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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**

**PROPOSAL BY MEXICO RELATING TO**  
**ARTICLE 10 "LIMITATIONS AND EXCEPTIONS"**

*Document prepared by the Secretariat*

The Annex to this document contains a proposal put forward by Mexico in relation to Article 10 "exceptions and limitations", received together with a letter dated June 19, 2007.

[Annex follows]

ANNEX

PROPOSAL BY MEXICO RELATING TO ARTICLE 10  
“LIMITATIONS AND EXCEPTIONS”

Mexico considers it important to provide elements clarifying the scope of the concept of retransmission, in relation to the distribution by cable television networks which allow the signals of broadcasting organizations to reach the public for which they are intended within the coverage of the broadcasting organization. The above takes into account the following:

- Article 19 of the Universal Declaration of Human Rights establishes, among other rights of the individual, that of receiving and that of imparting information and ideas through any media;
- A broadcast is a signal produced electronically, transmitted by wireless means, carrying programs edited and programmed to be received by the public;
- Broadcasting by traditional means involves the transmission of signals by means of the radio spectrum in order for the population to receive the service free of charge, and for this reason it is an activity of public interest;
- Broadcast signals are, by their very nature, affected by orographic obstacles and other radio propagation phenomena which have a negative impact on the reception and quality of the signals by the public;
- The traditional operating model of a broadcasting organization is based on the sale of advertising so that such advertising is disseminated to a particular audience;
- The growth of the service of cable broadcasting organizations enables a larger number of people to receive information by this means;
- A balance should be maintained between the rights of broadcasting organizations and the public interest, and the need is recognized to promote access to knowledge, information and national objectives in the education and scientific sphere, to combat anti-competitive practices and to promote the public interest in sectors of fundamental importance for social, economic, scientific and technological development;
- The abuse of the protection granted under this Treaty or recourse to practices which unjustifiably limit trade or are detrimental to competition in markets or the international transfer of technology should be avoided.

## **Proposal**

In view of the above, Mexico considers it necessary to add a paragraph (3) to Article 10 *Limitations and exceptions*, as follows:

3. The distribution by cable television networks of the non-encrypted broadcasts of a broadcasting organization shall not constitute retransmission, provided that this distribution is:
  - (a) within the coverage of the broadcasting organization,
  - (b) simultaneous and integral,
  - (c) without additional cost for subscribers to the pay television system.

[End of Annex and of document]