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DATE: OCTOBER 25, 2019

Standing Committee on Copyright and Related Rights

Thirty-Ninth Session
Geneva, October 21-25, 2019

SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

1. The Thirty-Ninth Session of the Standing Committee on Copyright and Related Rights (“SCCR” or “Committee”) was opened by Ms. Sylvie Forbin, Deputy 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-NINTH SESSION

2. The Committee adopted the draft Agenda (document SCCR/39/1 PROV.).

AGENDA ITEM 3: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS

3. The Committee approved the accreditation as SCCR observers of the non-governmental organizations referred to in the Annex to document SCCR/39/2, namely The International Federation of Computer Law Associations (IFCLA) and The Italian Audiovisual and Multimedia Content Protection Federation (FAPAV).

AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE THIRTY-EIGHTH SESSION

4. The Committee approved the draft report of its thirty-eighth session (document SCCR/38/11). Delegations and observers were invited to send any comments on their statements to the Secretariat at copyright.mail@wipo.int by November 15, 2019.

AGENDA ITEM 5: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

5. 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, SCCR/38/7, and SCCR/39/5.
6. The Committee welcomed the presentation on *Archives Copyright Exceptions: Typology Analysis* (document SCCR/39/5) (part of item 1, *Action Plan – Libraries, Archives, and Museums*, in document SCCR/36/7) given by Dr. Kenneth Crews and participated in a question-and-answer session with Dr. Crews.
7. The Secretariat reported on the three regional seminars held in Singapore, Nairobi, and Santo Domingo pursuant to the *Action Plan for Libraries, Archives, and Museums* (item 5) and the *Action Plan for Educational and Research Institutions and Persons with Other Disabilities* (item 3) (document SCCR/36/7): *Regional Seminar for the Asia Pacific Group on Libraries, Archives, Museums and Educational & Research Institutions in the Field of Copyright (April 29 and 30)*; *Regional Seminar for the African Group on Libraries, Archives, Museums and Educational & Research Institutions in the Field of Copyright (June 12 and 13)*; *Regional Seminar for the Latin America and Caribbean Group on Libraries, Archives, Museums and Educational & Research Institutions in the Field of Copyright (July 4 and 5)*. Chairs and Rapporteurs from the working groups at the regional seminars reported on the discussions held in their groups, and representatives of the host countries also shared their views on the seminars.

8. The Secretariat described the *International Conference on Copyright Limitations and Exceptions for Libraries, Archives, Museums and Educational & Research Institutions*, held on October 18 and 19 in Geneva pursuant to the *Action Plan for Libraries, Archives, and Museums* (item 6) and the *Action Plan for Educational and Research Institutions and Persons with Other Disabilities* (item 4) (document SCCR/36/7), and reported on the discussions in the final panel of the International Conference.
9. Discussions on the next steps for agenda items 5 and 6 were held in informal sessions of the Committee.
10. The Secretariat will prepare a factual report with the results of the three regional seminars and the International Conference for the consideration of the Committee. The report will encompass the four main areas covered – libraries, archives, museums, and educational and research institutions – and will reflect the analysis and proposals from the practitioners, experts and Member States in these four fields from all over the world who gathered throughout the process. The report will also cover the points highlighted and inputs at the end of the Conference on the future way forward. The report will be posted in all languages as soon as possible, but at the latest two months before SCCR/40. The Committee will continue discussions on the future SCCR work program on this agenda item based on the prior work of the Committee and existing SCCR documents, including the report of the results of the three regional seminars and the International Conference, which concluded the work carried out under the Action Plans.
11. This item will be maintained on the agenda of the fortieth session of the SCCR.

