

## **WIPO General Assembly**

### **Forty-Eighth (26<sup>th</sup> Extraordinary) Session Geneva, October 3 to 11, 2016**

#### **REPORT ON THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS**

*prepared by the Secretariat*

1. The Standing Committee on Copyright and Related Rights (SCCR or Committee) met twice since the Fifty-Fifth Series of Meetings of the Assemblies of the Member States of WIPO in October 2015, namely in December 2015 and May 2016. The Committee expects to hold an ordinary session in November 2016 and two ordinary sessions in 2017.
2. At its Forty-Seventh Session, which took place between October 5 and 14, 2015, the WIPO General Assembly considered the report on the status of the work of the SCCR (document WO/GA/47/5), including discussions on the protection of broadcasting organizations and limitations and exceptions to copyright and related rights. It decided to “(i) take note of the information contained in document WO/GA/47/5; and (ii) direct the Standing Committee on Copyright and Related Rights (SCCR) to continue its work regarding the issues reported on in document WO/GA/47/5.”
3. This document provides an update on the status of the work related to the above matters. The Summaries by the Chair for the 31<sup>st</sup> and 32<sup>nd</sup> sessions of the SCCR are attached.

#### **A. PROTECTION OF BROADCASTING ORGANIZATIONS**

4. It is recalled that the updating of the rights of broadcasting organizations in response to technological developments has been under discussion in all SCCR sessions since 1998, including two special sessions exclusively devoted to that subject in 2007.

5. At its Forty-First Session held in 2012, the WIPO General Assembly approved the recommendation made by the SCCR that “the Committee continue its work toward a text that will enable a decision on whether to convene a diplomatic conference in 2014”. As earlier agreed, the work should remain consistent with the 2007 General Assembly mandate to develop an international treaty to update the protection of broadcasting and cablecasting organizations in the traditional sense.
6. At its Forty-Fourth Session, held in 2013, the WIPO General Assembly requested the SCCR to continue its work on the issues covered in its report, which included work toward a text that would enable a decision on whether to convene a diplomatic conference in 2014. At its Forty-Sixth Session, held in 2014, the WIPO General Assembly did not take a decision on the agenda item regarding the SCCR Report.
7. As noted above, at its Forty-Seventh Session, held in 2015, the WIPO General Assembly did not reach a specific decision about broadcasting, but directed the Committee to continue work on all the topics addressed in the SCCR report.
8. At its 30<sup>th</sup> session, the Committee requested the Chair to prepare for its following session a consolidated text with respect to definitions, object of protection, and rights to be granted. That text was presented by the Chair at the 31<sup>st</sup> session of the SCCR in document SCCR/31/3, “Consolidated Text on Definitions, Object of Protection, and Rights to be Granted”. Following discussions at SCCR/31, the Committee requested the Chair to produce a revised version of that document for its next session.
9. At the Committee’s 32<sup>nd</sup> session, the Chair introduced document SCCR/32/3, “Revised Consolidated Text on Definitions, Object of Protection, and Rights to be Granted”, which served together with technical working non-papers prepared by the Chair as a basis for the discussions of the Committee. A revised version of document SCCR/32/3 was requested by the Committee for its 33<sup>rd</sup> session, in order to take into consideration textual proposals and clarifications made during the 32<sup>nd</sup> session.
10. At the conclusion of the 32<sup>nd</sup> session of the SCCR, there was no agreement on recommendations to the WIPO General Assembly.
11. The topic of protection of broadcasting organizations will be maintained on the agenda of the 33<sup>rd</sup> session of the SCCR.

## **B. LIMITATIONS AND EXCEPTIONS**

12. It is recalled that the SCCR has agreed to address the issue of limitations and exceptions to copyright and related rights for libraries and archives, education and persons with other disabilities. The topic of limitations and exceptions has been discussed at every ordinary SCCR session from the 12<sup>th</sup> session held in November 2004 up to the present.

### **LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES**

13. Regarding the issue of limitations and exceptions for libraries and archives, at its Forty-First Session held in 2012, the WIPO General Assembly encouraged the Committee to continue its work and approved the Committee recommendation that the SCCR continue discussions to work towards an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms), with the target of submitting recommendations on limitations and exceptions for libraries and archives to the General Assembly by the 28<sup>th</sup> session of the SCCR.

