

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS (SCCR)

27TH SESSION: DAY 2- 29 APRIL, 2014, GENEVA, SWITZERLAND

PRELIMINARY

Proceedings on the second day revolved around the proposed treaty for the Protection of Broadcasting Organizations; specifically around the issues of the scope of this proposed treaty and the rights sought to be granted to broadcasting organisations thereunder. The text in the following section is largely unedited, save for additions to indicate where text is missing (poor internet connectivity meant that access to transcription was often interrupted) and clearly identify the speakers.

TRANSCRIPT - INTRODUCTORY

Francis Gurry, Director General, WIPO:

(some text missing)...number of Delegations, a number of Delegations working hard on the question of ratification but we very much would like to see some action in this regard in the coming months and years, and of course we'll have a signing ceremony tomorrow with respect to the Marrakech Treaty, but I would encourage you all to follow the procedures, your internal procedures to speed up the process for both of these treaties so as that they can come into force.

As for your kind work, I think you face an extremely difficult task actually. As you're aware, all of the Member States have expressed concern as a general matter about the number of meetings that we hold as an organization. We hold -- I think over 250 days of meetings every year -- I think all Member States are very concerned about the amount of resources that go into a meeting or meetings. And the outputs that come out of our meetings. In other words, productivity and you have been in the past an extremely productive committee, having given rise to two treaties but we all face this challenge. I think we face it in a world in which it is increasingly complex, the issues are increasingly complex and broadcasting is an emblem of that I think with rapid technological developments.

All of that said, I would nevertheless encourage you on all of the items on our Agenda and respecting the agreement that you have reached about equal time to make progress. I think that, if I may say, we have to be able to show that at the end of the meeting we're in a better position than we were at the start of the meeting. As you're aware, on the timetable that you have set for broadcasting, we don't have much time, I know a number of Delegations have serious concerns that they would like to see addressed. They need time, they need time in their own national deliberations and we naturally have to respect that and respect that time. At the same time, we're 16 years into the process. We do hope that you're able this week to advance this issue and the other issues that are on our Agenda. So it is on all of those issues we find ourselves at the end of the week in a better position than we were when we started. If I may say, you have, of course, here present the copyright elite of the world. So if anyone can do it, you can do it.

Nobody else can do it. I really would encourage you to be able to be creative and find ways to progress all of the items on our Agenda. If I may also say, you have a wonderful Chair. You know, you have an extraordinary Chair. The opportunity, the circumstances are there for progress and I wish you all the best and I hope you do make the progress. Thank you, Mr. Chair.

Chair

I thank the Director General for these very kind words. And's specially when he exaggerated about the abilities of the Chair. Thank you.

Now, with regard to what the Director General mentioned, it is important to emphasize that yesterday we hold a very, very interesting discussion and countries did appear very committed to the technical opinions that were expressed and I do believe this is important to clarify, our ideas, and understand each other which is, of course, the first step towards moving forward. Without prejudging that, we take on board the message from the Director General and we hope that today, today will be the day that we build on that exchange from yesterday and move forward in a way that I know we can and which is what we need to do to consolidate all the work, the 16 years of work that the Director General mentioned. So I would also like to stress the fact that in the message of the Director General he said that this is not the only topic for our consideration, there is others on the Agenda and we do need to look at exceptions for libraries, limitations, and we do need to ensure that we make progress in both areas. Let's make the most of the time we have available, use it wisely to make the progress we need to. Thank you to the Director General for his words and his message, and I'm very confident that we will take all of that on board, all the individual Delegates here today, to do our job.

Thank you.

TRANSCRIPT – NATION STATES

Chair:

(continuing from the earlier section) On that note, yesterday we concluded looking at the need to gain greater clarity and put together a matrix of some sort using with which we are able to look at the various platforms and options we have available with regard to business platforms. So we have been working on this matrix with the help of all the various offices, the Secretariat, and contributions from the private sector to ensure that this matrix really does reflect all of the technical platforms. So with regard to progress in conclusions, in our conclusions I would like to ask you to begin with -- we would like to hear your thoughts on this updated matrix we have now. In other words could you summarize your perspective, in other words could this be included in protection for the various technological platforms, not just looking at individual positions of each country but everything we heard from the other Delegations yesterday... **(some text missing)**

(Probably Belarus):

cablecasts, the cablecasting of fixations of the broadcasts or cablecasts and the retransmission of the broadcasts or cablecasts and finally the making available to the public of fixations of

the broadcasts, cablecasts in any such a way that members of the public may access them from anywhere and at a time of their own choosing. There are three further subparagraphs. The first saying that nothing in the treaty overall shall effect the freedom of the contracting party to determine whether the conditions under which the -- the exhaustion of the right in subparagraph 1c of this Article which is the distribution of fixation of the broadcast or cablecasts or copies of fixations of the broadcasts or cablecasts through sale or transfer of ownership. Whether that's the right, the exhaustion of the right applies after the first sale or other transfer of legislation to determine the issue of the exhaustion of rights and the extent to which the rights then can be continued. We think that issue should be left up to domestic legislation. There was a lot of talk about this yesterday. We have the feeling in the light of yesterday's discussion that our position is very much in line with the fact that broadcasting organizations should be able to protect their rights, including rights which they obtain as right holders for others. And I would like to clarify our position on that issue, because there was some discussion of that yesterday. We do not think that here we should in fact be adding additional protection to content. We don't think that's what we're supposed to be doing here. We think rather in this provision we are emphasizing the need to observe copyright and related rights when it comes to content that's traps mitted, no more, no less. We're in the trying in anyway to take away from copyright nor to add to copyright, to the protection afforded in that way. I want to clarify that point.

I also want to emphasize that in order to ensure that we have adequate and effective protection afforded to broadcasting organizations for their transmissions it is not in our view enough just to say that there should be a right to prohibit for this broadcasting organizations that should be provided through domestic legislation. We think we have to take a broader approach here in terms of authorizing and prohibiting the use of transmissions.

Thank you.

Chair:

I thank the Distinguished Delegate from Belarus. Thank you for the information behind the cascias proposal but for Georgia. I would like to once again thank you for putting together this proposal and we understand that it is seeking consensus. I would ask for comments from the floor along the lines of whether we can seek a solution consensus on this or not. We hear your comments.

So, now I would like to give the floor to the United States.

USA:

Thank you, Mr. Chairman.

