

AUSTRALIE/AUSTRALIA

James BAXTER, Minister-Counsellor, Permanent Mission to the World Trade Organization (WTO), Geneva

David KILHAM, First Secretary, Permanent Mission to the World Trade Organization (WTO), Geneva

AUTRICHE/AUSTRIA

Marisa-Pia SCHOLZ (Ms.), Federal Ministry of Justice, Vienna

BANGLADESH

Md. Nazrul ISLAM, Counsellor, Permanent Mission, Geneva

BÉLARUS/BELARUS

Svetlana KARPUSHINA (Ms.), Counsellor, Directorate General Law and Treaties, Ministry of Foreign Affairs, Minsk

BÉNIN/BENIN

Charlemagne DEDEWANOU, Attaché, Mission permanente, Genève

BOTSWANA

Lesetedi KEOTHEPILE (Mrs.), Staffnurse, Gaborne

BRÉSIL/BRAZIL

Marcos ALVES DE SOUZA, Director, Ministério da Cultura, Brasília, DF

Kenneth DA NOBREGA, Head of Division, Ministry of Foreign Affairs, Brasília

BURUNDI

Espérance UWIMANA (Mme.), conseiller, Mission permanente, Genève

CAMEROUN/CAMEROON

Irène-Mélanie GWENANG (Mme), Chef de Division, Division des affaires juridiques, Ministère des arts et de la culture, Yaoundé

CANADA

Shelley ROWE (Ms.), Senior Project Leader, Delegation Expert, Ottawa

Sophie GALARNEAU (Ms.), Second Secretary, Permanent Mission to the World Trade Organization (WTO), Geneva

CHINE/CHINA

WANG Qian, Consultant, National Copyright Administration of China (NCAC), Beijing

WANG Yi (Ms.), Second Secretary, Permanent Mission, Geneva

COLOMBIE/COLOMBIA

Jorge Mario OLARTE COLLAZOS, Asesor del Director General, Unidad Administrativa Especial (UAE), Dirección de Derecho de Autor, Bogotá

Eduardo MUNÓZ, Embajador, Misión Permanente ante la organización Mundial de Comercio (OMC), Ginebra

Alicia ARANGO OLMOS (Sra.), Embajadora, Misión Permanente, Ginebra

Maria Catalina GAVIRIA BRAVO (Sra.), Consejero Comercial, Misión Permanente, Ginebra

COSTA RICA

Sylvia POLL (Mrs.), Deputy Permanent Representative, Permanent Mission, Geneva

CÔTE D'IVOIRE/IVORY COAST

Kumou MANKONGA, Secretary, Permanent Mission, Geneva

DANEMARK/DENMARK

Nicky VALBJORN TREBBIEN, Chief Adviser, Ministry of Culture, Copenhagen

ÉGYPTE/EGYPT

Hassan EL BADRAWY, Deputy Chief Justice of the Supreme Constitutional Court, Cairo

EL SALVADOR

Rodrigo Guillermo RIVAS MELHADO, Minister Counsellor, Geneva

ÉQUATEUR/ECUADOR

Santiago CEVALLOS, National Director of Copyright and Related Rights of the Ecuadorian Institute of Intellectual Property, Ecuadorian Institute of Intellectual Property IEPI, Quito

ESPAGNE/SPAIN

Jorge CANCIO MELLÁ, Vocal Asesor, Subdirección General de Propiedad Intelectual, Ministerio de Cultura, Madrid

Xavier BELLMONT ROLDÁN, Consejero, Misión permanente, Ginebra

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

Shira PERLMUTTER (Ms.), Chief Policy Officer and Director for International Affairs, United States' Patent and Trademark Office, Department of Commerce, Virginia

Justin HUGHES, Senior Advisor to the Under Secretary, United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria, Virginia

Karyn Temple CLAGGETT (Ms.), Associate Register for Policy and International Affairs, Policy and International Affairs Division, United States Copyright Office, Library of Congress, Washington, D.C

Michael SHAPIRO, Senior Counsel, Office of Intellectual Property Policy and Enforcement, United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria, Virginia

Carl SCHONANDER, Director, European Intellectual Property Rights Issues, Office of Intellectual Property Enforcement, Department of State, Washington, D.C.

