

WIPO



SCCR/3/2

ORIGINAL: English

DATE: July 30, 1999

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS

Third Session
Geneva, November 16 to 20, 1999

AGENDA ITEM 4: PROTECTION OF DATABASES;
PROTECTION OF THE RIGHTS OF BROADCASTING ORGANIZATIONS

REPORT OF THE REGIONAL ROUNDTABLE FOR AFRICAN COUNTRIES ON THE
PROTECTION OF DATABASES AND ON THE PROTECTION OF THE RIGHTS OF
BROADCASTING ORGANIZATIONS,
HELD IN COTONOU, FROM JUNE 22 TO 24, 1999

*submitted on behalf of Benin, Burkina Faso, Cameroon, Ghana, Guinea, Kenya, Malawi,
Mali, Mauritius, Niger, Nigeria, South Africa, Togo and United Republic of Tanzania**

* Received on July 15, 1999.

1. In the Roundtable, the following countries were represented: Benin, Burkina Faso, Cameroon, Ghana, Guinea, Kenya, Malawi, Mali, Mauritius, Niger, Nigeria, South Africa, Togo and United Republic of Tanzania.
2. The countries expressed their gratitude towards WIPO and the Government of the Republic of Benin for the opportunity to discuss both subjects of the Roundtable.
3. On both subjects of the Roundtable, the sessions consisted of presentations made by invited experts and representatives of interested non-governmental organizations from inside and from outside the region, as well as by WIPO officials. The sessions concluded with intensive discussions.
4. After the informative part of the Roundtable, the country representatives met in a closed circle and discussed and adopted this report.

I. PROTECTION OF DATABASES

5. The country representatives expressed their concern about the possible impact of a new legal protection of the investment in databases on access to information in the fields of education, science and research in African countries. The country representatives await the report of the economic study commissioned by WIPO with great interest.
6. The country representatives felt that exceptions and limitations should be drafted to take account of educational, scientific and research interests in developing countries. Such exceptions and limitations may include provision for compulsory licenses.
7. The country representatives noted that the possible new protection of the investment in databases may be a step towards the protection of information about traditional knowledge and expressions of folklore. They also noted, however, that such protection would not extend to their traditional knowledge or expressions of folklore as such. The country representatives therefore, as a matter of urgency, requested the international community to study and consider completing the protection of traditional knowledge and expressions of folklore.

II. PROTECTION OF THE RIGHTS OF BROADCASTING ORGANIZATIONS

8. The country representatives expressed their general support for an international instrument on the protection of the rights of broadcasting organizations, and committed themselves to participate constructively in the process leading to the adoption of such an instrument.
9. The country representatives, having carefully studied the proposals submitted by Switzerland (SCCR/2/5) and a group of broadcasting organizations (SCCR/2/6), highlighted the following issues for further study and discussion:
 - (a) the nature of the new instrument (the country representatives expressed themselves in favour of a treaty);

(b) the relationship of the new instrument to other international instruments for the protection of copyright and neighboring rights;

(c) the balancing, also with reference to socio-cultural factors in the various regions, of the rights of all interested parties, including authors, broadcasting organizations, performers and producers of phonograms;

(d) the scope of the new instrument, with special reference to:

(i) the definitions of the terms of “broadcast”, “broadcasting”, “cable transmission”, “communication to the public”, “program output” and “rebroadcasting”;

(ii) the exclusive rights granted to broadcasting organizations, with specific reference to the nature of the rights required by broadcasting organizations to protect their legitimate interests;

(iii) the term of protection, including the possible extension of such term by rebroadcasting; and

(iv) exceptions and limitations;

(e) the contribution of broadcasting organizations to the fight against piracy.

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