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To: Delegations

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Subject: **Twenty-Seventh Session of WIPO Standing Committee on Copyright and Related Rights (Geneva, 28 April –2 May 2014)**

**- Final EU/Member States' statements**

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Delegations will find in the Annex, for information, the final version of the statements made on behalf the EU and its Member States at the above-mentioned WIPO meeting.

**Statement by the European Union and its Member States****Standing Committee on Copyright and Related Rights****Twenty-Seventh Session****WIPO, Geneva, 28 April –2 May 2014****Opening Statement**

The European Union and its Member States would like to thank you and the WIPO Secretariat for the work carried out to prepare this Twenty-Seventh Session of the Standing Committee. We hope that, under your able stewardship, participants will be able to agree to a constructive way forward on all the issues on the agenda for this week.

The European Union and its Member States attach great importance to the negotiations relating to the protection of broadcasting organisations. We found the technical discussions which took place at the last Standing Committee useful for understanding the differences in the positions between delegations and we stand ready to continue these discussions in order to identify possible compromise options. We believe that in order to achieve a treaty giving broadcasting organisations adequate and effective protection a broad consensus needs to be built as to the problems that need addressing and as to the extent of protection to be granted. While we acknowledge that work remains to be done, we believe that we can accomplish our goal of convening a Diplomatic Conference for the new treaty on the protection for broadcasting organizations and therefore we hope that greater progress can *be made during this and the next Standing Committee*.

Concerning limitations and exceptions for the benefit of libraries, archives, educational and research institutions, the European Union and its Member States believe that the current international copyright framework already provides for sufficient legal space for Member States of WIPO to ensure meaningful limitations and exceptions (in the analogue and digital context) while respecting the necessary balance to ensure that copyright continues to be an incentive and a reward to creativity. Hence, we believe that there is no need for further rule making at international level in this regard. The European Union and its Member States are however ready to continue discussing with all WIPO Member States so that these limitations and exceptions are implemented and function in the best possible way in the framework of the existing international treaties. We reiterate that the exchange of ideas and best practices are for us the way forward on this issue.

The European Union and its Member States would like to recall that after the exceptional two years in which both the Beijing and the Marrakesh Treaties were adopted, it is now time to concentrate on the implementation of the commitments that have been undertaken under these two and the previous Treaties. In this respect, we would like to inform States that the EU will sign the Marrakesh Treaty at a signing ceremony on 30 April 2014 at 3 p.m. The role of this Committee should not be limited to rule-making. We should also be ready to follow up on these rules, to discuss how to have meaningful evidence to underpin our future and current policies and to start working on issues that will facilitate the licensing of rights in the new digital and multi-territorial environment.

Mr Chairman, you can count on our willingness and commitment to work constructively throughout this session.

Thank you.

**Statement by the European Union and its Member States**

**Standing Committee on Copyright and Related Rights**

**Twenty-Seventh Session**

**WIPO, Geneva, 28 April –2 May 2014**

**Item 5 – Protection of broadcasting organisations**

The European Union and its Member States would like to thank the Chair and the WIPO Secretariat for the work related to the possible treaty on the protection of broadcasting organisations and in particular for having prepared the 26<sup>th</sup> session of the Standing Committee during which we conducted useful discussions on the main elements of the treaty such as the beneficiaries, the scope of application and the rights.

The WIPO Treaty on Broadcasting Organisations remains a high priority for the European Union and its Member States. We are keen to see an improvement in the international protection of broadcasting organisations that is meaningful especially in view of the use of modern technology by broadcasting organisations, that is adapted to the specific problems broadcasting organisations face and that is at the same time respecting the rights of right-holders in works and other protected subject matter carried by broadcast signals.

The European Union and its Member States stand as committed as ever to work towards this goal. We believe that in order to achieve a treaty giving broadcasting organisations adequate and effective protection a broad consensus needs to be built as to the problems that need addressing and as to the extent of protection to be granted. During the last Standing Committee we have agreed to continue our discussions on the main elements of the Treaty. We are ready to further engage in these discussions in order to better understand various positions, to map differences and points of convergence with the view of working out possible compromise options. The European Union and its Member States are also looking forward to technical discussions on the remainder of the Working Document at the same time reserving the right of proposing modifications and making textual comments to this Working Document.

