

**International  
Labour  
Organization**

**ILO – Geneva**

**United Nations  
Educational, Scientific  
and Cultural Organization**

**UNESCO – Paris**

**World Intellectual  
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**INTERNATIONAL CONVENTION FOR THE PROTECTION  
OF PERFORMERS, PRODUCERS OF PHONOGRAMS  
AND BROADCASTING ORGANIZATIONS  
(ROME CONVENTION, 1961)**

**INTERGOVERNMENTAL COMMITTEE  
Twentieth Ordinary Session**

**(Geneva, September 7 to 9, 2009)**

**REPORT ON THE ACTIVITIES OF THE THREE ORGANIZATIONS, TO PROVIDE  
ASSISTANCE AND TRAINING FOR DEVELOPING COUNTRIES WITH A VIEW TO  
PROMOTING THE PROTECTION OF PERFORMERS, PRODUCERS OF  
PHONOGRAMS AND BROADCASTING ORGANIZATIONS**

*prepared by the Secretariat*

*Item 7 of the Provisional Agenda:*

The memoranda prepared on the above subject by the International Labour Office, the Secretariat of UNESCO and the International Bureau of WIPO is attached to this document as Annexes I, II and III, respectively.

[Annexes follow]

## ANNEX I

## ILO ACTIVITIES

The International Labour Organization's activities in providing assistance and training relate to its strategic objectives of promoting *fundamental principles and rights at work, employment, social protection, and tripartism and social dialogue* within the framework of its decent work agenda. Such activities are aimed at general and specific areas of the world of work, but only rarely are they directed specifically towards performers, producers of phonograms and broadcasting organizations. Since the 19<sup>th</sup> session of the Intergovernmental Committee held in June 2005, the relevant activities of the International Labour Organization might be summarized as follows:

*Normative action* of the ILO included the adoption of a Recommendation on the employment relationship that could be of great importance to performers. The Recommendation was adopted at the 95th Session of the International Labour Conference, June 2006<sup>1</sup> (see section 1 below). As a member of the Rome Convention Secretariat, the ILO has been involved in work on the protection for performers, producers of phonograms and broadcasting organizations and others in the context of new technologies, multimedia convergence and the globalization of media and entertainment. *Technical assistance and publications* included work with the International Federation of Musicians (FIM) and the International Federation of Actors (FIA) (see section 2). *ILO attendance at relevant meetings* included following developments on the possible adoption of a WIPO instrument on the protection of audiovisual performances, and proposals on protecting the rights of broadcasting organizations and attendance at various meetings including and European Union (EU) Sectoral Dialogue Meeting of employers' and workers' representatives from the audiovisual industry from across all the European Union member States in Warsaw in May 2006, at which the social partners adopted a joint declaration on social dialogue to address change<sup>2</sup> (see section 3).

## 1. STANDARD-SETTING ACTIVITY

*The employment relationship* – of particular relevance to performers and others is the ILO's adoption of the Employment Relationship Recommendation, 2006 (No. 198), at the 95<sup>th</sup> session of the International Labour Conference, June 2006. Many media and entertainment workers are employed on short-term or temporary contracts or work under subcontracting arrangements. Their lack of continuity in employment, combined with "independent" employment status, may lock them out of social security schemes, paid holidays, maternity protection and safety and health protection. The Recommendation covers:

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<sup>1</sup> See <http://www.ilo.org/ilolex/cgi/lex/convde.pl?R198>. Details available from the Social Dialogue, Labour Law and Labour Administration Branch webpage at <http://www.ilo.org/public/english/dialogue/ifpdial/areas/legislation/employ.htm> and Report V from that Session of the Conference at [http://www.ilo.org/public/english/standards/relm/ilc/ilc95/pdf/repto\\_vto\\_1.pdf](http://www.ilo.org/public/english/standards/relm/ilc/ilc95/pdf/repto_vto_1.pdf).

<sup>2</sup> See [http://www.connexxtov.de/upload/m4474810dda58d\\_verweis2.pdf](http://www.connexxtov.de/upload/m4474810dda58d_verweis2.pdf).

