

April 13, 2026

Subject: Text-Based Work on Limitations and Exceptions in SCCR/48

Dear SCCR Delegates:

We write on behalf of the undersigned members of the Access to Knowledge Coalition of research, education and cultural heritage institutions on the agenda item of limitations and exceptions at SCCR/48. We request that your delegation support the start of text based work towards the adoption of an appropriate international legal instrument or instruments on limitations and exceptions based on the African Group's "Proposal on Limitations and Exceptions" ([SCCR/47/5](#)).

At SCCR/47, four documents were presented that could serve as a starting point for text-based work in accordance with the Work Program on Limitations and Exceptions ([SCCR/43/8 Rev.](#)) adopted by the Committee in 2023: the United States' proposed "Objectives and Principles for Exceptions and Limitations for Libraries and Archives" ([SCCR/47/10](#)); the United States' proposed "Objectives and Principles for Exceptions and Limitations for Educational, Teaching, and Research Institutions" ([SCCR/47/9](#)); the African Group's October 7, 2025, "Proposal on Limitations and Exceptions" ([SCCR/47/5](#)); and the Chair and Vice-Chair's November 10, 2025, "Text Proposed in the Framework of Work Towards an Appropriate International Legal Instrument or Instruments on Limitations and Exceptions" ([SCCR/47/8](#)).

All four documents, with appropriate amendments, could fulfill the Work Program's call for "the adoption of an appropriate international legal instrument or instruments on limitations and exceptions." All four are "based upon and built upon the prior work of the Committee and existing SCCR documents," as called for in paragraph 1 of the Work Program. And all four could be revised to satisfy the General Assembly's mandate to "work towards an appropriate international legal instrument or instruments (whether model law, joint recommendation, treaty and/or other forms)" ([WO/GA/41/14](#)) relating to limitations and exceptions.

While there is significant commonality among the four documents at an abstract level as demonstrated by the [attached table](#), the African Group's proposal is by the far the most advanced and useful of the proposals. The Chair and Vice Chair's text is a far less granular *framework* for an instrument, suggesting that ultimately another text would need to form the basis for text based work. The U.S. proposals are abstract, and thus are unlikely to lead to concrete beneficial results in Member States without significant redrafting.

In contrast, the African Group text is sufficiently detailed that it can be applied with certainty to evaluate and guide exceptions in domestic law. The African Group's proposal is ready for text-based work by the Committee without further preliminary steps. To the extent that members would like to

consider text from the other documents in a final instrument, we urge that the African Group text serve as the base and a consolidated draft be created with additional suggestions.

We particularly commend the African Group's proposal for the inclusion of critical provisions that will serve the interests of access to knowledge institutions.

- The African Group proposal usefully includes broadly endorsed language promoting the adoption of “an appropriate balance in their copyright and related rights system through limitations and exceptions for the public interest,” included in the plurilateral CPTPP and RCEP agreements. It also contains language from the Agreed Statements to the WCT and WPPT encouraging Member States to “appropriately extend into the digital environment limitations and exceptions” already included in domestic law.
- It further protects the adoption of general limitations for “fair practices, uses, or dealings” through language based on the Marrakesh Treaty.
- Its specific provisions on education and research and cultural heritage usefully combine generally framed exceptions (e.g. “for educational or research purposes to the extent justified by the purpose and provided such utilization is compatible with fair practice”) with specifically defined uses to give greater certainty to users and rights owners. This is an approach adopted in two civil society proposals that our members have endorsed -- the Proposal for a Framework Treaty on Copyright Exceptions for Libraries, Archives and Museums ([TLAM](#)) and the Treaty on Copyright Limitations and Exceptions for Educational and Research Activities ([TERA](#)).
- It addresses cross border uses of materials, which is critical for modern education and research and for facilitating access to knowledge and heritage activities which are increasingly digital and international in scope.
- It includes language on interpretation of the three-step test to ensure that public interests are considered and respected.

In all of these aspects, the African Group's text is more advanced, specific and useful to access to knowledge institutions. Accordingly, we believe that the Committee should treat the African Group's proposal as the base text for further text-based discussions on the limitations and exceptions agenda item in SCCR/48. We urge other Member States to offer concrete proposals for clarifications and amendments, as the African Group requested when it introduced the document. These amendments could touch on issues as broad as the scope and nature of any instrument.

We would welcome the opportunity to discuss our views with you before SCCR/48.

Respectfully,

Alianza de la Sociedad Civil Latinoamericana para el Acceso Justo al Conocimiento (Latin American A2K Alliance)

Canadian Association of Research Libraries

COMMUNIA

Creative Commons

Datsoc (Data and Society Laboratory, Uruguay)

Education International

EIFL (Electronic Information for Libraries)

Global Expert Network on Copyright User Rights

Hiperderecho - Perú

IFLA (International Federation of Library Associations and Institutions)

Innovarte ONG

Instituto Brasileiro de Direitos Autorais

Library Copyright Alliance

Society of American Archivists

TEDIC - Paraguay

UK Libraries and Archives Copyright Alliance (LACA)

Wikimedia Chile