14. At its Forty-Fourth Session, held in 2013, the WIPO General Assembly requested the SCCR to continue its work on the issues covered in its report, which included work on limitations and exceptions consistent with the recommendations approved in 2012, as set out in the previous paragraph.

15. At its Forty-Sixth Session, held in 2014, the WIPO General Assembly did not take a decision on the agenda item regarding the SCCR Report. As noted above, at its Forty-Seventh Session, held in 2015, the WIPO General Assembly did not reach a specific decision, but directed the Committee to continue work on all the topics addressed in the SCCR report.

16. The documents under consideration related to this agenda item are currently: "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" (document SCCR/26/3), adopted by the Committee; "Objectives and Principles for Exceptions and Limitations for Libraries and Archives" (document SCCR/26/8), submitted by the United States of America; and "Consolidation of Proposed Texts contained in document SCCR/26/3" (document SCCR/29/4), prepared by the African Group, Brazil, Ecuador, India and Uruguay.

17. In addition to these documents, during its 29<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup> sessions, the Committee heard presentations and discussed the "Study on Copyright Limitations and Exceptions for Libraries and Archives" (document SCCR/29/3) and the "Study on Copyright Limitations and Exceptions for Libraries and Archives: Updated and Revised" to cover all 188 WIPO Member states (document SCCR/30/3), both prepared by Professor Kenneth Crews; and the "Study on Copyright Limitations and Exceptions for Museums" (document SCCR/30/2), prepared by Mr. Jean François Canat and Professor Lucie Guibault.

18. During its 30<sup>th</sup> session, the Committee agreed to hold discussions based on a non-paper on "exceptions and limitations for libraries and archives" that had been introduced by the Chair during the 29<sup>th</sup> session of the SCCR. The Committee also discussed the topic of preservation and agreed to consider it as a priority issue.

19. During its 31<sup>st</sup> and 32<sup>nd</sup> sessions, the Committee continued discussions based on the Chair's non-paper and exchanged views regarding a number of topics, namely reproduction, safeguard copies, legal deposit, library lending, parallel importations, cross-border uses, and orphan works, retracted and withdrawn works, and work out of commerce.

20. At the conclusion of the 32<sup>nd</sup> session of the SCCR, there was no agreement on recommendations to the WIPO General Assembly.

21. The topic of limitations and exceptions for libraries and archives will be maintained on the agenda of the 33<sup>rd</sup> session of the SCCR.

#### LIMITATIONS AND EXCEPTIONS FOR EDUCATIONAL AND RESEARCH INSTITUTIONS AND PERSONS WITH OTHER DISABILITIES

22. As to the issues of limitations and exceptions for educational and research institutions and persons with other disabilities, at its Forty-First Session, held in 2012, the WIPO General Assembly encouraged the Committee to continue its work and approved the Committee's recommendation for the SCCR to continue discussions to work towards an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms), with the target of submitting recommendations on limitations and exceptions for educational, teaching and research institutions and persons with other disabilities to the General Assembly by the 30<sup>th</sup> session of the SCCR.

23. At its Forty-Fourth Session, held in 2013, the WIPO General Assembly requested the SCCR to continue its work on the issues covered in the SCCR report, which included the work on limitations and exceptions consistent with the recommendations approved in 2012, as set out in the previous paragraph.
24. At its Forty-Sixth Session, held in 2014, the WIPO General Assembly did not take a decision on the agenda item regarding the SCCR Report. As noted above, at its Forty-Seventh Session, held in 2015, the WIPO General Assembly did not reach a specific decision, but directed the Committee to continue work on all the topics addressed in the SCCR report.
25. The documents under consideration related to this agenda item are currently: “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” (document SCCR/26/4 Prov.), prepared by the Secretariat, and “Objectives and Principles for Exceptions and Limitations for Educational, Teaching, and Research Institutions” (document SCCR/27/8), submitted by the United States of America.
26. During the 32<sup>nd</sup> session of the SCCR, the Committee heard a presentation and participated in discussions on the “Draft Study on Copyright Limitations and Exceptions for Educational Activities” (document SCCR/32/4) prepared by Professor Daniel Seng, which will be updated to include information on additional Member States.
27. Following a request from some Member States, the Chair agreed to prepare a chart similar to the one prepared on limitations and exceptions for libraries and archives, to be used as a tool to focus discussions on this topic, and using the categories identified in the draft study prepared by Professor Seng and elements contained in previous discussions and above-mentioned documents as a starting point.
28. A scoping study on limitations and exceptions for persons with other disabilities is expected to be presented at the 33<sup>rd</sup> session of the SCCR, in line with the Committee's request.
29. At the conclusion of the 32<sup>nd</sup> session of the SCCR, there was no agreement on recommendations to the WIPO General Assembly.
30. The topic of limitations and exceptions for educational and research institutions and persons with other disabilities will be maintained on the agenda of the 33<sup>rd</sup> session of the SCCR.

