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EUROPEAN BROADCASTERS CALL FOR MEANINGFUL WIPO TREATY

World Intellectual Property Organisation (WIPO) delegates are gathering in Geneva for a crucial meeting on protection of broadcasters' rights. But European broadcasters are concerned that the final text may be watered down.

Ross Biggam, the General Director of the Association of Commercial Television in Europe (ACT), said this morning that the ACT could only support the convening by the WIPO of a Diplomatic Conference on broadcasters' rights if the proposed treaty contained genuine rights.

“International protection for broadcasters is woefully out of date” said Mr Biggam. “It fails to give broadcasters the rights we need to take action against freeriders in the internet environment, and outside the European Union it fails to give broadcasters the right to authorise legitimate exploitation of our services online.”

He commented that WIPO had the chance to do something about the problem at its Special Session this week.

“But I am concerned that in seeking consensus at the Special Session the rights for broadcasters will be watered down. If agreement on the convening of a Diplomatic Conference can only be achieved by depriving broadcasters of real rights and remedies, then that is too high a price to pay. It would be better to abandon the process and admit that ten years work at WIPO had been wasted.”

Jane Vizard, the Legal and Public Affairs Director of the European Broadcasting Union (EBU), concurs: "Anything which would dilute the WIPO Non-Paper would deprive this process of its entire intended purpose. An international instrument without exclusive rights is not worth a WIPO Treaty and would no longer be worth pursuing.

NOTES

ACT has member companies active in 34 European countries operating over 371 free-to-air and pay-tv channels and distributing 540 channels and 170 new services.

The European Broadcasting Union (EBU) is the largest association of national broadcasters in the world (73 active Members, 43 Associate Members).

WIPO has been working on a possible treaty updating broadcasters' rights since 1998. Proposals on the rights to be included in such a treaty have been made, among others, by the EU, the US, Japan, Argentina, Kenya and Egypt. In 1998, WIPO found that 103 of its member countries already gave exclusive rights to broadcasters either under a "related rights" or a copyright regime.

Further background

The Second Special Session of WIPO's Standing Committee on Copyright and Related Rights (SCCR) begins today, 18th June, and ends on Friday 22nd June.

The Chairman of the SCCR has circulated a "nonpaper" which was issued in its final form on 20th April. This has been put forward by the Chairman as a possible basic text to be negotiated at a Diplomatic Conference in November/December. The SCCR has to decide whether the Chairman's text is acceptable and whether to recommend to the WIPO General Assembly the convening of the Diplomatic Conference.

The core of the Chairman's nonpaper is contained in Article 7 and Article 8.

Article 7 provides broadcasters with exclusive rights to authorize and prohibit retransmission of their services by any means.

Article 8 provides that broadcasters should have adequate and effective protection against exploitation of their pre-broadcast signal.

END

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