

**WIPO**



**PCIPD/3/5**  
**ORIGINAL:English**  
**DATE:July 2002**

**E**

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

**PERMANENT COMMITTEE ON COOPERATION FOR  
DEVELOPMENT RELATED TO INTELLECTUAL PROPERTY**

**Third Session**  
**Geneva, October 28 to November 1, 2002**

WIPO COLLECTIVE MANAGEMENT ACTIVITIES

*Document prepared by the Secretariat*

## I. INTRODUCTION

1. The increased economic vitality and cultural vibrancy of the copyright industry, driven largely by technological advancement and the attendant rise in the use of protected works particularly in the digital environment has put collective management of copyright and related rights at the center stage of rights protection for authors and composers. The contribution and potential this industry has for economies worldwide is added impetus for the program of activities which WIPO has set out to achieve in the current biennium. The Copyright Collective Management Division (CCMD), as an integral part of the Organization's development cooperation program, has remained consistent in its pursuit to assist Member States with the setting up of an appropriate infrastructure to collectively manage the rights of authors, composers and performers, at the national or regional level. The work of the Division is only made possible through the cooperation, support and coordination received from other divisions in WIPO, particularly, the regional bureaus, the WIPO Academy and the Copyright Law Section.

2. The CCMD adopts a tailor-made approach adapted to each region or country in dealing with the major developments and challenges facing collective management organizations, where they exist, or in countries where there are none, in creating an enabling environment for the establishment of a society. The implementation of the CCMD program was carried out on the basis of careful analysis of emerging trends and issues at the international level and the identification of policy options to address these issues. It is further enriched by the development of appropriate programs, including training, to facilitate compatibility of rights management systems in developing countries with international technical standards and systems as well as the integration of digital technologies in collective management operations.

3. The present document reviews WIPO's work on collective management of copyright and related rights for the period from January 2001 to June 2002, drawing upon the activities carried out by other bureaus or divisions, either on their own, or in cooperation with the CCMD. The report is presented on an activity basis as follows: Regional and National Meetings, Training Courses and Study Visits, Industry Activities, Advisory Missions, Technical Assistance and Information Technology, Studies, Cooperation Agreements and Publications.

## II. REGIONAL AND NATIONAL MEETINGS

4. At a regional level, collective management issues were discussed as a part of broader activities organized on copyright and related rights. A number of activities were also initiated by WIPO during the reporting period in addition to a continuation of those already in progress from the preceding biennium. They are reported in the following paragraphs by region or in chronological order.

### A. Regional Meetings

5. A High-level Inter-regional Roundtable on Intellectual Property for the Least Developed Countries (LDCs) was organized in cooperation with the National Institute of Industrial Property (INPI) of the Ministry of Economy of the Government of Portugal, in Lisbon, in February, 2001. The objective of the meeting was to articulate policies and identify technical

issues in order to better contribute to the institution-building process and human resources development in the area of intellectual property in LDCs. The meeting constituted an integral part of the preparatory process for the Third United Nations Conference on the Least Developed Countries, which was organized in Brussels in May 2001.

## AFRICA

6. A Regional Seminar on Copyright Protection and the African Literary Industry in the Digital Age organized in cooperation with the Copyright Office of Ghana and the African Publishers' Network (APNET), took place in Accra, Ghana, in February 2002. Some 143 participants including 12 publishers from the following countries: Benin, Cameroon, Cote d'Ivoire, Guinea, Kenya, Mali, Namibia, Nigeria, Senegal, Togo, Uganda and the United Republic of Tanzania and four heads of Copyright Offices from Benin, Nigeria, South Africa and Togo, took part. Two officials of WIPO also participated in the seminar which addressed the intellectual property expectations and needs of African publishers, focusing, in particular, on emerging copyright issues such as the digital delivery of printed materials and on collective management in the field of reproduction rights. Presentations were made by invited speakers from Burkina Faso, Ghana and Malawi, as well as by the representative of the Joint Finnish Copyright Organization (KOPIOSTO) and Honorary President of the International Federation of Reproduction Rights Organization (IFRRO), and the Legal Counsel of the International Publishers Association (IPA).

7. The implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) in LDCs is at the core of WIPO's activities given the 2006 deadline for these countries. To this end, a Joint WIPO-WTO Regional Workshop on the Implementation of the TRIPS Agreement was organized for 36 African countries in Dar es Salaam, Tanzania, in April 2002. The issue of collective management was one of the subject matters dealt with in conjunction with the implementation of exclusive rights included in national legislation. Recommendations were made on several aspects of intellectual property, including collective management organizations, which are not yet established in many LDCs.

