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DATE: MAY 13, 2022**

Standing Committee on Copyright and Related Rights

**Forty-second Session
Geneva, May 9-13, 2022**

SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

1. The Forty-second Session of the Standing Committee on Copyright and Related Rights (“SCCR” or “Committee”) was opened by the Secretary, Ms. Michele Woods (WIPO). Mr. Aziz Dieng acted as Chair and Mr. Peter Labody and Mr. Owen Ripley served as Vice-Chairs.

AGENDA ITEM 2: ADOPTION OF THE AGENDA OF THE FORTY-SECOND SESSION

2. The Committee adopted the draft Agenda (document SCCR/42/1 PROV.).

AGENDA ITEM 3: ELECTION OF OFFICERS

3. The Committee agreed to elect Mr. Aziz Dieng from Senegal as Chair as of May 9, 2022, until the beginning of the first meeting of the SCCR to be held in 2023. Mr. Owen Ripley from Canada was elected Vice-Chair during this same period. The Committee further agreed to elect Mr. Owen Ripley as Chair from the beginning of the first meeting of the SCCR to be held in 2023, until the beginning of the first meeting of the SCCR to be held in 2024. Mr. Aziz Dieng was elected Vice-Chair during this same period. The Committee also agreed to elect Mr. Peter Labody from Hungary as Vice-Chair as of May 9, 2022, until the beginning of the first meeting of the SCCR to be held in 2024.

AGENDA ITEM 4: ACCREDITATION OF NEW NON-GOVERNMENTAL ORGANIZATIONS

4. The Committee approved at this time the accreditation as ad hoc SCCR observers of the following non-governmental organizations referred to in the Annex to document SCCR/42/2 REV.:

- Fundacja “Centrum Cyfrowe”
- Global Expert Network on Copyright User Rights
- Intellectual Property Institute (IPI)
- Red en Defensa de los Derechos Digitales, A.C. (R3D)
- Sociedad Argentina de Gestión de Actores e Intérpretes (SAGAI)
- The Emirates Reprographic Rights Management Association (ERRA)

AGENDA ITEM 5: ADOPTION OF THE DRAFT REPORT OF THE FORTY-FIRST SESSION

5. The Committee approved the draft report of its forty-first session (document SCCR/41/10). Delegations and observers were invited to send any comments on their statements to the Secretariat at copyright.mail@wipo.int by July 31, 2022.

AGENDA ITEM 6: PROTECTION OF BROADCASTING ORGANIZATIONS

6. The documents from previous sessions related to this agenda item are available on the dedicated web page for SCCR/42 at https://www.wipo.int/meetings/en/details.jsp?meeting_id=69311.
7. After statements from delegations, the Revised Draft Text for the WIPO Broadcasting Organizations Treaty (document SCCR/42/3) was presented by Vice-Chair Peter Labody and Facilitator Jukka Liedes, with comments from Facilitator Hezekiel Oira. The Committee welcomed the text and engaged in a discussion and question-and-answer session with the presenters about it.
8. The Committee agreed that the Chair, working with the Vice-Chairs and Facilitators, would revise document SCCR/42/3 based on the comments, suggestions and questions from delegations, for further consideration at SCCR/43. Delegations were invited to send any further comments on document SCCR/42/3 to copyright.mail@wipo.int by July 13, 2022.
9. The Committee discussed whether to hold a special technical session dedicated to this agenda item before the end of 2022. There was no consensus on this proposal. The Committee agreed to hold two regular sessions of the SCCR in 2023.
10. This item will be maintained on the agenda of the forty-third session of the SCCR.

AGENDA ITEM 7: LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES

11. The documents from previous sessions related to this agenda item are available on the dedicated web page for SCCR/42 at https://www.wipo.int/meetings/en/details.jsp?meeting_id=69311.
12. The Chair provided the floor to the coordinator of the African Group to present its *Proposal for a Draft Work Program on Exceptions and Limitations* (SCCR/42/4). The Secretariat was invited by the Chair to present a recap of the work done pursuant to the *Action Plan for Libraries, Archives, and Museums* and the *Action Plan for Educational and Research Institutions and Persons with Other Disabilities* (document SCCR/36/7), as well as the *Report on Regional Seminars and International Conference* (document SCCR/40/2).
13. The Chair then invited general comments from the Committee and observers on the topic of limitations and exceptions, as well as the proposal by the African Group.
14. General comments were followed by a question-and-answer session and an exchange of views among the Committee, observers and experts. The exchange was informed by insights gained from the WIPO regional seminars and conference held in 2018-2019.
15. The Committee welcomed the initiative of the African Group and its openness to modify its Proposal in light of the interventions made during SCCR/42 (document SCCR/42/4 Rev.). It invited Members to continue to engage with the African Group with a view to discussing a revised Proposal at the forty-third session of the SCCR.
16. The Committee agreed on two lines of action:
 - a. At the next SCCR session, the Secretariat should invite presentations during the Limitations and Exceptions agenda items by experts and Members on the possible cross-border problems linked to specific uses of copyrighted works in the online cross-border environment, such as in an online educational class with students in

multiple countries, or where collaborating researchers or the subjects of their research are located in different countries.

- b. Drawing on the work completed to date and further discussions by Members at the Committee as appropriate, the Secretariat should develop tool kits to guide targeted technical assistance programs which help Member States craft laws and policies that support education, research and preservation of cultural heritage, developed in consultation with experts, stakeholders from beneficiary communities, and rightsholders, through transparent consultation processes.
- c. At SCCR/43, with respect to paragraph (b), the Secretariat would present (1) a scoping study on limitations and exceptions on research and (2) a toolkit on preservation.

