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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	46th session of the WIPO Standing Committee on Copyright and Related Rights (SCCR), (Geneva, 7-11 April 2025) - Final EU/MS statements

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

46th session of the WIPO Standing Committee on Copyright and Related Rights (SCCR)**(07-11 April 2025)****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 some of the 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 broadcasters that transmit exclusively via computer networks may be excluded from the scope, would not allow to achieve this objective. We stand ready to further engage constructively in the discussions on this question.
4. In addition, in the context of the flexibility provided by the draft Treaty, which allows contracting Member States to grant protection through alternative means to exclusive rights, it

is important for the European Union and its Member States that the Treaty ensures legal certainty and effectiveness in preventing the unauthorised uses of the broadcasting organisations signals.

5. We believe that technical discussions can contribute to address the remaining questions and 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. While further technical clarifications are needed, the EU and its Member States consider that this should not prevent progress towards concluding a Treaty that would help broadcasting organisations to fight against piracy of their signals at international level.

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 Member 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 compiling the comments received to the draft Implementation Plan for the Work Program on Exceptions and Limitations. We are ready to discuss with other delegations the activities and timeframe which can 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 EU and its Member States favour a parallel approach which, on the one hand, would implement the priority issues covered in points 1, 2 and 3 of the Work Program, and on the other hand, start the discussion on objectives, principles and options on exceptions and limitations, specifically on the topic of preservation activities of cultural heritage institutions.
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 be a useful basis for the aforementioned discussion on objectives, principles and options. We stand ready to engage on the specific elements of this proposal with other delegations. 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 acknowledge the importance of exchanging views at SCCR sessions on the issue of copyright in the digital environment.
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 welcomed the discussion that took place during the second Information Session on Copyright and generative AI. 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. We align with the Group B statement on organising another Information Session at the next SCCR.
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 achieving tangible progress on the two current standing agenda items - the draft Broadcasting Treaty and exceptions and limitations - should be the priority for this Committee before adding any new permanent agenda item. We would also like to point out that the EU’s long-standing position has been to support the Proposal from Senegal and Congo to add the artists’ resale right to the main agenda of the SCCR.
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 ready to discuss the activities proposed under this work plan which either complement the exchange of information we had at SCCR 45 and this SCCR with regard to copyright and generative AI or can contribute to further analyse the challenges faced by creators in the digital environment and the practices developed at national and regional level to address these challenges. 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. 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.
2. We would like to thank the author of the WIPO Toolkit on Artists' Resale Right for his presentation on the second part of the toolkit. We believe that the toolkit provides useful help for interested national authorities.
3. 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, should the agenda be expanded to cover additional standing items in the future.

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 expert for preparing the study on the Public Lending Right and presenting the updated version. We will read the revised study with interest.

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 are flexible on the scope of this study with regard to the rightholders covered.

Thank you.
