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STATEMENTS

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GENERAL STATEMENTS/ STATEMENTS ON MULTIPLE TOPICS

The Delegation of Ukraine. The delegation of Ukraine expresses its deep gratitude to you, the Vice-Chairs and the WIPO Secretariat for the preparation of the work of this Committee session. We would also like to take this opportunity to congratulate you, Madam Chair, and Vice-Chairs on your election. We respectfully acknowledge the substantial work done in the SCCR to achieve enhanced and updated protection for broadcasting organizations, improved approaches relating to exceptions and limitations, and a range of other global copyright issues. At the same time, before addressing these agenda items, we would like to draw the attention of the distinguished delegates to the flagrant violation of international humanitarian law by one of the WIPO member states. Today is the 782nd day since the Russian Federation initiated a full-scale invasion of Ukraine. Russia continues to deliberately target our creative and cultural industries. On 25th March, a Russian ballistic missile attack damaged the Mykhailo Boichuk Kyiv State Academy of Decorative Applied Arts and Design. Such terrorist actions lead to the destruction of the school’s gym, painting studios, conference hall, and other art facilities. An air alarm was sounded only a few seconds before the first explosions, giving art students and teachers insufficient time to seek shelter. It is also worth noting, that this destruction occurred just one kilometre away from the Ukrainian IP office where my colleagues and I work. Since the beginning of the 2024, Russia has fired nearly 1,000 missiles, about 2,800 "Shahed" drones and almost 7,000 guided aerial bombs at Ukraine. Only 3 per cent of Russian missiles, drones and guided bombs hit military targets, while 97 per cent hit civilian infrastructure. 80 % of Ukraine's thermal power infrastructure was destroyed in recent weeks. The enemy destroyed the main energy facilities of Kharkiv. There are significant problems as well in several regions including power outages in Kharkiv, Dnipro, Odesa, Kirovohrad, Sumy and Poltava regions. Russia has damaged and destroyed more than 155,000 civilian infrastructure facilities, and this number has doubled just since the last 44th SCCR session in November 2023. Russian occupiers damaged or destroyed 1,938 objects of cultural infrastructure, including 689 libraries, 113 museums and galleries, 38 theaters, cinemas and philharmonics, as well as 929 objects of cultural heritage of Ukraine, the main institutions where copyright works are created and stored, which shows the direct link with the mandate of this Committee. In February this year, UNESCO estimated the total cost of the damage to the culture and tourism sectors in Ukraine over the past 2 years at nearly 3.5 billion USD. We reiterate that the Russian Federation must bear the legal consequences of all of its internationally wrongful acts, including making reparation for the injury related to the losses of the Ukrainian IP system. Russian war of aggression against Ukraine undermines the efforts of WIPO and other UN agencies, while simultaneously taking advantage of all privileges and abusing international humanitarian and IP law. Russia must be denied any privileges or honors within WIPO. Madam Chair, distinguished delegates, we would like to thank the Secretariat and all WIPO members who continue to offer unwavering support and solidarity to Ukraine and its people and unequivocally condemned in the strongest possible terms Russia`s war of aggression and its violation of international law, including the UN Charter. Thank you, Madam Chair.

The Republic of Korea would like to express its utmost appreciation to the Chair, two Vice Chairs as well as the WIPO Secretariat for their hard work in fulfilling and strengthening the role of the SCCR in setting the international norms in terms of copyright and related rights. The delegation of the Republic of Korea believes that the adoption of an international instrument to update the rights of broadcasting organizations is one of the priorities of this Committee given the rapidly evolving technologies in the digital era. In this sense, the delegation will participate actively and constructively in all discussions concerning Agenda item 4 as well as other agenda items during this session of the SCCR meeting. The delegation of the Republic of Korea would also like to thank the Secretariat and the Group B for preparing for an information session on the issues of copyright and artificial intelligence (AI). The delegation observes that the SCCR is one of the most authoritative agenda setting fora to host international discussions on copyright issues concerning generative AI, including but not limited to, fair compensation for the use of

copyrighted materials for the purpose of training of the AI and copyrightability of the AI-generated materials. The delegation looks forward to the exchange of ideas and policies developments during the upcoming information session and will diligently and sincerely engage in the discussions throughout the session. On a last note, but not least, collaborations between members of the WIPO to achieve better protection of copyright in the age of digital technologies could be another area of consultation that can be realized in this Committee since better protection of copyright encourages creators to come up with more creations leading to greater benefit for the international community through the virtuous cycle for the copyright ecosystem. The delegation of the Republic of Korea is confident that this Committee is one of the most appropriate conventions for the member states to examine and discuss the optimal approach and ways of collaboration to tackle the issue of copyright protection.

L'Association Convergence. Salutations Vice-directrice générale, président, équipe présidium et secrétariat Représentants des États Membres observateurs (ONG et associations). Remerciements. OMPI et particulièrement, Comité permanent des droits d'auteur et droits connexes. Tous ceux dont la somme des partitions a permis la tenue de la présente session. Importance du SCCR pour mon association Accréditée en novembre 2017, notre association Convergence a participé en mai 2018, pour la 1ère fois au Comité, à sa 36ème session. [Permettez-moi d'avoir une pensée particulière à la mémoire de feue Carole Croella qui avait œuvré pour l'accréditation de notre association auprès de l'OMPI comme membre observateur]. Je suis de nouveau ici par intérêt pour les questions abordées, notamment le « projet de traité de l'OMPI sur la protection des organismes de radiodiffusion » dont les négociations tardent à aboutir ! Les radiodiffuseurs ou leurs regroupements tel que l'UAR (Union africaine de Radiodiffusion), membres de notre association, seraient heureux de le voir adopter. De même, le point en divers relatif au droit d'auteur dans « l'environnement numérique » et celui, ô combien d'actualité, portant sur le droit d'auteur par rapport à l'intelligence artificielle générative, ou encore le point sur les droits des auteurs d'œuvres audiovisuelles et leur rémunération, nous interpellent. Quel avenir pour les créateurs ? Utilité de l'association ConvergenceSi l'association Convergence n'existait pas, je pense qu'il faudrait la créer quand on sait que : une de ses missions est de soutenir la création d'un « environnement législatif et règlementaire favorable à la prospérité du secteur audiovisuel africain », dans un contexte mondial où les technologies modernes de la communication sont utilisées à double face. A cet effet, je puis reprendre à mon compte les mots de Bertrand Moullier du FIAPF (fédération internationale des associations de producteurs de films) lors de notre atelier ici même en 2018, à savoir : « Sensibiliser les représentants des États Membres à l'importance pratique du droit d'auteur et de sa protection comme condition de l'éclosion d'industries audiovisuelles locales, contribuant à leur capacité de s'autonomiser économiquement et de créer des œuvres en prise avec les réalités sociales et culturelles locales ». Créée en 2015 pour protéger et valoriser la création audiovisuelle, notre association regroupe des producteurs, réalisateurs, distributeurs, éditeurs de télévision, régulateurs de la communication audiovisuelle, fournisseurs d'accès internet (FAI), associations professionnelles, etc. Elle parle aux États, aux institutions, aux consommateurs, se faisant l'avocat des acteurs du secteur de l'audiovisuel. Grace à des partenariats, elle prend en charge l'assistance juridique de certains de ses membres victimes de piratage. Les objectifs de l'association. Accompagner les industries culturelles de l'audiovisuel en Afrique, Favoriser l'émergence de contenus audiovisuels de qualité, Défendre les intérêts économiques de l'audiovisuel et permettre aux acteurs du secteur de mieux vivre de leur art, Plaider pour des investissements dans les productions locales, Soutenir la mise en place de législations efficaces dans le secteur de l'audiovisuel. Les combats de l'association Convergence. C'est vraiment de combat qu'il s'agit, pour les droits des créateurs et titulaires d'œuvres audiovisuelles, contre les pirates qui s'enrichissent au détriment des ayants droit. Pour ce faire, nous organisons des séminaires, ateliers, colloques, conférences, tables rondes…sur des thématiques en lien avec les préoccupations du SCCR, tels que : « Paysage audiovisuel et défis du piratage en Afrique ». « TIC et piratage audiovisuel en Afrique ». « Piratage et développement de la production audiovisuelle en Afrique ». « Comment vivre de son art et

