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NOTE

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To:	Delegations
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Subject:	41th session of the WIPO Standing Committee on Copyright and Related Rights (SCCR) (28 June -1 July 2021) - Final EU/Member States statements

Delegations will find at annex, for information, the EU/Member States statements as delivered at the above-mentioned WIPO meeting.

41st Session of the WIPO Standing Committee on Copyright and Related Rights (SCCR)

(28 June - 1 July 2021)

Opening Statement

Agenda Item 1

Chair,

1. The European Union and its Member States would like to thank you for directing the upcoming discussions in these continuously challenging circumstances. We would also like to express our gratitude to the Vice-Chair and thank the WIPO Secretariat for the smooth preparation of this session. We are grateful for all the work put into the organisation of yet another – hopefully the last – online SCCR meeting.
2. As you know, the discussions on the Treaty for the Protection of Broadcasting Organisations are of great importance to the European Union and its Member States. We remain committed to advancing these complex discussions constructively, even if the current circumstances do not allow for the type of in-depth discussions that we have had in the past and that we hope to be able to have again in the near future. We will listen with great interest to the update by the Chair on the ongoing informal work and possible next steps in this regard.
3. As indicated previously, in our view, we need a broad consensus on the extent of the protection to be granted, in order for the future treaty to provide broadcasting organisations with meaningful, appropriate protection. We would like to stress that, in our view, it is crucial that the treaty takes into account and responds to the technological realities of the 21st century and the corresponding current and future needs of broadcasting organisations. Considering this, we reiterate our continuous commitment to progressing towards the conclusion of a worthwhile treaty.

4. The European Union and its Member States also remain committed to a constructive discussion on Limitations and Exceptions and we look forward to the exchanges on this agenda item in the coming days. The work carried out on the basis of the Committee's "Action Plans on Limitations and Exceptions through SCCR/39" has helped us to better understand the challenges faced by libraries, archives and museums, as well as by educational and research institutions and by persons with disabilities.
5. One important outcome of this work is the factual Report from the three regional seminars and the International Conference on Copyright Limitations and Exceptions for Libraries, Archives, Museums and Educational & Research Institutions that was contained in document SCCR 40/2. The report reflects on the one hand, the importance of focussing further work on capacity building and improving legislation of WIPO members at the national and regional level, combined with guidance and support from WIPO and on the other hand, the existence of different solutions and flexibilities offered by existing international copyright framework. These specific findings correspond to our views on this agenda item.
6. The EU and its Member States do not see the need for or merit of any new and additional legally binding instrument in this area. We have expressed consistently that in our view the existing international copyright framework already empowers WIPO Member States to introduce, maintain and update limitations and exceptions in their national legislation that can meaningfully respond to local traditions, evolving and newly emerging needs, while continuing to ensure that the objective of the copyright system should be to encourage and reward creativity. We look forward to the exchanges on the relevant sections of the Report: "Way Forward" and "Take Away Considerations" in the coming days.
7. Lastly, as regards the 'Other matters', the EU and its Member States will listen with interest to the various updates regarding work on these topics and the related presentations. We would also like to stress once more that we give our strong support to the inclusion of the artists' resale right in the Agenda, as proposed by the delegations of Senegal and Congo.

Thank you.

Protection of broadcasting organisations

Agenda Item 5

Chair,

1. The Treaty on the Protection of Broadcasting Organisations remains a high priority for the European Union and its Member States. In this respect, we would like to recall the 2019 WIPO General Assembly mandate to the SCCR to continue its work towards convening a diplomatic conference, subject to certain conditions. We are strongly committed to advancing work on this agenda item, even if the current circumstances continue to make this challenging. We believe that this session should nonetheless allow us to take stock of where we stand in the discussion – including the informal discussions held prior to this meeting. We also look forward to having in-depth discussions again in the near future, as soon as the sanitary situation allows for it.
2. We thank the Chair for the update made of the ongoing informal work. We would like to express our support to the ongoing Friends of the chair work, which we hope will assist us in making further progress and finding solutions for the remaining issues to be decided by this Committee.
3. 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 against acts of piracy. We also attach great importance to adequate rights to be granted, which would allow the necessary protection for broadcasting organisations against acts of piracy, whether they occur simultaneously with the protected transmissions or after these transmissions have taken place.
4. We hope that we can have useful discussions during this meeting and in the coming months, despite the challenging circumstances, in order to have a successful outcome on this pressing topic for broadcasting organisations in the near future.

