
SCCR/47/7
ORIGINAL: SPANISH
DATE: OCTOBER 31, 2025

Standing Committee on Copyright and Related Rights

Forty-Seventh Session
Geneva, December 1 to 5, 2025

REVISED VERSION OF THE “DRAFT WORK PLAN ON COPYRIGHT IN THE
DIGITAL ENVIRONMENT (SCCR/45/4)” (DOCUMENT SCCR/47/7)

submitted by the Group of Latin American and Caribbean States (GRULAC)

The need to debate copyright for artists and performers in the digital environment more deeply and extensively has been demonstrated on several occasions since 2015 within the framework of the Standing Committee on Copyright and Related Rights (SCCR). This has been evidenced by documents presented by Member States, as well as through evidence presented in economic impact studies and discussion panels commissioned by the Committee, which have made clear the difficulties in guaranteeing the copyright and related rights of creators, composers, artists and performers in the digital environment.

More recently, the rapid technological development driven by artificial intelligence (AI) has presented significant challenges for the copyright system and may have wide-reaching consequences that merit careful evaluation. Both the uses of content protected by copyright and related rights as inputs in training and the outputs of AI raise various questions for creators, rights holders and innovators in relation to copyright and related rights. Authors and performers require consistently fair remuneration for the use of their works in the digital environment, as illustrated by the numerous public letters and petitions that have been spread, signed by thousands of artists, performers and their associations.

Moreover, the cross-border nature of digital platforms and companies developing AI is posing new challenges for the effective exercise of copyright and related rights. The absence of international mechanisms or accessible procedures limits the ability of holders to enforce rights against actors established in other jurisdictions. In this context, it is important to promote spaces for dialogue that enable the exploration of legal and practical solutions to these limitations.

AI is emphasized owing to its disruptive nature, but broader challenges remain in guaranteeing adequate and fair remuneration for authors, performers and artists in the digital environment. The exchange of information on different national and regional initiatives and policy discussions will allow us to better understand the varied approaches currently being taken to address these complex issues.

At the Committee's 31st session in 2015, the Group of Latin American and Caribbean Countries (GRULAC) presented a document (SCCR/31/4) containing a legal analysis of the issue and a proposal for a more in-depth analysis of the impact of the digital environment on copyright. At the 43rd session, held in 2023, GRULAC again presented a document on the matter and called on Member States and the Secretariat to seek solutions (SCCR/43/7). Studies were also presented containing related evidence and data: Castle-Feijoo: Study on the Artists in the Digital Music Marketplace: Economic and Legal Considerations (SCCR/41/3); and Cobo: The Latin American Music Market (SCCR 42/V1).

GRULAC considers that copyright in the digital environment, in its broadest sense, and AI deserve further debate, as was illustrated at the Committee's recent information sessions on AI, owing to its continuous evolution and technological progress in relation to the creation, production, administration, marketing, sharing and remuneration of artists and performers. In line with the comments received at the previous session of SCCR, GRULAC presents to the Committee this proposal for a work plan on copyright in the digital environment, focused on studies and debates on the topic and recognizing the complexity of the debate and the various existing positions. We propose, therefore, a broader and deeper discussion process, although without implying prejudice or commitment to a position of merit on any of the issues.

CONTEXT

In 2015, the document presented by GRULAC proposed analysis of and debates on the legal frameworks for the protection of works, including performances, in digital services, on the role of companies and corporations that use protected material in the digital environment, and their practices and levels of transparency, as well as on payments for copyright and related rights made to their owners. It also advocated for a consensus solution on the management of

copyright and related rights in the digital environment. Between 2015 and 2023, the Secretariat presented the following studies: The Latin American Music Market (SCCR/41/4); and Study on the Artists in the Digital Music Marketplace: Economic and Legal Considerations (SCCR/41/3). Those studies highlighted the issues experienced by creators and artists, and holders of copyright and related rights in the digital environment. The situation, in summary, is characterized by a strong asymmetry in negotiations, standard form contracts, a lack of transparency and low remuneration in royalties for the exploitation of works and performances, especially in comparison with the income generated for the platforms by the general public's enjoyment of those creations. The imbalance observed in the studies mentioned above, aggravated during the coronavirus (COVID-19) pandemic, clearly shows that the lack of meaningful debate on protected works and performances in the digital environment, and the new business models to which it has given rise, directly affects artists and creators who hold copyright and related rights.

Although they provide some solutions and continue to be relevant, the WIPO Internet treaties of the 1990s, including the related "umbrella solution", have proven insufficient to address the challenges arising from the predominance of large global service providers and the emergence of on-demand services, platforms based on content provided by third parties and, more recently, generative AI.