contribuer à l'économie de son pays face au danger du piratage audiovisuel ? » « Piratage audiovisuel : impacts et solutions » « Fédérer les énergies contre le pillage des droits des créateurs ». « Le piratage des contenus audiovisuels via internet » « Piratage audiovisuel en Afrique : une menace pour toute la filière ». Nous menons également des campagnes de sensibilisation : spots, capsules, affichages, prises de parole… De même, nous menons des études de consommation des contenus internet. Œuvrent à côtés, des organismes de gestion collective des droits d'auteur. Nous accompagnent également, des agents du cadre judiciaire que sont magistrats, avocats, OPJ, encouragés à se former sur ces questions d'actualité assez récentes. Et pour conclure, M. le président, mesdames et messieurs, j'affirmerai avec Jan Van Voorn, vice-président exécutif de la MPA et directeur général d'ACE, qui sont nos partenaires, que "Le piratage continue d'être une menace majeure pour notre communauté audiovisuelle mondiale. Elle nuit aux films et aux entreprises de toutes tailles et de toutes nationalités ; elle menace les emplois, mine les investissements, réduit les contributions fiscales aux gouvernements et étouffe la créativité". Merci de votre attention.

AGENDA ITEM 4: PROTECTION OF BROADCASTING ORGANIZATIONS

Asia Pacific Broadcasting Union. Asia Pacific Broadcasting Union is a broadcasting union representing the broadcasters in Asia-Pacific region. ABU greatly supports the work of the SCCR in view of adopting a WIPO Broadcasting Organizations Treaty. ABU takes this opportunity to thank for the hard work put in by the Chair, Vice-Chairs and Facilitators, for the work done in preparing the Draft Text for the WIPO Broadcasting Organizations Treaty (document SCCR/45/3). Broadcasting organizations must have the legal tools to act rapidly against the unauthorised use of their signal. Unauthorised acts happen throughout the world, including Asia-Pacific Region, at every moment of every day, and it results in massive damages of copyright piracy and loss of revenue generation. It has been harming broadcasting organisations' operations, which can eventually cause a risk to the fulfillment of the roles to serve the public. We are quite ambitious that the DRAFT WIPO BROADCASTING ORGANIZATIONS TREATY prepared by the SCCR Chair in cooperation with the SCCR Vice-Chairs and facilitators covers the principles necessary for the legal protection of programme-carrying signals on a global scale. In this light, ABU takes the draft as a possibility of a long-lasting framework that gives proper protection to broadcasting organisations' activities. ABU most humbly requests from WIPO Member States to move forward with the discussions and reach a consensus on key outstanding issues in order to finalize the text of a WIPO Broadcasting Organisations Treaty. ABU highlighted the pressing requirement of having a necessary international legal tool in the most recent two statements of ABU released in March and November 2023. As stated in the two aforementioned statements, ABU urges that the WIPO General Assembly convene a Diplomatic Conference to adopt this treaty as soon as possible. Lastly, ABU wishes the New Chair and Vice Chairs every success in leading this SCCR and assures its full support in this connection.

International Council On Archives (ICA). The mandate for archivists to gather, preserve, and make records available in a broad variety of formats has made us very pragmatic in how we approach cultural and documentary material. That's why I've struggled in recent years with a question: What exactly is it that a broadcaster's exclusive rights would cover once a signal has been "fixed?" Neither the definition in Article 2(d) nor the explanation of the Right of Fixation in Article 7 offer any help. However, after multiple readings of the draft treaty, something finally struck a chord. I realized that the idea of fixation of a signal is quite near the concept of what archivists call "fixity," –a fundamental requirement in the standards for ensuring authentic electronic records systems. The similarity in terms is not just an accident of language. It is, in fact, the answer to my question. What one has when the broadcast signal is fixed constitutes a record, which is an item of potentially enduring archival value. Therefore, ICA and SAA oppose the current draft text because it threatens the mission of archives and the world's citizens whom we serve. The draft's Article 7 gives broadcasters the exclusive right of fixation, thereby giving

control of the program content (see Note 2.09(d)) for an unstated period of time. This would undermine what the UNESCO Universal Declaration on Archives states as archives' fundamental purpose when its calls for us to be " . . . authoritative sources of information underpinning accountable and transparent administrative actions" and to ". . . play an essential role in the development of societies by safeguarding and contributing to individual and community memory" ICA and SAA would support a treaty on signal piracy, but articles 6 through 9 should be deleted, article 10 should be amended, and Article 11's exceptions and limitations should be mandatory. Without those changes, the current text continues to over-reach by extending exclusive rights over the program material that remains after fixation of the signal.

INNOVARTE. Señora Presidenta, Con relación al contenido y alcance de la propuesta de Tratado de Protección de los Organismos de Radiodifusión, actualmente en discusión, quisiera recordar la propuesta del Grulac respecto al ejercicio del derecho de autor en el entorno digital, la que adelanta que las grandes plataformas de streaming no están compensando de manera adecuada a los artistas y creadores por su trabajo. Además, casos relevantes en contra de plataformas digitales como Google, Meta y otras, tanto finalizados como en proceso en la Unión Europea, subrayan cómo el poder de mercado de estas plataformas está afectando a otras industrias y al desarrollo de los mercados digitales. En este contexto, otorgar derechos posteriores a la fijación de las señales que beneficie, al final del día a esas plataformas, supone una contradicción con respecto a la protección del interés de la sociedad, así como de los propios artistas y creadores. Esto podría desencadenar un poder de mercado sin límites, poniendo en riesgo el bien común, incluso para los radiodifusores tradicionales. Por tanto, es crucial que cualquier tratado de protección de los radiodifusores se ajuste a la protección de las señales de los radiodifusores tradicionales, limitada solo a la piratería de señales, sin considerar derechos posteriores a la fijación. Gracias, Señora Presidenta.

