

## CLUSTER II REPORT

### **African Ministerial Conference on Intellectual Property for an Emerging Africa Dakar, November 3-5, 2015**

Ministers and Experts recognized the role that IP and creativity can play in the transformation of economies in an emerging Africa. They stressed the need to integrate creativity, copyright and related rights into national development plans and to place greater emphasis on those issues in the context of the work and activities carried out by regional technical partners such as the African Union Commission, the West African Economic and Monetary Union (UEMOA) and the African Development Bank (ADB).

Participants acknowledged the strategic importance of the legal and regulatory framework in order to promote creativity and growth and to strengthen rights in the digital environment. They identified the need to transpose international texts relating to copyright and related rights as soon as possible. Those texts included the Internet, WCT and WPPT Treaties (1996), in addition to the Beijing Treaty (2012) and the Marrakesh Treaty (2013). Specific recommendations were made in order to implement existing treaties in an efficient manner, taking into account the national issues and interests of each country. Participants highlighted the adoption of targeted measures with a view to ensuring greater social and economic recognition of artists as fully fledged workers.

The topics below were highlighted in the thematic sessions.

Participants attending Session I on “*Copyright as an Incentive and as a Growth Driver for Digital Development*” underscored the key role that the creative economy had to play in supporting economic growth, cultural diversity, social inclusion and cohesion in Africa. Copyright and related rights played an increasing role in financing creativity. The attention of governments was drawn towards the need to implement cross-cutting national strategies covering sectors such as culture, tourism and education in order to stimulate growth and development. Participants also recommended that African governments should work together in a coordinated manner over the coming months in order to support the proposals of the governments of Senegal and Congo, which sought to ensure international recognition of the resale right for the authors of graphic and plastic works of art.

Participants attending Session II on “*The Strategic Use of Intellectual Property in the Sports Industry*” emphasized that the development of the sports industry was closely dependent upon the protection and commercialization of intellectual property assets. Participants recommended that WIPO should foster awareness-raising activities and provide guidance in the coming months with a view to developing national strategies aimed at better use of intellectual property in order to create wealth in that sector and promote the value of sport.

Participants attending Session III on “*Music and Audiovisuals at the Crossroads*” recommended that players in the creative sector should undergo training in the use of digital tools and also work on the development of specifically African economic

models. Discussions highlighted the need to encourage win-win partnerships involving all players in the creative sector. Governments were recommended to promote the establishment of strong professional organizations, stimulate collective bargaining, encourage the widespread use of contractual practices and to put in place legislative and regulatory measures which would guarantee equitable remuneration for artists and authors. It was important to create modern structures in order to combat digital counterfeiting, while at the same time encouraging the development of legal offers.

Participants attending Session IV on “ *Promoting Social Inclusion and Building a Learning Landscape: the Marrakesh Treaty* ” highlighted the rights of disabled persons with reference to the Convention on the Rights of Persons with Disabilities. Participants discussed how to implement strategies that were designed to accelerate the ratification and entry into force of the Marrakesh Treaty with a view to facilitating access to published works by the blind, visually impaired and persons with print disabilities. They also acknowledged the complementary role played by the Accessible Books Consortium (ABC Consortium). The Consortium was invited to initiate pilot projects in Africa in order to prepare for the entry into effect of the Marrakesh Treaty. Participants were able to take advantage of the holistic experience of South Africa which covered all disabilities. They were also able to acquaint themselves with the role that libraries played in Senegal and measure the role of publishers in that context. WIPO was requested to continue to provide legislative assistance in order to update national laws and build capacity via the ABC project to facilitate the production of and to promote the cross-border exchange of works in accessible formats.

Participants attending Session V, which was organized around the theme “ *Television Goes Digital: the Role of Broadcasters,* ” underscored the extraordinary opportunity that the migration to digital had provided for the emergence of competitive, market-driven broadcasting and audiovisual sectors. Governments and stakeholders needed to support the production of local content by making better use of copyright and related rights when financing and distributing audiovisual works. Governments were urged to create a harmonized international regulatory framework in order to combat broadcast signal piracy. Governments were also requested to strengthen and harmonize the legal frameworks in Africa governing information and communications technology (ICT) and the audiovisual and telecommunications industries. Increased cooperation was seen as a requisite among broadcasting organizations and the representatives of copyright and related rights holders in order to ensure fair compensation. It was also necessary to strengthen the functions of supervisory authorities, regulatory bodies and the shared broadcasting activities of digital terrestrial broadcasting (DTB).

Participants attending Session VI entitled “ *Transparency, Accountability, Governance* ” discussed the WIPO TAG project which was devoted to transparency, accountability and governance in collective management. African governments, WIPO and international institutions working in the field of intellectual property were requested to work towards the generalization and reinforcement of collective management in all areas of artistic and literary creation on the African continent and to organize training programs for rights holders and employees of collective management organizations (CMOs) in Africa. In addition, it was requested that rules

of transparency and governance should be incorporated into the activities of collective management organizations in Africa in order to consolidate trust between CMOs, their members and the public at large.

Participants attending Session VII which was entitled “*Harnessing the Participation of Africa in the Digital Economy*” stressed the need for taking measures which would decompartmentalize distribution markets on both the regional and pan-African level in order to facilitate the movement of nascent works. They highlighted the need to develop and systematize contractual practices. Legal decisions had to be reached more quickly in order to create a climate of trust that would foster investment and develop the creative economy. Regarding expressions of folklore, it was deemed necessary to reconcile the possibilities of protection with those of monetization. Participants highlighted the experience of Algeria, where proceeds from the monetization of cultural heritage had been used to set up a fund enabling investment in the preservation and dissemination of traditional heritage. WIPO and other organizations such as the International Confederation of Societies of Authors and Composers (CISAC) were called upon to develop practical training initiatives in order to share knowledge and best practices. Participants also called upon African media to promote the role of intellectual property so that the full potential of creativity could be achieved.