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**REPORT ON THE WORK OF THE STANDING COMMITTEE ON
COPYRIGHT AND RELATED RIGHTS (SCCR)**

Prepared by the Secretariat

1. The Standing Committee on Copyright and Related Rights met twice since the Forty-Fifth Series of Meetings of the Assemblies of the Member States of WIPO in September-October 2008, namely in its Seventeenth Session from November 3 to 7, 2008, and its Eighteenth Session from May 25 to 29, 2009.

2. This document provides an update on the status of the work related to matters concerning copyright and related rights including the protection of broadcasting organizations, the protection of audiovisual performances and limitations and exceptions to copyright and related rights.

A. PROTECTION OF AUDIOVISUAL PERFORMANCES

3. It is recalled that the Diplomatic Conference on the Protection of Audiovisual Performances held in December 2000 adopted a provisional agreement on a number of issues but was unable to reach agreement on a proposed treaty aimed at strengthening the rights of

performers in their audiovisual performances. At its Thirty-Sixth Session from September 22 to 30, 2008, the WIPO General Assembly decided that the issue of protection of audiovisual performances would remain on the Agenda of the Assembly for its September 2009 session. The General Assembly took note of the current status of the work in the SCCR and requested the Secretariat to report to the General Assembly on the deliberations of the SCCR on the protection of audiovisual performances at its session in September 2009.

4. According to the conclusions adopted by the Eighteenth Session of the SCCR, the Committee expressed its appreciation for the seminars organized by the Secretariat and encouraged the Secretariat to continue that activity. The Committee reaffirmed its commitment to work on developing the international protection of performances in audiovisual media. It also requested the Secretariat to prepare a background document on the main questions and positions. Moreover, it requested the Secretariat to organize, in Geneva, informal, open-ended consultations among all members of the Committee on possible solutions to the current deadlock. It confirmed that the protection of audiovisual performances will be maintained on the Agenda of the Nineteenth Session of the SCCR.

5. A number of regional and national Seminars have taken place, in furtherance of the applicable decision of the WIPO General Assembly at its sessions in 2006 (document WO/GA/33/3). In preparing these events the WIPO Secretariat has followed a flexible and balanced approach to the protection of performers at the national level, in such practical areas as contractual relations and collective bargaining, the exercise and transfer of rights and remuneration systems. In order to further promote the development of mechanisms for the protection of audiovisual performers, both at the levels of national legislation and international consensus-building, the WIPO Secretariat will continue to organize regional and national seminars on the issue in the coming year. In doing so, it will follow the requests which were received from different governments and stakeholders, especially in regard to a more focused thematic approach complementing the broad scope and geographical orientation of national and regional Seminars.

6. Together with the Seminars, information material appears as a key factor in order for the Secretariat to improve the basis for discussions among stakeholders and governments. In October 2008, the WIPO Secretariat published a Summary of the Outcome of the National and Regional Seminars on the Protection of Audiovisual Performances and Stocktaking of Positions (SCCR 17/3). A new background document on the main issues and positions is being prepared at the request of the SCCR and will be available on the WIPO website. It will enlarge the scope of previous analysis to look into the negotiation history and describe the current state of affairs on the issue. Finally, the open-ended consultations among all members of the SCCR, which were requested by the Committee at its Eighteenth Session, are scheduled to take place in Geneva in September 2009.

B. PROTECTION OF BROADCASTING ORGANIZATIONS

7. It is recalled that the updating of the rights of broadcasting organizations in response to technological developments and the growing use of information and communications networks has been under discussion in the Standing Committee on Copyright and Related Rights (SCCR) during its nineteen consecutive sessions, from 1998 to 2009, including two special sessions exclusively devoted to that subject.

