



Council of the
European Union

025771/EU XXVI. GP
Eingelangt am 12/06/18

Brussels, 12 June 2018
(OR. en)

10028/18

PI 74

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	8857/1/18 REV1
Subject:	36th Session of the WIPO Standing Committee on Copyright and Related Rights (SCCR) (Geneva, 28 May - 1 June 2018) - Final EU/Member States' statements

Delegations will find in Annex, for information, the statements delivered on behalf of the European Union and its Member States at the above-mentioned WIPO meeting.

Opening Statement by the European Union and its Member States

Standing Committee on Copyright and Related Rights

Thirty-Sixth Session

WIPO, Geneva, 28 May – 1 June 2018

Chairman,

The European Union and its Member States thank you for your facilitating, directing and consolidating discussions during the last session of this Standing Committee. We once again count on your commitment and expertise to lead this session towards successful outcomes on the basis of constructive discussions, for the benefit of the global intellectual property system. We would also like to express our gratitude to the Vice-Chairs as well as to use this occasion to thank the WIPO Secretariat for the smooth and timely preparation of this thirty-sixth session.

Chairman,

The discussions on the Treaty for the Protection of Broadcasting Organisations are of great importance to the European Union and its Member States. We will maintain our active stance in these discussions and remain committed to advance these complex and technical talks constructively.

It is of paramount importance from our point of view that the treaty takes into account and responds to technological realities of the 21st century and the corresponding current and future needs of broadcasting organisations.

In this context, we look forward to the further engagement of this Committee in order to be able to proceed with in-depth discussions on the revised consolidated text on definitions, object of protection, rights to be granted and other issues which has been prepared in the context to the previous session (document [SCCR 35/12](#)).

Considerable efforts have been made during previous sessions in order to consolidate views on the main elements of a treaty. As we have mentioned on previous occasions, we would like to stress that what is needed in our view is a broad consensus as to the extent of the protection to be granted so that the treaty can provide broadcasting organisations with adequate and effective protection.

Taking this into account, we can only repeat our commitment to progressing towards the conclusion of a worthwhile treaty, which reflects the technological realities and developments of the 21st century in a meaningful way and we hope that this session will allow us to agree on the elements necessary for that. In this regard, we would like to thank the Delegation of Argentina for its proposal contained in document SCCR 36/5.

The European Union and its Member States also remain committed to an active and constructive continuation of the discussions on Limitations and Exceptions. In this regard, the EU and its Member States remain convinced that the existing international copyright framework empowers WIPO Member States to introduce, maintain and update Limitations and Exceptions in their national legislation that can meaningfully respond to their local needs and traditions, while continuing to ensure that copyright is an incentive and a reward to creativity. We therefore continue to believe that the work in this Committee should aim at a better understanding of the issues at stake while simultaneously taking into account the various existing possible solutions and flexibilities in the framework of the international treaties and as a result, we do not see the need for any new and additional legally binding instruments in this area.

Taking this into account, we remain convinced that useful work can be carried out in this Committee to provide guidance regarding the manner in which the international treaties are implemented in national laws. In this regard, we have carefully taken note of the Secretariat's proposal for revised Draft Action Plans regarding Exceptions and Limitations, published as document SCCR 36/3 and stand ready to share our views and comments on the points contained therein and to discuss the plans.

Lastly, as regards "other matters", the EU and its Member States take note of the document SCCR 36/4 containing proposals of the Chair as regards the next steps on other matters. We would also like to stress once more that we give our strong support to the proposal by the delegations of Senegal and Congo from SCCR 27 in 2014 to include the artists' resale right (*droit de suite*) in the Agenda.

Thank you.

**Statement by the European Union and its Member States
Standing Committee on Copyright and Related Rights**

Thirty-Sixth Session

WIPO, Geneva, 28 May – 1 June 2018

Agenda item: 5 / Protection of broadcasting organisations

Chairman,

The Treaty on the Protection of Broadcasting Organisations remains a high priority for the European Union and its Member States. We are strongly committed to advancing work on the various issues identified in previous Committee sessions and believe that good progress was achieved at the last session, as reflected in document SCCR 35/12.

Therefore, we look forward to further engagement of all delegations in order to discuss the various issues with the view of achieving a consensus on the main elements of a possible future treaty.

We hope that further progress can be made on the basis of the revised consolidated text on definitions, object of protection, rights to be granted and other issues contained in document SCCR 35/12. We are ready for in-depth discussions and will also share with the Committee technical and substantive comments that we have on the text.

