

CONCLUSIONS

Protection of Broadcasting Organizations

1. The Committee noted with appreciation, and commented on the third part of the Study on “the Socioeconomic Dimension of the Unauthorized Use of Signals” (document SCCR/21/2) addressing the social and economic effects of the proposed treaty on the protection of broadcasting organizations. It noted, as well, the Analytical Document, prepared by the Secretariat, on the Study on the Socioeconomic Dimension of the Unauthorised Use of Signals, Parts I, II and III (document SCCR/21/4).
2. The Committee took note of the reports presented by the
 - Delegation of India on the Regional Seminar for Asian and Pacific Countries on the Protection of Broadcasting Organizations and Audiovisual Performances, which took place on July 14 to 16 in New Delhi, and
 - Delegation of Nigeria on the Regional Seminar for African Countries on the Protection of Broadcasting Organizations and Audiovisual Performances, which took place on October 18 to 20, 2010 in Abuja.

The reports of pending regional seminars will be presented to the 22nd Session of the Committee, and an analytical document containing the results and outcomes of the regional seminars will be prepared by the Secretariat for consideration of the Committee.

3. The Committee reaffirmed its commitment to continue work, on a signal-based approach, towards developing an international treaty to update the protection of broadcasting and cablecasting organizations in the traditional sense.
4. Members of the Committee are invited to present new proposals on the protection of the broadcasting organizations by March 1, 2011, if possible in treaty language, in addition to the proposals contained in the document SCCR/15/2 rev., to form the basis of the preparation of a new draft treaty.
5. The Secretariat was requested to organize, in Geneva, before the 22nd Session of the SCCR, an informal consultation meeting of Members, involving technical experts, to clarify outstanding technical and technological issues, relevant for the updated protection of the broadcasting organizations in the traditional sense, by following the signal-based approach. The Secretariat will prepare a list of issues based on the 2007 mandate of the General Assembly, with regard to the objectives, specific scope and object of protection. The consultation meeting will report its suggestions to the Committee.
6. The protection of broadcasting organizations will be maintained on the agenda of the 22nd session of the SCCR, where the timetable on future work program should be agreed upon, taking into account any possible new proposals.

Protection of Audiovisual Performances

1. The Committee reaffirmed its commitment to work on developing the international protection of audiovisual performances.
2. The Committee expressed its appreciation to the Secretariat for the regional seminars on the protection of audiovisual performances that took place in New Delhi on July 14 to 16, 2010 and in Abuja on October 18 to 20, 2010 (seminars referred to above under paragraph 2 on broadcasting organizations).

The reports of pending regional seminars will be presented to the 22nd Session of the Committee, and an analytical document containing the results and outcomes of the regional seminars will be prepared by the Secretariat for consideration of the Committee.

3. The Committee thanked the Secretariat for organizing Open-ended Consultations on the Protection of Audiovisual Performances in Geneva on May 28, 2010. The Committee also noted with approval the calls for a faster pace of work towards concluding a treaty for the protection of audiovisual performances, which were expressed by Member States during those Consultations.
4. The Committee considered that the nineteen articles provisionally agreed in 2000 were a good basis for advancing the negotiations on the treaty.
5. The Committee noted with appreciation the comments on the draft legal text on the Protection of Audiovisual Performances, submitted by India (document SCCR/21/5) and Mexico (document SCCR/21/6).
6. The Committee invited Member States to submit, by January 31, 2011, written proposals, if possible in treaty language, to address the outstanding issues from the 2000 Diplomatic Conference as well as on any additional or alternative elements for a draft treaty.
7. The Secretariat was invited to organize in Geneva informal open-ended consultations among Members to examine the new proposals, with a view to making recommendations to the next session of the Committee. These recommendations should include a timetable for concluding the negotiations.
8. The protection of audiovisual performances will be maintained on the agenda of the 22nd session of the SCCR.

Limitations and exceptions

Bearing in mind

- *the Development Agenda recommendations;*
- *the agreement reached during the 19th session of the SCCR on December 2009, namely that “all the aspects concerning limitations and exceptions will be maintained on the Agenda of the twentieth session of the SCCR with the aim of establishing a work program concerning those limitations and exceptions, following a global and inclusive approach, and taking into account their equal importance and different level of maturity, while recognizing the need for concurrently addressing all the issues with a view to achieving progress on all of them”;*
- *the international conventions in the field of copyright and related rights, including the SCCR’s authority to make a recommendation to convene a Diplomatic Conference.*

Following a global and inclusive approach, the SCCR agrees to work towards an appropriate international legal instrument or instruments¹ (whether model law, joint recommendation, treaty and/or other forms), taking into account the proposals already tabled or any additional submissions.

