

CONCLUSIONS OF THE SCCR

prepared by the Chair

Limitations and exceptions

The Committee expressed its appreciation for the studies prepared by outstanding experts, and thanked them for their presentations in the preceding informative meeting.

- The study by Professor Sam Ricketson provides an information basis and a detailed analysis of the norms included in the international treaties and conventions regulating limitations and exceptions.
- The studies by Mr. Nic Garnett, Mrs. Judith Sullivan and Professor Kenneth Crews establish an information basis on the availability, scope and nature of limitations and exceptions currently present in selected Member States' national systems, as well as their interaction with contractual practices and digital rights management.

In order to update and complement the studies, governments are invited to submit to the Secretariat any supplementary information regarding their national law before February 1, 2009. The Secretariat will consult with the experts on the necessary updates of their studies.

The Committee noted with approval the forthcoming study on exceptions and limitations for the benefit of educational activities, including distance education and the trans-border aspect thereof, in particular for developing and least developed countries.

The Committee acknowledged the special needs of visually impaired persons and stressed the importance of dealing, without delay and with appropriate deliberation, with those needs of the blind, visually impaired, and other reading-disabled persons, including discussions at the national and international level on possible ways and means facilitating and enhancing access to protected works. This should include analysis of limitations and exceptions. This should also include the possible establishment of a stakeholders' platform at WIPO, in order to facilitate arrangements to secure access for disabled persons to protected works. A number of delegations referred to a paper presented by the World Blind Union (WBU) and expressed interest in further analysing it.

In order to further complement the information on limitations and exceptions in national systems, the Secretariat will prepare a draft questionnaire which will be submitted for comments to the Member States before the next session of the SCCR. The areas covered by the questionnaire should include limitations and exceptions related to educational activities, activities of libraries and archives, provisions for disabled persons, as well as digital technology in the field of copyright.

After the work in progress has been completed, the SCCR will consider the further steps in this area.

The matter will be kept on the Agenda of the next session of the SCCR.

Protection of audiovisual performances

The Committee reaffirmed its commitment to work on developing the international protection of performers concerning their audiovisual performances, and stressed the importance of the exchange of information and informal consultations with the aim of finding a way forward.

The Committee encouraged the Secretariat to continue to organize seminars at the regional and national level, in order to allow extensive exchange of information, also for the purpose of developing protection of audiovisual performances on the national level and to collect information and possible proposals on outstanding issues.

The matter will be maintained on the Agenda of the next session of the SCCR.

Protection of broadcasting organizations

The Committee decided to continue its work on this item in consonance with the mandate of the General Assembly. A number of delegations showed their interest towards the conclusion of a treaty. The Committee reaffirmed that according to the decision of the General Assembly the protection must be established on a signal-based approach, and the convening of a diplomatic conference could be considered only after agreement on objectives, specific scope and object of protection has been achieved.

The Committee took no decision regarding the options presented in the Chair's paper.

The Committee will continue its analysis of the matter and requested the Secretariat to convene an information meeting on the current conditions of the broadcasting environment with special reference to developing countries and least developed countries during the next session of the SCCR.

The matter will be maintained on the Agenda of the next session of the SCCR.

Future Work

The Committee shall in its forthcoming sessions give priority to, and adequate emphasis on, the outstanding issues of:

- the limitations and exceptions,
- the protection of audiovisual performances, and
- the protection of broadcasting organizations.

Next session of the SCCR

The next session of the SCCR and the information session will take place in the week of May 25 to 29, 2009.