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WORKING DOCUMENT

from: General Secretariat

to: Delegations

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Subject: 25th session of the WIPO Standing Committee on Copyright and Related Rights
(Geneva, 19 - 23 November 2012)

- Final statements by the EU and its Member States

Delegations will find in the Annex, for information, the final statements made by the EU and its Member States at the 25th session of the WIPO standing Committee on Copyright and Related Rights..

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Statement by the European Union and its Member States

25th Session of WIPO Standing Committee on Copyright and Related Rights

(Geneva, 19 November – 23 November, 2012)

Agenda item: 5

Limitations and exceptions for visually impaired persons

Mr Chairman,

The European Union and its Member States would like to thank you and the WIPO Secretariat for the work on exceptions and limitations for visually impaired and print-disabled persons.

Mr Chairman, in the last year we made considerable progress to find a solution to this very specific problem with a very specific objective - to remove barriers which prevent the access of the visually impaired persons to books in accessible formats, including by helping, in a secure manner, the cross-border distribution of such accessible format copies.

At the last session in this Committee we had extensive discussions on the proposal for an international instrument on limitations and exceptions for persons with print disabilities. Based on the comments made by delegations and Regional Groups during the debate the Secretariat prepared the working document SCCR/24/9.

The European Union and its Member States actively engaged in the work of the intersessional meeting organised by WIPO in October. We have found these discussions very useful as they helped to achieve a better understanding of the positions of the delegations and Regional Groups. We look forward to continuing the discussions in a constructive manner.

Our objectives for the 25th session of the SCCR for this item are to concentrate the negotiations on the specific needs of visually impaired and print-disabled persons and to achieve a strong convergence of views on the solutions that we need to deliver. We need to advance as much as possible on the text. Only a focussed and balanced approach will allow the Standing Committee to recommend that the General Assembly convene a Diplomatic Conference in 2013.

Our goal is clear; we want to ensure that visually impaired and print-disabled persons anywhere in the world have the same access to books than any other person. We believe this goal is within reach if we stay on course and target the specific problems we have set ourselves to address while being mindful of the need to have effective protection of the rights of creators.

The EU and its MS are now also in the position to negotiate the conclusion of an instrument, including a binding treaty. They recall their political commitment to address the needs of visually impaired and print-disabled persons in an effective and balanced manner that does not affect the principles of the existing international copyright framework.

Thank you.

Statement by the European Union and its Member States

Standing Committee on Copyright and Related Rights

Twenty-Fifth Session

WIPO, Geneva, 19 November – 23 November, 2012

**Item 6
Protection of broadcasting organisations**

Mr Chairman,

The European Union and its Member States would like to thank the Chair and the WIPO Secretariat for the work related to a treaty on the protection of broadcasting organisations and in particular for having prepared the “Working document for a treaty on the protection of broadcasting organizations” contained in document SCCR/24/10.

The WIPO Treaty on Broadcasting Organisations remains a high priority for the European Union and its Member States. We are keen to see an improvement in the international protection of broadcasting organisations that is meaningful and adapted to the realities of the XXIst century while at the same time respecting the rights of right holders in works and other protected subject matter carried by broadcast signals. The European Union and its Member States remain convinced that WIPO is the right forum for new international standards to be set on this matter.

We welcome the progress made in this Committee in July. We look forward to continuing the discussions on a treaty during this session and in future Committee meetings with the aim of progressing work on a draft treaty and making a recommendation to the 2013 WIPO General Assembly on the scheduling of a Diplomatic Conference in 2014.

The European Union and its Member States stand as committed as ever to work towards this goal and towards a consensus that will enable broadcasting organisations to be given adequate and effective protection at the international level. Now that we have the Working Document on the table, the European Union and its Member States are looking forward to technical discussions on the substance of the proposed treaty based on this text including proposing amendments and making textual comments.

Progress on this very important and urgent issue is necessary and we hope that this will continue to be achieved at this meeting and future Committee meetings.

Thank you.

Statement by the European Union and its Member State

**25th Session of WIPO Standing Committee on Copyright and Related Rights
(Geneva, 19 November – 23 November, 2012)**

Agenda item: 7 Limitations and exceptions for libraries and archives

Mr Chairman,

Libraries and archives are important institutions for the dissemination of knowledge, culture and information. Copyright is a fundamental element in stimulating and sustaining creativity, i.e. the creation of works that could be subsequently consulted in the libraries or preserved in the archives.

Exceptions to copyright for the benefit of these institutions can play an important role for the achievement of public interest objectives and they are possible under the existing international conventions and treaties. The European Union and its Member States attach a great deal of importance to this high degree of flexibility in the application of these exceptions because it allows for the incorporation of such limitations and exceptions in the Member States' legal systems in accordance with their specific needs, legal traditions and market specificities.