COMMUNIA. The proposed broadcast treaty, in its current version, remains a threat to the Public Domain and usage rights, particularly when legal protection of broadcasters is shaped in the form of exclusive rights, on top of rights that apply to content. The rights-based model suggests that broadcasters will benefit from secondary rights for exploitation and control following fixation of the broadcast signal, without sufficient consideration for the public interest needs related to access to knowledge and information of signal content. In the current text, none of the exceptions are mandatory and there is no Public Domain safeguard. Broadcasters own extensive collections of exclusive content that is highly valuable for researchers, educators, learners, cultural heritage institutions, and the general public. These collections document not only popular culture and the entertainment industry, but also function as historical documents, educational resources and research sources. Often, the only way of accessing high-quality copies of the content in those collections is through broadcasting. Therefore, it is essential to limit exclusive rights with adequate usage rights, and ensure that, when the signal content is in the Public Domain, broadcasters are prevented from claiming exclusive rights and taking that content out of the Public Domain. Countries opting for a rights-based model should be required to implement at least those exceptions that are already mandatory for copyrighted works (quotation, news of the day, and providing access for the visually impaired). Furthermore, they shall be required to provide in their domestic laws that, when the term of protection of the signal content has expired, the rights and protection guaranteed in this Treaty shall not apply.

CRIC. Thank you, Chairperson. First of all, let me congratulate on the election of you as a Chair and two vice-chairs. I hope, under your leadership, we will proceed discussion toward the final agreements. We have been discussing this agenda for more than a quarter century. During these years, the circumstances surrounding transmission have greatly changed and are still changing. This leads to varying state of broadcasting among member states and as a result, unfortunately, member states haven't been able to achieve final agreements on draft text yet. On the other hand, piratical uploads of broadcasting are drastically increasing. To cope with this situation, what we need is to reach harmonization for the minimum standard at the earliest

possible. Fortunately, we have experiences of success such as Beijing Treaty and Marrakech treaty. The international treaty is a minimum standard, not a maximum one. We have to narrow down the draft text, especially on the scope of protection, beneficiaries, and so on, or introduce a wide range of options. Thank you, Chair.

Japan Commercial Broadcasters Association (JBA). First of all, the Japan Commercial Broadcasters Association (JBA), highly appreciates the efforts of proposing the latest revised Draft Text (SCCR/45/3). We understand this Draft Text indicates a strong intention toward the early establishment of the broadcasters' treaty. We believe this Draft Text is close to the final version, and hope that member states will proceed to the Diplomatic Conference. For the discussion of this Draft Text, we would like to bring up two (2) points. The first point, the Draft Text indicates the webcasters are parts of the broadcasting organizations, however, under the Japanese domestic laws, webcasters are NOT classified as "broadcasting organizations" nor "broadcasters". We anticipate that the discussion on the definition of "broadcasting organization" will reach a well-balanced conclusion between different opinions among member states. The second point is about the right of fixation under this Draft Text. Our understanding about this Draft Text is that unless broadcasting organizations have proved the unauthorized uploader to be an infringer of the right of fixation, broadcasting organizations cannot take legal action against such unauthorized uploader and it is extremely difficult for us to prove it. In order to solve this situation, we would like to have the official clarification such as in the provisions or Explanatory Notes of this Draft Text to the effect that "unauthorized uploading of a copy of an original unauthorized fixation is deemed as an infringement of the right of fixation". Finally, we broadcasters strongly look forward to the early establishment of the broadcasters' treaty as the useful legal countermeasure against the increasingly serious infringement of broadcast rights. We expect that the Member States can reach a consensus through the discussion of this SCCR Forty-Fifth Session.

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

Delegation of India. The Delegation of India acknowledges the exceptions and limitations proposed to protect the rights and interests of libraries and archives. The Indian delegation is committed to promote equitable access to and for the purpose of education, research, and scholarship. The Indian copyright legislation incorporates several limitations and exceptions for the purpose of private study and research purpose. Section 52 of the Copyright Act, 1957 carves exceptions and limitations to copyright. This particular provision is consistent with the TRIPS Article 13 which allows member states to incorporate limitations or exceptions which do not conflict with a normal exploitation of the work or unreasonable prejudice the legitimate interests of the right holder.

Delegation of India. The Delegation of India acknowledges the proposed rule which calls for uniformity and coordination in application of exceptions and limitations to increase access to copyrighted work for educational and research institutions and for persons with disabilities. India being a signatory to Marrakesh Treaty is fully committed to facilitate access to copyrighted works for disabled/ differently abled people.The Delegation supports the proposal to harmonize intellectual property rights with other rights of a humanitarian nature within an equitable framework.

European Visual Arts. Statement on Limitations and Exceptions for research and educational purposes. Thank you Chair for allowing EVA to take the floor once more. We firmly believe that the dissemination of content for research and educational purposes is of primary importance for our societies. Our members have the knowledge and experience to perform this important task across borders, providing suitable licenses that do not hinder access to learning. The precarious

financial situation of artists should not be exacerbated by insufficient government investment in education and research. While we acknowledge the sector's struggle with limited resources to cover licensing costs, we firmly advocate for increased public funding in this area. Such investment can generate significant benefits for both the global education system and authors. On one hand, it guarantees that authors receive fair compensation to support their creative endeavors. On the other hand, the education system flourishes with the high-quality material that only professional authors can provide. The cost behind artists' creations is often neglected, resulting in an undervaluation of their dedicated and qualified work and a consequent disregard for copyright protection. Therefore, it is imperative to raise awareness of the significance of copyright, which ultimately enables artists to sustain decent living and working conditions and establishes a foundation for pension and social protection, which is often lacking. National exceptions to copyright are designed for a specific context but can be extended in the digital environment if they comply with the criteria of the three-step test: namely, when they are limited to special cases which do not conflict with the normal exploitation of the copyright protected works, and do not unreasonably prejudice the legitimate interests of the authors and rightsholders. CMOs provide cross-border licenses to ensure that the delicate balance between artists' rights and users' interests is maintained. Justified geo-blocking is not an obstacle to such licenses as CMOs operate as a collaborative network enabling the efficient exchange of information. Once again, we reaffirm the importance of not extending existing limitations and exceptions to preserve authors' rights. Thank you Chair for giving EVA this opportunity to take the floor.

European Visual Arts. Thank you Chair for granting EVA, European Visual Artists, the opportunity to take the floor. Firstly, we would like to extend our gratitude for the ongoing efforts towards addressing limitations and exceptions. We are confident that by working in synergy with other key stakeholders, following the three-step test outlined in the Berne Convention, sustainable legal solutions can be achieved while preserving the delicate balance of the international copyright framework. EVA members, managing collectively the rights of around 170,000 visual artists, acknowledge the vital importance of accessing copyrighted works to disseminate knowledge and advance global research. To facilitate this, our members offer tailored licenses to users, ensuring authors receive fair compensation for their work without hindering scientific progress. In fact, authors earn their living by selling their works and Collective Management Organisations ensure they receive regular royalties through licenses. However, their livelihoods are increasingly threatened by digital transformation, unfair contractual practices, and exceptions. Without proper compensation, artists cannot sustain their work, leading to an impoverishment of the world's cultural richness, as well as a decline in employment and GDP. It is therefore imperative that limitations and exceptions to copyright are not further extended and that they do not interfere with authors' rights to fair remuneration. International policymakers must consider the concerns of artists, without undermining their already precarious living and working conditions. Once again, thank you for giving EVA this opportunity to take the floor.