8. A sub-regional seminar was organized on copyright and related rights in Maputo, Mozambique, in May 2002, with 50 participants. Representatives from Cape Verde and Sao Tome and Principe also participated. Lectures on topics related to collective management of copyright were delivered by the Copyright Administrator of the Copyright Society of Malawi (COSOMA), a representative from the Portuguese General Directorate for Culture (IGAC), and from the Portuguese Authors' Society (SPA), Lisbon, two WIPO officials and a WIPO Consultant from Switzerland.

## ARAB COUNTRIES

9. A Conference on Intellectual Property organized by WIPO and the Islamic Educational, Scientific and Cultural Organization (ISESCO), in cooperation with the Republic of Azerbaijan was held in Baku, Azerbaijan, in May 2001. The meeting, which gathered government officials from each of the 45 member States of ISESCO, coming from Ministries or administrations responsible for copyright and related rights, covered subject matters ranging from the role of intellectual property in promoting technological growth, trade and investment, to the economic and cultural dimensions of collective management of copyright and related rights, as well as the WIPO Copyright Treaty (WCT) and the WIPO Performances

and Phonograms Treaty (WPPT), piracy, traditional knowledge and folklore. Lectures were presented by representatives from the World Association of Small and Medium-Sized Enterprises (WASME), the Center for Information Technology and Intellectual Property (CITIP), the University of Applied Sciences of Canton Solothurn (Switzerland) and Business Software Alliance (BSA).

10. A WIPO Sub-regional workshop on Collective Management of Copyright and Related Rights was organized in cooperation with the Government of Morocco and the assistance of the Ministry of Foreign Affairs of France, in Rabat, Morocco, in June, 2001. The workshop constituted a specialized forum for exchanging views and sharing experiences among policy makers including managers of copyright and related rights. Several in-depth discussions on specific items related to collective management of copyright and related rights allowed for a genuine assessment of the success and failure of these systems in the respective countries. At the end of the workshop, a plan of action intended for Algeria, Egypt, Lebanon, Morocco and Tunisia was adopted.

11. In cooperation with the Ministry of Information of the State of Bahrain, an Inter-Regional Meeting on Copyright and Related Rights was held in Manama, Bahrain, in February 2002. The objective of the meeting was to provide a forum for an inter-regional exchange of experiences on standards of protection in the field of copyright and related rights, particularly in light of the implementation of the TRIPS Agreement. The meeting was attended by representatives from 26 countries and one session was dedicated to discuss issues concerning the collective management of copyright and related rights and the functioning of collective management organizations in a number of participating countries.

#### ASIA AND THE PACIFIC REGION

12. A Regional Symposium on Collective Management of Copyright and Related Rights for Asian and Pacific Countries was held in Mumbai, India, in December 2001. It was organized in cooperation with the Ministry of Human Resource Development, the Government of India, and the Indian Performing Right Society (IPRS) with the assistance of the Japan Copyright Office (JCO). Participants came from Bhutan, Brunei Darussalam, Cambodia, China, Fiji, Indonesia, Lao People's Democratic Republic, Malaysia, Mongolia, Nepal, Papua New Guinea, the Philippines, Republic of Korea, Singapore, Sri Lanka, Thailand and Viet Nam. Invited representatives from the Japanese Copyright Research and Information Center (CRIC), the International Confederation of Societies of Authors and Composers (CISAC), the International Federation of the Phonographic Industry (IFPI), IFRRO and the Hungarian Copyright Council shared their experience with the 70 participants and explored possibilities of further development of collective management in their respective countries. Models of regional cooperation among collective management organizations were also discussed.

#### LATIN AMERICA AND THE CARIBBEAN REGION

13. A WIPO official participated in the International Forum on Audiovisual Performances organized by the Ibero-Latin American Federation of Performers (FILAI) and the Uruguayan Collective Management Society (SUDEI), in Montevideo, in May 2001. The Forum preceded the General Assembly of FILAI, and coincided with the events celebrating the 50<sup>th</sup> anniversary of the creation of SUDEI, the oldest performers collective management society in Latin America (1951-2001).

14. In September 2001, a WIPO Workshop on the Economic Importance of Copyright Industries in the MERCOSUR Countries was organized in cooperation with the Council of Copyright of the Ministry of Education and Culture of Uruguay, in Montevideo. Delegates from Argentina, Brazil, Chile, Paraguay, Uruguay and representatives from the Latin American Integration Association (ALADI) and the Southern Common Market (MERCOSUR) attended the meeting. Lectures were given by invited speakers from those countries and by WIPO officials on collective management of copyright and related rights. The meetings ought to provide an overview of the market structure of the key copyright industries and achieved this objective.