- the formulation and application of a national policy for reviewing at appropriate intervals and, if necessary, clarifying and adapting the scope of relevant laws and regulations, to guarantee effective protection for workers who perform work in the context of an employment relationship;
- the determination, via a listing of pertinent criteria, of the existence of such a relationship, relying on facts relating to the performance of work and the remuneration of the worker, notwithstanding how the relationship is characterized in any contrary arrangement that may have been agreed between the parties; and
- the establishment of an appropriate mechanism, or the use of an existing one, for monitoring developments in the labour market and the organization of work so as to be able to formulate advice on the adoption and implementation of measures concerning the employment relationship.

The ILO also promotes good practices at the national and international levels on the determination and use of employment relationships, and assists constituents in developing national policies and monitoring and implementation mechanisms.

## 2. TECHNICAL ASSISTANCE AND PUBLICATIONS

The ILO is participating with United Nations Conference on Trade and Development (UNCTAD), UNESCO and the Secretariat of the African, Caribbean and Pacific Group of States (ACP) in the development and implementation of a Pilot Project on Poverty Reduction through Employment Creation and Trade Expansion in Creative Industries in Selected Developing Countries. This ACP/ILO/UNCTAD/UNESCO joint project to strengthen the creative industries in 5 selected ACP countries (Fiji, Mozambique, Senegal, Trinidad and Tobago, and Zambia) is currently being implemented by the United Nations (UN) agencies, starting in 2008. The project is part of the EU–ACP Support Programme to Cultural Industries in ACP countries, funded by the European Commission, and managed and implemented by the ACP Secretariat. It is open to ACP States and European Union Member States that are signatories to the 9th European Development Fund (EDF). The general objective of the Programme is to contribute to poverty reduction and sustainable development through the promotion of an enabling environment for creativity, cooperation and exchanges, the strengthening of the independence and viability of the cultural sector in the ACP States, as well as the safeguarding of cultural diversity and fundamental cultural values. It aims at reinforcing the capacities of policy and decision makers, cultural operators and certain domains of culture and cultural industries in the ACP countries.

In April 2005, the Brazilian government hosted an International Forum on Shaping an International Centre on Creative Industries in Salvador de Bahia to discuss the Creative Industries, in conjunction with UNCTAD. The ILO contributed to this event by organizing the third day dedicated to the discussion of international experience and recent research on the creative industries and to explore their implications for policymaking.

The ILO (Geneva) and the International Training Centre of the ILO (Turin, Italy) further developed training materials for cultural entrepreneurship after pilot-testing in Zambia and South Africa. This training package has now been developed into a generic package for dissemination worldwide, with regional and linguistic adaptations underway. Background studies previously conducted by the ILO indicated that performers and artists frequently encounter difficulties in earning a living from the sale of their goods and services, due to lack of basic business notions and management skills. The ILO developed these training materials to provide skills that can enable for performers and artists to transform their art into a viable and sustainable source of income, or to generate better incomes and employment in the creative industries. “Business Skills for Artists” training package consists of two modules, one on why business management methods could help artists to develop their cultural activities, and the other on how to transform a cultural activity into a business plan, or to improve an artistic business.

The ILO provided financial assistance to the FIA for the design and production of a booklet entitled *Act Safe: Minimum Recommended Health and Safety Guidelines for Performers Working in Live Shows*, published in English, French and Spanish in October 2007. The Office also provided financial assistance to the International Federation of Musicians for the Sub-regional Seminar on Contracts and Rights of Musicians, Cotonou, Benin, November 7 to 9, 2007.

The International Training Centre of the ILO (Turin, Italy) and the University of Turin are offering a Master’s programme in Cultural Projects for Development. The course combines essential knowledge of cultural economics and cultural policies with the competences needed to design projects in the cultural field. Case studies and study visits are an integral part of the programme, designed to facilitate the application of the learning in practice, with emphasis on exploring promotion and marketing policies and techniques of cultural assets.

