

SCCR 21st Session

Draft African Proposal on a Decision of the SCCR on Limitations and Exceptions

Bearing in mind

- *The Development Agenda Recommendations;*
 - *The agreement reached in the conclusions to the 19th session of the SCCR in December 2010 stipulating that "All aspects concerning limitations and exceptions will be maintained on the Agenda of the twentieth session of the SCCR with the aim of establishing a work program concerning those limitations and exceptions, following a global and inclusive approach, and taking into account their equal importance and different level of maturity, while recognizing the need for concurrently addressing all the issues with a view to achieving progress on all of them."*
1. The SCCR agrees to work towards an appropriate international legal instrument or instruments, taking into account the four proposals currently tabled under this issue and/or any additional submissions.
 2. The SCCR also agrees that during its upcoming budgetary biennium (2011/2012), its mandate on Limitations and Exceptions, following a global, inclusive and holistic approach, will be as follows:
 - a. The SCCR will continue its work and undertake text-based negotiations with the objective of reaching agreement on an international legal instrument or instruments which will ensure appropriate exceptions and limitations for persons with disabilities, including print disabilities; educational, teaching and research institutions; and libraries and archives.
 - b. The SCCR will follow, as set out in the Annex to this decision, a clearly defined work program for the 2011/2012 biennium. This work program will be made of the ordinary sessions of the SCCR as well as three inter-sessional working groups.
 - c. The focus of the SCCR's work in the 2011/2011 biennium will be to build on the existing work carried out by the SCCR, and use all WIPO working documents on Limitations and Exceptions, as well as additional relevant proposals, which are to constitute the basis of the SCCR's work on text-based negotiations. These documents include: the *Proposal by Brazil, Chile, Nicaragua, and Uruguay for Work Related to Exceptions and Limitations* (Document SCCR/16/2); the *Proposal by Brazil, Ecuador and Paraguay, Relating to Limitations and Exceptions: Treaty Proposed by the World Blind Union (WBU)* (Document SCCR/18/5); the *Draft Consensus Instrument*, submitted by the United States (Document SCCR/20/10); *Draft WIPO Treaty on Exceptions and Limitations for the Disabled, Educational and Research Institutions, Libraries and Archive Centers*, submitted by the African Group (Document SCCR/20/11); and the *Draft Joint Recommendation Concerning the Improved Access to Works Protected by Copyright for Persons with a Print Disability*, submitted by the European Union (Document

SCCR/20/12). All these substantive proposals were presented and Member States commented on.

- d. The SCCR is requested to submit by 2012 to the General Assembly the draft text of an international legal instrument or instruments, which will ensure appropriate limitations and exceptions for persons with disabilities, including print disabilities; educational, teaching and research institutions; and libraries and archives. The General Assembly by 2012, will determine a date for a Diplomatic Conference.
- e. The International Bureau is requested to continue to assist the SCCR by providing Member States with all necessary expertise, and funding for the participation of experts from developing countries and least-developed countries according to the usual formula.

Annex

Date and Activities

March 2011: First Inter-sessional Working Group on Limitations and Exceptions for Persons with Disabilities, including Print Disabilities

Text (.....)

May/June 2011: SCCR 22

Text (.....)

September 2011: WIPO General Assembly

Text (.....)

October 2011: Second Inter-sessional Working Group on Limitations and Exceptions for Educational, Teaching and Research Institutions

Text (.....)

December 2011: SCCR 23

Text (.....)

February/March 2012: Third Inter-sessional Working Group on Limitations and Exceptions for Libraries and Archives

Text (.....)

May/June 2012: SCCR 24

Text (.....)

Early September 2012: SCCR 25

Text (.....)

September 2012: WIPO General Assembly