15. The Third WIPO Meeting of Heads of Copyright Offices of Latin America was held in Quito, Ecuador, in November 2001. The meeting, which was organized in cooperation with the Intellectual Property Institute from Ecuador (IEPI), gathered 23 participants from Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Uruguay, Venezuela, and the Secretariat of Economic Integration of Central America (SIECA). A presentation of the study on the question of control and legitimization of collective management organizations in Latin America and some countries in Europe, prepared by a WIPO consultant from Mexico, was made to the audience.

16. A Regional Forum on Collective Management of Intellectual Property Rights of Visual Creators – MERCOSUR Countries, was organized in cooperation with the Secretariat of MERCOSUR, in Montevideo, Uruguay, in December 2001. The Forum, following the global strategy adopted at the meeting held in Mexico in 2000, was held to present studies prepared on the protection of visual creators and promoting collective management systems among the various right owners and institutions concerned.

17. A WIPO Regional Workshop on Collective Management of Copyright for Countries of Central America was jointly organized in San José, Costa Rica, in April 2002, with the Registrar of Copyright and Related Rights of the Republic of Costa Rica, the Association of Music Composers and Authors of Costa Rica (ACAM) and SIECA. Participants from collective management organizations of Costa Rica, El Salvador, Honduras, Guatemala, Nicaragua, Dominican Republic and Panama attended some practical sessions on various topics directly linked to the tasks carried out in any authors' societies. They were informed about the study carried out by the General Society of Authors in Spain (SGAE) on the software "Sistema de gestión de Sociedades" (SGS) that it has developed, and certain elements for the possible design and implementation of a regional action plan on collective management of copyright were identified.

18. At the Second Session of the Permanent Committee on Cooperation for Development Related to Intellectual Property held from February 5 to 8, 2001 (see document PCIPD/2/3), the CCMD presented a detailed report on the development of a regional system on the collective management of copyright and neighboring rights in the Caribbean region. Since then, great progress has been made with the project. The regional center, Caribbean Copyright Link (CCL), has been accepted as an Associate Member of the International Confederation of Societies of Authors and Composers (CISAC). This important step allows works of the Caribbean regional database to be included in the CISAC international works file and be attributed an international work code (ISWC), as a unique identification number attached to the work for its entire life. The CCL will then provide back-office services to national societies and facilitate their processing of royalty distributions.

19. These positive achievements of the CCL were highlighted at the meetings of the CCL Board in Bridgetown, Barbados, in May 2001, in Trinidad and Tobago in November 2001, and in Ochos Rios in March 2002 respectively. A progress report was then presented at the Fourth WIPO Regional Meeting of Heads of Intellectual Property Offices of Caribbean Countries, held in Paramaribo, Suriname, in June, where the Governments of Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago were represented. The representatives of The Caribbean Community (CARICOM) Secretariat, the Caribbean Regional Negotiating Machinery (CRNM) and the University of the West Indies (UWI) attended the meeting in an observer capacity. The Chair of the Regional Committee on Intellectual Property and Electronic Commerce and the President of the Board of (CCL) were also present.

20. WIPO's contributions to this project are geared towards providing assistance in the promotion activities of the CCL with a view to enhancing their capacity, without compromising on the speed and efficiency of the service. The related training objectives were achieved in the course of 2001 with continuous assistance still being provided by SGA E on the use of the distribution module, and the first royalties' distribution using the new regional system was made in July 2002.

21. The implementation of the Caribbean regional project calls for as many new societies as the system can support to be brought into the system. This will require government support in order to deliver on the mandate conceived for the project by the Ministers responsible for intellectual property matters in June 1999 and reiterated in a recommendation adopted in Paramaribo which reads as follows: "The Ministers note the progress made on the Project for the Establishment of a Regional System for Collective Management of Copyright and Related Rights in the Caribbean [...] and reaffirm their support for the Project and encourage the establishment of collective management societies in countries where there are no such organizations". Since then, contacts have been made in Antigua and Barbuda, Bahamas, Belize and Suriname with respect to promoting the said project.

## B. National Meetings

### AFRICA

22. A national seminar on Intellectual Property and Trade Development was organized in Monrovia, Liberia in June 2001 at which a presentation was made on collective management by the Copyright Administrator of the Copyright Society of Ghana (COSGA), as WIPO consultant.

23. As part of the events which took place during the 4<sup>th</sup> Zanzibar International Film Festival in July 2001 in Zanzibar, United Republic of Tanzania, a presentation on collective management was made by the Copyright Administrator of the Copyright Society of Malawi (COSOMA), as WIPO consultant.

