



WO/GA/50/3
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WIPO General Assembly

**Fiftieth (27th Extraordinary) Session
Geneva, September 24 to October 2, 2018**

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

prepared by the Secretariat

1. The Standing Committee on Copyright and Related Rights (SCCR or Committee) met twice since the previous session of the WIPO General Assembly, namely in November 2017 and May-June 2018. The Committee expects to hold an ordinary session in November 2018 and two ordinary sessions in 2019.
2. At its Forty-Ninth Session, which took place between October 2 and 11, 2017, the WIPO General Assembly considered the report on the status of the work of the SCCR (document WO/GA/49/5), including discussions on the protection of broadcasting organizations and limitations and exceptions to copyright and related rights. It took note of the report and directed the SCCR to continue its work regarding the issues reported on in it.
3. This document provides an update on the status of the work of the SCCR. The Summaries by the Chair for the 35th and 36th sessions of the SCCR are attached.

PROTECTION OF BROADCASTING ORGANIZATIONS

4. The updating of the protection 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. At its 35th session, the Committee considered the “Revised Consolidated Text on Definitions, Object of Protection, Rights to be Granted and Other Issues” (document SCCR/34/4). The Committee made comments and proposals on various issues contained in this document. Following progress in these discussions, the Chair prepared document SCCR/35/12 to reflect his understanding of the state of discussions.
6. At its 36th session, the Committee considered document SCCR/35/12. In addition, the Committee took note of document SCCR 36/5, entitled “Note on the Draft Treaty to Protect Broadcasting Organizations”, from the Delegation of Argentina.
7. Discussions based on documents SCCR/35/12 and SCCR/36/5 were instrumental in helping to clarify various technical issues and delegations’ positions with a view to achieving a common understanding on definitions, object of protection, rights to be granted and other issues. Following these discussions, the Chair prepared document SCCR/36/6 to reflect his understanding of the state of discussions.
8. The Committee agreed on the following recommendation to the WIPO General Assembly: “In view of the progress made in recent SCCR sessions, the WIPO General Assembly is invited to consider appropriate action towards convening a diplomatic conference for the adoption of a treaty on the protection of broadcasting organizations, subject to reaching consensus on fundamental issues, that is, objectives, specific scope and object of protection.”
9. The topic of protection of broadcasting organizations will be maintained on the agenda of the 37th Session of the SCCR.

LIMITATIONS AND EXCEPTIONS

10. The SCCR has been addressing the issue of limitations and exceptions to copyright since 2004 and has been addressing limitations and exceptions to copyright for libraries and archives, educational and research institutions, and persons with other disabilities at every session since 2012.

LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

11. At its 35th session, the Committee heard a presentation of the “Study on Copyright Limitations and Exceptions for Libraries and Archives: Updated and Revised” (document SCCR/35/6), prepared by Dr. Kenneth Crews.
12. At its 35th and 36th sessions, the Committee received progress reports for an ongoing study on limitations and exceptions for museums, which is currently being prepared by Professor Yaniv Benhamou.
13. After consideration at its 35th session, the Committee approved at its 36th session an action plan on libraries, archives and museums (document SCCR/36/7), which will be used by the Committee to continue its work under this agenda item.
14. The topic of limitations and exceptions for libraries and archives will be maintained on the agenda of the 37th session of the SCCR.

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

15. At its 35th session, two studies were presented to the Committee under this agenda item: The “Updated Study and Additional Analysis of Study on Copyright Limitations and Exceptions for Educational Activities” (latest version in document SCCR/35/5 Rev.), prepared by Professor Daniel Seng; and the “Scoping Study on Limitations and Exceptions for Persons with Other Disabilities” (document SCCR/35/3 Rev.), prepared by Professors Blake Reid and Caroline Ncube.
16. After consideration at its 35th session, the Committee approved at its 36th session a final version of the action plan for educational and research institutions, as well as persons with other disabilities (document SCCR/36/7), which will be used by the Committee to continue its work under this agenda item.
17. The topic of limitations and exceptions for educational and research institutions and persons with other disabilities will be maintained on the agenda of the 37th session of the SCCR.

