

January 15th, 2025

We write on behalf of the undersigned members of the Access to Knowledge Coalition, representing educators, researchers, students, libraries, archives, museums, copyright academics, and other knowledge users and creative communities around the globe. We wish to share with the Committee our views on certain agenda items of the 46th session of WIPO's Standing Committee on Copyright and Related Rights that will take place in Geneva from April 7-11, 2025.

### **Balanced agenda: Broadcasting and Limitations & Exceptions**

The SCCR has two long-standing agenda items: (1) the Broadcasting Treaty and (2) Limitations and Exceptions for Libraries, Archives & Museums; Educational & Research Institutions; and People with Other Disabilities. These items together achieve a balance of interests before the Committee, each of which is subject to General Assembly mandates to engage in the drafting of instruments.

States should insist on the balance between the agenda items, and make any progress on the Broadcasting Treaty conditional upon equitable progress toward an instrument (or instruments) on L&E.

### **Comments on the implementation of the limitations and exceptions program**

Little progress has been made on the implementation of the Work Program on Exceptions and Limitations adopted at (SCCR/43/8), despite discussion at SCCR/44 and submission of comments. (See A2K Letter for earlier comments, [https://drive.google.com/file/d/1yfOg-h5iuYK2tc-B1D\\_-vnLOn1jchlmR/view?usp=sharing](https://drive.google.com/file/d/1yfOg-h5iuYK2tc-B1D_-vnLOn1jchlmR/view?usp=sharing) ).

We call for the L&E implementation plan to be streamlined and focused on advancing an instrument/s that meets the 2012 GA mandate. The Committee can begin with summaries of proposals from the Chairs' Charts SCCR/26/8, SCCR/27/8, and SCCR/34/5 and with the US proposed provisions on principles and objectives. It should then work expeditiously toward a Committee instrument/s.

### **Comments on the Broadcasting Treaty**

The SCCR needs to make significant changes in the draft text that would narrow its scope and ensure that it includes sufficient limitations and exceptions to address predictable problems before the SCCR recommends movement toward a diplomatic conference. (See A2K Letter for earlier comments, [https://docs.google.com/document/d/1yma1-J\\_lfq3SSR0XYJzOlxqjkqH9Lz2risX4Y0h-fgY/edit?usp=sharing](https://docs.google.com/document/d/1yma1-J_lfq3SSR0XYJzOlxqjkqH9Lz2risX4Y0h-fgY/edit?usp=sharing)).

### **Other matters**

**Proposal for Analysis of Copyright Related to the Digital Environment White Paper**

The Access to Knowledge Coalition supports the agenda item for a White Paper on Digital Copyright. We encourage the Committee to adopt a work plan for this issue similar to the Committee's work plan for the L&E agenda that provides a process to move the agenda forward. The agenda item should be holistic. We urge that the Committee address topics beyond remuneration for streamed music. The agenda item should include discussions of artificial intelligence, such as the relations between copyright, AI and competition, platforms' economic power, diversity in training tools, etc. The item should also include the long-standing attention of the Committee, framed in the Agreed Statement to Article 10 of the WIPO Copyright Treaty, of updating limitations and exceptions for the digital environment.

### **Proposal for a Study Focused on the Public Lending Right**

We call on members of the Committee to conclude the agenda item on a Proposal for a Study Focused on the Public Lending Right without any further work on this topic. It is highly unlikely there will be any political will to harmonize "public lending rights," which increase costs of public libraries to share works with the public to the primary advantage of multinational publishing monopolies. See IFLA, [Public Lending Right: A Briefing for Libraries](#).

### **Theater Director Rights**

We call on members of the Committee to conclude the agenda item on Theatre Director Rights without any further work on this topic. It is highly unlikely there will be any political will to harmonize Theater Director Rights, which lack the key element of fixation needed to receive copyright protection in many countries.

Signed,

Library Copyright Alliance  
Creative Commons  
Fundación Karisma  
Red en defensa de los derechos digitales  
Creative Commons Italy Chapter  
Biblioteca y Ruralidad  
Education International  
ISUR - Centro de Internet y Sociedad de la Universidad del Rosario  
COMMUNIA Association for the Public Domain  
ARTICLE 19, Oficina México y Centroamérica  
Datysoc - Laboratorio de Datos y Sociedad  
IFLA - International Federation of Library Associations and Institutions  
SAA - Society of American Archivists  
Centre for Internet and Society, India  
IBDAutoral - Instituto Brasileiro de Direitos Autorais  
Fundación Vía Libre, Argentina  
EIFL - Electronic Information for Libraries  
InternetLab  
Library Futures  
Hiperderecho

ICA - International Council on Archives  
Electronic Frontier Foundation  
Wikimedia Colombia  
Corporación Innovarte  
Canadian Association of Research Libraries  
CFLA-, Canadian Federation of Library Associations  
TEDIC, Paraguay  
LACA -UK Libraries and Archives Copyright Alliance  
Derechos Digitales  
ARSC - Association for Recorded Sound Collections  
Australian Libraries and Archives Copyright Coalition