

Standing Committee on Copyright and Related Rights

Forty-Fourth Session
Geneva, November 6 to 8, 2023

SUMMARY BY THE CHAIR

prepared by the Chair

AGENDA ITEM 1: OPENING OF THE SESSION

1. The Forty-fourth Session of the Standing Committee on Copyright and Related Rights (“SCCR” or “Committee”) was opened by the Deputy Director General, Sylvie Forbin. Mr. Owen Ripley acted as Chair and Mr. Aziz Dieng and Mr. Peter Lábody served as Vice-Chairs. Ms. Michele Woods (WIPO) acted as Secretary.

AGENDA ITEM 2: ADOPTION OF THE AGENDA

2. The Committee adopted the draft Agenda (document SCCR/44/1 PROV.).

AGENDA ITEM 3: ELECTION OF OFFICERS

3. The Committee elected officers for sessions of the Committee to be held in 2024 and 2025.

Sessions in 2024:

Chair: Adriana Moscoso del Prado (Spain)

Vice-Chairs: Vanessa Cohen (Costa Rica) and Peter Lábody (Hungary)

Sessions in 2025:

Chair: Vanessa Cohen (Costa Rica)

Vice-Chairs: Peter Lábody (Hungary) and Adriana Moscoso del Prado (Spain)

AGENDA ITEM 4: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS

4. The Committee approved at this time the accreditation as ad hoc SCCR observers of the following non-governmental organizations referred to in the Annex to document SCCR/44/2:

- Kazakhstan Authors’ Society (KazAK)
- Association of Entertainment Law (DENAEL)
- Canaan Bridges Consulting Inc.
- Centro Colombiano del Derecho de Autor (CECOLDA)

AGENDA ITEM 5: PROTECTION OF BROADCASTING ORGANIZATIONS

5. The documents from previous sessions related to this agenda item are available on the dedicated web page for SCCR/44 at https://www.wipo.int/meetings/en/details.jsp?meeting_id=78391.

6. The Chair’s *Third Revised Draft Text for the WIPO Broadcasting Organizations Treaty* (document SCCR/44/3), prepared under the Chair’s authority, was presented by Vice-Chair Peter Lábody and Facilitators Hezekiel Oira and Jukka Liedes.

7. The Committee used the Chair’s *Third Revised Draft Text for the WIPO Broadcasting Organizations Treaty* (document SCCR/44/3) as a basis for the discussion.

8. The Chair's assessment of the status of this work is as follows. With respect to objectives, there is common understanding amongst the Committee that any potential treaty should be narrowly focused on signal piracy, should not extend to any post-fixation activities and that it should provide member states with flexibility to implement obligations through adequate and effective legal means. There is also common understanding that the object of protection (subject-matter) of any potential treaty should be related to programme-carrying signals linked to linear transmission.

9. The Chair believes that there are three main remaining decision points of this agenda item, specifically:

1. Whether there should be a minimum level of protection for transmissions over computer networks; and if so, what kind and level of protection.
2. The scope of programme-carrying signals to be protected by any treaty, specifically pre-transmission access, catch-up (transmission of "stored programmes") and pre-broadcast signals.
3. Striking the right balance concerning the approach to limitations and exceptions.

10. As part of the transition to the incoming Chair, the Chair intends to close out work on the *Third Revised Draft Text for the WIPO Broadcasting Organizations Treaty* by addressing the technical issues raised in discussions.

11. On the whole, the Chair believes that technical discussions have been productive in achieving a common understanding of the possible points of agreement, points of disagreement, as well as possible decisions to make.

12. This item will be maintained on the agenda of the forty-fifth session of the SCCR.

AGENDA ITEM 6: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES
AGENDA ITEM 7: LIMITATIONS AND EXCEPTIONS FOR EDUCATIONAL AND RESEARCH INSTITUTIONS AND FOR PERSONS WITH OTHER DISABILITIES

13. These two agenda items were addressed together. The documents from previous sessions related to these agenda items are available on the dedicated web page for SCCR/44 at https://www.wipo.int/meetings/en/details.jsp?meeting_id=78391.

14. After a brief update from the Secretariat on the status of work related to these agenda items, Professor Raquel Xalabarder presented the *Study on the Challenges of Research Institutions and Research Purposes in Relation to Copyright* (document SCCR/44/4). Her presentation was welcomed by the Committee. A question-and-answer session followed. Comments on the study may be sent to copyright.mail@wipo.int by January 12, 2024.