### **C. CONTRIBUTION TO THE IMPLEMENTATION OF THE DEVELOPMENT AGENDA RECOMMENDATIONS**

31. Further to the WIPO General Assembly decision “to instruct the relevant WIPO Bodies to include in their annual report to the Assemblies a description of their contribution to the implementation of the respective Development Agenda recommendations,” the following oral statements were made as reported from the 32<sup>nd</sup> session of the SCCR:

“32. The Delegation of Nigeria, speaking on behalf of the African Group, was pleased that the Committee was turning its attention to considering the contribution of the SCCR to the implementation of the Development Agenda recommendations. As in the past, the Delegation hoped that the Committee would provide such information and make a report to the General Assembly. The adoption of the Development Agenda recommendations in 2007 was an acknowledgment by WIPO of its role in facilitating socio-economic development of its Member States, especially developing and least developed countries. To mainstream development considerations in all WIPO activities was also a critical and

conscious step by the Organization. Some of the recommendations, especially those included under Cluster B, were essential for helping to foster an inclusive and balanced IP system that took into account the different levels of development of WIPO Member States. The copyright system had an immense, well-documented contribution to make to socio-economic development. According to the Delegation, the SCCR had a very good record in that regard. Reference could be made to progress reached after 2007, such as the Beijing Treaty, the Marrakesh Treaty and potentially a broadcasting treaty. It hoped that the SCCR could change the pace of the negotiations, especially with reference to exceptions and limitations for libraries and archives and educational and research institutions. The African Group had immense concerns on the willingness or level of political commitment that had been demonstrated by Member States to advance on that subject, taking into account the important role played by education, knowledge and access to information for human and societal development. The Delegation also mentioned the Sustainable Development Goals, including a specific one on education and on providing life-long opportunities for all to learn. It drew the Committee's attention to Development Agenda Recommendation 17, which said that, in its activities, WIPO should take into account the flexibilities of intellectual property agreements, especially those which were of interest to developing countries and least developed countries. The Delegation also referred to Recommendation 22, which said that WIPO norm-setting activities should be supportive of the development goals agreed within the United Nations system, including the Millennium Development Goals that had been succeeded by the Sustainable Development Goals. There was a call to Member States to demonstrate the agreements that were possible within the wider framework of the United Nations system. The Delegation did not see any member of the SCCR that was not a member of the United Nations system and that did not agree to the adoption of the Sustainable Development Goals. Therefore, it hoped that the SCCR could turn a page and show more graciousness, tolerance and inclusiveness in dealing with the work on exceptions and limitations for libraries and archives and for educational and research institutions.

“33. The Delegation of Brazil thanked the African Group for its intervention and for suggesting inclusion of that agenda item in the session. The Delegation highlighted, as presented by the African Group, Recommendations 17 and 22. Recommendation 17 stated that, in its activities, including norm-setting, WIPO should take into account the flexibilities of international intellectual property agreements, especially those that were of interest to developing countries and least developed countries. Discussions on broadcasting, exceptions and limitations for libraries and archives, exceptions and limitations for educational and research institutions and persons with other disabilities, as well as discussions on the GRULAC proposal on the digital environment (document SCCR/31/4) were good examples of the implementation of that Recommendation. Recommendation 22, for its part, stated that WIPO norm-setting activities should be supportive of the Development Goals agreed within the United Nations system, including those contained in the Millennium Development Goals, since they had a set of common sustainable goals. In that context, Sustainable Development Goal 4 to “ensure inclusive and quality education and promote life-long learning opportunities for all” was of special importance, specifically in regard to discussions for exceptions and limitations for libraries and archives, and exceptions and limitations for educational and research institutions and persons with other disabilities. The Delegation commended the WIPO Secretariat for addressing that Recommendation. In working documents for norm-setting activities and for other activities, there was an inclusion of issues such as potential flexibilities, exceptions and limitations and the possibility of additional special provisions for developing countries and least developing countries, as guided by Recommendation 22.