### 3. PARTICIPATION IN RELEVANT MEETINGS

From 2005 to 2009, the Office contributed to the following meetings:

- World Summit on the Information Society, second phase, Tunis, November 16 to 18, 2005;
- International Forum on Shaping an International Centre on Creative Industries, Salvador, Bahia, Brazil, April 18 to 20, 2005;
- EU sectoral social dialogue meeting on The Audiovisual Industry on the Move: Social Dialogue as a tool to tackle changing environments, Warsaw, May 5 to 7, 2006;
- UNI-MEI World Film and TV Conference October 15 to 16, 2007, and Fifth UNI-MEI World General Assembly October 17 to 19, 2007;

- International Federation of Musicians Sub–regional Seminar on Contracts and the Rights of Musicians, in conjunction with UNESCO, WIPO and the ILO, Cotonou, Benin, November 7 to 9, 2007;
- FIM–FIA Asian Regional Conference on the protection of performers and their rights, Bangkok, December 14 to 16, 2007;
- Missions to launch the Fiji, Mozambique, Senegal, Trinidad and Tobago, and Zambia components of the ILO/UNCTAD/UNESCO project on an ACP creative industries project funded by the European Union: meetings with stakeholders, initial situation analysis, June to December 2008;
- International Federation of Musicians World Congress, Johannesburg, October 1 to 3, 2008;
- International Federation of Actors 19th World Congress, Marrakech, October 24 to 27, 2008;
- Conference on strengthening musicians’ unions, intellectual property rights and contracts in Africa, Durban, South Africa, December 4 to 6, 2008;
- Various sessions of WIPO Standing Committee on Copyright and Related Rights, and other WIPO meetings, 2005 to 2008.

[Annex II follows]

## ANNEX II

*Memorandum prepared by the Secretariat of UNESCO*

## UNESCO ACTIVITIES

## 1. STANDARD-SETTING ACTIVITIES

As a standard-setter, UNESCO has produced several binding international legal instruments in the four core areas of creative diversity; namely cultural and natural heritage, movable cultural property, intangible cultural heritage and contemporary creativity. The latest international legal instrument is the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* adopted by the General Conference of UNESCO on October 20, 2005. This convention stands out among the heritage-related conventions in that it focuses primarily on the diversity of cultural expressions, as circulated and shared through cultural activities, goods and services. It thus effectively complements the set of legal instruments deployed by UNESCO to promote creativity and creative diversity, including the Universal Copyright Convention.

The Convention strives to create an enabling environment in which the diversity of cultural expressions may be affirmed and renewed. To this end, the Convention aims to create conditions for cultures to flourish and to interact freely in a mutually beneficial manner, give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning and identify new arrangements for international cooperation.

More specifically, Article 7 of the Convention (Measures to Promote Cultural Expressions) provides that Parties should endeavor to recognize the important contribution of artists and that national measures for protecting and promoting the diversity of cultural expressions should be aimed, among others, at nurturing and supporting artists and others involved in the creation of cultural expressions (Article 6 (2)(g)). Article 14 (Cooperation for development) identifies the strengthening of the cultural industries in developing countries as one of the major means for fostering the emergence of a dynamic cultural sector in these countries. Further, the importance of appropriate collaboration between developed and developing countries in the areas of music and film is specifically emphasized by the same provision. Providing support for creative work and facilitating the mobility of artists from the developing world are highlighted as other essential factors.

The Convention entered into force on March 20, 2007, and has 96 Parties (on March 6, 2009). Currently, the Organs of the Convention, i.e. the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural expressions and the Conference of Parties, are in the process of elaborating the operational guidelines for the implementation of the provisions of the Convention.

The Convention does not deal specifically with intellectual property. However, it does not overlook the importance of intellectual property rights in the protection and promotion of

the diversity of cultural expressions. In its Preamble, the Convention recognizes the importance of these rights for individuals participating in cultural creativity (paragraph 17).

## 2. INFORMATION AND AWARENESS–RAISING ACTIVITIES

### 2.1. WORLD OBSERVATORY ON THE SOCIAL STATUS OF THE ARTIST

The Recommendation on the Status of the Artist, adopted by the General Conference of UNESCO in 1980, reaffirms the rights of the artists to be considered as cultural workers and the need to improve their working conditions. Further to the Final declaration of the World Congress on the application of the Recommendation on the Status of the Artist, UNESCO created in 2003, the *World Observatory on the Social Status of the Artist in 2003* ([www.unesco.org/culture/fr/statusoftheartis](http://www.unesco.org/culture/fr/statusoftheartis)). A practical web tool for a periodical follow-up of the Recommendation, the Observatory is also one of the operational tools for the implementation of the 2005 Convention on the protection and promotion of the diversity of cultural expressions.

