

## **Standing Committee on Copyright and Related Rights**

**Twenty-Second Session**  
**Geneva, June 15 to 24, 2011**

Analytical Document on the Results and Outcomes of the Regional Seminars for the Asia Pacific Countries and for African Countries on the Protection of Audiovisual Performances

*prepared by the Secretariat*

This report is prepared further to the conclusions of the 21st Session of the WIPO Standing Committee on Copyright and Related Rights (SCCR) held in Geneva from November 8 to 12, 2010, which stated that: *“The Committee expressed its appreciation to the Secretariat for the regional seminars on the protection of audiovisual performances that took place in New Delhi on July 2010 and in Abuja on October 2010. The reports of pending regional seminars will be presented to the 22nd Session of the Committee, and an analytical document containing the results and outcomes of the regional seminars will be prepared by the Secretariat for consideration of the Committee.”* The reports of these Seminars are available (Documents SCCR/21/9 and SCCR/21/11).

A Regional Seminar for the Asia Pacific Countries on the Protection of Audiovisual Performances was held on July 13 and 14, 2010, in New Delhi. The seminar was organized by the Copyright Office, Department of Higher Education, Ministry of Human Resource Development, Government of India. It was attended by representatives from Bangladesh, Brunei-Darussalam, Cambodia, Indonesia, Iran, Laos, Malaysia, Mongolia, Nepal, Philippines, Singapore, Sri Lanka, Thailand and Vietnam.

The Seminar was conducted in two parts. The first part consisted of presentations on various topics, followed by discussions. The second part of the Seminar focused on Informal Consultations among Governments and Stakeholders on Protection of Audiovisual Performances. The Chair requested the member countries to express their views on the major issues pertaining to the draft text. Most of the Member countries agreed that the provisional agreement on the 19 articles should be the basis for further progress in the negotiations.

The Regional Seminar for African Countries on the Protection of Audiovisual Performances was held from October 18 to 20, 2010, in Abuja, Nigeria. The Seminar was organized by the Nigerian Copyright Commission (NCC), in collaboration with the World Intellectual Property Organization. Delegates from 19 African Countries, namely Angola, Burkina Faso, Cameroon, Central African Republic, Cote d'Ivoire, Ethiopia, Ghana, Kenya, Madagascar, Malawi, Mali, Namibia, Niger, Nigeria, Rwanda, Senegal, South Africa, Togo, and Zambia participated in the Seminar.

The Seminar consisted of various presentations, a roundtable on Contracts, Collective Management and Social Infrastructures and an informal meeting for country delegates.

During the informal session on the proposed treaty for the protection of audiovisual performances, country positions were presented and discussed. Delegates agreed to renew their commitment to focus on the objectives of the treaty which is aimed at providing protection for the benefit of performers, especially African performers. They recognized the potential benefits of the provisions of the treaty to the international community of performers. The Delegates agreed that all the 19 articles agreed to, under the proposed treaty, represent a good frame for adopting the treaty, and urged the SCCR not to reopen discussions on those articles as advocated by some delegations. With regard to Article 12, they expressed concern that any provision for the presumption of transfer of rights will negate a fundamental objective of the treaty. Consequently, delegates recommended that Article 12 should provide that national laws should determine the issue of transfer of rights.

Further to the conclusions of the SCCR/21 Session, Informal Open-Ended Consultations on the Protection of Audiovisual Performances were held in Geneva on April 13 and 14, 2011, with the mandate to examine new proposals from Member States and make recommendations to the next session of the Committee.

During these consultations, presentations of the new proposals of Brazil, India, Mexico and the United States were given, namely:

- India (document SCCR/21/5)
- United States of America (document SCCR/22/2)
- Brazil (document SCCR/22/3)
- Mexico (document SCCR/22/4)

Questions on the new proposals were asked by Member States and non-governmental organizations, and answers and clarifications were provided.

The Delegations of India, Mexico and the United States agreed to work towards developing a joint proposal with respect to Article 12 on transfer of rights for consideration by SCCR/22. This approach was welcomed by many delegations. The Delegation of Brazil welcomed the comments and questions of Member States and non-governmental organizations, most of whom noted the broader scope of its proposal. The Delegation of Brazil also expressed its readiness to take on board those comments, and to work with interested delegations to find a common way forward.

Participants underlined the importance of moving forward expeditiously towards conclusion of the negotiations to conclude a treaty on the protection of audiovisual performances. To that end, they recommended that SCCR/22 narrow the outstanding differences, in order to enable the 2011 General Assembly to decide upon the convening of a Diplomatic Conference at the earliest possible opportunity.

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