15. Next, the United States of America presented the *Updated Version of the Document "Objectives and Principles for Exceptions and Limitations for Libraries and Archives"* (document SCCR/44/5). The proposal will be further discussed at the next committee meeting.

16. With a view to advancing the Work Program on Exceptions and Limitations adopted at SCCR 43, the African Group also presented the *Draft Proposal by the African Group for the Implementation of the Work Program on Exceptions and Limitations* (document SCCR/44/6). The proposal will be further discussed at the next committee meeting.

17. Taking into account the proposed Implementation Plan presented by the African Group at SCCR 44 and comments from member states on that proposed plan at this SCCR session, the Secretariat should before the next SCCR organize a virtual panel discussion, using a case

study approach, on cross-border uses of copyrighted works in the educational and research sectors, open to all member states as well as observers. In addition, the Secretariat should present at the next SCCR a detailed implementation plan for the Work Program on Exceptions and Limitations taking into account comments from member states made at this SCCR session. The Secretariat should consult member states on a draft version of this implementation plan before presenting it at the next SCCR.

18. The agenda items on limitations and exceptions for libraries and archives and for educational and research institutions and persons with other disabilities will be maintained on the agenda of the forty-fifth session of the SCCR.

AGENDA ITEM 8: OTHER MATTERS

19. The documents from previous sessions related to this agenda item are available on the dedicated web page for SCCR/44 at https://www.wipo.int/meetings/en/details.jsp?meeting_id=78391.

20. Regarding the topic of Copyright in the Digital Environment, the Secretariat presented a brief, high-level overview of the results of the Information Session that was held on the music streaming market at SCCR/43. The Secretariat stands ready to prepare a more detailed report of the information session.

21. GRULAC presented *the Proposal for Analysis of Copyright Related to the Digital Environment* (document SCCR/43/7), which proposes to make Copyright in the Digital Environment a standing agenda item and to undertake further activities on music in the digital environment. The Group also suggested treating a wider range of topics under Copyright in the Digital Environment. Some members welcomed these proposals, while others expressed reservations. GRULAC will table a workplan on Copyright in the Digital Environment at the next committee meeting.

22. The Delegation of Cote d'Ivoire introduced the *Proposal for a Study on the Rights of Audiovisual Authors and their Remuneration for the Exploitation of their Works* (document SCCR/44/7). The proposal was discussed by the Committee. Some Committee members welcomed the proposal, while some members requested more time to review the proposal and some suggested expanding the topic of the study to include audiovisual performers. The proposal will be further discussed at the next committee meeting.

23. Group B introduced a *Proposal for Information Session on Generative AI and Copyright* (document SCCR/44/8). Some Committee members welcomed the proposal, while some members requested more time to review the proposal and some suggested including the topic under Copyright in the Digital Environment.

24. Regarding the topics of the Resale Royalty Right, Strengthening the Protection of Theatre Directors' Rights, and the Public Lending Right, a brief update on the status of the ongoing work was given by the Secretariat.

25. In light of the plenary discussion on copyright in the digital environment and the growing impact of artificial intelligence (AI) on the creative industries, the Committee invites the Secretariat to organize an information session on the opportunities and challenges raised by generative AI as it relates to copyright. The information session would take place as part of the agenda item related to Copyright in the Digital Environment at the next committee meeting.

26. The topic of Other Matters will be maintained on the agenda of the forty-fifth session of the SCCR.

SUMMARY BY THE CHAIR

27. 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 forty-fourth session of the SCCR and that, in consequence, it was not subject to approval by the Committee.

AGENDA ITEM 9: CLOSING OF THE SESSION

28. In relation to future meetings, some members expressed preference that the Committee get back to a pattern of two sessions per calendar year, while some do not share this view.

29. The Chair invites Group Coordinators and interested member states to work with the incoming Chair and the Secretariat to clarify and confirm the modalities of non-plenary discussions moving forward. The outcome of these discussions should be clearly communicated to the Committee and observers in advance of the next committee meeting.

30. For the next session of the Committee, the time for four and one-half days should be divided equally between broadcasting, limitations and exceptions and other matters, including copyright in the digital environment, the resale royalty right, rights of theatre directors, and the public lending right, after the handling of preliminary, administrative agenda items.

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