The Observatory is a collection of practical and useful data for the artists and other stakeholders in the creative process. It brings together information on the essential aspects of the social status of the artist in UNESCO Member States and is regularly updated on the basis of annual contributions of the Members States. Its main objectives are:

- contribute to the analysis of the social conditions of the artists in the world;
- raise public authorities awareness and promote the 1980 Recommendation;
- measure the progress accomplished in the implementation of the Recommendation on a national level;
- contribute to the upgrading of the work and living conditions of the artists and creators.

The Observatory contains information currently about 50 countries and is structured around three main topics:

- Social and fiscal conditions: employment and social protection systems, social dialogue, fiscal status and mobility of artists;
- Grants and fellowships;
- Networks and partners.

### 2.2 WORLD ANTI–PIRACY OBSERVATORY

The Intergovernmental Copyright Committee at its 13<sup>th</sup> session (2005) requested UNESCO to contribute to the fight against piracy by serving as an information pool and by providing a forum for awareness–raising and information exchange. Further to this recommendation, UNESCO started the groundwork for the setting–up of a *web–based*

*resource (World anti-piracy observatory)* to monitor anti-piracy issues and serve as a clearing house for the exchange of information and best practices.

The preliminary research carried out by UNESCO had revealed that most of the information relating to piracy and to anti-piracy measures was very much scattered between different sources. This was confirmed by the panel of experts in the area of anti-piracy consulted by UNESCO. The experts have indicated that such a centralized and comprehensive web-based resource will be unique of its kind.

The observatory will be set up as a searchable database providing information on legal, procedural, administrative and technical measures and mechanisms used on a national, regional or international level to counteract piracy and to encourage copyright enforcement. Furthermore, country profiles, consolidating the information about anti-piracy measures in UNESCO's member states, will be available online. Special focus will be given to awareness-raising tools, training programmes and other capacity-building initiatives undertaken by different stakeholders. Moreover, a number of practical tools will be made available, for direct use, for governments and civil society organizations' initiatives in the field of anti-piracy.

*Its main objectives are:*

- to contribute to the development of efficient national enforcement of laws protecting creative works, authors and artists by raising awareness and by providing information and tools in the field of anti-piracy; and
- to foster the development of creativity and cultural industries by assisting and encouraging governments and stakeholders in establishing a healthy legal environment.

The World anti-piracy observatory will be a key component of UNESCO's set of operational tools aiming to assist the implementation of the objectives of the 2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions, particularly the emergence of a dynamic cultural sector in developing countries.

The project is currently in development and the launch is planned for September 2009.

## 2.3 COLLECTION OF NATIONAL COPYRIGHT LAWS

*UNESCO's Collection of National Copyright Laws* allows rapid and free-of-charge access to the national legislations on copyright and related rights of more than 100 states.  
<http://unesco.org/culture/copyrightlaws>



## 2.4. e-COPYRIGHT BULLETIN

UNESCO's on-line legal journal in six language versions, the *Copyright Bulletin*, ceased to be published in 2007. Over its sixty years of existence, the *Copyright Bulletin* has assisted copyright lawyers, as well as government officials, collecting societies, law professors, researchers, industry experts and students in studying and understanding the complex and ever-evolving copyright landscape by publishing articles and studies, information on national, regional and international developments, new legal instruments and case law. Its authors have included the most prominent scholars, academics and practitioners in the copyright area from all regions of the world.

## 3. STUDIES AND RESEARCH

The 33rd General Conference of UNESCO in 2005, mandated UNESCO to play a proactive role in the discussion of the draft of an international instrument on the protection of the rights of broadcasting organizations which was in discussion by WIPO the Standing Committee on Copyright and related Rights (SCCR), so that the objectives of the promotion of freedom of expression and universal access to information and knowledge are not hindered by the provisions of the said instrument.