24. A National Seminar on the Protection of Copyright and Neighboring Rights was organized in Libreville, Gabon, in March 2002, in cooperation with the Government of Gabon and the intergovernmental agency (AIF) of the International Organization of Francophony (OIF). The Islamic Educational, Scientific and Cultural Organization (ISESCO) and the

African Intellectual Property Organization (OAPI) were associated with the meeting. The seminar was attended by some 75 participants and one WIPO official. On the basis of the presentations made by heads of the collective management organization of Senegal (BSDA) and that of Mali (BUMDA), discussion covered collective management principles in general, and issues concerning modern legislation to cover protection of copyrighted works through Internet distribution as well as the establishment of a national collective management organization. Specific proposals were made and a activity plan was elaborated with regards to the subject matter.

25. A Sensitization Seminar on the Importance of Intellectual Property, at which related general aspects of collective management of copyright were highlighted, was also organized in Moroni, Comoros, in May 2002.

#### ARAB COUNTRIES

26. A National Seminar on Collective Management of Copyright and Related Rights was held in Sana'a, Yemen, in June 2001. It was organized in cooperation with the Ministry of Supply and Trade, the Ministry of Justice, and the Ministry of Culture and Tourism of Yemen. A WIPO official and a professor of Civil Law of the Beni Sweif University, Beni Sweif, Arab Republic of Egypt presented the main principles of the protection of copyright and related rights under the international conventions as well as the exercise of certain rights through collective management. Issues related to the national legislation were also discussed.

#### ASIA AND THE PACIFIC REGION

27. A series of Roving Seminars on Collective Management of Rights in Musical Works was organized in cooperation with the Directorate General of Intellectual Property Rights, Ministry of Justice and Human Rights from the Government of Indonesia, and the Indonesian collecting society (Yayasan Karya Cipta Indonesia (KCI)), in Medan, Surabaya, and Makassar in February 2001. This roving seminar approach proved again to be efficient and cost-effective in meeting and gathering interested circles in different places for the purpose of building up awareness of the importance of copyright protection, discussing the role of collective management organizations and providing practical information on how the collective management systems function, in the context of the expansion of the activities of KCI outside the capital, Jakarta. It also gave the opportunity to exchange views with government officials, enforcement authorities, rights owners and users. About 500 participants attended.

28. A National Seminar on Collective Management of Copyright and Related Rights, organized in cooperation with the Intellectual Property Office of Mongolia (IPOM), was held in Ulaanbaatar, Mongolia, in June 2001. Around 45 participants attended the meeting where general principles of collective management and latest methods of documentation of works and distribution of royalties using efficient software already developed by existing authors' societies in Asia were discussed. Some important steps were taken to assist the Mongolian Society of Rights of Authors and Composers (MOSRAC) which was created in the year 2000. Technical assistance was also provided by WIPO (see paragraph 75).

29. A National Seminar on Collective Management of Copyright and Related Rights was held in Chennai, India, in December 2001, following the regional seminar in Mumbai, referred to above in paragraph 12. The meeting was organized in cooperation with the

Ministry of Human Resource Development, Government of India, and the Indian Performing Right Society (IPRS). Around 50 participants exchanged views on the status of IPRS and its expansion during the meeting and certain issues related to piracy of phonograms were discussed.

30. A National Workshop on Collective Management of Copyright and Related Rights was organized in cooperation with the Fiji Law Reform Commission, in Suva, Fiji, in February 2002. There were approximately 35 participants from the relevant Government agencies and from the private sector representing the interests of rights owners. Speakers from Japan, the Australasian Performing Right Association Ltd (APRA), the Center for Performers' Rights Administration (CPRA) and GEIDANKYO (Japan Council of Performers' Organization) were invited, who shared their experiences with the participants on the setting up of a modern and independent collective management organization for the country.

31. A National Seminar on the Collective Management of Copyright and Related Rights was held in Hanoi, Vietnam, in April 2002. The meeting was attended by around 50 persons, representing the rights owners, lawyers, and government officials on copyright and related rights matters at different levels. Presentations on basic notions of establishing collective management societies for various rights were made by two WIPO officials and the representative of the Joint Finnish Copyright Organization (KOPIOSTO) and Honorary President of IFRRO, the representative of the International Federation of the Phonographic Industry (IFPI) for the Asia region, and a representative of the Center for Performers' Rights Administration (CPRA) and GEIDANKYO (Japan Council of Performers' Organization).

