

WIPO General Assembly

Forty-Ninth (23rd Ordinary) Session
Geneva, October 2 to 11, 2017

REPORT ON THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS (SCCR)

prepared by the Secretariat

1. The Standing Committee on Copyright and Related Rights (SCCR or Committee) met twice since the Fifty-Sixth Series of Meetings of the Assemblies of the Member States of WIPO in October 2016, namely in November 2016 and May 2017. The Committee expects to hold an ordinary session in November 2017 and two ordinary sessions in 2018.
2. At its Forty-Eighth Session, which took place between October 3 and 11, 2016, the WIPO General Assembly considered the report on the status of the work of the SCCR (document WO/GA/48/3), including discussions on the protection of broadcasting organizations and limitations and exceptions to copyright and related rights. It decided to “(i) take note of the information contained in document WO/GA/48/3; and (ii) direct the Standing Committee on Copyright and Related Rights (SCCR) to continue its work regarding the issues reported on in document WO/GA/48/3.”
3. This document provides an update on the status of the work of the SCCR. The Summaries by the Chair for the 33rd and 34th sessions of the SCCR are attached.

A. PROTECTION OF BROADCASTING ORGANIZATIONS

4. The updating of the protection of broadcasting organizations in response to technological developments has been under discussion in all SCCR sessions since 1998, including two special sessions exclusively devoted to that subject in 2007.

5. At its Forty-First Session held in 2012, the WIPO General Assembly approved the recommendation made by the SCCR that “the Committee continue its work toward a text that will enable a decision on whether to convene a diplomatic conference in 2014”. As earlier agreed, the work should remain consistent with the 2007 WIPO General Assembly mandate to develop an international treaty to update the protection of broadcasting and cablecasting organizations in the traditional sense.
6. At its Forty-Fourth Session, held in 2013, the WIPO General Assembly requested the SCCR to continue its work on the issues covered in its report, which included work toward a text that would enable a decision on whether to convene a diplomatic conference in 2014. At its Forty-Sixth Session, held in 2014, and at its Forty-Seventh Session held in 2015, the WIPO General Assembly did not take a decision on the agenda item regarding the SCCR Report.
7. At its Forty-Eighth Session, held in 2016, the WIPO General Assembly did not reach a specific decision about broadcasting, but directed the Committee to continue work on all the topics addressed in the SCCR Report.
8. At the 31st and 32nd sessions of the SCCR, the Committee considered and discussed document SCCR/31/3, “Consolidated Text on Definitions, Object of Protection, and Rights to be granted”. A revised version of that document was prepared in document SCCR/32/3, “Revised Consolidated Text on Definitions, Object of Protection, and Rights to be Granted”, which served together with technical working non-papers prepared by the Chair as a basis for the discussions of the Committee.
9. A revised version of document SCCR/32/3 was requested by the Committee for its 33rd session, in order to take into consideration textual proposals and clarifications made during the 32nd session.
10. At its 34th session, the Committee discussed a new version of the “Revised Consolidated Text on Definitions, Object of Protection, and Rights to be Granted and Other Issues” (document SCCR/34/3). The Committee made comments and proposals which were further consolidated as a document of the Chair in document SCCR/34/4, with the understanding that the document was organized in three separate parts in order to facilitate deliberations, without implying any significance to this arrangement. No recommendation was made to the WIPO General Assembly regarding this agenda item.
11. The topic of protection of broadcasting organizations will be maintained on the agenda of the 35th Session of the SCCR.

B. LIMITATIONS AND EXCEPTIONS

12. It is recalled that the SCCR has agreed to address the issue of limitations and exceptions to copyright and related rights for libraries and archives, education and persons with other disabilities. The topic of limitations and exceptions has been discussed at every ordinary SCCR session from the 12th session held in November 2004 up to the present.

LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

13. Regarding the issue of limitations and exceptions for libraries and archives, at its Forty-First Session held in 2012, the WIPO General Assembly encouraged the Committee to continue its work and approved the Committee recommendation that the SCCR 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 of

submitting recommendations on limitations and exceptions for libraries and archives to the WIPO General Assembly by the 28th session of the SCCR.

14. At its Forty-Fourth Session, held in 2013, the WIPO General Assembly requested the SCCR to continue its work on the issues covered in its report, which included work on limitations and exceptions consistent with the recommendations approved in 2012, as set out in the previous paragraph.