OTHER MATTERS

ANALYSIS OF COPYRIGHT RELATED TO THE DIGITAL ENVIRONMENT

18. It is recalled that a “Proposal for Analysis of Copyright Related to the Digital Environment” (document SCCR/31/4) was submitted by the Group of Latin American and Caribbean Countries (GRULAC) at the 31st session of the SCCR in December 2015 and has been discussed under the agenda item “Other Matters” at every session since then.
19. At its 35th session, the Committee heard a presentation by Dr. Guilda Rostama on the “Scoping Study on the Impact of the Digital Environment on Copyright Legislation Adopted between 2006 and 2016” (document SCCR/35/4). The Committee also heard a presentation by Professor Jane Ginsburg on the “Summary Presentation of the Brainstorming exercise convened by WIPO on April 6 and 7, 2017” (SCCR/35/Summary Presentation Rev.).
20. At its 36th session, the Committee welcomed the proposal of Brazil that a further study be undertaken, focused on digital music services in the initial stages, and requested the Secretariat to present the modalities of the study at SCCR/37.
21. The topic of the Analysis of Copyright Related to the Digital Environment will be maintained on the agenda of the 37th session of the SCCR.

RESALE RIGHT

22. It is recalled that a “Proposal from Senegal and Congo to include the Resale Right (*droit de suite*) in the Agenda of Future work by the Standing Committee on Copyright and Related Rights of the World Intellectual Property Organization” (document SCCR/31/5) was submitted at the 31st session of the Committee and has been discussed under the agenda item “Other Matters” at every session since then.
23. At its 35th session, the Committee heard a presentation of the study on “The Economic Implications of the Artists Resale Right” (document SCCR 35/7), prepared by Professors Kathryn Graddy and Joelle Farchy.

24. At its 36th session, the Committee agreed to set up a task force of Members and stakeholders to report back to the Committee regarding the practical elements of the artists' resale royalty right. The task force will provide an interim report for the 37th session of the Committee.

25. The topic of the Resale Right will be maintained on the agenda of the 37th session of the SCCR.

PROTECTION OF THEATRE DIRECTORS' RIGHTS

26. At its 35th session, the Delegation of the Russian Federation submitted the "Proposal on the Part of the Russian Federation with Regard to Strengthening the Protection of Theatre Directors' Rights at the International Level" (document SCCR/35/8).

27. At its 36th session, the Delegation of the Russian Federation made a detailed presentation of its proposal and proposed that the Committee undertake a study on this topic. It was agreed that the Secretariat would present the modalities of the study at the 37th session of the Committee.

28. The topic of the Protection of Theatre Directors' Rights will be maintained on the agenda of the 37th session of the SCCR.

29. *The WIPO General Assembly is invited to:*

(i) take note of the "Report on the Standing Committee on Copyright and Related Rights" (document WO/GA/50/3);

(ii) in accordance with the recommendation of the SCCR, consider appropriate action towards convening a Diplomatic Conference for the adoption of a treaty on the protection of broadcasting organizations subject to reaching consensus on fundamental issues, that is, objectives, specific scope and object of protection; and

(iii) direct the SCCR to continue its work regarding the other issues reported on in document WO/GA/50/3.

[Summaries by the Chair of the 35th and 36th sessions of the SCCR follow]

Standing Committee on Copyright and Related Rights

Thirty-Fifth Session
Geneva, November 13-17, 2017

SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

1. The Thirty-Fifth Session of the Standing Committee on Copyright and Related Rights (“SCCR” or “Committee”) was opened by Mr. Francis Gurry, Director General, who welcomed the participants. Mr. Daren Tang Heng Shim acted as Chair and Mr. Karol Kościński and Mr. Abdoul Aziz Dieng served as Vice-Chairs. Ms. Michele Woods (WIPO) acted as Secretary.

AGENDA ITEM 2: ADOPTION OF THE AGENDA OF THE THIRTY-FIFTH SESSION

2. The Committee adopted the draft Agenda (document SCCR/35/1 PROV.).

AGENDA ITEM 3: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS

3. The Committee approved the accreditation as SCCR observers of the non-governmental organizations referred to in the Annex to document SCCR/35/2 Rev., namely the Center for Information Policy Research (University of Wisconsin) (CIPR) and the Canadian Museums Association (CMA).

AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE THIRTY-FOURTH SESSION

4. The Committee approved the draft report of its thirty-fourth Session (document SCCR/34/7 PROV.). Delegations and observers were invited to send any comments on their statements to the Secretariat at copyright.mail@wipo.int by December 15, 2017.

