

Standing Committee on Copyright and Related Rights

Forty-Fifth Session
Geneva, April 15 to 19, 2024

SUMMARY BY THE CHAIR

prepared by the Chair

AGENDA ITEM 1: OPENING OF THE SESSION

1. The Forty-fifth Session of the Standing Committee on Copyright and Related Rights (“SCCR” or “Committee”) was opened by the Deputy Director General, Sylvie Forbin. Ms. Adriana Moscoso del Prado acted as Chair and Mr. Peter Lábody and Ms. Vanessa Cohen served as Vice-Chairs. Ms. Michele Woods (WIPO) acted as Secretary.

AGENDA ITEM 2: ADOPTION OF THE AGENDA

2. The Committee adopted the draft Agenda (document SCCR/45/1 PROV. 2).

AGENDA ITEM 3: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS

3. The Committee approved at this time the accreditation as ad hoc SCCR observers of the following non-governmental organizations referred to in the Annex to document SCCR/45/2 REV.:

- The Noncommercial organization on protection of copyright and related rights (Amanat)
- Federal Association of the German Music Industry (BVMI)

AGENDA ITEM 4: PROTECTION OF BROADCASTING ORGANIZATIONS

4. The documents from previous sessions related to this agenda item are available on the dedicated web page for SCCR/45 at https://www.wipo.int/meetings/en/details.jsp?meeting_id=80924.

5. The *Draft WIPO Broadcasting Organizations Treaty* (document SCCR/45/3), prepared under the Chair’s authority, was presented by Vice-Chair Mr. Peter Lábody and Facilitators Mr. Hezekiel Oira and Mr. Jukka Liedes.

6. The Committee used the Chair’s *Draft WIPO Broadcasting Organizations Treaty* (document SCCR/45/3), as a basis for the discussion.

7. The Chair’s assessment of the status of this work is as follows. With respect to objectives, there is common understanding amongst the Committee that the treaty should be narrowly focused on signal piracy, should not extend to any post-fixation activities and that it should provide member states with flexibility to implement obligations through adequate and effective legal means. There is also common understanding that the object of protection (subject-matter) of the treaty is related to programme-carrying signals linked to linear transmission.

8. The Chair observes there was progress on several topics of discussion which would allow the Committee to further narrow the gaps between the different positions, but there was no agreement on proposed changes to several articles. In particular, there were positive proposals on the definition of broadcasting organizations; on beneficiaries of protection; on ensuring that technical protection measures should not prevent beneficiaries from enjoying the limitations and exceptions provided for in the Treaty; and on providing additional flexibility on the implementation by contracting parties of other means of adequate and effective protection. There was also a proposal that the national treatment provision should not apply to any remuneration schemes provided for under limitations and exceptions covered by the Treaty.

9. In addition to the above, the Chair observes that the potential to exclude mere webcasters from the scope of the treaty may also be needed in order to achieve broader agreement. Member States taking this reservation would apply the Treaty's protection to broadcasters in the traditional sense, whatever their means of transmission, but not to mere webcasters. In such a case, article 6 (2) would no longer be needed. Other Member States noted that they needed further consultation on the implication of deleting article 6 (2).

10. Achieving a consensus could also require new treatment of the three-step test in article 11.

11. The Chair noted that some Member States were of the view that the text was ready for a final negotiation at a Diplomatic Conference in 2025, while at the same time other Member States considered that more discussions were needed.

12. Based on the above, the Chair will draft a new version of the text in order to allow the Committee to discuss the text and further consider during the SCCR/46 whether to recommend, or not, that the General Assembly convene a diplomatic conference.

13. This item will be maintained on the agenda of the forty-sixth session of the SCCR.

AGENDA ITEM 5: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES
AGENDA ITEM 6: LIMITATIONS AND EXCEPTIONS FOR EDUCATIONAL AND RESEARCH INSTITUTIONS AND FOR PERSONS WITH OTHER DISABILITIES

14. These two agenda items were addressed together. The documents from previous sessions related to this agenda item are available on the dedicated web page for SCCR/45 at https://www.wipo.int/meetings/en/details.jsp?meeting_id=80924.

15. The Secretariat reported on the virtual panel discussion on the cross-border uses of copyrighted works in the educational and research sectors, using a case study approach, held during the intersessional period on March 15, 2024. The video link for the session is found at https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=628926.

16. The Secretariat presented the *Draft Implementation Plan for the Work Program on Limitations and Exceptions and Preliminary Comments Received by March 29, 2024* (document SCCR/45/6). The draft plan was prepared in response to the request at SCCR/44 for the Secretariat to prepare a detailed implementation plan for the *Work Program on Limitations and Exceptions* adopted by the Committee at SCCR/43 (document SCCR/43/8 REV.), taking into account comments made during the SCCR/44 session and consultation with Member States on a draft version.

17. The Delegation of the United States of America gave an explanation of the document entitled *Updated Version of the Document "Objectives and Principles for Exceptions and Limitations for Libraries and Archives"* (SCCR/26/8) (document SCCR/44/5), previously introduced at SCCR/44 in November 2023.

18. During discussion in plenary and informal sessions, the Committee discussed what document to use as the base document for work on next steps on these agenda items. Some Groups and delegations proposed to use the *Draft Implementation Plan for the Work Program on Limitations and Exceptions and Preliminary Comments Received by March 29, 2024* (document SCCR/45/6). Other Groups and delegations proposed to use the *Draft Proposal by the African Group for the Implementation of the Work Program on Exceptions and Limitations* (document SCCR/44/6 REV.), previously introduced at SCCR/44 in November 2023.