The U.S. proposal for discussion that's found in the annex at page 4, we first suggested this concept a year ago at intercessional meeting and fleshed it out in actual language at the last SCCR session. As we described then, the goal of our suggested language for discussion is to try to cut through the same debate of the scope of rights for this treaty that's been going on for in the range of 15 years now. What we were attempting to do was to identify a single core right, that would be very narrowly focused to address the fundamental concerns of

broadcasters, to do so within the scope of the General Assemblies mandate to deal with signal protection, signal-based protection. As you see from the language, I won't go in a lot of detail, we have described this before, we would suggest that no post-fixation rights would be required at the international level, just protection for the signal itself and that after fixation we would be relying on protection for the content rather than the signal so not through this treaty, but through other treaties and through national laws.

So the way we formulated it was to focus on simultaneous or near simultaneous retransmission to the public of both the signal and the pre-broadcast signal because the broadcasters had made a case for the need of protection for pre-broadcast signal as well. As you can see from our proposed definition for discussion purposes we would define near simultaneous retransmission to be a transmission that's delayed only to the extent necessary to accommodate time differences or to facilitate the technical transmission of the signal. So recognizing that -- well sometimes there's a delay but we would be talking about delays of something more like seconds and hours rather than years.

What we would also like to do at this point, rather than spend many hours having everyone discuss again what their original proposals were, perhaps there's a way forward that this committee could consider. We do have a number of complex alternatives with multiple rights for Article 9 before us at this point.

And in the interest of being able to make progress, we would like to put forth an idea for consideration. In the discussion of our proposal for discussion purposes of this new approach we have not yet in the meetings that we have held since we first put it forward, we have not yet heard opposition to the Treaty covering at least that much and the main area of this agreement seems to be whether there should also be additional rights particularly relating to post-fixation uses. So one suggestion we put forward for consideration on how to move forward in this meeting would be to see if we can as a committee try to narrow the range of choices before us and there are a number of ways that this can be done. One possibility would be to say that one choice is the U.S. suggested approach in our proposal for discussion, and the other main choice would be to start with that, but then also add some version of the various post-fixation rights that other Delegations have proposed as the alternative. Maybe there's a way that the proponents could combine some of their catalog of rights into a shorter catalog or a single more general right dealing with post fixation uses and then although certainly the United States isn't in a position to agree to such a broader catalog, we would have a clearer idea of what the two main fundamental approaches are, and that would help us all clarify the situation and present the alternatives to be negotiated as we move forward and make it easier to look for potential compromises. I don't know if that's entirely clear, and I would be glad to describe in more detail what we were thinking about, but we put this out for everyone's consideration as a possible way to move forward rather than just to continue to go in circles with everyone explaining their own position. And again, you know, as we keep saying, we want to stress that all we're talking about again is a international minimum and that doesn't prevent anyone from having the entire catalog of rights that they may have in their current national system to preserving those rights and urging others to adopt them as well. We're looking for something that we can all agree to at international level.

Thank you.

Chair:

Thank you very much for your opinion.

Thank you to the United States and for your suggestion as to how we should proceed. It is an interesting idea and we would like to hear the opinions of the others on that. And in the meantime I would like to hear from India, who's asked for the floor and then Venezuela.

India:

Good morning, Mr. President.

I think Belarus, the Distinguished Delegate from Belarus and the Distinguished Delegate from the U.S. started the day with good morning, with good initiatives. We're open to discuss those issues. Going back to the comments made by the Distinguished Delegate from Belarus, we do agree that no additional protection to the content should be given because content, the content, it is either author or the performer, as per the convention or the WCPT or the sin graphic producer, the producer of the sin graphic or the sound performing. Already the protection, is that.

What we need to protect here, it is the signal as said by the Distinguished Delegate of the United States also. The signal-based approach, that's what it says, the signal has to be protected. If you look at the definition of signal which India has given in annex, Article 5, page 1, it clearly said that the signal means an electronically generated carrier consisting of a specific program whether encrypted or not and then encryption, it is the dpm, we all know that, you know that that's the business model, the technical model followed by most. Coming to the program carried by the signal, that's the broadcast content.

So we have to see what exactly the signal is carrying the broadcast. It contains, you know, various types of Intellectual Property that's a copyrighted material that we can divide into four main categories. One is, of course, the program content, whether it is in-house production, created by -- acquired from the content owner, and then the other content is the advertisement, and then the moment you will see these two things, each has its own look and appearance just like CNN or BBC, the moment that content is on the screen, you know this is CNN content, you know that this is BBC content, even the same if their live casting, this, you see, in the Standing Committee, you know how it is different, it is a CNN journalist, a BBC journal. Then becomes the way they arrange the content, that's the full thing. The way it is presented. So, these are the four things, the signal, broadcast content, content, so various licensing and arguments are there. The advertising appearing between the few seconds in the BBC journal is different than what advertisement of the CNN and apart from the look and feel of the journal, and then coming to the proposal I would like to briefly explain and make sure we're given the Article 9. It is totally based on the signal-based approach in the traditional sense.

We have explained here that the broadcasting organization shall enjoy the right to prohibit if done without authorization the rebroadcast of the signal through traditional procedure casting means, so rebroadcast not only the broadcast, the rebroadcast has to be protected. Here the question of fixation comes, you know, the fixation to be allowed only for the purposes of the

rebroadcasting are in the near simultaneous broadcast, which was our Distinguished Delegate from the U.S. was telling, maybe deferred on the delayed -- unless you fix it, you don't do that. Coming to the simultaneous broadcasting, the U.S. Delegate was talking about, here simultaneous in the traditional sense only, it is clear it is a signal-based approach in the traditional sense, not the webcasting or simulcasting, what we need to protect here, if any unscrupulous guy, unauthorized manner taking this program-carrying signal, putting it over the internet, the investment of that broadcaster has to be protected. So that's what our proposal talks about, not about the simulcasting, live streaming and other platforms. So there -- otherwise, we will be including the webcasting and simulcasting in the traditional approach. In the traditional platform doesn't carry the webcasting of the simulcasting in the traditional sense and also in the webcasting. That's the simulcasting, doing the same thing, in two different platforms. The simulcasting can be allowed here in the traditional sense, if the BBC wants to, at the same time, broadcasting the same program, the reach of the BBC in that territory would be different and it is different, they're covering different parts of the world. So, that's what I would approach here. Then with that, the Distinguished Delegate from U.S. raising the post-fixation rights, one significant until appears on the screen, there is I. C or led, nowadays the technology, it is crazy. It is on the screen. So only the content, not the signal. So the fixation of signal, then post-fixation don't come in the signal-based approach. What we need to do is the Protection of Country the signal and if fixation is coming, that fixation is allowed only for the rebroadcast, deferred or delayed broadcast purposes. We'll come back in these issues as the further discussion continues.

Thank you.