“34. The Delegation of Greece, taking the floor on behalf of Group B, clarified that the additional agenda item on the contribution of the SCCR to the implementation of the Development Agenda Recommendations was included on an *ad hoc* basis. It underlined that the additional agenda item was not on the agenda in the recent past, and development-related activities in the field of copyright were undertaken by WIPO irrespective of the inclusion of that agenda item. The Group believed that the committees of WIPO, including the SCCR, had to focus on substance in order to comply with their mandates. From that viewpoint, the Delegation reiterated that development considerations formed an integral part of the work of the SCCR, as demonstrated by the subject matter under discussion.

“35. The Delegation of Egypt aligned itself with the comments made by the Delegation of Nigeria on behalf of the African Group, and shared the views raised by the Delegation of Brazil. It emphasized that since the goal was the mainstreaming of the Development Agenda, which had a cluster on norm-setting, committees discussing substantive work should take into consideration development-related objectives and accelerate work in that domain. Otherwise it would be a default on global commitments related to the Sustainable Development Goals and to human rights because many of the issues that were under discussion were cross cutting with some human rights issues. For example, education was not only a Sustainable Development Goal but was also a basic right. That was relevant to the areas under discussion in the SCCR, and it hoped, therefore, that the work could move forward at a faster pace. In addition, there were other activities undertaken by WIPO, also under close observation by Member States, which were complementary and not mutually exclusive.”

36. *The WIPO General Assembly is invited to:*

*(i) take note of the “Report on the Standing Committee on Copyright and Related Rights” (document WO/GA/48/3);*

*and*

*(ii) direct the SCCR to continue its work regarding the issues reported on in document WO/GA/48/3 and provide the SCCR with any guidance or direction that it may wish concerning future action for those issues.*

[Summaries by the Chair follow]

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

**Thirty-First Session**  
**Geneva, December 7 to 11, 2015**

SUMMARY BY THE CHAIR

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

1. The Thirty-First Session of the Standing Committee on Copyright and Related Rights (SCCR or Committee) was opened by Mr. Francis Gurry, Director General, who welcomed the participants and opened Agenda Item 2. Ms. Michele Woods (WIPO) acted as Secretary.

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

2. The Committee adopted the draft agenda (document SCCR/31/1 PROV.).

### **AGENDA ITEM 3: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS**

3. The Committee approved the accreditation as an SCCR observer of the non-governmental organization referred to in the Annex to document SCCR/31/2, namely the African Public Broadcasting Foundation (APBF).

### **AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE THIRTIETH SESSION**

4. The Committee approved the draft report of its thirtieth session (document SCCR/30/6) as proposed. Delegations and observers were invited to send any comments on their statements to the Secretariat at [copyright.mail@wipo.int](mailto:copyright.mail@wipo.int) by January 15, 2016.

### **AGENDA ITEM 5: PROTECTION OF BROADCASTING ORGANIZATIONS**

5. The documents related to this agenda item were SCCR/27/2 REV., SCCR/27/6, SCCR/30/5 and SCCR/31/3.

6. The Committee welcomed and considered document SCCR/31/3 prepared by the Chair, entitled *Consolidated Text on Definitions, Object ;/of Protection, and Rights to be Granted*.
7. Some delegations requested further clarification on the document and others suggested textual proposals for the text.
8. The discussions contributed to progress with a view to reaching a common understanding on the protection of broadcasting organizations.
9. The Committee decided to continue discussions on this document and on a revised document that will be prepared by the Chair for the next session of the Committee taking into account the proposals and clarifications discussed.
10. Members of the Committee may submit to the Secretariat, by January 20, 2016, those specific textual proposals that were made during this session for document SCCR/31/3, for consideration by the Chair.
11. This item will be maintained on the agenda of the thirty-second session of the SCCR.