32. Following the Seminar, the WIPO delegation met with governmental officials and discussed the possible accession of Vietnam to the Berne Convention and other treaties administered by WIPO as well as the setting up of a Vietnamese collective management organization for rights owners. As a positive result of this mission, WIPO was informed that the Vietnam Center for the Protection of Music Copyright was created on May 22, 2002. This Center will operate under the Association of Vietnamese Composers, Musicologists and Musicians.

33. A National Seminar on Copyright and Related Rights was organized in cooperation with the Ministry of Trade and Industry of the Royal Government of Bhutan in Thimphu, Bhutan, in May 2002. It was attended by some 75 participants from law enforcement agencies, the academic field and rights owners. The concept of collective management of copyright and its implementation with the setting up of an appropriate society was discussed during the meeting.

#### LATIN AMERICA AND THE CARIBBEAN

34. On the occasion of the 15<sup>th</sup> anniversary of the Cuban authors' society (ACDAM), and in the framework of the Cuban cultural days, a WIPO official participated in a Forum on Copyright Collective Management, which took place in La Habana, Cuba, in October 2001. It was organized in cooperation with the Copyright National Center of Cuba (CENDA) and ACDAM. National speakers and a professor from the Law University of Ottawa, Canada, discussed the social, cultural and economic aspects of copyright as well as national and international developments on collective management of copyright.

35. A National Seminar on Enforcement of Copyright and Related Rights for Judges and Prosecutors was held in Montevideo, Uruguay, in November 2001. It was organized jointly with the Supreme Court of Justice, the Ministry of Education, Culture, the "Fiscalía de Corte" and the Copyright Council of Uruguay. Lectures, including topics on collective management of copyright, were presented to the 40 participants by invited experts from Argentina, Colombia, Costa Rica, Panama, and by representatives of the Iberoamerican Copyright Organization (LATINAUTOR), the Uruguayan Copyright Institute as well as by local speakers.

36. A National Seminar on Collective Management of Copyright was held in San José, Costa Rica, in April 2002. The seminar was organized in cooperation with the Government of the Republic of Costa Rica following the regional workshop described in paragraph 17. It was attended by about 80 participants including those delegates invited to the Workshop, and representatives of the interested circles in this field, particularly, authors, performers, lawyers, government officials, and university professors. Presentations were made by representatives of the Registry of Copyright and Related Rights of Costa Rica, the General Association of Authors of Uruguay (AGADU), the International Federation of the Phonographic Industry (IFPI), the International Confederation of Societies of Authors and Composers (CISAC), LATINAUTOR and SGAE.

37. A WIPO official and a WIPO consultant from Canada participated in a one-day Special Session on Collective Management of Copyright and Related Rights held in June 2002 in Port-of-Spain, Trinidad and Tobago. The meeting was organized in cooperation with the Intellectual Property Office of the Ministry of Legal Affairs. Representatives from various categories of rights owners were present and the issues on protection of copyright related rights and establishment of a collective management organization for performers' rights as well as accession to international treaties on related rights were discussed.

38. Following the meeting mentioned above, the WIPO official and the WIPO consultant conducted an expert mission and a one-day Workshop on Collective Management of Copyright and Related Rights in St. John's, Antigua and Barbuda, which was organized in cooperation with the Ministry of Justice and Legal Affairs of Antigua and Barbuda. Both events took place in the framework approved by the Ministers responsible for intellectual property matters for the development of a collective management infrastructure in the region. Officials from the government, legal officers, performers, authors, composers and publishers participated in the workshop. Presentations were made on developments related to national legislation and the general aspects of collective management of copyright.

39. During the expert mission issues with regard to the importance of setting up a proper national collective management infrastructure which is expected to join the CCL, and clarification concerning steps necessary to achieve this objective were discussed at the meeting with senior government officials from different concerned ministries and agencies, as well as from other sectors linked to the music and creative world. The issue of acceding to the WCT and WPPT was also mentioned.

### III. TRAINING COURSES AND STUDY VISITS

40. The Director of the Moroccan authors' society (BMDA) undertook a study visit to the French Society for Authors, Composers and Music Publishers (SACEM) in Paris, France, in June 2001.

41. A study visit on collective management in Pakistan was undertaken under the auspices of WIPO by an expert from CISAC in July 2001. The expert visited Karachi, Lahore and Islamabad as part of his fact-finding mission.

42. In July and August 2001, a special training course was organized by a WIPO consultant from Switzerland for the staff of the Tunisian authors' society (OTPDA). Particular attention was devoted to the documentation aspects in relation to the installation of the AFRICOS software.

43. In August 2001, representatives of the Association of Composers and Authors of Costa Rica (ACAM), the authors' society of Guatemala (AGAYC) and the Society of Authors and Composers of Panama (SPAC) visited the Brazilian Union of Composers (UBC) to exchange views and share experience in the field of collective management activities.