17. The agenda item on limitations and exceptions for libraries and archives will be maintained on the agenda of the forty-third session of the SCCR.

AGENDA ITEM 8: LIMITATIONS AND EXCEPTIONS FOR EDUCATIONAL AND RESEARCH INSTITUTIONS AND FOR PERSONS WITH OTHER DISABILITIES

18. The documents from previous sessions related to this agenda item are available on the dedicated web page for SCCR/42 at https://www.wipo.int/meetings/en/details.jsp?meeting_id=69311.

19. The Chair provided the floor to the coordinator of the African Group to present its *Proposal for a Draft Work Program on Exceptions and Limitations* (SCCR/42/4). The Secretariat was invited by the Chair to present a recap of work done pursuant to the *Action Plan for Libraries, Archives, and Museums* and the *Action Plan for Educational and Research Institutions and Persons with Other Disabilities* (document SCCR/36/7), as well as the *Report on Regional Seminars and International Conference* (document SCCR/40/2).

20. The Chair then invited general comments from the Committee and observers on the topic of limitations and exceptions, as well as the proposal by the African Group.

21. General comments were followed by a question-and-answer session and an exchange of views among the Committee, observers and experts. The exchange was informed by insights gained from the WIPO regional seminars and conference held in 2018-2019.

22. The Committee welcomed the initiative of the African Group and its openness to modify its Proposal in light of the interventions made during SCCR/42 (document SCCR/42/4 Rev). It invited Members to continue to engage with the African Group with a view to discussing a revised Proposal at the forty-third session of the SCCR.

23. The Committee agreed on two lines of action:

- a. At the next SCCR session, the Secretariat should invite presentations during the Limitations and Exceptions agenda items by experts and Members on the possible cross-border problems linked to specific uses of copyrighted works in the online cross-border environment, such as in an online educational class with students in multiple countries, or where collaborating researchers or the subjects of their research are located in different countries.
- b. Drawing on the work completed to date and further discussions by Members at the Committee as appropriate, the Secretariat should develop tool kits to guide targeted technical assistance programs which help Members craft laws and policies that support education, research and preservation of cultural heritage, developed in consultation with experts, stakeholders from beneficiary communities, and rightsholders, through transparent consultation processes.

- c. At SCCR/43, with respect to paragraph (b), the Secretariat would present (1) a scoping study on limitations and exceptions on research and (2) a toolkit on preservation.

24. The agenda item on limitations and exceptions for educational and research institutions and persons with other disabilities will be maintained on the agenda of the forty-third session of the SCCR.

AGENDA ITEM 9: OTHER MATTERS

25. The documents from previous sessions related to this agenda item are available on the dedicated web page for SCCR/42 at https://www.wipo.int/meetings/en/details.jsp?meeting_id=69311.

26. Regarding the topic of Copyright in the Digital Environment, the Committee had presentations on *Inside the Global Digital Music Market (SCCR/41/2)* by Ms. Susan Butler; *Study on the Artists in the Digital Music Marketplace: Economic and Legal Considerations (SCCR/41/3)* by Mr. Christian Castle and Professor Claudio Feijoo; *Etude Portant sur le Marché Numérique de la Musique en Afrique de L'Ouest (SCCR/41/6)* by Mr. El H. Mansour Jacques Sagna; and *Report on the Online Music Market and Main Business Models in Asia: Overview and General Trends (SCCR/41/7)* by Ms. Irene Calboli and Mr. George Hwang; as well as a video presentation on *The Latin American Music Market (SCCR/41/4)* by Ms. Leila Cobo. The presentations were followed by statements from delegations and a question-and-answer session with some of the study authors. The Committee agreed to continue exchanging views and information on this item.

27. The Committee welcomed the proposal from the GRULAC for a half-day (three-hour) information session on the music streaming market at SCCR/43. The Secretariat was asked to organize the session based on the *Proposal for an "Information session on the music streaming market" at SCCR 43* submitted by GRULAC.

28. Regarding the topic of the Resale Royalty Right, the Committee took notice of statements made by delegations, and agreed to continue exchanging views and information on this item.

29. Regarding the topic of Strengthening the Protection of Theatre Directors' Rights, the Secretariat explained that as there were no new developments under this agenda item, it had been agreed in advance to postpone consideration to the next session.

30. The Committee took note of the *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), and of the statements made by delegations.

31. These four topics will be maintained under this item of the agenda of the forty-third session of the SCCR.

INFORMATION SESSION

32. On May 9, 2022, the first day of SCCR/42, the Secretariat presented a half-day information session on the topic of the impact of Covid-19 on the cultural, creative and educational ecosystem, including copyright, related rights, and limitations and exceptions, as requested by the Committee at SCCR/41.

33. During the session, following presentations from experts, Members and Observers had the opportunity to exchange views and experiences.

34. The report on *The Impact of the COVID-19 Pandemic on Creative Industries, Cultural Institutions, Education and Research*, questionnaire responses from SCCR Members and Observers, and the recording of the Information Session are found at <https://www.wipo.int/meetings/en/2022/info-session-impact-covid-19-copyright-ecosystems.html>. Additional information or comments on the report are welcome and can be sent to copyright.mail@wipo.int.

SUMMARY BY THE CHAIR

35. The Committee took note of the contents of this Summary by the Chair. The Chair clarified that this summary reflected the Chair's views on the results of the forty-second session of the SCCR and that, in consequence, it was not subject to approval by the Committee.

AGENDA ITEM 10: CLOSING OF THE SESSION

36. The next session of the Committee will take place in 2023.

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