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Standing Committee on Copyright and Related Rights

Thirty-Fifth Session
Geneva, November 13-17, 2017

SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

1. The Thirty-Fifth 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. Mr. Daren Tang Heng Shim acted as Chair and Mr. Karol Kościński and Mr. Abdoul Aziz Dieng served as Vice-Chairs. Ms. Michele Woods (WIPO) acted as Secretary.

AGENDA ITEM 2: ADOPTION OF THE AGENDA OF THE THIRTY-FIFTH SESSION

2. The Committee adopted the draft Agenda (document SCCR/35/1 PROV.).

AGENDA ITEM 3: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS

3. The Committee approved the accreditation as SCCR observers of the non-governmental organizations referred to in the Annex to document SCCR/35/2 Rev., namely the Center for Information Policy Research (University of Wisconsin) (CIPR) and the Canadian Museums Association (CMA).

AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE THIRTY-FOURTH SESSION

4. The Committee approved the draft report of its thirty-fourth Session (document SCCR/34/7 PROV.). Delegations and observers were invited to send any comments on their statements to the Secretariat at copyright.mail@wipo.int by December 15, 2017.

AGENDA ITEM 5: PROTECTION OF BROADCASTING ORGANIZATIONS

5. 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, SCCR/34/3 and SCCR/34/4, as well as informal charts and non-papers prepared during previous meetings.

6. Regarding the protection of broadcasting organizations, the Committee considered the new version of the *Revised Consolidated Text on Definitions, Object of Protection, Rights to be Granted and Other Issues* (document SCCR/34/4). The Committee discussed Document SCCR/34/4 and made comments and proposals on various issues contained in this document.

7. Following these discussions, the Chair prepared Document SCCR/35/11 to reflect his understanding of the state of discussions. Document SCCR/35/11 is organized in two separate parts in order to facilitate deliberations. Argentina, Brazil and Chile also tabled a joint proposal entitled *Limitations and Exceptions: Proposal to Advance Discussions* (document SCCR/35/10).

8. This item will be maintained on the agenda of the thirty-sixth session of the SCCR.

AGENDA ITEM 6: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

9. Prior to the opening of this agenda item, the Secretariat proposed draft action plans in relation to agenda item 6 as requested at SCCR/34 and gave an overview of the approach used to prepare the *Draft Action Plans on Limitations and Exceptions for the 2018-19 Biennium* (document SCCR/35/9), with discussions on the draft action plans to take place after the presentations under agenda items 6 and 7.

10. The documents related to this agenda item were SCCR/26/3, SCCR/26/8, SCCR/29/4, SCCR/30/2, SCCR/30/3, SCCR/33/4, SCCR/34/5, and SCCR/35/6.

11. The Committee heard and welcomed the presentation by Dr. Kenneth Crews of the *Study on Copyright Limitations and Exceptions for Libraries and Archives: Updated and Revised (2017 Edition)* contained in document SCCR/35/6, and delegations and observers participated in a question-and-answer session with Dr. Crews.

12. The Committee also heard and welcomed the progress report on the work on limitations and exceptions for museums given by Mr. Benoit Muller.

13. The Committee discussed the draft action plans relating to agenda item 6 prepared by the Secretariat in document SCCR/35/9. While the Committee was unable to approve the action plans during this meeting, the Committee agreed that they were a good basis for further discussions. Members discussed the elements they would like to see in the draft action plans to be prepared by the Chair for discussion at SCCR/36. Members requested that this draft be transmitted to them at least one month before SCCR/36.

14. This item will be maintained on the agenda of the thirty-sixth session of the SCCR.

AGENDA ITEM 7: LIMITATIONS AND EXCEPTIONS FOR EDUCATIONAL AND RESEARCH INSTITUTIONS AND FOR PERSONS WITH OTHER DISABILITIES

15. Prior to the opening of agenda item 6, the Secretariat proposed draft action plans in relation to agenda item 7 as requested at SCCR/34 and gave an overview of the approach used to prepare the *Draft Action Plans on Limitations and Exceptions for the 2018-19 Biennium* (document SCCR/35/9), with discussions on the draft action plans to take place after the presentations under agenda items 6 and 7.

16. The documents related to this agenda item were SCCR/26/4 PROV., SCCR/27/8, SCCR/32/4, SCCR/33/4, SCCR/33/6, SCCR 34/6, SCCR 35/3 and SCCR/35/5 Rev.

17. The Committee heard and welcomed the presentation by Professor Daniel Seng on the *Updated Study and Additional Analysis of Study on Copyright Limitations and Exceptions for Educational Activities* contained in document SCCR/35/5 Rev., and delegations and observers participated in a question-and-answer session with Professor Seng.

18. The Committee also heard and welcomed the presentation by Professor Caroline Ncube, Professor Blake Reid, and student attorneys from the University of Colorado on the *Scoping Study on Access to Copyright Protected Works by Persons with Disabilities* contained in document SCCR/35/3, and delegations and observers participated in a question-and-answer session with Professors Reid and Ncube.

19. This item will be maintained on the agenda of the thirty-sixth session of the SCCR.

20. The Committee discussed the draft action plans relating to agenda item 7 prepared by the Secretariat in document SCCR/35/9. While the Committee was unable to approve the action plans during this meeting, the Committee agreed that they were a good basis for further discussions. Members discussed the elements they would like to see in the draft action plans to be prepared by the Chair for discussion at SCCR/36. Members requested that this draft be transmitted to them at least one month before SCCR/36.

AGENDA ITEM 8: OTHER MATTERS

21. The Documents related to this agenda item were SCCR/31/4, SCCR/31/5, SCCR/35/4, SCCR/35/7, SCCR/35/8, and SCCR/35/Summary Presentation Rev.
22. Regarding the Analysis of Copyright Related to the Digital Environment, the Committee heard and welcomed the presentation by Dr. Guilda Rostama on the *Scoping Study on the Impact of the Digital Environment on Copyright Legislation Adopted between 2006 and 2016* contained in document SCCR/35/4, and delegations and observers participated in a question-and-answer session with Dr. Rostama. The Committee welcomed and held a question-and-answer session with Professor Jane Ginsburg on the *Summary Presentation of the Brainstorming exercise convened by WIPO on April 6 and 7, 2017* contained in SCCR/35/Summary Presentation Rev.
23. Regarding the topic of Resale Right, the Committee heard and welcomed the presentation by Professor Joelle Farchy on the *Economic Implications of the Resale Right* co-authored by Professors Farchy and Graddy contained in document SCCR/35/7, and delegation and observers participated in a question-and-answer session with Professor Farchy.
24. The Delegation of the Russian Federation presented the *Proposal on the Part of the Russian Federation with Regard to Strengthening the Protection of Theatre Directors' Rights at the International Level* contained in document SCCR/35/8, and delegations offered some initial comments on the proposal.
25. The Committee asked the Chair to make a proposal for suggested activities as a follow-up to the discussions of the various topics under this agenda item and to present this proposal for consideration at SCCR/36.
26. These three topics will be maintained under this item of the agenda of the thirty-sixth session of the SCCR.

SUMMARY BY THE CHAIR

27. 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-fifth session of the SCCR and that, in consequence, it was not subject to approval by the Committee.

AGENDA ITEM 9: CLOSING OF THE SESSION

28. The next session of the Committee will take place from May 28 - June 1, 2018.

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