

WIPO



SCCR/10/5

ORIGINAL: English

DATE: January 31, 2004

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS

Tenth Session
Geneva, November 3 to 5, 2003

REPORT

adopted by the Committee

1. The Standing Committee on Copyright and Related Rights (hereinafter referred to as the “Standing Committee” or “SCCR”) held its tenth session in Geneva from November 3 to 5, 2003.
2. The following Member States of WIPO and/or members of the Berne Union for the Protection of Literary and Artistic Works were represented in the meeting: Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Serbia and Montenegro, Singapore, Slovenia, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay and Venezuela (83).
3. The European Community (EC) participated in the meeting in a member capacity.

4. The following intergovernmental organizations took part in the meeting in the capacity of observers: International Labour Office (ILO), United Nations Conference on Trade and Development (UNCTAD), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Trade Organization (WTO), League of Arab States (LAS), African Union (AU) and Arab States Broadcasting Union (ASBU) (7).

5. The following non-governmental organizations took part in the meeting as observers: *Agence pour la protection des programmes* (APP), American Federation of Television and Radio Artists (AFTRA), American Film Marketing Association (AFMA), Asia-Pacific Broadcasting Union (ABU), *Asociación Nacional de Interpretes* (ANDI), Association of Commercial Television in Europe (ACT), Association of European Performers' Organisations (AEPO), Canadian Cable Television Association (CCTA), International Association of Audio-Visual Writers and Directors (AIDAA), International Association of Broadcasting (IAB), International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM), International Confederation of Societies of Authors and Composers (CISAC), International Literary and Artistic Association (ALAI), Civil Society Coalition (CSC), Co-ordinating Council of Audiovisual Archives Associations (CCAAA), Copyright Research and Information Center (CRIC), Daisy Consortium, European Broadcasting Union (EBU), European Bureau of Library, Information and Documentation Associations (EBLIDA), European Federation of Joint Management Societies of Producers for Private Audiovisual Copying (EUROCOPYA), Federation of European Film Directors (FERA), Ibero-Latin-American Federation of Performers (FILAIE), International Affiliation of Writers Guilds (IAWG), International Federation of Actors (FIA), International Federation of Associations of Film Distributors (FIAD), International Federation of Film Producers Associations (FIAPF), International Federation of Journalists (IFJ), International Federation of Library Associations and Institutions (IFLA), International Federation of Musicians (FIM), International Federation of the Phonographic Industry (IFPI), International Hotel & Restaurant Association (IH&RA), International Music Managers Forum (IMMF), International Publishers Association (IPA), International Video Federation (IVF), Japan Electronics and Information Technology Industries Association (JEITA), Law Association for Asia and the Pacific (LAWASIA), Max-Planck-Institute for Intellectual Property, Competition and Tax Law (MPI), National Association of Broadcasters (NAB), National Association of Commercial Broadcasters in Japan (NAB-Japan), North American Broadcasters Association (NABA), Union of Industrial and Employers' Confederations of Europe (UNICE), Union of National Radio and Television Organizations of Africa (URTNA) and World Blind Union (WBU) (43).

6. The session was opened by Mr. Geoffrey Yu, Assistant Director General, who welcomed the participants on behalf of Dr. Kamil Idris, Director General of WIPO. He also expressed the Secretariat's appreciation of the effective conduct of the Information Meeting on Digital Content for the Visually Impaired by Mr. Carlos Teysera Rouco, *Presidente, Consejo de Derecho de Autor*, Montevideo, and thanked the Members of the Committee for their participation in that meeting, as well as the speakers who had made useful and informative presentations.

ELECTION OF OFFICERS

7. The Standing Committee unanimously elected Mr. Jukka Liedes (Finland) as Chairman, and Mr. Shen Rengan (China) and Mr. Abdellah Ouadrhiri (Morocco) as Vice-Chairmen.

ADOPTION OF THE AGENDA

8. At the proposal of the Chairman, the Standing Committee adopted its Agenda, as contained in document SCCR/10/1.

PROTECTION OF BROADCASTING ORGANIZATIONS

9. The Chairman stated that much progress on the protection of broadcasting organizations had been reached during the previous session of the Standing Committee. That issue had been on the agenda of WIPO since 1997 when the first worldwide forum on broadcasting rights was held in Manila and it had been on the Committee's Agenda since 1998. It had been reviewed nine times by the Committee, many proposals had been submitted and clear understandings had evolved. He proposed that the Committee first review all questions and items that delegations might consider important, including the following issues: (i) the scope of protection, including the object of protection; (ii) the rights to be granted; (iii) national treatment; and (iv) relations to other treaties. Second, the Committee could discuss the future work with respect to the right of broadcasting organizations and the possibility of organizing a diplomatic conference. Third, the Committee could assess its progress, and take appropriate decisions as to other issues and further meetings. Finally, the Committee could review other issues, and the Secretariat could report on the progress of its work.

10. The Delegation of the European Community thanked the Secretariat for organizing the Information Meeting on Digital Content for Visually Impaired People. As regards the protection of broadcasting organizations, it recalled that the principles, its usefulness and its appropriateness were well established by at least all the by now 76 Contracting States of the Rome Convention. The European Community and its member States granted even further reaching protection to broadcasters than provided for under the Rome Convention. Such protection was in both cases—under the Rome Convention and in the EU—balanced and operational. The Delegation reiterated the commitment of the European Community and its member States for an update of protection of broadcasting organizations. Such an update should be based upon the Rome Convention and be complemented by certain elements that the WPPT and national or regional neighboring rights systems had to offer. The Delegation remained confident that if different proposals, room papers and other documents were compared, there were only few outstanding issues. It suggested that an appreciation by the Chairman of the State of play, cast in a consolidated format, could put the Committee in a better position to decide on the timing and possible conclusion of its future work, hopefully in the next meeting of this Committee.

11. The Delegation of the Russian Federation supported the statement by the Delegation of the European Community and agreed that the preparation of a draft basic proposal could further advance the discussions. The work achieved so far had helped tremendously its Government drawing up a bill which included rights of broadcasters responding to the challenges imposed by the digital environment. The Delegation urged everybody to join their efforts in order to reach consensus as regards the subject of webcasting.

12. The Delegation of Switzerland stated that time was ripe for a Diplomatic Conference on the protection of broadcasting organizations, as there had been many years of discussions on the subject, and great progress had been made. The Delegation requested that the Secretariat prepare a document reflecting the points of dispute, as well as the points of consensus, which would make any discussions on the subject more efficient and fruitful.

13. The Delegation of Senegal reiterated its commitment to a strengthened protection of the rights of broadcasting organizations. It recalled the concerns it had expressed during the previous session of the Committee with regard to the proposed protection for webcasting organizations. That particular issue required more information and analysis in order to allow delegations to establish a better-informed position. Time had now come to review the issues discussed so far and to decide on preparing a comprehensive proposal.

14. The Delegation of the United States of America stated that the fact that the protection of the rights of broadcasting organizations had now been on the agenda of the Standing Committee for a long period of time reflected the difficulties that existed in addressing comprehensively the issues at stake. The Delegation's proposal had sought to recognize and deal with the issue of new technologies and the needs of rightholders. It contained definitions that ensured that rights of broadcasting organizations would not come into conflict with the rights of other rightholders and took also into account the consumers' interests. The broad range of existing proposals created a need to identify areas of agreement and of differences. A mechanism needed to be established for this identification process by the end of the present meeting, so that progress could be achieved.

15. The Delegation of Georgia noted the technological development that had taken place during the last ten years. Because of that, the Committee had to progress on the protection of broadcasting organizations, and there should be a balance between the rights granted to those organizations and the interests of society in general. The work of the Committee should be productive and bring it closer to a solution of the questions, which could lead to a diplomatic conference.

16. The delegation of Japan supported the view that a consolidated version of the proposals be prepared and stated that there was a need for making transparent and visible progress in the Committee.

