

## **Intervention of CCIA to the 50th Assemblies of WIPO on the Work of the Standing Committee on Copyright and Related Rights**

Mr. Chairman, in the interests of time, we would like to comment on two items related to the work of the SCCR, without prejudice to other subjects.

With respect to what we consider the most pressing item on the SCCR's agenda, that of the visually impaired:

We have been asked in the past why CCIA has always strongly advocated for an effective and binding solution to the access problems faced by the visually impaired. After all, people say, CCIA is a trade association for the ICT sector, what stake do we have in this issue?

1. If international copyright cannot ensure that a problem like this, with such an overwhelming case for a solution on humanitarian grounds (amongst others), then the entire system's credibility is endangered. CCIA's members are some of the most innovative companies in the world to whom a *credible and effective* copyright system is of great importance.
2. Our association has a long history of taking stands because we believe in them - our commitment to free expression is one example. Backing the quest of the visually impaired is another. We choose to advocate for a world where effective copyright coexists with the ability of the visually impaired to read books.

We've heard, Mr. Chairman, that a binding result on VIP creates some kind of slippery slope or precedent that could lead to more international limitations on rights. We honestly find this not credible. Think about it - it took 12 years to agree the text of just one article of the audiovisual performers treaty. Do we hear anyone suggesting that conclusion of this treaty will create a slippery slope leading to a rash of increases in rights at the international level? No, we don't. The truth is there is no slippery slope - if anything we are on an incline and covered in velcro!

We have heard that soft law is as effective as binding norms. This, too, lacks logical coherence. Does anyone seriously believe that a policeman yelling "Stop, you shouldn't steal" to a burglar running down the street away from him with stolen property will be as effective at limiting burglary as the same policeman arresting said burglar?

As to the present state of the text, Mr. Chairman, it has become very complicated, and with every edit becomes more so. We don't believe we should be telling the visually impaired what they need. They're here, they can tell us all, and we need to listen. We believe the test we should all apply to the access mechanisms is: do the visually

impaired believe these measures will meet their needs, or is a simpler or different construction more likely to? This entire exercise is intended to solve their problem, and we wouldn't be engaged in it if the normal exploitation of works ensured they had the same access to accessible versions as the rest of us do to the ordinary versions.

On the question of broadcasting:

CCIA does not believe this should be taking up time on the SCCR's agenda while the visually impaired discussion is heading to a conclusion. VIP is on every level more important in our view. We call on the broadcasters to publicly ask the member-states to take the time being dedicated to this issue and devote it to the visually impaired until that issue is concluded.

As to the substance:

1. Simply put, rights are for creativity. Signals, the ostensible object of protection, are not creative; they are electronically-produced carrier waves.
2. Secondly, signals are transient, so a term of protection is not appropriate.
3. Thirdly, signals do not - and cannot - exist in fixed form. Any protection related to fixation or post fixation activities are protecting something which simply does not exist. What is fixed is the programme, which is already owned by someone else; any protection of fictional 'fixed signals' is simply giving rights in someone else's content to broadcasters.

There are many real problems faced by the copyright systems in the digital age, Mr. Chairman. As the public worldwide is paying more and more attention to intellectual property issues worldwide, it is hard to see how continuing to discuss granting rights in fictional objects to broadcasters redounds to the credit of this Organisation.

Thank you Mr. Chairman.