Chair:

I thank the Distinguished Delegate from India for his clear explanation of his position in the proposal. This will help us continue our discussion on the scope of Article 9. I would like to call on Venezuela.

Venezuela:

Thank you, Chairman

Chairman, we're very pleased to see you once again Chairing this committee and we should also like to thank the Secretariat for the documents.

I have a question, a procedural question more than a substance question and it is related to the proposal that was made by the caceec group. This goes back to the form in which the international organization works, and this has in particular, I don't understand the proposal that says the caceec countries without Georgia, in other words this is not a proposal from the caceec group, it is from some members in other words without Georgia. If we create this precedent of groups being able to make proposals with out a consensus in the group firstly it takes away all manufacture the leverage and force of the proposal and you can't have other groups joining consensus either. It has to be clear this is a complicated issue here and even in one group they couldn't even put forward a proposal with all of the members supporting it. I think for the good, welfare of the organization and because we have no previous examples of this, we would like to only say proposals from the consensus group that's fully supported and

not a proposal from some members of the CACEEC group, this may create a precedent. We saw a similar example in assembly, I was opposed to a proposal by a group, Venezuela didn't agree, because I didn't want to see a precedent created.

Thank you very much, Chairman.

Chair:

I thank the Distinguished Delegate from Venezuela. Thank you for your very relevant comment. Yes, the proposal put forward is one put forward by airman I can't, Belarus, Kazakhstan, the Russian Federation, Ukraine, and Pakistan. So that means I was perhaps wrong in saying that it was from them without georgia and it is relevant, what you say and I'm not going to go through the entire list of countries, we don't want to get bored, but, yes, we should refer to it as the proposal from some members of the C ACEEC group. With that, we can move forward. I would like to thank the Distinguished Delegate from Venezuela. Riled like to turn to Mexico.

Mexico:

Thank you, Chairman. It gives me great pleasure to see you Chairing and you have the full support of my Delegation in all your work and moving forward in the topics of this committee such valuable work from Mexico. I would like to thank the Secretariat for the document that they provided us with in such a punctual manner. Thank you for helping us with our work.

I would like to recall all Delegations. That we need to be seeking the establishment of general standards to feel more comfortable within the legal framework of these particular topic. We shouldn't be looking for participation on any individual basis because we will move forward with our work.

I recall that any international Treaty has to be based on general principles and not on details and the details should be stipulated in the respective domestic legislation of each Member State. On that note I would like to support the proposals from the Distinguished Delegate from the United States that we should, yes, move forward in this way with the work of this committee and thank you very much.

Chair:

I thank the Distinguished Delegate of Mexico That's a very welcome suggestion, what you say.

Your experience I'm sure in this committee will be very helpful to us. I would like to turn to Japan.

Japan:

Good morning, Mr. Chair.

Good morning, everyone. I'm speaking on behalf of the Japanese Delegation. We're in the position to support the suggestion by the Distinguished Delegates from the U.S. to put to option related to scope of protection. With respect to scope protection, some Member States seems to find great value in wide variety of rights including fixation rights,

including the right of production and the right of making available after the fixation. For such members, post-fixation rights should be included in this Treaty. On the other hand, some Member States are of the view that the minimum fixation rights, simultaneous or near simultaneous retransmission and the right of pre-broadcast is enough under this Treaty. Here we would like to point out that in order to find the way forward in our discussion more flexible approach may be necessary. From our perspective one possible way while setting the common denominator among all Member States of subject matters for minimum mandatory protection, other rights which not all the members must -- most members think is necessary and this is treated as the subject matter for optional protection. Of course, even if we take such an approach we have to further discuss which rights should be mandatory protection and which rights should be optional protection.

I thank you, Mr. Chair.

Chair:

Thank you to the Distinguished Delegate from Japan and now it is time for South Africa.

South Africa:

Thank you very much, Mr. Chairman.

In fact, I would like to associate myself with the previous speaker, Mexico and the U.S. I think it would be better to have just a general and another scope of rights for the broadcasters sips we're dealing with the signal-based approach and so as always to avoid having to include issues and list of issues that are covered by other Treaties. It may cause a problem in the long run in the sense that some Member States may find themselves want to be a part of this Treaty having to do a balancing act as to whether they need to join into this Treaty to be parties to the other Treaties or to the other issues that are being included in this particular Treaty. It would favor a very narrow, general scope of rights as I think the U.S. has captured that very well. I think it will help us to move forward. Otherwise we'll never -- a long, protracted kind of discussion and we have a very good experience in this, we have been looking at this for a very long time and part of the problems lie in this -- having a very long list of rights and so on, so on. I think that domestic legislation can do justice into the catalog of rights that Member States will now want to prescribe.

Thank you very much.

Chair:

I thank the Distinguished Delegate from South Africa. Thank you for attaching again on the proposal and for bringing together what is being said by several Delegates. We take note of this so that after the comments we can move on to methodology. I would like to now give the floor to Brazil.

Brazil:

Good morning, everyone.

I would like to refer to the various interventions that have taken place before I took the floor particularly I would like to echo what has already been indicated by others before me in the

sense that perhaps the way forward as proposed by the west is indeed a sensible one so in our case, we too would like to join those that have indicated and we feel that it might be possible to make progress on the basis of a definition of the scope of protection that would be narrow and simple as indicated by the west.

The only comment I have to make is that still -- there are certain aspects of the suggestion made

by the west and I understand that the west is trying hard to find a way forward in the discussion so that my understanding is that we're open here to really discuss how we do this. I just have to mention that I think when the west talks about perhaps taking this approach and their suggestion of protecting only a simultaneous transmission, near simultaneous transmission as a basis but perhaps combining that with other forms of protection when the west pointed to that possible of combining it with other forms of protection. Depending on our discussions, et cetera, then I have to be cautious about that. Because actually that might just bring us back to the point where we are right now because, of course, the others have been proposed, that simultaneous transmission be protected, and on top of that, also, the proposed that we -- post fixations modalities as well. So we might get trapped again in that kind of discussion. I would like to avoid that.

Perhaps we would need more clarification on this possibility of combinations that the U.S. has referred to before we can actually move on. I don't know what is in the minds of people, I have heard people referring to ideas that sound to me as actually opt-out clauses that would be something different but then at the same time of course the U.S. has already indicated and we would tend to agree with that, that this future Treaty should set a minimum in terms of protection to allow countries free to establish a more ambitious level of protection domestically if....**(some text missing)**

(European Union):

(some text missing)...he proposal by the Delegation of The United States. What I will present now is our understanding of where we understand with these discussions on various rights and, of course, there may be rates where we have not understood properly. To us, it seems that there is a consensus in the room as to simultaneous, as to the right to authorize a prohibited or prohibit simultaneous retransmission by any means. As long as we talk about simultaneous retransmission we think from the discussions that took place here, but everybody agrees with simultaneous transmission, that should be covered by the catalog of rights.