AGENDA ITEM 5: PROTECTION OF BROADCASTING ORGANIZATIONS

5. The documents related to this agenda item were SCCR/27/2 REV., SCCR/27/6, SCCR/30/5, SCCR/31/3, SCCR/32/3, SCCR/33/3, SCCR/33/5, SCCR/34/3 and SCCR/34/4, as well as informal charts and non-papers prepared during previous meetings.

6. Regarding the protection of broadcasting organizations, the Committee considered the new version of the *Revised Consolidated Text on Definitions, Object of Protection, Rights to be Granted and Other Issues* (document SCCR/34/4). The Committee discussed document SCCR/34/4 and made comments and proposals on various issues contained in this document.

7. Following these discussions, the Chair prepared Document SCCR/35/11 to reflect his understanding of the state of discussions. Document SCCR/35/11 is organized in two separate parts in order to facilitate deliberations. Argentina, Brazil and Chile also tabled a joint proposal entitled *Limitations and Exceptions: Proposal to Advance Discussions* (document SCCR/35/10).

8. This item will be maintained on the agenda of the thirty-sixth session of the SCCR.

AGENDA ITEM 6: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

9. Prior to the opening of this agenda item, the Secretariat proposed draft action plans in relation to agenda item 6 as requested at SCCR/34 and gave an overview of the approach used to prepare the *Draft Action Plans on Limitations and Exceptions for the 2018-19 Biennium* (document SCCR/35/9), with discussions on the draft action plans to take place after the presentations under agenda items 6 and 7.

10. The documents related to this agenda item were SCCR/26/3, SCCR/26/8, SCCR/29/4, SCCR/30/2, SCCR/30/3, SCCR/33/4, SCCR/34/5, and SCCR/35/6.

11. The Committee heard and welcomed the presentation by Dr. Kenneth Crews of the *Study on Copyright Limitations and Exceptions for Libraries and Archives: Updated and Revised (2017 Edition)* contained in document SCCR/35/6, and delegations and observers participated in a question-and-answer session with Dr. Crews.

12. The Committee also heard and welcomed the progress report on the work on limitations and exceptions for museums given by Mr. Benoit Muller.

13. The Committee discussed the draft action plans relating to agenda item 6 prepared by the Secretariat in document SCCR/35/9. While the Committee was unable to approve the action plans during this meeting, the Committee agreed that they were a good basis for further discussions. Members discussed the elements they would like to see in the draft action plans to be prepared by the Chair for discussion at SCCR/36. Members requested that this draft be transmitted to them at least one month before SCCR/36.

14. This item will be maintained on the agenda of the thirty-sixth session of the SCCR.

AGENDA ITEM 7: LIMITATIONS AND EXCEPTIONS FOR EDUCATIONAL AND RESEARCH INSTITUTIONS AND FOR PERSONS WITH OTHER DISABILITIES

15. Prior to the opening of agenda item 6, the Secretariat proposed draft action plans in relation to agenda item 7 as requested at SCCR/34 and gave an overview of the approach used to prepare the *Draft Action Plans on Limitations and Exceptions for the 2018-19 Biennium* (document SCCR/35/9), with discussions on the draft action plans to take place after the presentations under agenda items 6 and 7.

16. The documents related to this agenda item were SCCR/26/4 PROV., SCCR/27/8, SCCR/32/4, SCCR/33/4, SCCR/33/6, SCCR 34/6, SCCR 35/3 and SCCR/35/5 Rev.

17. The Committee heard and welcomed the presentation by Professor Daniel Seng on the *Updated Study and Additional Analysis of Study on Copyright Limitations and Exceptions for Educational Activities* contained in document SCCR/35/5 Rev., and delegations and observers participated in a question-and-answer session with Professor Seng.

18. The Committee also heard and welcomed the presentation by Professor Caroline Ncube, Professor Blake Reid, and student attorneys from the University of Colorado on the *Scoping Study on Access to Copyright Protected Works by Persons with Disabilities* contained in document SCCR/35/3, and delegations and observers participated in a question-and-answer session with Professors Reid and Ncube.

19. The Committee discussed the draft action plans relating to agenda item 7 prepared by the Secretariat in document SCCR/35/9. While the Committee was unable to approve the

action plans during this meeting, the Committee agreed that they were a good basis for further discussions. Members discussed the elements they would like to see in the draft action plans to be prepared by the Chair for discussion at SCCR/36. Members requested that this draft be transmitted to them at least one month before SCCR/36.

