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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

## STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS

Second Session  
Geneva, 4 to 11 May 1999

AGENDA ITEM 4: PROTECTION OF THE RIGHTS OF BROADCASTING  
ORGANIZATIONS

SUBMISSION BY MEXICO\*

*prepared by the International Bureau*

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\* Received on 9 April 1999

## PROPOSALS AND COMMENTS BY THE NATIONAL COPYRIGHT INSTITUTE

The purpose of Mexico's Federal Law on Copyright is the safeguarding and promotion of the cultural heritage of the Nation, and the protection of authors, performers, publishers, phonogram and videogram producers and broadcasting organizations. The Copyright Law contains a specific Title devoted to related rights, among the owners of which it recognizes broadcasting organizations.

For the purposes of the Law, an entity holding a concession license that is capable of emitting sound or video signals or both that may be received by a public of more than one person is considered a broadcasting organization. The Law also defines broadcasting or transmission as the communication of works, sounds or sounds and images by means of electromagnetic waves, cable, optic fiber or other comparable media. The concept of broadcasting further includes the sending of signals from a terrestrial station towards a satellite for subsequent broadcasting. Retransmission is defined as the simultaneous transmission by one broadcasting organization of a broadcast from another such organization.

The Law grants broadcasting organizations the right to authorize or prohibit the following in relation to their broadcasts: retransmission, deferred transmission, simultaneous or deferred distribution by cable or any other system, fixation in a material medium, reproduction of fixations and communication to the public by any means and in any form for direct profit-making purposes.

In addition, for the benefit of lawful distributors of signals, copyright legislation makes that person liable for damages and prejudice who, without the permission of the lawful distributor of the signal, decrypts a coded program-carrying satellite signal, receives and distributes a coded program-carrying satellite signal that has been unlawfully decrypted or participates or assists in the manufacture, importation, sale or rental of, or in the performance of any act serving to supply, a device or system that substantially aids in the decrypting of a coded program-carrying satellite signal.

The above rights of broadcasting organizations have a term of 25 years as from the first original broadcasting or transmission of the program.

Under criminal law, the action of a person who manufactures, imports, sells or rents a device or system for the decrypting of a coded program-carrying satellite signal without the permission of the lawful distributor of that signal, and also any act with gainful intent the purpose of which is to decrypt a coded program-carrying satellite signal without the permission of the lawful distributor of the signal, shall be regarded as an offense. Such offending acts are punished with imprisonment for a term of six months to four years and a fine, without prejudice to liability for damages, the amount of which may not be less than forty per cent of the public selling price of each product or of the rendering of the service.

This Institute moreover considers it important that the subsequent negotiations and discussions leading to a Treaty on the Protection of the Rights of Broadcasting Organizations should take into consideration the draft submitted by the various unions and associations of broadcasting organizations and distributed at the November meeting of the Standing Committee on Copyright and Related Rights.

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