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Computer & Communications Industry Association

Intervention of CCIA on the Issue of Protection of Broadcasting Organisations

Delivered at the 26th Session of the Standing Committee on Copyright and Related Rights of the World Intellectual Property Organization

Thank you, Mr. Chairman, for an opportunity to be heard on this issue. We would like to welcome your election and that of your vice-chairs, and thank the Secretariat for their work preparing this meeting.

We have heard for years in this chamber of how there is rampant piracy of broadcasts despite the fact that every case of infringement that was used as evidence of the need for new rights was solved by relying upon existing legal protections of the content. Mr. Chairman, even in an entirely signal-based, Brussels Convention style approach, this is a treaty in search of a problem.

More fundamentally, Mr. Chairman, signals cannot be fixed; the signal which carries the programme, irrespective of the medium through which that carrier signal travels, no longer exists once a device capable of making the programme perceptible receives it. To grant copyright in fixations or anything derived from them such as reproduction, distribution, making available, or rental is therefore to grant a right in a fiction.

We have heard calls for technology-neutral protection. We can understand how this might sound logical, but we can assure this body that the result would create an almost unlimited number of unintended negative effects. For example, is it really useful to create international norms that turn any person who wants to stream something live on a platform like YouTube into a broadcaster with many decades of protection of their "signal"?

Finally, Mr. Chairman, we note that in the US, the EU, and indeed in other countries, major processes to reassess copyright in the digital age are underway. Those decision-makers, like Michel Barnier, responsible for the Copyright in the EU, and the Register of Copyright in the United States, have publicly said that they see a need to evaluate how copyright works in the digital age. Given these shifting sands, is treaty making that could limit national options, such as new or overlapping rights, a sensible choice?

Thank you Mr Chairman once again for your kind indulgence.