20. This item will be maintained on the agenda of the thirty-sixth session of the SCCR.

AGENDA ITEM 8: OTHER MATTERS

21. The Documents related to this agenda item were SCCR/31/4, SCCR/31/5, SCCR/35/4, SCCR/35/7, SCCR/35/8, and SCCR/35/Summary Presentation Rev.

22. Regarding the Analysis of Copyright Related to the Digital Environment, the Committee heard and welcomed the presentation by Dr. Guilda Rostama on the *Scoping Study on the Impact of the Digital Environment on Copyright Legislation Adopted between 2006 and 2016* contained in document SCCR/35/4, and delegations and observers participated in a question-and-answer session with Dr. Rostama. The Committee welcomed and held a question-and-answer session with Professor Jane Ginsburg on the *Summary Presentation of the Brainstorming exercise convened by WIPO on April 6 and 7, 2017* contained in SCCR/35/Summary Presentation Rev.

23. Regarding the topic of Resale Right, the Committee heard and welcomed the presentation by Professor Joelle Farchy on the *Economic Implications of the Resale Right* co-authored by Professors Farchy and Graddy contained in document SCCR/35/7, and delegations and observers participated in a question-and-answer session with Professor Farchy.

24. The Delegation of the Russian Federation presented the *Proposal on the Part of the Russian Federation with Regard to Strengthening the Protection of Theatre Directors' Rights at the International Level* contained in document SCCR/35/8, and delegations offered some initial comments on the proposal.

25. The Committee asked the Chair to make a proposal for suggested activities as a follow-up to the discussions of the various topics under this agenda item and to present this proposal for consideration at SCCR/36. Members requested that this proposal be transmitted to them at least one month before SCCR/36.

26. These three topics will be maintained under this item of the agenda of the thirty-sixth session of the SCCR.

SUMMARY BY THE CHAIR

27. The Committee took note of the contents of this Summary by the Chair. The Chair clarified that this summary reflected the Chair's views on the results of the thirty-fifth session of the SCCR and that, in consequence, it was not subject to approval by the Committee.

AGENDA ITEM 9: CLOSING OF THE SESSION

28. The next session of the Committee will take place from May 28 - June 1, 2018.

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ORIGINAL: ENGLISH
DATE: JUNE 1, 2018

Standing Committee on Copyright and Related Rights

Thirty-Sixth Session
Geneva, May 28 – June 1, 2018

SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

1. The Thirty-Sixth Session of the Standing Committee on Copyright and Related Rights (“SCCR” or “Committee”) was opened by Ms. Sylvie Forbin, Deputy Director General. Mr. Francis Gurry, Director General, welcomed the participants. Mr. Daren Tang Heng Shim acted as Chair and Mr. Karol Kościński and Mr. Abdoul Aziz Dieng served as Vice-Chairs. Ms. Michele Woods (WIPO) acted as Secretary.

AGENDA ITEM 2: ADOPTION OF THE AGENDA OF THE THIRTY-SIXTH SESSION

2. The Committee adopted the draft Agenda (document SCCR/36/1 PROV.).

AGENDA ITEM 3: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS

3. The Committee approved the accreditation as SCCR observers of the non-governmental organizations referred to in the Annex to document SCCR/36/2, namely Authors Alliance, Conector Foundation, and the Intellectual Property Center.

AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE THIRTY-FIFTH SESSION

4. The Committee approved the draft report of its thirty-fifth session (document SCCR/35/11 PROV.). Delegations and observers were invited to send any comments on their statements to the Secretariat at copyright.mail@wipo.int by June 15, 2018.

AGENDA ITEM 5: PROTECTION OF BROADCASTING ORGANIZATIONS

5. The documents related to this agenda item were SCCR/27/2 REV., SCCR/27/6, SCCR/30/5, SCCR/31/3, SCCR/32/3, SCCR/33/3, SCCR/33/5, SCCR/34/3, SCCR/34/4, SCCR/35/10, SCCR/35/12, SCCR/36/5, and SCCR/36/6, as well as informal charts and non-papers prepared during previous meetings.

6. The Committee considered document SCCR/35/12 prepared by the Chair, entitled *Revised Consolidated Text on Definitions, Object of Protection, and Rights to be Granted and Other Issues*. In addition, the Committee took note of document SCCR 36/5, entitled *Note on the Draft Treaty to Protect Broadcasting Organizations*, from the Delegation of Argentina.