Then the other category, the important category here, are any transmissions from fixation. In our view, we should in a way separate the discussion on transmission from fixation from other post fixation points. I think often we use here the term simultaneous retransmission versus post-fixation rights. I think there is a bit of a more nuance to the situation here because we have the post fixation rights because of the reproduction and distribution which we'll talk about later. We have the core right here, the core right which is a retransmission from fixation.

In the U.S. proposal there is also an element of such transmission from fixation as far as we

understand, but it is limited. It is limited by technical means and limited in time because it is only to take account of time zones.

In other alternatives that we have on the table as far as we understand in the working document, alternative A, Alternative B, the proposal which was presented today by Belarus on behalf of some members of the CACEEC group, and to the extent that we understand the proposal of the Delegation of India, all these proposals include the right to authorize and prohibit only the right to prohibit in case of the proposal from India transmissions from fixation. We have -- at the way we see it, on one side we have the U.S. proposal with transmissions from fixations limited in some way and specifically in time, and then we have a number of proposals where we have transmissions from fixations included. For us, that would be the second block after the simultaneous retransmission, the second block to look at is this block of transmission from fixation. Within this block there are a number of Delegations that in the very explicit way include the so-called making available right. This is the case of Alternative B in the working document, this is the case of the proposal -- proposal presented by Belarus today and this of course has been the position of the European Union as well.

So that's for us, the second thing to look at, maybe to put in this matrix. We would like to somehow maybe separate this block of transmissions from fixation from what we usually call post-fixation rights. When we move to post-fixation rights you have -- this is always interesting, helpful to look at the table proposed by by the Japanese Delegation, there are a number of rights so that you have the right of fixation itself, of course, that's not exactly post-fixation rights but I think belongs to this group of rights, reproduction and distribution and the right of public performance in places without accessible, for repayment of the fee. All these rights, we think belong to this third block. To be looked at. Of course, there are certain overlaps, when you look at the various proposals, some extend to all the rights, some extend to only some of these rights. In our view, these three groups are -- it is something to be looked at.

Further, I think if we look at this, if we create in matrix in that sense, it will help us to move further. Then, of course, for us, the next step of the discussion is to then understand in more detail various proposals and I'll just give a couple of examples. I think it is clear for everybody in the room to understand the proposal of the United States on near simultaneous transmission T will have to be very clear what is near simultaneous means, and especially since it is limited in time, in the U.S. today, they indicated, that limited in time not in terms of years, but rather in terms of hours or let's say shorter periods of time, it is very important to know how this would be, how it would be understood and how it works in practice. I think as regards to proposal from India, one thing for us is still maybe not entirely clear is this reference that in all cases the protection has to be subject to the extent of rights acquired from the owners of copyright and related rights. That's, for example, in terms of transmissions of sport events, which are not covered by copyright, we don't understand how this would be covered or whether the proposal of India is, but these would not be covered at all by these Treaties but there is a number of issues that we can go into more depth with each of these

proposals. I think that the final, final block is what kind of rights are we talking about in terms of exclusive rights, rights to prohibit. That's all other rights.

In a number of these proposals, we have the right to offer us and prohibit, why for example in the proposal from India we have clearly right to prohibit. That's the final element of the matrix with which we have to look at because maybe not necessarily for all of the rights we have to have consensus, common ground, and then moving on to the areas that create more travesty.

Chair:

This statement also asked questions of the United States and in particular of the Indian Delegation. There were questions from the European Union. I would like them to perhaps be answered if possible, but before I do that, I would like to hear from Argentina.

Argentina:

Thank you, Chairman. For Argentina it is crucial to adopt a broad approach. We need to guarantee to the broadcasting organizations exclusive rights to authorize the broadcast of their signals. The protection has to be at a minimum on the broadcast to the public including rebroadcasting and retransmission on demand and also on retransmissions that go before to the public for Argentina, the right of prohibiting non-authorized signals is not adequate. Argentina supports the variant B. I thank you, Chairman.

Chair:

I thank the Delegate from Argentina. Thank you for your very brief but very clear statement. I would like to call on Canada.

Canada:

Thank you, Mr. President. Good morning, everybody. So I'm a bit cop fused on the way forward. I don't know if it is because the issue is particularly complex. We're talking about the 16 years of conversation but frankly I think that knowing that we have a lot of differences in the legal regimes and traditions there's a revolution threw the new technologies going on and finding a exact solution is a challenge in itself but it is because we're looking at a clear document and it may complicate the conversation. I hear that we're attached to finding a minimum standard today. I have heard that we are talking about developing a matrix that could help guide us into understanding a bit more clearly the underlying issues on the scope and the right that would be offered. I would like to make these observations to guide perhaps the development of that matrix but also our collective considerations: So I'm losing track of the parameters that would need to be considered. I think that one of them could be that we need to look at the preand post-fixation, maybe with a view to understand what protection we would be creating and how it would relate to the Rome convention and WWPP to make sense of how we are also having to consider the protection in our own regime. I'm also hearing that

there is confusion about the different modes of delivery, I would point out that I have heard for instance that there may be common Altys in dealing with the retransmission. I found a lot of alternatives in the text that do try to for instance include or exclude that thing or define it in a way that sometimes looks a lot like rebroadcasting and I hope that when we do develop a bit of a matrix that speaks to the various modes of delivery, we would find some elements of information in there. In terms of the solutions too, we're talking about exclusive rights versus the remedy-base. I have heard also the Mexican representative and others calling for flexibility and think where we may actually find common ground there. I have other observation but I will stop there and just hope that we can shed light today. Thank you very much.

Chair:

I thank the Distinguished Delegate from Canada. Thank you for helping us in our development of this matrix, these ideas will need to make the most specific in some kind of format that is smaller so that we can continue to reduce the number of options we have available as we read through the various proposals that are on the table. I would like to call in the Russian Federation and then the United States.

