



WIPO

WORLD
INTELLECTUAL PROPERTY
ORGANIZATION



Protection of Broadcasting Organizations

**May
2014**

SCCR 27: Broadcasting organizations



Policy – WIPO Draft Broadcasting Treaty

- Objective: to provide a stable legal framework for the broadcasting organizations
- Focus on anti-piracy function and protection against signal theft and free riding
- Reflect technological development especially on the digital platform
- Object of protection: “transmission of the program output” as initiated and assembled by, or on behalf of, the broadcasting organization, independent of the ownership of any underlying rights in the content
- Limitations and exceptions

The 1961 Rome Convention

- Under the Rome Convention, broadcasting organizations are granted exclusive rights concerning :
 - (a) the re-broadcasting of their broadcasts;
 - (b) the fixation of their broadcasts;
 - (c) the reproduction of fixations of their broadcasts;
 - and (d) the communication to the public of television broadcasts if such communication is made in places accessible to the public against payment of an entrance fee

Is the Rome Convention still relevant?

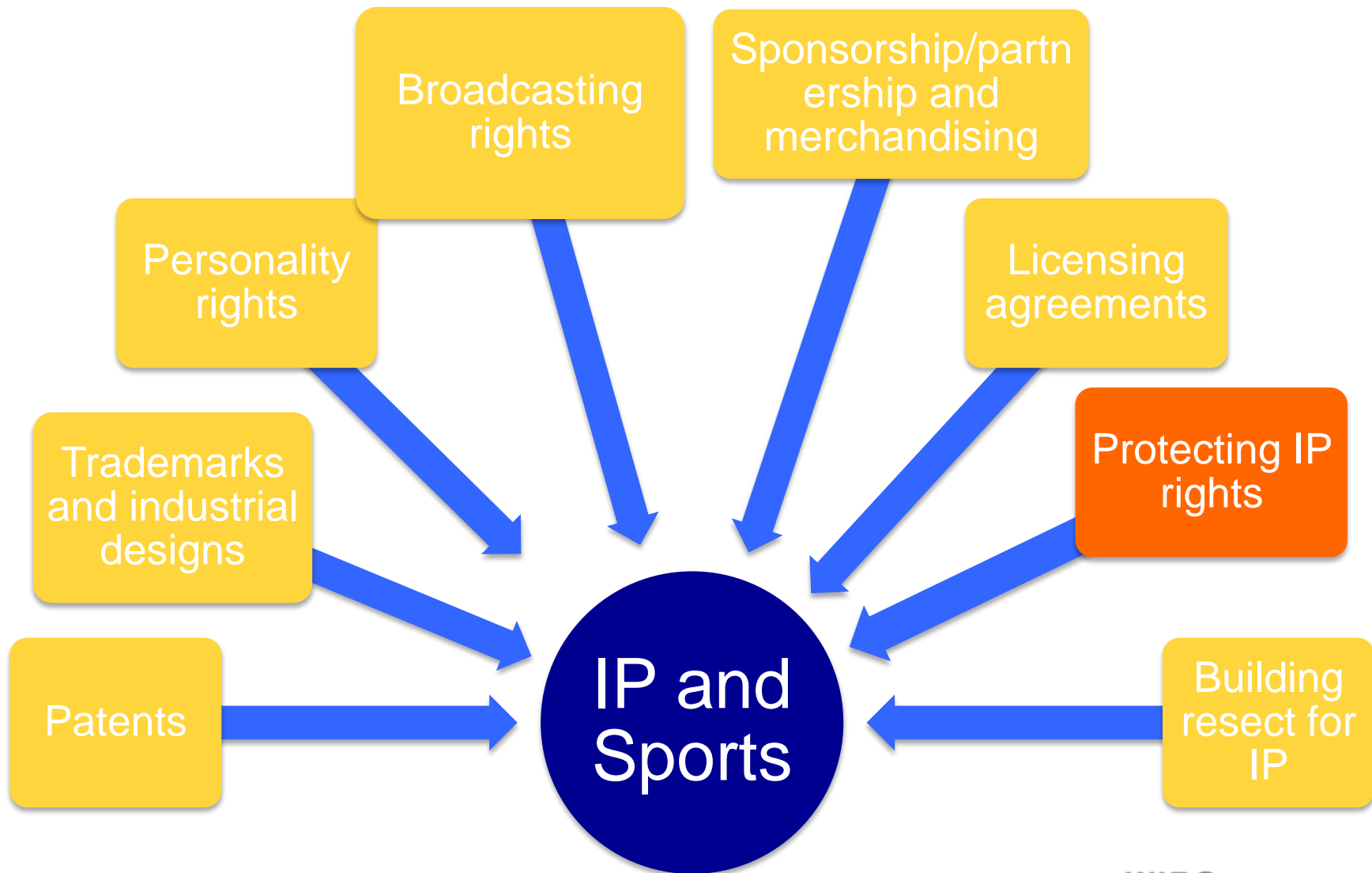
- It does not provide protection against:
- unauthorized cable distribution of signals
- unauthorized deferred rebroadcasts
- unauthorized distribution of recordings of broadcasts
- unauthorized use of pre-broadcast signals

