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Computer & Communications Industry Association

Intervention of CCIA on the Question of a Treaty for the Protection of Broadcasting Organisations Delivered at the 22nd Session of the Standing Committee of Copyright and Related Rights of the World Intellectual Property Organisation

Thank you Mr. Chairman.

Mr. Chairman, restricting my comments to the South African proposal, I would like to thank the delegations of Mexico and South Africa for their proposal. We have a few initial thoughts.

Firstly, to speak casually, I think we need to get an electrical engineer in here. Not to look at the wiring in this room, but to talk about what happens to signals used to convey programmes in any medium upon fixation. We will find that the signal ceased to exist if you try to fix it. Of course, member-states can agree to protect anything that you want, but is it actually useful public policy to protect something that doesn't exist and acts based upon fixations that don't exist?

Secondly, the definition proposed to define traditional broadcasting – and this is an issue not just with this proposal but with all the others including, ironically – the definition from the Rome Convention – are increasingly disconnected with the landscape of the present commercial space. Analogue spectrum used worldwide for decades for broadcasting is being reallocated for use by new technologies like WiMAX – a type of WiFi on steroids capable of serving much larger areas at a much lower cost – for the public Internet. This means that we are already in a situation where this proposal (as well as all the others) will, today, in some countries protect traditional broadcasters, in others protect traditional broadcasters and webcasters in the same way at the same time – and will end up protecting, as broadcasters, all kinds of non-broadcasters in the traditional sense. Is this really what this House intends? Is that really what the broadcasting community wants?

Mr. Chairman, we believe that we are increasingly dealing with the blurred roles of the real world with definitions that become more and more disconnected from that world every day.

Thank you Mr. Chairman once again for your kind indulgence.