



900 17th Street, N.W.
Suite 1100
Washington, DC 20006
Phone: 202.783.0070
Fax: 202.783.0534
Web: www.ccianet.org

Computer & Communications Industry Association

Intervention of CCIA on the Issues of a Treaty for the Protection of Broadcasting Organisations and a Treaty for Protection of Audiovisual Performers Delivered at the 20th Session of the Standing Committee of Copyright and Related Rights of the World Intellectual Property Organisation

Thank you, Mr. Chairman, for an opportunity to be heard on this question.

Mr. Chairman, CCIA has been active in the discussions related to the Broadcasting treaty for many years now.

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 for which existing protections and remedies are not effective?
- 2) Why are provisions designed to protect signals, such as in the Brussels Satellite Convention, insufficient?
- 3)

With respect to the first question, Mr. Chairman, we've heard for years in this chamber of rampant piracy of broadcasts – however, the examples given relate to the use of fixations of programmes, not the broadcast signals themselves. Even at this SCCR, the Screen Digest study enumerated many different examples of infringement of programmes for which recourse is already available in the existing treaty system and has been for decades – not signals.

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 non-existent.

We understand that some may have concerns related to broadcasts of live sporting events. If this needs discussion, that would be a very different thing from what we have heard to date, though we note that we have yet to hear a clamour for international protection of this kind from those immediately concerned.

Mr. Chairman, finally, aside from the lack of any reasonable justification in fact for any rights at all, let alone broad new rights, 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.

Mr. Chairman, 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 Mr. Chairman once again for your kind indulgence.