17. The Chairman proposed that discussions be held separately in three packages. A first package referred to the object of protection, the second package referred to the rights and obligations, and the third dealt with other additional elements. If time permitted, the debate could be opened to the non-governmental organizations. The object of protection could be discussed by taking into account certain layers of priority. The traditional broadcasting and signal protection as defined in the Rome Convention formed the first layer, which was supported by the majority of delegations. The second layer comprised the strong candidates for protection, namely cable-originated transmissions or cablecasts, the protection of pre-broadcast signals, and the simultaneous streaming over the network. Finally, the third layer encompassed the non-simultaneous transmissions over digital networks or Internet-originated transmissions, which had very limited support in the Committee. In the Chairman's view, the whole picture regarding the object of protection had been presented during the previous session of the SCCR, so no lengthy discussion would be needed during the present session. The scope of rights could be covered as a sub-package. It would encompass those rights relating to the reproduction of broadcasts, such as the rights to control and reproduce a fixation, as granted in the Rome Convention; the right of distribution of a fixation; and those rights relating to the transmission of the broadcasts, such as the rights of rebroadcasting and cable retransmission of broadcasts. Many delegations had agreed on the protection against simultaneous retransmissions made either through cable or via digital networks, and also on the protection against deferred broadcasting or rebroadcasting. There were diverging views as regards the right of making available fixed broadcasts, as granted in the WPPT for fixed performances. The right of communication to the public might be

granted in a new instrument without being subject to any condition of entrance fee payment, as granted in the Rome Convention. He also referred to obligations regarding technological measures of protection and rights management information which had been supported by a number of proposals, however, suggestions had also been made regarding the need of a right of decryption to complete the protection of broadcasts against piracy. Finally, he referred to the two general approaches for building up a protection of broadcasting organizations, namely either a system of fully fledged economic intellectual property rights, or a more limited system designed against the theft of signals. Reference to other legislation, such as telecommunication law had also been made.

18. The Delegation of Japan indicated that there had been wide ranging discussions in its country on the issue of whether or not a decryption right should be included in the new treaty, and that as a result, the issue was still subject to ongoing internal discussions. It was of the opinion that the right of making available of unfixed broadcasts should be included in the new instrument, and it was convinced of the effectiveness of the right of making available in the digital environment. Streaming was a specific case of uploading of unfixed broadcasts. Therefore, in order to maintain a balance between the rights granted by the WPPT, the right of making available should be included in the new treaty.

19. The Delegation of the United States of America referred to the issues that deserved further attention, indicating that most definitions were based on language that derived from the WIPO Copyright Treaty (WCT) and the WPPT in particular as regards the definitions of “fixation” and “broadcasting” where the reference to “representations thereof” was intended to take into account the issue of digital representations. The question had been raised whether, in the context of simulcasting or webcasting, that could include the representation of anything on a conventional web site. The intention was not to provide for a broad scope of coverage and definitions needed to be refined in that respect. The possible areas of conflict between the authors’ rights and those proposed to benefit from the new instrument, namely broadcasters, cablecasters and webcasters, was another issue of concern. The Delegation did not intend to create conflict between the rights proposed in the new instrument and the rights in the content, owned by other rightholders, but to achieve a degree of parallelism between the rights to the content and the rights of the broadcasting, cablecasting and webcasting organizations. Article 1(2) of the revised version of its proposal (SCCR/9/4 Rev) addressed that specific point and was taken from Article 1 of the Rome Convention. It was not the intention of the Delegation to allow for any effect on the protection of copyright or on the rights of other related rightholders. The Delegation remained open to examine other proposals for greater certainty. It was also concerned about the proposed definition of broadcasting suggested by the European Community and its Member states that intended to include simulcasting on the Internet within the object of protection of the proposed treaty. The concern stemmed from a recent decision of an appeals court of its country which held that the simulcasting activity of a broadcaster over the Internet, on the one hand, and Internet generated transmissions such as webcasting, on the other, had to be treated as similar activities for the purpose of copyright liability. The principle that those activities had to be treated equally was also applicable to the discussions in the Committee.

20. The Delegation of the Russian Federation referred to the object of protection and the rights to be granted in the new instrument, and stated that its position on those issues had not changed. The new instrument had to focus on updating the protection granted to traditional broadcasters including the protection of signals. It was also prepared to look at possible solutions for the protection of webcasters. The Committee had almost achieved compromise on the traditional rights to be granted to broadcasters, such as the right of fixation, the right of

retransmission, the right of distribution to the public and the right of making available. The right of decryption could also be included in the list of rights to be granted. The Delegation was of the opinion that all issues connected with the Internet could usefully be examined in a new separate agreement which could address the protection of those rightholders.

21. The Delegation of Australia referred to some recent developments that had taken place in its country. The issue of how much airtime would constitute a broadcast had been the subject of a major dispute among television broadcasters, and the Federal Court had decided that a single frame of a television transmission could be considered a broadcast. A final decision was still pending. The Delegation was of the opinion that progress in the discussions would only be achieved if the protection of webcasts was separated from the protection of traditional broadcasters.

22. The Delegation of Canada referred to the basic nature of the protection that should be granted to broadcasting organizations. It favored an anti-piracy approach and emphasized two characteristics of that approach. Any right in a fixation had to relate to fixations made without the authorization of the broadcaster or made under a legitimate exception or limitation but used for some other purpose. In the case where a broadcaster would transmit content protected by copyright or related rights, the owner of that content should have the right to authorize any act which would otherwise require the consent of the broadcaster. In this way the rights of broadcasting organizations would not interfere with the rights in the content.

23. The Delegation of China noted that the proposals concerning protection of broadcasting organizations reflected the economic, social and cultural development of countries, while at the same time sharing common ground concerning protection of broadcasters. As there was more commonality of views than divergence at this stage, there was a good basis for a possible future agreement. Reflecting on its domestic consultations on the issue, the Delegation reiterated its earlier position that the rights of broadcasting organizations, as transmitters of information, should be revised on the basis of the Rome Convention, or, alternatively, that a new treaty should reflect new rights in new contexts. In particular, there was a need to balance the rights and obligations of performers and broadcasters. Referring to the scope or objects of protection, the Delegation concurred with the statement of the Delegation of Australia, in particular as to the exclusion of webcasting from any protection to be granted to broadcasters. In the Delegation's country the Internet was a new media, and webcasting was in its early stages of development, such that the issue of its protection needed further review and consideration. It noted that copyright and performers' rights were regularly infringed on the Internet, although it was not yet clear how to ensure their protection. While its country was committed to active involvement in the discussions, it was also important to study the issue of webcasting further, and to regulate any protection of webcasters in a separate instrument. Encryption and decryption were technological measures that were adequately addressed by the WCT and the WPPT, and should otherwise be regulated by domestic law. Therefore, it would be inappropriate to discuss such issues as separate rights of broadcasting organizations.

24. The Delegation of Kenya referred to Document SCCR/10/3 which contained its proposal, originally submitted in Document SCCR/9/3, and it asked the Committee to take note of the following amendments: on page 32, in Article 5(1)(f), "and retransmission" should be added after "broadcasts"; to the same paragraph a new item (i), containing the words "the taking of still photos or their broadcasts" should be added to reflect section 29(3) of the copyright legislation of its country; and an additional item (j), containing the words "the exploitation of all rights hereinabove by way of simulcasting" should also be added in

order to reflect domestic developments in that area; on page 44, in Article 7, the word “first” should be deleted; and on page 55, in Article 10, the word “Treaty” should substitute “Protocol.”

25. The Delegation of New Zealand indicated that under the legislation of its country broadcasts and cable program services enjoyed the same level of protection as literary and artistic works. The possible conflict between broadcasters’ rights and rights in underlying content, signaled by other delegations, had never arisen. It was undertaking a review of the implications of digital technology for the copyright system with a view to increasing the responsiveness of copyright to the new technological challenges. Following that process a decision had been taken to replace the technology-specific protection for broadcasts and cablecasts by the technology-neutral category of communication works, which covered both broadcasts and cablecasts. However, the best way to proceed at the international level would be to first concentrate on the protection of traditional broadcasts and, as the Delegation of Australia had indicated, deal with webcasting at a later stage.

