



ENES



## **WIPO-Aktivitäten im Standing Committee on Copyright and Related Rights (SCCR)**

„Alles auf dem Europäischen Weg?  
Zu einem Urheberrecht für Bildung und  
Wissenschaft!“

Offener Workshop des „Urheberrecht für Bildung und Wissenschaft e.V.“  
Berlin, 10. Dezember 2012

# WIPO Genf Juli 2012



Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht



Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht

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## Standing Committee on Copyright and Related Rights

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- [Standing Committee on Copyright and Related Rights : Twenty-Fifth Session \(SCCR/25\)](#)  
November 19 to November 23, 2012(*Geneva, Switzerland*)
- [Inter-sessional Meeting on Limitations and Exceptions for Visually Impaired Persons/Persons with Print Disabilities \(WIPO/IS/MIP-PPD/GE/12\)](#)  
October 17 to October 19, 2012(*Geneva, Switzerland*)
- [Standing Committee on Copyright and Related Rights : Twenty-Fourth Session \(SCCR/24\)](#)  
July 16 to July 25, 2012(*Geneva, Switzerland*)
- [Standing Committee on Copyright and Related Rights : Twenty-Third Session \(SCCR/23\)](#)  
November 21 to December 2, 2011(*Geneva, Switzerland*)
- [Standing Committee on Copyright and Related Rights : Twenty-Second Session \(SCCR/22\)](#)  
June 15 to June 24, 2011(*Geneva, Switzerland*)
- [Standing Committee on Copyright and Related Rights : Twenty-First Session \(SCCR/21\)](#)  
November 8 to November 12, 2010(*Geneva, Switzerland*)
- [Standing Committee on Copyright and Related Rights : Twentieth Session \(SCCR/20\)](#)  
June 21 to June 24, 2010(*Geneva, Switzerland*)
- [Standing Committee on Copyright and Related Rights : Nineteenth Session \(SCCR/19\)](#)  
December 14 to December 18, 2009(*Geneva, Switzerland*)  
The Committee is currently engaged in discussing: limitations and exceptions regarding education, libraries and persons with disabilities, particularly visually-impaired persons, as well as the protection of audiovisual performances and broadcasting organizations.
- [Standing Committee on Copyright and Related Rights : Eighteenth Session \(SCCR/18\)](#)  
May 25 to May 29, 2009(*Geneva, Switzerland*)  
The Committee will examine questions of limitations and exceptions regarding education, libraries and disabled persons, particularly visually-impaired persons. It will continue discussions on the protection of audiovisual performances, broadcasting organizations and future work.
- [Information Meeting on Developments in Broadcasting \(SCCR/IM/GE/09\)](#)  
May 25, 2009(*Geneva, Switzerland*)  
This meeting will consist of presentations from international experts on the current conditions of the broadcasting environment with special reference to developing countries and least developed countries.

» [1 - 10 / 30] [[Next 10 items](#)]



# Standing Committee on Copyright and Related Rights

## Twenty-fourth Session

### Geneva, July 16 to 25, 2012

#### AGENDA

*adopted by the Committee*

1. Opening of the session
  2. Adoption of the agenda of the twenty-fourth session
  3. Accreditation of new non-governmental organizations
  4. Adoption of the Report of the twenty-third session of the Standing Committee on Copyright and Related Rights
  5. Limitations and exceptions: educational and research institutions
  6. Limitations and exceptions
  7. Protection of broadcasting organizations
  8. Contribution of the SCCR to the implementation of the respective Development Agenda recommendations
  9. Other matters
  10. Closing of the session
- [End of document]



