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**Computer & Communications Industry Association**

## **Intervention of CCIA on the Protection of Broadcasting at SCCR 18**

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Thank you, Mr. Chairman, for an opportunity to be heard in this important debate.

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, and which would therefore require additional protection of signals at the international level?
- 2) Why are provisions designed to protect signals, such as one finds in the Brussels Satellite Convention, insufficient? Why is a regime of rights, the only method of protection acceptable to broadcasters?

With respect to the first question, Mr. Chairman, we've heard for years in this chamber from broadcasters of rampant piracy of broadcasts – however, the examples given relate to the use of fixations of programmes that are the object of broadcasts, not the broadcast signals themselves. Famous examples, such as the iCrave TV case, were resolved expeditiously by enforcement of the copyright in the programmes being used by the iCrave service.

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. In this connection we wish to draw the attention of this house, Mr. Chairman, to the Joint

Statement of various sectors of industry, NGOs, and rightsholders that was prepared for this session of the SCCR.

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.

We beseech this august chamber, Mr. Chairman, to leave this subject for a future time when it is clear there is a problem to solve, an understanding of what the problem is – and the political will exists to solve it.

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