

MAIN PROGRAM 05

## **COPYRIGHT AND RELATED RIGHTS**

### **05.1 Development of International Copyright Law**

### **05.2 Copyright-Based Business and Culture Development**

#### **Summary**

105. This Main Program will strengthen the international copyright and related rights system through more effective protection, development, use, and management of literary and artistic works and other objects of protection. Special attention will be paid to the effective functioning of that system in the digital environment. Priority will be given to the implementation of two clusters of activities, grouped under two sub-programs: Development of International Copyright Law, and Copyright-Based Business and Culture Development. Both sub-programs will adopt an inclusive and participatory approach allowing all interested parties – governments, creators, industry, civil society, and consumers – to play active roles in partnership with WIPO.

106. Under sub-program 05.1, WIPO will promote the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) and provide assistance in the implementation of these treaties. WIPO will also serve as an important forum for discussion as well as facilitating international consensus-building in respect of negotiations on the protection of the rights of broadcasting organizations and of audiovisual performances.

107. The Standing Committee on Copyright and Related Rights (SCCR) will continue to be the main forum for international review and discussions on topical issues in copyright and related rights and in the development of international laws. While continuing with its ongoing work, the SCCR will also develop as a forum for policy discussions and information sharing on the main trends in copyright and related rights in such fields as applicable law in international copyright matters, collective management of copyright, exceptions and limitations to copyright and related rights, technological protection measures and digital rights management, the economics of copyright, resale rights, the ownership of multimedia works, voluntary recordination systems, copyright protection of folklore and the responsibility of Internet service providers.

108. Sub-program 05.2 will promote the continuing vitality of the copyright system by developing studies, tools, and models to facilitate copyright-based business and culture development. In order to show a concrete and evident link between an effective system of copyright protection, and cultural and economic development, the Secretariat will work closely with governments, creators, industry, experts, and users to address the practical problems facing creators, owners, distributors, and users of works. The Secretariat will facilitate international discussions and exchange of experiences in this area.

109. In the digital age, ensuring a legal environment that is supportive of creativity require institutional and public support. Copyright has become more visible to the public and protected works are increasingly part of everyday life. This raises new issues with serious consequences because of changed public perceptions and consumer expectations. Under this sub-program, WIPO will assist Member States in designing appropriate policies and projects to address the critical issues of copyright for creators, civil society and end-users. Efforts aimed at evaluating, analyzing, facilitating, and demonstrating the potential of copyright-based industries and their contribution to wealth creation and cultural development will be further supported. WIPO will develop useful tools and guides to assist Member States in their efforts to promote public awareness of and support for copyright-based industries.

#### SUB-PROGRAM 05.1

#### **DEVELOPMENT OF INTERNATIONAL COPYRIGHT LAW**

**Objective:** To improve protection of copyright and related rights, and facilitate consensus-building on international copyright law and developments.

Expected Results	Performance Indicators
1. Better understanding, wider adherence and implementation of the WCT and WPPT.	<ul style="list-style-type: none"> <li>• Number of countries adhering to and implementing the WCT and WPPT;</li> <li>• Number of countries seeking and receiving advice on implementing the two treaties;</li> <li>• Meetings and missions on substantive copyright issues organized by WIPO.</li> </ul>
2. A possible draft treaty on the protection of audiovisual performances.	Progress towards the reconvening of the Diplomatic Conference for the protection of audiovisual performances.
3. A possible draft treaty on the protection of broadcasting organizations.	Progress towards the convening of a Diplomatic Conference on the protection of broadcasting organizations.