# Meeting Documents (Auswahl)

- Renewal Version of Revised Draft Basic Proposal for the WIPO Treaty on the Protection of Broadcasting Organizations (SCCR/15/2 Rev.)
- Draft Treaty on the Protection of Broadcasting Organizations
- Limitations and Exceptions Regarding Education
- Draft Articles and Thematic Clusters on Limitations and Exceptions to Copyright for the Benefit of Educational, Teaching and Research Institutions
- Provisional Working Document towards an Appropriate International Legal Instrument (in whatever form) on Limitations and Exceptions for Educational, Teaching and Research Institutions and Persons with other Disabilities containing Comments and Textual Suggestions
- Revised Working Document on an International Instrument on Limitations and Exceptions for Visually Impaired Persons/Persons with Print Disabilities
- SCCR/22/12 - Draft WIPO Treaty on Exceptions and Limitations for the Persons with Disabilities, Educational and Research Institutions, Libraries and Archives
- SCCR/23/7 - Working Document on an International Instrument on Limitations and Exceptions For Visually Impaired Persons/Persons with Print Disabilities
- SCCR/23/8: Working Document Containing Comments on and Textual Suggestions towards an Appropriate International Legal Instrument (in whatever form) on Exceptions and Limitations for Libraries and Archives



# Meeting Documents (Auswahl)

- Renewal Version of Revised Draft Basic Proposal for the WIPO Treaty on the Protection of Broadcasting Organizations (SCCR/15/2 Rev.)
- Draft Treaty on the Protection of Broadcasting Organizations
- **Limitations and Exceptions Regarding Education**
- Draft Articles and Thematic Clusters on Limitations and Exceptions to Copyright for the Benefit of **Educational, Teaching and Research Institutions**
- Provisional Working Document towards an Appropriate International Legal Instrument (in whatever form) on Limitations and Exceptions for **Educational, Teaching and Research Institutions** and Persons with other Disabilities containing Comments and Textual Suggestions
- Revised Working Document on an International Instrument on Limitations and Exceptions for Visually Impaired Persons/Persons with Print Disabilities
- SCCR/22/12 - Draft WIPO Treaty on Exceptions and Limitations for the Persons with Disabilities, **Educational and Research Institutions**, Libraries and Archives
- SCCR/23/7 - Working Document on an International Instrument on Limitations and Exceptions For Visually Impaired Persons/Persons with Print Disabilities
- SCCR/23/8: Working Document Containing Comments on and Textual Suggestions towards an Appropriate International Legal Instrument (in whatever form) on Exceptions and Limitations for Libraries and Archives

# **Proposal for a Copyright regulation in favor of Education and Science**

to

**WIPO - Standing Committee on Copyright and Related Rights**

**Twenty-fourth Session**

**Geneva, July 16 to 25, 2012**



**provided by ENCES (European Network for Copyright in favor of Education and Science)**

[www.ences.eu](http://www.ences.eu)

**ENCES Chairperson**

**Dr. Rainer Kuhlen, Professor of Information Science at the University of Konstanz, Germany**

**Berlin, June 2012**

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# **ENCES Proposal for a Copyright regulation in favor of Education and Science**

- a unified copyright regulation for the use of published work in science and education
- restriction-free access
- open access
- not necessarily remuneration-free
- access and use of published knowledge, without authorization for its use.



In conjunction with the 24<sup>th</sup> session of the WIPO SCCR in Geneva

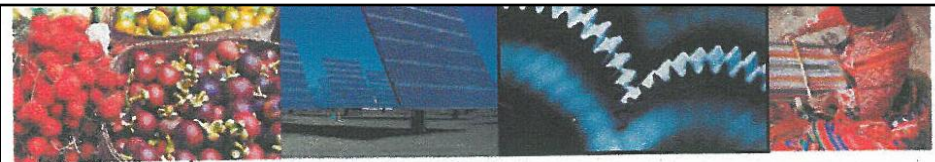
IFRRO (the international Federation of Reproduction Rights Organisations) is pleased to invite you to a side event on *Seamless access to Copyright Works in Education* on

**Thursday, 19 July 2012, 13:15-14:45 in Room B**

The session will share information on various ways that authors, publishers and RROs meet demands from educational institutions to legally access content from multiple sources for different uses. Among others, the following RROs (Reproduction Rights Organisations) and rightholder representatives will participate:

