



ORIGINAL: ENGLISH
DATE: APRIL 5, 2019

Standing Committee on Copyright and Related Rights

Thirty-Eighth Session
Geneva, April 1-5, 2019

SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

1. The Thirty-Eighth Session of the Standing Committee on Copyright and Related Rights (“SCCR” or “Committee”) was opened by Mr. Francis Gurry, Director General. Mr. Daren Tang Heng Shim acted as Chair and Mr. Abdoul Aziz Dieng and Mr. Peter Labody served as Vice-Chairs. Ms. Michele Woods (WIPO) acted as Secretary.

AGENDA ITEM 2: ADOPTION OF THE AGENDA OF THE THIRTY-EIGHTH SESSION

2. The Committee adopted the draft Agenda (document SCCR/38/1 PROV.).

AGENDA ITEM 3: ELECTION OF THE CHAIR AND THE TWO VICE CHAIRS

3. The Committee elected Mr. Daren Tang Heng Shim as Chair and Mr. Abdoul Aziz Dieng and Mr. Peter Labody as Vice-Chairs for the period beginning with the opening of SCCR/38 until the opening of SCCR/42.

AGENDA ITEM 4: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS

4. The Committee approved the accreditation as SCCR observers of the non-governmental organizations referred to in the Annex to document SCCR/38/2 REV., namely PLR International (PLRI), *Radyo Televizyon Yayincilari Meslek Birliđi (RATEM)*, and Design and Artists Copyright Society (DACS).

AGENDA ITEM 5: ADOPTION OF THE DRAFT REPORT OF THE THIRTY-SEVENTH SESSION

5. The Committee approved the draft report of its thirty-seventh session (document SCCR/37/9 PROV.). Delegations and observers were invited to send any comments on their statements to the Secretariat at copyright.mail@wipo.int by May 1, 2019.

AGENDA ITEM 6: PROTECTION OF BROADCASTING ORGANIZATIONS

6. The documents related to this agenda item were SCCR/27/2 REV., SCCR/27/6, SCCR/30/5, SCCR/31/3, SCCR/32/3, SCCR/33/3, SCCR/33/5, SCCR/34/3, SCCR/34/4, SCCR/35/10, SCCR/35/12, SCCR/36/5, SCCR/36/6, SCCR/37/2, SCCR/37/7, and SCCR/37/8, as well as informal charts and non-papers prepared during previous meetings.

7. The Committee considered document SCCR/37/8 prepared by the Chair, entitled *Revised Consolidated Text on Definitions, Object of Protection, and Rights to be Granted and Other Issues*. The Committee also considered previously considered documents SCCR/37/2, entitled *Proposal from Argentina*, from the Delegation of Argentina and SCCR/37/7, entitled *Proposal of the United States of America on the Scope and Implementation of Rights, WIPO Draft Treaty on the Protection of Broadcasting Organizations*, from the Delegation of the United States of America, as well as new textual proposals presented by several delegations during the deliberations.

8. Discussions were held in informal sessions of the Committee. The Committee continued discussions on definitions, object of protection, rights to be granted and other issues, with a view to further clarifying various technical issues and delegations’ positions. Following these

discussions, the Chair prepared a revised version of document SCCR/37/8 to reflect his understanding of the state of discussions (document SCCR/38/10).

9. An agreement was reached on the following Recommendation to the WIPO General Assembly (WIPO/GA/59): In view of the steady progress made in recent SCCR sessions, the GA invites the SCCR to continue its work towards convening a diplomatic conference for the adoption of a treaty on the protection of broadcasting organizations, aiming for the 2020/2021 biennium, subject to Member States reaching consensus in the SCCR on the fundamental issues, including specific scope, object of protection and rights to be granted.

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

AGENDA ITEM 7: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

11. The documents related to this agenda item were SCCR/26/3, SCCR/26/8, SCCR/29/4, SCCR/30/2, SCCR/30/3, SCCR/33/4, SCCR/34/5, SCCR/35/6, SCCR/35/9, SCCR/36/3, SCCR/36/7, SCCR/37/6, SCCR/38/4, SCCR/38/5, SCCR/38/6, and SCCR/38/7.

12. A progress report on the work pursuant to the *Action Plan – Libraries, Archives, and Museums* in document SCCR/36/7, *Action Plans on Limitations and Exceptions Through SCCR/39 (2nd Meeting in 2019)*, was given by the Secretariat. Planning of the three regional seminars called for in the action plan (item 5) is underway, and the regional seminars will be held before SCCR/39.

13. The Committee welcomed the general presentation on typologies and the presentation on *Copyright Limitations and Exceptions for Libraries: Typology Analysis* and the development of the typology on archives (document SCCR/38/4) (part of item 1, *Action Plan – Libraries, Archives, and Museums*) given by Dr. Kenneth Crews and participated in question-and-answer sessions with Dr. Crews.