Infringements/Piracy of Broadcasting Rights

- Unlicensed reception/or redistribution
- Grey market in receiving equipment
- Internet video file sharing

- Sports and Broadcasting industries levels of piracy problems
- Funds designated to support the growth of sports are reduced by piracy





Sport Broadcasting

- The relationship between sports and broadcasting is truly symbiotic
- The growth and popularity of sport can be gauged by its relationship with TV and the speed with which it moves from paying to be broadcast to being paid for its rights sport broadcasting today is not simply TV but the delivery of content across a range of different platforms including mobile and TV devices
- The number of mobile devices from 6.2 billion today to increase to 9 billion in 2017

The WIPO broadcasting treaty negotiations

- Negotiations started in 1996
- Discussions based on treaty language proposals from 18 Member states from developing and developed countries
- May 2006 Session of the SCCR 2 track approach was decided traditional broadcasting /webcasting

The Protection of Broadcasting Organizations

■ 3 main topics:

- **Beneficiaries:**

Broadcasters / cablecasters / webcasters?

“broadcasting organization”^{5 6} means the legal entity that takes the initiative for packaging, assembling and scheduling program content for which it has, where necessary, been authorized by rights holders, and takes the legal and editorial responsibility for the communication to the public of everything which is included in its broadcast signal.

The Protection of Broadcasting Organizations

■ 3 main topics:

Rights:

- Right of fixation
- Right of reproduction (fixations of their broadcasts)
- Retransmission (by any means, including rebroadcasting, retransmission by wire, and retransmission over computer networks)
- Communication to the public
- Making available.

SCCR 26: Conclusions

- 2.5 days:
Protection of broadcasting organizations
- 2 days:
Limitations and exceptions
- Half-day:
Conclusions and future work



Broadcasting: Objective

“The Committee reaffirmed its commitment to continue work on a **signal based approach**, consistent with the 2007 General Assembly mandate, towards developing an **international treaty to update the protection of broadcasting and cablecasting organizations in the traditional sense**. The Committee also agreed to recommend to the WIPO General Assembly that the Committee **continue its work toward a text that will enable a decision on whether to convene a diplomatic conference in 2014.**”