Expected Results	Performance Indicators
4. Substantive discussions on the protection of non-original databases.	Progress towards a recommendation on future work on the protection of non-original databases.
5. Fruitful discussions and exchange of experiences on some or all of the following issues: applicable law in international copyright matters, collective management, exceptions and limitations, technological protection, digital rights management, resale rights, ownership of multimedia works, recordation systems, copyright protection of folklore, responsibility of Internet Service providers.	<ul style="list-style-type: none"> <li>• Number of new issues examined by the SCCR.</li> <li>• Preparatory work undertaken by the Secretariat on the review of emerging issues.</li> </ul>

110. The WCT and the WPPT, which establish the international copyright regime in the digital age, both entered into force in 2002. In order to make these treaties truly universal, WIPO will promote as many accessions as possible. At the same time WIPO will continue providing advice to facilitate effective implementation and use of these treaties.

111. In order to fill in certain legal lacunae in the international protection of related rights, WIPO will intensify its efforts towards facilitating discussions and negotiations aimed at establishing international laws or treaties protecting audiovisual performances and broadcasting organizations. Proposals for the protection of non-original databases remain on the agenda of the SCCR, and WIPO will continue to provide a forum for discussion and possible consensus-building on this subject.

112. WIPO will study and analyze emerging issues for review and discussion in the SCCR. Work on those issues, which are identified in the table above, will take the form of studies, information materials or discussion papers. Those will be presented to the SCCR in the light of the evolution and priority of work of that body. At the same time, there will be an interactive dialogue with governments of Member States, the private sector, including artists and creators of works, and civil society.

### Activities

- Convening four sessions of the SCCR;
- national, regional and international meetings organized or attended by WIPO on the implementation of the WIPO Internet treaties and other copyright issues;
- preparing four to six studies and other information products related to topical copyright issues;

- participating in information meetings and regional seminars organized by Member States and the private sector including creators, users, business owners, distributors, scholars, and other persons interested in copyright law and issues;
- advisory missions on copyright issues undertaken by WIPO;
- seminars, information meetings, and consultations held, as well as studies carried out, on some or all of the following emerging issues: applicable law in international copyright dealings, collective management, exceptions and limitations, technological protection, digital rights management, resale rights, ownership of multimedia works, recordation systems, copyright protection of folklore, responsibility of Internet Service providers.

## SUB-PROGRAM 05.2

### COPYRIGHT-BASED BUSINESS AND CULTURE

**Objective:** To facilitate the development of copyright-based business and culture development, enhance knowledge and foster dialogue concerning models and tools for management of copyright and related rights and promotion of public awareness.

Expected Results	Performance Indicators
1. Improved international cooperation and use by Member States of information on business management, models and practices involving copyright works, including e-commerce.	<ul style="list-style-type: none"> <li>• Number of participants in an international conference on copyright in the digital environment;</li> <li>• Number of participants in meetings and seminars on copyright in the Internet environment and e-commerce;</li> <li>• Information products developed by WIPO on the subject, including on digital rights management.</li> </ul>
2. Better information on licensing arrangements for the various categories of copyright products.	Information products on licensing developed by WIPO for the different categories of users.
3. Improved information on existing copyright management systems, practices and issues.	Materials developed on copyright management systems, practices, and issues.
4. Increased awareness of the economic role of copyright among leaders and policy-makers.	<ul style="list-style-type: none"> <li>• Number of national public awareness activities organized by Member States;</li> <li>• Policy discussions with governments and business leaders on the economic importance of copyright.</li> </ul>

Expected Results	Performance Indicators
5. Higher profile of WIPO as the central international forum for policy debate and development concerning copyright.	<ul style="list-style-type: none"> <li>• Documents prepared for the World Summit on Information Society;</li> <li>• Contributions to major international conferences on copyright issues;</li> <li>• Training programs developed or attended by WIPO.</li> </ul>
6. Better understanding by Member States of the competitive advantages of the copyright-based industries.	Number of national surveys on the economic contribution of the copyright-based industries, assisted by WIPO.
7. Better assessment of the value of copyright assets.	Information products and practical tools developed by WIPO.
8. Enhanced supporting infrastructure for creators and copyright-based industries in Member States.	Institution development assistance to creative communities.
9. Better knowledge of copyright among creators and the public.	Training activities and information materials produced by WIPO.