26. The Delegation of Brazil stressed that when considering the future work on the issue of the protection of broadcasting organizations it was important to understand the rationale of the Rome Convention and the reasons for protection in that area. The main rationale for the protection of broadcasting organizations was not the protection of investment but the very important role played by broadcasting organizations, particularly in developing countries, as informational and educational tools. However, for some of the new issues introduced in the discussion, such as webcasting, the social dimension was far from evident. Information and communication technologies could play an important role in narrowing the digital and knowledge divide, but existing asymmetry would be exacerbated if rapidly evolving issues such as webcasting were dealt with hastily. Before establishing a timetable for future discussions, it was necessary to clearly assess areas in which progress could be made. The Delegation opposed the inclusion of webcasting in a future Treaty on broadcasting. The impact of technological measures should also be studied in respect of the operation of limitations and exceptions, and in order to avoid that they impede access to public domain material.

27. The Delegation of Bangladesh explained that its country had both a private and public broadcasting system. The broadcasters enjoyed different rights, such as the right of reproduction, but copyright legislation was now under a process of reform in order to adapt it to the new technological environment. It shared the view that webcasting should be dealt with in a separate treaty.

28. The Delegation of Kyrgyzstan supported a new treaty limited to traditional broadcasting, in order to later negotiate a protocol covering broadcasting. It was important to find a balance between different rightholders regarding the distribution of information. Finally, it was necessary to speed up the process leading to a Diplomatic Conference on the traditional forms of broadcasting.

29. The Delegation of Mexico stated that as a consequence of technological progress it was necessary to expand the scope and range of protection for broadcasting organizations. Efforts should be made to lay the foundations for establishing an international treaty in that area, but webcasting should be analyzed in detail at a later stage. The legislation of its country already took into consideration webcasting, as it accorded to broadcasting organizations the right to authorize or prohibit simultaneous or deferred broadcasting, by cable or any other system. The expression “any other system” could well cover the transmission by Internet and other

computer networks. Broadcasters also enjoyed the right of public communication by any means or form, which could well cover communication by computer networks. However, webcasting was an issue that deserved to be dealt with in future discussions and not in the present framework.

30. The Delegation of Kenya presented the main elements of its proposal (SCCR/9/3 Rev). The Preamble widened the application of existing laws with regard to the rights of broadcasting organizations, by recognizing the impact of new technologies. The definition of "broadcast" was the traditional one, but adjusted to future advances in technology. A definition of webcast was not included, as it was considered a form of broadcasting through a different medium. The chapters on beneficiaries of protection and national treatment were drawn upon the model of the WPPT and other international agreements. Limitations and exceptions were left to national legislation. The proposal also included a term of protection of fifty years as well as provisions on technological measures, rights management information, and formalities, the latter of which drawn upon the Berne Convention model. The administrative clauses were modeled after the WPPT.

31. The Delegation of Ghana referred to previous discussions on the process of updating the rights conferred on broadcasting organizations under the Rome Convention and noted that, in light of a convergence of views, it was now possible to propose dates and begin preparations for a diplomatic conference. The Delegation stated that, while the current law in its country protected broadcasting organizations by equating their rights with those of copyright owners, a bill was before Parliament that repealed the existing system of protection and proposed that broadcasting organizations be given exclusive rights to the rebroadcasting of broadcasts, the fixation of broadcasts, the reproduction of fixations of broadcasts, and the communication of broadcasts to the public. That bill, further, granted broadcasting organizations the right to prevent distribution within the territory by any entity for which the signals were not intended, and reduced the duration of the organizations' rights to a term of 40 years. The Delegation noted that, in accordance with the position taken by the African Group, although some countries may choose to extend protection to non-traditional broadcasting organizations, its country was not yet in a position to do so. Accordingly, it suggested that consideration of protection of other means of dissemination of information akin to broadcasts should take place in another meeting or forum.

32. The Delegation of Mexico clarified further the protection of broadcasting organizations under an amendment to its national law that came into force on April 30, 2003. In accordance with that law, broadcasting organizations had the right to authorize or prohibit deferred transmissions or simultaneous transmission by cable or other systems to the public for commercial purposes. Article 145 thereof established sanctions, and the payment of damages and compensation, by any person making illegal use of signals, or illegally decoding satellite signals, or distributing encoded signals illegally decoded, or participating in the import, sale or use or acting so as to make it possible to obtain a signal and code. The duration of such rights was 50 years from the original transmission or first broadcast. The Delegation proposed that the International Bureau prepared a consolidated text in order to initiate negotiations on a single text in the next session of the Committee.

33. The Delegation of Egypt stated that its proposal reflected the importance it attached to the protection of broadcasting organizations and, in particular, the need for a balanced approach in achieving that protection. The Delegation stressed that the balance was achieved by limiting protection to traditional broadcasting organizations, and stated its reservations to expanding protection to include webcasting. In accord with the position of the African

Group, it noted that the situation with respect to webcasting raised complex technical and legal issues that were under constant change, and therefore required further discussion. A balanced position required that protection be given to the signal and not the content of broadcasts. The Delegation stated that any future agreement or treaty instrument should be based on proposals that met general agreement and not those that remained controversial.

34. The Delegation of India observed that since piracy was an issue which affected broadcasting organizations, and since piracy had acquired a certain level of sophistication due to technological developments, it was to be fought by adopting technological countermeasures, and not by giving additional protection under copyright laws. The Committee would have to firm up on the definitions of new words and terms relative to the broadcasting issues, such as webcasters, cablecasters, etc., so as to make things clearly understood and these would only enhance the public interest and its right to access information. The interests of the public, the consumer as well as the authors and creators would have to be delicately balanced with those of the interests of broadcasters so that all interested circles could benefit. Since the protection of investments of broadcasting organizations was not a matter of copyright, and involved no intellectual property rights, and did not strictly fall under the scope of copyright protection, perhaps the Rome Convention could be updated to address the concerns of the broadcasting organizations. The Delegation felt that gains under the WCT and the WPPT should be consolidated, and noted that its country was in the process of updating its laws to incorporate relevant provisions from those treaties. Under its national law, broadcast programs were afforded a term of protection of 25 years, which was five years more than what even the TRIPS provided for, and it felt that the proposal to grant a 50 year term of protection was rather unreasonable. The Committee should examine the issue to assess whether there was in fact consensus emerging among the Member States to draw up a new protocol or treaty to protect the investment rights of webcasters and cablecasters. The Delegation supported the positions taken by the Delegations of Brazil, China, Australia and Canada, and concluded that it was premature to consider holding a Diplomatic Conference on the rights of broadcasting organizations at this stage and should only be considered when there was consensus on certain basic issues like the objects of protection and certain definitional terms.

35. The Delegation of France observed that, in the French translation of the draft conclusion circulated by the Chairman, there was a discrepancy with the English version, in that a “consolidated” text was different from a “unified” text.

36. The Delegation of Egypt suggested a change in the text of the draft conclusion to the effect that the Committee would first make an assessment of its progress on the broadcasting issue, and then, in light of that assessment, would decide on the possible subsequent steps.

37. The Chair opened the floor for delegations attending the meeting in an observer capacity, noting that the American Libraries Association, the Civil Society Coalition, IP Justice, the International Hotel and Restaurant Association and Lawasia had been invited to participate in the meeting as *ad hoc* observers.

38. A representative from the Civil Society Coalition (CSC) noted that its statements expressed the views of some of its members, from among public health, civil rights and software developer entities. CSC had objections to the proposal to extend the term of protection of rights of broadcasting organizations from the 20 years conferred in TRIPS and the Rome Convention to 50 years, noting that such extension would restrict access to information, shrink the public domain and raise the price of information. Broadcasting

organizations were neither performers, creators nor authors of information, and their claim to protection was based on the protection of investment. If investment in data without exercise of creativity were rewarded with protection for 50 years, a precedent could be set for providing longer periods of protection to non-original databases, for example, whereas existing protection for such investment had traditionally been for shorter periods. The representative noted that, for example, the European Union Database Directive granted 15 years of protection to non-original databases. An extended period of protection for broadcasts would exceed even the business plans of broadcasting organizations themselves. The representative welcomed the statement of the Delegation of the United States of America concerning the unintended consequences of broad protection of material, and the statement of the Delegation of Kenya recognizing the constancy of technological change. Broadcasts, such as that of Bloomberg Financial Television, increasingly resembled digital transmissions of data, raising the question whether protection would extend to cover material beyond traditional broadcasts. Further, it was questioned whether, in the context of increasing convergence between the World Wide Web and television, the public interest was served by extending protection to information in the public domain. Delegations should consider the relation between technological development and access to information in the public domain, the traditional limitations and exceptions to copyright, and the ability to archive materials.