Russia:

Thank you, Chairman. Chairman, I asked for the floor because I also wanted to put forward a few ideas and share impressions with you at this stage. Of course I would like to begin by emphasizing that we support the approach on restricting rights in some way and this is something that's been referred to by many of my colleagues here. Clearly this approach will allow us to move forward to a successful conclusion in our work if we do manage to focus on agreements that were previously reached, particularly with reference to traditional broadcasting. Now, the question of including additional rights is one that can be considered only with the consent of all Delegates of all participants in the work of this committee. We have to receive corresponding authority to do that from our General Assemblies. However, if we decide to go down that path and we're going to spend an awful lot of time in considering the issues here, it is going to delay our work. I think we would rather have to if he kiss on our main task, that is to say adopting some kind of outcome document from this meeting. Now, of course, representatives of countries, of groups have already decided on a way forward, on a way to work here. Deciding to work on the basis of the document that we now have and I think we have to recognize and what's been already decided and proceed on that basis. I think we have to give priority in consideration of all of this to the groups so that they can hammer out consensus within their groups when and how the rights should be made available. We have noted the fact that there is a view that's been reached by our group and we certainly recognize the importance of this issue. But there is some nuances that have been reached, there is thoughts by Georgia, we know they want to reach agreement on this, similar agreements need to be worked on that, that's the way to move forward, getting agreement in group level. Now, in terms of the basic thrust of our work here, we know that in fact already ten years ago we looked at the issue of the subject matter of protection and decided we would protect the

signal. That's already been decided. It was decided 10 years ago. Here I'm putting forward my viewpoint on what's happened since then, we have had prolonged work in this committee, work that's stretched out for more than 15 years now. I would really say to my colleagues if we're going to go on look being at every little nuance in this way, and if we're going to keep trying to tinker again with the very concept of the subject matter of Protection of Country what we're actually protecting we won't get anywhere and we could spend another 10 years on this document and we're never going to adopt a final document. The document that broadcasters throughout the world are waiting for. They need to document in order to protect their rights.

It really seems to me that I now have to appeal to my colleagues and ask all of my colleagues to come back to what we actually are supposed to be doing here. And look at the way we're supposed to be discussing this. We're supposed to be discussing this on the basis of a single document and the more we get into details, the more we go down the kind of approach, we seem to be taking in the discussion. The longer this whole process will take. Thank you.

Chair:

I thank the Distinguished Delegate from the Russian Federation forewarning us about the dangers of not coming up with something specific after this exchange and to go back to the text where positions are clearly reflected and we take his advice very seriously. Thank you for this advice. This is a warning to Delegates to ensure that we don't go around in circles any further as other Delegates have said. We take this warning very seriously. We, however, at the same time do understand that some proposals that have been submitted this morning could well enable us to move forward to a phase of our work that allows us to go into more details. Thank you for the suggestions. The -- my idea is to come to an end of these comments, then move on to the phase of our work where we look at a smaller, smaller scale, smaller format in terms of continuing our work. I now turn to the United States.

USA:

Thank you, Mr. Chairman. A lot of issues have been raised in the last round of interventions. I do think it is important to keep our minds fixed on the idea that there is two separate issues and one is the scope or object of protection and the other is what the nature of the rights are. Sometimes I think we're conflating them in the discussions, if we look at the matrix, the object of protection, what that is, I just wanted to note one more time while we've got the broadcasters in the room that I do think there is still some open questions that would be good to get answers to if not -- if it is not possible to get the answers this week, then the next time that this committee meets, and those were my questions about to what extent the uses of new technology described by the BBC and summarized in Japan's little summary document, to what extent the uses of new technology have become standard and how widely adopted they are among broadcasters in different countries and of different types and sizes. I think that would be helpful to know. Also where the piracy takes place, where it is that those who are Pirating, getting the signals

from would be useful to know as well and I partly raise these questions because to the extent we're debating the inclusion of or consideration of simulcasting, deferred, on demand transmission signals, in addition to the question of what extent the piracy problems would be covered by copyright in the content and another question with could be could this be seen an an issue of infringe. Rather than the issue of protection. If we're protecting over the air broadcast signals, is the problem that the piracy of those signals is taking place using the simulcast versus using the actual over the air broadcast. That's why I see the issues as related, and I think it would be helpful to get more answers to those questions as we look at whatever matrix is prepared. In terms of the rights, the Article 9 issues, the EU asked a number of questions, I think the Delegate from the EU is correct that there's -- it is not just that the rights are prefixation and post fixation, there is probably at least three different types of things we're talking about. In the language the U.S. has proposed for discussion we're not presuming that the existence of a fixation at any point along the way negates the right, not at all. In fact, you certainly could have a simultaneous, near simultaneous near transmission of the public even where the retransmission is made from a fixation and indeed some technologies may require the use of a fixation to enable the retransmission. I think what we're focusing on is the idea that there is no right to control the fixation itself or what is otherwise done with subsequent copies, including consumer copying that would not fall within the right. Then, just to say that we appreciated the comments from the Delegate of Brazil and also wanted to clarify our proposal was really a matter of process, not substance. We agree with Russia that we're looking to move this forward and so even though our view is that a single right rather than a combination is the most likely way to be able to make progress and move the debate forward, and achieve an outcome, we also think we could make progress here this week if we could simplify the full range of rights that are on the table and figure out a way to present two options for consideration and further negotiation. That would only be for purposes of the negotiation rather than an agreement on substance at this point that that's the right approach so then each of us could still be able to convince other Member States of our own view or to find some way to accommodate the concerns once we see what the two approaches clearly are. It is a matter of process to be able to move forward from the complex text that we currently have before us. Then just finally, we also agree that we still have open the exact wording of what the right would be in Article 9, is it a right to authorize, exclusive right to authorize, a right to prohibit, prevent, maybe at this point in time we need to keep those things in brackets also for further consideration, negotiation, including the issue raised by the E.U. Delegate that possibly the exact wording may be different depending on what the right is that we're talking about. Thank you.

Chair:

I thank the United States for your comments. I think that they address the definition as to how we're going to approach the rest of our work. Thank you. I would now like to call on Ecuador. You have the floor.

Ecuador:

Thank you, Chairman. For our Delegation and in the interest of being proactive in the discussion and to look at the row pow sals on the table with regard to the matrix that you rightfully asked us to stop working on, I believe it is important to stress that we have been talking about the signal and the rights that em Nate, the rights that exist on content or that are broadcast by the signal, under this approach and along the lines of 14.3 of TRIPS it is an important factor to consider the fact that the existence of rights on content and this is something we need to follow when we put together our matrix because this gives us an element that's highly interesting and that can be analyzed. In addition to this, with regard to rights again, we believe that the aspect which was mentioned and put on the table earlier, the fact that the rights to prohibit, to authorize, this is also said by the Rome convention, TRIPS, it is important that these aspects be remembered when we analyze the rights and if you look backwards and you -- it is not necessary because that would be -- we need to remember the whole nature of rights. This is linked to authorizing the right to authorize or prohibit in each of these cases and the rights that imNate from that. I think we can start going through each of the rights in the best way you think possible to move forward in this discussion. Thank you.

