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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 19th Session of the Standing Committee of
Copyright and Related Rights of the World Intellectual Property Organisation,
16th December 2009

Thank you, Mr. Chairman, for an opportunity to be heard on these two important agenda items.

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 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.

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.



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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.

With respect to the audiovisual question, Mr. Chairman, CCIA does not presently have a position – however, we are looking at this issue internally, and in doing so, I feel sure we will take close account of the advice of the Assistant Director-General yesterday regarding how to proceed and on the philosophical basis for doing so. It would be easy, Mr. Chairman, to look at this question in isolation from all others under discussion in this house and to respond on that basis. I am sure that CCIA will, as we routinely do, take a strategic view and consider this issue on its merits, but also in the broader context of all the issues being discussed at the SCCR.

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