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NOTE

From:	General Secretariat of the Council
To:	Delegations
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Subject:	45th session of the WIPO Standing Committee on Copyright and Related Rights (SCCR), (Geneva, 15 - 19 April 2024) - Final EU/Member States statements

Delegations will find attached the final EU/Member States statements delivered at the above-mentioned WIPO meeting.

45th session of the WIPO Standing Committee on Copyright and Related Rights (SCCR)**(15-19 April 2024)****Protection of broadcasting organisations****Agenda Item 4**

Chair,

1. The Treaty for the Protection of Broadcasting Organisations remains a priority and continues to be of importance to the European Union and its Member States. Following the mandate given by the 2019 WIPO General Assembly to continue working towards convening a diplomatic conference, subject to certain conditions, we maintain our commitment to progressing towards the conclusion of a worthwhile Treaty that responds to the technological realities of the 21st century.
2. We are thankful for the work done by the SCCR Chair, the Vice-Chairs and the facilitators in reviewing the text of the draft Treaty following the comments raised during the last SCCR session. We are pleased to note that comments raised by the European Union and its Member States have also been taken into account. The revised text provides a solid basis to progress towards the adoption of a Treaty ensuring protection of broadcasting organisations against signal piracy.
3. We would like to reiterate that the European Union and its Member States are of the view that particular attention should be given to ensure that the treaty is future proof. This is why we consider that programme-carrying signals used for the transmissions over computer networks of broadcasting organisations should be granted meaningful protection, at international level, against acts of piracy. To this end, the EU and its Member States consider that the reservation currently included in the text, by which online transmissions of broadcasters are guaranteed protection only when they are simultaneous with transmission over radio waves, would not allow to achieve this objective and should therefore be removed. We stand ready to further engage constructively in the discussions on this question.

4. While further technical clarifications are needed on other issues, the EU and its Member States consider that this should not prevent progress towards convening a diplomatic conference in 2025 and concluding a Treaty that would help broadcasting organisations to fight against piracy of their signals at international level. We believe that technical discussions ahead of a diplomatic conference are needed to address the remaining questions and to discuss how to ensure legal certainty, fairness and balance in the application of the Treaty, in particular due to the diverse means that Contracting Parties may use to grant protection against signal piracy.

Thank you.

Limitations and exceptions for libraries and archives (Agenda Item 5) and

Limitations and exceptions for educational and research institutions and for persons with other disabilities (Agenda Item 6)

Chair,

1. The European Union and its Member States remain committed to a constructive discussion on Limitations and Exceptions. We strongly believe that libraries, archives, and museums play a crucial role in the dissemination of knowledge, information, and culture, along with the preservation of our history. We also attach importance to supporting educational and research institutions and people with disabilities, both in the analogue and digital worlds, within the existing international copyright framework.
2. As indicated in the past, we support an approach that focuses on the way in which limitations and exceptions can function efficiently within the framework of existing international treaties, while being mindful of the important role that licensing plays in many WIPO Member States. Full consideration should be given to the solutions already available to WIPO Member States under the current international framework.
3. In this context, as consistently expressed in the past, we would like to reiterate, however, that the EU and its Member States cannot support work towards legally binding instruments at international level or any preparations in this regard. However, we stand ready to engage constructively under the Work Program to reflect further on other possible non-binding instruments and ways by which WIPO can best help to provide guidance and assistance to WIPO Members States to address the problems faced by cultural heritage, education and research institutions and people with disabilities, including through the introduction of meaningful exceptions and limitations in the respective national laws.

