



SCCR/49/4
ORIGINAL: ENGLISH
DATE: OCTOBER 7, 2026

Standing Committee on Copyright and Related Rights

Forty-Ninth Session
Geneva, November 30 to December 4, 2026

INFORMAL OPTIONS PAPER FOR THE DRAFT WIPO BROADCASTING ORGANIZATIONS TREATY

prepared by the SCCR Chair with the facilitators to support discussions at SCCR/49

This informal paper does not form part of document SCCR/49/3. It presents possible options for discussion without prejudice to the positions of Member States or to the text of the Draft Treaty.

INFORMAL OPTIONS PAPER

Introductory Note

1. During SCCR/48, the Committee used the Chair's *Draft WIPO Broadcasting Organizations Treaty* (document SCCR/48/3) as a basis for the discussion. Member States and Observers commented in the plenary session, and Member States held constructive informal discussions.
2. Based on the technical discussions, the Chair, together with facilitators, has prepared a revised version of the text of the Draft Treaty for consideration at the forty-ninth session of the Committee (SCCR/49/3). Progress on this topic is included in that revised version of the Chair's text.
3. At the forty-eighth session of the Committee substantive discussions focused on three main areas where further in-depth discussions were needed to achieve a final agreement on the convening of a Diplomatic Conference on the Broadcasting Organizations Treaty:
 - Articles 7 and 8, and how they are interlinked with Article 11 on exceptions and limitations,
 - Article 10 and its connection with Article 5 regarding national treatment and the reciprocity principle, and
 - Article 3(6) (now Article 3(7) in SCCR/49/3).
4. In order to facilitate the Committee's work under this agenda item, the Chair, together with facilitators, has prepared a separate informal document for the forty-ninth session of the SCCR presenting possible options on these areas.
5. Discussions at the forty-ninth session will focus on these options.
6. If progress is made in the discussions on these options, some or all respective elements in the Draft Treaty may be replaced by these options, or versions of them, developed in the discussions of the Committee.
7. If one or several options will be approved by the Committee, the necessary amendments in other Articles and the adjustments in the Explanatory Notes will be made accordingly.

[Proposed options follow]

Options related to the protection of mere webcasters (broadcasters that exclusively transmit their signals over computer networks)

**Article 3 (current text)
Scope of Application**

(7) A Contracting Party may, in a notification deposited with the Director General of WIPO, declare that it excludes broadcasting organizations that exclusively transmit their linear programme-carrying signals by means of computer networks from the scope of application of this Treaty. Such a notification may be deposited at the time of ratification, acceptance or accession, or at any time thereafter; in the last case, it shall become effective six months after it has been deposited.

**OPTION 1
(Paragraph 7 modified)**

(7) The provisions of this Treaty shall not provide any protection in respect of entities that exclusively transmit their programme-carrying signals by computer networks. A Contracting Party may, however, in a notification deposited with the Director General of WIPO, declare that it will extend protection to such broadcasting organizations.

Explanation:

- According to this, the Treaty does not initially grant protection to mere webcasters
- Contracting Parties may extend protection to webcasters (opt-in)

**OPTION 2
(No paragraph 7)**

No such provision.

Explanation:

- According to the definition in Article 2(a), the Treaty would be applicable also to entities transmitting exclusively by means of computer networks
- “by any means”, in the definition
- protection would extend to webcasters

[End]

Options related to the application of national treatment and the reciprocity principle

OPTION 1

**Article 5 (current text)
National Treatment**

- (1) A Contracting Party shall accord to broadcasting organizations that are nationals of other Contracting Parties the treatment it accords to the broadcasting organizations that are its own nationals with regard to the rights and the protection provided for in this Treaty.
- (2) A Contracting Party shall be entitled, in respect of nationals of any other Contracting Party, to limit its obligation under paragraph (1), on the rights and the protection of broadcasting organizations, to the extent to which the latter Contracting Party grants such rights and protection to the nationals of the former Contracting Party.

(Paragraph 2 modified)

(2) A Contracting Party shall be entitled, in respect of nationals of any other Contracting Party, to limit obligation under paragraph (1), on the rights and the protection of broadcasting organizations, to the extent to which the latter Contracting Party grants such rights and protection to the nationals of the former Contracting Party on the basis of a reservation allowed in Article 3(7), or of the choice allowed under Article 10(1) to limit the application of the provisions of Articles 6 to 9 of this Treaty with the condition that such limitation still fulfils the requirements under Article 10(3).

