

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
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## **WIPO GENERAL ASSEMBLY**

**Thirty-Fourth (18<sup>th</sup> Ordinary) Session**  
**Geneva, September 24 to October 3, 2007**

**REPORT ON THE SPECIAL SESSIONS  
OF THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS  
REGARDING THE PROPOSED DIPLOMATIC CONFERENCE  
ON THE PROTECTION OF THE RIGHTS OF BROADCASTING ORGANIZATIONS**

*Prepared by the Secretariat*

1. It is recalled that the issue concerning updating of the rights of broadcasting organizations in response to technological developments and the growing use of information and communications networks has been under discussion in the Standing Committee on Copyright and Related Rights (SCCR) during its seventeen consecutive sessions, from 1998 to 2007.

2. At its Thirty-Third Session, which took place from September 25 to October 3, 2006, the WIPO General Assembly decided that:

“(i) The General Assembly approves the convening of the Diplomatic Conference on the Protection of the Rights of Broadcasting Organizations under the conditions set out in paragraph (iv) below from November 19 to December 7, 2007, in Geneva. The objective of this Conference is to negotiate and conclude a WIPO Treaty on the protection of broadcasting organizations, including cablecasting organizations. The scope of the Treaty will be confined to the protection of broadcasting and cablecasting organizations in the traditional sense.

“(ii) The Revised Draft Basic Proposal (document SCCR/15/2) will constitute the Basic Proposal with the understanding that all Member States may make proposals at the Diplomatic Conference.

“(iii) The meeting of a preparatory committee will be convened for June 2007 to prepare the necessary modalities of the Diplomatic Conference. The preparatory committee will consider the draft rules of procedure to be presented for adoption to the Diplomatic Conference, the lists of States, as well as intergovernmental and non-governmental organizations to be invited to participate in the conference, as well as other necessary organizational matters.

“(iv) Two special sessions of the Standing Committee on Copyright and Related Rights to clarify the outstanding issues will be convened, the first one in January 2007, and the second one in June 2007 in conjunction with the meeting of the preparatory committee. It is understood that the sessions of the SCCR should aim to agree and finalize, on a signal-based approach, the objectives, specific scope and object of protection with a view to submitting to the Diplomatic Conference a revised basic proposal, which will amend the agreed relevant parts of the Revised Draft Basic Proposal referred to in paragraph (ii). The Diplomatic Conference will be convened if such agreement is achieved. If no such agreement is achieved, all further discussions will be based on document SCCR/15/2.

“(v) The WIPO Secretariat will organize, in cooperation with the Member States concerned, and at the request of Member States, consultations and information meetings on the matters of the Diplomatic Conference. The meetings will be hosted by the inviting Member States.”

3. At the end of its Second Special Session, which took place in Geneva from June 18 to 22, 2007, the SCCR adopted the following Conclusions:

“Following the decision of the WIPO General Assembly in its Thirty-third Session in September/October 2006, the Standing Committee on Copyright and Related Rights (SCCR) convened in the First and Second Special Sessions, from January 17 to 19, and from June 18 to 22, 2007.

“The decision of the General Assembly stated that ‘[t]wo special sessions of the Standing Committee on Copyright and Related Rights to clarify the outstanding issues will be convened, the first one in January 2007, and the second one in June 2007 in conjunction with the meeting of the preparatory committee. It is understood that the sessions of the SCCR should aim to agree and finalize, on a signal-based approach, the objectives, specific scope and object of protection with a view to submitting to the Diplomatic Conference a revised basic proposal, which will amend the agreed relevant parts of the Revised Draft Basic Proposal [referred to in (ii)]. The Diplomatic Conference will be convened if such agreement is achieved. If no such agreement is achieved, all further discussions will be based on document SCCR/15/2.’

“The discussions in the Second Special Session were based on the Revised Draft Basic Proposal (SCCR/15/2 Rev) which is the official comprehensive working document of the Committee, and a non-paper of April 20, 2007 prepared by the Chair.

“During the session the delegations made their general statements and discussed thoroughly the procedure of deliberations. The intergovernmental and non-governmental organizations were given the opportunity to make statements.

“In the informal discussions it became evident that, during the session, it would not be possible to reach an agreement on the objectives, specific scope and object of protection with a view to submitting to a diplomatic conference a revised basic proposal as mandated by the General Assembly.

“While several delegations urged that the efforts to conclude a treaty on protection of broadcasting organizations be continued, it was felt that there was a need to take time to reflect before proceeding further to explore agreement as mandated by the General Assembly.

*“The Committee made the following recommendation:*

“The General Assembly

- Takes note of the current status of the work in the SCCR on the protection of broadcasting organizations and cablecasting organizations.
- Acknowledges that progress was made in the process towards better understanding of the positions of the various stakeholders.
- Recognizes the good faith efforts of all participants and stakeholder organizations throughout the process.
- Expresses the wish that all the parties continue to strive to achieve an agreement on the objectives, specific scope and object of protection, as mandated by the General Assembly.

“The General Assembly

- Decides that the subject of broadcasting organizations and cablecasting organizations be retained on the agenda of the SCCR for its regular sessions and considers convening of a Diplomatic Conference only after agreement on objectives, specific scope and object of protection has been achieved.”

4. Following the Second Special Session of the SCCR, no preparatory meeting for a diplomatic conference took place, and the Secretariat has abstained from taking any steps towards the organization of such conference in 2007.

5. *The General assembly is invited to*

- (i) *Take note of the current status of the work in the SCCR on the protection of broadcasting organizations and cablecasting organizations;*
- (ii) *acknowledge that progress was made in the process towards better understanding of the positions of the various stakeholders;*

- (iii) *recognize the good faith efforts of all participants and stakeholder organizations throughout the process,*
- (iv) *express the wish that all the parties continue to strive to achieve an agreement on the objectives, specific scope and object of protection, as mandated by the General Assembly;*
- (v) *decide that the subject of broadcasting organizations and cablecasting organizations be retained on the agenda of the SCCR for its regular sessions and consider convening of a Diplomatic Conference only after agreement on objectives, specific scope and object of protection has been achieved.*

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