44. In September 2001, three persons from Pakistan paid a visit to the Performing Right Society Limited (PRS) in London, United Kingdom, and to the Swedish Performing Rights Society (STIM) in Stockholm, Sweden.

45. In September 2001 also, an Introductory Training Course on Copyright and Related Rights for Judges took place in Santo Domingo, Dominican Republic. Subject matters on collective management of copyright were discussed.

46. In October 2001, the VIII Regional Training Course on Copyright and Related Rights for Latin American countries took place in Santa Cruz de la Sierra, Bolivia. Thirty-three participants from Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela attended the course.

47. In November 2001, a training course was organized for four representatives from the Indonesian and Mongolian authors' societies in Tokyo, Japan, with the financial assistance of the Japanese Trust Fund (FIT Japan).

48. In March 2002, a training course for the Copyright Society of Tanzania (COSOTA) was organized by a WIPO consultant from Switzerland. It took place at COSOMA headquarters. Main subjects covered by the training course were related to the documentation procedures, licensing rules and tariffs as well as general principles of management concerning the collective management society.

49. In April 2002, a training course was organized by WIPO for heads of the Music Copyright Society of Kenya (MCSK), the Mauritius Society of Authors (MASA), the Namibian Society of Composers and Authors of Music (NASCAM) and for the chairman of the Zambia Music Copyright Protection Society (ZAMCOPS). The course took place at the headquarters of the Copyright Society of Malawi (COSOMA). An intensive course was given by a WIPO consultant from Switzerland focusing on the main aspects of collective

management organizations: documentation, licensing, distribution, finance and administration, and automated rights management.

50. In June 2002, a WIPO Consultant from Switzerland undertook a mission in Morocco, during which advice on the organization, operational structures and the working methods, were provided to the authors' society of Morocco (BMDA). The Consultant also elaborated on the system for collection and distribution of royalties, and provided training on storage and access to documented information.

#### IV. ACTIVITIES CONCERNING INDUSTRY

51. As part of the WIPO delegation, the CCMD attended meetings held at the international music market MIDEM in Cannes, France, in January 2002, where WIPO had a stand for the first time. These meetings had provided the opportunity to meet with various partners present in this event and to discuss projects on development of collective management infrastructure, institution building and training. Important information on new systems of encoding or identifying music on the Internet, and on broadcast audio material systems which relate to special processing of the content of broadcast programs were provided during these meetings.

52. WIPO officials received the visit of representatives of SGAE in 2002. Discussion was focused on issues related to the development of further modules in the context of the regional Caribbean project and a possible agreement planning a regional approach of collective management of copyright for certain countries in Central America.

53. A mission was undertaken to meet officials of the French authors' society for Graphic and Plastic Arts (*Société des Auteurs dans les Arts Graphiques et Plastique*) (ADAGP) on the Project for the Sector of Visual Creators in Latin America, initiated in 1999 in coordination with the Latin America and Caribbean Bureau, in Paris, in June 2002. Discussions identified different aspects and strategies to strengthen further coordination in promoting and developing capacity building activities for this domain in favor of developing countries.

54. At the invitation of the International Publishers' Association (IPA), WIPO participated in the IPA Fifth Conference on Copyright, which was held in Accra after the regional seminar described in paragraph 6 above.

#### V. ADVISORY MISSIONS

55. In February 2001, two WIPO consultants from Algeria and Egypt undertook a mission to Khartoum, Sudan, to discuss with the government authorities the possible establishment of a national copyright collective management organization.

56. In February 2001, an advisory mission was undertaken under the auspices of WIPO by a representative from IFRRO, in Trinidad and Tobago, to discuss with government officials matters related to reprographic reproduction.

57. In February 2001, a mission was undertaken to the Corporate Affairs and Intellectual Property Office (CAIPO) in Bridgetown, Barbados, to advise the authorities on the development of a copyright and related rights administration infrastructure and on formulation of recommendations for its optimal use by local stakeholders.

58. In March 2001, WIPO official participated in a consultation meeting with heads of copyright offices of member States of the African Intellectual Property Organization (OAPI) in Niamey, Niger. The objective was to examine the role of OAPI and its competence in the field of copyright, including collective management, and the promotion of cultural knowledge under the Bangui Agreement.

59. In May 2001, a WIPO consultant from Switzerland undertook a preparatory mission to Algeria, Lebanon, Morocco and Tunisia to examine the situation of collective management in those countries prior to the organization of the regional meeting which was held in June 2001 (see paragraph 10).