Chair:

We have a request for the floor from several countries. I have a list here. I think that we're very keen to hear from these Delegates, but we also have coffee waiting for us. I'm sure that we could all do with a good dose of caffeine and coordinate our positions and I think that's the best way forward. I'm sure the coffee break will be useful one and then I'm happy to come back and listen to the countries on my list. So have a coffee break. Thank you.

(Break).**Chair:**

Welcome back, everyone, and let us continue our discussion. Thank you for taking the time in the coffee break to exchange comments with other delegates and to ask additional questions. I have on my speaker's list Chili and it gives us great pleasure to listen to the delegate.

Chile:

Thank you, Chairman. Firstly, I'm very pleased to see you Chairing this committee and we would like to thank the Secretariat for the preparatory work for the session. We would like to say how pleased we are about the important discussion we have heard and the statements about the scope of application and protection both countries and various organizations. We support a detailed discussion that allows us to gain greater clarity on the implications in the light of the various questions and areas that require further discussion. On the same lines, we support the idea of simplifying certain elements and where we can achieve consensus as a way of moving forward in our discussions as was suggested by the Delegate of the United

States and Brazil.

Also, Mr. Chairman, our Delegation would like to take this opportunity to make a statement with regard to the scope of application and the beneficiaries of the treaty. As the conclusions were considered at the recent committee meeting. Telecommunications and broadcasting, telecommunication includes the broadcasting idea in terms of traps missions that are for free and direct transmission to the public in general, that's how we understand it. We cannot consider the cable operators who qualify as permission holders of services and who provide limited services for this reason we support your conclusion at the outcome of this session whereby traditional broadcasting may include cablecasters but not necessarily. Finally, Chairman, it is important to stress the fact that the traditional broadcasters do play an important role of integration and communication in particular in our country. For this reason, we will be closely following the discussions on the forum in which the mandate of this committee will be taken forward. I thank you.

Chair:

I thank the Distinguished Delegate from Chili. Thank you for the very clear nature of your statement. I would like to give the floor to the Republic of Georgia.

Georgia:

Thank you, Mr. Chairman. Since it is the first time our Delegation has taken the floor, I would like to thank you and the Secretariat for your excellent work .If you allow me, I would like to make a short comment regarding the proposal for our original group of CACEEC, the Georgia Delegation \$has always worked in a constructive spirit. The point that our group were not able to discuss more detail of the key issues, the key issues for us like Protection of Country broadcasting organizations, exceptions, limitations, et cetera, so I will do my best to convince my colleagues from the regional group and I believe that we can reach an agreement on this issues. I hope that during the week we will be able to put on the table a revised proposal. Yes. I think it will be helpful for our work in the Standing Committee. Thank you.

Chair:

I thank the Distinguished Delegate from the Republic of Georgia and I would like to call on Iran. Iran. The Islamic republic of Iran.

Iran:

Thank you, Mr. Chairman. Mr. Chairman, let me first of all join the others to congratulate your election. My Delegation would like to say that this is effected by differences of objectives of the new Treaty. In our view, the main objective of the new Treaties, it is anti piracy function, therefore the new treaty should have stopped all forms of broadcast piracy. The realities that today three major forms or categories of broadcast piracy are identified. Piracy of (some text missing)

India:

(some text missing) ...so. The technology used for this, the cable operators, the msos, so they're given each channel by audience, it is integrated, that's what we normally call it, the set boxes, and then this, this has to be operated through the decoding of the smart card. The smart code, that's over the copper plate. So when these people remove, they take a small card and put acid and remove that copper plate and then they get the deencryption code and using this deencryption code they -- they manufacture in the counterfeit in this small set of boxes and give it to other people. So unauthorizely many cable operators get the signal and give it to houses n is one kind of piracy happening where the broadcasters revenues from the cable operators are not reaching to them, not even with their MSOs many times. Even the director satellite boxes, the counterfeit boxes are created using this kind of method. This is one method and the other method is the tv tune up costs. In the market, the signal, it is taken, it is put over the computer networks, using the tuners, many homes, they watch television and then from computer there is sometimes using the technology they manage to see this on the bigger screen, LED, screens, all of this, this kind of piracy is happening. This is what we need to stop here by finalizing the signal-based approach. The scope of objections in that traditional sense, the issue of simulcasting is mentioned, simulcasting certainly from the same time telecastic, its called the same time telecasting, same period from different television channels. It may be the channel 1 and then channel 2 that's doing that in a regional sense. The moment you extend the simulcasting to the new platform that goes beyond the mandate given to us in the traditional sense because webcasting, live streaming, simulcasting, that is not the traditional sense, that should be taken off.

Then coming to under caution of post fixation rights, I would like to -- we have been saying this at so many SCCR's and I would like to remind my friends, Distinguished Delegates, including you, Mr. President, and the Article 14.3 of the TRIPS. Article 14.3 of the TRIPS gives the same rights of Article 13 of the Rome convention which broadcasters are getting. It is about reproduction, fixation, the production of fixation, and communication to the public. The beauty of the Article 14.3 of the TRIPS convention argument is that Article 14.3 clearly mentions the rights given to them is not beyond the rights given in the Berne Convention, 1971 Paris. It means the content owner is having the rights, he won't get the rights. Here we are to recognize that the TRIPS was decided before WCT WPPT and Beijing treaty, that's the TRIPS plus treaties, where we're given the rights to performers, the recordings and the treaty, and in the area, we have extended to the digital and even in the Berne Convention rights were extended to the digital. So respecting this, so we have to formulate. So, there are two kinds of rights for the broadcaster. He may be owning the rights in the content when he's creating the content or through assignment of the transfer of rights, he may be wanting the content from the content to officer when the rights transmitted to him. But in case the second category is getting only the license. When he's getting only license, you won't -- so 14.3, that's what he meant. That's what it mentions. So the rights of other right owners has to be respected.

So simply saying in the beginning of the legal text that it won't takeover the rights of other content owners mentioned in other copyright Treaties, that's in the enough. When we're

introducing the post fixation rights and other rights we ought to see whether he owns the rights, has he got only the license to the one-time telecast, any rebroadcast, any on demand transmission, any deferred broadcast, any simultaneous broadcast on the different channel, any rebroadcast on the different channel, all of this, it is related to the where he gets the license, the contractual terms and conditions are mentioned. We are to see all of these things while drafting the various scopes of the protection, our object is protection, that is Article 6 or Article 9.
Thank you.

Chair:

I thank the Distinguished Delegate from India for all of that information about the link to 14.3 of the TRIPS agreement, it is a link in other words to the draft Treaty we're discussing and you also clarified the proposal from India in doing so. Thank you very much for the nature of your knowledgeable statement. I would now like to call on Colombia.