15. At its Forty-Sixth Session, held in 2014, the WIPO General Assembly did not take a decision on the agenda item regarding the SCCR Report. At its Forty-Seventh and Forty-Eighth Sessions, respectively held in 2015 and in 2016, the WIPO General Assembly did not reach a specific decision, but directed the Committee to continue work on all the topics addressed in the SCCR report.

16. The documents under consideration related to this agenda item are currently: “Working Document Containing Comments on and Textual Suggestions Towards an Appropriate International Legal Instrument (in whatever form) on Exceptions and Limitations for Libraries and Archives” (document SCCR/26/3), adopted by the Committee; “Objectives and Principles for Exceptions and Limitations for Libraries and Archives” (document SCCR/26/8), submitted by the United States of America; “Consolidation of Proposed Texts contained in document SCCR/26/3” (document SCCR/29/4), prepared by the African Group, Brazil, Ecuador, India and Uruguay; and “Proposal Concerning Limitations and Exceptions for Libraries and Archives and Limitations and Exceptions for Educational and Research Institutions and for Persons with other Disabilities” (document SCCR/33/4), prepared by Argentina.

17. During its 30th session, the Committee agreed to hold discussions based on an informal chart on “exceptions and limitations for libraries and archives” that had been introduced by the Chair during the 29th session of the SCCR. During its 31st, 32nd, 33rd and 34th sessions, the Committee continued discussions based on the informal chart and exchanged views regarding a number of topics. As a result of discussions during its 34th session, the informal chart was numbered as document of the Chair (document SCCR/34/5). The Committee will continue discussions on the possibility of that chart becoming a Committee working document at its 35th session.

18. In addition to these documents, during its 29th, 30th and 31st sessions, the Committee heard presentations on and discussed the “Study on Copyright Limitations and Exceptions for Libraries and Archives” (document SCCR/29/3) and the “Study on Copyright Limitations and Exceptions for Libraries and Archives: Updated and Revised” to cover all WIPO Member States at that time (document SCCR/30/3), both prepared by Professor Kenneth Crews; and the “Study on Copyright Limitations and Exceptions for Museums” (document SCCR/30/2), prepared by Mr. Jean François Canat and Professor Lucie Guibault.

19. During its 34th session, the Committee agreed to update the Crews study in document SCCR/30/3 and to continue collection of data and information relating to limitations and exceptions for museums, with the results to be presented at its 35th session. No recommendation was made to the WIPO General Assembly regarding this agenda item.

20. In addition, at its 34th session, the Committee requested the Secretariat to propose a draft action plan for limitations and exceptions for libraries and archives so that the Committee may discuss and consider its adoption for the future work of the Committee at its 35th session.

21. The topic of limitations and exceptions for libraries and archives will be maintained on the agenda of the 35th session of the SCCR.

LIMITATIONS AND EXCEPTIONS FOR EDUCATIONAL AND RESEARCH INSTITUTIONS AND PERSONS WITH OTHER DISABILITIES

22. As to the issues of limitations and exceptions for educational and research institutions and persons with other disabilities, at its Forty-First Session, held in 2012, the WIPO General Assembly encouraged the Committee to continue its work and approved the Committee's recommendation for the SCCR 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 of submitting recommendations on limitations and exceptions for educational, teaching and research institutions and persons with other disabilities to the WIPO General Assembly by the 30th session of the SCCR.

23. At its Forty-Fourth Session, held in 2013, the WIPO General Assembly requested the SCCR to continue its work on the issues covered in the SCCR report, which included the work on limitations and exceptions consistent with the recommendations approved in 2012, as set out in the previous paragraph.

24. At its Forty-Sixth Session, held in 2014, the WIPO General Assembly did not take a decision on the agenda item regarding the SCCR Report. At its Forty-Seventh and Forty-Eighth Sessions, respectively held in 2015 and in 2016, the WIPO General Assembly did not reach a specific decision, but directed the Committee to continue work on all the topics addressed in the SCCR report.

25. The documents under consideration related to this agenda item are currently: "Provisional Working Document Towards an Appropriate International Legal Instrument (in whatever form) on Limitations and Exceptions for Educational, Teaching and Research Institutions and Persons with other Disabilities Containing Comments and Textual Suggestions" (document SCCR/26/4 Prov.), prepared by the Secretariat; "Objectives and Principles for Exceptions and Limitations for Educational, Teaching, and Research Institutions" (document SCCR/27/8), submitted by the United States of America; and "Proposal Concerning Limitations and Exceptions for Libraries and Archives and Limitations and Exceptions for Educational and Research Institutions and for Persons with other Disabilities" (document SCCR/33/4), prepared by Argentina.

