**APPENDIXES - DRAFT DEVELOPMENT AGENDA PROJECT:**

**EVALUATION REPORT ON THE PROJECT ON COPYRIGHT AND THE DISTRIBUTION OF CONTENT IN THE DIGITAL ENVIRONMENT**

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[Appendix I follows]

# APPENDIX I. PROJECT OUTCOMES FRAMEWORK

| Outcome | Activity | Outputs | Indicators |
| --- | --- | --- | --- |
| O1. Increased awareness of the role of copyright and related rights in the distribution of audiovisual content online | A1. Delivery of a study on the copyright legal framework and licensing of audiovisual works in the digital environment | Part 1: Audiovisual over-the-top (OTT) business models in Latin America: recent trends and future evolution | 1. Delivery of a study on the copyright legal framework and licensing of audiovisual works in the digital environment
2. Delivery of a summary of national copyright and related rights applicable for the licensing of audiovisual content online
3. Delivery of a study on audiovisual works in the public domain in the participating countries
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| Part 2: The legal framework of the audiovisual sector in the digital environment |
| Part 3: The legal treatment of foreign authors of audiovisual works |
| Part 4: Contractual practices in the Latin American audiovisual sector in the digital environment |
| Part 5: The identification and use of metadata in audiovisual works |
| Part 6: WIPO alternative dispute resolution (ADR) methods for audiovisual OTT business models |
| A2. Delivery of a summary of national copyright and related rights applicable for the licensing of audiovisual content online | Annex to part 2: Summary of national legal frameworks |
| A3. Delivery of a study on audiovisual works in the public domain in the participating countries | Study on audiovisual content in the public domain and orphan works: an analysis of legislation in Argentina, Brazil, Costa Rica, Ecuador, Peru and Uruguay |
| O2. Better understanding the current status of licensing in the digital environment | A1. Delivery of an assessment regarding the process of content distribution through digital channels in selected countries | Case study I: Women in the audiovisual industry: a panorama of Latin American countries and Spain | 1. Delivery of an assessment regarding the process of content distribution through digital channels in selected countries
2. Delivery of an economic study on the digital audiovisual market
3. Holding of two workshops (two days each) to exchange information and assess the implementation of outcomes one and two
4. Holding of a seminar on copyright and content distribution in the digital environment.
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| Case study II: The experience of a Brazilian independent producer with online distribution of audiovisual content |
| Case study III: Development of a local OTT |
| Case study IV: The clearance of rights from the perspective of a Brazilian independent producer |
| Case study V: The role of an aggregator in video-on-demand (VOD) distribution in Brazil and Latin America: the experience of Sofá Digital |
| Case study VI: Data in the audiovisual business: trends and opportunities |
| Case study VII: Study on audiovisual content in the public domain and considered as an orphan work |
| Case Study VIII: The CINE.AR and CINE.AR.PLAY streaming platforms |
| A2. Delivery of an economic study on the digital audiovisual market | Website: Creative economy notes. Includes three interactive summaries of original economic research.  |
| A3. Holding of two workshops to exchange information and assess the implementation of outcomes one and two | Seminar 1: Audiovisual content and the digital environment in Latin America. Lima, 2022.  |
| Seminar 2: Audiovisual production in the digital context in Latin America. Buenos Aires, 2022. |
| A4. Holding of a regional seminar on copyright and the distribution of content in the digital environment | Seminar: Regional seminar on audiovisuals in the age of streaming. Brasilia, 2023.  |

[Appendix II follows]

