

*DRAFT CONCLUSIONS OF THE SCCR*

*prepared by the Chair*

*Limitations and exceptions*

1. The Committee reconfirmed its commitment to work on the outstanding issues of the limitations and exceptions, as decided at the seventeenth session of the SCCR, taking into account development-related concerns and the need to establish timely and practical result-oriented solutions. Likewise, the Committee reaffirmed its commitment to continue without delay its work in a global and inclusive approach, including the multifaceted issues affecting access of the blind, visually impaired and other reading-disabled persons to protected works.
2. The Committee expressed its appreciation for the Proposal by Brazil, Ecuador and Paraguay Relating to Limitations and Exceptions: Treaty Proposed by the World Blind Union (WBU). Views were expressed: supporting the proposal for a binding instrument; expressing the wish for more time to analyze it; expressing the desire to continue the work on the basis of a global and inclusive framework; and expressing that deliberations regarding any instrument would be premature. Member States will continue to consult on these issues at national level and report on the activities and views on possible solutions. 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.
3. The Committee welcomed the stakeholders' platform Interim Report, and encouraged the Secretariat to continue the work of the platform and report on its activities during the nineteenth session of the SCCR. The Committee requested that the Secretariat ensure the effective participation, and make available funding to support the participation 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.
- 3bis.* The Committee noted with approval the forthcoming study 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. The Secretariat will see to that the study will be completed as expeditiously as possible and be made available to the Committee prior to its nineteenth session.
4. The Committee requested the Secretariat to prepare analytical documents, identifying the most important features of limitations and exceptions in the various domains based on all the studies carried out, as well as addressing the international dimension and possibly categorizing the main legislative solutions.

5. The Committee took note of the draft questionnaire on limitations and exceptions and invited delegations to send comments to the Secretariat before July 15, 2009. Based on those comments, the Secretariat will present a revised questionnaire at least one month prior to the nineteenth session of the SCCR for consideration and with the aim of final approval during that session.

6. The areas covered by the questionnaire will include limitations and exceptions for educational activities, activities of libraries and archives, provisions for disabled persons, as well as the implications of digital technology in the field of copyright, including as they relate to social, cultural and religious limitations and exceptions. The Committee noted that a number of delegations requested that the questionnaire should incorporate limitations and exceptions related to technology transfer issues. The Committee also noted that a number of delegations requested that in relation to visually impaired and other persons with disabilities, libraries and archives, educational use and research, questions regarding the function of limitations and exceptions across borders would be added.

7. The questionnaire shall enable governments to furnish any other pertinent information regarding limitations and exceptions in their national laws that are not addressed in the questionnaire.

8. The Committee took note of the supplementary information sent by Member States regarding the WIPO studies on limitations and exceptions presented in the context of the seventeenth session of the SCCR and noted that the studies remain open for comment.

*8bis.* The issue of limitations and exceptions will be maintained on the Agenda of the nineteenth session of the SCCR.

#### *Protection of audiovisual performances*

9. The Committee expressed its appreciation for the seminars organized by the Secretariat and encouraged the Secretariat to continue that activity.

10. The Committee reaffirmed its commitment to work on developing the international protection of performances in audiovisual media.

11. The Committee requested the Secretariat to prepare a background document on the main questions and positions.

12. The Committee requested the Secretariat to organize, in Geneva, informal, open-ended consultations among all members of the Committee on possible solutions to the current deadlock.

13. The protection of audiovisual performances will be maintained on the Agenda of the nineteenth session of the SCCR.

#### *Protection of broadcasting organizations*

14. The Committee expressed its appreciation for the information session on developments in broadcasting.

14*bis*. 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.

15. 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.

16. 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.

17. The protection of broadcasting organizations will be maintained on the Agenda of the nineteenth session of the SCCR.

#### *Other matters*

17*bis*. Several delegations underlined the need for the studies prepared to be available in all official UN languages. The Committee requested the Secretariat to produce the cost estimate of translating the studies.

#### *Next session of the SCCR*

18. The dates of the nineteenth session of the SCCR will be announced later after consultation with Director General of WIPO.