

Standing Committee on Copyright and Related Rights

Forty-Fourth Session
Geneva, November 6 to 8, 2023

PROVISIONAL ANNOTATED AGENDA

prepared by the Secretariat

SCCR BACKGROUND

The WIPO Standing Committee on Copyright and Related Rights (SCCR) was established in 1998, pursuant to a decision by the Assemblies of the Member States of WIPO to establish Standing Committees to take over the functions of existing committees of experts. The SCCR was “to consider emerging issues in this field,” so that “WIPO activities aimed at developing the international system for protecting copyright and related rights will be better harmonized, more thoroughly prepared and more transparent.” (SCCR/1/2). The Committee held its first session in 1998. Its 44th session will be held from November 6-8, 2023.

Notional agenda and flexible approach: This annotated agenda sets out the Secretariat’s estimate of the proposed time allocation for the exceptional three-day Session of the SCCR. As summarized by the Chair at SCCR/43, this annotated agenda reflects the time allocation as follows: “(...) *the time on the first two days should be divided equally between broadcasting and limitations and exceptions after the handling of preliminary, administrative agenda items. The third day should be devoted to other matters, specifically copyright in the digital environment. Given the shorter meeting, the Chair indicated that he would ask group coordinators, Member States and observers to forego making oral opening statements and general declarations on broadcasting and limitations and exceptions. Priority will be given to substantive discussions. Member States and observers will be invited to submit any general statements in writing, to be posted on the WIPO SCCR website.*”

For information on the previous session, the Summary by the Chair (SCCR/43/SUMMARY BY THE CHAIR) and Statements submitted for SCCR/43 (SCCR/43/INF/4) are published on the SCCR/43 webpage under https://www.wipo.int/meetings/en/details.jsp?meeting_id=75412 .

Since SCCR/42, in accordance with the decision of the General Assembly, the Secretariat is no longer preparing a report. Instead, the record of the previous meeting can be accessed via the WIPO webcast page as a video on demand under <https://webcast.wipo.int/home>. Machine-generated transcripts of the previous meeting are available for download on each session’s webcast page under the download icon on the right.

Day 1 – Monday, November 6, 2023

Opening of the Session and Protection of Broadcasting Organizations

10:00 – 10:20

Agenda item 1: Opening of the session

Agenda item 2: Adoption of the agenda of the forty-fourth session

Document: *Draft Agenda* (SCCR/44/1 PROV.) on the meeting web page at https://www.wipo.int/meetings/en/details.jsp?meeting_id=78391

Agenda item 3: Election of officers

A Chair and two Vice-Chairs are to be elected at this meeting, with their terms to begin after the close of SCCR/44. The officers elected at SCCR/44 will preside over SCCR sessions held in 2024 and 2025.

A consensus slate of candidates for 2024 and 2025 has been provided to the Chair by the Group Coordinators.

As part of the process of implementing the recommendations made in the 2022 Evaluation of the WIPO Standing Committees, as well as recent

changes to the WIPO General Rules of Procedure agreed by the General Assembly, WIPO Standing Committees have been considering ways to harmonize the election of officers across committees.

Documents: SCCR Special Rules of Procedure at <https://www.wipo.int/policy/en/special-rules-of-procedure-wipo-standing-committees.html#sccr>; IOD Evaluation Report at <https://www.wipo.int/export/sites/www/about-wipo/en/oversight/docs/iaod/evaluation/220216-evaluation-WIPO-standing-committees.pdf>; WIPO General Rules of Procedure at https://www.wipo.int/policy/en/rules_of_procedure.html

Agenda item 4: Accreditation of new non-governmental organizations

Document: *Accreditation of Non-Governmental Organizations* (SCCR/44/2) on the meeting web page at https://www.wipo.int/meetings/en/details.jsp?meeting_id=78391

10:20 – 10:25 Remarks by the Deputy Director General

10:25 – 11:30 Opening statements by Group Coordinators (due to time constraints, there will be no opening statements under each agenda item)

Opening of **Agenda item 5:** Protection of broadcasting organizations

Documents: *Third Revised Draft Text for the WIPO Broadcasting Organizations Treaty* (SCCR/44/3); prior related documents are available on the meeting page at https://www.wipo.int/meetings/en/details.jsp?meeting_id=78391

Reminder of Recent Activity: During the 43rd session of the SCCR, the *Second Revised Draft Text for the WIPO Broadcasting Organizations Treaty* (SCCR/42/3), was presented by the Chair, Vice Chairs, and Facilitators, then after statements in plenary from Member States and Observers, a short informal session was held. The Chair invited Member States to provide comments and announced that a new draft would be prepared for the following session.

