

# WIPO



WO/GA/28/5  
ORIGINAL: English  
DATE: September 20, 2002

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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

## WIPO GENERAL ASSEMBLY

Twenty-Eighth (13<sup>th</sup> Extraordinary) Session  
Geneva, September 23 to October 1, 2002

DIPLOMATIC CONFERENCE ON THE PROTECTION OF AUDIOVISUAL  
PERFORMANCES

*Memorandum of the Director General*

1. The Diplomatic Conference on the Protection of Audiovisual Performances was convened in Geneva from December 7 to 20, 2000. Before closing, the Diplomatic Conference adopted the following Recommendation:

“The Diplomatic Conference

- (i) notes that a provisional agreement has been achieved on 19 Articles;
- (ii) recommends to the Assemblies of Member States of WIPO, in their September 2001 session, that they reconvene the Diplomatic Conference for the purpose of reaching agreement on outstanding issues.”

2. At its twenty-seventh session in September 2001, the WIPO General Assembly was invited “to discuss the Recommendation on the Diplomatic Conference on the Protection of Audiovisual Performances and to decide whether, and if so when and where, the Conference shall be reconvened.” Summarizing the discussions, the Chairman of the General Assembly “concluded that there was consensus that the protection of audiovisual performances was a very important issue, and that it was a matter of concern that it had not been possible to reach an agreement overcoming the differences. He appealed to all parties to continue their contacts and discussions in order to overcome those differences, and requested the International

Bureau render its assistance, where appropriate.”<sup>1</sup> He further noted that “many delegations had stressed the importance of the protection of audiovisual performances and that important differences of opinion remained. He stressed that, before moving to a more formal stage, contacts between countries needed to be promoted. As a great deal of work remained to be done, he encouraged all parties to assist in making progress with regard to this work and stated that he would be happy to report on the progress made to the next session of the General Assembly.”<sup>2</sup> The General Assembly noted the Chairman’s conclusion, reached under his own responsibility, and decided that the issue “would remain on the agenda of the next session of the General Assembly in 2002 and that the Chairman would report to the General Assembly on any progress that had been made.”<sup>3</sup>

3. Following the conclusion of the Chairman, officials of the International Bureau have been in informal contact with interested parties and stakeholders on different occasions over the past twelve months. No significant change in the positions has been identified by the International Bureau. Furthermore, as far as the International Bureau has been informed, certain contacts among the interested parties themselves have also taken place, but have also not led to any change in positions. However, the International Bureau has noted a continuing recognition among the parties concerned regarding the importance of the issue and its timely resolution.

4. In view of the importance of the protection of audiovisual performances, the continued interest in the issue and the risk of losing momentum, it is proposed that the International Bureau assess the situation in the coming months with a view to possibly calling an *ad hoc* informal meeting in the first half of 2003. Such a meeting would be called after consultations with the regional group coordinators on timing, duration and other modalities and will be for the purpose of having informal exchanges on the remaining differences and possible ways of resolving them. The meeting would be open to all Member States and interested intergovernmental and non-governmental organizations.

5. The issue of the Diplomatic Conference on the Protection of Audiovisual Performances will remain on the Agenda of the WIPO General Assembly in its session in September 2003.

6. *The WIPO General Assembly is invited to consider and decide on the proposals contained in paragraphs 4 and 5, above.*

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<sup>1</sup> Document A/36/15, paragraph 182

<sup>2</sup> *Idem*, paragraph 184

<sup>3</sup> *Idem*, paragraph 186