Society Of American Archivists (SAA). Policy action on exceptions and limitations for archives is needed now. Just since 2018, disastrous fires in Brazil, South Africa, and Hawaii have destroyed entire swaths of irreplaceable documents. Elsewhere, floods and wars have destroyed even more. Action is clearly urgently needed, yet copyright law's outdated notion of exclusive rights, combined with the maze of differing national laws, make preservation worldwide nearly impossible unless we ignore the law. Congratulations on your election as chair. SAA has come to WIPO for over a decade because our members manage billions of primary source works from throughout the world. These are items that are unique or exceedingly rare, and the audience is global. That's why we desperately need uniform global standards. Archives consist largely of one-of-a-kind, unpublished works never intended for commerce. If they disappear due to fires, floods, wars, or technological obsolescence, there are no backup copies. Copyright treaties, however, assume that even the tiniest scrap of paper is a

commercial object, How can we preserve our irreplaceable documentation of human civilization when rigid interpretations of the law prevent international exceptions for digital preservation and sharing of documents? How bad are things now? Professor Crews latest update in 2017 showed that fully one-third of WIPO countries do not permit archives preservation copying, and those that do, provide a dizzying array of variations. In addition, many countries don't have the funds or technology to digitize, let alone create and maintain perpetual care for the digital masters in their collections. That means they must reach out to other countries for help. That, too, is often prohibited by national copyright laws. Policy action is needed now. Just since 2018, wildfires in Brazil, South Africa, and Hawaii have destroyed entire swaths of irreplaceable documents. Elsewhere, floods and wars have destroyed even more. Action is clearly urgently needed, yet copyright law's outdated notion of exclusive rights, combined with the maze of differing national laws, make preservation worldwide nearly impossible unless we ignore the law. Is SCCR willing to sit idly by and lose significant portions of human cultural heritage because preservation is blocked by policy barriers it could solve? Archives are mostly non-commercial items. How could preservation exceptions for them have any negative effect on the copyright ecosystem? And yet, there remain persistent delays in the face of the existential threats that our world heritage documents face. The first major study on this critical issue was reported to SCCR14 in 2006. Former Chair Martin Moscoso's 2017 Chair's Chart (SCCR34/5) provided exceptional clarity on principles, objectives, and options regarding the Committee's deliberations on 11 topical areas for exceptions. Preservation was the topic of greatest consensus. Together with David Sutton's 2019 Background Paper on archives, these reports and data provided a grounding for the 2019 Regional Seminars and International Conference, at which preservation received strongest support. Things were looking up when the March 2023 SCCR agenda offered two pathways to return to the public-benefit purpose of copyright: The Toolkit on Preservation (SCCR/43/4), which outlined provisions that national legislatures can use immediately to create laws for urgently needed preservation copying; and creation of typological charts, which will enable SCCR to restart the stalled work toward an international instrument as called for by the 2012 General Assembly. Combined with the African Group's excellent proposed Work Program of March 2023, SCCR can now take overdue action on the longstanding 2012 General Assembly Mandate. Now that WIPO has published the Toolkit on Preservation we need to accelerate work by adoption of a robust implementation plan for the Work Program approved by SCCR43 just over one year ago.

Creative Commons. Thank you for giving me the floor on behalf of Creative Commons. As it is the first time I take the floor, allow me to congratulate you, Madam Chair, on your appointment and to thank the Secretariat for organizing this session. Madam Chair, access to cultural heritage is a fundamental right. And preservation, access, sharing, use, and reuse of cultural heritage are all some of the essential functions that libraries, archives and museums fulfill to enable everyone to enjoy that fundamental right. However, without proper exceptions and limitations to copyright, these functions cannot be fully carried out, with direct negative impacts on citizens, their communities and society as a whole. Indeed, when people face challenges connecting with their past heritage, how are they to understand their present and sustainably build their future? At Creative Commons, we work to ensure that the copyright framework is conducive to the activities of cultural heritage institutions, so they can continue to preserve and allow access and use of the materials in their collections. Madam Chair, regarding the Toolkit on Access, we urge the Secretariat to ensure broad and inclusive participation of stakeholders in the development of the Toolkit and any related activities, in order for the Toolkit to include a balanced and diverse range of perspectives. As a matter of even greater priority, we also call on the Committee to start its work on objectives, principles and options for limitations and exceptions for libraries, archives, and museums, without delay and to consider using existing proposals as one basis for discussion. To recall, we continue to support the work plan (SCCR/43/8) and implementation plan (SCCR/44/6REV) proposed by the African Group and adopted by this Committee at SCCR 43. With more and more heritage at risk of irremediable

loss, especially due to climate change, It is becoming increasingly urgent to move this agenda forward. Thank you, Madam Chair.

COMMUNIA. Many of us here today will remind you that knowledge institutions face many challenges when it comes to fulfilling their public interest missions in the digital environment. These hurdles range from lack of harmonisation of copyright exceptions to legal uncertainty and fear of litigation. In the words of Marcin, a researcher from Poland researching ancient Chinese literature and contemporary culture, and I quote “a considerable part of the work is thinking about what I can do and what I can’t do, what is legal, what is illegal”. These obstacles are particularly problematic in a cross-border environment, where a fragmented legal framework negatively affects these activities, forcing for instance researchers to limit or abandon collaborative projects, or to select research partners according to their national copyright laws. The 2nd edition of our publication “Nobody puts research in a cage”, where we interview researchers engaged in joint and cross-border projects, shows this very clearly. If you want case studies to understand what are the kinds of problems that you should be fixing right now, this is a good start. From researchers stuck in cages in Sweden, to researchers flying across continents to be able to research Chinese movies from the TVs of their hotel rooms, it’s unsettling to read about the obstacles they face to conduct their research projects. But it’s also fascinating to see the solutions that they propose to tackle these problems. Sure enough, they all want more copyright exceptions, more legislation granting them rights to use copyrighted works, particularly in an international environment. And this Committee knows that there are various binding and non-binding ways of getting close to that place. With all due respect, toolkits published on an obscure corner of the WIPO website, where there are about 6000 entries for the word “toolkits”, are just not it. We understand why this would be a priority for the Secretariat, but if this Committee is truly committed to implement their work program on L&Es, the way forward are the working groups foreseen there. And again, with all due respect, we are appalled to see that, one year after the approval of the work program, you have not been able to agree on the scope and modalities of such working groups. We thus urge you to not leave this meeting without an implementation agreement in place.