39. A representative of the International Federation of Musicians (FIM) noted that some degree of consensus had been achieved on the principle of convening a diplomatic conference and reiterated the observations expressed in the previous sessions of the Committee. It was premature to address the protection of webcasting organizations, and the new instrument had to focus on the protection of traditional broadcasters. The representative expressed concern that performers did not benefit from satisfactory protection in relation to audiovisual performances, and urged that there be no further delay in the adoption of a treaty updating the rights in that respect.

40. A representative of the International Affiliation of Writers Guilds (IAWG) was concerned that the broadcasting treaty under consideration could go beyond concerns of piracy of broadcast signals and create rights for broadcasters that would derogate from the rights of authors. There was a clear interest for television screenwriters in the proposed treaty, as their material was a major component of broadcasts. Film screenwriters had an interest because almost every film was broadcast on TV, and many TV channels consisted mainly or entirely of broadcasts of films originally made for the cinema. The representative welcomed the intention to address piracy which threatened not only broadcasting organizations, but also writers who were entitled to royalties and residual payments, based on the use of their material in broadcast services. It was important not to dilute the right, subject to contractual arrangements, of the writer who has retained the copyright, to withhold permission for material to be broadcast or re-broadcast. The representative urged against the creation of rights for broadcasters that would conflict with the pre-existing rights of writers, authors and others, and welcomed the contributions made by the Delegations of the United States of America and Canada recognizing this important point. There was no need to grant rights for non-simultaneous retransmissions, nor deferred broadcasting, nor the making available provision, nor the communication to the public, which were essentially commercial operations adequately covered by existing measures. Webcasting was an urgent issue and had to be dealt with separately, but on a fast track to ensure that progress would be achieved within one or two years.

41. A representative of the Co-ordinating Council of Audiovisual Archives Association (CCAAA) stated that his organization represented the interests of professional archivists worldwide working with audiovisual materials, including broadcast television and radio recordings. That material was a part of the shared cultural inheritance, as works of literature and landscape painting, for example, had been for previous centuries. A key role of CCAAA members was to make that material accessible to present and future generations of citizens to enhance their understanding and appreciation of their culture. Archived recordings of broadcast radio and television were the kind of audiovisual holdings which were least accessible to users. Audiovisual archivists already worked within, and respected, a framework of restricted acts and terms of duration, with very few exceptions and exemptions. The representative opposed any extension of existing terms of protection, and questioned the need for additional protection. It was important to achieve a correct balance between public and proprietary interest in that matter and any strengthening of protection for broadcasters would be unhelpful and would run against the public interest broadly considered.

42. A representative of the International Association of Broadcasting (AIR) stated that time was ripe for taking concrete decisions in view of a Diplomatic Conference. Broadcasting would remain a major means of disseminating protected material to society, and it required international protection based on an updated instrument that would bring the rights of broadcasting organizations up to the level provided by the 1996 Internet treaties for other related rights. The protection of broadcasting organizations was not related to the protection of an investment, but was a fundamental activity supporting the development of all cultural activities. That was why the issue had always developed in parallel to the protection of other related rightholders, such as performers or phonogram producers. Protection had to be limited to the conventional concepts of broadcasting and cover cable and over the air broadcasting. Webcasting was an issue of growing importance, but the analysis and the discussion on that issue had to be deferred to a later stage, after the adoption of the treaty updating the rights of traditional broadcasters.

43. A representative of the Asia-Pacific Broadcasting Union (ABU) indicated that the issues arising from the webcasting debate were too new and complex to be dealt with in the proposed treaty. The novelty of that activity was illustrated by the fact that in the Asia-Pacific region only one webcaster existed. Before deciding upon the nature and the extent of the protection to be granted to that activity, it was necessary to look at the realities of the world. The issue of possible protection for webcasting organizations deserved a specific debate in the context of a separate protocol or treaty to be adopted at a later stage and which would not impede the achieved consensus on the protection of traditional broadcasters.

44. A representative of the International Federation of Producers of Phonograms (IFPI) indicated that any discussion on the protection of webcasting should be kept separate from the present discussions. The scope of protection should not include simulcasting. IFPI supported the antipiracy approach as expressed by the Delegation of Canada. It was also important to maintain the balance between broadcasting organizations and the owners of content. It was in favor of limiting the rights accorded to broadcasting organizations to cases where those same rights were also granted to content owners.

45. A representative of the International Federation of Actors (FIA) stressed the need to carefully separate the protection of signal and content and to grant only the rights that broadcasters needed to fight against signal piracy. It was necessary to keep a strict balance between different rightholders. Webcasting organizations should not be considered as beneficiaries of protection. In case a Diplomatic Conference on the protection of

broadcasting organizations was convened in the near future, it should also deal with the rights of audiovisual performers.

46. A representative of the National Association of Broadcasters (NAB) expressed the view that the object of the future Treaty should be the signal and not the content and that protection was justified by the time, effort, energy and investment that broadcasters made in acquiring, organizing, promoting and disseminating the signal. On that basis, the NAB opposed the view of restricting the protection afforded to broadcasters against reproduction of the signal to cases where the owners of the content had not authorized the reproduction of their content included in the signal. It also expressed opposition against expressly stating that nothing in the Treaty should inhibit access to information, particularly of cultural and educational material in the public domain. If a broadcaster spent a considerable effort in researching and obtaining public domain material, as well as in incorporating it into its signal, transmitting and promoting it, it should be provided with the legal means to authorize or prohibit the use of the signal. The fact that certain content was in the public domain did not mean that the signal was also in the public domain. It was not true that, as had been suggested, a recent court case in the United States of America should be read as broadly as to indicate that when a broadcast was simultaneously retransmitted over the Internet it became a webcast, losing its identity as a broadcast.

47. A representative of the International Literary and Artistic Association (ALAI) reiterated the importance of distinguishing the protection of signal from that of content and expressed its sympathy for the antipiracy approach of the Canadian proposal. In case that approach did not prevail, a safeguard in favor of content owners would be needed. That safeguard should be stronger than the one included in the Rome Convention and in most of the proposals contained in the comparison of proposals (document SCCR/10/3). That safeguard should cover not only the content of the rights but also its exercise, so the content owner could authorize a certain use against the opposition of broadcasters who had broadcast that content. That solution could be applied at least for the Rome-plus elements of the future treaty and as regards broadcasts containing copyright content.

48. A representative of the National Association of Commercial Broadcasters in Japan (NAB-Japan) indicated that in Japan, the broadcasters well understood the difference between broadcasting and webcasting because in many cases, they were webcasters at the same time. Webcasting was in its essence an interactive transmission as stated in the WIPO technical background paper (document SCCR/7/8, paragraph 56). The protection of webcasting was necessary, but it should be discussed separately because of their fundamental differences. It was urgently needed to update the protection of broadcasting to fight against rampant piracy in the new technological environment. As for the right of making available of broadcasting organizations, it should not be limited to fixed broadcasts, but refer also to unfixed broadcasts. If the retransmission right covered the retransmission of a broadcast via the Internet, the transmission should be verified, which was of extreme difficulty. On the other hand, the verification of the transmission was unnecessary if the right of making available covered that Internet activity. It would allow immediate legal action against infringement, which was critical for the broadcasters. Finally, the rights of broadcasting organizations did not conflict with the rights of the owners of content transmitted by the broadcast, they would only fight against piracy.