SCCR/44 Session: The Chair, Vice Chairs and Facilitators will introduce the *Third Revised Draft Text for the WIPO Broadcasting Treaty* (document SCCR/44/3). The Chair will then propose to break immediately for informal discussions in the format Group Coordinators plus seven people at the table. Other Member State representatives could sit around the edge of NB 0.107. The audio of the informal session will be made available to WCH and to registered Zoom participants.

11.30 – 12.00 Coffee break¹

12.00 – 13.00 Continuation of Agenda item 5

13.00 – 15.00 Lunch break²

¹ Coffee will be available at the times marked for coffee breaks. However the Chair may decide not to pause the meeting during some or all of these breaks.

² The WIPO cafeteria will be open each day until 2 pm.

Side event, Room B: *Implementing the Marrakesh Treaty: Observations and findings (Results) from research libraries in Canada and the United States*

Association of Research Libraries (ARL) and
Canadian Association of Research Libraries (CARL)

Link for registration (hybrid): https://wipo-int.zoom.us/meeting/register/u5Yvde-hqT4pH90S51_oWJXxpzIQDzz0dzZL

15.00 – 16.30 Continuation of Agenda item 5
16.30 – 17.00 Coffee break
17.00 – 18.00 Continuation of Agenda item 5

Day 2 – Tuesday, November 7, 2023

Protection of Broadcasting Organizations and Limitations and Exceptions

10.00 – 11.30 Conclusion of work on Agenda item 5 (exact timing to be determined based on the amount of time spent on this agenda item on Day 1; the substantive work time on Days 1 and 2 will be split evenly between Agenda item 5 and Agenda items 6 and 7)

Opening of **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

Documents: *Scoping Study on the Practices and Challenges of Research Institutions and Research Purposes in Relation to Copyright* (document SCCR/44/4);
Proposal by African Group for a Draft Work Program on Exceptions and Limitations (adopted) (document SCCR/43/8);
Updated Version of the Document “Objectives and Principles for Exceptions and Limitations for Libraries and Archives” (SCCR/26/8) (document SCCR/44/5);
Draft Proposal by the African Group for the Implementation of the Work Program on Exceptions and Limitations, Adopted at the 43rd Session of the WIPO SCCR (document SCCR/44/6);
Prior related documents are available on the meeting page at https://www.wipo.int/meetings/en/details.jsp?meeting_id=78391

Reminder of Recent Activity: At SCCR/43, the *Toolkit on Preservation* (SCCR/43/4) was presented by the three authors; the Committee adopted the *Proposal by the African Group for a Draft Work Program on Exceptions and Limitations* (document SCCR/43/8).

SCCR/44 Session: The Chair will invite the Secretariat to give a brief update of the planned work under Agenda items 6 and 7. The author of

the *Scoping Study on the Practices and Challenges of Research Institutions and Research Purposes in Relation to Copyright* will present the study, followed by a question-and-answer session. Delegations will be invited to comment on the follow-up of the *Proposal by the African Group for a Draft Work Program on Exceptions and Limitations* adopted at SCCR/43, and to react to the documents presented by the Delegation of the United States of America (*Updated Version of the Document "Objectives and Principles for Exceptions and Limitations for Libraries and Archives"* (SCCR/26/8)) and by the African Group (*Draft Proposal by the African Group for the Implementation of the Work Program on Exceptions and Limitations, Adopted at the 43rd Session of the WIPO SCCR*).

