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**SCCR/47/9**  
**ORIGINAL: ENGLISH**  
**DATE: DECEMBER 1, 2025**

## **Standing Committee on Copyright and Related Rights**

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

UPDATED VERSION OF THE DOCUMENT "OBJECTIVES AND PRINCIPLES FOR  
EXCEPTIONS AND LIMITATIONS FOR EDUCATIONAL, TEACHING, AND RESEARCH  
INSTITUTIONS" (SCCR/27/8)

*prepared by the Delegation of the United States of America*

## INTRODUCTION

THIS DOCUMENT IS AN UPDATED VERSION OF THE DOCUMENT “OBJECTIVES AND PRINCIPLES FOR EXCEPTIONS AND LIMITATIONS FOR EDUCATIONAL, TEACHING, AND RESEARCH INSTITUTIONS” (SCCR/27/8) THAT THE UNITED STATES INTRODUCED AT THE TWENTY-SEVENTH SESSION OF THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS (SCCR) IN 2014.

It aspires to encourage Member States to facilitate the activities of educational, teaching, and research institutions by adopting carefully crafted exceptions and limitations that enable these institutions to carry out their important public missions, as further discussed below.

## GENERAL

The copyright system is an engine of scholarly research and publication. It plays a critical role in developing and disseminating works of authorship used in education, and in promoting educational, teaching, and research objectives. An appropriate balance of rights and exceptions and limitations, consistent with international obligations, including the three-step test,<sup>1</sup> sustains the missions and activities of educational, teaching, and research institutions.

## ADOPTION OF NATIONAL EXCEPTIONS AND LIMITATIONS

### *Objective:*

Encourage Member States to adopt well-focused exceptions and limitations in their national laws, consistent with their international obligations, including the three-step test, that allow certain uses of copyrighted works for nonprofit educational purposes, maintaining the balance between the rights of authors and the larger public interest, particularly education, research, and access to information.

### *Principles:*

Exceptions and limitations for education and research support the core functions of nonprofit educational institutions at all levels, by advancing knowledge by preserving the world’s cultural, artistic, and scientific heritage and facilitating access to and dissemination of knowledge for teaching and learning.

Exceptions and limitations for education and research also further societal goals by helping individuals to achieve their potential and to participate meaningfully in public life.

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<sup>1</sup> The international copyright system gives Member States wide discretion to enact copyright exceptions and limitations to advance national cultural and educational policies, subject to the general obligation that exceptions and limitations to exclusive rights are confined to certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author. See e.g., Berne Convention, Art. 9(2).

Exceptions and limitations for education and research should respect the valuable contributions of authors and publishers in the creation and dissemination of works that benefit the educational community and the public overall and should be consistent with international obligations, including the three-step test.

## **PROMOTE ACCESS TO EDUCATIONAL AND RESEARCH MATERIALS BY FOSTERING A VIBRANT COMMERCIAL MARKET**

### *Objectives:*

Promote access to educational and research materials by supporting the commercial market for these resources, to maximize the availability of high-quality copyrighted works for education and research.

Encourage and support flexible and voluntary licensing models that allow copyright owners and users to establish mutually satisfactory relationships.

### *Principles:*

A vibrant commercial market, coupled with the use of flexible and voluntary licensing models, facilitates access to high-quality educational and research materials, greatly increasing the number of published works that are available to the public.

This commercial marketplace, especially when coupled with the use of flexible and voluntary licensing models, serves the entire spectrum of educational institutions and audiences, including public and private entities, as well as a range of experiences from early primary education through adult education programs and advanced university degree programs.

Flexible and voluntary licensing models can enable and facilitate educational uses of copyrighted works that are not covered by limitations and exceptions in national law, allowing materials to be made available to students and educators in a variety of forms and in a range of interoperable formats, from printed books to digital texts to multimedia works.

The private and public sectors can also facilitate the availability of educational materials online, thus promoting further creativity, innovation, and new teaching techniques for the twenty-first century.

Continuing to incentivize the creation and distribution of educational and academic works is essential for access to high-quality, accurate educational materials.

## **SUPPORT EXCEPTIONS AND LIMITATIONS FOR USE IN TECHNOLOGICALLY EVOLVING LEARNING ENVIRONMENTS**

### *Objective:*

Support exceptions and limitations, consistent with international obligations, such as the three-step test, that recognize the importance of copyright while continuing to foster and allow certain uses in technologically evolving learning environments.

### *Principles:*

Exceptions and limitations that support technologically evolving learning environments, such as online and blended learning, are an important way to keep pace with new technology and methods of learning and can enhance and encourage broader dissemination of learning tools.

Specific national exceptions and limitations in the online environment that permit the nonprofit use of reasonable and limited portions of works in connection with online teaching and learning and other technology-supported learning approaches may enable a wide variety of learners who lack physical access to educational facilities the opportunity to learn.

## **OTHER GENERAL PRINCIPLES**

Other exceptions and limitations, not specific to the educational context, may also play an important role in enabling nonprofit educational, teaching, and research institutions to carry out their public service mission.

Member States should, consistent with their international obligations, recognize appropriate limitations on certain types of monetary damages applicable to non-profit educational, teaching, and research institutions, and their employees and agents when they prove that they acted in good faith, believing or having reasonable grounds to believe that their conduct is in accordance with copyright law.

Rightsholders have a critical role in ensuring sustainable access to copyrighted works in developed and developing countries. Where rapidly changing technology requires flexible solutions, Member States should encourage collaborative and innovative solutions among all stakeholders.

Educational, teaching, and research institutions should have adequate safeguards in place to ensure the responsible and lawful exercise of exceptions and limitations benefiting such institutions.

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