

Standing Committee on Copyright and Related Rights

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Results and Outcomes of the 2010 Regional Seminars on the
Protection of Broadcasting Organizations

prepared by the Secretariat

Following the conclusions of the Nineteenth Session of the WIPO Standing Committee on Copyright and Related Rights (SCCR), held in Geneva, from December 14 to 18, 2009, wherein it was stated that: *"The Secretariat will organize regional seminars upon requests from Member States to ascertain views on the objectives, specific scope and object of protection of a possible draft treaty following a signal-based approach. A report of the seminars will be presented to the Committee at its Twentieth Session"*, three Regional Seminars took place in 2010, for the Latin American and Caribbean countries, the Asia Pacific Countries and the African Countries. Reports of these Seminars were presented by the Delegations of Mexico, India and Nigeria, during SCCR-21 (Documents SCCR21/3, SCCR/21/9 and SCCR/21/11):

- The Regional Seminar for the Latin American and Caribbean Countries on the Protection of Broadcasting Organizations, organized by the National Copyright Institute (INDAUTOR), was held in Mexico City, Federal District, on May 31 and June 1, 2010. The following countries participated: Argentina, Barbados, Brazil, Chile, Cuba, Dominican Republic, Ecuador, El Salvador, Jamaica, Mexico, Peru, Saint Lucia, Trinidad and Tobago, and Uruguay.
- The 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. The following countries participated: Bangladesh, Brunei-Darussalam, Cambodia, Indonesia, Iran, Laos, Malaysia, Mongolia, Nepal, Philippines, Singapore, Sri Lanka, Thailand and Vietnam attended the Seminar.
- 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. The following countries participated: 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.
- All three Seminars were divided into two parts. The first one consisted of presentations made by national and international experts; the second part consisted of discussions among the participating member countries.

The main outcomes of these Seminars are as follows:

- All three seminars addressed the pace of the negotiations. There is an urgent need for a treaty on the protection of broadcasting organizations based on a signal based approach for traditional broadcasting, as mandated by the General Assembly; it has become expedient to accelerate the pace of work on the treaty and the SCCR was urged to set a time frame on its agenda for the conclusion of the work on the treaty, to enable, as stressed by one Seminar, the 2011 General Assembly to decide on the convening of a Diplomatic Conference; the fast pace of global technological development and their implications for the rights of broadcasting organizations was also recognized;
- The Seminars addressed the objectives of the treaty by stressing the importance of economic investment by the broadcasting organizations in the creation of their broadcasts and the concern of signal theft in relation to the objectives of the protection. The main focus of the treaty is to prevent third parties from using or exploiting their broadcasts signals without their consent, a situation which affects investment and the competitiveness of the broadcasting industry;
- The impact of updated protection on areas such as the promotion of knowledge and information, development and dissemination of local content in the broadcasting sector, education and employment was raised;

- Seminars agreed to follow the signal-based approach and requested for a technology neutral treaty;
- Discussions addressed the object of protection. Most seminars stressed that beneficiaries of the protection under the new treaty should be broadcasting organizations and cable organizations. Some countries indicated the importance of identifying broadcasting organizations as subject for protection and, where applicable, the possible difference with cable organizations and other operators; Some seminars considered the importance of further defining a broadcast, a signal, including a cablecast, and for each of these, to determine a neutral definition while taking into account technological advances;
- It was considered that Internet was a subject that was being dealt with in different ways across regions and it was necessary to have an on-going debate on its impact. It was stressed that each legislation should establish its own form of protection in each case;
- Some seminars discussed the specific scope of the protection under the treaty by addressing the need to define the coverage of the Treaty, and the rights to be granted to broadcasting organizations, while noting that the Rome Convention of 1961 needed to be reviewed and adapted to technological developments; It was noted that rights to be granted under the treaty should be without prejudice to rights in any underlying works incorporated in a broadcast;
- There was some agreement that that the treaty should contain specific limitations to the exclusive rights that accommodate public interests concerns; and
- Specific issues in the area of compliance and enforcement were raised including the need to set up flexible international standards and an enforcement and compliance mechanism to be considered as a component of the treaty.

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