



EVA Statements at WIPO SCCR 43

March 2023

Statement on Exceptions and Limitations for research purposes

1. Thank you Chair for allowing EVA-European Visual Artists to take the floor. We are grateful for all your meaningful work on exceptions and limitations and we trust that the constructive dialogue will continue.
2. EVA members recognise the importance of the availability of visual works for research purposes. They have developed licensing and the application of rebates on their tariffs for qualifying uses.
3. As concerns Text and Data Mining (TDM), for either non-commercial or commercial research, visual authors are increasingly concerned that exceptions could apply in a disproportionate manner. One particular problem is the shift in the paradigm that requires the authors to safeguard their copyrights by the means of machine-readable tools.
4. In the sector of visual arts, authors and other rightsholders must post protected works without paywalls or other access control to achieve discoverability. However, courts have already interpreted such posting as a voluntary agreement from the author for the use of the works by third parties.
5. Visual authors are confronted with having to disagree, by machine-readable means, to the use of their work for TDM instead of enjoying the full protection of copyright

following the Berne Convention, simply by the creation of a protected original work without the need of any further action.

6. It is, therefore, necessary that exceptions to copyright are not further extended, and that they take into account the concerns of artists.
7. Thank you for giving EVA this opportunity to take the floor.

END

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About EVA

European Visual Artists (EVA) represents the interests of authors' collective management societies for the visual arts. **29 European societies** are gathered under this roof as members or observers. They manage collectively authors' rights of close to **150 000 creators** of works of fine art, illustration, photography, design, architecture and other visual works.

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