26. In addition to these documents, at the 32nd session of the SCCR, the Chair submitted an informal chart similar to the one prepared on limitations and exceptions for libraries and archives. During its 33rd and 34th sessions, the Committee continued discussions on the informal chart, and as a result of discussions during its 34th session, the informal chart became a document of the Chair (document SCCR/34/6). The Committee will continue discussions on the possibility of that chart becoming a Committee working document at its 35th session.

27. Furthermore, during the 33rd session of the SCCR, the Committee heard a presentation and participated in discussions on the "Study on Copyright Limitations and Exceptions for Educational Activities" (document SCCR/33/6) prepared by Professor Daniel Seng. The Study will be updated to include some additional topics requested by the Member States and presented at the 35th session. During its 34th session, the Committee heard a presentation on the status of the update.

28. A progress report of the Scoping Study on Limitations and Exceptions for persons with Other Disabilities was presented by co-authors Mr. Blake Reid and Ms. Caroline Ncube. A Questionnaire on Limitations and Exceptions for Persons with Other Disabilities had been previously submitted to Member States and the results of this questionnaire will be incorporated in the final scoping study. A presentation of the final study is expected to take place at the 35th session of the SCCR.

29. During its 34th session, the Committee heard and welcomed a presentation by the Secretariat on the project on Facilitating Access to Educational Materials and Learning Modules and the related questionnaire that had been distributed to WIPO Member States. No recommendation was made to the WIPO General Assembly regarding this agenda item.
30. Furthermore, at its 34th session, the Committee requested the Secretariat to propose a draft action plan for limitations and exceptions for educational and research institutions, and persons with other disabilities, so that the Committee may discuss and consider its adoption for the future work of this Committee at its 35th session.
31. The topic of limitations and exceptions for educational and research institutions and persons with other disabilities will be maintained on the agenda of the 35th session of the SCCR.

C. OTHER MATTERS

ANALYSIS OF COPYRIGHT RELATED TO THE DIGITAL ENVIRONMENT

32. It is recalled that the “Proposal for Analysis of Copyright Related to the Digital Environment” (document SCCR/31/4) was submitted by the Group of Latin American and Caribbean Countries (GRULAC) at the 31st session of the SCCR in December 2015 and has been discussed under the agenda item “Other Matters” at every session since then.
33. During its 33rd session, the Committee agreed to commission a scoping study on the impact of digital developments on the evolution of national legal frameworks over the last ten years, which will be presented at the 35th session in November 2017.
34. During its 34th session, the Committee took note of the presentation of the methodology and the preliminary report of the scoping study presented by Dr. Guilda Rostama, and of the summary of a brainstorming exercise, which was conducted as part of the preparation process of the scoping study, by Professor Pierre Sirinelli.
35. The topic of the Analysis of Copyright Related to the Digital Environment will be maintained on the agenda of the 35th session of the SCCR.

RESALE RIGHT

36. It is recalled that a “Proposal from Senegal and Congo to include the Resale Right (*droit de suite*) in the Agenda of Future work by the Standing Committee on Copyright and Related Rights of the World Intellectual Property Organization” (document SCCR/31/5) was submitted at the 31st session of the Committee.
37. At its 33rd session, the Committee heard a videoconference presentation on the resale right by Professor Sam Ricketson. Members and observers acknowledged the importance of the subject and offered comments on and asked questions about the presentation. A study addressing the economic implications of the right was requested by the Committee.
38. At the request of the Committee, an International Conference on the Artist’s Resale Right was organized on April 28, 2017 at WIPO headquarters in Geneva, ahead of the 34th session of the SCCR. The conference addressed some of the main issues raised by the application of the resale right from both legal and economic perspectives, including its potential effects on art markets.

39. A summary of the conference proceedings was presented at the 34th session of the SCCR. The Committee also heard a progress report on the ongoing study on the economic implications of the resale right. The completed version of the study will be presented at the 35th session of the SCCR.

40. The topic of the Resale Right will be maintained on the agenda of the 35th session of the SCCR.

41. The WIPO General Assembly is invited to:

(i) take note of the “Report on the Standing Committee on Copyright and Related Rights” (document WO/GA/49/5);

and

(ii) direct the SCCR to continue its work regarding the issues reported on that document and provide the SCCR with any guidance or direction that it may wish concerning future action for those issues.

