

WIPO



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WIPO GENERAL ASSEMBLY

Thirty-First (15th Extraordinary) Session Geneva, September 27 to October 5, 2004

PROTECTION OF AUDIOVISUAL PERFORMANCES

Document prepared by the Secretariat

1. A Diplomatic Conference on the Protection of Audiovisual Performances held in December 2000 was unable to reach agreement on all articles of a proposed treaty aimed at strengthening the rights of performers in their audiovisual performances.
2. At its session in September 2003, the WIPO General Assembly decided that the issue of protection of audiovisual performances would remain on the Agenda of the Assembly for its session of September 2004. This document reports on the developments on the issue of protection of audiovisual performances that have taken place since the Assembly session of September 2003.
3. Following informal consultations with the Member States convened by the Director General under the chairmanship of the Chairman of the General Assembly, an *Ad hoc* Informal Meeting on the Protection of Audiovisual Performances was held at the headquarters of WIPO on November 6 and 7, 2003. The meeting was chaired by the Chairman of the WIPO General Assembly, and included an information session where four speakers were invited to talk about their personal experiences in performing, in creating, and producing audiovisual works. The Secretariat provided a series of studies to facilitate discussions. These included a survey of national legislative protection of audiovisual performances, a study on rules on transfer of rights in audiovisual performances and related aspects of private international law, and two studies on audiovisual performers' contracts and remuneration in selected countries. At the Informal Meeting, numerous delegations and representatives of intergovernmental and non-governmental organizations expressed their interest in further progress on the relevant outstanding issues.

4. Since the *Ad hoc* Informal Meeting took place, the Director General has been conducting informal consultations among Member States and key stakeholders in the private sector, in order to identify ways and means for making progress on outstanding issues. The consultations are taking place in a positive and constructive spirit. It is, therefore recommended that the issue remain on the agenda of the General Assembly for the coming year.

5 *The WIPO General Assembly is invited to:*

(i) *note the information contained in paragraphs 2 and 3;*

(ii) *decide that the issue of Protection of Audiovisual Performances will remain on the Agenda of the WIPO General Assembly in its session in September 2005.*

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