

CWs/10/7

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# Committee on WIPO Standards (CWS)

**Tenth Session**

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Proposals for improvement of copyright metadata in WIPO Standard ST.96

*Document prepared by the International Bureau*

## INTRODUCTION

At its sixth session, held in 2018, the Committee on WIPO Standards (CWS) agreed to include copyright orphan works as part of WIPO Standard ST.96 (see paragraph 68 of document CWS/6/34). At its eighth session, held in 2020, the CWS noted that XML schema components for copyright orphan works were included in WIPO ST.96, version 4.0, and the XML4IP Task Force planned for enhancement of some copyright components, which would be improved to provide a more structured format (see paragraphs 8 and 30 of document CWS/8/14).

At its ninth session, the CWS considered a working draft paper presented by the International Bureau, which focused on the copyright metadata management of orphan works, more specifically on providing a structured means of categorizing the information on right holder roles and work categories captured in the XML schema components: cpy:RightsHolderCategory (category which identifies the type of rights holder) and cpy:OrphanWorkKindCode (code list which identifies a kind of orphan works) of WIPO Standard ST.96. The main aim of this paper was to improve the interoperability of ST.96 with other data standards around the world, developed or used by cultural industries, collective management organizations in the area of copyright and related rights, as well as national and university libraries.

While several delegations supported the work done by the International Bureau, a delegation expressed its difficulty to provide comments on the proposals as it does not have copyright in its business portfolio. The International Bureau confirmed that the XML4IP Task Force would reach out to more copyright Offices and copyright industry groups for assistance with this work. In addition, one delegation suggested refining the definition of “Unknown” in the proposed model for creative work category. The CWS invited its Members to comment on the proposals for copyright orphan work metadata, as reproduced in the Annex to document CWS/9/4, and to liaise with their copyright Office for comments. The CWS noted that the International Bureau plans to present the final proposals for consideration at its next session. (See paragraphs 21 to 24 of document CWS/9/25.)

## Revised PROPoSAL FOR METADATA MANAGEMENT OF COPYRIGHT ORPHAN WORKS

The delegation, who suggested refining the definition of “Unknown” in the proposed model for creative work category at the ninth session of the CWS, informed the Secretariat that no additional details need to be added at this time as the delegation considered that “Unknown” appears to be covered in the paragraph 4 of the Annex to document CWS/9/4.

5. Following the ninth session of the CWS, based on the feedback received, the International Bureau improved these proposals for the standard values for consideration by the XML4IP Task Force. Consequently, the Member States and Observers of WIPO were invited to provide their comments on the improved proposals which were published on a public CWS wiki space (<https://www3.wipo.int/confluence/x/C4DFRg>), through circular C.CWS 156, particularly in view of :

* Comprehensiveness of the right holder roles and creative works categories;
* Appropriateness of grouping and coding schemes of the right holder roles and work categories; and
* The clarity of descriptions of entries of the right holder roles and work categories.

The International Bureau received nine responses to the Circular from six Member States: Czechia, Japan, Madagascar, Mexico, the Republic of Korea and Türkiye; and three Observers: the Association for the International Collective Management of Audiovisual Works (AGICOA), the Digital Data Exchange, LLC (DDEX) and the European Federation of Joint Management Societies of Producers for Private Audiovisual Copying (EUROCOPYA) as follows:

* Two respondents (Japan and Türkiye) stated that they do not have any comments;
* Two respondents (Madagascar and the Republic of Korea) supported the proposals by indicating comprehensiveness and appropriateness of grouping and coding schemes for the right holder roles and creative works categories covered by the proposals;
* Five respondents provided comments and suggestions in detail; and
* One respondent (Madagascar) is willing to comply with the standard and request technical assistance to comply with the new standard.

All responses generally supported the initiative and the draft proposals by providing general or concrete suggestions to improve the proposals. The International Bureau briefed the results of responses at the XML4IP Task Force monthly meeting. The responses could be summarized as follows:

* Granularity of categorization: some categories are very detailed, others are more generic;
* Level of details of descriptions: some are very specific or detailed, others are more generic;
* Potential improvement of the interoperability with industry standards outside CISAC; and
* Scope of proposals: only for orphan works or copyright in general?

Taking into account the responses received, the International Bureau further improved the draft proposals and the main improvements are as follows:

1. Proposal for Right Holder’s Role Category
   * Add a new role “Sound designer” (A person responsible for sound production);
   * Delete the role “Copyright owner”, as it is redundant with the entry “Copyright holder”;
   * Adapt some codes due to the added and deleted roles; and
   * Adapt the description of “Film editor” by adding the concept of art film editor.
2. Proposal for Work Kind Codes
   * Add a new subcategory “Clip” under Sound Recording Category, (An unedited audio Recording that was recorded as part of a Session, but that has not been incorporated into the final version) considering the latest version of DDEX available;
   * Rename “Audio Visual” Category to “Audiovisual Work”; and add new subcategories and adapt existing subcategories under the Category to improve the interoperability with IDA, ISAN and AGICOA standards;
   * Adapt some codes due to the new subcategories; and
   * Adapt the description of “Work of Art” by adding the word “plastic”.

The document for revised proposals is reproduced as the Annex to the present document with its Appendixes I and II with some amendments to them for consideration by the CWS as follows:

* Appendix I, which contains the list of proposed categories for right holder roles, their description and corresponding code per entry, with amendments to the following worksheets: “ST.96 - RH Roles proposal” and “Corresp. Proposal – Standards” in which the mapping of right holder role with DDEX is deleted as it is an allowed value for non “ProductionContributor” role; and
* Appendix II, which contains the list of proposed categories of creative works, their description and corresponding code per entry, with amendments to the following worksheets: “ST.96 - CreatWork Cat. Proposal”, “Sound Recording” and “Audiovisual Work”.

*The CWS is invited to:*

1. *note the content of the present document and the Annex to the present document; and*
2. *comment on the revised working draft, as reproduced in the Annex to this document.*

[Annex follows]