49. A representative of the International Music Managers Forum (IMMF) stressed the need to develop international norms related to broadcast-like activities involving communication to the public over the Internet. It was accepted, however, that such protection might be difficult

to include in the instrument being discussed at present for traditional broadcasters, in which case such could easily be the subject of a separate protocol for the protection of webcasting. It was for that reason that the IMMF had introduced a full protocol on such transmissions for the consideration of delegations. He supported the Canadian approach of an instrument against the piracy of signals, and suggested that the best way to protect signals was via signal protection language such as that contained in the Satellites Convention, not by granting related rights to broadcasters since copyright and related rights were designed for the protection of creativity and originality, not signals. Since many delegations had stated that the purpose of the new treaty was to protect signals only, and since the programme materials being broadcast were already protected in other instruments, the IMMF believed that it was difficult to reconcile the stated aims of the treaty in so many delegations' draft proposals with the right of fixation being requested by the broadcasters, as the IMMF did not believe that a broadcasting signal continued to exist upon fixation; a fixed broadcast was simply the programme materials being broadcast. The rights of reproduction and distribution of the fixed signal, which were also being asked for by broadcasters, were not necessary either as broadcasters could simply license the reproduction and distribution of the broadcast content under standard commercial licence from those who owned the rights in question.

50. A representative of the International Confederation of Societies of Authors and Composers (CISAC), speaking also on behalf of the International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM), noted three issues of concern. First, with respect to the beneficiaries of protection of any new instrument, he noted widespread concern among the creative community and delegations in regard to the position of the United States of America with respect to webcasting, and stated that the extension of protection to webcasters was premature and undesirable. Second, referring to a recent United States of America court decision, he noted the difficulty of distinguishing between distributors of simulcast traditional broadcast streams and streams of Internet radio, and stated that such cases demonstrated that 'floodgate arguments' concerning protection of new technologies were well-founded. Any future instrument on protection of broadcasting organizations would either have to apply only to "traditional broadcasting organizations," although this was impossible to define, or concentrate on the activity to be protected; i.e. by reference to broadcasting and webcasting activities. The representative noted that both webcasting and simulcasting activities by traditional broadcasting organizations were dealt with together in one proposal, but simulcasting should be excluded from these discussions, and consideration of protection of webcasting should be delayed until the concept was further developed. The proposal of the United States of America (Article 6) correctly focused on the prohibition of unauthorized fixations of broadcast signals, rather than vesting commercial rights that would cut across existing intellectual property rights.

51. A representative of the American Film Marketing Association (AFMA) stated that the object of protection in these discussions should be the signal rather than the contents of broadcasters' transmissions. The effort and investment by broadcasters, including in the restoration and making available of public domain products, was also expended by content providers. Broadcasters' rights to authorize the use of such product were closer to the rights of producers. In the United States of America the major studios almost exclusively supplied feature film and much television programming to their national networks, that were themselves owned among the same group of companies. To the extent that television series, episodes and most other programs were produced by broadcasters themselves, they could be viewed as producers, already enjoying protection. Referring to that common ownership he noted that the proposal of the United States of America, which suggested that broadcasting organizations be offered specific protection to allow them the right to authorize or prohibit

their retransmission on cable, was in fact conferring protection on broadcasters as content producers. Other proposals put forward similar wording. In Europe, limited rights to content were usually acquired by broadcasters from independent suppliers which, regardless of nationality, usually licensed primary rights, most often unencrypted, for free television only. As a result, the broadcasters would only have the right to authorize or prohibit the simultaneous retransmission of their signal's entire content on cable, rather than a commercial right to license. Referring to the proposal made by the Delegation of Argentina he agreed that broadcasting, as opposed to cable distribution, meant wireless transmission, but disagreed with the part of that proposal which stated that retransmission meant the simultaneous emission by one broadcasting organization of the broadcast of another broadcasting organization. That would inappropriately accord broadcaster status, and ultimately equal rights, to retransmitters who merely carried other broadcasters' signals. No broadcasters' rights should be allowed that could be interpreted to the detriment or diminution of the copyright owner. In many European countries and Canada, cable retransmissions were collectively managed and negotiated with retransmitters, contracting with cable operators whose tariffs accorded remuneration to content owners, whose product was licensed to broadcasters for primary broadcast but not retransmission. In light of the fact that similar but separate commercial arrangements existed between broadcasters and cable operators, no automatic assumption of such rights existed, and that status quo should be preserved with respect to content. All delivery methods to be authorized or prohibited should include reference to the owner of inherent commercial rights, whether or not the broadcaster was also involved to protect re-use of its signal. The issue was the further distribution of signals and content to parties for whom reception was not intended or licensed, as well as the need to ensure that exclusive use of signal and commercial rights were protected against unauthorized transmission. He urged the Committee not to define "broadcasters" too widely, nor to give legitimacy to parties against whose activities protection was sought.

52. A representative of the International Federation of Film Producers Associations (FIAPF) expressed its surprise at the number of delegations favoring preparation of drafts of an international treaty on the rights of broadcasting organizations, when the analysis of the objective of such protection was still unclear and there was an absence of agreement on concerned issues within the Committee. The representative queried whether such objective was to protect investment, to promote profit-making parallel activities, to preserve the social aims of broadcasting, or to develop tools to fight signal piracy. The objective of an instrument to protect broadcasters' rights should be to fight piracy, and the scope of the instrument and the process of preparation of the text depended upon a clear focus on that objective.

53. A representative of the International Federation of Journalists (IFJ) emphasized that any protection granted to broadcasting organizations should be balanced with and not negatively affect the position of copyright and related rights holders. It would be inappropriate to grant such organizations protection that was not provided to authors. Priority should instead be given to discussions to protect the rights of performers.

54. A representative of the European Broadcasting Union (EBU) said that a high degree of convergence already had been achieved in the negotiation process and supported the views expressed by the Delegation of the European Community. Time was ripe for decision. The treaty was not intended to focus on anti-piracy measures, but to have the wider objective of updating the exclusive rights of broadcasting organizations.

55. A representative of the International Federation of Associations of Film Distributors (FIAD) noted that the development of new types of communications had enabled piracy to spread, including in the broadcasting sector, and that had caused considerable damage to rightholders and to creativity at large. The protection of signals should not cause disadvantage to other protected rightholders.

56. A representative of the International Association of Audio-Visual Writers and Directors (AIDAA) stressed that broadcasting organizations were protected in a uniform way throughout Europe including in the Central and Eastern European States which had received technical assistance from the European Union for the approximation of their legislation to European standards. In most of the countries, the audiovisual regulatory authorities endorsed a specific responsibility in relation to the definition of protected programs. It was necessary to efficiently protect signals against piracy, but the author's right protection had to be maintained at the current level.

57. A representative of the Ibero-Latin-American Federation of Performers (FILAIIE) indicated that it would have been more appropriate to address the protection of broadcasting organizations in a telecommunications forum rather than in a copyright forum. The rights to be granted had to be limited to the level of protection granted by the Rome Convention and the main objective of the exercise should be the updating of the rights granted under that instrument.

OTHER ISSUES FOR REVIEW

58. The Secretariat reported on studies undertaken in implementation of the decision of the SCCR on possible subjects for future review. It presented documents SCCR/9/6: "Survey on Implementation Provisions of the WCT and the WPPT," prepared by the Secretariat; document SCCR 9/7: "WIPO Study on Limitations and Exception of Copyright and Related Rights in the Digital Environment," prepared by Professor Sam Ricketson, document SCCR/10/4: "WIPO Guide on surveying the economic contribution of the copyright-based industries," prepared by the Secretariat, and document SCCR/10/2: "Current Developments in the Field of Digital Rights Management," prepared by Messrs. Jeffrey P. Cunard, Keith Hill and Chris Barlas.

59. The Delegation of the European Community welcomed the "WIPO Guide on Surveying the Economic Contribution of the Copyright-Based Industries," since that would seem a useful tool for researchers who then might have applied different methodologies. The Delegation stressed the importance of the subject and indicated that the European Commission was awaiting the outcome of a study on the economic impact of copyright in the European Union member States, which had been commissioned at a time where no harmonization of methodologies had taken place. It hoped that future new research would benefit from the WIPO publication on that important issue.