8. At its Thirty-Fifth Session which took place from September 22 to 30, 2008, the General Assembly of the World Intellectual Property Organization (WIPO):

- “ (i) took note of the current status of the work of the SCCR;
- (ii) requested the Secretariat to report to the General Assembly at its Session in September 2009 on the deliberations of the SCCR on: [...]
- (b) the protection of the rights of broadcasting and cablecasting organizations [...]
”

9. At its Seventeenth Session, the SCCR decided to continue to address the issue of the protection of broadcasting organizations. At the Eighteenth Session, the Committee reaffirmed its willingness to continue its work on the protection of broadcasting organizations as reflected in the Conclusions adopted by the SCCR which were as follows:

- “(i) The Committee requested the Secretariat to commission a study on the socio-economic dimension of the unauthorized use of signals, including the impact of the lack of access on the one hand and the need for an effective protection for broadcasters, on the other hand, with the aim to be available for discussion at the twentieth session of the SCCR.
- (ii) The Committee reaffirmed its willingness to continue its work on the protection of broadcasting organizations on a signal-based approach, according to the mandate of the 2007 General Assembly.
- (iii) The Committee invited the Secretariat to organize regional and national seminars upon the request of Member States or regional groups on the objectives, specific scope and object of protection of a possible draft treaty. The Committee took note of the proposal to organize regional consultations.
- (iv) The protection of broadcasting organizations will be maintained on the Agenda of the nineteenth session of the SCCR.”

C. LIMITATIONS AND EXCEPTIONS

10. It is recalled that the SCCR has agreed to address the issue of exceptions and limitations to copyright and related rights for the purposes of education, libraries and disabled persons. The issue has been discussed at every ordinary SCCR session from the Twelfth Session in November 2004 up to present.

11. During the Seventeenth Session of the SCCR, the WIPO Secretariat organized a two-day information session where presentations were made on four studies commissioned by WIPO on different aspects of the issue of limitations and exceptions of copyright and related rights. At its Eighteenth Session, the Committee requested the Secretariat to prepare analytical documents, identifying the most important features of limitations and exceptions in

the various domains based on these studies, as well as addressing the international dimension and possibly categorizing the main legislative solutions. These documents will be available for the Nineteenth Session of the SCCR.

12. The WIPO Secretariat presented the first draft questionnaire regarding exceptions and limitations, with particular emphasis on issues regarding education, libraries and disabled persons, for the consideration of Member States of the SCCR in its Eighteenth Session. A revised draft questionnaire, based on the comments provided by Member States, will be prepared for the forthcoming Nineteenth Session of the SCCR with the aim of obtaining final approval of Member States during that session. The revised questionnaire will include questions regarding implications of digital technology in the field of copyright, including as they relate to social, cultural and religious limitations and exceptions.

13. The SCCR has acknowledged the special needs of visually impaired persons and has stressed the importance of dealing, without delay and with appropriate deliberation, with those needs of the blind, visually impaired, and other reading-disabled persons, including discussions at the national and international level on possible ways and means of facilitating and enhancing access to protected works.

14. During the Seventeenth Session of the SCCR, the WIPO Secretariat was requested to establish a stakeholders' platform with the participation of major stakeholders, including representatives of copyright holders and reading impaired persons, to explore the specific needs, concerns, and possible approaches to facilitating access to works in formats suitable for people with reading impairment. An Interim Report on the work of this platform was prepared for the Eighteenth Session of the SCCR. The SCCR noted progress in the work on the stakeholders' platform and encouraged the WIPO Secretariat to continue to advance this initiative. The Committee also requested the Secretariat to ensure the effective participation, and to make available funding to support the participations of stakeholders from developing and least-developed countries. The Secretariat shall make its best efforts to organize a meeting of the platform in a developing country.

15. A proposal by Brazil, Ecuador and Paraguay relating to "Limitations and Exceptions: Treaty Proposed by the World Blind Union (WBU)" was submitted to the Eighteenth Session of the SCCR. This proposal, together with other possible proposals and contributions by the Members of the Committee, will be discussed at the Nineteenth Session of the SCCR.

16. The SCCR has noted with approval the forthcoming studies requested at the Seventeenth Session of the Committee on exceptions and limitations for the benefit of educational activities, including distance education and the trans-border aspect thereof, in particular for developing and least-developed countries.

17. The issue of limitations and exceptions, together with the issues of protection of broadcasting organizations and of audiovisual performances, will be maintained on the Agenda of the Nineteenth Session of the SCCR.

18. *The General Assembly is invited to:*

(i) *take note of the information contained in this document;*

(ii) encourage the Standing Committee on Copyright and Related Rights to continue its work regarding the issues reported on in this document; and

(iii) request the Secretariat to report to the General Assembly on the continued work on these issues at its session in September 2010.

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