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EUROPE

IFLA
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MANAGERS FORUM

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Joint Statement of Certain Civil Society, Private Sector and Rightsholders' Representatives for the 18th Session of the SCCR

The undersigned organisations represent a broad set of constituencies with a direct interest in the discussions underway regarding an international instrument relating to broadcasting.

We do not believe that there has been any change in the situation with respect to a proposed treaty on broadcasting since the Conclusions of the Second Special Session of the SCCR in June of 2007 recorded that “... it would not be possible to reach an agreement on the objectives, specific scope, and object of protection...” of a treaty.

We have seen no evidence that the discussions in the 16th SCCR, or the debate on the question during the recently concluded Assemblies of WIPO, produced any new positions or proposals that would bring agreement on any of the mentioned areas: objective, specific scope or object of protection.

So far we have heard not a single example of harm to broadcasters which cannot be remedied using existing international norms in the field – in particular, we note that the harm alleged previously related to ‘recordings of broadcasts’ being made available on the Internet are not evidence of harm to broadcasters at all, since what is being disseminated is not a broadcast but a fixation of the programme itself – for which copyright and related rights protection already provides remedies.

We have taken note of the Informal Paper Prepared by the Chairman of the SCCR according to the Decision of the SCCR at its 16th Session in March 2008 (SCCR/17/INF/1). **However, in our view the new non-paper simply restates certain notions already included in a non-paper presented in March 2007 subsequent to the First Special Session of the SCCR. The points treated in that non-paper did not succeed in gaining sufficient support at that time, and it is difficult to see how they would be more palatable now when there has been no change in the situation.**

We respectfully consider that many challenges confront the copyright and related rights system at the present time, and **it would be unfortunate if the SCCR were to continue to devote time to a subject that has produced no agreement on any fundamental point despite a decade of negotiations. The SCCR could, for example, deal with limitations and exceptions that support creation, access, and innovative services.**

We are at the disposal of the distinguished delegates to the SCCR to discuss these views and we thank you for your consideration. We have attached a previous joint statement on the following pages that provides more details of our views on the subject.