

EXCEPTIONS AND LIMITATIONS FOR LIBRARIES AND ARCHIVES

This chart is designed to serve as a useful tool to provide a structure to discuss the substance of each topic, drawing on the many resources before the Committee. This will allow the Committee to have an evidence-based discussion respecting different views, understanding that the goal is not to guide the discussion toward any particular or undesired outcome but instead to lead to a better understanding of the topics and of their actual relevance to the discussions and the intended outcome.

Conclusions adopted by the Committee	
No	Topic
1	Preservation As to the topic of preservation, it was considered that in order to ensure that libraries and archives can carry out their public service responsibility for the preservation, including in digital form, of the cumulative knowledge and heritage of nations, limitations and exceptions for the making of copies of works may be allowed so as to preserve and replace works under certain circumstances. (Document SCCR/26/REF/CONCLUSIONS, paragraph 18)
2	Right of reproduction and safeguarding copies As to the topic of the right of reproduction and safeguarding copies, concern was expressed regarding the scope of the concepts under consideration and the possible overlap with other topics. Suggestions were made to modify the title of the topic. The Committee considered that arrangements such as limitations and exceptions for libraries and archives, among others, play an important role in allowing the reproduction of works for certain purposes, including research. Further discussion took place concerning the supply and distribution of those reproduced works. (Document SCCR/26/REF/CONCLUSIONS, paragraph 19)
3	Legal deposit As to the topic of legal deposit, Delegations expressed differing views on the need to address this topic within the framework of limitations and exceptions. (Document SCCR/26/REF/CONCLUSIONS, paragraph 20)
4	Library lending As to the topic of library lending, the Committee recognized the importance of addressing this issue and various Delegations suggested different alternatives for providing this service, including the use of limitations and exceptions, the exhaustion of rights, and/or licensing schemes. The Committee expressed different views on digital distribution in the scope of library lending. (Document SCCR/26/REF/CONCLUSIONS, paragraph 21)

Conclusions by the Chair

5	Parallel importations	As to topic 5, on parallel importations, some delegations recognized that it was a cross-cutting sensitive issue. Some delegations emphasized that the choice for international, regional or national exhaustion was left to national law by international copyright treaties. A number of aspects of the topic were explored by delegations and observers. (Document SCCR/27/REF/ CONCLUSIONS, paragraph 16)
6	Cross-border uses	As to topic 6, on cross-border uses, a number of delegations expressed different views on how to enable libraries and archives to exchange works and copies of works across borders as part of their public service mission, particularly for education and research. A number of aspects of the topic were explored by delegations and observers. (Document SCCR/27/REF/ CONCLUSIONS, paragraph 17)
7	Orphan works, retracted and withdrawn works, and works out of commerce	As to topic 7, on orphan works, retracted and withdrawn works, and works out of commerce, the importance of addressing this issue was discussed, as that subject matter was under development and consideration in many countries. Some delegations were of the view that these categories of works should be treated separately bearing in mind their own particularities. A number of aspects of the topic were explored by delegations and observers. (Document SCCR/27/REF/ CONCLUSIONS, paragraph 18)
8	Limitations on liability of libraries and archives	As to topic 8, on liability of libraries and archives, several delegations stated this was a complex topic that needed further consideration. Some were of the view that a limitation on liability would empower libraries and archives to fulfill their mission. A number of aspects of the topic were explored by delegations and observers. Some delegations expressed their concerns about cross-cutting principles of civil law and international obligations on that matter. (Document SCCR/27/REF/ CONCLUSIONS, paragraph 19)
9	Technological measures of protection	As to topic 9, technological protection measures (TPMs), a number of delegations recognized that technological measures of protection should not represent barriers for libraries and archives in fulfilling their missions. Other delegations believed that the existing international treaties already provided a flexible framework enabling appropriate solutions at the national level. Various approaches were discussed on how to address the relationship between TPMs and limitations and exceptions for libraries and archives. A number of aspects of the topic were explored by delegations and observers. (Document SCCR/27/REF/ CONCLUSIONS, paragraph 20)

10	Contracts	As to topic 10, on contracts, a number of delegations expressed views as to whether contractual practices should override the operation of exceptions and limitations at the national level. Different views were expressed regarding the need for international norms regulating the issue. Legal and practical implications of the relationship between licensing schemes and new technologies and services were also discussed. (Document SCCR/27/REF/ CONCLUSIONS, paragraph 21)
11	Right to translate works	