The European Writers’ Council (EWC). The European Writers’ Council thanks WIPO and its Secretariat for the opportunity to submit a written statement on Exceptions and Limitations (E&L) to be discussed in the SCCR/45, Agenda items 5 and 6. The statement was also held verbally on the floor. The European Writers’ Council congratulates on your appointment and thanks the WIPO Secretariat for its profound work, including the Panel on “Cross Border uses in the Educational and Research Sectors”, which had presented the flexibility of licensing as key for the mandates of cultural heritage and educational institutions. Writers, Publishers, Booksellers, Libraries, Archives and Museums are all part of an interacting ecosystem. However special attention needs to be drawn to the sources of this ecosystem and its knowledge chain: to Authors, on whose vulnerable shoulders the book biotope stands. Authors are not paid for their labour done, but only for the use of their works. Hence, they depend on an appropriate remuneration for every use, as only this leads to a fair revenue. Exceptions and Limitations are undermining this core principle of “every use must be remunerated”. Exceptions and limitations to authors’ rights and copyright must fulfil the three-step test criteria, embedded in the international copyright treaties, and require a respectful acknowledgment of the works of authors for the information society. We trust the WIPO Member States to keep this approach.

International Federation of Reproduction Rights Organisations (IFRRO). IFRRO, the International Federation of Reproduction Rights Organisations (IFRRO) congratulates you on your appointment and thanks the WIPO Secretariat for their excellent work. In particular, we would like to thank the WIPO Secretariat for “The Virtual Panel on Cross Border uses in the Educational and Research Sectors”, organized on March 15, 2024, which showcased the value of licensing solutions around the world, also for cross-border uses. Cultural heritage and educational institutions have an important role in facilitating access to copyrighted works, as

well as their communication, use, sharing and preservation. This should, however, not come at the expense of authors and publishers through additional exceptions, especially when these activities are already taking place under the current copyright/exceptions and limitations frameworks, for instance, through flexible, highly effective and wide-ranging direct and collective licensing schemes. Exceptions and limitations to authors' rights and copyright must fulfil the three-step test criteria, enshrined in the international copyright treaties and require a careful calibration to achieve the necessary balance of the legitimate interests at stake. This balance is essential to protect the economic viability of creation and dissemination of copyrighted works, to guarantee appropriate remuneration, and to foster local markets. The international copyright framework, when implemented and enforced, relies on this careful balance and, so far, has allowed a rich and diverse cultural creation to coexist with exceptions and limitations. This balanced approach can and should serve as an example for all WIPO Member States. Thank you.

International Affiliation of Writers Guilds. The International Affiliation of Writers Guilds has 14 members from 12 countries sitting on this Committee and represents approximately 60,000 professional writers of television, film, and streaming programs. We are united in our position that the so-called training of artificial intelligence programs should not be considered a fair use exception and that clarity is urgently required. There is a risk that educational, non-profit, and research institutions will be used by tech companies to launder copyrighted materials for the development of commercial uses. Generative AI output devalues and competes against the human writers whose work has been used for "training". As such, we do not accept such use meets the 3-step test and believe it is unreasonable to expect writers (and other artists) to wait decades for lawsuits on the issue to make their way through the courts while their work continues to be used without authorization. We therefore respectfully request that the development and deployment of large language models and generative AI programs be clearly and specifically included as a priority subject for any workplan on limitations and exceptions.

International Council on Archives. I speak on behalf of the International Council on Archives whose members acquire, preserve, and make available the documentary heritage of the world. Preservation is fundamental to our mission. We are pleased to see that the Preservation toolkit is available on WIPO's website (https://www.wipo.int/export/sites/www/copyright/en/docs/toolkit-on-preservation.pdf) and we stand ready to assist in its promotion and implementation. But the toolkit is just a start. At SCCR43, this committee adopted a work programme to advance the limitations and exceptions agenda (SCCR43/8). We support the African Group's proposal (SCCR44/6) to implement the work program as the starting point to build on the work already done in this area. The AG's implementation proposal sets out a framework that could be adapted to address the identified priority issues in the work program adopted at SCCR43. Work should start with preservation -- it is the most mature, and most likely to achieve the quickest results, while work on the other issues could be phased in. The main point is to do something at this SCCR to advance the L&Es agenda in a substantive and timely manner.

International Authors Forum. The International Authors Forum is thankful for the opportunity to submit its statement on the topic of Exceptions and Limitations for discussion at SCCR45. The IAF thanks the WIPO Secretariat for its work on the draft implementation plan for the work program on limitations and exceptions following the request by African Group for a Draft Work Program on Exceptions and Limitations, in document SCCR/43/8. We would additionally like to thank the Secretariat for "The Virtual Panel on Cross Border uses", which showcased the value of licensing solutions around the world. Cultural heritage and educational institutions such as libraries, museums and archives, have an important role in facilitating access to the copyrighted works of authors for users, as well as their communication and preservation. This should, however, not come at the expense of authors in the form of additional broad exceptions, especially when access for users is already being enabled under current copyright frameworks, through voluntary schemes and licensing with authors' consent. Authors play an essential role

in rights to access education and culture as the initial creators of the creative works that users around the world enjoy. In no country are authors able to work and create effectively when they are entirely either denied remuneration or inadequately paid. While each country represented at WIPO has libraries, archives and educational institutions seeking to secure access to works, it must not be forgotten that there are authors in each of the WIPO Member State whose rights and property are affected. In many countries, there are already copyright provisions in place that establish licensing frameworks which enable access through libraries, archives and educational institutions while ensuring fair payment to authors and respect of their rights regarding their works. In An economic analysis of education exceptions (2012, PriceWaterhouseCooper) it was found that almost 25% of authors in the UK derived more than 60% of their income from secondary licensing income, while a 10% decline in authors' income would lead to a 20% drop in output. There is a clear case for fair licensing and collective management organisations as a means to efficiently ensure the balance of access to works and reward to authors. Exceptions and limitations to authors' rights must fulfil the three-step test, to balance the legitimate interests at stake. This is essential to ensure the ability to authors to create in every country. The international copyright framework relies on this careful balance and has allowed rich and diverse cultural creation in every country. This balanced approach should be engaged with by WIPO Member States. To upset it could undermine the opportunity for authors in many countries to contribute to their local, national and global culture. IAF opposes any blanket expansion of copyright exceptions and limitations that would not properly consider the needs of authors and would prefer to see the work focused on ensuring authors can sustainably generate creative and educational works for readers. Instead of any such approach that would threaten the sustainability of authors' ability to create, where possible IAF would encourage consideration for positive solutions that can ensure the ability of authors to create, looking at best practices with considerations for the digital environment.

AGENDA ITEM 7: OTHERS MATTERS

Copyright in the Digital Environment

Delegation of India. The Delegation commends the Secretariat for convening an information session on Generative AI and copyright. The protection of copyright in digital era requires techno-legal measures to tackle new and upcoming forms of copyright infringement. Generative AI is a disruptor in the creative world. There are growing concerns regarding the effect that generative AI has on the livelihood of artists and creators. The delegation lends its support for a constructive and informed dialogue on generative AI and the challenges it poses to copyright protection system.

