



Joint statement ahead of WIPO SCCR: 45th Session, April 2024

On behalf of the International Federation of Reproduction Rights Organisations (IFRRO) and its European association members EFJ, EMMA-ENPA, EVA, EWC, FEP and STM, we would like to thank you for your continued support at international level to encourage WIPO Member States to implement solutions based on current international treaties (the Berne Convention and the WIPO Copyright Treaty).

As you well know, exceptions and limitations to authors' rights and copyright require a careful calibration to achieve the necessary balance among the legitimate interests at stake and to fulfil the three-step test criteria, enshrined in these very treaties. This balance is essential to protect the economic viability of creation and dissemination of copyrighted works, to guarantee appropriate remuneration and to foster local markets.

The revenues of authors and publishers and their ability to live from their labour depends on their possibility to sell and license works and images. It is therefore paramount to ensure that exceptions and limitations to copyright do not endanger this value chain in any way. Exceptions and limitations that would "cannibalise" the market by de facto competing with and replacing the commercial offer would weaken authors and publishers, would impact secondary markets such as employment, regional development, tax payments and investment capacity in new and diverse works that reflect the diversity of cultures and democratic societies, and in the end be detrimental to the beneficiaries of exceptions, as there would be less and less new authorship and publications over time.

European legislation, when correctly implemented and enforced, relies on this careful balance and, so far, has allowed a rich and diverse cultural creation to coexist with exceptions and limitations. This balanced approach can and should serve as an example for other WIPO members. However, European exceptions and limitations should not be taken out of the specific context of the European Union and its Single Market.

European Member States made to each other a deep commitment, abolishing barriers between their markets, harmonising their legislation and fostering intense cross-border exchanges, thus creating the conditions justifying some features of European exceptions and limitations. These underlying conditions do not exist outside of the European Union. Attempting to make these EU-specific features the international standard would therefore be detrimental to the existing legitimate interests of authors and rightholders in non-European markets.

We call on you to keep supporting the flourishing cultural and creative sectors and the substantive and economic values authors and publishers convey to society, on the occasion of the next SCCR meeting in April 2024, to ensure that balance remains the key guiding principle in the international discussions on authors' rights and copyright.