

**African-Asian-Grulac Proposal
+ comments from Group B and CEBS**

12.11.2010

**Draft Revised Proposal on a Decision of the SCCR on
Limitations and Exceptions**

[Bearing in mind

- the Development Agenda recommendations;
- the agreement reached during the 19th session of the SCCR on December 2009 “ 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”;
- and taking into account international conventions in the field of copyright and related rights]

Following a global, [holistic] and inclusive approach, the SCCR agrees to work towards an appropriate international legal instrument or instruments¹ (whether, model law, joint recommendation, treaty and/or other forms), taking into account the proposals already tabled or any additional submissions.

¹ This is without prejudice to any other process under negotiation in other WIPO bodies.

[According to its mandate on exceptions and limitations,] the SCCR agrees to the following work program during the two year period 2011/2012:

(a) The Committee will continue its work and undertake text-based negotiations with the objective of reaching agreement on an international legal instrument or instruments , recognizing the need to advance with the more mature areas, currently persons with print and other disabilities, to be followed by educational, teaching and research institutions and libraries and archives.

(a) Recognizing the need to advance the more mature areas the Committee will undertake text-based work with the objective of reaching agreement on an international legal instrument (or instruments) on appropriate exceptions and limitations for persons with print disabilities. The Committee will also continue its work on appropriate exceptions and limitations for libraries, archives, educational and research institutions.

(b) The Committee will follow, as set out in this Annex, a clearly defined work program for the two year period 2011-2012. [This work program will be made of the ordinary sessions of the Committee and three special sessions.]

(c) The focus of the Committee's work in the two year period 2011/2012 will build on the existing work carried out by the Committee and use all WIPO working documents on exceptions and limitations [as well as any additional relevant working documents] which are to constitute the basis of the Committee's work [, including;]

[on text-based negotiations, as well as any additional relevant working documents, including:]

- Proposal by Brazil, Chile, Nicaragua and Uruguay for work related to exceptions and limitations (SCCR/16/2);
- Proposal by Brazil, Ecuador and Paraguay, relating to Limitations and *Exceptions: Treaty Proposed by the World Blind Union (WBU)* (document SCCR/18/5),
- the Draft Consensus Instrument, submitted by the United States (document SCCR/20/10);
- the Draft WIPO Treaty on Exceptions and Limitations for the Disabled, Educational and Research Institutions, Libraries and Archive Centers, submitted by the African Group (document SCCR/20/11);
- the Draft Joint Recommendation Concerning the Improved Access to Works Protected by Copyright for Persons with a Print Disability, submitted by the European Union (document SCCR/20/12);
- Updated report on the Questionnaire on Limitations and Exceptions (SCCR/21/7).

All four current [these] substantive proposals were presented and Members made initial comments and asked preliminary questions [commented] thereon, and were invited to submit in writing questions asked during the meeting.

(d) The Committee is requested to submit at General Assembly, the draft of (an) international legal instrument or instruments² (whether, model law, joint recommendation, treaty and/or other forms), which will ensure appropriate limitations and exceptions for persons with print and other disabilities, to be followed by educational, teaching and research institutions, libraries and archives, according to the annexed timetable.

(d) The Committee is requested to submit recommendations to the General Assemblies on an appropriate international legal instrument (or instruments) on exceptions and limitations for persons with print disabilities (whether model law, joint recommendation, treaty and/or other forms). The Committee will also continue its work and make recommendations on limitations and exceptions for libraries, archives, educational and research institutions, according to the annexed timetable.

(e) The International Bureau is requested to continue to assist the Committee by providing Member States with necessary expertise and funding of the participation of experts from developing countries and LDCs according to the usual formula.

² This is without prejudice to any other process in other WIPO bodies.

Annex

Timetable on the SCCR Agenda Item on Limitations and Exceptions

Event	Action
March 2011	Special Session on Limitations and Exceptions for Persons with Print and Other Disabilities
May/June 2011 SCCR 22	Agenda item on exceptions and limitations: <ul style="list-style-type: none">• Focus on L&E on Persons with Print and Other Disabilities SCCR recommendation to the GA containing a draft legal instrument on print and other disabilities.
September 2011 WIPO General Assembly	Decision on any SCCR recommendation <ul style="list-style-type: none">• Evaluation of progress on text based negotiations, including the possibility of convening a Diplomatic Conference on Limitations and Exceptions for Persons with Print and other Disabilities
October 2011	Special Session on Limitations and Exceptions for Educational, Teaching and Research Institutions
November 2011 SCCR 23	Agenda item on exceptions and limitations: <ul style="list-style-type: none">• Focus on L & E on Educational, Teaching and Research Institutions
February/March	Special Session on Limitations and Exceptions

2012	for Libraries and Archives
May/June 2012 SCCR 24	<p>Agenda item on exceptions and limitations:</p> <ul style="list-style-type: none"> • focus on L & E on Libraries and Archives <p>SCCR recommendation to the GA containing (a) draft legal instrument (s) for education, teaching, research and for libraries and archives.</p>
September 2012	<p>Decision on any SCCR recommendation</p> <p>WIPO General Assembly evaluation of progress of text-based negotiations including the possibility of convening a Diplomatic Conference on Limitations and Exceptions on Educational, Teaching and Research Institutions / Libraries and Archives</p>