113. The digital environment provides, through e-commerce, better opportunities for use of copyright to support business activities and thus generate income and employment. It also permits different possibilities for managing copyright in works, which are electronically traded. The expansion of e-commerce with copyright products necessitates the development of suitable technical and business models. WIPO will facilitate the exchange of information and experience as well as transfer of know-how through international dialogue and studies, thus enabling the creative community and small businesses to better exploit literary and artistic works.

114. In this context, technology is an important tool for copyright management, including digital rights management, for establishing ownership, promoting licensing as well as the dissemination of creations. Under this sub-program, WIPO will undertake studies on different aspects of the functioning of copyright management systems in order to contribute to policy-making by governments on such questions as copyright management and competition, interoperability, and the relationship between legislative and technological measures.

115. Copyright licensing, including licensing and distribution arrangements on the Internet, as well as non-Internet-based transactions, is a subject of great interest to creators and businesses in many Member States. To this end, WIPO will review and explain terms and conditions in licensing arrangements for various works and prepare practical guides.

116. The public awareness of copyright issues in the information society acquires new dimensions in the light of the use of works of authorship in everyday life. The need to safeguard the fundamental principles of copyright protection as a prerequisite

for future creativity and for successful economic and cultural activities becomes more urgent and necessitates raising the status of copyright as a priority issue in national and international policy debates. The importance of effective copyright protection will be better appreciated by national leaders and policy makers through conducting studies on the economic contribution of copyright-based industries and activities to the national economy. In addition, it will be demonstrated that copyright protection is a powerful tool for development and management of cultural assets.

117. For those industries to prosper, there must be effective copyright enforcement. This Main Program will therefore work closely with other Programs in building strategic partnerships with governments, creators, industry and users for promoting more economic activities in cultural goods, fighting piracy and increasing public awareness.

118. Recognition of the economic importance of copyright-based industries among the Member States will be promoted through WIPO's support in conducting national surveys of those industries, as well as in setting up enabling tools, institutions and infrastructure that encourage the development of, and trade in, literary and artistic works.

### **Activities**

- Organizing an international conference on copyright in the digital environment to address all pertinent issues with legal, judicial, technological, business, management, enforcement and public-awareness impact;
- preparing guides for licensing of works, and a review of business models used in copyright based-industries and other appropriate contractual arrangements;
- updating information materials on digital rights management systems and their operations;
- participating in seminars and workshops on copyright licensing;
- contributing to national and international projects and events in the area of copyright management;
- assisting national studies on the contribution of copyright-based industries to the national economy providing information on policies and activities that facilitate cultural industries;
- participating in meetings, seminars and training courses for policy makers, creators, scholars, business leaders and others relating to management of cultural assets;
- participating in the World Summit on Information Society;

- participating in workshops and conferences on the implications of copyright piracy;
- undertaking missions on policy and institution-building for business and creators;
- participating in or sponsoring five workshops on the economic and business aspects of copyright activities;
- preparing a study on the valuation of copyright assets.

### **Resource Description by Object of Expenditure**

119. Total resources of Sfr8,477,000 reflect a program increase of Sfr941,000 or 12.5 per cent with respect to the corresponding amount in the 2002-2003 biennium.

120. For staff resources, an amount of Sfr4,945,000 is shown, a program increase of Sfr1,154,000 or 30.5 per cent. This includes resources of:

- (i) Sfr4,416,000 for posts, reflecting three additional positions including the reclassification of one position to D-level, and
- (ii) Sfr529,000 for short-term expenses.

121. For travel and fellowships, an amount of Sfr1,568,000 is shown, a program decrease of Sfr227,000 or 12.7 per cent. This includes resources of:

- (i) Sfr519,000 for 100 staff missions,
- (ii) Sfr1,049,000 for 230 third party travel in connection with the holding of the Standing Committee on Copyright and Related Rights, an international conference on copyright in the digital environment, and related meetings.