- Magdalena Vinent, Centro Español de Derechos Reprográficos (CEDRO), Spain; IFRRO President
- Jim Alexander, Copyright Agency Limited (CAL), Australia
- Tracey Armstrong, Copyright Clearance Center (CCC), United States
- Sandra Chastanet, Centre Français d'exploitation du droit de Copie (CFC), France
- Kevin Fitzgerald, Copyright Licensing Agency (CLA), United Kingdom
- Nothando Migogo, Dramatic, Artistic and Literary Rights Organisation (DALRO), South Africa
- Balamine Ouattara, Bureau Burkinabé du Droit d'Auteur (BBDA), Burkina Faso
- Valeria Sánchez, Centro Mexicano de Protección y Fomento de los Derechos de Autor (CeMPro), Mexico
  
- Maureen Duffy, International Authors Forum (IAF)
- YoungSuk "YS" Chi, President International Publishers Association (IPA)
- Olav Stokkmo, Chief Executive IFRRO

A light sandwich lunch will be offered



## SIDE EVENT

# SCENARIOS FOR GLOBAL COPYRIGHT REFORM

FRIDAY JULY 20TH

13H15 – 15H00

WIPO ROOM B

*(A light lunch will be served)*

### Speakers

Ruth Okediji, University of Minnesota Law School  
Justin Hughes, Benjamin N. Cardozo School of Law

### Commentators

Jens Bammel, International Publishers Association  
Pranesh Prakash, Centre for Internet and Society

### Moderator

Ahmed Abdel Latif, ICTSD



International Centre for Trade  
and Sustainable Development

ICTSD'S PROGRAMME ON INNOVATION, TECHNOLOGY, AND IP  
WWW.ICTSD.ORG



World Intellectual Property Organization (WIPO)  
Standing Committee on Copyright and Related Rights (SCCR)  
Twenty-fourth Session  
Geneva, July 25, 2012

### *Draft conclusions*

#### **Agenda**

1. The Committee agreed to include a new item in the agenda related to the contribution of the SCCR to the implementation of the respective Development Agenda recommendations. Some delegations stated that the inclusion of this item was temporary only at this session of the Committee preceding the General Assembly and should not set a precedent.
2. The Committee agreed to continue to work on all subjects on the agenda of the 24th session of the SCCR taking into account their equal importance and different levels of maturity.
3. The Committee recognized both existing priorities and the right of every Member to submit new items or proposals for consideration. Accordingly, the timelines reflected in these conclusions are without prejudice to new items or proposals to be submitted for the work plan of 2013 – 2014 by any Members, subject to the adoption of such proposals by the Committee.
4. In future the WIPO Secretariat will prepare an annotated agenda reflecting the date on



## Limitations and Exceptions: educational and research institutions and persons with other disabilities

1. The Committee **took note** of the new documents, namely...
2. A **compilation** of the text proposals and text comments on the above topics proposed by the Members was prepared by the Secretariat as a provisional working document ...
3. This compilation **will constitute** a Committee document titled “Provisional working document towards an appropriate International Legal Instrument (in whatever form) on Limitations and Exceptions for Educational, Teaching and Research Institutions and Persons with Other Disabilities Containing Comments and Textual Suggestions” (document SCCR/24/8 Prov.) ...
4. The Committee agreed to **recommend** to the WIPO General Assembly that the SCCR **continue discussion** to work towards an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms), with the target to submit recommendations by the SCCR/30 session to the General Assembly **on Limitations and Exceptions for Educational, Teaching and Research Institutions** and Persons with other Disabilities.



## Next Session of the SCCR

The 25th session of the SCCR will take place from November 19 to 23, 2012.