60. The Delegation of Burkina Faso praised the initiative by WIPO to assist countries in measuring the contribution of their copyright-based sector. In order to fully benefit from the WIPO Guide as contained in WIPO Publication No. 893 (E), the Delegation underlined the importance of translating the Guide into the other official WIPO languages, notably into French.

61. The Chairman noted that the Secretariat had made provisions for the translation of publication No. 893 (E), into other official languages of WIPO.
62. The Delegation of the European Community recalled that the topic of digital rights management systems had been discussed for quite some time in the European Union and with the assistance of the European Commission, and was still ongoing. It recognized that the study commissioned by the WIPO Secretariat represented a major stocktaking exercise, but wished to share some observations. The relevant legal framework at the European Union level for DRM systems was Directive 2001/29/EC on Copyright and Related Rights in the Information Society. The comments on the implementation of that Directive by EU member States, which were contained on page 66 and onwards (paragraph 3.3.1.) were not entirely accurate. Furthermore, several descriptive elements of the “multi-workshop process” (paragraph 3.3.2) on DRM’s launched by the European Commission, in particular the “summary of themes,” were depicted in a very subjective way. Section 5.1.3 regarding the interface between digital rights management and private-copying levies systems left out the on-going efforts dedicated to something that was a very difficult matter. Moreover, the same section, on page 104, by an oversight, contained a misunderstanding of Recital 35 of the Copyright Directive, regarding fair compensation, which could have been avoided if the authors had contacted the Delegation. Furthermore recommendation 4, on page 113, should have taken into account the fundamental parameters of the discussion on DRMs. What those parameters were in their view might also be highlighted by consulting the relevant web sites of the European Commission, such as the one of DG MARKT.
63. The Chairman noted the important points raised by the Delegation of the European Community, which revealed that some aspects of the study could be more accurate. A revision of document SCCR/10/2 could be part of a future process.
64. The Delegation of Costa Rica, speaking on behalf of the Group of Latin American and Caribbean countries (GRULAC), noted that document SCCR/10/2 had been made available in Spanish only few days ago, so the national authorities of the countries of the Group had not been able to evaluate the content of this document which involved a high level of technical specificity. However, the Group expected to offer comments and views later on, once a detailed assessment had been carried out. In addition, it asked WIPO to undertake actions for the elaboration of model provisions regarding limitations and exceptions and their interaction with technological measures of protection.
65. The Delegation of Chile stated that, in certain cases, it seemed clear that the application of technological measures of protection represented a threat regarding the legitimate exercise of limitations and exceptions in favor of users and consumers. It was necessary to deepen the analysis of the application of those measures and the cases of authorized circumvention.
66. The Delegation of the United States of America recalled that during the last session of the SCCR, a presentation on “broadcast flag” had been made in the framework of the Information Meeting on Webcasting. That mechanism was also referred to on page 56 of document SCCR/10/2. The Delegation informed the Committee that, the day before, the Federal Communication Commission had adopted a recommendation regarding that anti-piracy mechanism, which prevented the illegal distribution of digital TV programs on the Internet. As the decision had been very recent, the Delegation expected to give a full detailed description during the next session of the SCCR.

67. A representative of the International Confederation of Societies of Authors and Composers (CISAC) asked the Secretariat whether document SCCR/10/2 could be considered a final or rather an evolving document. That question was asked in light of the comments and remarks made by the Delegation of the European Community, that could imply a modification of the present document.

68. The Secretariat stated that corrections could be always be made. The question was whether to integrate the different views in the document or in separate annexes.

69. The Delegation of Australia asked about the preparation of the Guide on the Copyright and Related Rights Treaties Administered by WIPO.

70. The Secretariat informed the Committee that the Guide would be available in English for the next session of the SCCR as its preparation and revision had been completed. The same was the case with the Guide on Licensing of Copyright and Related Rights.

71. A representative from the Civil Society Coalition (CSC) supported the statement made by the Delegation of Chile. An incorrect implementation of technological measures of protection could have a profound negative impact on the exercise of limitations and exceptions and prevent access to information. He asked WIPO to consider the organization of workshops and other activities that fostered discussions on the users' and consumers' perspective on digital rights management systems. It was also necessary to take into account certain private copy levy schemes as alternatives to digital rights management systems, as a way to remunerate the creative community for the use of their works.

72. The Delegation of France found the document on digital rights management to be interesting and useful, and noted that all countries were concerned with that issue. It drew the attention to the web site of the French Ministry of Culture, which had a section on technological measures of protection, and noted that there was, in general, not enough information available on that important subject. Therefore, it might be useful to create an updating mechanism, with additional studies, so that everyone could have the ability to stay up-to-date in the area.

73. The Chairman noted that some of the various products produced by the Secretariat were institutional in nature, such as the Implementation Provisions of the WCT and the WPPT, in which there could be unlimited updating and follow-up work, while others were guides and studies in which there would not be an institutional follow-up. He underscored, however, that any and all comments, corrections, etc., could always be made to the Secretariat on all of its products, and such comments would be given the highest consideration. It was important to mention the studies, etc., and the information meeting in the decisions in the report of the meeting, as that information would then be available to people who had not attended the meeting, and also might help participants prepare for the next meeting.

74. The Delegation of Mexico supported holding an information meeting before the SCCR meeting, as it could serve to clarify issues and produce value for the actual meeting.

75. The Delegation of India supported the materials produced by the Secretariat, and noted that they were in the nature of guidelines, to be examined by experts, and used appropriately in view of the different levels of development of Member States.

76. The Delegation of Panama supported the Chairman's suggestion, noting that the people in the capitals needed that information as much as the participants in the meeting.

77. The Delegation of Canada asked whether, in view of the information meeting held earlier in the week concerning content for the visually impaired, the Secretariat was working on model laws on that issue.

78. The Secretariat explained that it was involved in an ongoing process of advising Member States on legislation by, *inter alia*, providing draft laws on all IP subjects, and working with each recipient government of such draft laws to help adapt them to the circumstances of each country.

OTHER MATTERS

79. It was noted that no other matters were raised at this Session.

80. *The Standing Committee made the following decisions:*

(a) (i) *the eleventh session of the Standing Committee would take place in the week starting June 7, 2004;*

(ii) *a consolidated text with explanatory comments should be prepared, based on the proposals submitted to, and discussions, in the Standing Committee, by the Chairman of the present session of the Standing Committee, in cooperation with the Secretariat, and distributed in all the WIPO working languages by April 1, 2004;*

(iii) *at its eleventh session in June 2004, the discussions of the Standing Committee would be based on the consolidated text, and the Committee would assess the progress of the work. In the light of those discussions and that assessment, the Committee would decide whether to recommend to the WIPO General Assembly in 2004 that a Diplomatic Conference be convened;*

(iv) *an information meeting would be organized in the context of the eleventh session on a theme which would be chosen by the Director General of WIPO, taking into account relevant developments on issues before the Standing Committee;*

(b) due note was taken of the extensive survey and studies furnished by the Secretariat on the other issues for review, and the Committee encouraged the Secretariat to continue providing useful studies and discussion materials on topical questions and developments. An item "Other issues for review" would be kept on the Agenda for the eleventh session of the Standing Committee so that the Standing Committee could discuss on further work done by the Secretariat in respect of those issues.

ADOPTION OF THE REPORT

81. In response to the request of the Chairman, the Secretariat suggested that the draft report of the proceedings would be completed in three languages, and distributed within ten days, in written copies and electronically, and that all participants could then make comments as to their respective interventions. The Final Report would then be compiled and distributed by early 2004.

