

World Intellectual Property Organization (WIPO)
Standing Committee on Copyright and Related Rights (SCCR)
Twenty-fourth Session
Geneva, July 25, 2012

Draft conclusions

Agenda

1. The Committee agreed to include a new item in the agenda related to the contribution of the SCCR to the implementation of the respective Development Agenda recommendations. Some delegations stated that the inclusion of this item was temporary only at this session of the Committee preceding the General Assembly and should not set a precedent.
2. The Committee agreed to continue to work on all subjects on the agenda of the 24th session of the SCCR taking into account their equal importance and different levels of maturity.
3. The Committee recognized both existing priorities and the right of every Member to submit new items or proposals for consideration. Accordingly, the timelines reflected in these conclusions are without prejudice to new items or proposals to be submitted for the work plan of 2013 – 2014 by any Members, subject to the adoption of such proposals by the Committee.
4. In future the WIPO Secretariat will prepare an annotated agenda reflecting the date on which each agenda item is to be discussed in the Plenary of SCCR.

Limitations and Exceptions

5. *Bearing in mind*
 - *the Development Agenda recommendations;*
 - *the agreement reached during the 21st session of the SCCR in November 2010, namely that “all the 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”;*
 - *the international conventions in the field of copyright and related rights, including the SCCR’s authority to make a recommendation to convene a Diplomatic Conference.*

Following a global and inclusive approach, the SCCR agreed to work towards an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms), taking into account the proposals already tabled or any additional submissions.

Limitations and Exceptions: educational and research institutions and persons with other disabilities

6. The Committee took note of the new documents, namely Limitations and Exceptions regarding Education, proposal by the Delegations of Ecuador, Peru and Uruguay (SCCR/24/6), and 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 (SCCR/24/7), in addition to the updated provisions on 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 (document SCCR/22/12).

7. A compilation of the text proposals and text comments on the above topics proposed by the Members was prepared by the Secretariat as a provisional working document. The Committee noted that there was substantial divergence of views about how to organize the document particularly the relationship of comments to textual proposals. The Committee agreed that the document should be restructured in a similar manner to document SCCR/23/8 on limitations and exceptions for libraries and archives with textual proposals and comments separated under each topic.

8. This compilation will constitute a Committee document titled "Provisional working document towards an appropriate International Legal Instrument (in whatever form) on Limitations and Exceptions for Educational, Teaching and Research Institutions and Persons with Other Disabilities Containing Comments and Textual Suggestions" (document SCCR/24/8 Prov.). Elements of this provisional working document yet to be agreed will constitute the basis for the future text-based work to be undertaken by the Committee in its 25th session.

9. The Committee agreed to recommend to the WIPO General Assembly that the SCCR continue discussion to work towards an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms), with the target to submit recommendations by the SCCR/30 session to the General Assembly on Limitations and Exceptions for Educational, Teaching and Research Institutions and Persons with other Disabilities.

Limitations and exceptions for libraries and archives

10. The Committee adopted document SCCR/23/8 titled "Working document containing comments on and textual suggestions towards an appropriate international legal instrument (in whatever form) on exceptions and limitations for libraries and archives," which includes the African Group textual proposals presented during the meeting. This document will constitute the basis for the future text-based work on the matter to be undertaken by the Committee in its 25th session.

11. The Committee agreed to recommend to the WIPO General Assembly that the SCCR continue discussion to work towards an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms), with the target to submit recommendations by the SCCR/28 session to the General Assembly on Limitations and Exceptions for Libraries and Archives.

Limitations and Exceptions: visually impaired persons/persons with print disabilities

12. The Committee took note of the Fifth Interim Report of the Stakeholders' Platform (document SCCR/24/2) and encouraged the stakeholders to continue the work of the Stakeholders' Platform.

13. The Committee moved forward with text-based work based on the "Working document on an international instrument on limitations and exceptions for visually impaired persons/persons with print disabilities" (document SCCR/23/7), and adopted a revised version contained in document SCCR/24/9.

14. The Committee noted: [a] that substantial progress had been made on the substantive provisions of a draft legal instrument on appropriate exceptions and limitations for persons with visual impairment and/or print disabilities, [b] that further work on substantive provisions still remains to be done, and [c] that the SCCR is committed to resolution of outstanding questions at its next session. In this connection, the Committee agreed on the following recommendations to the WIPO General Assembly:

a) that an inter-sessional meeting of the SCCR be held in Geneva between the 2012 General Assembly and the 25th session of the SCCR, and that funding be provided, according to the usual formula, for experts from developing countries to participate in the meeting. The exact dates will be determined by the WIPO Secretariat.

b) that the item of limitations and exceptions for visually impaired persons/persons with print disabilities will continue in the 25th session of the SCCR with a view to conclude or advance substantially the text-based work on limitations and exceptions for visually impaired persons/persons with print disabilities.

c) that the General Assembly convene an extraordinary session to be held in December 2012 to evaluate the text from SCCR/25 and to make a decision on whether to convene a Diplomatic Conference in 2013.

15. The Committee requested the Secretariat to explore the question of funding options for representatives from developing countries to participate in the extraordinary session of the General Assembly.

Protection of Broadcasting Organizations

16. 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.

17. The Committee pursued discussions that led to the adoption of a single text titled "Working document for a treaty on the protection of broadcasting organizations" contained in document SCCR/24/10, which includes India's legal textual proposals as one of the alternatives in the relevant articles of the working document. This working document will constitute the basis of further text-based discussions to be undertaken by the Committee in its 25th session, subject to any modification or further textual comments to be submitted by the Members.

18. The Committee agreed to recommend to the WIPO General Assembly that the Committee continue its work toward a text that will enable a decision on whether to convene a diplomatic conference in 2014.

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

19. 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 24th session of the SCCR and would be transmitted to the WIPO General Assembly in line with the decision taken by the WIPO General Assembly related to the Development Agenda Coordination Mechanism.

Next Session of the SCCR

The 25th session of the SCCR will take place from November 19 to 23, 2012.

[End of conclusions]