



Introduction to the SCCR work

WIPO Regional Workshop on the Opportunities and Challenges in the Implementation of the Beijing and Marrakesh Treaties

Singapore, April 27 to 29, 2015

Culture and Creative Industries Sector



The Standing Committee on Copyright and Related Rights (SCCR)

- Set up in the 1998-1999 biennium to examine matters of substantive law or harmonization in the field of copyright and related rights
- It is composed of:
 - member states of WIPO and/or of the Berne Union
 - observers (certain member states of the United Nations (UN) which are non-members of WIPO and/or the Berne Union, intergovernmental and non-governmental organizations)
- Usually holds two sessions per year

Copyright Law Division

- Administrative tasks related to WIPO treaties
- Secretariat for the Standing Committee on Copyright and Related Rights
- Provides Legislative Advice
- Provides informational tools and materials

WIPO Secretariat's Role

- Provide **neutral and fact-based information**.
- Contributes to a **better understanding** of the role of the International copyright system.
- **Maintain balance** between the interests of the rights-holders and those of the public at large.
- Entirely **neutral on all proposals** that are presented by its member states for discussion.

SCCR Agenda

- Protection of broadcasting organizations
- Limitations and exceptions:
 - Libraries and archives
 - Education and research institutions and persons with other disabilities



authors

performers

*Rights have
been updated
under different
WIPO treaties*

- *Berne*
- *WCT*
- *WPPT*
- *Beijing*

phonogram producers

BLACK

Broadcasting: Objective

- Topic under discussion since 1998
- WIPO General Assembly 2013 requested the SCCR to continue its work on the issues reported on in its report, including work toward a text that will enable a decision on whether convene a diplomatic conference in 2014.
- The work should remain consistent with the 2007 General Assembly mandate to develop an international treaty to update the protection of broadcasting and cablecasting organizations in the traditional sense.

Broadcasting: Documents

- Renewed interest triggered by proposal from South Africa and Mexico
- Proposal from Japan
- SCCR/27/2 Rev. “Working Document for a Treaty on the Protection of Broadcasting Organizations”;
- SCCR/27/6 “Proposal on a Treaty on the Protection of Broadcasting and Cablecasting Organizations” (Proposal by Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan);

Broadcasting – General Assemblies (2)

- *SCCR Report to GA: “In accordance with its previous decisions, and taking into account the progress achieved in the SCCR sessions since the last meeting of the WIPO General Assembly, the General Assembly is invited to consider what steps to take with respect to convening a diplomatic conference for a treaty on the protection of broadcasting organizations, including considering whether to direct the SCCR to take specific steps towards the development of a text or a recommendation to the 2015 General Assembly.”*
- No decision at the 2014 General Assembly on the item related to the SCCR

Broadcasting – General Assemblies (3)

SCCR 29 December 8-12, 2014: Technical working non-papers regarding the categories of platforms and activities to be include under the scope of protection were discussed at SCCR 28

SCCR 30 June 29 – July 3: study on current market and technology trends and technical information session.

Possible roadmap:

"The WIPO General Assembly requests that the SCCR expedite its work on the 'Working Document for a Treaty on the Protection of Broadcasting Organizations' (SCCR/27/2 Rev.), while taking into account all documents and submissions made to the SCCR, so that the 2015 General Assembly may take stock of the progress made, and decide on the convening of a diplomatic conference in 2016."

Limitations and Exceptions

Since 2004 considering whether certain L&E should be harmonized internationally.

- visually impaired and persons with print disabilities
- Use by libraries and archives
- Use for educational purposes
- Studies and meetings
 - Studies: Ricketson, Garnett, Sullivan, Crews, Fometeu, Monroy, Nabhan, Seng and Xalabarder (9)
 - Information meetings

Libraries and archives

Still discussing:

- Document SCCR/26/3 (adopted by the Committee), and
- Document SCCR/26/8 (by the United States of America)

Outcome at SCCR 28:

Agreement neither on a new version of the document nor on a recommendation to the GA

SCCR 29

- Presentation of Kenneth Crews study on «Copyright limitations and Exceptions for libraries and archives», SCCR 29/3.
- Preparation of a document that reflects additional information provided by delegates.
- Document SCCR /29/4 submitted by the African Group, Brazil, Ecuador, India and Uruguay.
- Chair's non paper on exceptions and limitations for libraries and archives

Libraries and archives (2)

Considerations:

- Nature of the instrument: “*an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms)*”
- Target date for recommendation and impact on the mandate
- Next steps with both documents: consolidation, substitution of new treaty text, preparation of new version of working document
- Regional meetings

Educational and research institutions and persons with other disabilities

Still discussing:

- Document SCCR/26/4 Prov. (by Secretariat), and
- Document SCCR/27/8 (by the United States of America)

SCCR 28 Outcome:

No agreement was reached on a new version of the document.

L&E: SCCR Report to GA

- *“Encourage progress on limitations and exceptions consistent with the recommendations approved by the WIPO General Assembly in 2012, namely to continue discussions to work towards an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms), with the target to submit recommendations on limitations and exceptions for libraries and archives as well as on educational and research institutions and persons with other disabilities to the WIPO General Assembly in 2015.”*

Future Direction of the SCCR

- Next meeting: June 29 to July 3, 2015
- Guidance from the General Assembly
- Allocation of time for exclusive rights and limitations and exceptions on the agenda
- Possible new topics: resale royalty right (*droit de suite*), orphan works, other exclusive rights topics, process for selecting topics
- New approaches for considering copyright topics