82. The Chairman noted that the Committee agreed with the procedure, as outlined above by the Secretariat.

CLOSING OF THE SESSION

83. The Chairman closed the session.

[Annex follows]

ANNEXE/ANNEX

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

I. MEMBRES/MEMBERS

(dans l'ordre alphabétique français/
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SÉNÉGAL/SENEGAL

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SERBIE-ET-MONTÉNÉGRO/SERBIA AND MONTENEGRO

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SINGAPOUR/SINGAPORE

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Li Choon LEE (Ms.), Legal Counsel, Trademarks Registry, Intellectual Property Office of Singapore (IPOS)

Glenn WONG, Senior Assistant Director, Legal Counsel, (Legal Policy and International Affairs), Intellectual Property Office of Singapore (IPOS)

SLOVÉNIE/SLOVENIA

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SRI LANKA

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National Intellectual Property Office, Colombo

SOUDAN/SUDAN

Christopher JADA, Second Secretary, Permanent Mission, Geneva

SUÈDE/SWEDEN

Henry OLSSON, Special Government Adviser, Ministry of Justice, Stockholm

Elisabeth BILL (Mrs.), Legal Adviser, Ministry of Justice, Stockholm

SUISSE/SWITZERLAND

Catherine METTRAUX KAUTHEN (Mme), juriste, droit d'auteur et droits voisins, Institut
fédéral de la propriété intellectuelle, Berne

THAÏLANDE/THAILAND

Supark PRONGTHURA, First Secretary, Permanent Mission, Geneva

TRINITÉ-ET-TOBAGO/TRINIDAD AND TOBAGO

Mazina KADIR (Ms.), Attorney-at-Law, Controller, Intellectual Property Office, Ministry of
Legal Affairs, Port of Spain

TUNISIE/TUNISIA

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TURQUIE/TURKEY

Yasar OZBEK, conseiller juridique, Délégation de la Turquie auprès de l'Organisation
mondiale du commerce (OMC), Genève

UKRAINE

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Property, Ministry of Education and Science, Kyiv

URUGUAY

Carlos TEYSERA ROUCO, Presidente, Consejo de Derecho de Autor, Montevideo

Alejandra DE BELLIS (Srta.), Primera Secretaria, Misión Permanente, Ginebra

VENEZUELA

Virginia PÉREZ PÉREZ (Srta.), Primera Secretaria, Misión Permanente, Ginebra

II. AUTRES MEMBRES/
NON-STATE MEMBERS

COMMUNAUTÉ EUROPÉENNE (CE)*/EUROPEAN COMMUNITY (EC)*

Luis FERRÃO, Principal Administrator, DG ENTR/C.3., Luxembourg

Rogier WEZENBEEK, Administrator, Copyright and Neighbouring Rights,
Internal Market Directorate-General, Brussels

Patrick RAVILLARD, Counsellor, Permanent Delegation, Geneva

III. ORGANISATIONS INTERGOUVERNEMENTALES/
INTERGOVERNMENTAL ORGANIZATIONS

BUREAU INTERNATIONAL DU TRAVAIL (BIT)/INTERNATIONAL LABOUR OFFICE
(ILO)

John MYERS, Industry Specialist (Media, Culture, Graphical; Postal and Other
Communication Services), Sectoral Activities Department, Geneva

Laurent CHRISTELLER, Intern, Geneva

CONFÉRENCE DES NATIONS UNIES SUR LE COMMERCE ET LE
DÉVELOPPEMENT (CNUCED)/UNITED NATIONS CONFERENCE ON TRADE AND
DEVELOPMENT (UNCTAD)

Dimo CALOVSKI, Economic Affairs Officer, Electronic Commerce Branch, Geneva

* Sur une décision du Comité permanent, la Communauté européenne a obtenu le statut de membre sans droit de vote.

* Based on a decision of the Standing Committee, the European Community was accorded member status without a right to vote.

ORGANISATION DES NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE (UNESCO)/UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)

Petya TOTCHAROVA (Mrs.), Senior Legal Officer, Cultural Enterprise and Copyright Section, Paris

ORGANISATION MONDIALE DU COMMERCE (OMC)/WORLD TRADE ORGANIZATION (WTO)

Hannu WAGER, Counsellor, Intellectual Property Division, Geneva

LIGUE DES ÉTATS ARABES (LEA)/LEAGUE OF ARAB STATES (LAS)

Mohamed Lamine M. MOUAKI, conseiller, Délégation permanente, Genève

UNION AFRICAINE (UA)/AFRICAN UNION (AU)

Sophie Asimenye KALINDE (Mrs.), Ambassador, Permanent Observer, Permanent Delegation, Geneva

Venant WEGE-NZOMWITA, Counsellor, Permanent Delegation, Geneva

UNION DE RADIODIFFUSION DES ÉTATS ARABES (ASBU)/ARAB STATES BROADCASTING UNION (ASBU)

Elias BELARIBI, Director, ASBU News and Programme Exchange Center, Tunis

IV. ORGANISATIONS NON GOUVERNEMENTALES/
NON-GOVERNMENTAL ORGANIZATIONS

Agence pour la protection des programmes (APP): Didier ADDA (conseil en propriété intellectuelle, Paris)

American Federation of Television and Radio Artists (AFTRA): Ann E. CHAITOVITZ (Ms.) (National Director of Sound Recordings, Washington, D.C.)

Asociación Nacional de Interpretes (ANDI): Ismael LARUMBE GARRIDO (Secretario, Consejo Directivo, Coordinación de Relaciones Internacionales y Política Institucional, Mexico, D.F.)

Association américaine de marketing cinématographique (AFMA)/American Film Marketing Association (AFMA): Lawrence SAFIR (Chairman, AFMA Europe, London)

Association canadienne de télévision par câble (ACTC)/Canadian Cable Television Association (CCTA): Jay KERR-WILSON (Vice President, Legal Affairs, Ottawa)

Association des organisations européennes d'artistes interprètes (AEPO)/Association of European Performers' Organisations (AEPO): Marie GYBELS (Mrs.) (Head of Office, Brussels)

Association des télévisions commerciales européennes (ACT)/Association of Commercial Television in Europe (ACT): Tom RIVERS (Legal Adviser, Brussels); Eleftheria PSARAKI (Ms.) (Legal Affairs, Brussels)

Association internationale de radiodiffusion (AIR)/International Association of Broadcasting (IAB): Andrés LERENA (Presidente, Comité de Derecho de Autor, Asesor Legal de la Asociación Nacional de Broadcasters Uruguayos (ANDEBU), Montevideo)

Association internationale des auteurs de l'audiovisuel (AIDAA)/International Association of Audio-Visual Writers and Directors (AIDAA): João CORREA (secrétaire général, Bruxelles)

Association juridique de l'Asie et du Pacifique (LAWASIA)/Law Association for Asia and the Pacific (LAWASIA): David PRICE (Australia)

Association littéraire et artistique internationale (ALAI)/International Literary and Artistic Association (ALAI): Silke VON LEWINSKI (Ms.) (Head, International Law Department, Munich, Germany)

Bureau international des sociétés gérant les droits d'enregistrement et de reproduction mécanique (BIEM)/International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM): Willem A. WANROOIJ (Public Affairs, The Hague)

Civil Society Coalition (CSC): James LOVE (Director, Consumer Project on Technology (CPTech), Arlington, United States of America); Manon RESS (Ms.) (Research Associate, Consumer Project on Technology, Washington, D.C.); Joy SPENCER (Ms.) (Communications, Consumer Project on Technology, Washington, D.C.); Thirukumaran BALASUBRAMANIAM (Research Analyst, Washington, D.C.); Madeleine NGO LOUGA (Ms.) (Economist, Health and Environment Program, Yaounde); Darius CUPLINSKAS (Director, Information Program, Open Society Institute, Hungary); Cory DOCTOROW (Outreach Coordinator, San Francisco, United States of America); Rishab GHOSH (Senior Researcher, Maastricht Economic Research Institute on Innovation and Technology (MERIT),

Maastricht, Netherlands); Nathan MITCHLER (Director, Global Knowledge Initiative, Washington D.C.)