7. Discussions based on document SCCR/35/12 and document SCCR/36/5 were held in informal sessions of the Committee. These discussions were instrumental in helping to clarify various technical issues and delegations’ positions with a view to achieving a common understanding on definitions, object of protection, rights to be granted and other issues. Following these discussions, the Chair prepared document SCCR/36/6 to reflect his understanding of the state of discussions.

8. An agreement was reached on the following Recommendation to the WIPO General Assembly (WIPO/GA/58): In view of the progress made in recent SCCR sessions, the General Assembly is invited to consider appropriate action towards convening a Diplomatic Conference

for the adoption of a treaty on the protection of broadcasting organizations, subject to reaching consensus on fundamental issues, that is, objectives, specific scope and object of protection.

9. This item will be maintained on the agenda of the thirty-seventh session of the SCCR.

AGENDA ITEM 6: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

10. The documents related to this agenda item were SCCR/26/3, SCCR/26/8, SCCR/29/4, SCCR/30/2, SCCR/30/3, SCCR/33/4, SCCR/34/5, SCCR/35/6, SCCR/35/9, SCCR/36/3 and SCCR/36/7.

11. The Committee welcomed the progress report on the work on limitations and exceptions for museums given by Ms. Sylvie Forbin.

12. The Chair presented the draft action plan relating to agenda item 6 from document SCCR/36/3. The Committee discussed the plan in plenary and informal sessions and made the necessary amendments. The amended document as approved by the Committee is set out in document SCCR/36/7 and will be used by the Committee to continue its work under this agenda item.

13. This item will be maintained on the agenda of the thirty-seventh session of the SCCR.

AGENDA ITEM 7: LIMITATIONS AND EXCEPTIONS FOR EDUCATIONAL AND RESEARCH INSTITUTIONS AND FOR PERSONS WITH OTHER DISABILITIES

14. The documents related to this agenda item were SCCR/26/4 PROV., SCCR/27/8, SCCR/32/4, SCCR/33/4, SCCR/33/6, SCCR 34/6, SCCR 35/3, SCCR/35/5 Rev., SCCR/35/9, SCCR/36/3 and SCCR/36/7.

15. The Chair presented the draft action plan relating to agenda item 7 from document SCCR/36/3. The Committee discussed the plan in plenary and informal sessions and made the necessary amendments. The amended document as approved by the Committee is set out in document SCCR/36/7 and will be used by the Committee to continue its work under this agenda item.

16. This item will be maintained on the agenda of the thirty-seventh session of the SCCR.

AGENDA ITEM 8: OTHER MATTERS

17. The Documents related to this agenda item were SCCR/31/4, SCCR/31/5, SCCR/35/4, SCCR/35/7, SCCR/35/8, SCCR/35/Summary Presentation Rev., and SCCR/36/4.

18. The Chair presented his proposal contained in document SCCR/36/4, entitled *Next Steps on Other Matters*.

19. Regarding the topic of the Resale Royalty Right, the Committee agreed to set up a task force of Members and stakeholders to report back to the Committee regarding the practical elements of the artists' resale royalty right. The task force will provide an interim report at SCCR/37.

20. Regarding the Analysis of Copyright Related to the Digital Environment, the Committee welcomed the proposal of Brazil that a further study be undertaken, focused on digital music services in the initial stages, which could be followed later by complementary studies on audiovisual and literary works. The Committee requested the Secretariat to present the modalities of the study at SCCR/37.

21. The Delegation of the Russian Federation presented the *Proposal on the Part of the Russian Federation with Regard to Strengthening the Protection of Theatre Directors' Rights at the International Level* contained in document SCCR/35/8, and proposed that the Committee undertake a study on this topic. Delegations offered comments on the proposal and the Secretariat was asked to present the modalities of the study at SCCR/37.

22. These three topics will be maintained under this item of the agenda of the thirty-seventh session of the SCCR.

SUMMARY BY THE CHAIR

23. The Committee took note of the contents of this Summary by the Chair. The Chair clarified that this summary reflected the Chair's views on the results of the thirty-sixth session of the SCCR and that, in consequence, it was not subject to approval by the Committee.

AGENDA ITEM 9: CLOSING OF THE SESSION

24. The next session of the Committee will take place from November 26-30, 2018.

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