The SCCR agrees to the following work program on exceptions and limitations for the two-year period 2011-2012:

1. Recognizing the need to advance the more mature areas, the Committee will undertake text-based work with the objective of reaching agreement on appropriate exceptions and limitations for persons with print disabilities and other reading disabilities. In a similar manner, the Committee will undertake text-based work on appropriate exceptions and limitations for libraries, archives, educational, teaching and research institutions, and persons with other disabilities.
2. The Committee will follow, as set out in this Annex, a clearly defined work program for the two-year period 2011-2012.

The focus of the Committee's work in the two-year period 2011-2012 will build on the existing work carried out by the Committee and use all WIPO working documents on exceptions and limitations as well as any additional relevant working documents which are to constitute the basis of the Committee's work, including:

- the Proposal by Brazil, Chile, Nicaragua and Uruguay for work related to exceptions and limitations (document SCCR/16/2);
- the Proposal by Brazil, Ecuador, Mexico and Paraguay, relating to Limitations and Exceptions: Treaty Proposed by the World Blind Union (WBU) (document SCCR/18/5);
- the Draft Consensus Instrument, submitted by the United States (document SCCR/20/10);
- the Draft WIPO Treaty on Exceptions and Limitations for the Disabled, Educational and Research Institutions, Libraries and Archive Centers, submitted by the African Group (document SCCR/20/11);
- the Draft Joint Recommendation Concerning the Improved Access to Works Protected by Copyright for Persons with a Print Disability, submitted by the European Union (document SCCR/20/12);
- the Updated report on the Questionnaire on Limitations and Exceptions (document SCCR/21/7).

All four current substantive proposals were presented and Members made initial comments and asked preliminary questions thereon, and were invited to submit in writing questions asked during the meeting.

3. The Committee is requested to submit recommendations to the General Assemblies on exceptions and limitations for persons with print disabilities and other reading disabilities. In a similar manner, the Committee will undertake to submit recommendations to the General Assemblies on limitations and exceptions for libraries, archives, educational, teaching and research institutions, and persons with other disabilities, according to the annexed timetable.
4. The International Bureau is requested to continue to assist the Committee by providing Member States with necessary expertise and funding of the participation of experts, according to the usual formula.

¹ This is without prejudice to any other process under negotiation in other WIPO bodies.

Next Session of the SCCR

The 22nd session of the SCCR will take place from June 15 to 24, 2011.

[Annex follows]

ANNEX

Timetable on the SCCR Agenda Item on Limitations and Exceptions

Event	Action
May/June 2011 SCCR/22 session	Three additional working days to the SCCR regular session dedicated to limitations and exceptions for persons with print and other reading disabilities SCCR regular agenda item on limitations and exceptions: Focus on limitations and exceptions for persons with print and other reading disabilities Recommendation to the WIPO General Assembly, pursuant to the authority of the SCCR, on limitations and exceptions for persons with print and other reading disabilities
September 2011 WIPO General Assembly	Decision on any SCCR recommendation Decision on SCCR/22 session of a recommendation on limitations and exceptions for persons with print and other reading disabilities
November 2011 SCCR/23 session	Three additional working days to the SCCR regular session dedicated to limitations and exceptions for libraries and archives SCCR regular agenda item for exceptions and limitations: Focus on limitations and exceptions for libraries and archives
May/June 2012 SCCR/24 session	Three additional working days to the SCCR regular session dedicated to limitations and exceptions for educational and research institutions and persons with other disabilities SCCR regular agenda item on limitations and exceptions: Focus on limitations and exceptions for educational, teaching and research institutions and persons with other disabilities Recommendation to the WIPO General Assembly, pursuant to the authority of the SCCR, on limitations and exceptions for education, teaching and research and for libraries and archives and persons with other disabilities
September 2012 WIPO General Assembly	Decision on any SCCR recommendation Decision on SCCR/23 and SCCR/24 session recommendations on limitations and exceptions for educational, teaching and research institutions and libraries and archives and persons with other disabilities.

[End of Annex and of conclusions]