Further to this mandate, UNESCO commissioned and published several studies on the subject. The "Draft WIPO Broadcasting Treaty and its impact on the Freedom of Expression", a study of Patrícia Akester, and the "Reflections on the Draft WIPO Broadcasting Treaty and its Impact on Freedom of Expression" by Prof. Thomas Dreier, both commissioned by UNESCO, aimed to make a constructive input to the debate on the intersection between the protection of intellectual property rights and freedom of expression in the draft international instrument, in discussion at that time. In the light of the on-going discussion on broadcasters' rights, UNESCO presented points of view of different stakeholders on this subject. More particularly, the reflections of the Dr. W. Rumphorst, from the European Broadcasting Union (EBU) were published in UNESCO's *Copyright Bulletin*.

## 4. CAPACITY-BUILDING ACTIVITIES

### 4.1 ENFORCEMENT OF RIGHTS: ANTI-PIRACY TRAINING FOR TRAINERS PROJECT

Further to the first Anti-Piracy Training for Trainers (APTT) course, launched as a pilot project in the sub-region of South-Eastern Europe in 2004, UNESCO developed and extended the project to other regions and sub-regions.

Three sub-regional APTT seminars have taken place in Africa:

- 2006 – Windhoek (Namibia) for copyright enforcement officials from the following countries from Southern Africa: Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe;
- 2007 – Dar es Salam (Tanzania) – for copyright enforcement officials from the following countries from East Africa: Burundi, Kenya, Madagascar, Mauritius, Rwanda, Seychelles, Tanzania and Uganda;
- 2008 – Dakar (Senegal) – for copyright enforcement officials from the following countries from West Africa: Benin, Burkina Faso, Côte d’Ivoire, Guinea, Mali, Niger, Senegal and Togo.

The participants included representatives of the national authorities responsible for the enforcement of copyright protection, notably second–instance court judges specializing in intellectual property, high–level prosecutors, customs and police officers.

The Anti–Piracy Training for Trainers project aims to achieve a multiplied effect, as the participants commit themselves to organise national follow–up seminars in order to convey the acquired knowledge and expertise to a much larger circle of national authorities involved in anti–piracy activities. UNESCO has contributed to these national events with a methodological, technical and financial assistance. National anti–piracy seminars have been organised so far in the following countries: Namibia, Zimbabwe, Zambia, Malawi, Madagascar, Botswana and Burundi. Seminars in Benin and Senegal are in preparation.

#### 4.2 TRAINING AND TOOLS FOR THE MUSIC SECTOR

A training seminar for musicians entitled “Copyright as a Tool for Music Industry Development” was organized in Dar es Salaam, Tanzania, in 2007. Further to the recommendations of the seminar, a publication containing several major types of contracts for the music sector is currently being prepared by UNESCO.

[Annex III follows]

ANNEX III

*Memorandum prepared by the International Bureau of WIPO*

WIPO Activities

1. This document covers the activities of the World Intellectual Property Organization (WIPO) in the context of copyright and related rights for the period 2005 to 2008. These activities are conducted for the benefit and assistance of developing countries, including the least developed countries (LDCs).
2. WIPO organizes and executes a flexible and tailored approach in implementing its activities taking into account the widely differing needs and capacities among developing countries and LDCs. Technical, legal and related assistance programs, mainly requested from individual Member States were provided both jointly and independently by WIPO staff in the Regional Bureaus as well as other WIPO sectors such as the Copyright and Related Rights Sector, WIPO Worldwide Academy and the Legislative and Legal Advice Division.
3. Between 2005 and 2008, the main thrust of the WIPO assistance programs regarding copyright and related rights focused on the following objectives:
  - (a) Providing legal assistance to Member States on request;
  - (b) Providing awareness building and human resource development activities on request;
  - (c) Addressing issues on enforcement of copyright and related rights;
  - (d) Conducting study visits to get an into depth knowledge of better-developed copyright systems in the countries visited;
  - (e) Creating inter-regional awareness building and human resource development activities at the national and regional levels focusing on areas such as policy, strategy, enforcement, balancing of right holders' and consumers' rights and obligations;
  - (f) Addressing the role and functions of collective management organizations in promoting the rights and interests of creators of copyright and related rights and in the process stimulating the growth of these industries;
  - (g) Addressing protection of audiovisual performances;
  - (h) Promotion of the Internet Treaties; and
  - (i) Sending of resource persons to IP meetings organized at national and regional levels.