19. After consultations among Groups and delegations, the Secretariat was requested during the session to prepare an informal working document entitled the *Existing Document*, encompassing document SCCR/45/6 and its Annex containing all comments received by the Secretariat on that document, and adding additional text on the revised proposal provided by the African Group based on document SCCR/44/6 REV. It was agreed that the *Existing Document* will be titled *Draft Implementation Plan on the Work Program on Limitations and Exceptions* and will be posted as SCCR/45/10 PROV.

20. With a view to advancing the *Work Program on Limitations and Exceptions* adopted at SCCR/43 (document SCCR/43/8 REV.), Member States are invited to send comments to copyright.mail@wipo.int by October 15, 2024, so the Secretariat can conduct a series of consultations (meetings, email, etc.) with Group Coordinators and interested Member States, in order to post a draft implementation plan no later than two months before the first day of SCCR/46, for its discussion at SCCR/46.

21. Document SCCR/44/5 titled *Updated Version of the document "Objectives and Principles for exceptions and limitations for libraries and archives"* (SCCR/26/8) will be discussed at SCCR/46.

22. The agenda items on limitations and exceptions for libraries and archives and for educational and research institutions and persons with other disabilities will be maintained on the agenda of the forty-sixth session of the SCCR.

AGENDA ITEM 7: OTHER MATTERS

23. The documents from previous sessions related to this agenda item are available on the dedicated web page for SCCR/45 at https://www.wipo.int/meetings/en/details.jsp?meeting_id=80924.

Copyright in the Digital Environment

24. Regarding the topic of Copyright in the Digital Environment, GRULAC presented the [Work Plan on Copyright in the Digital Environment](#) (document SCCR/45/4). This document follows the previous *Proposal for Analysis of Copyright Related to the Digital Environment* (document SCCR/43/7), introduced during SCCR/43, and renewed the request for Copyright in the Digital Environment to be a standing item on the agenda of the Committee. Some Members welcomed the proposal for Copyright in the Digital Environment to be a standing item on the agenda of the Committee, while some others maintained their reservations.

25. On the *Work Plan on Copyright in the Digital Environment*, some Members supported it, while some Members requested additional time to review the proposal. The proposal will be discussed further at SCCR/46. Additionally, some Members asked the Secretariat to update existing studies as necessary on issues concerning copyright in the digital environment in the following sessions of the Committee.

26. As requested by Member States at SCCR/44, the Secretariat organized an *Information Session on the Opportunities and Challenges Raised by Generative AI as it Relates to Copyright* (see documents SCCR/45/5, SCCR/45/8 PROV., and SCCR/45/9 PROV.). The Information Session was welcomed by the Committee and the Secretariat was congratulated on its organization of the session. Delegations participated in a question-and-answer session with creators, experts, and professionals during the Information Session, and further discussion was held in plenary. Some Members suggested the Secretariat organize another Information Session on AI for SCCR/46 in order to continue analyzing rapidly changing developments. In

light of the plenary discussion on copyright in the digital environment and the growing impact of AI on the creative industries, the Committee invites the Secretariat to organize a follow-up Information Session at SCCR/46 on generative AI as it relates to copyright, as part of the agenda item related to Copyright in the Digital Environment. The program for the Information Session to be held at SCCR/46 will be developed in consultation with Member States. A draft of the program will be shared with Member States through Group Coordinators no later than two months before SCCR/46.

Public Lending Right

27. With respect to the Public Lending Right, study author Ms. Sabine Richly presented the [Scoping Study on Public Lending Right](#) (document SCCR/45/7), followed by a question-and-answer session. Delegations commented on the study and provided comments. Some delegations requested to see topics added to the study or treated in greater depth. Delegations are requested to send their written comments on the study to copyright.mail@wipo.int by October 15, 2024, so that a revised version of the study can be prepared and posted no later than two months before the first day of SCCR/46.

Proposal for Study on the Rights of Audiovisual Authors

28. The Committee considered the *Proposal for a Study on the Rights of Audiovisual Authors and their Remuneration for the Exploitation of their Works* (document SCCR/44/7), which had been introduced at SCCR/44. The proposal was discussed by the Committee. Some Committee members welcomed the proposal and some suggested expanding the topic of the study to include audiovisual performers. One Member State expressed its willingness to provide comments to the Delegation of Cote d'Ivoire regarding the proposal. The proposal will be further discussed at the next committee meeting.

Strengthening the Protection of Theatre Directors' Rights

29. With respect to the topic of Strengthening the Protection of Theatre Directors' Rights, a brief update on the status of the ongoing work was given by the Secretariat. This proposal will be discussed further at SCCR/46.

Resale Royalty Right

30. Regarding the topic of the Resale Royalty Right, delegations discussed the topic and while some delegations requested that the resale royalty right be added as a standing item of the SCCR agenda, other delegations did not agree. Delegations were asked to send their comments on [Part 2 of the WIPO Toolkit on Artist's Resale Right](#) (document SCCR/45/INF/2), to copyright.mail@wipo.int by October 15, 2024, so that a revised version of the toolkit can be prepared taking their views into account, for consideration at the next session of the SCCR.

31. The topic of Other Matters will be maintained on the agenda of the forty-sixth session of the SCCR.

SUMMARY BY THE CHAIR

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

AGENDA ITEM 8: CLOSING OF THE SESSION

33. In relation to future meetings, the Chair notes that one Group expressed a preference in their opening statement that the Committee get back to a pattern of two sessions per calendar year, starting in 2025.

34. For the next session of the Committee, the time for four and one-half days should be divided equally between broadcasting, limitations and exceptions and other matters, including copyright in the digital environment, the resale royalty right, rights of theatre directors, and the public lending right, after the handling of preliminary, administrative agenda items.

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