The Delegation of Ukraine. The Delegation of Ukraine would like to thank the Secretariat and all the participants for preparing yesterday's productive Information Session on the opportunities and challenges raised by generative AI as it relates to copyright. We thank the experts and panellists for their insights and expertise, which we believe will assist Member States in their efforts to develop effective and balanced regulations related to the nexus between AI and IP. Ukraine welcomes the discussion on generative AI, as this technological development has the potential to reshape existing copyright paradigms. In this regard, it is very important to recognize the prospect of even greater use of generative AI in various fields, while simultaneously addressing potential risks and opportunities for creative industries. Of particular concern is the use of copyrighted content by generative AI. Ignoring this issue could potentially undermine long-term innovation and risk the economic stability of creators. However, AI undoubtedly presents new opportunities for the creative industries, which require legal frameworks to regulate AI-generated output, which is already widely used in many sectors. Therefore, we would like to complement the discussion and share some insights from national practice on the regulation of generative AI. Ukraine has adopted sui generis as one of the possible options for protection of the AI-generated output. Sui generis in respect of non-original objects generated

by a computer program is specified in the Law of Ukraine "On Copyright and Related Rights" which entered into force on 1st January 2023. This provision reflects the national approach to granting legal protection to objects generated by a computer program without human intervention, in particular by generative AI, which do not meet traditional copyright criteria. From the national perspective, a non-original object generated by a computer program is an object that differs from existing similar objects and is formed as a result of the functioning of a computer program without the direct participation of an natural person in the creation of this object. No moral rights arise as a result of the creation of a non-original object generated by a computer program. The scope of the economic rights of a sui generis right holder in a non-original object generated by a computer program is similar in content to that of an economic copyright, with a term of protection of 25 years. Furthermore, alongside traditional copyright, other indirectly linked rights issues are emerging, such as the right to personal non-property rights and the right to information. Therefore, it is also important to discuss the need to distinguish between objects generated by AI and those created by humans, particularly in the media context. Accordingly, we invite the Secretariat and Member States to consider and further address this issue, ensuring a balance of interests is maintained. Thank you, Madam Chair.

European Writers' Council. The European Writers' Council thanks WIPO and its Secretariat for the opportunity to submit a written statement on AI to be discussed in the SCCR/45, AI Information Session. The statement was also held verbally on the floor. The EWC welcomes this discussion on the challenges by generative AI on authors and artists. We would like to raise three questions as follows: Firstly: Large language models, basis of generative advanced informatics such as ChatGPT, have been built from copyrighted works without consent by the authors. Even more: many LLM's sources, among others, are piracy websites. How can this violation of IP rights under the Berne Convention be remedied, including sanctions? Secondly: Generative AI, that reproduce human works and imitate intellectual goods, accelerate the legitimisation of copyright infringement, lead to remuneration fraud, and cannibalise jobs and markets. How can the liability chain be settled? Thirdly: As we saw in the EU, the Exception Article 4 of the Copyright Directive for commercial Text and Data Mining, is highly in question to cover the processing of protected works for the development of generative AI. Whether opt-outs are respected cannot be controlled. As the process of designing algorithms are considered new hitherto unknown fields of exploitation of works, our question is: how can a consent-orientated and remunerated exploitation take place?

INNOVARTE. The initial proposal of GRULAC in document SCCR/31/4 from 2015 concerning the digital exploitation of copyright and related rights calls for a comprehensive review of the various problems and challenges, aiming to find solutions regarding fair remuneration for artists, while also balancing the interests of society with those of rights holders. Therefore, while we endorse the work plan outlined in document SCCR/45/4 as a means to make progress on these issues, we recommend incorporating all the original objectives expressed in document SCCR/31/4 of the initiative. To this end, we propose: a) To include the study not only of issues with dominant global platforms but also those arising from small platforms, as well as collective management and other intermediaries, against which artists might find themselves in conditions of dependence or vulnerability. b) We are concerned with prejudging that a new layer of residual remuneration rights, upon existing exclusive rights granted by Rome, TRIPS, WCT, WPPT Beijing, will be the only solution to achieve fair remuneration for artists. Today, artists have exclusive rights in most jurisdictions, and the reasons for their low remunerations depend on multiple factors which need to be researched, identified, and dealt with, including the cost of aggregators, or administration/ distribution of such rights.; otherwise, a new layer of remuneration rights might have a low impact. It is also important to pay attention to the impact of these new layers of rights upon the public and intermediaries, to evaluate the cost-effectiveness of these measures. c) We believe that increased competition, with more platforms for distribution at national, regional, or global levels, will enable artists to negotiate better contractual conditions and remuneration, benefiting the public at large. Specifically, we propose

another study to identify the bottlenecks preventing a competitive market for streaming and on-demand services. In particular, we highlight the need for the availability of simplified and global transnational licensing systems accessible to new streaming service providers, transparency in royalty distribution for these multi-territorial licenses.

Intervention de la Fédération Internationale des Musiciens (FIM). Merci Madame la Présidente. Permettez-moi de vous féliciter pour votre élection, ainsi que vos viceprésidents. Je souhaite également remercier le secrétariat pour la préparation de cette réunion et la qualité de la session d'information proposée hier. L'analyse du droit d'auteur dans l'environnement numérique fait l'objet de travaux de ce comité depuis 2015. Pendant ce temps les artistes interprètes, dans leur immense majorité, restent privés de toute rémunération lorsque leurs enregistrements sont exploités en ligne. Le calendrier et le programme de travail proposés par le GRULAC dans le document SCCR/45/4 offrent des perspectives concrètes qui répondent aux préoccupations exprimées par la FIM et d'autres organisations d'artistes interprètes. L'inclusion de l'intelligence artificielle dans ce programme de travail nous paraît également appropriée et opportune. Les interventions que nous avons entendues hier matin confirment que ces orientations répondent aux attentes d'un nombre important d'états membres qui souhaitent que les artistes interprètes soient tous rémunérés lorsque leurs enregistrements sont exploités en streaming. Contrairement à ce que la délégation des États-Unis d'Amérique a affirmé hier, les objectifs poursuivis n'exigent aucunement d'adopter un nouvel instrument normatif contraignant, ni de réformer les traités existants. Comme nous le savons tous, ces objectifs peuvent parfaitement être atteints au moyen d'un instrument de soft law tel qu'une Recommandation, qui pourrait être adoptée dans un délai relativement court, sans nécessiter la convocation d'une conférence diplomatique. La Fédération Internationale des Musiciens encourage l'ensemble des états membres à faire advancer cette matière dont la pertinence et l'urgence font l'objet d'un large consensus et, à cet effet, à apporte leur soutien à l'initiative du GRULAC.

The European Writers' Council (EWC). We thank for the submission of GRULAC's DRAFT WORK PLAN ON COPYRIGHT IN THE DIGITAL ENVIRONMENT. It is noticeable that the intentions to provide authors with appropriate remuneration in distribution within the evolving digital economy are close to the hearts of the proposing delegates. However, we would like to stress two reasons why, in our opinion, this does not have a place within the SCCR as a standing item: (Firstly) It is not copyright that needs editing: it is its enforcement in the digital environment. Be it value gaps between revenues by intermediaries in comparison to the share for authors, be it transparent information on usage, especially in the flat-rate models, be it the unresolved issue of online piracy. (Secondly) Contract law and remuneration are the core missions of every author's organisation. At the same time, they are linked especially to national conditions, as the legal framework of competition law or of market, as well as the possibility of adjusting local standards progressively and in line with changing parameters. We appreciate the vision behind the proposal, but do not endorse to making it a permanent working item within the SCCR.