## LEGISLATIVE ASSISTANCE

4. During 2005 to 2007, inclusive, WIPO provided legislative assistance on copyright and related rights legislation upon specific request by countries concerned and on a confidential basis. WIPO's legislative advice to developing countries and LDCs for the revision of their IP laws, had in particular the aim of modernizing and upgrading the intellectual property legal framework to promote public policies and development, taking advantage of legal options and flexibilities permissible under the TRIPS Agreement and WIPO-administered treaties.

5. Concerning legislative advice provided specifically on copyright and related rights, countries continued to receive assistance in updating laws for compliance with current international standards. WIPO rendered assistance in the form of comments to amend and modernize existing laws or as draft new legislation. That activity responded to requests from Angola, Bhutan, Central African Republic, China, Cook Islands, Djibouti, Equatorial Guinea, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Marshall Islands, Myanmar, Nepal, Oman, Panama, Paraguay, Peru, Rwanda, Senegal, Seychelles, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, and Uruguay. In 2007, WIPO National Workshop for the Review of the Malawian Copyright Law was organized in Malawi.

6. A special program of assistance was formulated for African Portuguese-Speaking Countries members of the Community of Portuguese-Speaking Countries (CPLP) in the area of copyright law formulation, establishment and/or enhancement of copyright collective management organizations, in 2008.

## AWARENESS BUILDING AND HUMAN RESOURCE DEVELOPMENT ACTIVITIES

7. During the period under review, several *awareness building and human resource development activities* were organized at national, regional and sub-regional levels across the globe to create awareness on various aspects of copyright and related rights. A wide range of copyright and related rights issues were covered.

*African Countries*

8. *Central African Republic*: National Seminar on Copyright and Related Rights and for the Re-Instatement of the Copyright Bureau of the Central African Republic (BUCADA) (2006).

9. *Mali*: National Seminar on Copyright and Related Rights for Magistrates (2005).

10. *Uganda*: WIPO Workshop on the Ugandan New Copyright Regime (2008).

11. The year 2008 also witnessed the launching of the Southern and Eastern Africa Copyright Network (SEACONET) in Lilongwe, Malawi.

*Arab Countries*

12. *Bahrain*: WIPO Sub–Regional Course of the Arab Certified Intellectual Property Practitioner Program (ACIPP) on Copyright and Related Rights (2006). WIPO–Arab Society for Intellectual Property (ASIP) Sub–Regional Training Course of the ACIPP on Copyright and Related Rights (2007).

13. *Egypt*: WIPO/APA/IPA Conference on Copyright and Development from Cultural Diversity to Social Prosperity (2007). National Workshop on IP and Film Enterprise in the Arab World (2007). WIPO–Arab Publishers Association (APA)/International Publishers Association (IPA) International Conference on Copyright Development: Sharing the Benefits (2007). WIPO/LAS Regional Seminar on Copyright and Related Rights with Special Emphasis on Collective Management (2008).

14. *Kuwait*: National Seminar on Copyright and Related Rights (2008).

15. *Lebanon*: National Workshop on Copyright and Related Rights for Lawyers (2007).

16. *Morocco*: National Seminar on the Economic Importance of Copyright and Related Rights in the Digital Environment (2006). National Seminar on Implementation of Copyright and Related Rights (2007). National Seminar on Copyright and Related Rights, in cooperation with the Moroccan Copyright Office (2007).

17. *Yemen*: National Seminar on Copyright and Related Rights (2008).

*Asian and the Pacific Countries*

18. *Bhutan*: WIPO National Seminar on Practical Aspects of Copyright for Music and Film Industries (2008).

19. *Indonesia*: WIPO Asia–Pacific Regional Symposium on the Use and Protection of Copyrighted Works in the Media Industry: Multimedia Productions in the Digital Environment (2006). WIPO Asia–Pacific Symposium on Copyright and Related Rights in the Digital Network Environment (2008).