122. For contractual services, an amount of Sfr1,847,000 is shown, a program increase of Sfr32,000 or 1.8 per cent. This includes resources of:

- (i) Sfr931,000 for conferences to cover the cost of interpretation for the Standing Committee on Copyright, an international conference, workshops and seminars on the area of copyright,
- (ii) Sfr866,000 for consultants services,
- (iii) Sfr20,000 for publishing services and
- (iv) Sfr30,000 for other contractual expenditures.

123. For operating expenses, an amount of Sfr92,000 is shown, a program decrease of Sfr28,000 or 23.3 per cent to cover the cost of communications and other expenses.

124. For equipment and supplies, an amount of Sfr25,000 is shown, a program increase of Sfr10,000 or 66.7 per cent. This includes resources to cover the cost of supplies and materials.

**Table 9.5 Detailed Budget 2004-2005 for Main Program 05**

**A. Budget Variation by Sub-program and Object of Expenditure** (in thousands of Swiss francs)

	2002-2003 Revised	Budget Variation						2004-2005 Proposed
		Program		Cost		Total		
		Amount B	% B/A	Amount C	% C/A	Amount D=B+C	% D/A	
A	B	B/A	C	C/A	D=B+C	D/A	E=A+D	
<b>I. By Sub-program</b>								
05.1 Development of International Copyright Law	7,081	127	1.8	103	1.5	230	3.2	7,311
05.2 Copyright-based Business and Culture	432	814	188.4	(80)	(18.5)	734	169.9	1,166
<b>TOTAL</b>	<b>7,513</b>	<b>941</b>	<b>12.5</b>	<b>23</b>	<b>0.3</b>	<b>964</b>	<b>12.8</b>	<b>8,477</b>
<b>II. By Object of Expenditure</b>								
Staff Costs	3,790	1,154	30.5	1	--	1,155	30.5	4,945
Travel and Fellowships	1,785	(227)	(12.7)	10	0.6	(217)	(12.2)	1,568
Contractual Services	1,803	32	1.8	12	0.7	44	2.4	1,847
Operating Expenses	120	(28)	(23.3)	--	--	(28)	(23.3)	92
Equipment and Supplies	15	10	66.7	--	--	10	66.7	25
<b>TOTAL</b>	<b>7,513</b>	<b>941</b>	<b>12.5</b>	<b>23</b>	<b>0.3</b>	<b>964</b>	<b>12.8</b>	<b>8,477</b>

**B. Post Variation by Post Category**

	2002-2003 Revised	Post Variation	2004-2005 Proposed
Post Category	A	B-A	B
Directors	1	1	2
Professionals	6	1	7
General Service	2	1	3
<b>TOTAL</b>	<b>9</b>	<b>3</b>	<b>12</b>

**C. Budget Allocation by Sub-program and Object of Expenditure** (in thousands of Swiss francs)

Object of Expenditure	Sub-program		Total
	1 DICL	2 CBC	
<b>Staff Costs</b>			
Posts	3,330	1,086	4,416
Short-term Expenses	529	--	529
<b>Travel and Fellowships</b>			
Staff Missions	469	50	519
Third Party Travel	1,049	--	1,049
<b>Contractual Services</b>			
Conferences	931	--	931
Consultants	866	--	866
Publishing	20	--	20
Other	30	--	30
<b>Operating Expenses</b>			
Communication and Other	72	20	92
<b>Equipment and Supplies</b>			
Supplies and Materials	15	10	25
<b>TOTAL</b>	<b>7,311</b>	<b>1,166</b>	<b>8,477</b>



**D. Funds-in-Trust by Object of Expenditure** (*in thousands of Swiss francs*)

<i>Object of Expenditure</i>	<i>Sub-program 2 CBC</i>
Staff Expenses	280

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