Thank you.

Limitations and exceptions for libraries and archives (Agenda Item 6) and

Limitations and exceptions for educational and research institutions and for persons with other disabilities (Agenda Item 7)

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 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.
2. The document SCCR 36/7 ‘Action Plans on Limitations and Exceptions through SCCR 39’, provided useful input for this Committee’s work which included the organisation of three regional seminars and the International Conference on Copyright, Limitations and Exceptions for Libraries, Archives, Museums and Educational and research Institutions. We have read with interest the report of these events prepared by the Secretariat, contained in document SCCR 40/2, in particular the sections ‘Way Forward’ and ‘Take Away Considerations’.
3. 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 play in many WIPO Member States. Full consideration should be given to the solutions already available to WIPO Member States, under the current international framework. We agree with the Secretariat’s report on the importance of focussing further work on capacity building and improving legislation of WIPO members at the national and regional level, combined with guidance and support from WIPO.

4. Against this background, as consistently expressed in the past, the EU and its Member States cannot support work towards legally binding instruments at the international level or any preparations in this regard. However we stand ready to continue to engage constructively under this agenda item to reflect further on how WIPO can best help to focus on further developing the understanding of the problems faced by cultural heritage, education and research institutions and people with disabilities, and provide guidance and assistance to WIPO members states – where appropriate in a regional consultation - in this regard.
5. These regional consultations may also serve as a forum to discuss the impact of the COVID-19 pandemic on cultural heritage, education and research institutions, as proposed in the annotated agenda. We are also open to consider other formats to address this topic, provided that we have a holistic approach, not limited to exceptions and limitations. We need to keep in mind that this pandemic impacted the whole creative and cultural sector, including the rightholders and creative industries. It is therefore important that when assessing the impact of COVID-19 on cultural institutions the impact of the pandemic on the creative sector at large is also taken into account.

Thank you.

Other matters:

– Proposal for Analysis of Copyright Related to the Digital Environment

Agenda Item 8

Chair,

1. As expressed on previous occasions, the European Union and its Member States 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 able to play its role in the digital era.
2. In this regard, we would like to thank the authors of the study for the various presentations related to documents SCCR/41/2, SCCR/41/3, SCCR/41/4, SCCR/41/6 and SCCR/41/8.

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 8

Chair,

1. As expressed before, the European Union and its Member States thank and support the delegations of Senegal and Congo for their proposal to include the resale right (*droit de suite*) in the Agenda. We also thank the representatives of the task force for the updates on the work carried out so far.
2. The EU attaches great importance to the resale right. The resale right has formed part of the EU legal framework for more than a decade and there is dedicated legislation applicable, and ample experiences to draw from, in EU Member States. Against this background, we continue to give our strong support for a 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 topic.

Thank you.

Other matters:

**– Proposal on the Part of the Russian Federation with Regard to Strengthening the Protection
of Theatre Directors’ Rights at the International Level**

Agenda Item 8

Chair,

The EU and its Member States have listened with interest to the presentations by the study authors, including the updates on their work so far.

Thank you.

Other Matters

– Proposal for study on the public lending right

Agenda Item 8

Chair,

The EU and its Member States have listened carefully to the updates made by the Delegations of Sierra Leone, Panama and Malawi regarding their proposal for a scoping study on the public lending right. We are still considering this proposal and cannot take a final position today.

Thank you.
