

**Society of American Archivists
Council Meeting
August 14, 2024
Chicago, IL
Hybrid Meeting**

**April–June 2024
(Prepared by William J. Maher, April 28, 2024)**

Summary Report of SAA’s Representative to WIPO/SCCR45

SAA’s in-person presence at the April 15-19 meeting of the Standing Committee on Copyright and Related Rights (SCCR) continued our efforts to encourage development of a treaty for an international baseline of exceptions to copyright for libraries, archives, and museums (LAMs). A treaty would provide legal protections for these institutions to pursue their missions within Member States of the World Intellectual Property (WIPO) and across national borders.

The exceptions and limitations topic has long shared the SCCR agenda with pre-existing proposals to create new exclusive rights for broadcasters. While divorced from archival concerns, aggressive proposals for new rights for broadcasters could negatively affect archival efforts to have an adequate record of live events and the news. Further, because archival concerns with portions of the broadcasting proposals align with concerns of some Global South Member States, the situation is one that the LAMs community may be able to leverage to build relations to develop support for the exceptions we seek.

At stake at this April’s SCCR session: 1) a push by the WIPO Secretariat and the European Union to have the session declare that remaining differences on the nature and scope of new broadcasting rights were not a barrier to asking the WIPO General Assembly to authorize a Diplomatic Conference in 2025 to negotiate an actual treaty; and 2) a push to have the Committee adopt an Implementation Plan for LAMS copyright exceptions based on a barebones model plan developed by the Secretariat rather than a much more substantial plan created by the Africa Group. In each of these areas, Committee deliberations made clear that the objective of the Secretariat and the newly elected SCCR Chair to achieve a pre-determined outcome. For broadcasting, the result would have been more extensive exclusive rights. For the exceptions topic the result would have been the thinnest of plans, undermining meaningful work on an actual text for LAMs exceptions and limitations. Luckily, both efforts failed.

Thus, a clear positive of this SCCR session was that “bad things did not happen.” However, more important to SAA’s interests was the active and vocal resistance to the Secretariat and Chair by Global South Member States. Aiding that resistance was a key focus of the LAMs coalition through our work to articulate coherent positions via our small group meetings with

“friendly” Member States. The clarity with which we explained the problems with the broadcasting draft treaty and the Secretariat’s anemic Implementation Plan contributed to clear stances by the Regional Coordinators for Africa, Asia/Pacific, and Latin America and the Caribbean member state groupings. It is possible that the next SCCR might see a similar effort to push through the flawed broadcasting draft, but it could just as likely collapse unless the provisions of greatest overreach in the current draft are scaled back.

For exceptions and limitations, this SCCR’s outcome was a working text of an implementation plan that merges divergent approaches from the Africa Group with those of the highly developed countries. Although the working document has left conflicting positions to be reconciled by a task group before the next SCCR, it does leave the African Group’s more robust proposals still in play. This is clearly better than either of the likely alternatives going into this April’s session: adoption of no implementation plan or adoption of the Secretariat’s do-little plan. Attention to the upcoming “intersessional” work will be necessary as well as continued monitoring of the Secretariat over the next six or seven months and extending to the next SCCR sometime in 2025.

Happily, SCCR45 saw the long delayed public release of the final text of the Toolkit on Preservation. Also, the LAMs coalition’s physical presence was effective in facilitating solidarity with regional groups of Member States from the Global South on several agenda issues. There probably will not be a second SCCR in 2024. Therefore, we will need to be active during the long hiatus to build support for the exceptions agenda and to respond to the Secretariat’s efforts to stage-manage the meetings.