As we have said on several occasions, we consider that the Committee's work should result in a meaningful treaty that reflects the technological developments of the 21st century. In particular, we believe that transmissions of traditional broadcasting organisations over computer networks such as simultaneous transmissions or catch-up transmissions warrant international protection from acts of piracy. We also attach great importance to the adequate catalogue of rights which would allow the necessary protection for the broadcasting organisations against acts of piracy whether they occur simultaneously with the protected transmissions or after these transmissions have taken place.

We thank the Delegation of Argentina for its proposal contained in document SCCR 36/5 and the interesting ideas contained therein. We look forward to a detailed discussion of its content.

As regards the "other issues" that have been identified in the Chair's text, we maintain our strong conviction that the examples set by the recent treaties in this area, such as for example the Beijing Treaty, should serve as a template, guiding our work in this regard.

Lastly, we would like to recall that we believe that what is needed is a broad consensus as to the extent of the protection to be granted so that a future treaty can provide broadcasting organisations evolving in an increasingly complex technological world with adequate and effective protection. We hope that the considerable efforts which have been made during previous sessions can culminate in finding a solution on the main elements of the treaty and bring us to a successful outcome.

Thank you.

Statement by the European Union and its Member States

Standing Committee on Copyright and Related Rights

Thirty-Sixth Session

WIPO, Geneva, 28 May – 1 June 2018

Agenda item: 6: Limitations and exceptions for libraries and archives and

Agenda item 7: Limitations and exceptions for educational and research institutions and for persons with other disabilities

Thank you Chair,

The EU and its Member States strongly believe in the importance of the role libraries, archives and museums play in the dissemination of knowledge, information and culture, along with the preservation of our history. We also attach importance to the support of educational and research institutions and for people with disabilities, both in the analogue and digital worlds within the existing international copyright framework.

We see merit in discussing how a balanced international copyright framework can enable libraries and archives and museums to fulfil their public interest mission and support educational and research institutions and people with disabilities. We are willing to continue to engage constructively in these discussions.

The EU and its Member States have carefully taken notice of the timely published Draft Action Plan on Limitations and Exceptions for Libraries, Archives and Museums and the Draft Action Plan on Limitations and Exceptions for Educational and Research Institutions and for People with Other Disabilities, contained in document SCCR 36/3.

We recognise that there are various items presented in the draft action plans that from our point of view would seem worth while pursuing, while we would have some further comments and questions on some of the other points at the appropriate time. We stand ready to engage in discussions about the individual points and their content, but would like to reiterate already now in this context that we believe it is important that we have a clear common understanding of the purpose and the direction of the work in this Committee.

Our favoured approach in this context remains one where the work in this Committee focuses on the way in which limitations and exceptions can function efficiently within the framework of existing international treaties and where WIPO Member States take responsibility for their own national legal frameworks, supported by an inclusive exchange of experiences and best practices and, where necessary, the assistance of WIPO. In many Member States, licensing also plays an important role, either alongside the application of exceptions or instead of the applications. We think that it is important that WIPO Member States maintain a certain degree of flexibility in this field, which is particularly relevant in view of the different legal systems across WIPO's membership.

We therefore believe that a meaningful way forward would be to focus on a thorough and systematic understanding of the problems faced by libraries, archives, educational and research institutions and persons with other disabilities against their needs, giving full consideration to the solutions already available to member states provided by innovation in relevant markets, and those available under the current international framework.

Against this background, we believe that a possible outcome of the discussions in this Committee under this agenda item could ultimately be guidance regarding the national implementation of the international treaties, but we would like to express once more that we cannot support work towards legally binding instruments at the international level or any preparations in this regard.

Thank you.

Statement by the European Union and its Member States

Standing Committee on Copyright and Related Rights

Thirty-Sixth Session

WIPO, Geneva, 28 May – 1 June 2018

Agenda item: 8 / Other matters - Proposal for Analysis of Copyright Related to the Digital Environment

Thank you Chair,

The European Union and its Member States continue to believe that the issue of copyright in the digital environment merits attention and discussion, in order to ensure that copyright can be more efficiently protected and play its role in the digital era.

In this context, we have taken note and commented on the scoping study presented at the last session.

Taking the discussion and work carried out so far into account, the EU and its Member States would like to highlight once more that these are potentially very wide topics, not always clearly defined and not only related to copyright. We still think that it is necessary for these topics to be pursued further but we would have to first clearly determine the concrete subject of our conversation. We welcome the interesting proposals from Brazil in this regard.