Nancy WEISS (Ms.), General Counsel, United States Institute of Museum and Library Services (IMLS), Washington, D.C.

Stephen G. TOWNLEY, Deputy Legal Advisor, Permanent Mission, Geneva

David B. SULLIVAN, Legal Adviser, Permanent Mission, Geneva  
Todd REVES, IP Attaché, Permanent Mission, Geneva

FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

Arsen BOGATYREV, Attaché, Permanent Mission, Geneva

Natalia BUZOVA (Ms.), Deputy Director, International Cooperation Department, Federal Service for Intellectual Property (ROSPATENT), Moscow

FINLANDE/FINLAND

Anna VUOPALA (Ms.), Senior Legal Advisor, Culture Unit, Ministry of Education and Culture, Helsinki

FRANCE

Ludovic JULIE, Chargé de Mission, secrétariat Général, Bureau de la Propriété Intellectuelle, Paris

GABON

Landry MBOUMBA, First Secretary, Permanent Mission, Geneva

GUATEMALA

Flor De Maria GARCIA DIAZ (Mrs.), Consellor, Geneva

HONGRIE/HUNGARY

Péter LABODY, Head of Unit, International Copyright Office, Budapest

INDE/INDIA

Raghavender GUDIBANDA RAMARAO, Registrar, Department of Education, Copyright Office, New Delhi

Alpana DUBEY, First Secretary, Geneva

IRAN (RÉPUBLIQUE ISLAMIQUE D')/IRAN (ISLAMIC REPUBLIC OF)

Seyed Mohammad Reza SAJJADI, Ambassador, Permanent Representative, Permanent Mission, Geneva

Behzad SABERI ANSARI, Acting Head, Private International Law Division, Ministry of Foreign Affairs, Tehran

Alireza JAHANGIRI, Director General, Ministry of Foreign Affairs, Tehran

Nabiollah AZAMI SARDOUEI, First Secretary, Permanent Mission, Geneva

Mahmood KHOFKAR, Second Secretary, Permanent Mission, Geneva

Gholamreza RAFIEI, Advisor to the delegation, Geneva

IRLANDE/IRELAND

Gerard CORR, Ambassador, Permanent Representative, Permanent Mission, Geneva

Bill CULBERT, Intellectual Property Unit, Department of Jobs, Enterprise and Innovation, Kilkenny

Yvonne CASSIDY (Ms.), Intellectual Property Unit, Patents Office, Kilkenny

Cathal LYNCH, Second Secretary, Permanent Mission, Geneva

JAMAÏQUE/JAMAICA

Simara HOWELL (Ms.), Member, Permanent Mission to the UNOG, Geneva

JAPON/JAPAN

Toru SATO, Director, International Affairs Division, Agency for Cultural Affairs, Tokyo

Hiroki HORI, Deputy Director, International Affairs Division, Agency for Cultural Affairs, Tokyo

Hirotoishi EMA, Official, Intellectual Property Affairs Division, Economic Affairs Bureau, Ministry of Foreign Affairs, Tokyo

Hiroshi KAMIYAMA, First Secretary, Permanent Mission, Geneva

KENYA

Edward SIGEI, Chief Legal Counsel, Kenya Copyright Board, Nairobi

LETTONIE/LATVIA

Ilon TOMSONE (Ms.), Legal Adviser, Legal Unit, Ministry of Culture, Riga

Ilva KASE (Ms.), Second Secretary, Permanent Mission, Geneva

LIBAN/LEBANON

Wissam EL AMIL, Intellectual Property Rights Specialist, Intellectual Property Office, Ministry of Economy and Trade, Beirut

LUXEMBOURG

Christiane DI STEFANO (Mrs.), Deputy Permanent Representative, Permanent Mission, Geneva

