

WIPO General Assembly

Forty-Third (21st Ordinary) Session Geneva, September 23 to October 2, 2013

REPORT ON THE WORK OF THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS

prepared by the Secretariat

1. The Standing Committee on Copyright and Related Rights (SCCR or Committee) met five times since the Forty-Ninth Series of Meetings of the Assemblies of the Member States of WIPO in October 2012, namely in an Intersessional Meeting on Limitations and Exceptions for Visually Impaired Persons/Persons with Print Disabilities from October 17 to 19, 2012; in its 25th session from November 19 to 23, 2012; in a Special Session from February 18 to 22; in an Intersessional Meeting on the Protection of Broadcasting Organizations from April 10 to 12, 2013; and in an Informal and Special Session from April 18 to 20. Its 26th session was originally scheduled to be held from July 29 to August 2, 2013, but was postponed to December 16 to 20, 2013. The Committee expects to hold three ordinary sessions in 2014, instead of the usual two.

2. At its Forty-First Session, which took place from October 1 to 9, 2012, the WIPO General Assembly took note of the current status of the work of the SCCR, and requested the Secretariat to report at its 2013 session on the deliberations of the SCCR on the protection of broadcasting organizations and limitations and exceptions to copyright and related rights.

3. This document provides an update on the status of the work related to the above matters.

A. PROTECTION OF BROADCASTING ORGANIZATIONS

4. It is recalled that the updating of the rights of broadcasting organizations in response to technological developments has been under discussion in all SCCR sessions since 1998, including two special sessions exclusively devoted to that subject in 2007.

5. An Intersessional Meeting on the Protection of Broadcasting Organizations was organized in Geneva from April 10 to 12, 2013. The discussions contributed to progress on a draft treaty to update the protection of broadcasting and cablecasting organizations in the traditional sense. The outcome of the consultations will be presented to the 26th session of the SCCR.

6. During the 25th session of the SCCR and the Intersessional Meeting on the Protection of Broadcasting Organizations, the Committee pursued discussions on the single text titled "Working document for a treaty on the protection of broadcasting organizations" (documents SCCR/24/10 and SCCR/24/10/CORR), which will constitute the basis for further text-based discussions to be undertaken by the Committee in its 26th session. The Committee also took into account various proposals and comments on this issue from previous SCCR sessions.

7. At its Forty-First Session held in 2012, the WIPO General Assembly took note that the Committee reaffirmed its commitment to continue work on a signal based approach, consistent with the 2007 General Assembly mandate, towards developing an international treaty to update the protection of broadcasting and cablecasting organizations in the traditional sense, and encouraged the Committee to continue its work. The WIPO General Assembly also approved the Committee recommendation that the SCCR continue its work toward a text that will enable a decision on whether to convene a diplomatic conference in 2014.

8. The protection of broadcasting organizations will be maintained on the agenda of the 26th session of the SCCR.

B. LIMITATIONS AND EXCEPTIONS

9. It is recalled that the SCCR has agreed to address the issue of limitations and exceptions to copyright and related rights for visually impaired persons/persons with print disabilities, libraries and archives, education, and persons with other disabilities. The topic of limitations and exceptions has been discussed at every ordinary SCCR session from the 12th session held in November 2004 up to the present.

LIMITATIONS AND EXCEPTIONS FOR VISUALLY IMPAIRED PERSONS/PERSONS WITH PRINT DISABILITIES

10. The outcome of the Committee's work on this topic is addressed in the Report on the Outcome of the Marrakesh Diplomatic Conference to Conclude a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities (document WO/GA/43/9).

LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

11. Regarding the issue of limitations and exceptions for libraries and archives, during the 25th session of the SCCR the Committee discussed document SCCR/23/8, the "Working document containing comments on and textual suggestions towards an appropriate international legal instrument (in whatever form) on exceptions and limitations for libraries and archives". This document as revised to reflect the discussion during the 25th session will constitute the basis for the future work on the matter to be undertaken by the Committee in its 26th session. The Committee agreed to continue its text-based work at the 26th session, towards an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms), as well as to consider whether to hold a three-day

inter-sessional meeting on limitations and exceptions for libraries and archives between the SCCR/26 and SCCR/27 sessions, with the target to submit recommendations on limitations and exceptions for libraries and archives to the General Assembly by the SCCR/28 session.

12. At its Forty-First Session held in 2012, the WIPO General Assembly encouraged the Committee to continue its work and approved the Committee recommendation that the SCCR continue discussion to work towards an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms), with the target to submit recommendations on limitations and exceptions for libraries and archives to the General Assembly by the 28th session of the SCCR.

LIMITATIONS AND EXCEPTIONS FOR EDUCATIONAL AND RESEARCH INSTITUTIONS AND PERSONS WITH OTHER DISABILITIES

13. As to the issues of limitations and exceptions for educational and research institutions and persons with other disabilities, during the 25th session of the SCCR the Committee considered document SCCR/24/8/Prov., the “Provisional working document towards an appropriate International Legal Instrument (in whatever form) on Limitations and Exceptions for Educational, Teaching and Research Institutions and Persons with Other Disabilities Containing Comments and Textual Suggestions”. This document as revised to reflect the discussion during the 25th session will constitute the basis for the work on the matter to be undertaken by the Committee in its 26th session. The Committee agreed to continue text-based work towards an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms), and to consider during the 26th session the possible identification of issues on which the Committee could focus its text-based work, with the target to submit recommendations on limitations and exceptions for educational, teaching and research institutions and persons with other disabilities to the General Assembly by the SCCR/30 session.

14. At its Forty-First Session held in 2012, the WIPO General Assembly encouraged the Committee to continue its work and approved the Committee recommendation that the SCCR continue discussion to work towards an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms), with the target to submit recommendations on Limitations and Exceptions for Educational, Teaching and Research Institutions and Persons with Other Disabilities to the General Assembly by the 30th session of the SCCR.

15. The issue of limitations and exceptions will be maintained on the Agenda of the 26th session of the SCCR.

16. *The WIPO 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;

(iii) request the Standing Committee on Copyright and Related Rights to report to the WIPO General Assembly in 2014 on its work towards a text on broadcasting organizations that will enable a decision on whether to convene a diplomatic conference; and

(iv) encourage progress on limitations and exceptions consistent with the recommendations approved by the WIPO General Assembly in 2012, as set out in paragraphs 12 and 14 of this document.

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