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**Computer & Communications Industry Association**

**Intervention of CCIA on the Issue of Protection of Broadcasting Organisations  
Delivered at the Informal Consultations of 14-15 April 2011  
at the World Intellectual Property Organisation**

Thank you, Madame Chair, for an opportunity to be heard on this issue and allow me to congratulate you upon your election. I represent the [Computer & Communications Industry Association \(CCIA\)](http://www.ccianet.org) whose membership represents a broad cross-section of the ICT industries.

Madame Chair, CCIA has been active in the discussions related to the Broadcasting treaty for many years now. More than 10 years, in fact.

In all that time, we have repeatedly asked two simple questions of the advocates of a treaty:

- 1) What misuse of broadcasts cannot be resolved through enforcement of the rights in the underlying programmes?
- 2) Why are provisions designed to protect signals, such as in the Brussels Satellite Convention, insufficient?

We're still waiting for an answer to these questions.

With respect to the first question, Madame Chair, we've heard for years in this chamber of how there is rampant piracy of broadcasts. It has been conspicuously obvious, however, that existing legal protections of the content, comprehensively protected by existing international copyright, are more than sufficient to prevent any use of those programmes without authorisation. What we have not heard from the advocates of new rights is why rights are required at all.

With respect to the second question, here the answers are either unpersuasive (such as "we wish to enforce our own rights, instead of those of others" or "why should everyone else get rights and not us?") - or, more often, non-existent.

Madame Chair, finally, aside from the lack of any reasonable justification in fact for any rights at all, let alone broad new rights, after more than 10 years of discussion, we have detected no change in the political landscape on this issue. There is no consensus - or anything close to a consensus - on the object of protection, scope of protection, or even who the beneficiaries are to be. We believe that we can continue to discuss this issue for another 10 years, and there's a strong likelihood that we will be very close, to where we are today.

If after more than 10 years of discussion, a solution to a problem cannot be agreed upon, then there are only two reasonable conclusions to be drawn: that the problem is not really a problem, or, that the solution being advocated is not acceptable, or both.

Madame Chair, someday, there may actually be a real problem that cannot be solved by the use of present legal protections. Someday is not today, it is probably not tomorrow, and it is very likely not even next year or the year after.

Thank you Madame Chair once again for your kind indulgence.