The International Federation of Reproduction Rights Organisations (IFRRO). The International Federation of Reproduction Rights Organisations (IFRRO) welcomes this information session on the challenges that generative AI poses specifically for copyright law and authors and publishers concerned. We also agree that the aim should not be to develop norms or standards, but to provide a global forum for a structured exchange of experiences. AI systems provide numerous opportunities for learning and innovation and simultaneously present a set of challenges, both legal and ethical. Among these is how to ensure that AI technologies can lawfully use copyright protected materials. We should not forget that creators and other rightsholders provide the foundation upon which many AI technologies exist. Striking the correct balance will ensure that AI systems, as well as the copyrighted works on which they are built, thrive. Copies are undoubtedly made in the LLM training process, and copyright laws apply to

the copying of protected works. Licensing is the most efficient approach to bringing AI technologies and copyright together. IFRRO would be pleased to share concrete experiences, and that being pro-AI and pro-copyright can go hand in hand.

International Affiliation of Writers Guilds (IAWG). The International Affiliation of Writers Guilds thanks the Secretariat for organizing yesterday's information session. For background, we have members from 12 countries on this Committee and collectively represent 60,000 writers of television, film, and streaming programs. Our members, and professional creative workers across artistic disciplines, strongly believe the developers of AI have committed indefensible acts of piracy. In response, authors and visual artists have turned to the courts, film workers went to the picket lines, and our members have already submitted detailed interventions to multiple national consultations. Our position starts with affirmative consent for the use of writers' work in AI development, and that global harmonization is required to meet the challenges of our industry where writers and producers work across jurisdictions on a single project. We can't wait decades for lawsuits to work their way through courts. The Berne Convention has served artists quite well through 200 years of technological upheaval. We urge this Committee to take responsibility for ensuring it does so for 200 more. Agreement in principle on just three basic amendments to Berne could be an effective and rapid, initial response: to assert "machine learning" is not a valid fair use exception; clarification that publicly available is not equal to the public domain; and that human authorship is a necessary aspect of copyright law.

American Federation of Musicians of the United States and Canada. Musicians of the United States and Canada appreciate GRULAC's commitment for nearly a decade to the protection of rights of performers in the digital environment and support its proposed work plan. In particular, AFM wishes this committee would find that it is time to engage in meaningful discussions about the inequity of the increasingly profitable exploitation of musical performances on digital streaming platforms with little or no compensation to the performers. This enrichment of record producers and service providers at the expense of those who create the content is unconscionable and has continued unmitigated for too long. While no single approach may have majority support at this time, AFM would welcome at least a Recommendation from the Secretariat suggesting minimum standards of fair remuneration to performers in the digital space on the basis of existing legal principles, with due consideration given to collective management as the most efficient way to administer rights related to copyright.

AEPO-ARTIS. AEPO-ARTIS is the European Association of Performer Organisations. We represent performers in the music and audiovisual sectors. This representation is not limited to the European performers. Our members collaborate with collective management organisations from all regions to make sure that all performers receive the best protection possible. However, just like in those other regions, when it comes to 'the digital environment', in Europe performers are not getting the protection they deserve. There are some good examples, but we cannot say that in Europe there is a higher standard than elsewhere. Not in the music sector. Not in the audiovisual sector. The problem of fair remuneration of performers is a worldwide problem. No market is exempt. So, it might not come as a surprise that the GRULAC proposal has the full support of our performers. And it is absolutely not premature. We repeat the message that we gave here last year. If we would have used the time we have been talking about the lack of time to talk about the actual topics on the agenda, we would have most probably already made the progress we need. The talks we have had here the past ten years have shown clearly that there is a problem in the music industry. While streaming has provided an enormous possibility for the producers to recover from piracy that made them hit rock bottom, our performers are still down there. We've been hearing from some delegations that this is no longer the responsibility of WIPO. That this is something the industry should solve itself. Well, performers have been waiting for the industry to do that. But every proposal they have come up with, every remodelling of how the revenue generated by streaming is to be distributed, has been agreed upon without any intervention by performers. And while some of these reforms are indeed

improving the situation of performers a little, they all improve the situation of labels and distributors a lot. This results in an increasing value gap. And we see the same happening in the audiovisual sector. Here also the digitalization has created a growing value gap between performers and the users of their work. And so we welcome the proposal made by the Ivory Coast. We thank the delegations of the African Group, the European Union, GRULAC, CEBS and several national delegations for their support and the consensus to broaden its scope to include performers. Performers are very grateful for the treaties that WIPO has given them. The Beijing Treaty and the WPPT. But signing and ratifying these treaties does not make fair remuneration for performers in the digital environment a fait accompli. For what concerns our demands, it needs to be clarified, that unlike what some delegations and ngo's are insinuating, there is no ambition for new treaties. However, we do hope that WIPO continues to see it its responsibility to make sure that the existing treaties have the effect for which they were drafted. Additional tools are needed to make performer rights work for performers rather than for others, because not in all countries actors have the possibility to strike for 118 days to achieve a successful outcome. We would like to conclude with a short final statement on the GRULAC working plan, to which the proposal by the Ivory Coast is very connected. We understand that some delegations have reservations to specific elements in this working plan. We hope that you will be able to sort out today what elements can be kept. But let there be no doubt. A complete refusal of any working plan at all would be a very negative signal sent out to the artistic community.

FILAIE. FILAIE felicita a la presidenta y vicepresidenta del comité por su elección y a la secretaría por la celebración de la sesión informativa sobre inteligencia artificial generativa, que dejó información importante para los participantes y la conclusión clara de que hay que proteger a los artistas y autores para que el uso de sus interpretaciones y obras se haga de forma consentida, justa y remunerada. Antes de la jornada sobre la IA, tuvimos ocasión de asistir a un side event sobre música en streaming en el que, de nuevo, los artistas denunciaron que mientras las plataformas generan muchos billones de dólares y transfieren gran parte de ello a las multinacionales discográficas, con crecimientos anuales de doble digito, la inmensa mayoría de los artistas musicales reciben CERO euros de las plataformas de música en streaming. Ante esta situación de desequilibrio, la normativa que perjudica a uno de los derechohabientes de la cadena de valor, especialmente el artista, algunos países han modificado sus legislaciones para protegerles de forma adecuada y eficaz: México, Corea de Sur, España, Bélgica, Hungría y Uruguay. Pero se hace necesaria una armonización del marco legislativo y una normativa internacional, por eso, agradecemos la propuesta de GRULAC de avanzar después de 10 años de iniciado este debate, que empezó en 2015. Por eso FILAIE apoya la Propuesta del GRULAC para el debate permanente ante la OMPI en favor de artistas intérpretes o ejecutantes, por la explotación de la música en el entorno digital, formulada por el GRULAC en este Comité y anima a todos los grupos y delegaciones a que se sumen, fijen este punto como permanente de orden del día para darle el tiempo que merecen los artistas, y que la Secretaría trabaje en una recomendación abierta de la OMPI para el reconocimiento de un derecho remuneración de gestión colectiva, para aquellos países que se quieran adherir, y que sea objeto de discusión en la próxima reunión del Comité Permanente de Derechos de Autor y Conexos.