[Summaries by the Chair follow]

Standing Committee on Copyright and Related Rights

Thirty-Third Session
Geneva, November 14 to 18, 2016

SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

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

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

2. The Committee adopted the draft agenda (document SCCR/33/1 PROV.).

AGENDA ITEM 3: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS

3. The Committee approved the accreditation as SCCR observers of the non-governmental organizations referred to in the Annex to document SCCR/33/2, namely the African Library and Information Associations and Institutions (AfLIA), the Canadian Federation of Library Associations (CFLA), the European University Association (EUA), the Federación de Músicos Asociados (FEMA), and the National Library of Sweden (NLS).

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

4. The Committee approved the draft report of its thirty-second session (document SCCR/32/5) as proposed. Delegations and observers were invited to send any comments on their statements to the Secretariat at copyright.mail@wipo.int by December 15, 2016.

AGENDA ITEM 5: PROTECTION OF BROADCASTING ORGANIZATIONS

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

6. The Committee welcomed and considered document SCCR/33/3 prepared by the Chair, entitled *Revised Consolidated Text on Definitions, Object of Protection, and Rights to be Granted*, and took note of document SCCR/33/5 entitled *Note on the Draft Treaty to Protect Broadcasting Organizations*, presented by the delegations of Argentina, Colombia and Mexico.

7. The chair introduced to the Committee the topics contained in the informal chart on "Other Issues", notably beneficiaries, term of protection, limitations and exceptions, technological protection measures and rights management information.

8. Some delegations requested further clarification and exchanged views regarding document SCCR/33/5.

9. Discussions based on document SCCR/33/3 were held in informal sessions of the Committee. Textual proposals were made during those sessions with a view to achieve a common understanding on definitions, object of protection and rights to be granted.

10. The Committee decided to continue discussions on a revised version of document SCCR 33/3 that will be prepared by the Chair for the next meeting of the Committee considering the textual proposals and clarifications made during the session with respect to definitions, object of protection and rights to be granted, as well as the other issues mentioned in the Chair's chart, with a view to achieving the consensus required for convening a diplomatic conference on the protection of broadcasting organizations.

11. This item will be maintained on the agenda of the thirty-fourth session of the SCCR.

AGENDA ITEM 6: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

12. The documents related to this agenda item were SCCR/26/3, SCCR/26/8, SCCR/29/4, SCCR/30/2, SCCR/30/3, and SCCR 33/4, as well as an informal chart prepared by the Chair.

13. Discussions were based on the informal chart introduced by the Chair on “exceptions and limitations for libraries and archives”. This chart was designed to serve as a useful tool to provide structure to discuss the substance of each topic, drawing on the many resources before the Committee. This allows the Committee to have an evidence-based discussion respecting differing views and understanding that the goal is not to guide the discussion toward any particular or undesired outcome, but instead to lead to a better understanding of the topics and of their actual relevance to the discussions and the intended outcome.

14. The Chair highlighted some of the elements that were drawn from the views expressed in comments and submissions of Members of the Committee during previous SCCR sessions on the topics of preservation, the right of reproduction and safeguarding copies, legal deposit, library lending, parallel importations, cross-border uses, and orphan works, retracted and withdrawn works, and works out of commerce.

15. Members of the Committee also exchanged views regarding several of the topics listed on the Chair’s chart, namely limitations on liability of libraries and archives, technological measures of protection, contracts, and the right to translate works. In addition, concerns that could arise when considering limitations and exceptions related to these topics and possible measures to address such concerns were expressed. Suggestions were also made for alternative approaches.

16. The Chair introduced a revised version of the Chair’s informal chart on limitations and exceptions for libraries and archives based on discussions in the Committee and invited comments from Member States and observers. Member States requested further time and reserved the ability to comment at SCCR/34. Some Members requested further discussion on the proposals contained in documents SCCR/29/4 and SCCR/33/4 in the next session of the Committee.

17. This item will be maintained on the agenda of the thirty-fourth session of the SCCR.

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

18. The documents related to this agenda item were SCCR/26/4 PROV., SCCR/27/8, SCCR 32/4, SCCR 33/4 and SCCR 33/6, as well as an informal chart prepared by the Chair and an informal outline prepared by Professor Blake Reid.

19. The Committee heard the presentation by Professor Daniel Seng on the *Study on Copyright Limitations and Exceptions for Educational Activities*, contained in document SCCR/33/6. The Committee welcomed the presentation and delegations and observers participated in a question-and-answer session with Professor Seng. Amendments and clarifications should be sent to the Secretariat (copyright.mail@wipo.int) by February 1, 2017. Professor Seng stated that in response to additional suggestions and requests from Member States he was willing to continue work on the study for SCCR/34. The Committee requested the updating of the information contained in the presentation of Professor Seng for the next session of the Committee.

