

World Intellectual Property Organization
Standing Committee on Copyright and Related Rights (SCCR)
Nineteenth Session
Geneva, December 14 to 18, 2009

CONCLUSIONS

LIMITATIONS AND EXCEPTIONS

New studies: The Committee expressed its appreciation for the studies prepared by outstanding experts, and thanked them for their presentations in the Information Meeting on Limitations and Exceptions for Educational Activities, organized on the first day of the meetings.

- The study by Professor Joseph Fometeu, Université de Ngaoundéré, Ngaoundéré, Cameroun, covering the African countries;
- The study by Professor Juan Carlos Monroy, Universidad Externado de Colombia, Bogota, covering the Latin American and the Caribbean countries;
- The study by Professor Victor Nabhan, University of Ottawa, Ottawa, covering the Arab countries;
- The study by Professor Daniel Seng, National University of Singapore, Singapore, covering the Asian and the Pacific countries (in his absence, a summary of the study was made available on the webpage of the Information Meeting); and
- The study by Professor Raquel Xalabarder, Open University of Catalonia, Barcelona, Spain, covering North America, Europe, Caucasus, Central Asia and Israel.

In order to update and complement the studies, Member States and the European Union are invited to submit to the Secretariat any supplementary information regarding their national laws by January 8, 2010. The Secretariat will consult with the experts on the necessary updates of their studies.

Analytical document: The Committee expressed its appreciation to the Secretariat for the preparation of the Analytical Document on Limitations and Exceptions. The Committee requested the Secretariat to update the document, taking into account the information and analyses contained in the new studies.

Questionnaire: The Committee examined the Second Draft Questionnaire on Limitations and Exceptions, and invited delegations to send comments on it to the Secretariat by January 8, 2010. On the basis of the comments and the discussions of the Committee, the Secretariat will finalize the questionnaire without any substantial changes in the content of the questions, and while retaining the seven chapters, and submit it to the Member States and the European Union by February 10, 2010 for replies. The Member States are invited to submit their replies by May 10, 2010, and the Secretariat shall prepare a consolidated paper for the Twentieth Session of the SCCR.

The Committee reaffirmed its commitment to continue without delay its work in a global and inclusive approach, including the multifaceted issues affecting access of persons with print disabilities to protected works.

Access to protected materials by persons with print disabilities: The Committee welcomed the Second Interim Report of the Stakeholders' Platform, and encouraged the Secretariat to continue the work of the platform and report on its activities during the twentieth session of the SCCR.

The Committee examined the Proposal by Brazil, Ecuador and Paraguay Relating to a WIPO Treaty for Improved Access for Blind, Visually Impaired and other Reading Disabled Persons, which includes the text prepared by the World Blind Union (WBU). Many delegations expressed their support for working towards the establishment of an appropriate international instrument. Other delegations, while not opposing the proposal, expressed their preference for a global approach. Some delegations made comments, suggestions and asked questions about the substantive content of the proposed text, and the proponent countries provided responses. The consideration of the proposal, together with other possible proposals and contributions by the Members of the Committee, will continue at the next session of the SCCR.

The Committee accepted the initiation of focused open ended consultations in Geneva aimed at producing an international consensus regarding copyright limitations and exceptions for persons with print disabilities.

A number of delegations offered information on examples of practices, activities and solutions at national level in the Member States for the benefit of persons with print disabilities. The Committee requested the Secretariat to prepare an information document on examples of such practices and other measures at national level.

All aspects concerning limitations and exceptions will be maintained on the Agenda of the twentieth session of the SCCR with the aim of establishing a work program concerning those limitations and exceptions, following a global and inclusive approach, and taking into account their equal importance and different level of maturity, while recognizing the need for concurrently addressing all the issues with a view to achieving progress on all of them.

PROTECTION OF AUDIOVISUAL PERFORMANCES

The Committee expressed its appreciation for the national and regional seminars organized by the Secretariat and encouraged the Secretariat to continue that activity.

The Committee expressed its appreciation to the Secretariat for the preparation of the Background Document on the Main Questions and Positions Concerning the International Protection of Audiovisual Performances.

The Committee reaffirmed its commitment to continue the work towards developing the international protection of performances in audiovisual media, and decided on the following work program to this effect.

The Secretariat is requested to organize in Geneva open-ended consultations needed to resolve remaining issues.

The Committee will, at its twentieth session, consider the next steps and evaluate if there is consensus on a possible recommendation to the General Assembly of WIPO to convene a diplomatic conference with a view of concluding a WIPO treaty for the protection of audiovisual performances. The Committee noted that the Diplomatic Conference of 2000 adopted a recommendation according to which there was a provisional agreement on nineteen articles. The Committee considered that those articles provided a good basis for negotiations on the treaty. A number of Delegations took the view that the nineteen articles should not be reopened. Other Delegations stressed that the treaty should reflect the changes that have occurred during the last ten years.

The protection of audiovisual performances will be maintained on the Agenda of the twentieth session of the SCCR.

PROTECTION OF BROADCASTING ORGANIZATIONS

The Committee noted the publication of the first part of the Study on the Socio Economic Dimension of the Unauthorized Use of Signals, addressing current market and technology trends in the broadcasting sector. The Committee noted with approval the forthcoming second part of the study to be presented to the Committee at its twentieth session.

The Committee reaffirmed its willingness to continue its work on the protection of broadcasting organizations according to the mandate of the 2007 General Assembly.

The Secretariat will organize regional seminars upon requests from Member States to ascertain views on the objectives, specific scope and object of protection of a possible draft treaty following a signal-based approach. A report of the seminars will be presented to the Committee at its twentieth session.

The protection of broadcasting organizations will be maintained on the Agenda of the twentieth session of the SCCR.

NEXT SESSION OF THE SCCR

The twentieth session of the SCCR will take place from June 21 to 25, 2010.

[End of conclusions]

The General Assembly in its September/October 2007 Session

“The General Assembly:

- (i) took note of the current status of the work in the SCCR on the protection of broadcasting organizations and cablecasting organizations;*
- (ii) acknowledged that progress was made in the process towards better understanding of the positions of the various stakeholders;*
- (iii) recognized the good faith efforts of all participants and stakeholder organizations throughout the process;*
- (iv) expressed the wish that all the parties continue to strive to achieve an agreement on the objectives, specific scope and object of protection, as mandated by the General Assembly;*
- (v) decided that the subject of broadcasting organizations and cablecasting organizations be retained on the agenda of the SCCR for its regular sessions and consider convening of a Diplomatic Conference only after agreement on objectives, specific scope and object of protection has been achieved.”*