Explanation:

- The new paragraph 2 would provide more detailed and explicit provisions.
- A Contracting Party having exclusive rights would not have the obligation to provide exclusive rights to nationals of Contracting Parties that do not provide exclusive rights.
- Should a reservation under a new Article 8(2) be adopted, this paragraph will be extended.

OPTION 2

Article 10 (current text) **Other Adequate and Effective Protection**

(1) Any Contracting Party may, in a notification deposited with the Director General of WIPO, declare that it will apply the provisions of Articles 6, 7, 8 or 9, or all of them, only to certain retransmissions or transmissions, such as by applying them only to broadcasting organisations transmitting via wireless means, or limit their application in some other way, or not apply them at all, provided that the Contracting Party affords other adequate and effective protection to broadcasting organizations covered by this Treaty, through the rights provided for in Articles 6 to 9, copyright or other rights, or other legal means.

[...]

(4) The notification referred to in paragraph (1) shall contain information on the relevant means of protection listed under paragraph (2). The notification shall be accompanied by a list of the relevant national laws and regulations, and the titles and addresses of the appropriate authorities. Any changes in the relevant laws, regulations or procedures shall be notified without undue delay.

(New paragraph 5)

(5) Where a Contracting Party has deposited a notification with the Director General of WIPO in accordance with Article 10(1), any other Contracting Party may, with respect to the extent of the limitation of the application of Article or Articles specified in that notification, provide, as an alternative to according exclusive rights or national treatment, that as a minimum, owners of copyright in the subject matter of programme-carrying signals shall have the possibility of preventing the acts referred to in the specified Article or Articles, subject to the provisions of the Berne Convention (1971) and the WIPO Copyright Treaty (1996).

Explanation:

- The provisions are based on the model of TRIPS Article 14.3, slightly modified.
- The Notes on Article 5 would be adjusted accordingly.

[End]

Option related to the protection of signals used in making available stored programmes

**Article 8
Protection of Signals Used in Making Available to the Public of Stored Programmes**

Broadcasting organizations shall enjoy the exclusive right of authorizing the acts referred to in Articles 6 and 7 in respect of the transmission to the public by any means of the programme-carrying signal used when they provide access to the public to their stored programmes, including providing access to the stored programmes in such a way that members of the public may access them from a place and at a time individually chosen by them. This right of broadcasting organizations shall be applicable for a reasonably short period of time before or from the original linear transmission of a stored programme, to be determined by the domestic legislation of each Contracting Party.

OPTION
(A new paragraph 2)

(2) A Contracting Party may, notwithstanding Article 10(1), in a notification deposited with the Director General of WIPO, declare that it will apply the provisions of Article 8 only to certain transmissions, or limit their application in some other way, or not apply them at all. Such a notification may be deposited at the time of ratification, acceptance or accession, or at any time thereafter; in the last case, it shall become effective six months after it has been deposited.

Explanation:

- The new provisions open a possibility for a reservation.

[End]

Options related to Limitations and Exceptions

Article 11 Limitations and Exceptions

(1) Contracting Parties may, in their domestic legislation, provide for specific limitations or exceptions to the rights and protection guaranteed in this Treaty, such as:

- (i) private use;
- (ii) quotation;
- (iii) use of short excerpts in connection with the reporting of current events;
- (iv) use for the purposes of teaching or scientific research;
- (v) preservation in archives of the programme material carried by the programme-carrying signal.

OPTION 1

(Paragraph 1 modified)

(1) Contracting Parties shall, in their domestic legislation, provide for the following specific limitations or exceptions to the rights and protection guaranteed in this Treaty:

- (i) private use;
- (ii) quotation;
- (iii) use of short excerpts in connection with the reporting of current events;
- (iv) use for the purposes of teaching or scientific research;
- (v) preservation in archives of the programme material carried by the programme-carrying signal.

Explanation:

- Paragraph (1) becomes a mandatory list. Paragraph (2) is maintained.
- The relationship between (1) and (2) will be rewritten in Note 11.05.

OPTION 2

(Paragraph 1 omitted, former paragraph 2 as the only provision)

Contracting Parties may, in their national legislation, provide for the same kinds of limitations or exceptions with regard to the protection of broadcasting organizations as they provide, in their national legislation, in connection with the protection of copyright in literary and artistic works, and the protection of related rights.

Explanation:

- Contracting Parties could make similar limitations or exceptions to those provided for copyright and related rights.
- The explanatory Notes will be rewritten accordingly.

[End of proposed options and of document]