# APPENDIX II. EVALUATION MATRIX

| Aspect, criterion and evaluation question | Themes or sub-questions | Indicators | Sources and techniques for collecting information |
| --- | --- | --- | --- |
| **Project design** |
| E.Q.1 Suitability of the initial project design document as a guide to carrying out the project and assessing its outcomes*(relevance, quality of planning)*  | Clear design facilitating an understanding of the project’s aims (outcomes) and how to achieve them (activities and outputs)Internal consistency between the project’s component parts in relation to achieving the desired outcomes External consistency of the project with the Development Agenda recommendations  | The purpose of the project is clear to various actors Respondents deem the project internally consistent, meaning that implementation of the planned activities should logically lead to achievement of the desired outcomes The project’s internal logic can be reproduced and flows smoothly  | Document analysis: initial design and study document, Development Agenda recommendationsInterviews: project team  |
| **Project implementation** |
| E.Q.2 Usefulness and suitability of project monitoring, self-evaluation, and reporting tools for providing the project team and key stakeholders with relevant information for decision-making *(efficiency)* | Sufficient availability of suitable toolsClear definition of the channels for transmitting monitoring information to the stakeholders concerned | Progress and monitoring indicators defined in order to determine whether the project is progressing as planned and in the desired direction The reporting tools make it possible to clearly reproduce how the project is developingRespondents consider that the project provided them with relevant and timely information, at sufficiently regular intervals, to support their decision-making processes | Document analysis: initial design document, progress reports and completion reportInterviews: project team, government officials of missions to WIPO |
| E.Q.3 Extent to which other units of the WIPO Secretariat have contributed to, and enabled effective and efficient implementation of, the project*(coordination)* |  | Other units contributed in their areas of specializationTheir contribution was timely (deadlines were met) and relevant (requirements were met)The respondents consider that the units’ involvement was satisfactory | Document analysis: initial design document, progress reports, completion report and outputs to which other units contributedInterviews: project team, staff from other units that contributed to the project |
| E.Q.4 Extent to which risks identified in the initial project document arose or were mitigated *(efficiency)* |  | Respondents’ statements on the pertinence of the risks identifiedRespondents’ statements on their view of project capacity to mitigate the identified risk | Document analysis: initial design document, progress reports, completion report, information from meetingsInterviews: project team, key respondents |
| E.Q.5 Project capacity to respond to emerging trends and technologies and other external factors *(effectiveness and adaptation)* | The project evolved throughout its developmentThe project was adapted to reflect new trends and technologies | Mention is made in the reports of how the project was adapted and the ensuing advantagesThe respondents consider that due account was taken of emerging or growing trends in the life of the project | Document analysis: progress reports, completion report, scheduling of seminarsInterviews: project team, officials of mission to WIPO from beneficiary countries, national industry bodies, seminar and meeting participants |
| **Effectiveness** |
| E.Q.6 Effectiveness and usefulness of outputs developed in the project[[1]](#footnote-1)*(results)* | Suitability of outputsContribution to identification of the needs of Member StatesContribution to the means or resources for partially or totally satisfying those needs | The outputs are high quality and up to dateOverall, the outputs helped to identify the beneficiary countries’ needs in this areaOverall, the outputs helped to identify the means or resources for partially or totally satisfying those needs | Document analysis: peer review report, project document, completion report, seminar and meeting outputs and programs, final seminar surveyInterviews: project team, officials of mission to WIPO from beneficiary countries, national industry bodies, seminar and meeting participants, other respondents |
| E.Q.7 Effectiveness of the project in raising awareness of the role of copyright and related rights in the distribution of audiovisual content online (O1)*(outcomes)* | The conditions are conducive to raising awarenessKey actors consider that the effort to raise awareness has been successful | Presence of a strategy for using the outputs to raise awarenessSufficiently broad and deep implementation of the strategy to achieve its objectiveTailoring of the awareness strategy to the appropriate audienceStatements by key respondents on whether they consider that awareness in this area has in fact been increased  | Document analysis: project document, progress reports, completion report, seminar and meeting programs, seminar survey resultsInterviews: project team, officials of mission to WIPO from beneficiary countries, national industry bodies, seminar and meeting participants, other respondents |
| E.Q.8 Effectiveness of the project in improving understanding of the current licensing situation in the digital environment (O2) *(outcomes)* | Outputs have been generated and activities that address the current licensing situation in the digital environment have been conductedKey actors consider that a better understanding of the situation has been obtainedKey actors can cite specific examples to demonstrate that improved understanding | Presence of a theme underlying the project and its outputsStatements by key respondents on whether they consider that there is now a better understanding of the situation | Document analysis: progress reports, completion report, seminar and meeting programs, survey resultsInterviews: project team, officials of mission to WIPO from beneficiary countries, national industry bodies, seminar and meeting participants, other respondents |
| **Sustainability** |
| E.Q.9 Likelihood of more work being done in the future on the use of copyright and related rights in the distribution of audiovisual content online*(outcomes)* |  | Stakeholders consider highly probable that the studies and materials resulting from the project will continue to be used | Document analysis: Development Agenda, WIPO program and budget and results framework, CDIP session records, case study outputsInterviews: project team, officials of mission to WIPO from beneficiary countries, national industry bodies |