AGENDA ITEM 6: LIMITATIONS AND EXCEPTIONS FOR EDUCATIONAL AND RESEARCH INSTITUTIONS AND FOR PERSONS WITH OTHER DISABILITIES

12. 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, SCCR/38/9 and SCCR/39/6.
13. The Committee welcomed the report on document SCCR/39/6, *Report on Practices and Challenges in Relation to Online Distance Education and Research Activities* (item 2(a), *Action Plan – Educational and Research Institutions and Persons with Other Disabilities* (document SCCR/36/7), given by Professor Raquel Xalabarder and Ms. Monica Torres, and participated in a question-and-answer process with Professor Xalabarder and Ms. Torres.
14. The Secretariat reported on the three regional seminars held in Singapore, Nairobi, and Santo Domingo pursuant to the *Action Plan for Libraries, Archives, and Museums* (item 5) and the *Action Plan for Educational and Research Institutions and Persons with Other Disabilities* (item 3) (document SCCR/36/7): *Regional Seminar for the Asia Pacific Group on Libraries, Archives, Museums and Educational & Research Institutions in the Field of Copyright* (April 29 and 30); *Regional Seminar for the African Group on Libraries, Archives, Museums and Educational & Research Institutions in the Field of Copyright* (June 12 and 13); *Regional Seminar for the Latin America and Caribbean Group on Libraries, Archives, Museums and Educational & Research Institutions in the Field of Copyright* (July 4 and 5). Chairs and Rapporteurs from the working groups at the regional seminars reported on the discussions held in their groups, and representatives of the host countries also shared their views on the seminars.
15. The Secretariat described the *International Conference on Copyright Limitations and Exceptions for Libraries, Archives, Museums and Educational & Research Institutions*, held on October 18 and 19 in Geneva pursuant to the *Action Plan for Libraries, Archives, and*

Museums (item 6) and the *Action Plan for Educational and Research Institutions and Persons with Other Disabilities* (item 4) (document SCCR/36/7), and reported on the discussions in the final panel of the International Conference.

16. Discussions on the next steps for agenda items 5 and 6 were held in informal sessions of the Committee.
17. The Secretariat will prepare a factual report with the results of the three regional seminars and the International Conference for the consideration of the Committee. The report will encompass the four main areas covered – libraries, archives, museums, and educational and research institutions – and will reflect the analysis and proposals from the practitioners, experts and Member States in these four fields from all over the world who gathered throughout the process. The report will also cover the points highlighted and inputs at the end of the Conference on the future way forward. The report will be posted in all languages as soon as possible, but at the latest two months before SCCR/40. The Committee will continue discussions on the future SCCR work program on this agenda item based on the prior work of the Committee and existing SCCR documents, including the report of the results of the three regional seminars and the International Conference, which concluded the work carried out under the Action Plans.
18. This item will be maintained on the agenda of the fortieth session of the SCCR.

AGENDA ITEM 7: PROTECTION OF BROADCASTING ORGANIZATIONS

19. 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, SCCR/37/8, SCCR/38/10, SCCR/39/4, and SCCR/39/7, as well as informal charts and non-papers prepared during previous meetings.
20. The Committee considered document SCCR/39/4 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.
21. 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/39/4 to reflect his understanding of the state of discussions (document SCCR/39/7).
22. This item will be maintained on the agenda of the fortieth session of the SCCR.

AGENDA ITEM 8: OTHER MATTERS

23. 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, SCCR/37/5, SCCR/38/INF and SCCR/39/3.

24. Regarding the topic of Copyright in the Digital Environment, the Committee welcomed the presentation on *An Introduction to the Global Digital Music Market* (document SCCR/39/3) given by Ms. Susan Butler and participated in a question-and-answer session with Ms. Butler. The next phase of the music scoping study will be presented at SCCR/40.
25. 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. The Task Force will continue its work and a further update will be given at SCCR/40.
26. 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. The report will be presented at SCCR/40.
27. These three topics will be maintained under this item of the agenda of the fortieth session of the SCCR.
28. The subject of the public lending right was raised as a possible agenda item. The Committee would welcome a formal proposal on this matter at a future Committee meeting.

SUMMARY BY THE CHAIR

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

AGENDA ITEM 9: CLOSING OF THE SESSION

30. The next session of the Committee will take place in the first half of 2020.

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