11.30 – 12.00	Coffee break
12.00 – 13.00	Continuation of Agenda items 6 and 7
13:00 – 15:00	Lunch break
	Side event, NB 0.107: <i>Life at the Creative Coalface of Film & TV - The Role of the Copyright Framework in Enabling sustainable Audiovisual Content enterprises</i>
	International Federation of Film Producers (FIAPF)
15.00 – 16.30	Continuation of Agenda items 6 and 7
16.30 – 17.00	Coffee break
17.00 – 18.00	Continuation and closing of Agenda items 6 and 7

Day 3 – Wednesday, November 8, 2023

Other Matters

10.00 – 13.00	Opening of Agenda item 8 : Other matters
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Proposal for Analysis of Copyright Related to the Digital Environment

Document: Proposal for Analysis of Copyright Related to the Digital Environment (SCCR/43/7). The document is on the meeting page at https://www.wipo.int/meetings/en/details.jsp?meeting_id=78391

Reminder of Recent Activity: At the 43rd session of the SCCR the Information Session on the Music Streaming Market was held as requested by Member States, based on a GRULAC initiative. After the Information Session with presentations from professionals and experts, the following day, when the session resumed with discussion of other matters, Member States and Observers had the opportunity to react to the Information Session, and to exchange views and experiences. The *Proposal for Analysis of Copyright Related to the Digital Environment* (SCCR/43/7) was submitted to the Committee, followed by some exchanges on this item.

SCCR/44 Session: The Chair will open the floor for substantive discussions and comments about the document *Proposal for Analysis of Copyright Related to the Digital Environment* (SCCR/43/7). The Secretariat will give a brief summary of the Information Session that took place at the 43rd Session. This will be followed by information sharing among Delegations as previously indicated by the Chair to Group Coordinators.³

- 10.00 – 11.30 Discussion on the future steps concerning copyright related to the digital environment in the Committee
- 11.30 – 12.00 Coffee break
- 12.00 – 13.00 Discussion on the future steps concerning copyright related to the digital environment in the Committee; Summary of the Information Session on the Music Streaming Market by the Secretariat; Information sharing on national initiatives and updates concerning copyright related to the digital environment
- 13:00 – 15:00 Lunch break

Artist's Resale Right, Rights of Theatre Directors, Public Lending Right and Any Other Matters

- 15:00 – 15:30 Continuation of Agenda item 8: Artist's Resale Right, Rights of Theatre Directors, Public Lending Right, Other Matters

Documents: *WIPO Toolkit on Artist's Resale Right – Part 1* (SCCR/43/INF/2);

Proposal for a Study Focused on 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) (document SCCR/40/3 REV. 2), as approved;

Study on the Rights of Stage Directors of Theatrical Productions (SCCR/41/5); and

Proposition d'une étude sur les droits des auteurs audiovisuels et leur rémunération pour l'exploitation de leurs œuvres (SCCR/44/7)

are on the meeting page at

https://www.wipo.int/meetings/en/details.jsp?meeting_id=75412.

Reminder of Recent Activity: At the 43rd session of the SCCR:

Artist's Resale Right

- Professor Sam Ricketson presented Part 1 of the WIPO Toolkit on Artists' Resale Right (SCCR/43/INF/2) focusing on the legal framework. Part 2 of the toolkit (management of the right) will be presented in 2024.

Rights of Theatre Directors

- The Secretariat reported that consultations with experts and stakeholders on the rights of professionals in the live arts were ongoing.

³ Group Coordinators are invited to provide feedback from their groups on this proposal. Delegations could indicate in advance their interest in giving a brief presentation.

Public Lending Right

- The Committee agreed to launch a scoping study on the Public Lending Right to be commissioned by the Secretariat, taking into account the comments made by Delegations.

SCCR/44 Session: The Chair will ask the Secretariat to provide updates on these three topics and will briefly open the floor if time allows. Then the Chair will open the floor for any other matters to be considered by the Committee.

Closing of the Session

15.30 – 16:30	Opening of Agenda item 9 : Closing of the Session: Presentation of the Chair's Summary; closing statements from Group Coordinators
16.30 – 17.00	Coffee break
17.00 – 18.00	Continuation of Agenda item 9; conclusion of the session.

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