

## MAIN PROGRAM 08

# Development of Copyright and Related Rights

### Summary

122. The WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) have updated and strengthened the international protection of copyright and related rights, responding to the opportunities and challenges presented by digital technology, in particular by global networks such as the Internet. Promoting adherence to these treaties and achieving their timely and appropriate implementation continues to be a priority.

123. Under the WPPT, the protection of performers does not extend to the use of performances in audiovisual media; to provide such protection, a new treaty supplementing the WPPT is necessary. Subsequently, international acceptance and implementation of such a treaty should be pursued in conjunction with the corresponding activities regarding the WCT and the WPPT.

124. The Standing Committee on Copyright and Related Rights (SCCR) has started work on the updating of international norms for the protection of the rights of broadcasting organizations and distributors of cable-originated programs. The possible legal protection for investments in databases which do not qualify for copyright protection also needs further exploration. The rapid growth in the application of digital technology, particularly in global networks such as the Internet, necessitates continuous attention and monitoring from the viewpoint of protection and management of copyright and related rights. There is also a need to demystify the licensing and management of copyright in both digital and traditional media.

125. The activities under this Main Program are expected to result in further adherence to and implementation of the WCT and the WPPT; in the adoption of new international instruments for which consensus can be reached; and, in providing up-to-date information and guidance to WIPO Member States and the market sector on the implications of digital technology and on the management of rights.

126. The Copyright Law Division will also continue to provide legal advice to Member States and to other units within WIPO, participate in relevant seminars and conferences, follow developments in national and regional copyright and related rights law, coordinate with other IGOs involved in copyright and related rights, and administer and promote the WIPO copyright and related rights treaties.

**Objectives:**

- ◆ To promote adherence to and appropriate implementation of the WCT and the WPPT.
- ◆ To promote possible adoption of new treaties, including on the use of performances in audiovisual media, and on the protection of the rights of broadcasting organizations and of distributors of cable-originated programs.
- ◆ To make progress towards a possible harmonization of the protection of databases.
- ◆ To increase knowledge and awareness, among WIPO Member States and other interested groups, of the issues raised by digital technology, particularly as they relate to the Internet, as regards the protection, exercise and collective management of copyright and related rights.
- ◆ To provide and disseminate information about licensing of copyright and related rights.

**Background**

127. The WCT and the WPPT, which were adopted in December 1996, are expected to enter into force around the beginning of the biennium. WIPO is proactive in promoting ratification of and accession to these treaties. There is a need for further input and guidance for governments that are in the process of transforming the treaties into national law.

128. The WPPT does not extend to the protection of performers as regards audiovisual fixations of their performances. This issue was addressed by the Diplomatic Conference on the Protection of Audiovisual Performances in December 2000, which reached an understanding on all substantive clauses for a treaty, except one, and recommended to the WIPO General Assembly that the Conference be reconvened.

129. The 1996 Diplomatic Conference, which adopted the WCT and the WPPT, adopted a recommendation that work should continue on the intellectual property protection of databases that do not qualify for copyright protection. Work on this issue has been carried out by the SCCR. The SCCR has also undertaken discussions on the protection of the rights of broadcasting organizations and the distributors of cable-originated programs.

130. The WCT and the WPPT have introduced obligations concerning technological measures of protection and rights management information systems, but leave it to the interested parties to work out and operate such measures and systems. In view of the ongoing private sector developments in this respect, WIPO needs to continue studying these issues and monitoring the impact of digital technology, particularly the Internet, on copyright and related rights.

131. The increased global acceptance of international protection of copyright and related rights poses new challenges to the private sector as regards the international licensing of copyright and related rights. Such licensing is in itself complicated, inter alia because of different legal traditions and the interaction between individual and collective management of rights. WIPO needs to study international licensing in cooperation with external consultants

and provide guidance in this area to Member States and the private sector by preparing a WIPO Guide on the Licensing of Copyright and Related Rights.

Expected Results	Performance Indicators
1. Improved guidance to Member States about the implications of the WCT and WPPT treaties.	☐ Number and nature of publications and other information activities.
2. Adoption of treaties on audiovisual performances, broadcasters' rights and databases.	☐ Progress towards adoption of each of the treaties and the number of signatories thereof.
3. Greater awareness and knowledge about the practical aspects of licensing of copyright and related rights.	☐ Number and nature of studies, publications and other activities addressing the issue.

