

Standing Committee on Copyright and Related Rights

Twenty-fourth Session
Geneva, July 16 to 25, 2012

DRAFT ARTICLES AND THEMATIC CLUSTERS ON LIMITATIONS AND EXCEPTIONS TO COPYRIGHT FOR THE BENEFIT OF EDUCATIONAL, TEACHING AND RESEARCH INSTITUTIONS

proposal by the Delegation of Brazil

1. BACKGROUND

This submission offers proposals of legal provisions as well as of a list of thematic clusters on limitations and exceptions to copyright and related rights for educational, teaching and research institutions.

We urge Member States to engage in text-based work with a view to reaching agreement on appropriate exceptions and limitations in this area, as provided for by the work program adopted by the 21st session of the Committee.

Brazil supports that the discussions during the three days dedicated to exceptions and limitations for educational, teaching and research institutions be based on thematic clusters, following the example of the discussions held in the last session of the SCCR on limitations and exceptions for libraries and archives.

This session of the SCCR should aim at the adoption of a working document that comprises Member States proposals regarding limitations and exceptions to copyright to the benefit of educational, teaching and research institutions and to persons with other disabilities. The adoption of a working document is the first step to advance on the path of negotiations towards the adoption of international legal instruments in those two areas.

2. DRAFT PROVISIONS

Brazil would like to submit the following draft provisions, while reserving its right to make further proposals.

"The following shall not constitute violation of copyright:

- The performance, recitation and exhibition of a work, as applicable, for teaching purposes in educational institutions in the context of educational or research activities, to the extent justified by the non-commercial purpose to be achieved, provided that the source, including the author's name is indicated, unless this turns out to be impossible.
- The reproduction, translation and distribution of excerpts of existing works of any kind, or of entire works in the case of works of visual arts or short compositions, as a pedagogical resource for the use by teachers with the purpose of illustration in the context of educational or research activities, to the extent necessary justified by the non-commercial purpose to be achieved, provided that the source, including the author's name is indicated, unless this turns out to be impossible.
- The note taking of lectures, conferences and classes by those to whom they are addressed. The publication of the notes of said lectures, conferences and classes in whole or in part is prohibited without prior written permission of the person who addressed them.
- The quotation in books, newspapers, magazines or in any other medium of excerpts of a work for the purposes of study, criticism or debate, to the extent justified by the purpose and in accordance with fair practice, provided that the source, including the author's name, is indicated, unless this turns out to be impossible."

3. THEMATIC CLUSTERS

Brazil would like to submit the following non-exhaustive list of thematic clusters:

- (1) access to withdrawn works and works out of print
- (2) technological protection measures
- (3) use for pedagogic and teaching purposes
- (4) reproduction of lectures and conferences
- (5) Quotations

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