



Council of the
European Union

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NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	8991/22
Subject:	43rd session of the WIPO Standing Committee on Copyright and Related Rights (SCCR), (13-17 March 2023) - Draft EU/Member States statements

Delegations will find in the Annex a set of draft EU/Member States statements for the above-mentioned WIPO meeting.

These draft statements will be tabled for discussion at the meeting of the Working Party on Intellectual Property (Copyright) on 13 February 2023.

A deadline for written contributions (to intellectualproperty@consilium.europa.eu) will be announced at the Working Party.

43rd Session of the WIPO Standing Committee on Copyright and Related Rights (SCCR)**(13-17 March 2023)****Protection of broadcasting organisations****Agenda Item 5**

Chair,

1. The Treaty for the Protection of Broadcasting Organisations remains a high priority and continues to be of great 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 are strongly committed to advancing work on this agenda item during this session.
2. We are thankful for the work done by the SCCR Acting Chair, the SCCR Vice-Chair and the facilitators in reviewing the text of the draft Treaty following the comments raised during the last SCCR, as well as those submitted in writing afterwards. The second revised text ensures a good basis to advance our discussions.
3. We would like to reiterate that the European Union and its Member States attach great importance to ensuring that the treaty responds to the technological realities of the 21st century, therefore covering the programme-carrying signals used for the transmissions of traditional broadcasting organisations over computer networks. In this respect, we think that further work is needed to clarify the changes introduced in the second revised draft text in order to ensure that the Treaty provides a meaningful, appropriate and effective protection to broadcasting organisations.

4. We would like to stress the importance of granting adequate rights to broadcasting organisations, in order to protect their transmissions against acts of piracy. In the context of the flexibility allowed by the draft Treaty, which takes account of the systems of protection that may exist in contracting parties that do not grant exclusive rights, a particular attention should be given to ensuring that broadcasting organisations will enjoy effective legal means to prevent the unauthorised uses of their signals.
5. We stand ready to engage constructively in the discussions on the second revised text in order to achieve progress towards the conclusion of a worthwhile treaty providing a meaningful protection for broadcasting organisations.

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. 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. 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.
3. The latest work on these agenda items were structured by document SCCR 36/7 'Action Plans on Limitations and Exceptions through SCCR 39' and completed by the WIPO Secretariat's Report on the regional seminars and International Conference organised in 2019, in the document SCCR 40/2. We have read with interest 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 this proposal. We hope that the discussions in this session will allow us to reach a balanced and realistic work program.

4. In this context, as consistently expressed in the past, we would like to remind 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 this agenda item to reflect further on other possible, non-binding instruments and ways how 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.
5. Finally, we look forward to the discussions during this session on the possible cross-border problems linked to specific uses of copyrighted works in the online cross-border environment, as well as on the ‘Toolkit on preservations’ and ‘Scoping study on research’¹ prepared by the WIPO Secretariat.

Thank you.

¹ Not yet published on the WIPO portal on 8 February, to be updated if necessary.

Other matters:

Proposal for Analysis of Copyright Related to the Digital Environment

Agenda Item 9 (first indent)

Chair,

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. We are looking forward to continue the discussion, also in the context of the information session on the music streaming market.

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 9 (second indent)

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.
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 topic.

Thank you.

Other matters:

Theatre Directors' Rights

Agenda Item 9 (third indent)

[to be delivered if needed and as appropriate]

Chair,

The EU and its Member States take note of the update given by the Secretariat. We do not have any observations at this stage.

Thank you.

Other Matters

Proposal for study on the public lending right

Agenda Item 9 (fourth indent)

Chair,

The EU and its Member States take note of the update made by the delegations of Sierra Leone, Panama and Malawi regarding their proposal for a scoping study on the public lending right.

Thank you.