MALAISIE/MALAYSIA

Nurhana MUHAMMAD IKMAL (Mrs.), First Secretary, Permanent Mission, Geneva

Noor ALIFF MUSA, Assistant Director, Intellectual Property Corporation of Malaysia, Jakarta

MAROC/MOROCCO

Omar HILALE, ambassadeur, représentant permanent, Mission permanente, Genève

Abdellah OUADRHIRI, directeur général, Bureau marocain du droit d'auteur, Ministère de la communication, Rabat

Mohammed BELGHOUATE, directeur des études et de développement des medias, Casablanca

Salah Eddine TAOUIS, conseiller, Mission permanente, Genève

MYANMAR

Aye MYINT, Director General, Intellectual Property Section – Department of Technical and Vocational Education (DIVE), Ministry of Science and Technology, Yangon

NIGÉRIA/NIGERIA

Ruth OKEDIJI (Mrs.), Professor of Law, University of Minnesota, Minnesota

PAKISTAN

Ahsan NABEEL, Second Secretary, Permanent Mission, Geneva

PARAGUAY

Bella FRANCO (Sra.), Jefa del Registro Nacional del Derecho de Autor, Ministerio de Industria y Comercio, Asunción

PÉROU/PERU

Edgar Martín MOSCOSO VILLACORTA, Director, Dirección de Derecho de Autor, Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual (INDECOPI), Lima

POLOGNE/POLAND

Maciej DYDO, Head of Division of Copyright, Legal Department, Ministry of Culture and National Heritage, Warszawa

Magdalen JACHIMOWICS ROLNIK, Specialist, Ministry of Culture and National Heritage IP and Media, Varsovie

PORTUGAL

Filipe RAMALHEIRA, Premier secrétaire, Mission permanente, Genève

Maria MINEIRO (Mrs.), conseiller auprès du Secrétaire d'Etat de la Culture, Secrétariat d'Etat de la Culture, Lisbonne

RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

So-Hyun HWANG, Deputy Director, Ministry of Culture, Sports and Tourism, Seoul

Shihyeong KIM, Attaché, Intellectual Property Department, Permanent Mission, Geneva

Jae-Kweon SEO, Reasercher, Copyright Department, Korea Copyright Commission, Seoul

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

Tong Hwan KIM, Member, Permanent Mission, Geneva

RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

Adéla FALADOVÁ (Ms.), Deputy Director, Copyright Department, Ministry of Culture, Prague

Jan WALTER, Third Secretary, Permanent Mission, Geneva

ROUMANIE/ROMANIA

Cristian Nicolate FLORESCU, Legal Counsellor, The Romanian Copyright Office, Bucarest

ROYAUME-UNI/UNITED KINGDOM

Steve ROWAN, Deputy Director, Copyright Policy, United Kingdom's Intellectual Property Office (UKIPO), South Wales

Suzanne GREGSON (Ms.), Senior Policy Advisor, United Kingdom's Intellectual Property Office (UKIPO), South Wales

Grega KUMER, Senior Intellectual Property Advisor, Permanent Mission, Geneva

David HAMMERSTEIN, Advocate, London

SAINT-SIÈGE/HOLY SEE

Silvano M. TOMASI, Apostolic Nuncio, Permanent Observer, Permanent Mission, Geneva

Carlo Maria MARENGHI, Member, Permanent Mission, Geneva

SÉNÉGAL/SENEGAL

Mouhamadou Mounirou SY, directeur général, Bureau sénégalais du droit d'auteur (BSDA), Dakar

SERBIE/SERBIA

Zorica GULAS (Ms.), Head, Copyright and Related Rights, Belgrade

SINGAPOUR/SINGAPORE

Jeffrey WONG, Senior Assistant Director, Intellectual Property Office, Singapore

SLOVÉNIE/SLOVENIA

Petra BOSKIN (Ms.), Secretary, Intellectual Property Office, Ministry of Economic Development and Technology, Ljubljana

