

DRAFT CONCLUSIONS

prepared by the Chair

LIMITATIONS AND EXCEPTIONS

1. *New studies:* The Committee expressed its appreciation for the studies prepared by outstanding experts, and thanked them for their presentations in the Information Meeting on Limitations and Exceptions for Educational Activities, organized on the first day of the meetings.

- The study by Professor Joseph Fometeu, Université de Ngaoundéré, Ngaoundéré, Cameroun, covering the African countries;
- The study by Professor Juan Carlos Monroy, Universidad Externado de Colombia, Bogota, covering the Latin American and the Caribbean countries;
- The study by Professor Victor Nabhan, University of Ottawa, Ottawa, covering the Arab countries;
- The study by Professor Daniel Seng, National University of Singapore, Singapore, covering the Asian and the Pacific countries (in his absence, a summary of the study was made available on the webpage of the Information Meeting); and
- The study by Professor Raquel Xalabarder, Open University of Catalonia, Barcelona, Spain, covering North America, Europe, Caucasus, Central Asia and Israel.

2. In order to update and complement the studies, Member States and the European Union are invited to submit to the Secretariat any supplementary information regarding their national laws by January 8, 2010. The Secretariat will consult with the experts on the necessary updates of their studies.

3. *Analytical document:* The Committee expressed its appreciation to the Secretariat for the preparation of the Analytical Document on Limitations and Exceptions. The Committee requested the Secretariat to update the document, taking into account the information and analyses contained in the new studies.

4. *Questionnaire:* The Committee examined the Second Draft Questionnaire on Limitations and Exceptions, and invited delegations to send comments on it to the Secretariat by January 8, 2010. On the basis of the comments and the discussions of the Committee, the Secretariat will finalize the questionnaire without any substantial changes in the content of the questions, and while retaining the seven chapters, and submit it to the Member States and the European Union by February

10, 2010 for replies. The Member States are invited to submit their replies by May 10, 2010, and the Secretariat shall prepare a consolidated paper for the Twentieth Session of the SCCR.

4 a. The Committee reaffirmed its commitment to continue without delay its work in a global and inclusive approach, including the multifaceted issues affecting access of persons with print disabilities to protected works.

5. *Access to protected materials by persons with print disabilities:* The Committee welcomed the Second Interim Report of the Stakeholders' Platform, and encouraged the Secretariat to continue the work of the platform and report on its activities during the twentieth session of the SCCR.

6. The Committee examined the Proposal by Brazil, Ecuador and Paraguay Relating to a WIPO Treaty for Improved Access for Blind, Visually Impaired and other Reading Disabled Persons, which includes the text prepared by the World Blind Union (WBU). Many delegations expressed their support for working towards the establishment of an appropriate international instrument. [Some delegations made comments, suggestions and asked questions about the substantive content of the proposed text, and the proponent countries provided responses.] The consideration of the proposal will continue at the next session of the SCCR.

7. The Committee noted the proposal that a work program be established on copyright exceptions and limitations for the benefit of persons with print disabilities. This work program would include the initiation of focused consultations aimed at producing a proposal for a Joint Recommendation of the Berne Assembly and the WIPO Assembly regarding copyright limitations and exceptions for persons with print disabilities. This could be another step towards the development of a treaty providing a framework for copyright limitations and exceptions for persons with print disabilities.

[9. The Committee requested the Secretariat to prepare an information document on examples of best practices, activities and solutions at national level in the Member States for the benefit of persons with print disabilities.]

10. Limitations and exceptions to copyright, including matters concerning access to protected materials by persons with disabilities and matters that pertain to educational activities, libraries and archives, will be maintained on the Agenda of the twentieth session of the SCCR with a view to developing a work program concerning those limitations and exceptions, following a global and inclusive approach.

PROTECTION OF AUDIOVISUAL PERFORMANCES

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

12. The Committee expressed its appreciation to the Secretariat for the preparation of the Background Document on the Main Questions and Positions Concerning the International Protection of Audiovisual Performances.

13. The Committee reaffirmed its commitment to continue the work towards developing the international protection of performances in audiovisual media, and decided on the following work program to this effect.

14. During the first quarter of 2010 the Secretariat is requested to organize open-ended consultations needed to resolve the remaining outstanding issues, which includes the mutual recognition of prevailing arrangements concerning rights in audiovisual performances, and their exercise, under national law or practice.
15. The Committee will, at its twentieth session, consider the next steps and a possible recommendation to the General Assembly of WIPO to convene a diplomatic conference with a view of concluding a WIPO treaty for the protection of audiovisual performances. The Committee considered that the nineteen articles provisionally adopted at the Diplomatic Conference in 2000 provide a good basis for negotiations on the treaty. However, many Members took the view that the nineteen articles should not be reopened. The Committee may also consider the effect of technological changes on the treaty to be adopted.
16. The protection of audiovisual performances will be maintained on the Agenda of the twentieth session of the SCCR.

PROTECTION OF BROADCASTING ORGANIZATIONS

17. The Committee expressed its appreciation for the first part of the Study on the Socio Economic Dimension of the Unauthorized Use of Signals, addressing current market and technology trends in the broadcasting sector. The Committee noted with approval the forthcoming second part of the study to be presented to the Committee at its twentieth session.
18. The Committee reaffirmed its willingness to continue its work on the protection of broadcasting organizations, according to the mandate of the 2007 General Assembly.
19. The Secretariat will organize regional consultations to ascertain the objectives, specific scope and object of protection of a possible draft treaty following a signal-based approach. A report of the consultations will be presented to the Committee at its twentieth session.
20. The protection of broadcasting organizations will be maintained on the Agenda of the twentieth session of the SCCR.

NEXT SESSION OF THE SCCR

21. The twentieth session of the SCCR will take place from June 21 to 25, 2010.