[Appendix III follows]

# APPENDIX III. BIBLIOGRAPHY AND REFERENCES

1. **Project document** (CDIP/22/15 REV.). <https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=421771>
2. **Project progress reports**:
3. [CDIP/29/2, Annex I](https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=582745%20);
4. [CDIP/26/2, Annex VI](https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=538652);
5. [CDIP/24/2, Annex](https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=453432) V.
6. **Project outputs**:

Overview of the outputs delivered in the context of the Development Agenda project on Copyright and Content Distribution in the Digital Environment (CDIP/28/INF/6). Available at: <https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=571762>

Study on the copyright legal framework and licensing practices for audiovisual content in the digital environment:

* Part 1: Audiovisual over-the-top (OTT) business models in Latin America: recent trends and future evolution. Available at: <https://dacatalogue.wipo.int/projectfiles/DA_1_3_4_10_11_16_25_35_01/Study_Part_1/EN/LATAM%20AV%20study_part_1_EN%20REV.pdf>
* Part 2: The legal framework of the audiovisual sector in the digital environment. Available at: <https://dacatalogue.wipo.int/projectfiles/DA_1_3_4_10_11_16_25_35_01/Part_2/EN/LATAM%20AV%20study_part_2_EN.pdf>
* Part 3: The legal treatment of foreign authors of audiovisual works. Available at: https://dacatalogue.wipo.int/projectfiles/DA\_1\_3\_4\_10\_11\_16\_25\_35\_01/Part\_3/EN/LATAM AV study\_part\_3\_EN.pdf
* Part 4: Contractual practices in the Latin American audiovisual sector in the digital environment. Available at: <https://dacatalogue.wipo.int/projectfiles/DA_1_3_4_10_11_16_25_35_01/Part_4/EN/LATAM%20AV%20study_part_4_EN.pdf>
* Part 5: The identification and use of metadata in audiovisual works. Available at: https://dacatalogue.wipo.int/projectfiles/DA\_1\_3\_4\_10\_11\_16\_25\_35\_01/Part\_5/EN/LATAM%20AV%20study\_part\_5\_EN.pdf
* Part 6: WIPO alternative dispute resolution (ADR) methods for audiovisual OTT business models. Available at: <https://dacatalogue.wipo.int/projectfiles/DA_1_3_4_10_11_16_25_35_01/Part_6/EN/LATAM%20AV%20study_part_6_EN.pdf>

Study on the audiovisual content in the public domain and orphan works: an analysis of the legislation in Argentina, Brazil, Costa Rica, Ecuador, Peru and Uruguay. Available at: <https://dacatalogue.wipo.int/projectfiles/DA_1_3_4_10_11_16_25_35_01/Orphan_Works/EN/LATAM%20AV%20study_Public_Domain_ES.pdf>

