

Standing Committee on Copyright and Related Rights
Proposal by Brazil, Chile, Nicaragua and Uruguay for
Work Related to Exceptions and Limitations

Introduction

Brazil, Chile, Nicaragua and Uruguay commends the Standing Committee on Copyright and Related Rights of the World Intellectual Property Organization on the work it has recently undertaken on exceptions and limitations to copyright and related rights.

As expressed in the Chilean submission at the Thirteenth Session of the Standing Committee on Copyright and Related Rights in November 2005,¹ exceptions and limitations to copyright are important instruments for defining and protecting a heritage of public property and areas of freedom for the use of knowledge and products of human creativity, which are necessary not only to guarantee the right of humankind to participate in cultural activity and scientific and economic progress, but also to facilitate and promote the creative activity of authors and cultural industries which require those exceptions to carry out a part of their activities.

In light of the vital importance of exceptions and limitations to these widely-shared values, it is proposed that three areas of work be undertaken by the Committee:

1. Identification, from the national intellectual property systems of Member States, of national models and practices concerning exceptions and limitations.
2. Analysis of the exceptions and limitations needed to promote creation and innovation and the dissemination of developments stemming therefrom.
3. Establishment of agreement on exceptions and limitations for purposes of public interest that must be envisaged as a minimum in all national legislations for the benefit of the community; especially to give access to the most vulnerable or socially prioritized sectors.²

In this context, we appreciate the work undertaken by WIPO to provide several studies reviewing the implementation of national copyright systems' exceptions and limitations for particular classes of beneficiaries and the public interest.³ We look forward to having the reports presented to this committee by their' authors, to enrich the discussion that we are starting today.

This 16th session of the SCCR is the first meeting to formally include the topic of exceptions and limitations on the Committee's agenda. This opportunity requires us to adopt a work plan to structure our discussions and allows us to move forward in a constructive manner.

For that purpose, we propose that the Committee implement a plan taking into consideration those three levels of activities outlined in Chile's 2005 submission, with the objective of achieving

¹ PROPOSAL BY CHILE ON THE ANALYSIS OF EXCEPTIONS AND LIMITATIONS, Proposal to Standing Committee on Copyright and Related Rights, SCCR/13/5, November 22, 2005.

² Id.

³ In recent years WIPO has commissioned four studies on Exceptions and Limitations: *Study on Copyright Limitations and Exceptions for the Visually Impaired* by Judith Sullivan (SCCR/15/7); *Study on Limitations and Exceptions of Copyright and Related Rights in the Digital Environment* by Professor Sam Ricketson (SCCR/9/7); *Automated Rights Management Systems and Copyright Limitations and Exceptions* by Nic Garnett (SCCR/14/5); and a study on limitations and exceptions for library use at the request of Chile which will be completed soon.