14. The Committee welcomed the *Background Paper on Archives and Copyright*, document SCCR/38/7, presented by Dr. David Sutton (item 2, *Action Plan – Libraries, Archives, and Museums*), and participated in a question-and-answer process with Dr. Sutton.

15. The Committee welcomed the presentation on the museum typology, *Copyright Limitations and Exceptions for Museums: Typology Analysis*, document SCCR/38/6, given by Dr. Yaniv Benhamou (part of item 1, *Action Plan – Libraries, Archives, and Museums*), and participated in a question-and-answer process with Dr. Benhamou. A revised version of the museum study (document SCCR/38/5) incorporating comments received on the previous version has been prepared by Dr. Benhamou and made available online (item 3, *Action Plan – Libraries, Archives, and Museums*).

16. A progress report on the work done pursuant to the *Action Plan – Libraries, Archives, and Museums* will be given at SCCR/39.

17. This item will be maintained on the agenda of the thirty-ninth session of the SCCR.

AGENDA ITEM 8: 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., SCCR/27/8, SCCR/32/4, SCCR/33/4, SCCR/33/6, SCCR/34/6, SCCR/35/3, SCCR/35/5 REV., SCCR/35/9, SCCR/36/3, SCCR/36/7, SCCR/38/3, SCCR/38/8 and SCCR/38/9.

19. A progress report on the work pursuant to the *Action Plan – Educational and Research Institutions and Persons with Other Disabilities* in document SCCR/36/7, *Action Plans on Limitations and Exceptions Through SCCR/39 (2nd Meeting in 2019)*, was given by the Secretariat. Planning of the three regional seminars called for in the action plan (item 3) is underway, and the regional seminars will be held before SCCR/39.
20. The Committee welcomed the *Revised Scoping Study on Access to Copyright Protected Works by Persons with Disabilities*, document SCC/38/3 (item 2, *Action Plan – Educational and Research Institutions and Persons with Other Disabilities*), which was presented by Professors Caroline Ncube and Blake Reid and followed by a question-and-answer session. A side event on innovative accessibility solutions for the use of audiovisual works in education was held on April 3, 2019 (item 5, *Action Plan – Educational and Research Institutions and Persons with Other Disabilities*).
21. The Committee welcomed the report on document SCCR/38/9, *Interim Report on Practices and Challenges in Relation to Online Distance Education and Research Activities* (item 2, *Action Plan – Educational and Research Institutions and Persons with Other Disabilities*), given by Professor Raquel Xalabarder, and participated in a question-and-answer process with Professor Xalabarder.
22. The Committee welcomed the presentation of *Copyright Limitations and Exceptions for Educational and Research Activities: Typology Analysis*, document SCCR/38/8 (item 1, *Action Plan – Educational and Research Institutions and Persons with Other Disabilities*), given by Professor Daniel Seng, and participated in a question-and-answer process with Professor Seng.
23. A progress report on the work done pursuant to the *Action Plan – Educational and Research Institutions and Persons with Other Disabilities* will be given at SCCR/39.
24. This item will be maintained on the agenda of the thirty-ninth session of the SCCR.

AGENDA ITEM 9: OTHER MATTERS

25. The Documents related to this agenda item were SCCR/31/4, SCCR/31/5, SCCR/35/4, SCCR/35/7, SCCR/35/8, SCCR/35/Summary Presentation Rev., SCCR/36/4, SCCR/37/3, SCCR/37/4 and SCCR/37/5.
26. Regarding the topic of Copyright in the Digital Environment, the Committee received an update from the Secretariat on the study on digital music services. A further update will be given at SCCR/39.
27. Regarding the topic of Artist's Resale Royalty Right, the Secretariat presented an update on the ongoing work of the Task Force on the Artist's Resale Royalty Right. A further update will be given at SCCR/39.
28. Regarding the topic of Strengthening the Protection of Theatre Directors' Rights, the Committee welcomed the interim report on the study on the protection of theatre directors' rights presented via videoconference by study authors Professors Anton Sergo and Ysolde Gendreau, and representatives of the Russian State Academy of Intellectual Property Rector Ivan Bliznets and Deputy Head of the Copyright Department Viktoriia Savina. The presentation was followed by a question-and-answer session.
29. These three topics will be maintained under this item of the agenda of the thirty-ninth session of the SCCR.

SUMMARY BY THE CHAIR

30. 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-eighth session of the SCCR and that, in consequence, it was not subject to approval by the Committee.

AGENDA ITEM 10: CLOSING OF THE SESSION

31. The next session of the Committee will take place from October 21-25, 2019.

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