#### **AGENDA ITEM 6: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES**

12. The documents related to this agenda item were SCCR/26/3, SCCR/26/8, SCCR/29/3, SCCR/30/2 and SCCR/30/3.
13. The Committee heard the presentation by Professor Lucie Guibault and Ms. Elisabeth Logeais on the Study on Copyright Limitations and Exceptions for Museums, contained in document SCCR/30/2. The Committee welcomed the presentation and delegations and observers participated in a question-and-answer session with the experts. Amendments and clarifications should be sent to the Secretariat ([copyright.mail@wipo.int](mailto:copyright.mail@wipo.int)) by January 20, 2016.
14. Discussions were based on the chart introduced by the Chair on “exceptions and limitations for libraries and archives”. This chart /was designed to serve as a useful tool to provide structure to discuss the substance of each topic, drawing on the many resources before the Committee. This will allow the Committee to have an evidence-based discussion respecting differing views and understanding that the goal is not to guide the discussion toward any particular or undesired outcome, but instead to lead to a better understanding of the topics and of their actual relevance to the discussions and the intended outcome.
15. The Chair highlighted some of the elements that were drawn from the views expressed in comments and submissions of Members of the Committee on the topic of preservation during the previous SCCR session.
16. Members of the Committee also exchanged views regarding the topics listed on the Chair’s chart, namely reproduction and safeguard copies, legal deposit and library lending. In addition, concerns that could arise when considering limitations and exceptions related to these topics and possible measures to address such concerns were expressed. Suggestions were also made for alternative approaches.
17. This item will be maintained on the agenda of the thirty-second session of the SCCR.

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

18. The documents related to this agenda item were SCCR/26/4 PROV. and SCCR/27/8.
19. The Secretariat informed the Committee about the progress made in response to the request made at SCCR/30 to update the various studies on limitations and exceptions for educational, teaching and research institutions published for the nineteenth session of the SCCR in 2009 and to aim to cover all WIPO Member States, as well as to prepare a scoping study on limitations and exceptions for persons other than persons with print disabilities. The update study has been commissioned and is expected to be presented at SCCR/32. The scoping study will be commissioned in early 2016 and is expected to be presented at SCCR/33.
20. The Committee held discussions on the topic of limitations and exceptions for educational, teaching and research institutions and their relationship with the fundamental role of education in society, with reference to the existing documents.
21. Some Members requested the preparation by the Chair of a chart like the limitations and exceptions chart for libraries and archives to be used as a tool to focus discussions on this topic. Some other Members asked for more time to consider this suggestion. Other delegations suggested having an open-ended discussion on document SCCR/26/4 Prov.
22. This item will be maintained on the agenda of the thirty-second session of the SCCR.

## **AGENDA ITEM 8: OTHER MATTERS**

23. The documents related to this agenda item were SCCR/31/4 and SCCR/31/5.
24. The Delegation of Brazil introduced document SCCR/31/4, entitled *Proposal for Analysis of Copyright Related to the Digital Environment*, on behalf of the Group of Latin American and Caribbean Countries (GRULAC). Members of the Committee and observers offered initial comments and reactions to the proposal.
25. The Delegation of Senegal introduced document SCCR/31/5, entitled *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*. Members of the Committee and observers offered initial comments and reactions to the proposal.
26. These topics will be maintained on the agenda of the thirty-second session of the SCCR under the agenda item for other matters.
27. The Chair presented a proposal to hold an extraordinary session of the Committee on protection for broadcasting organizations and to hold regional meetings on the subject of limitations and exceptions for libraries and archives. Some regional groups supported the proposal. One of these groups expressed a preference for the regional meetings to include the subject of limitations and exceptions for educational and research institutions and persons with other disabilities. Other regional groups considered it unnecessary or premature to hold sessions in addition to the ordinary sessions of the Committee. However those groups could consider the proposal again at the next session of the Committee. The Chair announced that in the absence of consensus the proposal would be discussed again at SCCR/32.

## **SUMMARY OF THE CHAIR**

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

## **AGENDA ITEM 9: CLOSING OF THE SESSION**

29. The next session of the Committee will take place from May 9 to 13, 2016.

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

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

**SUMMARY BY THE CHAIR**

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

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

## **AGENDA ITEM 2: ADOPTION OF THE AGENDA OF THE THIRTY-SECOND SESSION**

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

## **AGENDA ITEM 3: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS**

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

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

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

## **AGENDA ITEM 5: PROTECTION OF BROADCASTING ORGANIZATIONS**

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

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

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

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

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

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

## **AGENDA ITEM 6: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **AGENDA ITEM 9: OTHER MATTERS**

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

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

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

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

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

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

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

### **SUMMARY OF THE CHAIR**

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

### **AGENDA ITEM 10: CLOSING OF THE SESSION**

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

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