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AIPPI Committees

Highlights from the 36th Session of the WIPO's Standing Committee on Copyright and Related Rights (SCCR)

by **Shiri Kasher-Hitin (AIPPI Copyright Committee)**

On the first day of the meeting, Chair of *AIPPI Copyright Subcommittee*, Prof. Jan Nordmann, together with Remy Chavannes, held a side-event in front of a packed room of delegates of World Intellectual Property Organization (WIPO) member states, WIPO staff and representatives of non-governmental organizations (NGO).

They presented AIPPI's work from the drafting of the basic study question up to the final balanced resolution using the example of "linking and making available" Resolution reached in Milan on 2016. According to all feedbacks the event was very successful!

It is worth reminding that this Committee examines matters of substantive law in copyright and related rights and formulates recommendations for consideration of WIPO General Assembly.

The agenda was varied as evident from the following.

Protection of Broadcasting Organizations

The delegates discussed the draft texts for the treaty (see [SCCR/35/12](#), [SCCR/36/5](#)). According to Chair's summary, which is the only legitimate source for information on the topic, since all discussions were confidential, the discussion focused, *inter alia*, on deferred transmission and the definition of Broadcasting. Argentina's proposal on deferred transmission was welcome ([SCCR/36/5](#), articles 2 to 5). The definition of "*Broadcasting*" shall be fixed in a way that clears that the treaty does NOT derogate from national legislation.

Limitations and Exceptions (L & E) for Libraries and Archives

Chair published an [action plan](#) in an attempt to push the discussion forward to the path of **soft law** and not a legal binding instrument.

The African Group reminded its position in favor of a legally binding instrument. In reply, USA reminded its own suggestions detailed in documents [SCCR/26/8](#) and [SCCR/27/8](#) and mentioned that they “take into account the aspirations of harmonizing important goals for limitations and exceptions while preserving Member States’ ability to tailor domestic limitations and exceptions to their own cultural and economic circumstances“. EU joined this position.

L & E for educational and research institutions and for persons with other disabilities

The Chair’s action plan referred to this topic as well and suggested that two additional studies shall be made:

First, on educational and research institutions and their work at the national levels. The aim of this study shall be to understand *current* surrounding of the activity of these institutions, *e.g.*, the impact of e-Learning and massive open online courses (MOOC).

Second, on persons with disabilities (other than print), *i.e.*, expand [Prof. Reid & Ncube study](#) on this subject.

After a session of confidential discussions. Chair’s plan secured participation of observers in all the meetings on the topic.

Resale Right for Artists (Droit de Suite)

Chair suggested the setting up of a task force of experts who will report back to the Committee regarding the practical elements of an Artist Resale Right system. The suggestion won wide support.

Copyright Related to the Digital Environment

EU, Asia-Pacific and CEBS Groups supported [the initiative](#) brought by Latin America Group (GRULAC). USA reminded that a [study](#) in this field had already been written back in 2003 by Prof. Jane C. Ginsburg.

Special related Right for Theatre Directors

The Russian Federation opened the discussion by describing the major contribution of directors to the theatrical work and stating that their creative contribution is NOT protected under current international copyright law. Russia explained that its aim is to study national legislation of WIPO Member States on the copyright to theatre directors and carry out a relevant study. Deputy Director General of copyright and creative sectors, Ms. Sylvie Forbin, replied that WIPO Secretariat shall present a methodology for such study.

Next meeting might be very interesting as it should refer to outcomes of the regional seminars supposed to be held according to the Chair’s Action Plan ([SCCR/36/3](#)).