Thank you.

Statement by the European Union and its Member States

Standing Committee on Copyright and Related Rights

Thirty-Sixth Session

WIPO, Geneva, 28 May – 1 June 2018

Agenda item: 8 / Other matters – 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

Thank you Chair,

As expressed in the last meetings of this Committee, the European Union and its Member States thank and supports the delegations of Senegal and Congo for their proposal to include the resale right (*droit de suite*) in the Agenda.

The resale right has formed part of the European Union's legal framework for more than a decade and there is dedicated legislation applicable in all its 28 Member States, which underlines the great importance that the European Union attaches to the resale right. Indeed, some of our Member States may wish to take the floor and share their respective national experiences in this regard.

The EU and its Member States have carefully taken note of the Chair's proposals as regards a task force of experts reviewing the practical elements of the artist's resale right and we believe that there would be merit in pursuing this approach.

In addition, we continue to give our support for a discussion on the resale right at international level, especially during SCCR. We would look forward to sharing our experience and information on the implementation of the EU Resale Right Directive and the merits of this right.

The proposal by Senegal and Congo to include the topic in the agenda of the SCCR goes back to SCCR 27 and was tabled at SCCR 31. For this reason, the EU and its Member States believe that priority should be given to the resale right over any other topic, should the SCCR Agenda be expanded to cover additional items in the future. We therefore would like to once more urge all delegations to support the proposal of Senegal and Congo and to accept the inclusion of the resale right as a self-standing item in the agenda of the SCCR.

Thank you.

Statement by the European Union and its Member States

Standing Committee on Copyright and Related Rights

Thirty-Sixth Session

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Agenda item: 8 / Other matters – Proposal on the Part of the Russian Federation with Regard to Strengthening The Protection of Theatre Directors’ Rights at the International Level

As regards the proposal from Russia, the EU and its Member States have taken note of this proposal with regard to strengthening the protection of theatre directors’ rights at the international level and the initial presentation at the last session. We thank Russia for organising the side event in this regard. We have furthermore taken note of the Chair's proposal as regards a detailed description of the proposal by the Russian Federation and will listen attentively to it and engage in the preliminary discussion.

Closing Statement by the European Union and its Member States

Standing Committee on Copyright and Related Rights

Thirty-Sixth Session

WIPO, Geneva, 28 May – 1 June 2018

Mr. Chair,

The European Union and its Member States would like to thank you, the vice-chairs and the secretariat for your work and efforts in successfully conducting the discussions. We consider the discussions carried out in this Committee to be of great relevance and remain committed to engaging constructively in them.

The discussions on the Treaty for the protection of Broadcasting Organisations are of great importance for the European Union and its Member States. We would like to thank Argentina for its interesting proposal as regards deferred transmissions. We would also like to thank Switzerland, Chile and Brazil for the productive discussions and are indebted to Mr Jukka Liedes for facilitating the conversation. We welcome the progress that was made in the framework of the discussions on this future Treaty and are looking forward to finalising the emerging consensus on fundamental issues. We remain committed to progressing towards the conclusion of a worthwhile treaty, reflecting the technological realities and developments of the twenty first century.

The European Union and its Member States are committed to pursue fruitful discussions on exceptions and limitations. We congratulate you on the adoption of the action plans for the work under the respective agenda items. We would like to thank you and the DDG for your significant personal engagement to secure this constructive outcome which provides a framework for our future work in this area.

We are convinced that the action plans will serve as a good basis for deepening our understanding of challenges faced by libraries, archives museums as well as educational and research institutions and persons with other disabilities and serve as a useful tool and framework for future work. Our view is based on the understanding, as expressed consistently by us that the intention is not to undertake any normative work.

As the recent reports of this Committee will show there is clearly no consensus to work towards a normative outcome. A meaningful outcome of this work in our view could be guidance to Member States regarding best practices, taking advantage also of the flexibility of the international copyright legal framework to adopt, maintain or update national exceptions that adequately respond to local needs and traditions.

As regards the resale right, the European Union and its Member States, along with many other delegations, support the proposal by the Delegations of Senegal and Congo to include the resale right as a self-standing item in the agenda of the SCCR. We welcome the launch of the task force and are looking forward to the report.

As to the proposal for analysis of copyright related to the digital environment, the European Union and its Member States consider that the topic is relevant and should be further clarified and framed to facilitate our discussions. We are looking forward to the presentation of an outline of the terms of reference of a possible study by the Secretariat at the next session.

Thank you
