

World Intellectual Property Organization (WIPO)
Standing Committee on Copyright and Related Rights (SCCR)
Twenty-Second Session
Geneva, June 15 to 24, 2011

Draft Conclusions

Agenda

1. The Committee agreed on changing the agenda order and including a new item related to the contribution of the SCCR to the implementation of the respective Development Agenda recommendations. Some delegations stated that the inclusion of the latter was temporary pending the decision of the General Assembly in 2011 on the appropriate mechanism to report on this issue.

Limitations and Exceptions: Persons with print and other reading disabilities

2. The Committee took note of two new documents, namely the comparative List of Proposals Related to Copyright Limitations and Exceptions for the Visually Impaired Persons and Other Persons with Print Disabilities, prepared by the Secretariat (SCCR/22/8); and the Draft WIPO Treaty on Exceptions and Limitations for the Persons with Disabilities, Educational and Research Institutions, Libraries and Archives; proposal by the African Group (SCCR/22/12), which revised previous proposal put forward in document SCCR/20/11.
3. The Committee thanked the proponents of all four current substantive proposals for their sincere efforts to hold meaningful discussions in informal consultations to finally bring out a common document in the form of a consensus document (document SCCR/22/15) which addressed important issues of a possible international legal instrument for limitations and exceptions for persons with print and other reading disabilities. Members made comments and asked preliminary questions. A number of Member States endorsed this document and signaled their interest in sponsoring it. On the basis of the above consensus document, and taking into account the various suggestions made by some Member States, a proposal on an international instrument on limitations and exceptions for persons with print disabilities was presented by a number of Member States (document SCCR/22/15 Rev. 1).
4. The Committee requested the Chair to prepare a final proposal for an international instrument on limitations and exceptions for persons with print disabilities (document SCCR/22/16) which would constitute the basis for the future text-based work to be undertaken by the Committee in its 23rd session.
5. The Committee agreed to recommend to the WIPO General Assembly that Members of the Committee continue discussions regarding the Chair's document SCCR/22/16 with the aim to agree and finalize a basic proposal for an international legal instrument for limitations and exceptions for persons with print and other reading disabilities in the 23rd session of the SCCR.
6. The Committee encouraged the stakeholders to continue the work of the Stakeholders' Platform.

Limitations and Exceptions

7. The Committee took note of the presentation made by the African Group using document SCCR/22/12.
8. The Committee agreed that the item of limitations and exceptions will be maintained on the agenda of the 23rd session of the SCCR.

Protection of Audiovisual Performances

9. The Committee thanked the Secretariat for organizing Open-ended Consultations on the Protection of Audiovisual Performances in Geneva on April 13 and 14, 2011, with the mandate to examine new proposals from Member States. It also thanked its Chair, Mr. Ositadinma Anaedu from Nigeria. The report of this meeting was presented by the Delegation of Nigeria.
10. The Committee considered that the 19 articles provisionally agreed during the Diplomatic Conference of 2000 were a good basis for advancing the negotiations on the treaty.
11. The Committee noted with appreciation the texts on the Protection of Audiovisual Performances submitted by Brazil (document SCCR/22/3), India (document SCCR/21/5), Mexico (document SCCR/22/4), and the United States of America (document SCCR/22/2). Member States provided comments on these four texts.
12. The Committee accepted the combined proposal on Article 12 "Transfer of rights for the proposed WIPO Treaty on protection of audiovisual performances" presented by the Delegations of India, Mexico and the United States of America.
13. The Committee agreed to continue the work on the text of possible Agreed Statements regarding Articles 1, 2, and 15 of the Provisional Agreement on a WIPO Audiovisual Performances Treaty of the Diplomatic Conference of 2000.
14. The protection of audiovisual performances will be maintained on the agenda of the 23rd session of the SCCR.

Protection of Broadcasting Organizations

15. The Committee thanked the Secretariat for organizing the informal consultations on the protection of broadcasting organizations in Geneva on April 14 and 15, 2011, and thanked its Chair Ms. Alexandra Grazioli from Switzerland, for presenting the report of this meeting. The Committee considered and commented on the "Elements for a Draft Treaty on the Protection of Broadcasting Organizations" presented by the Chair of the Informal consultations (document SCCR/22/11), which sets out possible elements for a draft treaty and to advance discussions.
16. The Committee took note of the new draft treaty proposals presented by the Delegations of South Africa, Canada and Japan (document SCCR/22/5, document SCCR/22/6 and document SCCR 22/7, respectively).

17. The Committee also took note of the Conclusions of the Regional Broadcasting Signal Piracy Seminar for African countries, organized by the Government of South Africa and held in Johannesburg, South Africa, on June 6 and 7, 2011 (document SCCR 22/14).
18. The Committee reaffirmed its commitment to continue work, on a signal based approach, towards developing an international treaty to update the protection of broadcasting and cablecasting organizations in the traditional sense.
19. The Committee approved the Chair's work plan as set out in the annex of these conclusions.
20. The protection of broadcasting organizations will be maintained on the agenda of the 23rd session of the SCCR.

Contribution of the SCCR to the implementation of the respective Development Agenda recommendations

21. The Chair stated that all statements made in relation to Contribution of the SCCR to the implementation of the respective Development Agenda recommendations would be recorded in the report of the report of the 22nd session of the SCCR and they would be transmitted to the WIPO General Assembly in line with the decision taken by the 2010 WIPO General Assembly related to the Development Agenda Coordination Mechanism.

[Annex follows]

Annex

Protection of Broadcasting Organizations

Chairman's work plan

1. To maintain the momentum regarding a draft treaty on the protection of broadcasting organizations and cablecasting organizations in the traditional sense, the Committee agreed to continue discussions on a signal-based approach consistent with the 2007 General Assembly mandate.
2. The following work plan is proposed:
 - 2.1 An informal consultation on the protection of broadcasting organizations and cablecasting organizations will take place one day immediately prior to session SCCR/23. The modalities for further work will be agreed during session SCCR/23.
 - 2.2 The aim of this consultation will be to progress negotiations on a draft treaty with a view to making a recommendation to the 2012 WIPO General Assembly on the possible scheduling of a Diplomatic Conference.
 - 2.3 The discussions will be open to the participation of all WIPO Member states and NGO's accredited to the SCCR.
3. The following documents shall form the basis of the discussions:
 - 3.1 Proposal on the Draft Treaty for the Protection of Broadcasting Organizations: Proposal by the Delegation of South Africa (document SCCR/ 22/5);
 - 3.2 Proposal on the Draft Treaty for the Protection of Broadcasting Organizations: Proposal by the Delegation of Canada (document SCCR/22/6);
 - 3.3 Comments on the Draft Treaty for the Protection of Broadcasting Organizations: Proposal by the Delegation of Japan (document SCCR/22/7);
 - 3.4 Elements of the Draft Treaty on the Protection of Broadcasting Organizations prepared by the Chair of the Informal Consultations on the Protection of Broadcasting Organizations held In Geneva on April 14 and 15 April 2011 (document SCCR/22/11);
 - 3.5 Revised Draft Basic Proposal for the WIPO Treaty on the Protection of Broadcasting Organizations (document SCCR/15/2); and
 - 3.6 Any other document presented to the Committee.
4. The results of the consultation shall be submitted to session SCCR/23.

[End of Annex and of conclusions]