WORK PLAN

The activities proposed in this work plan are related to the Committee's mandate and, if approved, could guide the Committee's next steps in the field of copyright in the digital environment.

For the time being, the plan is not aimed at establishing international legislation. Its objective is to promote an informed discussion that enables countries to take technical decisions based on evidence and data, strengthen their legal frameworks and provide inputs so that SCCR can reach an agreement on its future activities.

As part of the work plan, it is proposed that studies and debates be carried out on the following topics in future sessions of the Committee:

- Study of the market practices adopted, including the rules for the transfer and assignment of rights, and analysis of the level of transparency both in the availability and recommendation of content for members of the public who use the Internet, and in the remuneration (or payment) criteria for works and performances.
- AI and regulatory challenges. Studies on market practices and policy or regulatory solutions for the relationship between tool training and copyright, standards and practices on licensing and compensation for works and other content protected by copyright and related rights used to generate the outputs of AI systems, rules and practices on authorization and compensation for use in training, and rules and practices for the licensing of voice and image rights when associated with a performer.

On this subject, also proposed are discussions of the enforcement mechanisms for the rights of holders in the case of AI developers in other jurisdictions, and of the voluntary registration by Member State offices of works generated through AI and the importance of such works being assigned identification marks.

- The appropriate way to remunerate artists and creators for the exploitation of their works and performances in the digital environment, exploring different solutions and legal alternatives that guarantee payment for licenses and transfer of rights existing in stages preceding their digital exploitation.

- Case studies and international comparisons that analyze different protection models. Creation of mechanisms to ensure that contracts may be renegotiated when they become unfavorable.
- Study on the current configuration of the balance of payments of royalties relating to the copyright and related rights of works and performances exploited in the digital environment and generative AI systems.
- Studies and development of practical guides on the use of technological means of protecting works and performances in the digital environment and generative AI systems.
- Review and evaluation of solutions at the national and regional levels that address rights in the digital environment on any type of work.
- Promotion of studies on the regulation and protection of audiovisual works and visual art in digital markets.
- Guide to good practice on the proper use of works protected by copyright and related rights in generative AI, transparency in contractual relations and fair remuneration or payment.

In order to make progress in the development of this agenda, it is also proposed that Member States, within the framework of the Committee and with the technical and financial support of WIPO, develop tools, model law references and educational guides on the aforementioned topics.

NEXT STEPS FOR THE WORK PLAN

It is suggested that at least one regional technical work meeting be held prior to the sessions of the Committee in order to discuss the results of studies and, where appropriate, present relevant observations. That would involve the participation of regional copyright offices and professionals working in the proposed areas.

STEP 1

- Study of the market practices adopted, including the rules for the transfer and assignment of rights, and analysis of the level of transparency both in the availability and recommendation of content for members of the public who use the Internet, and in the remuneration criteria for works and performances.
- AI and regulatory challenges, including studies on market practices and policy or regulatory solutions for the relationship between tool training and copyright, rules and practices on authorization and compensation for use, and rules and practices for the licensing of voice and image rights when associated with a performer, as well as discussion of the enforcement mechanisms for the rights of holders in the case of AI developers in other jurisdictions, and discussion of the voluntary registration of works generated through AI and the importance of such works being assigned identification marks.

STEP 2

- Economic study on the current configuration of the balance of payments of royalties relating to copyright and related rights of works and creations exploited in the digital environment.

- The appropriate way to remunerate artists and creators for the exploitation of their works and creations in the digital environment, exploring different solutions and legal alternatives that guarantee payment for licenses and the transfer of rights existing in stages prior to their digital exploitation.
- Review and evaluation of solutions at the national, regional and international levels that address rights in the digital environment on any type of work, including regulation of a right to equitable remuneration, and its collection and distribution.
- The establishment of minimum guarantees in negotiations between authors and performers, on the one hand, and platforms, content aggregators and industries in general, on the other hand, owing to the asymmetry in the negotiation relationship. Case studies and international comparisons that analyze different protection models. Creation of mechanisms to ensure that contracts may be renegotiated when they become unfavorable.
- Studies and development of practical guides on the use of technological means of protecting works in the digital environment and generative AI systems.
- Promotion of studies on the regulation and protection of audiovisual works and visual art in digital markets.
- Guide to good practice on the proper use of works, performances, phonograms and broadcasts protected by copyright and related rights in generative AI systems, transparency in contractual relations and fair remuneration or payment.

[End of document]