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WORLD INTELLECTUAL PROPERTY ORGANIZATION
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WIPO GENERAL ASSEMBLY

Thirty-First (15th Extraordinary) Session
Geneva, September 27 to October 5, 2004

PROTECTION OF BROADCASTING ORGANIZATIONS

Document prepared by the Secretariat

1. The WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT) adopted in 1996 and the subsequent entry into force of those Treaties on March 6 and May 20, 2002, respectively, represented a major step forwards in the updating of international copyright and related rights law to the realities of the information society. However, these two Treaties concluded in 1996 did not address the issue concerning the protection of broadcasting organizations.
2. The updating of the related rights of broadcasting organizations in response to digital and other new technologies and the growing use of the Internet has been discussed by the Standing Committee on Copyright and Related Rights (SCCR) since that Committee was established in 1997. Such rights are currently at the international level provided by the 1961 Rome Convention on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.
3. The eleventh session of the SCCR that took place from June 7 to 9, 2004, adopted the following recommendation to be conveyed to the meeting of the WIPO General Assembly at the fortieth session of the Assemblies of the Member States of WIPO, to be held from September 27 to October 5, 2004:

“Considering that the Standing Committee on Copyright and Related Rights at its Tenth Session, from November 3 to 5, 2003, recommended that the present session of the Standing Committee should be convened to examine a consolidated text and to assess progress of work with a view to a possible diplomatic conference which would consider an international instrument on the protection of broadcasting organizations,

considering that the work at the end of the present session of the Standing Committee is well advanced, taking into account the identification and analysis of substantive issues to be addressed in the international instrument, the progress made in these substantive issues during the deliberations in the present and previous sessions of the Standing Committee;

having had an exchange of views and information regarding the protection of non-original databases,

agrees on the following recommendations:

A. BROADCASTING ORGANIZATIONS

1. The WIPO General Assembly

the WIPO General Assembly is recommended to consider, beginning at its September/October session in 2004, the possibility of convening, at an appropriate time, a diplomatic conference on the protection of broadcasting organizations;

2. Twelfth Session of the Standing Committee

the Chair of the present session of the Standing Committee will prepare, for the Twelfth Session of the Committee, a revised version of the Consolidated Text in which the possible protection of webcasting organizations and other proposals having received very limited support will be indicated in square brackets. The Twelfth Session of the Committee will take place from November 17 to 19, 2004;

3. Assessment of the Progress of the Work

at its Twelfth Session the discussions of the Standing Committee would be based on the revised consolidated text and the Committee would assess the progress of the work. In the light of those discussions and that assessment, the Committee would recommend the dates, and the necessary preparatory steps for a possible diplomatic conference including the possibility that the Chairman prepares a basic proposal for this conference;

4. Regional Consultations

depending on the decision of the WIPO General Assembly under Point A.1 above, and the recommendations of the Standing Committee, the International Bureau shall organize regional consultation meetings where appropriate and at the request of the relevant regional groups. The International Bureau shall also organize consultations meetings at the location of the diplomatic conference immediately before its commencement.

[...]"

4. The WIPO General Assembly is invited to note the information contained in the present document and to consider approving the convening of a Diplomatic Conference on the protection of broadcasting organizations to be organized at an appropriate time.

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