**Case studies:**

* Case study I: Women in the audiovisual industry: A panorama of Latin American countries and Spain. Available at: <https://dacatalogue.wipo.int/projectfiles/DA_1_3_4_10_11_16_25_35_01/Case_Study_I/EN/LATAM%20AV%20case%20study%201%20EN.pdf>
* Case study II: The experience of a Brazilian independent producer with online distribution of audiovisual content. Available at: <https://dacatalogue.wipo.int/projectfiles/DA_1_3_4_10_11_16_25_35_01/Case_Study_II/EN/LATAM%20AV%20case%20study%202%20EN.pdf>
* Case study III: The development of a local OTT. Available at: <https://dacatalogue.wipo.int/projectfiles/DA_1_3_4_10_11_16_25_35_01/Case_Study_III/EN/LATAM%20AV%20case%20study%203%20EN.pdf>
* Case study IV: The clearance of rights from the perspective of a Brazilian independent producer. Available at: <https://dacatalogue.wipo.int/projectfiles/DA_1_3_4_10_11_16_25_35_01/Case_Study_IV/EN/LATAM%20AV%20case%20study%204%20EN.pdf>
* Case study V: The role of an aggregator in video-on-demand (VOD) distribution in Brazil and Latin America: the experience of Sofá Digital. Available at: <https://dacatalogue.wipo.int/projectfiles/DA_1_3_4_10_11_16_25_35_01/Case_Study_V/EN/LATAM%20AV%20case%20study%205%20EN.pdf>
* Case study VI: Data in the audiovisual business: trends and opportunities. Available at: <https://dacatalogue.wipo.int/projectfiles/DA_1_3_4_10_11_16_25_35_01/Case_Study_VI/EN/LATAM%20AV%20case%20study%206%20EN.pdf>
* Case Study VII: The CINE.AR and CINE.AR.PLAY streaming platforms. Available at: <https://dacatalogue.wipo.int/projectfiles/DA_1_3_4_10_11_16_25_35_01/Case_Study_VII/EN/LATAM%20AV%20case%20study%207%20ES.pdf>

**Creative economy notes.** Available at: <https://www.wipo.int/edocs/infogdocs/creative_industries/en/>

[Appendix IV follows]

# APPENDIX IV. STAKEHOLDERS AND KEY INTERVIEWEES

|  |  |  |  |
| --- | --- | --- | --- |
| **Stakeholder** | **Name** | **Position and institution** | **Contact email** |
| Government officials in the capital | Marcos de Souza Alves | Secretary for Copyright and Intellectual Property, Ministry of Culture,Brasilia D.F. | marcos.souza@cultura.gov |
| Erika Chávez Huamán | Director, Audiovisual Directorate, Ministry of Culture, Peru | echavezh@cultura.gob.pe |
| Mariana Martínez | Director of the Office of the Coordinator and International Affairs Relating to Intellectual Property of the National Copyright Directorate (DNDA), Buenos Aires, Argentina | mariana.Martinez@jus.gob.ar |
| Ariela Peretti | Director of the Office of the Coordinator and International Affairs Relating to Intellectual Property, DNDA | arielaperetti@gmail.com |
| Maria Balsa | Lawyer, Uruguayan Film and Audiovisual Agency (ACAU), Montevideo, Uruguay | info@contratosdigitales.com |
| Government officials in Geneva | Alison Anabella Urquizo Olazabal | Second Secretary of the Permanent Mission to the Office of the United Nations and Other International Organizations at Geneva: responsible for economic affairs (WTO), intellectual property (WIPO) and trade and development (UNCTAD) | aurquizo@onuperuginebra.ch |
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| Rafael Ferraz Vázquez | Project Manager.Legal Officer, Copyright Law Division  | rafael.ferraz@wipo.int  |
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[Appendix V follows]

# APPENDIX V. LIST OF ABREVIATIONS

|  |  |
| --- | --- |
| CDIPDNDAWIPOOTTUNCTAD | Committee on Development and Intellectual PropertyNational Copyright DirectorateWorld Intellectual Property OrganizationOver-the-top service United Nations Conference on Trade and Development |

[End of Appendix V and document]

1. Study on the copyright legal framework and licensing practices for audiovisual content in the digital environment; summary of national copyright and related rights applicable for the licensing of audiovisual content online; study on audiovisual works in the public domain in the participating countries; assessment regarding the process of content distribution through digital channels in selected countries; economic study on the digital audiovisual market. [↑](#footnote-ref-1)