

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION

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Second Special Session of the

**STANDING COMMITTEE ON COPYRIGHT
AND RELATED RIGHTS**

Geneva, June 18 to 22, 2007

ACCREDITATION OF CERTAIN NON-GOVERNMENTAL ORGANIZATIONS

Document prepared by the Secretariat

1. The Annex to this document lists a number of non-governmental organizations, which have requested to be granted observer status in sessions of the Standing Committee on Copyright and Related Rights (SCCR), according to SCCR's Rules of Procedure (see document SCCR/1/2, paragraph 10).

2. *The SCCR is invited to approve the representation in sessions of the Committee of the non-governmental organizations referred to in the Annex to this document.*

[Annex follows]

ANNEX

NON-GOVERNMENTAL ORGANIZATIONS WHICH HAVE REQUESTED
REPRESENTATION AS OBSERVERS IN SESSIONS OF
THE INTERGOVERNMENTAL COMMITTEE

Coalition of Sports Organizations (Sports Coalition)

Knowledge Ecology International (KEI)

Sports Rights Owners Coalition (SROC)

Coalition of Sports Organizations (Sports Coalition)

The Sports Coalition's aims and objectives include representing the interests of its members as the owners of international rights, and in particular intellectual property rights such as copyrights and related rights, in telecasts of live sports events that are broadcast and retransmitted throughout the world. Its primary objectives are (1) to ensure that the rights its members negotiate with broadcasting organizations are not affected by international treaties or domestic legislation; and (2) to secure adequate protection through international treaties and domestic laws, and the enforcement of those laws, against the piracy of telecasts of its members' live sports events.

The members of the Sports Coalition license the rights to broadcast and retransmit broadcasts of thousands of live sports events each year, as well as highlights of those events. The Sports Coalition seeks to safeguard the value of these rights by advocating for the passage of international treaties and domestic legislation that protect and do not impair these contract rights and obligations, and that provide adequate private remedies against those who pirate licensed broadcasts of sports events.

Pursuant to existing treaties, existing laws and privately negotiated contracts, sports organizations, including members of the Sports Coalition, typically own all rights, including intellectual property rights such as copyrights and related rights, in broadcasts of their live sports events. The Sports Coalition's members will be directly affected by the adoption of the proposed WIPO Treaty on the Protection of Broadcasting Organizations ("Treaty") that is currently being considered within the SCCR, which grants broadcasting organizations new and expanded rights in such broadcasts.

The interests of sports organizations, including members of the Sports Coalition, in the Treaty are unique and are not represented by any other NGOs or observers. Unlike other copyrighted works that are embodied in media independent of a broadcast signal (such as film, tape or digital files) copyrighted broadcasts of live sports events are "fixed" (recorded) simultaneously with their transmission and are embodied only in the recording of the broadcast signal (or the "pre-broadcast signal") itself. Thus, granting broadcasting organizations "exclusive" or other rights in broadcasts of sports events will necessarily implicate the ability of sports organizations to exercise their contractual and other rights regarding those broadcasts.

Sports organizations, including Sports Coalition members, are also heavily affected by piracy, including the unauthorized retransmission over the Internet and other media of their copyrighted programs contained in the broadcast signals that are the subject of the proposed Treaty. Combating signal piracy in all its forms, including piracy of sports event telecasts, has been described as one of the major objectives of the proposed Treaty. Sports Coalition members are one of the major groups of rightsholders that will be affected by efforts to address such piracy through the proposed Treaty.

The Sports Coalition consists of the Canadian Football League; the Ladies Professional Golf Association; Major League Baseball; Major League Baseball Advanced Media, Inc.; the National Basketball Association; The National Collegiate Athletic Association; the National Football League; NFL Europa; the National Hockey League; the PGA TOUR, Inc.; the Professional Golfers' Association of America; the United States Tennis Association; and the Women's National Basketball Association. These sports organizations are headquartered

in North America and have offices in Australia, Canada, China, the Dominican Republic, France, Germany, Hong Kong, Japan, Taiwan, the United Kingdom and the United States of America. Broadcasts of their live sports events are available on broadcast stations and other media located in hundreds of countries throughout the world.