Confédération internationale des sociétés d'auteurs et compositeurs (CISAC)/International Confederation of Societies of Authors and Composers (CISAC): David UWEMEDIMO (directeur juridique, Neuilly-sur-Seine, France); Fabienne HERENBERG (Mme) (Affaires internationales, Neuilly-sur-Seine, France)

Co-ordinating Council of Audiovisual Archives Associations (CCAAA): Crispin JEWITT (Convenor, London)

Copyright Research and Information Center (CRIC): Yoshiji NAKAMURA (General Secretary, Japan Association of Music Enterprises (JAME), Tokyo); Masaya OTSUKA (Senior Strategy Analyst, Institute of Strategy, Global Hub, Sony Corporation, Tokyo); Atsushi YAMAMOTO (Manager, Planning and Research Department, Digital Content Association of Japan (DCAj), Tokyo)

DAISY Consortium: Francisco Javier MARTÍNEZ CALVO (Técnico Servicios Bibliográficos, Dirección de Cultura y Deporte, Madrid); Elsebeth TANK (Ms.) (Executive Director, The Danish National Library for the Blind, Copenhagen)

European Bureau of Library, Information and Documentation Associations (EBLIDA): María Pía GONZÁLEZ PEREIRA (Ms.) (Director, The Hague)

Fédération européenne des réalisateurs de l'audiovisuel (FERA)/Federation of European Film Directors (FERA): João CORREA (secrétaire général, Bruxelles)

Fédération européenne des sociétés de gestion collective des producteurs pour la copie privée audiovisuelle (EUROCOPYA)/European Federation of Joint Management Societies of Producers for Private Audiovisual Copying (EUROCOPYA): Nicole LA BOUVERIE (Mme) (Paris); Yvon THIEC (délégué général, Association de producteurs de cinéma et de télévision (Eurocinéma), Bruxelles)

Fédération ibéro-latino-américaine des artistes interprètes ou exécutants (FILAIÉ)/
Ibero-Latin-American Federation of Performers (FILAIÉ): Paloma LÓPEZ (Lawyer, Madrid)

Fédération internationale de l'industrie phonographique (IFPI)/International Federation of the
Phonographic Industry (IFPI): Ute DECKER (Ms.) (Senior Legal Adviser, Legal Policy
Department, London); Neil TURKEWITZ (Executive Vice President, International,
Recording Industry Association of America, Washington D.C.)

Fédération internationale des acteurs (FIA)/International Federation of Actors (FIA):
Dominick LUQUER (General Secretary, London); Joe MBOULÉ (Coordinator, AFRO-FIA,
Douala, Cameroon); Garry NEIL (Policy Advisor, Alliance of Canadian Cinema Television
and Radio Artists (ACTRA), Toronto); Robert HADL (Adviser, Beverly Hills, United States
of America); John McGUIRE (Adviser, New York); Ken THOMPSON (Director, Alliance
of Canadian Cinema Television and Radio Artists (ACTRA), Canada); Henrik PETERSEN
(Adviser, *Dansk Skvespiller Forbund*, Frederiksberg, Denmark); Bjørn HØBERG-
PETERSEN (Attorney-at-Law, Copenhagen); Mikael WALDORFF (Frederiksberg,
Denmark)

Fédération internationale des associations de bibliothécaires et des bibliothèques
(FIAB)/International Federation of Library Associations and Institutions (IFLA):
Marijke VAN BODENGRAVEN (Ms.) (Chair, Libraries for the Blind Section, Grave,
Netherlands); Maarten VERBOOM (Grave, Netherlands); Winston TABB (Dean of
University Libraries, John Hopkins University; Chair of IFLA's Committee on Copyright
and Other Legal Matters, Baltimore, United States of America); Jarmila LOOKS (Mrs.)
(Vice-Director and Director of the Library, Swiss Institute of Comparative Law, Lausanne,
Switzerland)

Fédération internationale des associations de distributeurs de films (FIAD)/International
Federation of Associations of Film Distributors (FIAD): Gilbert GRÉGOIRE (président,
Paris)

Fédération internationale des associations de producteurs de films (FIAPF)/
International Federation of Film Producers Associations (FIAPF): Bertrand MOULLIER
(Director General, Paris); Valérie LEPINE-KARNIK (Mrs.) (Deputy to the Director General,
Paris); John BARRACK (National Vice President, Industrial Relations and Counsel
(CFTPA), Toronto); Shira PERLMUTTER (Ms.) (Time Warner Inc., New York);
Maren CHRISTENSEN (Vivendi Universal Entertainment, Los Angeles, United States of
America)

Fédération internationale des journalistes (FIJ)/International Federation of Journalists (IFJ):
Pamela MORINIÈRE (Ms.) (Author's Rights Campaign Co-ordinator, Brussels)

Fédération internationale des musiciens (FIM)/International Federation of Musicians (FIM):
Benoît MACHUEL (secrétaire général, Paris)

Institut Max-Planck pour la propriété intellectuelle, le droit de compétition et de fiscalité (MPI)/Max-Planck-Institute for Intellectual Property, Competition and Tax Law (MPI): Silke VON LEWINSKI (Ms.) (Head, International Law Department, Munich, Germany)

International Affiliation of Writers Guilds (IAWG): Bernie CORBETT (General Secretary, London)

International Hotel & Restaurant Association (IH&RA): Elizabeth CARROLL-SIMON (Ms.) (Director, Industry Affairs, Paris)

International Music Managers Forum (IMMF): Nick ASHTON-HART (Executive Director, London); David Richard STOPPS (Special Advisor, London)

International Video Federation (IVF): Theodore Michael SHAPIRO (Legal Adviser, Brussels)

Japan Electronics and Information Technology Industries Association (JEITA): Yasumasa NODA (Advisor to President, Tokyo); Kazuyoshi MAEKAWA (Policy Analyst, Representative, European Affairs, Fujitsu Ltd., Diegem, Belgium)

National Association of Broadcasters (NAB): Benjamin F.P. IVINS (Senior Associate, General Counsel, Legal and Regulatory Affairs, Washington, D.C.)

National Association of Commercial Broadcasters in Japan (NAB-Japan): Shinichi UEHARA (Director, Copyright Division, Asahi Broadcasting Corporation (ABC), Tokyo); Hidetoshi KATO (Copyright Department, Programming Division, TV Tokyo Corporation, Tokyo); Atsushi YABUOKA (Copyright Division, Programming Department, Kansai Telecasting Corp. (KTV), Osaka); Honoo TAJIMA (Deputy Director, Copyright Division, Tokyo)

North American Broadcasters Association (NABA): Alejandra NAVARRO GALLO (Ms.) (IPR Attorney, Zurich)

Union de radiodiffusion Asie-Pacifique (ABU)/Asia-Pacific Broadcasting Union (ABU): Fernand ALBERTO (Legal Officer, Kuala Lumpur); Jim THOMSON (Office Solicitor, Television New Zealand, Auckland); Ryohei ISHII (Senior Associate Director, Copyright Center, Multimedia Development Department, Japan Broadcasting Corporation, Tokyo); Atsushi IIZUKA (Copyright Center, Multimedia Development Department, Japan Broadcasting Corporation, Tokyo)

Union des confédérations de l'industrie et des employeurs d'Europe (UNICE)/Union of Industrial and Employers' Confederations of Europe (UNICE): Brigitte LINDNER (Adviser, IFPI, Zurich)

Union des radiodiffusions et télévisions nationales d'Afrique (URTNA)/Union of National Radio and Television Organizations of Africa (URTNA): Hezekiel OIRA (Acting Corporation Secretary, Kenya Broadcasting Corporation, Nairobi)

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Union mondiale des aveugles (WBU)/World Blind Union (WBU): Sir John WALL (President, CBE, Belfast, United Kingdom); David MANN (Campaigns Officer, Royal National Institute of the Blind (RNIB), Belfast, United Kingdom); Stephen KING (Director, Technical Consumer Services, Royal National Institute for the Blind (RNIB), Peterborough, United Kingdom)

V. BUREAU/OFFICERS

Président/Chairperson: Mr. Jukka LIEDES (Finland)

Vice-présidents/
Vice-Chairpersons: Mr. Shen RENGAN (China) and
Mr. Abdellah OUADRHIRI (Morocco)

Secrétaire/Secretary: Mr. Jørgen BLOMQVIST (OMPI/WIPO)

VI. SECRETARIAT DE L'ORGANISATION MONDIALE DE LA
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PROPERTY ORGANIZATION (WIPO)

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Barbara C. PIDERIT (Mme), administratrice de programme, Secteur du droit d'auteur et des droits connexes/Program Officer, Copyright and Related Rights Sector

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End of Annex and of document]