Colombia:

Thank you, Chairman. Just on practical -- in practical terms, what we're discussing at the moment is the content of Article 9 of the document which basically is a catalog of rights that broadcasters think they can prohibit or authorize. I think as I said for practical terms the most sensible approach may be an inventory which I don't think would be reinventing the wheel. It is simply you put a catalog of acts that you could put in order and you could say what already exists in terms of what could be authorized and what can be prohibited. The methodology we think may be the most appropriate

Chair:

Mexico.

Mexico:

Mr. Chairman, I just wanted to say that we agree with what was said by the European Union and we thank him. Thank you.

Chair:

I thank the Distinguished Delegate from Mexico. The former Chair of this committee. Thank you for your clear statement. So if there are no further requests for the floor, then I would like to hear the opinions of the non-governmental organizations, nab has already asked for the floor so I'm very happy to give it to you.

TRANSCRIPT - NGOS

NAB:

Thank you, Chairman. I represent the commercial networks and individual stations of the broadcasters, over the air broadcasters in the United States. I would like to respond briefly and I hope succinctly to the questions raised by the Distinguished Delegate of the United States in terms of the status of whether the presentation by the BBC and all of the services that it offered were basically one-off or whether these were common practices among broadcasters in other regions. On the question of simultaneous transmissions, the level of broadcasters doing that activity now, I have not had an opportunity to do an exhaustive analysis but my report is that the U.S. broadcastings, the simultaneous retransmission of their signals over the internet has commenced and I would say probably in a year from now will be much more widespread, specifically there are some networks now who's owned and operated stations in local markets, they're doing simultaneous streams of their signals. There are others that have announced that they're going to commence that shortly in terms of affiliates of those networks that are not owned by the networks, there are negotiations going on so that those affiliated local stations will also be able to provide simultaneous streaming. There's been much discussion about the importance of the distinction of content and the recognition of the rights of content owners. I will say quite frankly, part of the reason why this is so recently emerging is that there has been scrupulous attention paid to do it the right way and the legal way to obtain the rights from all of the content owners in those signals to be able to provide those simultaneous streams and that is why we're in the formula tive stages but we have commenced those kinds of services. I have been told by my European colleagues that I get the sense basically that they're at the same point. There are European broadcasters that are simultaneously streaming their signals. An example was given of a Belgium co-op of broadcasters doing this, I think that also is emerging in Europe. On the question of catch-up services, I again can report from the United States that there is wide-spread availability of catch-up services often done, you can go to a network's website or to a station's website and get programs sometimes it's -- it won't happen for three days, sometimes it won't happen for seven days, sometimes you can get those right away. In any event, those are available in the United States currently. Those are available in Europe currently. I'm gratified to see my colleague to my right who represents the European commercial broadcasters can elaborate on that. Just quickly two other points. I would certainly like to reiterate the comment made by the Distinguished Delegate of the European Union. On the difficulty posed as a practical matter on enforcement, if you say that a simultaneous Protection of Country the signal is protected and the delayed is not, as a matter of proof it would be almost impossible to show for somebody who is not -- who is Pirating the signal whether they had taken it on a delayed basis or not. On the question of -- that was posed as to whether the piracy of the signals is from the simultaneous over the air transmissions over deferred, the answer to that is both. We have practical examples, we have a fairly famous, infamous case in the United States right now which basically involves an entity that's taking the signal off the air reference was made earlier to the icrave case, where there was an entity in Canada that was taking signals off the

air, both Canadian signals and U.S. signals in Buffalo and from the off-the-air, retransmitting it over the internet. There is certainly many examples also of unauthorized retransmitters doing it on a deferred basis. I don't have the specific quotes but there was a study conducted by deceta that was jointly commissioned by Google and prs that conclude include that had live television today is the fastest growing segment of copyright infringement, that there were two studies conducted by WIPO, by screen digest and this was examples I think of taking deferred retransmissions that found that the online piracy and worldwide is "a mass market phenomena" it was in August of 2012 Article in the New york times entitled internet pirates will always win that stated according to torid freak, the top Pirated tv shows are downloaded several million times a week.

Thank you, Mr. Chairman.

Chair:

I thank you for having answered the questions that were raised and for giving us the additional information and I would like to call on pei.

KEI:

This is not a treaty about copyright piracy but a special ride for broadcasters. I think it is not a good idea to sort of refer to cases where there is already a right, the copyright owners have (kei) unless you make it relevant to what's discussed here this week. IP rights are a form of regulation, and they create monopolies, rights to exclude, new layers of rights to clear, a shrinking of the public domain, and more obligations for consumers, libraries, businesses to pay more money not to copyright holders, but to the distributors of content. Don't go overboard. Don't approach this like you're a rich relative giving gifts to nephews and nieces, interventions should be narrow and only where they're actually needed to solve a problem like signal piracy to the extent that it is understood and can be remedied through an instrument, or to achieve a predictable, a desired redistribution of income to broadcasters. You're in this case extending rights to entirely new beneficiaries, it is not just people that broadcast in radio and television which was what the Rome convention addressed and make the service available that no one could charge for. Now you're talking about pay services protected by under legal protections such as regulatory provisions, contracts, theft of service laws, you're talking about cable tv service shut off if you didn't pay, cable -- satellite services that are shut off if you don't pay, you're talking about a wide-range of internet delivery issues and people are talking about post fixation rights.

You have what the BBC has described, you have people talking about services now provided under services in the United States such as hulu using platforms like these decidings, tablet computers, the explosion of services, and most of the people doing most of the innovative services outside of BBC are not here demanding a WIPO treaty but doing things, it is working, exploding and it is happening without this new form of regulation. So, I would say conclude by saying that the Rome convention or the WPBT or the Beijing treaty should not be the basis of the rights. Those rights already exist, they address different issues. You're talking about something new today and this new thing should be justified by some coherent explanation of a problem you are trying to solve and should be comfortable

because of the cost of the regulation you're introducing to the information society is somehow justified by the benefit.

Thank you.

Chair:

I think kei for the warning they give us on the impact of our decision. I would like to call on society of American archivists.

Society of American Archivists:

Thank you, Mr. Chair. On behalf of the society of American after chi visits, the largest organization of after chi visits, we want to commend you for the continued wise chairmanship of the srcr and thank you to the Secretariat for the excellent support of the Committee's work.