SRI LANKA

Sandya Nelumnika MAYADUNNE (Mrs.), Deputy Legal Advisor, Legal Division, Ministry of External Affairs, Colombo

SUÈDE/SWEDEN

Per LINNÉR, Second Secretary, Permanent Mission, Geneva

SUISSE/SWITZERLAND

Kelly YONA (Mme), conseillère juridique, Division du droit d'auteur et des droits voisins, Institut fédéral de la propriété intellectuelle, Berne

Alexandra GRAZIOLI (Mme), conseillère Propriété intellectuelle, Département fédéral des affaires étrangères, Mission permanente, Genève

TRINITÉ-ET-TOBAGO/TRINIDAD AND TOBAGO

Justin SOBION, First Secretary, Permanent Mission to the UNOG, Geneva

TURQUIE/TURKEY

Selim KUNERALP, Ambassador, Permanent Representative, Permanent Mission to the World Trade Organization (WTO), Geneva

Günseli GÜVEN (Mrs.), Legal Counsellor, Permanent Mission to the World Trade Organization (WTO), Geneva

Irem SAVAS, Expert, Ministry of Culture and Tourism, Ankara

Fatos ALTUNC, Expert, Ministry of Culture and Tourism, Ankara

VIET NAM

Ngoc Hoan VU, Deputy Director General, Copyright Office, Hanoi

Van Son MAI, Attaché, Permanent Mission, Geneva

II. DÉLEGATIONS MEMBRES SPÉCIALES/SPECIAL MEMBER DELEGATIONS

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

Maria MARTIN PRAT (Mrs.), Head, Copyright Unit, Directorate-General for Internal Market and Services, European Commission, Brussels

Delphine LIDA (Mrs.), Counsellor, Permanent Mission, Geneva

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\* 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.

Judith FISCHER (Ms.), Policy Officer, Directorate-General for Internal Market and Services,  
European Commission, Brussels

III. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/  
INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

ORGANISATION INTERNATIONALE DE LA FRANCOPHONIE (OIF)

Anis HARABI, -, Geneva

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

Hannu WAGER, Counselor, Intellectual Property Division, Geneva  
L'UNION AFRICAINE (UA)/AFRICAN UNION (AU)

Georges Remi NAMEKONG, Minister Counselor, Geneva

IV. ORGANISATIONS NON GOUVERNEMENTALES/  
NON-GOVERNMENTAL ORGANIZATIONS

Association of American Publishers (AAP)

Allan Robert ADLER, Vice President, Legal and Government Affairs, Washington, D.C.

Central and Eastern European Copyright Alliance (CEECA)

Mihály FICSOR, Chairman, Budapest

Centre d'échanges et de coopération pour l'Amérique Latine (CECAL)/Exchange And  
Cooperation Centre For Latin America (ECCLA)

Michel CELI VEGAS, Président, Genève

Jessica BEYLARD-OZEROFF (Mme.), consultante, Genève

Centre for Internet and Society (CIS)

Pranesh PRASASH, Policy Director, Karnataka

Civil Society Coalition (CSC)

Joseph Farrell, CSC Fellow, Geneva

Cristiana DE OLIVEIRA GONZALEZ (Ms.), Researcher, São Paulo

Olaf MITTELSTAEDT (Mrs.), Member, Geneva

Association de l'industrie de l'informatique et de la communication (CCIA)/Computer and  
Communications Industry Association (CCIA)

Matthias LANGENEGGER, Deputy Geneva Representative, Geneva

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

Nicole LA BOUVERIE (Mme.), Représentante, Paris

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

Barbara Anne STRATTON (Mrs.), Expert, The Hague

Fédération internationale des associations de producteurs de films (FIAPF)/International Federation of Film Producers Associations (FIAPF)