### Activities

- ◆ Convening the Assemblies of the WCT and WPPT (with the participation of observers from WIPO Member States other than Member States of the Assemblies).
- ◆ Convening three sessions of the SCCR to consider issues relating to the law of copyright and related rights, including:
  - continuation of discussions on the protection of the rights of broadcasting organizations and distributors of cable-originated programs;
  - continuation of discussion on the international protection of databases;
- ◆ Organizing four regional consultation meetings in developing countries and two regional consultation meetings for certain countries in Europe and Asia for discussions of these issues.
- ◆ Organizing a diplomatic conference for the adoption of a treaty on the protection of performances in audiovisual media and, if a sufficiently broad consensus has been reached in the SCCR, a treaty on the protection of broadcasting organizations and of distributors of cable originated programs.
- ◆ Organizing three or four national meetings on the implementation of the WCT and the WPPT in national legislation, according to demand.
- ◆ Regular monitoring of and prompt reaction to developments in digital technology, particularly global networks such as the Internet, from the viewpoint of copyright and related rights.
- ◆ Organization of two or three meetings of a group of consultants on the licensing of copyright and related rights, commissioning of studies to be submitted to the group.

- ◆ Preparation and publication of a *WIPO Guide on the Licensing of Copyright and Related Rights*.
- ◆ Administration and promotion of WIPO-administered treaties in the field of copyright and related rights (including the Berne Convention for the Protection of Literary and Artistic Works, the WCT and the WPPT) by enhancing the understanding of the international principles relating to the law of copyright and related rights, including provision of legal advice, participation in relevant seminars and meetings, consultation with national governments, preparation and provision of advice concerning WIPO documents and publications, preparation and publication of a *Guide to International Treaty Provisions on Copyright and Related Rights* and of the *WIPO Glossary of Terms of the Law of Copyright and Related Rights*.

**Table 11.8 Detailed Budget 2002-2003**  
**Main Program 08**  
**Development of Copyright and Related Rights**

**A. Budget Variation by Object of Expenditure**  
(in thousands of Swiss francs)

Object of Expenditure	2000-2001 Revised Budget A	Variation						2002-2003 Proposed Budget E=A+D
		Program		Cost		Total		
		Amount	%	Amount	%	Amount	%	
		B	B/A	C	C/A	D=B+C	D/A	
Staff Expenses	4,269	(1,000)	(23.4)	89	2.1	(911)	(21.3)	3,358
Travel and Fellowships	2,111	(388)	(18.4)	62	2.9	(326)	(15.4)	1,785
Contractual Services	1,783	(42)	(2.4)	62	3.5	20	1.1	1,803
Operating Expenses	120	(4)	(3.3)	4	3.3	-	-	120
Equipment and Supplies	-	14	-	1	-	15	-	15
	<b>8,283</b>	<b>(1,420)</b>	<b>(17.1)</b>	<b>218</b>	<b>2.6</b>	<b>(1,202)</b>	<b>(14.5)</b>	<b>7,081</b>

**B. Budget Variation by Post Category**

Post Category	2000-2001	Variation	2002-2003
	Revised Budget A	B-A	Proposed Budget B
Directors	3	(2)	1
Professionals	3	2	5
General Service	5	(3)	2
<b>TOTAL</b>	<b>11</b>	<b>(3)</b>	<b>8</b>

**C. Budget Allocation by Sub-program  
and Detailed Object of Expenditure**  
(in thousands of Swiss francs)

Object of expenditure	Sub-program	Total
	1	
<b>Staff Expenses</b>		
Posts	2,788	2,788
Short-term Expenses	570	570
<b>Travel and Fellowships</b>		
Staff Missions	556	556
Government Officials	1,229	1,229
<b>Contractual Services</b>		
Conferences	931	931
Consultants	847	847
Publishing	20	20
Other	5	5
<b>Operating Expenses</b>		
Communication and Other	120	120
<b>Equipment and Supplies</b>		
Supplies and Materials	15	15
<b>Total</b>	<b>7,081</b>	<b>7,081</b>