For decades archives included not just paper records but also important sound and video recordings, many of which have come from broadcasters. These are invaluable documents for connecting society to its past. Think of a major event in the past 15 years, the fall of the Berlin wall or the collapse of the twin towers on September 11th, without the video images that were created, these are the documents that will provide the stuff of history that connects future users to the archives. Thus, regardless of whatever measures are put into place to provide the signal protection that broadcasters need, the new rights should not add any further layers on the already existing copyright protection that exists in the content. Over the long passage of time the archives have to span, and given the vigories of institutions that disappear with regularly, adding a new right on broadcast content would add imher rationally for the orphan work in providing abscess to the dock ministry sector that is such an important part of society's historical record.

Thank you.

Chair:

I thank you for your statement and the warning that you also gave us about the impact on populations that we may have with our decision. We have a slight problem with time now. We have an event already awaiting outside.

We would like to definitely hear from the long list of NGOs. I would suggest that we make a break now for lunch and move on to the programmed events. Afterwards we'll come back and listen attentively to statements by the NGOs who are on my list and who will give us advice for our future work.

Also, we also suggest that we move to a working format with Regional Coordinators, plus 6, in a different room to be able to bring together all of these opinions center. At 2:30 p.m., Regional Coordinators will meet with the Chair in the uchtenhagen room. We'll recommence the plenary here in this room A at 3:00 p.m. and then tonight immediately after the session ends, approximately 6:05 p.m., there will be an event on the need for a treaty on broadcasting. Latin American common space. A side event organized by the abiro American alliance broad Californiaing organizations in cooperation with the Permanent Mission of Spain to the United Nations and other international organizations in Geneva. There should be

a program for this event that was given to you during the session today. There will be a number of speeches and a tribute and then a reception to follow.

(Some text missing)

CIS:

Thank you, Mister Chair.

We have some concerns regarding the intended scope and language of Article 9 in Working Document SCCR/27/2 Rev. We believe that this expands the scope of this proposed treaty and is likely to have the effect of granting broadcasters rights over the content being carried and not just the signal. On this issue, we have two brief observations to make:

First- Article 9 envisages fixation and post fixation rights for broadcasting organizations- for instance among others, those of reproduction, distribution and public performance This, we believe is not within the mandate of this Committee, being as it is, inconsistent with a signal based approach.

Second- we express our reservations on the inclusion of “communication to the public” reflected in Article 9 Alternative B, which also relates to the definition of communication to the public under alternative to d of Article 5 of this document. Communication to the public is an element of copyright and governs the content layer, as distinct from the “broadcast” or “transmission” of a signal. Therefore, attempts to regulate “communication to the public” would not be consistent with a signal based approach, which we believe is the mandate binding on this Committee.

That is all, Mr. Chair. Thank you very much.

Chair:

Thank you, CIS,. That was a very clear statement and gave us a very clear explanation of the situation. We will indeed take due account of that in the course of this afternoon's further discussion. GBA, please.

GBA/JBA(?):

Thank you, Mr. Chair. We, GBA, the Japan commercial broadcasters organization would like to express sincere grad attitude to the Distinguished Delegate here for the enthusiastic on scope of application and protection. Diverse views have been presented before us on those points. We believe the spirit of compromise, cooperation, flexibility and pragmatism shown at the time of successful conclusion of Beijing treaty and Marrakech Treaty, Marrakech Treaty serve as a good basis for swift and successful achievement of this broadcasting project. From that perspective, possible approach presented by the government of Japan would be worth consideration. We hope Member States will keep tackling the issue of protection of broadcasting organisations in constructive and cooperative manner. Thank you, Mr. Chair.

Chair:

Thank you very much, JBA. for that clear explanation of your viewpoint. FILA, please.

(some text missing)

FIPS:

Thank you, Chairman. I would like to begin by congratulating you on your election to the Chair and congratulate lags also go to the Vice Chairs. FIAPF representing here the economic and legal interests of companies that produce film and other audio visual content all over the world. We find that copyright and related rights are an indispensable in observance of copyright and the exdxlksajdfllsalkfdj of creative artists and producers and dlskjdfllksadkflo their best to ensure that broadcasters' rights are also fully respected. Thank you very much, Chairman.

Chair:

Thank you very much indeed, FIAPF. And I do indeed thank you for reiterating the warning that we have heard here a number of times from NGOs. We have indeed taken it into account and we will continue to take it into account in our discussion. I see another NGO asking for the floor but I can't quite see who it is. Could you introduce yourselves? You have the floor.

DirecTV

Can you hear me? Hello, this is DirecTV, DirecTV is registered for the first time as an observer. So we appreciate the opportunity to participate. DirecTV is the leading provider in satellite television in Latin America as well as one of the big pay television providers in the United States. DirecTV being in the telecommunications market requests the Delegations and the WIPO weds to consider the implications of this treaty to the telecommunications industry and the market. We understand that the treaty focusings on piracy, but it has a spillover effect on legitimate businesses like our industry, that is highly regulated and has a lot of rules that need to be complied in every single country where the service is licensed. So, for example, we have must-carry obligations where we are required to carry certain channels because of a legal obligation by countries. So we consider how this treaty would impact on those same obligations that we would have by law under several jurisdictions and if we would need to require consent from the broadcasters at the same time as we are mandated by law to carry the signals. So we appreciate that this treaty is about piracy and we are supportive of the efforts to combat piracy, but we would request an exception to look at legitimate businesses that pay taxes, that comply with laws on how this treaty could impact our industry. Retransmission consent is a private matter. We request that to remain in the private, whereas obviously piracy is a public matter, a public policy matter. We request this treaty to deal with Pirates who are unlicensed to perform telecommunications activities, whereas legitimate players that have a license to operate telecommunications activities would be carved out. Thank you. I appreciate.

TRANSCRIPT- MISCELLANEOUS

Chair:

Thank you very much indeed. South Africa has asked for the floor. South Africa, please.

South Africa:

Thank you very much, I wanted to, I forgot an important protocol, diplomatic protocol. I was talking on behalf of the African Group all along. So I was representing all the views I expressed also the views of the African Group. I wanted to make that announcement. And also I would like to ask you, Mr. Chairman, if it is acceptable if perhaps at this point we can go to informals. I believe you announced early on that perhaps we can go to informals, original coordinators plus six members. Thank you very much.

Chair:

Thank you very much, South Africa. I thank you for having made that request. And indeed, what you have suggested is very much my intention. We have listened, of course, to comments from NGOs and their views are extremely important. Having heard them we are now poised to move into a new phase of our work. We are going to meet in Room B, Regional Coordinators plus six. That will be the format. And when exactly will we be meeting? In ten minutes, I'm told. Ten minutes, Room B, Regional Coordinators plus six.

(Session ends. Plenary did not meet after)