Furthermore, we consider that much can be already done under the current international copyright framework. We are thus reluctant at this stage of our discussion to engage in any drafting exercise which would limit the open-ended nature of the exceptions to the benefit of libraries and archives.

The European Union and its Member States consider that the way to make further progress on this file is first to have a debate as to what the Committee needs to discuss and to concentrate debate on some selected topics. Second, of course, to continue working on document SCCR/23/8 titled “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”. In doing so, the European Union and its Member States want to leave the door open in the forthcoming debates to add new topics or background to the document if necessary. The Committee should strive to adopt a balanced approach and the EU and its Member States stand ready to make concrete and constructive proposals to this end.

With regard to the proposal made by the delegation of Egypt, the EU and its Member States would find it rather premature to now enter into discussions about possible inter-sessional work on this topic.

I thank you Mr Chairman.

Statement by the European Union and its Member States

25th Session of WIPO Standing Committee on Copyright and Related Rights

(Geneva, 19 November – 23 November, 2012)

Agenda item: 8

Limitations and exceptions for educational and research institutions

Mr. Chairman,

Quality education and a vibrant research sector are priorities in all countries. Educational and research institutions play a crucial role in our societies with respect to the dissemination of knowledge, culture and information as well as the progress of science. Education and research are sectors that depend heavily on copyright protected contents, such as textbooks, scientific journals and all contents used in education and research as bases of teaching and new research or for illustration or quotations. Copyright is thus a fundamental and a key factor in stimulating and sustaining the creativity and innovation which are at the basis of education and research. We need to keep this in mind when discussing within the Committee the various practices in the fields of education and research.

In this context, the European Union and its Member States are ready to continue the debate started in the 24th SCCR on education and research and to have further exchange of views on all relevant aspects of this file. We are concerned however that there are a number of issues on the table that seem to go well beyond the topic of our discussions. Many different issues were raised in the 24th SCCR, we need to understand better their relevance for our discussion and see to what extent we should try to advance by identifying those issues which are directly linked to education and research. Naturally, different countries may have different views as to which issues are those and we would be interested to hear from other countries and text proponents.

In this context, the European Union and its Member States are ready to continue the debate started in the 24th SCCR on education and research, and to have a further exchange of views on all relevant aspects of this file. We are concerned, however, that there are a number of issues on the table that seem to go beyond the topics of our discussions. Many different issues were raised in SCCR/24, we have to understand better the relevant for the discussions and see to what extent we should try to advance by identifying those issues which are directly linked to education and research. Naturally, different countries may have different views as to which issues are those and we are interested to hear from other countries.

The EU and its Member States considers that first of all, we have to have a debate as to the scope of our discussions. Second, we believe, as already discussed by the Committee, that the document entitled “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/24/8 Prov.) should be restructured in a similar manner to document SCCR/23/8 on limitations and exceptions for libraries and archives with textual proposals and comments separated under each topic. In doing so, the European Union and its Member States want to leave the door open in the forthcoming debates to add new topics or background to the document if necessary. This could include, for example, the importance of efficient licensing schemes.

The European Union and its Member States look forward to discussing the national experiences in the implementation of limitations and exceptions for educational establishments, teaching purposes and scientific research and how they are used in practice. The EU and its Member States have on several occasions in the course of these discussions indicated that in our view the framework we currently have at international level allows for the necessary flexibility to address these issues while taking into account national specificities, legal systems and levels of developments. We are nevertheless ready to contribute to these discussions and to assess whether on certain issues we could engage into discussing specific recommendations or, for instance, model licensing clauses.

Thank you.

Statement by the European Union and its Member State

**25th Session of WIPO Standing Committee on Copyright and Related Rights
(Geneva, 19 November – 23 November, 2012)**

SCCR 25

Final EU statement on VIP

The EU and its MS thank the Chair and the Secretariat for their sustained and strenuous efforts in facilitating the negotiations on this issue. The EU and its MS have redoubled their efforts in the last year to arrive at a successful conclusion of these negotiations, including in the run-up to this SCCR where we have engaged in numerous bilateral and multilateral contacts. We believe it is fair to say that there is a true commitment from all to these negotiations. Our objective is clear; to ensure that visually-impaired and print-disabled persons anywhere in the world have the same access to books as any other person.

The EU and its MS remain politically committed to addressing the specific needs of the visually impaired and print-disabled persons in an effective and balanced instrument, including a treaty, in a manner that does not affect the principles of the existing international copyright framework.

Encouraging progress has been made this week in addressing specific remaining issues in the text. We have made an effort in good-faith to help deliver this progress. We believe we all have gained common ground and understanding; however, we need to gain more. We remain concerned that discussions on some points seem to relate to larger and horizontal issues unconnected with the needs of the visually-impaired. We all need to understand that the way to success requires us to remain focused in these negotiations. We should build on this momentum in view of the extraordinary session of the General Assembly in December, which will take a decision on the convening of a diplomatic conference.