60. In May 2001, the Copyright Administrator of the authors' society of Malawi (COSOMA) and a WIPO consultant from Switzerland undertook an advisory mission to Gaborone, Botswana, on matters concerning establishment of a collective management organization.

61. In June 2001, an advisory mission was undertaken in Ulaanbaatar, Mongolia, where representatives of CISAC, IFPI and from the Japanese Society for Authors, Composers and Publishers (JASRAC) met with various users of protected musical works to introduce collective management of copyright and to evaluate the market size for royalty collection in that country.

62. In August 2001, a WIPO official participated in a meeting, which was held in Rio de Janeiro, Brazil, to discuss WIPO's activities on collective management with participants coming from countries of Central America.

63. In November 2001, an advisory mission was undertaken by a WIPO consultant from Malawi to Nairobi, to assist the Music Copyright Society of Kenya (MCSK) in streamlining its documentation system.

64. In January 2002, an advisory mission on the revision of the copyright and related rights law of Sudan was undertaken to Khartoum. Advice was also provided on the creation and function of collective management societies in Sudan. A draft was prepared with the concerned Sudanese authorities concerning regulations and statutes for the establishment of such organizations.

65. Following the WIPO National Workshop on Collective Management of Copyright and Related Rights in Suva, Fiji, in February 2002 (see para. 30), an advisory mission was undertaken to meet with governmental authorities. Discussions covered the questions of the reinforcement of activities of collective management in Fiji, in particular, for the Fiji Performing Right Association (FPRA) the training needs of managers, and software required.

66. In April 2002, an advisory mission was undertaken to Thimphu, Bhutan. Representatives from the regional Asia-Pacific office of CISAC, the Center for Performers' Rights Administration (CPRA) and GEIDAN KYO (Japan Council of Performers'

Organization) met officials from the Royal Government of Bhutan to share views on the possible establishment of a collective management organization of copyright and related rights in that country.

67. In May 2002, an advisory mission on strengthening the protection of copyright and related rights was undertaken to Katmandu, Nepal by the representatives mentioned in the preceding paragraph, to discuss question concerning establishment of a collective management organization in Nepal.

68. In June 2002, a WIPO official met with members of the Society of Authors, Composers and Music Publishers (SACEM) in Lebanon. Advice was given on the possible assistance that could be provided to the Society in strengthening its operations. Discussions were also held on the possible licensing of software developed by the Society to other collective management organizations in the Arab region.

## VI. TECHNICAL ASSISTANCE AND INFORMATION TECHNOLOGY

69. Further progress has been made in the developments of the software “Automated Functions for Rights Information in Collecting Societies” (AFRICOS), which is already installed at the collective management organizations of Benin, Burkina Faso, Malawi, Mauritius, Morocco, and Tunisia. Improvements have been made to the last version of AFRICOS by the WIPO consultant from Burkina Faso in order to strengthen its functionality and to make it fully compatible with international standards adopted within CISAC.

70. Within the framework of the activities related to the implementation of the CCL (see paragraphs 18 to 21 above), appropriate hardware equipment has been purchased by WIPO and delivered to the four founding societies COSCAP (Barbados), COTT (Trinidad and Tobago), JACAP (Jamaica) and HMS (Saint Lucia) of the Caribbean Copyright Link (CCL), established in August 2000, as well as to the CCL.

71. These societies and the CCL are linked to the server (purchased by WIPO and located in Madrid for technical reasons), which is performing the operations of the regional system. The SGS software modules developed by SGAE were installed at the four societies. Some technical assistance has been provided by SGAE for the maintenance of the server which contains the national repertoire of member societies of CCL and which is indispensable for the regional system.

72. Computer equipment was provided to the Mongolian Society of Rights of Authors and Composers (MOS RAC) in Ulaanbaatar, Mongolia, and to the Indonesian collecting society (Yayasan Karya Cipta Indonesia (KCI)).

## VII. STUDIES

73. A study on the question of control and legitimization of collective management organizations in Latin America and certain countries in Europe was prepared by a WIPO consultant from Mexico, and presented to the meeting of heads of copyright offices in Quito, Ecuador (see paragraph 15).

74. A WIPO consultant from Egypt prepared a comparative study on the existing legal framework in Arab countries concerning the protection of copyright and related rights and suggested legal revisions which could be incorporated to facilitate the establishment and strengthening of collective management organizations. the

75. A WIPO consultant from Switzerland prepared a comparative study on the tariff fixing methods applied by different collective management organizations in certain countries of Europe and Latin America.

