



STATEMENT ON LIMITATIONS AND EXCEPTIONS

WIPO SCCR 44

Thank you, Mr chair, for allowing EVA to take the floor. EVA is the EU-wide umbrella organisation for Copyright Management Organisations for visual works. Our members manage rights for close to 170,000 authors of fine arts, illustration, photography, street art, design, graphic design, and other still images. In their respective countries, our members are managing a large range of rights including individual licensing and collective rights which encompass works in libraries and archives. We are looking at the matters at stake from the authors' perspective who are under the threat of losing their rights and work for nothing in return. Licenses are a strong and diverse tool that allows use without leaving the authors devoid of any remuneration. Our members are very experienced in applying tailored licences which allow scientific work while protecting visual authors.

Authors are the ones who risk losing everything due to limitations and exceptions to rights. We would also like to draw attention to the fact that visual authors have also been asking for an extension of the resale right since 2015. The resale right is the flagship right for visual authors with a majority of supporters, but on the one hand, authors are still not receiving resale right revenues and on the other, limitations and exceptions are applied to the few remaining sources of income from uses of their works.

EVA members facilitate the use of image works by professional licensing structures also across borders and by using the entire EVA infrastructure. Scientists benefit from collective management far more because visual artworks are protected, whereas limitations and exceptions hold the risk of damaging authors and preventing further creation of works. With

less creation, there is also less material for scientific research. Authors, as well as scientists, will lose subjects to work with.

EVA appreciates the work of Professor Xalabarder, who points out that any regulation requires the full application of the copyright framework and the three-step test. We welcome that the scoping study has been prepared in detail.

EVA would also appreciate if the WIPO secretariat could set up groups to work on clearly determined subjects, which are supportive of joint work in the interest of the authors whose works are at the centre of these discussions.