20. The Committee held discussions on the topic of limitations and exceptions for educational, teaching and research institutions and their relationship with the fundamental role of education in society, with reference to the existing documents, including the study prepared by Professor Seng and document SCCR/33/4, *Proposal Concerning Limitations and Exceptions for Libraries and Archives and Limitations and Exceptions for Educational and Research Institutions and for Persons with Other Disabilities*, which was introduced and described by the Delegation of Argentina. The Committee took note of document SCCR/33/4.

21. The Chair presented and described a chart on limitations and exceptions for educational and research institutions, similar to the limitations and exceptions chart for libraries and archives, to be used as a tool to focus discussions on this topic. The Chair explained that the chart included the categories identified in the draft study prepared by Professor Seng as well as elements contained in previous discussions and documents. The Chart will allow the Committee to have an evidence-based discussion respecting differing views and understanding that the goal is not to guide the discussion toward any particular or undesired outcome, but instead to lead to a better understanding of the topics related to this agenda item and of their actual relevance to the discussions and the intended outcome. Member States and observers commented on the chart and made suggestions for additional topics to be added. Some Member States requested the inclusion of the new topics in Professor Seng's study and there were no objections. GRULAC suggested a study assessing the effects of the limitations and exceptions established in national legislation on the cross-border use of works and reproductions carried out within the framework of educational and research needs.

22. A preliminary presentation of the scoping study on limitations and exceptions for persons with disabilities other than print disabilities and a description of topics to be covered in a questionnaire was given by Professor Blake Reid and student attorneys Kiki Council and Sean Doran. The complete study, which will be done in collaboration with Professor Caroline Ncube of the University of Cape Town, will be presented at SCCR/34. A short questionnaire on topics discussed in the presentation will be sent to Member States.

23. This item will be maintained on the agenda of the thirty-fourth session of the SCCR.

AGENDA ITEM 8: OTHER MATTERS

24. The documents related to this agenda item were SCCR/31/4 and SCCR/31/5.

25. The Committee discussed the *Proposal for Analysis of Copyright Related to the Digital Environment*, document SCCR/31/4, submitted by the Group of Latin American and Caribbean Countries (GRULAC). Members of the Committee and observers acknowledged the importance of the subject and offered further comments on and reactions to the proposal. The Committee supported the proposals that were made by some delegations to commission a scoping study on the impact of digital developments on the evolution of national legal frameworks over the last ten years. A proposal was made to add the topic to the SCCR agenda as a standing agenda item.

26. The Committee discussed the *Proposal from Senegal and Congo to include the Resale Right (droit de suite) in the Agenda of Future work by the Standing Committee on Copyright and Related Rights of the World Intellectual Property Organization*, document SCCR/31/5. Members of the Committee and observers welcomed a videoconference presentation on the resale right by Professor Sam Ricketson of the University of Melbourne. Members of the Committee and observers acknowledged the importance of the subject and offered comments on and asked questions about the presentation. The Committee supported the proposals that were made by some delegations to hold a conference before the 34th session of the SCCR on the issues raised by the application of *droit de suite* from both legal and economic perspectives, including its potential effects on art markets, as well as to commission a study, which would notably address the economic implications of the right.

27. These topics will be maintained on the agenda of the thirty-fourth session of the SCCR.

SUMMARY OF THE CHAIR

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

AGENDA ITEM 9: CLOSING OF THE SESSION

29. The next session of the Committee will take place from May 1 to 5, 2017.

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Standing Committee on Copyright and Related Rights

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

SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

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

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

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

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

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

AGENDA ITEM 4: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS

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

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

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

AGENDA ITEM 6: PROTECTION OF BROADCASTING ORGANIZATIONS

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

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

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

AGENDA ITEM 7: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

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

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

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

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

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

13. The documents related to this agenda item were SCCR/26/4 PROV., SCCR/27/8, SCCR/32/4, SCCR/33/4 and SCCR/33/6, as well as an informal chart prepared for a previous meeting which will be numbered SCCR 34/6 as a document of the Chair. The Committee discussed the informal chart on limitations and exceptions for education and research institutions and will continue discussions on the possibility of it becoming a Committee working document at the next SCCR.

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

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

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

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

AGENDA ITEM 9: OTHER MATTERS

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

19. Regarding the Analysis of Copyright Related to the Digital Environment, the Committee took note of the presentation of the methodology and the preliminary report of the scoping study

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

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

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

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

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

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

SUMMARY BY THE CHAIR

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

AGENDA ITEM 10: CLOSING OF THE SESSION

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

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