[End of conclusions]

### Standing Committee on Copyright and Related Rights Twenty-fifth Session Geneva, November 19 to 23, 2012

#### AGENDA

*adopted by the Committee*

**Karin Ludewig für ENCES**

1. Opening of the session
2. Adoption of the agenda of the twenty-fifth session
3. Accreditation of new non-governmental organizations
4. Adoption of the Report of the twenty-fourth session of the Standing Committee on Copyright and Related Rights
5. Limitations and exceptions for visually impaired persons/persons with print disabilities
6. Protection of broadcasting organizations
7. Limitations and exceptions for libraries and archives
8. Limitations and exceptions for educational and research institutions and for persons with other disabilities
9. Other matters
10. Closing of the session



**WIPO STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS, 25th  
Session  
Geneva, 19-23 November 2012**

**Agenda item: 8**

**Limitations and exceptions for educational and research institutions**

**Intervention by ENCES: European Network for Copyright in Support of Education and  
Science**

Thank you, Mr. Chairman (Madame Chair), for the opportunity to make an intervention to the



# ENCS proposal

1. Access to and use of commercially published works, without further authorization, for
  - a) personal use in scholarly environment
  - b) personal use in non-commercial institutions in education
  - c) non-commercial communication and intermediary services of culture and memory institutions such as libraries, archives, documentation and media centers, and museums
2. Making these works publicly available for well defined user groups in science and education
3. Free use (without authorization and without remuneration) for documentation, preservation, and long-term archiving purposes of non-commercial culture and memory institutions
4. Flat remuneration only and provided by public state-owned science and education institutions.



## Proposed **regulation** for the use of published work in science and education

- 1) Copying, distributing and making published works available to the public is, without further authorization, permitted for personal and restriction-free use in science and for educational purposes in schools, institutions of higher education (such as universities), and other non-commercial institutions dedicated to education, continuing and professional training. The right to make works publicly available (and to use these works) is restricted in each case to a well-defined group of people in science and education. Sentence 1 is valid for scientific and educational purposes in documentation, archiving and preservation. Sentence 1 is valid for services provided by publicly financed libraries, archives, documentation centers and museums which support scientific usage and serve educational purposes.
- (2) The usage of published works according to sentence 1, 2, 4 of para (1) may be subject to remuneration provided it does not affect the normal development of education and research activities.
- (3) Contractual agreements which rule out para (1) are invalid.





# SCCR Conclusions

## **Limitations and exceptions for educational and research institutions and persons with other disabilities**

1. The Committee **took note** of the “Provisional working document towards an appropriate International Legal Instrument (in whatever form) on Limitations and Exceptions for Educational, Teaching and Research Institutions and Persons with Other Disabilities Containing Comments and Textual Suggestions” (document SCCR/24/8 Prov.).
2. The Committee **agreed to continue** text-based work on SCCR/24/8/Prov. at the SCCR/26 session, towards an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms), and to consider during that meeting the possible reorganization of the document and the possible identification of issues on which the Committee could focus its text-based work, with the target to submit recommendations on limitations and exceptions for educational, teaching and research institutions and persons with other disabilities to the General Assembly by the SCCR/30 session.
3. The Committee **took note** of the request of the African Group and its Member States, and of the Delegations of Argentina, Brazil, and Ecuador, that their comments in document SCCR/24/8/Prov. be moved to an annex at the end of the document.

## **Next session of the SCCR**

4. The 26th session of the SCCR will take place in **July 2013**. The Committee agreed that two days will be devoted to the agenda item on the protection of broadcasting organizations; two days will be devoted to the agenda item on limitations and exceptions for libraries and archives; and **one day** will be devoted to the agenda item on limitations and exceptions for educational, teaching and research institutions and persons with other disabilities.



# Fazit

- Nicht-Regierungsorganisationen (NGOs) können zugelassen werden & teilnehmen
- NGOs werden angehört
- Einflußnahme erfordert langen Anlauf
- Koordination & Kooperation von NGOs ist essentiell
- **Unbedingt weitermachen!!!**



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