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DATE: MAY 5, 2017

Standing Committee on Copyright and Related Rights

Thirty-fourth Session
Geneva, May 1 to 5, 2017

SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

1. The Thirty-Fourth Session of the Standing Committee on Copyright and Related Rights (SCCR or Committee) was opened by Mr. Francis Gurry, Director General, who welcomed the participants. Ms. Michele Woods (WIPO) acted as Secretary.

AGENDA ITEM 2: ELECTION OF THE CHAIR AND THE TWO VICE CHAIRS

2. The Committee elected Mr. Daren Tang Heng Shim as Chair and Mr. Karol Kościński and Mr. Abdoul Aziz Dieng as Vice-Chairs for the period beginning with the opening of SCCR/34 until the opening of SCCR/38.

AGENDA ITEM 3: ADOPTION OF THE AGENDA OF THE THIRTY-FOURTH SESSION

3. The Committee adopted the draft Agenda (document SCCR/34/1 PROV.). The Secretariat was requested to give a briefing on the implementation of the Marrakesh Treaty under agenda item 9, Other Matters.

AGENDA ITEM 4: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS

4. The Committee approved the accreditation, as SCCR observers, of the non-governmental organizations referred to in the Annex to document SCCR/34/2, namely the Canadian Artists' Representation (CARFAC), the Federazione Unitaria Italiana Scrittori (FUIS), and the Association CONVERGENCE.

AGENDA ITEM 5: ADOPTION OF THE DRAFT REPORT OF THE THIRTY-THIRD SESSION

5. The Committee approved the draft report of its Thirty-Third Session (document SCCR/33/7 PROV.). Delegations and observers were invited to send any comments on their statements to the Secretariat at copyright.mail@wipo.int by June 15, 2017.

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AGENDA ITEM 6: PROTECTION OF BROADCASTING ORGANIZATIONS

6. The documents related to this agenda item were SCCR/27/2 REV., SCCR/27/6, SCCR/30/5, SCCR/31/3, SCCR/32/3, SCCR/33/3, SCCR/33/5 and SCCR/34/3 as well as informal charts and non-papers prepared during previous meetings.

7. Regarding the protection of broadcasting organizations, the Committee welcomed the new version of the *Revised Consolidated Text on Definitions, Object of Protection, Rights to be Granted and Other Issues* (Document SCCR/34/3). The Committee discussed Document SCCR/34/3 and made comments and proposals. These were further consolidated as a document of the Chairman in SCCR/34/4, with the understanding that SCCR/34/4 is organized in three separate parts in order to facilitate deliberations, without implying any significance to this arrangement.

8. The Committee recommended to the General Assembly that the Committee be directed to continue its work on this agenda item.

9. This item will be maintained on the agenda of the thirty-fifth session of the SCCR.

AGENDA ITEM 7: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

10. The documents related to this agenda item were SCCR/26/3, SCCR/26/8, SCCR/29/4, SCCR/30/2, SCCR/30/3, and SCCR 33/4, as well as an informal chart prepared for a previous meeting, which will be numbered SCCR 34/5 as a document of the Chairman. The Committee discussed the informal chart on limitations and exceptions for libraries and archives and will continue discussions on the possibility of it becoming a Committee working document at the next SCCR.

11. The Committee agreed to update the Crews study in document SCCR/30/3 and to continue collection of data and information relating to limitations and exceptions for museums with the results to be presented at the next session of the Committee.

12. The Committee requested the Secretariat to propose a draft action plan for limitations and exceptions for libraries and archives so that the Committee may discuss and consider its adoption for the future work of this Committee at its next session.

13. This item will be maintained on the agenda of the thirty-fifth session of the SCCR.

AGENDA ITEM 8: LIMITATIONS AND EXCEPTIONS FOR EDUCATIONAL AND RESEARCH INSTITUTIONS AND FOR PERSONS WITH OTHER DISABILITIES

14. The documents related to this agenda item were SCCR/26/4 PROV., SCCR/27/8, SCCR 32/4, SCCR 33/4 and SCCR 33/6, as well as an informal chart prepared for a previous meeting. The Committee discussed the informal chart on limitations and exceptions for education and research institutions and will continue discussions on the possibility of it becoming a Committee working document at the next SCCR.