76. In the context of the modernization of the existing systems of collective management for the countries of the Pacific Islands Forum, a feasibility study was prepared by a representative of the Asia-Pacific office of CISACT to consider a possible regional approach. This study will be submitted to the Trade and Economic Ministers of the Pacific Islands Forum Countries at their next meeting. (The Pacific Islands Forum comprises 14 developing countries: Cook Islands, Fiji, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu, and Australia as well as New Zealand).

77. A preliminary study on the possibility of establishing an ASEAN regional collective management system was prepared jointly by the CCMD and the Asia and the Pacific Bureau (ASPAC). Countries covered by the study are Brunei -Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam. This study was undertaken pursuant to a recommendation made by the Seventh ASEAN-WIPO Consultation Meeting on Cooperation in the Field of Intellectual Property, held at WIPO headquarters, in May 2001. The study was circulated to the Ambassadors of the ASEAN permanent missions in Geneva, in May 2002, for their perusal and comments.

78. With the objective of providing information to staff of newly established authors' societies administering musical repertoire, the CCMD in cooperation with the Africa Bureau has requested a WIPO consultant from Switzerland to prepare some background training material on the main tasks to be carried out in collective management organizations. The documents are expected to contain indispensable information to be used for the collective management of musical works. They will be available in French by the end of 2002 with subsequent translations.

## VIII. COOPERATION AGREEMENTS

79. In the context of the activities carried out in the Caribbean region (see paragraphs 18 to 21), an important agreement was entered into with SGAE aiming at assisting the CCL to permit its tasks as well as to permit the founding authors' societies of the CCL to make their own first independent distribution of royalties to their members. The cooperation agreement concluded with SGAE is being reviewed to take into account the positive results of the regional approach to collective management. Moreover, the proposed and revised agreement would also cover, separately, activities for Central America where a number of newly created societies require some assistance and need to be equipped with adequate software on documentation, licensing and distribution of rights, in a way similar to that undertaken for the Caribbean region.

80. Within the framework of the implementation of the WIPO -Australia Joint Statement on Cooperation for Intellectual Property Technical Assistance in Asia and The Pacific Region, which was agreed upon between WIPO and the Government of Australia on March 6, 2000, a Joint Working Group was created and has held several meetings. It reviews a number of activities in progress, including preparation of training courses for staff of collective management societies. The issue of collective management of copyright was one of the priorities listed. A report of the Joint Working Group, which embraces other fields of intellectual property, was submitted to the Government of Australia and to WIPO in March 2002.

81. As assistance required for the creation and/or reinforcement of authors' societies is mainly from the field of musical works, it, therefore, requires cooperation with non-governmental organizations (NGOs). A number of NGOs have observer status in WIPO and have been very active for many years. Considering the essential vocation of CISAC and the common cause inherent in the majority of its objectives and those of WIPO in the field of collective management, a Framework Cooperation Agreement between both organizations is being under consideration.

## IX. PUBLICATIONS

82. In 1990, WIPO published a book entitled "Collective Administration of Copyright And Neighboring Rights." The publication offered extensive explanations on the subject to provide guidance to legislators and governments, and was based on a study requested in 1989 by the WIPO Assemblies. Since that date, the world socio-economic, legal and technical climate has changed and had a great impact on collective management of copyright and related rights. This necessitated the updating of the 1990 publication. A new publication entitled "Collective Management of Copyright and Related Rights" is available in English. Translation into French and Spanish will be published this year.

83. Already available in Arabic, English, French and Spanish since last year, the Brochure on collective management of copyright and related rights has been reprinted. It contains a simplified way a description of the main aspects, which guides the notion of collective management of copyright and related rights. Written in a very accessible style, its overall purpose was to give general information to the owners of rights and the public at large about the rights. A similar booklet is being prepared to cover the collective management of performers' rights.

84. In addition to the activity described in paragraph 83, the CCMD is preparing a "tool box" which is intended to assist all newly created authors' societies in the field of collective management of copyrighted musical works. This product will contain a number of background material indispensable for starting an authors' society. It will also cover legal, technical and practical aspects. A wide range of documents, such as model statutes, examples of legislation, model contracts, model organigrams, examples of distribution rules, samples of tariffs, advice on setting up such tariffs, information on licensing contracts, references to the WIPO's development cooperation activities, and case studies on collective management are included. Hyperlinks to sources of information provided by relevant specialized institutions or organizations are also expected to be included.

85. The tool -box will be an important tool to developing countries and countries in transition, particularly those which do not have functioning collecting societies. Relevant governmental authorities, policy and decision makers, as well as rights owners would be able to find information and answer to basic and particular questions related to collective management of rights .

86. *The Permanent Committee is invited to comment on, and note, the information contained in this document.*

[End of document]