

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 only at this session of the Committee preceding the General Assembly and should not set a precedent.

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 substantive proposals for their sincere efforts to hold meaningful discussions in informal consultations to explore points of commonality and possible convergence among the four substantive proposals. Some Members who participated in those informal consultations released a "non-paper" which was later submitted as a proposal from a group of Member States (document SCCR/22/15). Members made comments and asked preliminary questions. A number of Members endorsed this document and signaled their interest in sponsoring it. On the basis of the above proposal and taking into account the various suggestions made by some Members, a revised proposal on an international instrument on limitations or exceptions for persons with print disabilities was presented by a number of Members (document SCCR/22/15 Rev. 1).
4. Following further discussion, the Committee asked the Chair to prepare a Chair's text 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, in accordance with the timetable adopted at the 21st 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 of document SCCR/22/12 titled Draft WIPO Treaty on Exceptions and Limitations for the persons with disabilities, educational and research institutions, libraries and archives.
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 agreed that the Member States should recommend to the General Assembly that the General Assembly resume the suspended 2000 Diplomatic Conference with the understanding that the Treaty text should be finalized as [a] the 19 Articles provisionally adopted, including the existing Agreed Statements; [b] the new Article 12 agreed to by consensus at session SCCR/22; and [c] three additional Agreed Statements to be drafted in relation to Articles 1, 2, and 15 to address specific concerns raised by Member States.
11. These Agreed Statements were intended to reaffirm the Member States' commitments to the principles, objectives, and competition policy of the TRIPS Agreement; to clarify the relationship between the WPPT and this Treaty; to describe better those performers protected under the Treaty; and to clarify the relationship between Articles 13 and 15.
12. The Committee further agreed that the preamble to the Treaty would include one additional clause recognizing the importance of the Development Agenda.
13. Member States committed themselves to a period to discuss and consult on the text of such Agreed Statements and additional clause in the preamble. It was further agreed that such Agreed Statements and clause should be submitted no earlier than six months and no later than one month before the opening of the Diplomatic Conference.

Protection of Broadcasting Organizations

14. 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.

15. 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).
16. 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).
17. The Committee reaffirmed its commitment to continue work, on a signal based approach, consistent with the 2007 General Assembly mandate, towards developing an international treaty to update the protection of broadcasting and cablecasting organizations in the traditional sense.
18. The Committee approved the Chair's work plan as set out in the annex of these conclusions.
19. 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

20. 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 two days 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 the work 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 Members and observers of the SCCR. The results of the consultation shall be submitted to session SCCR/23.
3. The following documents shall form the basis of the discussions:
 - 3.1 Revised Draft Basic Proposal for the WIPO Treaty on the Protection of Broadcasting Organizations (document SCCR/15/2);
 - 3.2 Proposal on the Draft Treaty for the Protection of Broadcasting Organizations: Proposal by the Delegation of South Africa (document SCCR/ 22/5);
 - 3.3 Proposal on the Draft Treaty for the Protection of Broadcasting Organizations: Proposal by the Delegation of Canada (document SCCR/22/6);
 - 3.4 Comments on the Draft Treaty for the Protection of Broadcasting Organizations: Proposal by the Delegation of Japan (document SCCR/22/7);
 - 3.5 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);
 - 3.6 Any other document presented to the Committee.
4. Participants from developing countries should be financed in accordance with WIPO practices.

[End of Annex and of conclusions]