International Affiliation of Writers Guilds (IAWG). The International Affiliation of Writers Guilds whole-heartedly thanks the Group of Latin American and Caribbean Countries for its perseverance, forward thinking, and conveyance of urgency in the development of this Draft Work Plan on Copyright in the Digital Environment. The document addresses many of the pressing issues of our membership around the world and the recommended studies would be of immense value to them in their negotiations, lobbying, and development of contracts. We would enthusiastically encourage their participation in such information gathering by WIPO.

Public Lending Right

Delegation of India. This Delegation would like to thank the delegations of Sierra Leone, Panama, and Malawi for proposing a study on the Public Lending Right (PLR).
A detailed study on existing PLR systems in various national jurisdictions, the enforcement mechanism, distribution of royalties to authors, and the actual benefit that accrues to the beneficiary is required for further deliberation on the proposal to harmonize law relating to PLR. The Indian Delegation takes this opportunity to support a study on PLR in the Agenda and Future Work of this Standing Committee.

The European Writers' Council. The European Writers' Council thanks WIPO and its Secretariat for the opportunity to submit a written statement on the Scoping Study on Public Lending Right to be discussed in the SCCR/45, Agenda items 7, Other Matters. The statement was also held verbally on the floor. The European Writers' Council is grateful to Mrs. Sabine Richly for her 'Scoping Study on Public Lending Right' and express its thankfulness to WIPO and to the Member States Sierra Leone, Malawi and Panama for bringing forward the topic on how a remunerated Public Lending Right across the globe protects writers, fosters libraries, and promotes literacy. This balanced comparative Study proves the effectiveness of PLR systems, and how they can be adapted to national cultural aims and existing legal frameworks. The Study drafts solutions for the necessary equitable remuneration of writers, visual artists, translators and other rightsholders. We welcome Mrs Richly's practical suggestions for countries with PLR, to examine and improve their system where applicable, such as empirical studies like IT supported data collection of lending statistics, like the economic impact of lending on the primary market, or a monitoring of income sources of the book sector, to support governments in adjusting appropriate funding, and to enable the mutual understanding among all stakeholders. As the Scoping Study is not meant to form a binding legal instrument but to provide interested countries guidance for tailor-made PLR, the EWC hopes, that further activities include frequent capacity building, such as regional seminars, focus workshops, or collaboration with advisory pools.

IFRRO. IFRRO thanks and congratulates the WIPO Secretariat and Ms. Sabine Richly for the 'Scoping Study on Public Lending Right'. The study proves the scalability of PLR systems to different national cultural and economic contexts. It pinpoints the importance of libraries, while, at the same time, highlighting the need to provide funding for writers, visual artists, publishers and other rightsholders. Implementing remunerated PLR systems safeguards the intellectual sources of knowledge and ensures continued investments in a sustainable future of the local publishing sector. With its members based in 85 countries around the world, IFRRO's mission is to develop and promote effective collective rights management to ensure that the copyrights of authors and publishers are valued through the lawful and remunerated use of text and image-based works. This includes the reproduction right, but also the Public Lending Right (PLR). Some of IFRRO's members administer both rights in parallel. IFRRO maintains a strong commitment to PLR, based on collaboration among all stakeholders in the ecosystem. With WIPO being an important convener of all stakeholders involved, IFRRO remains ready to support follow-up activities, including technical and other assistance.

Resale Right

Delegation of India. The Delegation would like to express its gratitude to Senegal and Congo for introducing the proposal to incorporate artist's resale right in copyright protection system.The Delegation acknowledges the detailed "WIPO Toolkit on Artist's Resale Right" documented as SCCR/43/INF/2. The Delegations calls for further deliberations on the issues for consideration in drawing up a national ARRR (Author's Resale Royalty Right) scheme as highlighted in the WIPO Toolkit. The Delegation wishes to inform that India, as a signatory to the Berne Convention incorporated section 53A in the Indian copyright legislation which acknowledges and protects artist's resale right which extends to the first owner of a work including its legal

heirs. We take this opportunity to recommend the continuation of discussions on the topic of Resale Right within the committee. We believe this aspect is of great significance and merits further consideration and discussion.

IFRRO. We thank the WIPO Secretariat and Professor Ricketson for the comprehensive toolkit on the management of the Resale Right. We believe that the toolkit sheds more light on the different aspects of this issue, including practical aspects of collective management, and brings added value to the debate within this committee. Madam Chair, we support the statements of ADAGP, IAF, CISAC and EVA, and fully agree that the time has come for giving the ARR the attention it deserves. What is at stake is the livelihood of a fragile community, the community of visual artists, which is also represented broadly within the IFRRO family. We encourage this Committee to include the Resale Right as a standing item on the agenda, and to start as soon as possible substantive discussions towards a meaningful outcome.

Theater Directors' Rights

Delegation of India. The Indian Delegation appreciates the valuable insights offered by the "Study on the Rights of Stage Directors of Theatrical Productions" documented as SCCR/40/1.The Indian Delegation supports the outcome of the study which calls for further research to examine if theatre directors' rights can be protected through copyright or any other appropriate mechanism.We reiterate the significance of this right and propose that a comparative study of best practices from various jurisdictions should be undertaken to determine what model of protection is best suited to protect theatre directors' rights.
We take this opportunity to state that this proposal should continue to be a part of this committee's agenda.

Study on The Rights of Audiovisual Authors

International Affiliation of Writers Guilds (IAWG). The IAWG would like to endorse the proposal put forth by the Delegation Côte d'Ivoire for a Study on the Rights of Audiovisual Authors and their Remuneration. The proliferation of buyout clauses, lack of data transparency and non-disclosure agreements, are of immense concern to many of our members and the individual writers they represent. We respectfully suggest the inclusion of an assessment of the role played by guilds, trade unions, and collective bargaining agreements to help remedy the unfair exploitation of audio-visual works at the contracting stage. Additionally, we believe the identification of barriers, legal or otherwise, for creative labour to unionize and/or effectively organize would be of great value

Society of Audiovisual Authors (SAA). I would like to reiterate the Society of Audiovisual Authors' gratitude to the Cote d'Ivoire delegation who tabled the proposal for a study on the rights of the audiovisual authors at the last session and to the regional groups and countries who expressed their support to this proposal for a study. The proposed study will be indeed an essential tool for WIPO delegates to gain knowledge about the legal systems in place that protect audiovisual authors' rights in the world. Audiovisual authors' rights have not been addressed by this committee yet, while screenwriters and directors are at the heart of the creation of audiovisual works and the engine of the creativity of this industry worldwide. In the face of the challenges the audiovisual industry is going through, such as streaming and artificial intelligence, such a study would fill a gap by providing a mapping of the legislation in place in the world that deal with screenwriters and directors' copyright protection. A factual study looking into the legal protection of these authors, the engine of the creativity of the audiovisual industry, would be perfectly aligned with the mission of this committee. I therefore encourage this committee to undertake this study so that the audiovisual authors are not left out in the cold by this committee.