

Standing Committee on Copyright and Related Rights

Thirty-Seventh Session
Geneva, November 26 to 30, 2018

PROPOSAL OF THE UNITED STATES OF AMERICA ON THE SCOPE AND
IMPLEMENTATION OF RIGHTS, WIPO DRAFT TREATY ON THE PROTECTION OF
BROADCASTING ORGANIZATIONS

document presented by the United States of America

TO BE INCORPORATED IN SECTION III (RIGHTS TO BE GRANTED) OF THE CHAIR'S
TEXT (SCCR/36/6)

- (1) (i) Broadcasting organizations shall have the exclusive right of authorizing the retransmission of their programme-carrying signal to the public by any means.
- (ii) Any Contracting Party may, in a notification deposited with the Director General of WIPO, declare that it will apply the provisions of Article (1)(i) only to certain retransmissions, or that it will limit their application in some other way, provided that the Contracting Party affords adequate and effective protection to broadcasting organizations against the retransmission of their programme-carrying signals to the public by any means, without their authorization, through a combination of the right provided for in Article (1)(i) and copyright or related rights.
- (x) (i) Nothing in Article (1)(ii) requires Contracting Parties to extend or alter copyright or related rights protection in the programmes carried by the signal, including any applicable exceptions or limitations.
- (ii) This Convention shall in no way be interpreted to limit or prejudice the protection otherwise secured to authors, to performers, or to producers of phonograms under domestic law or international agreement.
- (y) The means by which this Convention is implemented shall be a matter for the domestic law of each Contracting Party and shall include one or more of the following: protection by means of the grant of a copyright or other specific right; protection by means of the law relating to unfair competition or misappropriation; protection by means of telecommunications law and regulations; protection by administrative measures, and protection under criminal law.
- (z) Contracting Parties that afford protection to broadcasting organizations through a combination of the right provided for Article (1)(i) and copyright or related rights permitted by Article (1)(ii) shall provide that broadcasting organizations may enforce rights against the unauthorized retransmission of the programmes carried by the signal, to the extent that the broadcasting organizations are authorized to do so by the owners of copyright or related rights in the programmes as permitted by the Contracting Party's domestic law. [1]

[1] Agreed statement concerning Article (1)(z): It is understood that Contracting Parties may impose conditions specifying the circumstances under which a broadcasting organization may enforce a copyright or related right owned by a person other than the broadcasting organization.

[End of document]