

Standing Committee on Copyright and Related Rights

Thirty-Fifth Session
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**BROADCASTING LIMITATIONS AND EXCEPTIONS: PROPOSAL TO ADVANCE
DISCUSSIONS**

prepared by the Delegations of Argentina, Brazil and Chile

Limitations and Exceptions – Proposal to advance discussions

(Argentina, Brazil, Chile)

(1) Contracting Parties may, in their national legislation, provide for the same kinds of limitations or exceptions with regard to the protection of broadcasting [or cablecasting] organizations as they provide, in their national legislation, in connection with the protection of copyright in literary and artistic works, and the protection of related rights.

(2) Any Contracting Party may, in its domestic laws and regulations, provide for exceptions to the protection guaranteed by this Treaty as regards:

(a) private use (*subject to clarification on scope*);

(b) use of short excerpts in connection with the reporting of current events;

(c) ephemeral fixation by a broadcasting organization by means of its own facilities and for its own broadcasts;

(d) use solely for the purposes of teaching or scientific research;

(e) the use to specifically allow access by persons with impaired sight or hearing, learning disabilities, or other special needs;

(f) the use by libraries, archives or educational institutions, to make publicly accessible broadcast protected by any exclusive rights of the broadcasting organization, for purposes of preservation, education and/or research;

(3) Contracting Parties shall confine any limitations of or exceptions to rights provided for in this Treaty to certain special cases which do not conflict with a normal exploitation of the programme-carrying signal and do not unreasonably prejudice the legitimate interests of the broadcasting [or cablecasting] organization.

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