

Standing Committee on Copyright and Related Rights

Forty-Ninth Session

Geneva, November 30 to December 4, 2026

INFORMAL DOCUMENT FOCUSING ON LIMITATIONS AND EXCEPTIONS FOR
PRESERVATION, FOR THE BENEFIT OF PERSONS WITH OTHER DISABILITIES,
AS WELL AS FOR EDUCATION

Proposal by the SCCR Chair

Introductory Statement

This text was drafted in line with the commitment made by the Chair during SCCR/48, the previous session held in May 2026, to prepare an informal document in order to facilitate substantive discussions under the agenda items 5 and 6 on Limitations and Exceptions. As outlined in the *Summary by the Chair* ([document SCCR/48/SUMMARY](#)), the informal document focuses on three areas, namely:

- 1) limitations and exceptions for preservation;
- 2) limitations and exceptions for the benefit of people with other disabilities;
- 3) limitations and exceptions for education.

The Chair used, in a complementary manner, the [Work Program for Limitations and Exceptions](#) adopted in March 2023 ([document SCCR/43/8 REV.](#)); the [Proposal on Limitations and Exceptions](#) ([document SCCR/47/5](#)); the [Text Proposed in the Framework of Work Towards an Appropriate International Legal Instrument or Instruments on Limitations and Exceptions](#) ([document SCCR/47/8](#)); the [Updated Version of the Document “Objectives and Principles for Exceptions and Limitations for Educational, Teaching, and Research Institutions \(SCCR/27/8\)”](#) ([document SCCR/47/9](#)); and the [Updated Version of the Document “Objectives and Principles for Exceptions and Limitations for Libraries And Archives \(SCCR/26/8\)”](#) ([document SCCR/47/10](#)), when drafting this informal document.

The purpose of this document is to facilitate the substantive discussion of the Committee at SCCR/49. It does not promote any specific type of legal instrument and is without prejudice to the legal nature and form of the outcome of this process.

Definitions

1. Cultural heritage institutions: libraries, archives, museums and other not-for-profit entities performing equivalent functions.
2. Educational institutions: schools, universities, and other entities of a similar nature furthering educational purposes.
3. Persons with disabilities¹: includes those who have long-term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.
4. Preservation: activities aimed at maintaining, stabilizing, restoring or migrating works, whether published or unpublished, to prevent their loss or deterioration, including the conversion of analog to digital formats and migration to stable technological formats.
5. Access: on-site or remote availability to use works for the purposes of private study, cultural enjoyment, and education.

Objectives

1. Encourage Member States to adopt in their national laws clear and specific limitations and exceptions that:
 - a) Support the preservation of cultural heritage by libraries, archives and museums and other not-for-profit entities performing equivalent functions;
 - b) Facilitate access to works for educational purposes, including through digital and online tools;
 - c) Facilitate access to published works in accessible formats for persons with disabilities;
2. Ensure that such limitations and exceptions apply solely in certain special cases that do not conflict with a normal exploitation of the works and do not unreasonably prejudice the legitimate interests of the rightsholders.

Principles

1. Cultural heritage institutions, such as libraries, archives and museums, and educational institutions play a fundamental role in preservation as well as in access to knowledge, information, and memory of peoples.
2. Limitations and exceptions are an integral part of a balanced copyright system and should contribute to quality preservation, access and education.
3. The international copyright framework, including the Berne Convention and the WIPO Copyright Treaty (WCT), the WIPO Performances and Phonograms Treaty (WPPT), the Beijing Treaty on Audiovisual Performances and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, allows Member States to adopt well-crafted limitations and exceptions in their national laws, consistent with the three-step test, in order to address cultural, educational and scientific needs.
4. The design of limitations and exceptions should take into consideration contractual and

¹ As defined in the United Nations Convention on the Rights of Persons with Disabilities.

licensing options and may include the use of collective management organizations to facilitate cross-border activities.

5. Digital uses should become normal. Limitations and exceptions should enable the preservation of and remote digital access to works under secure conditions. WIPO and Member States should promote good practices and tools for rights management in digital environments.

6. A multi-layered approach combining technical and legal solutions should be encouraged to address preservation and access needs.

7. The relevance of good faith should be considered when assessing liability for the application of limitations and exceptions by institutional beneficiaries.

Preservation

1. Enable cultural heritage institutions to make copies of works, whether published or unpublished, for the purposes of preservation or replacement, including highly ephemeral materials.

2. Such copies may be made in analog or digital formats, and during technological migration, provided they are necessary and incidental to a specific preservation purpose.

3. Promotion of cooperation among institutions at national, regional and international levels should optimize resources and sharing of best practices.

Accessibility for persons with disabilities

1. Enable the facilitation of access to published works in accessible formats for persons with disabilities other than those covered by the Marrakesh Treaty, under appropriate conditions that may include:

- a) use solely for the purpose of producing material in accessible formats;
- b) the respect of adequate and effective digital security measures.

2. Modalities of access subject to remuneration or licensing or other conditions may be considered, as appropriate, and interoperability of systems encouraged.

Access for educational purposes

1. Enable cultural heritage institutions as well as educational institutions to provide copies and enable access to works to teachers and students, under appropriate conditions that may include:

- a) personal use;
- b) non-profit educational purposes;
- c) the respect of adequate and effective digital security measures.

2. Modalities of access subject to remuneration or licensing or other conditions may be considered, as appropriate, and interoperability of systems encouraged to allow controlled cross-border uses.

Cooperation, capacity building and technical assistance

1. WIPO should continue to make available to Member States a set of tools ('buffet of options') including guidelines, handbooks, recommendations and case studies, covering both limitations and exceptions and licensing options.
2. Legislative and technical assistance should be provided for national implementation, with priority to countries lacking adequate frameworks.

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