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Computer & Communications Industry Association

**Intervention of CCIA
Delivered at the 21st Session of the Standing Committee of Copyright and Related
Rights of the World Intellectual Property Organisation
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CCIA offers its congratulations to you, Mr. Chairman, and to your vice-Chairs, for your wise leadership of this SCCR, and to the Secretariat for the hard work they have done to support this the meeting.

The Computer and Communications Industry Association's members represent a broad cross-section of the information and communications technology (ICT) industries; our members collectively generate more than \$200 billion in annual revenues. They thus have a substantial stake in the effective operation of the international system of copyright and related rights as IP owners and innovators.

We are pleased to see that there is wide agreement that effective action must be taken to deal with the problems of access to printed material by the visually impaired, and that the SCCR is at a stage where the discussion is about how to solve the problem, rather than whether to do so.

We submit that a fundamental element of action at this session must include adoption of a work plan with timelines and milestones that leads to a binding and effective result. Whilst a broader discussion of L&Es is both desirable and necessary, we believe that the VIP issue is more mature, and therefore shouldn't wait on other subjects to reach the same level of maturity.

L&Es are essential drivers of innovation and economic development which are relied upon by many industries, including ours – to illustrate this we have just this year commissioned two independent studies on the subject – one relating to fair use and its value to the US economy, and the other the economic contribution of industries in the EU that rely upon L&Es. Both are available on our website at <http://www.ccianet.org/index.asp?bid=9>. The results are compelling: In the US in 2007, industries that rely upon fair use are estimated to have generated a turnover of US\$4.7 trillion with a value added to the economy of US\$ 2.2 trillion dollars, 16% of the GDP of the USA. In the EU, also in 2007, the value added to the EU economy of industries relying upon limitations and exceptions to copyright is estimated at EUR 1.1 trillion, 9.3% of European Union GDP.

How do we deal with the various issues on the 'plate' of the SCCR? It is clear to us, at least, that answering that question at this meeting is necessary for the work of the SCCR to move forward on any issue.

Mr. Chairman, we see in the working practices of the IGC a model that allows multiple equally complex issues to be dealt with in parallel. The more informal dynamic is a part of the ‘secret sauce’ of success, but we equally important is addressing one subject in a meeting rather than attempting to address several. This allows each delegation to send experts in that particular subject that is not possible if the current plenary-only, multiple issue SCCR working model is retained.

What we need is multiple working tracks for each of the main areas of work. Each track could proceed in parallel, to ensure equal treatment of each issue area – understanding of course that some issues will proceed at a faster pace than others, and indeed that some issues may fall by the wayside if it is found that no international action, whether normative or otherwise, is really needed or can be agreed.

Finally, with respect to the subjects under discussion - Mr. Chairman, we have no doubt whatsoever that it is entirely possible to have strong copyright protection and for the hundreds of millions of visually impaired people to have access to copyrighted works *at the same time*. We believe that the other issues facing copyright can also be dealt with constructively and we are committed to a full exploration of other limitations and exceptions, as we know from our members’ direct experience how important L&Es are to innovation.

Mr. Chairman, with respect to broadcasting: 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?

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. 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.

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. This issue should not be allowed to detract from action in favour of the visually impaired – or action on any other issue for which a reasonable basis in fact of the need for an international solution exists.

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 stand ready to assist WIPO’s work, Mr Chairman, and thank you for your attention.