20. *Lao People's Democratic Republic*: WIPO Asia–Pacific regional Symposium on Emerging Issues of Copyright and Related Rights in the Library Sector (2007).

21. *Mongolia*: National Seminar on Copyright and Related Rights in the Creative Industries (2006).

22. *Myanmar*: National Seminar on Copyright and Related Rights in the Creative Industries (2006).

23. *Philippines*: Regional Consultation for Asia–Pacific Countries on Protection of Broadcasting Organizations (2005).

24. *Sri Lanka*: WIPO Sub–Regional Round Table on Copyright–Based Business: Authorship, Publishing and Access to Knowledge (2006)

*Latin American and the Caribbean Countries*

25. *Argentina*: International Seminar on Copyright in the Publishing Environment (2005). The Eighth Intensive Postgraduate Course of the School of Law of the University of Buenos Aires (UBA): Updates on Copyright and Related Rights—Theory, Practice and Jurisprudence (2007).
26. *Brazil*: WIPO International Seminar on Copyright (2008).
27. *Chile*: WIPO–SGAE Twelfth Regional Academic Course on Copyright and Related Rights for Latin American Countries (2006).
28. *Colombia*: Regional Consultation for the Countries of Latin America and the Caribbean on the Protection of Broadcasting Organizations (2005). Seminar on Copyright Negotiation: The Key to Mutual Benefit (2005). Regional Course on Copyright and Related Rights at the Colombian Copyright Office (2006). WIPO Regional Course on Copyright and Related Rights Management (2007). National Seminar on Copyright, Culture and Development: The Book Between the Shelf and Internet (2007). International Symposium on Copyright: “Enhancing a Culture for Books and Reading in the Digital Environment” in the Framework of the 21st International Book Fair of Bogota (2008).
29. *Costa Rica*: WIPO National Workshop on Intellectual Property in the Digital Environment (2005). WIPO Regional Seminar on Intellectual Property and Information Technology in the Twenty First Century in Latin America: Trends, Challenges and Perspectives (2008).
30. *Côte d’Ivoire*: National Workshop for the Members of the Board of Directors of the Copyright Bureau of *Côte d’Ivoire* (BURIDA) (2005).
31. *Cuba*: National Workshop on the Legal Contractual Aspects of Copyright Related to the Audiovisual Industry (2006).
32. *Jamaica*: WIPO National Workshop on Intellectual Property for Representatives of the Media (2006). Regional Seminar on the Administration of Copyright in Smaller and Vulnerable Economies (2008). National Workshop on the Management of Intellectual Property in the Music Industry (2008).
33. *Mexico*: WIPO National Seminar on Copyright (2005). Forum on Copyright, Creative Industries and Public Policies (2007). WIPO–*Sociedad General de Autores y Editores* (SGAE) XIII Regional Academia Course on Copyright and Related Rights for Latin American Countries (2007). Regional Forum on Copyright and Public Policies organized in cooperation with the *Centro Regional para el Formento del Libro en América Latina y el Caribe* (CERLALC) (2007).
34. *Panama*: National Seminar on Copyright and Related Rights: Opportunities, Challenges and Perspectives in the Present Global Context (2007).

35. *Paraguay*: WIPO–SGAE XI Regional Academic Course on Copyright and Related Rights in the Digital Environment (2005).

36. *Peru*: International Congress “Copyright and the Challenges of a Changing World” (2006).

37. *Uruguay*: National Seminar on Copyright and Related Rights: The Digital Age and Regional Free Trade Agreements (2007).

## ENFORCEMENT OF COPYRIGHT AND RELATED RIGHTS

38. During the period under review, WIPO organized activities relative to the enforcement of copyright and related rights aimed at addressing the diverse needs of Member States in developing and strengthening their legislation and infrastructures for effective enforcement of intellectual property rights.

39. In 2006, WIPO convened the third meeting of the Advisory Committee on Enforcement (ACE) to focus on the issue of education and awareness building, including training, in all areas of intellectual property enforcement and illustrated the extent of the counterfeiting and piracy problems with a series of presentations from government and private sector experts. In 2007, WIPO convened the fourth session of the Advisory Committee on Enforcement (ACE) at WIPO headquarters to address the issue of coordination and cooperation at the international, regional and national levels in the field of enforcement, with the focus on streamlining the criminal enforcement of intellectual property rights.