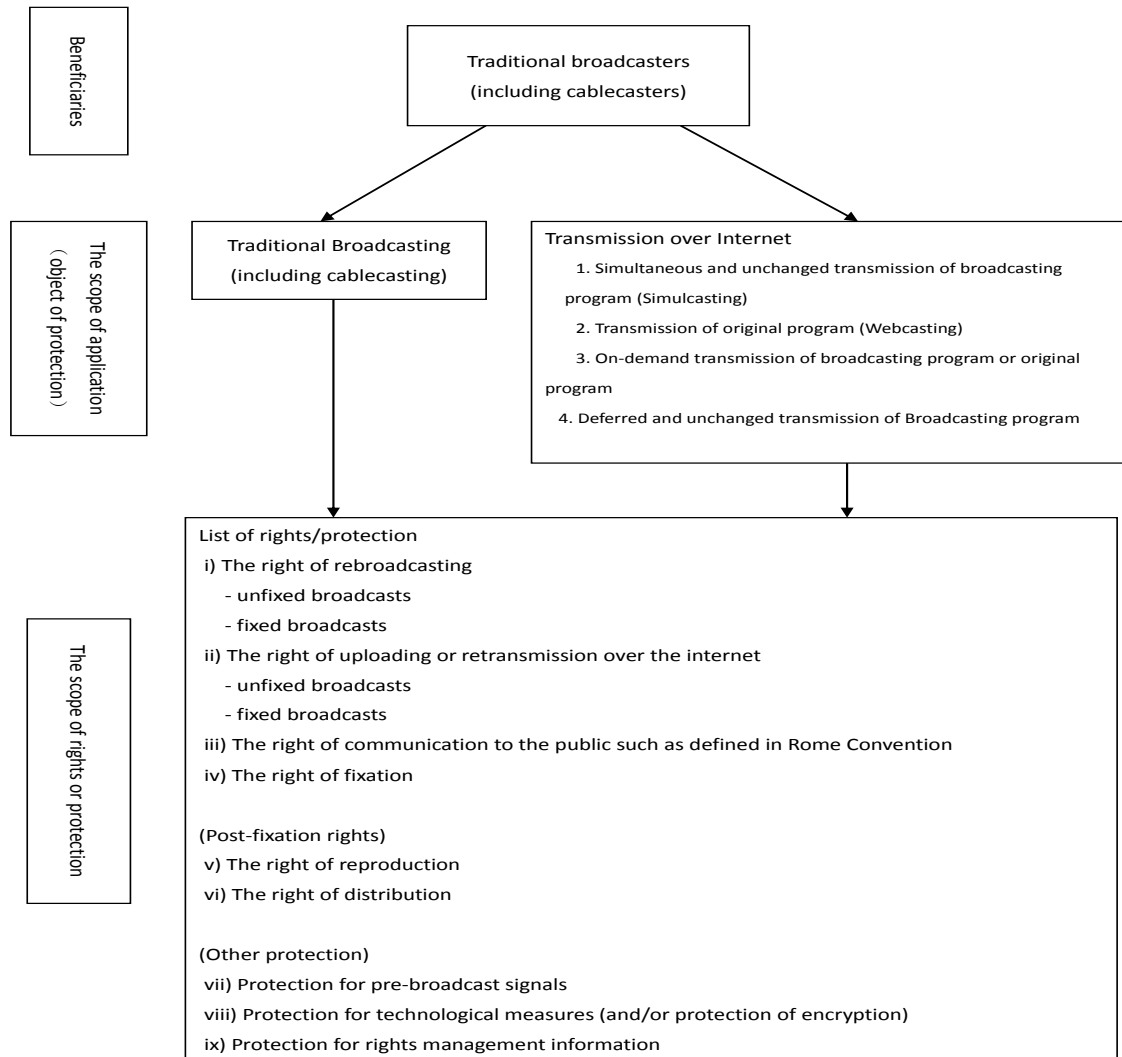
(Report on the Work of the Standing Committee on Copyright And Related Rights, **General Assembly 2012**)

Broadcasting: Documents

- **SCCR/27/2 Rev.** “Working Document for a Treaty on the Protection of Broadcasting Organizations”
 - Includes doc. SCCR/24/10 and comments made during SCCR 26 (India, Japan and Brazil)
- **SCCR/27/6** “Proposal on a Treaty on the Protection of Broadcasting and Cablecasting Organizations”
 - Proposal by Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan

Broadcasting: Non-papers

Main Issues of Broadcasting Treaty



Broadcasting: Non-papers

- Two tables discussed during informal meeting
 - Table on “platforms”

	Traditional broadcasting [and cablecasting] (wireless or by wire) (+ pre-broadcast signal)	Transmission over Internet [if included, only for traditional broadcasters/cablecasters]			
		Simultaneous, near simultaneous and unchanged transmission of broadcast programme (Simulcasting)	Deferred linear transmission of broadcasting programme	On-demand transmission of broadcasting programme (catch-up) and programme-related material (to be defined)	Internet originated linear transmission (Webcasting)
Mandatory (minimum)					
Opt-in					
Exclude from treaty application <i>a priori</i>					

Broadcasting: Non-papers

■ Indian non-paper

“Clarification on issues in the proposed WIPO Treaty on Protection of Broadcasting Organizations”

INDIA a Non-Paper - Clarification on issues in the proposed WIPO Treaty on Protection of Broadcasting Organizations

1. 2007 GA mandate
2. Definition of traditional sense
3. Traditional platform of broadcasting organization.
4. Broadcasting by any means ` New Digital-technological platforms
 - Online broadband live streaming or webcasting
 - Internet Protocol Television (IPTV)
5. On demand or Catch Up TV broadcasting
6. Simulcasting or Near Simultaneous broadcasting
7. Deferred or delayed broadcasting

Broadcasting: Conclusions

- “...These discussions were instrumental in helping to clarify various technical issues and **delegations’ positions**”
- “Different points of view were expressed with regard to **simultaneous and near simultaneous** unchanged transmission of broadcasts. (...) “
- “Several delegations **did not agree** with the possibility of including **Internet originated** linear transmissions in the object of protection while other delegations expressed a preference for its inclusion. (...)”

...continue the work to trying to reach a conclusion for the 2014 General Assembly



Questions?
Comments?