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Knowledge Ecology International (KEI)

Knowledge Ecology International (KEI) is an international, non-governmental organization (NGO) with offices in Washington, DC, USA, Geneva, Switzerland and London, United Kingdom (www.keionline.org). KEI searches for better outcomes, including new solutions, in the management of knowledge resources. KEI undertakes and publishes research, develops new ideas, engages in global public interest advocacy, provides technical advice to governments, NGOs and firms, enhances the transparency of policy making, monitors the actions of key players, and provides forums for interested persons to discuss and debate KE topics.

KEI is a relatively new legal entity (incorporated in Washington, DC in August 2006, but the Consumer Project on Technology (CPTech), which is now a project of KEI, has been attending WIPO meetings as an ad-hoc observer since 2003. As a member of the Civil Society Coalition, it has also been actively involved in the work of the Standing Committee on Copyright and Related Rights.

As CPTech, KEI has been a frequent contributor to debate, and it hopes that its new legal entity will continue its objectives, ensuring that the negotiations over intellectual property rights do not undermine previous global agreements, especially as regards the public interest. KEI also intends to facilitate a basis for WIPO to continue to play a constructive role in addressing the issues relating to development policies and the implementation of TRIPS flexibilities. Its fields of interest include copyright and related rights, patent, enforcement, development and collective management of intellectual property rights.

The Board of Directors of KEI is composed of Sakiko Fukuda-Parr (US), Tim Hubbard (UK) and Colleen Daniels (Australia). Its international staff includes:

Based in Washington, DC:

James Love, Director (US)

Manon Ress, Director, Information Society Projects (France/US)

Judit Rius Sanjuan, Foreign Law Adviser (Spain)

Ben Krohmal, Coordinator, Project on Medical Innovation (US)

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The Sports Rights Owners Coalition (SROC)

The Sports Rights Owners Coalition (SROC) seeks proper recognition of the value of sport from Governments across the world, and effective protection for their rights under law. SROC members are looking to National Governments and international Treaty Organizations such as the European Union, WTO and WIPO to:

- Fully recognize, protect and promote the special nature of sport and sports rights;
- Provide comprehensive protection for sports rights, including their names, logos and marks;
- Prevent the theft of sports events broadcasts by pirates;
- Outlaw ambush marketing and ticket touting/scalping; and
- Create a regime for sports betting that enables sport to protect its integrity, and establishes a fair return to sports for the use of their events by betting operators.

SROC operates as a forum through which sports bodies can share information and experiences. In particular, the purpose of SROC is to enable:

- discussion and sharing of best practice on key legal, political and regulatory issues;
- raising awareness of new developments and innovation in sports rights; and
- sports to take joint action to protect and promote their rights.

SROC's main objectives are to seek the proper recognition of the value of sport from Governments across the world, and effective protection for their rights under national and international law. As stated above, SROC Members are greatly concerned by the fight against piracy of their competitions. As such the proposed WIPO Treaty on the Protection of Broadcasting Organizations currently under consideration in the WIPO Standing Committee on Copyright and Related Rights is of great significance to all SROC members. They believe that the Treaty could play an important role in the global fight against piracy and they share the concerns of broadcasters over piracy of broadcasters' signals and the inadequacy of the Rome Convention to deal with that form of piracy. They would welcome a Treaty that clearly addresses these concerns, however, they believe that it is vital that this Treaty should not interfere with the contractual arrangements entered into between rights holders and broadcasters.

SROC membership is comprised of international and national sports bodies from around the world including some of the most well known sporting competitions. SROC's international sports bodies include the International Cricket Council, the International Tennis Federation, the International Olympic Committee, Formula One, the International Rugby Board, IFA, 6 Nations Rugby, European Professional Football Leagues, IAAF Athletics, the International Federation of Horseracing Authorities, the Ryder Cup, the PGA Tour Australasia, UEFA, World Marathon Majors and World Snooker. Some of the national sports rights owners belonging to SROC are: the Tour de France, Fédération Française de Tennis, Cricket Australia, the German Bundesliga, the English Premier League, Tennis Australia and the Ligue de Football Professionnel.

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