Thank you.

## **Statement by the European Union and its Member States**

### **27th Session of WIPO Standing Committee on Copyright and Related Rights**

**(Geneva, 28 April 2 May 2014)**

#### **Agenda item 6**

##### **Limitations and exceptions for libraries and archives**

Cultural heritage institutions play an essential role in our society with regard to the dissemination of knowledge, information and culture. Whilst the European Union and its Member States consider it important that the copyright framework enables these institutions to fulfill their public interest missions both in the analogue and digital world, we consider that the existing international copyright framework already provides for a wide variety of possibilities for all Member States of WIPO to ensure meaningful limitations and exceptions in this area. WIPO Members that have not yet introduced such exceptions in their national legislation can currently do so and, if necessary, request the assistance of WIPO or help of other WIPO states and stakeholders.

The European Union and its Member States believe that it is important to reiterate that we are not willing to consider a legally binding instrument in this area. Apart from the flexibility offered by the existing international framework, we see two main reasons:

First, the EU and its Member States do not believe that possible issues related to the activities of libraries and archives require the same type of action as was deemed necessary to address the unique case of access to books for the benefit of people who are blind, visually impaired and print-disabled.

Second, this Committee did not provide an answer to the question as to the rationale, the need, to harmonize exceptions for libraries and archives at an international level. The EU and its Member States are of the view that this Committee did not provide substantial evidence that would justify such an international harmonization. Problems that were raised call for the introduction of exceptions on national level, yet they lack a genuine international dimension. The few examples of issues related to access to content on cultural identity held in the catalogues of cultural heritage institutions abroad do, in our opinion, not mandate such an intervention.

It is important that Member States of WIPO maintain a certain degree of flexibility which is particularly important in view of the different legal systems and traditions. Many countries have taken different approaches in line with their cultural and legal traditions. In many Member States, licensing also plays an important role, either alongside the application of exceptions or instead of the application of exceptions.

We perceive that the issue of exceptions and limitations for libraries and archives is a national issue and therefore does not require addressing by enacting new international norms.

In conclusion, the European Union and its Member States are prepared to continue to debate and have an exchange of views on this topic and to have an exchange of views on the diverse national experiences in this area. We believe that the best way to make progress in our work is to identify those issues which are most important and useful for the exchange of national experiences and to update relevant WIPO studies.

Thank you.

**Statement by the European Union and its Member States**

**27th Session of WIPO Standing Committee on Copyright and Related Rights**

**(Geneva, 28 April - 2 May 2014)**

**Agenda item 7**

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

The European Union and its Member States find it important that the copyright framework enables educational and research institutions to fulfill their role both in the analogue and digital world. The existing international copyright framework already allows all Member States of WIPO sufficient legal space to ensure meaningful limitations and exceptions for the benefit of these institutions. The EU and its Member States are therefore willing to continue an exchange of views regarding the national experiences in this area.

However, the European Union and its Member States believe that it is important to reiterate that we are not willing to consider a legally binding instrument in this area.

The EU and its Member States do not believe that possible issues related to the activities of educational and research institutions require the same type of action as was deemed necessary to address the unique case of access to books for the benefit of people who are blind, visually-impaired and print-disabled.



It is important that Member States of WIPO maintain a certain degree of flexibility as allowed by the existing international legal framework. This is particularly important in view of the different legal systems and traditions. Many countries have taken different approaches in line with their cultural and legal traditions. In many Member States, licensing also plays an important role, either alongside the application of exceptions or instead of the application of exceptions.

We perceive that the issue of exceptions and limitations for educational and research institutions and for persons with other disabilities is a national issue and therefore does not require addressing by enacting new international norms.

In conclusion, the European Union and its Member States are prepared to continue to debate and have an exchange of views on this topic and to have an exchange of views on the diverse national experiences in this area. We believe that the best way to make progress in our work is to identify those issues which are most important and useful for the exchange of national experiences and to update relevant WIPO studies.

Thank you.

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