



Council of the
European Union

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NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	7687/23
Subject:	44th session of the WIPO Standing Committee on Copyright and Related Rights (SCCR), (6-8 November 2023) - Revised draft EU/Member States statements

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (07/12/2023)

Further to the discussions at the Working Party on Intellectual Property (Copyright) on 20 October 2023, delegations will find in the Annex a revised set of draft EU/Member States statements for the above-mentioned WIPO meeting. **DELETED**

These attached revised draft statements will form the basis of the EU/Member States' interventions at SCCR 44, without necessarily being read out in full, as such.

As usual, there will also be on-the-spot coordination in Geneva during the course of the Session, though not on Monday 6th. Practical arrangements for this coordination, and connection details for virtual participation, will be communicated by EUDEL Geneva closer to the date of SCCR 44.

44th session of the WIPO Standing Committee on Copyright and Related Rights (SCCR)

(6-8 November 2023)

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1. 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 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. We welcome the adoption by the Committee of the revised Proposal by the African Group for a Draft Work Program on Exceptions and Limitations, and we are ready to engage in the discussion on the follow-up to this Work Program. In general, we are of the view, that the Committee should first focus on discussing points 1, 2 and 3 of the Work Program and the WIPO Secretariat could be tasked with the related practical implementing steps.
4. 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 the international level or any preparations in this regard. However, we stand ready to continue to engage constructively under the Work Program **DELETED**

5. We thank the Secretariat and the author for the preparation and the presentation of the ‘Scoping Study on the Practices and Challenges of Research Institutions and Research Purposes in Relation to Copyright,’ and the opportunity to discuss it in the Committee. Given the comprehensive nature of this study, we still need some time to analyse it and would welcome the opportunity to provide further comments.

Thank you.

Other matters:

Proposal for Analysis of Copyright Related to the Digital Environment

Agenda Item 8 (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. In particular we would like to thank the Secretariat for organising the “Information Session on the Music Streaming Market” during the last SCCR. The information session allowed us to hear the views of the different stakeholders and market players and illustrated the complexity of the issues at hand.
2. We take note of document SCCR 43/7 which proposes to include this item 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 new 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.

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 (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 a decade 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 8 (fourth indent)

Chair,

We take note of the launch of the preparation work for this study. We believe that, in line with the explanations provided by the initiators of the study at the last SCCR session, it should cover the mapping of existing public lending right schemes at national level and focus on well-established rules and practices under which authors obtain remuneration for the use of their works in libraries or other establishments accessible to the public.

Thank you.
