

Beijing Treaty on Audiovisual Performances

Assembly

Second (2nd Ordinary) Session
Geneva, October 4 to 8, 2021

DRAFT REPORT

prepared by the Secretariat

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/62/1): 1, 2, 3, 4, 5, 6, 10(ii), 11, 12, 29, 32 and 33.
2. The reports on the said items, with the exception of item 29, are contained in the draft General Report (document A/62/13 Prov.).
3. The report on item 29 is contained in the present document.
4. Ms. María Gabriela Campoverde (Ecuador) was elected Chair of the Assembly.

ITEM 29 OF THE CONSOLIDATED AGENDA

BEIJING TREATY ON AUDIOVISUAL PERFORMANCES (BTAP)

5. Discussions were based on document BTAP/A/2/1 Rev.

6. The Chair thanked all the Members for electing her as Chair of the Beijing Treaty Assembly and welcomed new contracting parties to the Treaty since the previous session of the Assembly in September 2020. The new Member States were Armenia, Comoros, Costa Rica, Ecuador, Kiribati, Liechtenstein, Philippines, Sao Tome and Principe, and Togo. The total number of Contracting Parties was 43.

7. The Secretariat highlighted some important aspects that were outlined in document BTAP/A/2/1 Rev. Adhesion to the Beijing Treaty on Audiovisual Performances (Beijing Treaty or BTAP) continued to grow and the Treaty currently had 43 contracting parties, including nine new Member States since September 2020. Since its previous report to the WIPO General Assembly, the Secretariat had organized or participated in 10 virtual meetings about the Treaty, which had allowed Member States to hold discussions in spite of the pandemic.

8. The Delegation of Panama reported that its administration had pledged to strengthen the country's intellectual property (IP) system and that since August 2019 the Ministry of Culture had been working on its mission, one aspect of which was intended to be the promotion and protection of cultural rights, including copyright. Among its specific goals, the Ministry had embarked on the ratification of the Beijing Treaty. The Delegation informed members that on Tuesday, October 5, 2021, the National Assembly of Deputies in Panama had approved ratification of the Beijing Treaty. It was expected that the Treaty would be approved by the President and deposited to WIPO in the following days. The Delegation pointed out that the ratification of the Treaty was a clear evidence of the importance that Panama attached to protecting culture and recognizing intellectual property rights (IPRs). For actors and other audiovisual performers, the Treaty was an instrument that could not only bolster the legal framework but also could uphold Article 27 Paragraph 2 of the Universal Convention on Human Rights. The Delegation believed that the implementation of the Treaty would promote more investment in the audiovisual sector and would protect folklore. Given the adverse economic repercussions unleashed by COVID-19 on the artistic and cultural sector, it was also an important instrument to improve the livelihoods of actors and other performers involved in audiovisual productions.

9. The Delegation of Colombia noted that it had the firm intention of ratifying the Beijing Treaty. In 2021, the Government of Colombia had submitted the Beijing Treaty to the Congress, and it would soon be approved. Domestically, there was an entity that was helping to implement the Beijing Treaty, and there was a 2003 law that recognized audiovisual performers and their rights. The idea was to ensure that audiovisual performers received equitable remuneration. Given the situation in Colombia, the Delegation hoped it would be able to deposit the instrument of ratification as soon as possible.

10. The Delegation of the Republic of Korea was pleased that 43 Member States had ratified or acceded to the Beijing Treaty as of September 2021. In recognition of the significance of protecting the rights of audiovisual performers at the international level, the Republic of Korea acceded to the Beijing Treaty in April 2020 and the Treaty entered into force for the country in July 2020. As a party to the Treaty, the Delegation indicated that it would continue its efforts to effectively implement the Beijing Treaty. In addition, the Delegation pledged that it would further promote cooperation with other Member States and would work closely with them for the efficient implementation of the Treaty.

11. The Delegation of China reminded the Assembly that the Beijing Treaty had entered into force one and one-half years ago, and with the efforts of WIPO and its Member States the number of contracting parties to the Treaty stood at 43. Audiovisual performances and life experiences made the economy more dynamic. Prosperity and development also depended on a strong copyright protection system, including the effective protection of the performers who benefited from the Beijing Treaty. The Delegation expected more Member States to ratify the Treaty. The Delegation stated that it would further communicate and cooperate with WIPO and the Member States to make more contributions to the Treaty.

12. The Representative of the Latin American School of Intellectual Property (ELAPI) pointed out that it had welcomed the entry into force of the Beijing Treaty, which finally recognized equitable remuneration for audiovisual performers, thanks to its provisions. Those rightsholders were vulnerable, and because of digital technology, their works had started crossing borders. As such, it was even more important to deal with the digital divide. Actors were the embodiment of audiovisual performances and they had to cope with the uncertainty brought on by the COVID-19 pandemic. That sector was one of the hardest hit by COVID-19 but they had not been given adequate national support. ELAPI said that area of IP was more important than ever, and it was vital for countries to accede to the Beijing Treaty to allow audiovisual performers to participate appropriately in the economic wealth created by their work. The Representative called on Latin American countries to ratify the Treaty, stating that Latin America should be characterized by its high level of protection for audiovisual performers, and yet there were many legislations where those types of performers did not have the appropriate level of recognition of their rights. ELAPI pledged support to the Assembly for that purpose.

13. The Delegation of Japan was pleased that the number of contracting parties of the Beijing Treaty had been increasing. The Treaty was important to provide appropriate rights for audiovisual performers. The Delegation hoped that more Member States would accede to the Treaty and audiovisual performance rights would be protected.

14. The Assembly of the Beijing Treaty took note of the "Status of the Beijing Treaty" (document BTAP/A/2/1 Rev.).

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