Frédéric MOULLIER, Member, Paris

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

Olav STOKKMO, Chief Executive and Secretary General, Brussels

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

Charlotte Lund THOMSEN (Mrs.), Director General, Brussels

Benoît MÜLLER, Legal Advisor, Brussels

Alessandra SILVESTRO (Mrs.), Legal Advisor, Brussels

Maren CHRISTENSEN, Legal Advisor, Brussels

Groupement international des éditeurs scientifiques, techniques et médicaux (STM)/International Group of Scientific, Technical and Medical Publishers (STM)

Carlo SCOLLO LAVIZZARI, Legal Counsel, Basel

André MYBURGH, Expert, Basel

International Authors Forum

Maureen DUFFY (Mrs.), London

International Chamber of Commerce (ICC)/Chambre de commerce international (CCI)

Jennifer BRYANT (Ms.), -, Geneva

Daphné Yong-d'Hervé (Mrs.), Chief Intellectual Property Officer, Paris

Knowledge Ecology International, Inc. (KEI)

Susan Isiko STRBA (Mrs.), CSC Fellow, Geneva

James LOVE, Director, Washington, D.C

Thiru BALASUBRAMANIAM, Geneva Representative, Geneva

Asma REHAN (Mrs.), Intern, Geneva

Library Copyright Alliance (LCA)

Jonathan BAND, Attorney at Law, Technology Law & Policy, Washington, D.C.

Motion Picture Association (MPA)

Theodore SHAPIRO, Legal Advisor, Brussels

Chris MARCICH, Delegate, Brussels

Max Planck Institute for Intellectual Property and Competition Law

Kaya KÖKLÜ, Munich

North American Broadcasters Association (NABA)

Scott Charles LABARRE, Legal Counsel, Colorado

Cristina Amado PINTO (Ms.), Intellectual Property Counsel, Mexico City

Bradley SILVER, Assistant General Counsel, New York

Organización Nacional de Ciegos Españoles (ONCE)

Bárbara MARTÍN MUÑOZ, Head, Technical Office for European Affairs, Madrid  
Francisco Javier MARTÍNEZ CALVO, Technical Advisor, Madrid

Software and Information Industry Association (SIIA)

Eric MASSANT, Senior Director, Government and Industry Affairs for Reed Elsevier,  
Washington, D.C.

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

Young Suk CHI, President, Geneva  
Jens BMMEL, Secretary General, Geneva  
David FARES, Senior Vice-President, Government Relations, News Corporation, Geneva  
José BORGHINO, Policy Director, Geneva

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

Frederic SCHROEDER, First Vice President, Denver, Colorado  
Marc EMERSON, Guide for Frederic Schroeder, Denver, Colorado  
Barbara MARTIN (Mrs.), Director of Technical Office, International Relation Department, Madrid  
Francisco Javier MARTINEZ CALVO, Tecnico Servicios Bibliograficos, Madrid  
Pablo LECUONA, Founder/Director, Tiflo Libros Argentina, WBU Latin American, Buenos Aires  
Maria Laura LECUONA (Ms.), Tiflo Libros Argentina, WBU Latin American, Buenos Aires  
Dan PESCOD, Manager, Royal National Institute of Blind People (RNIB) European,  
International and Accessibility Campaigns, London

V. BUREAU/OFFICERS

Chair: Selim KUNERLAP (Turkey)  
Vice-présidents/Vice-Chairs: Graciela PEIRETTI (Argentina)  
Alexandra GRAZIOLI (Switzerland)  
Secrétaire/Secretary: Michele WOODS (Mrs.) (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

C. Trevor CLARKE, sous-directeur général, Secteur de la culture et des industries de la  
création/Assistant Director General, Culture and Creative Industries Sector

Edward KWAKWA, conseiller juridique/Legal Counsel

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

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

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

Paolo LANTERI, juriste adjoint, Division du droit d'auteur, Secteur de la culture et des industries de la création/Assistant Legal Officer, Copyright Law Division, Culture and Creative Industries Sector

Carlos Alberto CASTRO, consultant, Division du droit d'auteur, Secteur de la culture et des industries de la création/Consultant, Copyright Law Division, Culture and Creative Industries Sector

[End of Annex and of document]