4. We would like to thank the WIPO Secretariat for preparing the draft Implementation Plan for the Work Program on Exceptions and Limitations. In general, we believe that the proposed activities and timeframe offer a practical way forward to provide guidance and support to WIPO Member States to implement national policies and practices in the areas covered. The guidance it could provide would be in particular useful to address issues related to access to the collections of cultural heritage institutions and to other disabilities, which were less covered in our previous discussions. In terms of sequencing of the proposed activities covered, the EU and its Member States favour a gradual approach which would first focus on the priority issues covered in points 1, 2 and 3 of the Work Program. Completing first the activities related to preservation and access matters and other disabilities would facilitate the subsequent discussion on objectives and principles on exceptions and limitations.
5. We believe that the updated version of the “Objectives and Principles for Exceptions and Limitations for Libraries and Archives” proposed by the United States can contribute to the implementation of the Work Program and we stand ready for a discussion on the specific elements of this proposal.

Thank you.

Other matters:

Proposal for Analysis of Copyright Related to the Digital Environment

Agenda Item 7 (first indent)

Chair,

1. The European Union and its Member States welcomed the exchanges during the last SCCR sessions on the issue of copyright in the digital environment, which allowed us to hear the views of the different stakeholders and market players and illustrated the complexity of the issues at hand.
2. Generative AI and its relation to copyright is an emerging and very important topic which requires a proper understanding of the relevant and constantly evolving technological and market related aspects. Therefore we welcome and we are looking forward to the discussion that will take place during the Information Session on “Generative AI and Copyright”. It is helpful that WIPO already provides a global forum to discuss the issues raised by generative AI with regard to copyright law and allows an exchange of information on this topic by Member States.
3. We take note of document SCCR 43/7 which proposes to include “Copyright in the Digital Environment” in the standing agenda of the SCCR. We consider that the discussions on the two current standing agenda items are already very time consuming. This will likely further increase given the progress of the discussions on the draft Broadcasting Treaty and the discussions on the implementation of the Work Program on exceptions and limitations. We would also like to point out that the Proposal from Senegal and Congo to add the artists’ resale right to the main agenda of the SCCR was tabled in 2015, and the EU’s long-standing position has been to support this proposal and to give it priority over any other new topic.
4. The European Union and its Member States thank the GRULAC group for the ‘Draft Work Plan for Copyright in the Digital Environment’ (SCCR 45/4). We are still analysing the different activities proposed under this work plan, in particular the ones complementing today’s Information Session on AI.

Thank you.

Other matters:

**Proposal from Senegal and Congo to include the Resale Right (*droit de suite*)
in the Agenda of Future work by the SCCR**

Agenda Item 7 (second indent)

Chair,

1. As expressed before, the European Union and its Member States thank the delegations of Senegal and Congo for their proposal, and we support including the resale right (*droit de suite*) in the Agenda.
2. The EU attaches great importance to the resale right, which is a helpful incentive for authors of original works of art. The resale right has formed part of the EU legal framework for more than two decades and there is dedicated legislation applicable. Against this background, and with regard to the ongoing process of internationalisation of the modern and contemporary art market, we continue to give our strong support for a constructive and forward-looking discussion on the resale right at the SCCR.
3. We would like to recall that the proposal 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, should the SCCR Agenda be expanded to cover additional items in the future, priority should be given to the resale right over any other new topic.

Thank you.

Other Matters

Proposal for study on the public lending right in the Agenda and Future Work of the Standing Committee on Copyright and Related Rights of the World Intellectual Property Organization (WIPO)

Agenda Item 7 (fourth indent)

Chair,

We would like to thank the Secretariat and the experts for preparing the study on the Public Lending Right. We will read the findings with interest and we will be happy to provide comments at a later stage.

Thank you.

Other Matters

Proposal for a Study on the Rights of Audiovisual Authors and their Remuneration for the Exploitation of their Works

Agenda Item 7 (fifth indent)

We would like to thank the delegation of Cote d'Ivoire for their proposal SCCR 44/7 titled "Proposal for a Study on the Rights of Audiovisual Authors and their Remuneration for the Exploitation of their Works." The EU and its Member States support this proposal for a study. We would be open to extend the scope of this study also to audiovisual performers.