15. The Committee heard and welcomed a presentation on the status of an update being prepared by Professor Daniel Seng on the *Study on Copyright Limitations and Exceptions for Educational Activities*, contained in document SCCR/33/6. The Committee also heard and welcomed a presentation on the progress of the scoping study on limitations and exceptions for persons with disabilities other than print disabilities and a description of the questionnaire that had been distributed to Member States. The presentation was given by Professor Caroline Ncube of the University of Cape Town and Professor Blake Reid and student attorneys from the University of Colorado. Both completed studies will be presented at SCCR/35.

16. The Committee heard and welcomed a presentation by Deputy Director General Sylvie Forbin on the project on *Facilitating Access to Educational Materials and Learning Modules* and the related questionnaire that had been distributed to WIPO Member States.

17. The Committee requested the Secretariat to propose a draft action plan for limitations and exceptions for educational and research institutions, and persons with other disabilities, so that the Committee may discuss and consider its adoption for the future work of this Committee at its next session.

18. This item will be maintained on the agenda of the thirty-fifth session of the SCCR.

AGENDA ITEM 9: OTHER MATTERS

19. The Documents related to this agenda item were SCCR/31/4 and SCCR/31/5.

20. Regarding the analysis of copyright related to the digital environment, the Committee took note of the presentation of the methodology and the preliminary report of the scoping study on

the impact of digital developments on the evolution of national legal frameworks over the last ten years presented by Ms. Guilda Rostama. The Committee also took note of the summary of the brainstorming exercise, which was conducted as part of the preparation process of the scoping study, by Professor Pierre Sirinelli. The completed scoping study will be presented at SCCR/35.

21. Some Members and Observers requested the adoption of the Analysis of Copyright Related to the Digital Environment as a standing item of the agenda of the SCCR. However, some other members were of the view that this was not necessary.

22. Regarding the topic of Resale Right, the Committee welcomed the realization of the International Conference on Artist's Resale Right that took place at WIPO headquarters on April 28, 2017. The Committee took note of the summary of the conference and progress report on the ongoing study on the economic implications of the resale right presented by Professor Kathryn Graddy. The completed version of the study will be presented at SCCR/35.

23. Some Members and Observers requested the adoption of the Resale Right as a standing item of the agenda of the SCCR. However, some other Members were of the view that this was not necessary.

24. These two topics will be maintained under this item of the Agenda of the thirty-fifth session of the SCCR.

25. The Committee also welcomed the briefing given by the Secretariat on implementation of the Marrakesh Treaty, including the activities of the Accessible Books Consortium (ABC).

SUMMARY BY THE CHAIR

26. The Committee took note of the contents of this Summary by the Chair. The Chair clarified that this summary reflected the Chair's views on the results of the thirty-fourth session of the SCCR and that, in consequence, it was not subject to approval by the Committee.

AGENDA ITEM 10: CLOSING OF THE SESSION

27. The next session of the Committee will take place from November 13 to 17, 2017.

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RECOMMENDATIONS

AGENDA ITEM 6: PROTECTION OF BROADCASTING ORGANIZATIONS

The WIPO General Assembly is invited to:

- (i) direct the Committee to continue its work on this agenda item.

AGENDA ITEM 7: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

The WIPO General Assembly is invited to:

- (i) direct the Committee to continue its work on this agenda item.

AGENDA ITEM 8: LIMITATIONS AND EXCEPTIONS FOR EDUCATIONAL AND RESEARCH INSTITUTIONS AND FOR PERSONS WITH OTHER DISABILITIES

The WIPO General Assembly is invited to:

- (i) direct the Committee to continue its work on this agenda item.

AGENDA ITEM 9: OTHER MATTERS

The WIPO General Assembly is invited to:

- (i) direct the Committee to continue its work on the topics under this agenda item.