40. WIPO also cooperated with inter-governmental organizations (IGOs) and non-governmental organizations (NGOs) in organizing enforcement related activities.

41. In 2005, the Second Global Congress on Combating Counterfeiting and Piracy was held in Lyon, France. In 2006, Senegal hosted a WCO/INTERPOL/WIPO/WHO National Seminar on the Fight against Counterfeiting and Piracy. In 2007, the Third Global Congress on Combating Counterfeiting and Piracy, jointly convened by WIPO, Interpol and the WCO, with the support and cooperation of the Global Business Leaders Alliance Against Counterfeiting (GBLAAC), INTA, ICC and ISMA, was held at the International Conference Center, Geneva. In 2008, Dubai hosted the Fourth Global Congress on Combating Counterfeiting and Piracy, jointly organized by the World Customs Organization (WCO) in cooperation with the Interpol and WIPO, and with the support of the International Trademark Association (INTA), the International Chamber of Commerce (ICC), and the International Security Management Association (ISMA).

### *African Countries*

42. *Benin*: National Awareness Raising Seminar for Magistrates, Attorneys and Law Enforcement Officers on Copyright and Related Rights (2006).

43. *Burkina Faso*: National Training Workshop on the Fight Against Piracy of Literary and Artistic Works for Magistrates (2006).

44. *Niger*: WIPO/Organisation Africaine de la Propriété Intellectuelle (OAPI) Sub-Regional Workshop on the Enforcement of Intellectual Property Rights, for the attention of Magistrates and Lawyers from French-speaking African countries (2006). Seminar on Law, Policy and Enforcement of IP co-organized with Unites States Patent and Trademark Office (USPTO) (2008).

45. *Senegal*: WIPO-OIF Sub-Regional Seminar on Enforcement of Copyright and Related Rights for the Judiciary (2008).

46. *Sudan*: WIPO National Seminar on the Enforcement of Copyright, Related Rights and Collective Management (2006). Workshop on Enforcement of Intellectual Property Rights (IPRs) in cooperation with the IPO/Police of the Government of Sudan (2007).

#### *Arab Countries*

47. *Egypt*: Regional Conference on IP Enforcement in the Digital Age (2008).

48. *Morocco*: Morocco Copyright Enforcement Conference, co-organized with the USPTO (2008).

#### *Asian and the Pacific Countries*

49. *China*: WIPO High-Level Roundtable on the Enforcement of IP Rights (2006). China Forum on Criminal IP Protection, Shenzhen City (2007). WIPO Asia and the Pacific Sub-Regional Workshop on Effective Enforcement of IPRs: Establishing Sustained Cooperation between IP Offices, Customs and other Enforcement Agencies (2007).

50. *Japan*: WIPO/Japan Copyright Office (JCO) Special Training Course on the Enforcement of Copyright and Related Rights (2005). Special Training Course on the Enforcement of Copyright and Related Rights (2007).

51. *Malaysia*: WIPO National Colloquium for the Judiciary on the Enforcement of Intellectual Property Rights (2007). Roundtable Discussion with the Enforcement Division of the Ministry of Domestic Trade and Consumer Affairs, Malaysia (2007). WIPO National Intellectual Property Rights Training for Enforcement Officers (2007). Government of Malaysia Judiciary Annual Conference (2007). WIPO Asia-Pacific Regional Symposium on the Protection and Enforcement of IPRs in Combating Counterfeiting and Piracy (2008).

52. *Singapore*: WIPO/International Confederation of Authors and Composers Societies (CISAC) Joint Regional Colloquium for the Judiciary on Copyright and Related Rights (2005).

53. *Sri Lanka*: WIPO National Seminar on Enforcement of Intellectual Property Rights for Police Officials (2007). Roundtable on Strengthening the Cooperation among Law Enforcement Agencies (2007). WIPO National Seminar on Enforcement of Intellectual Property Rights for Customs Officials (2007).



54. *Thailand*: WIPO Asia and the Pacific Regional Workshop on Effective Enforcement of IPRs: Strengthening Border Measurers (2008).

*Latin American and the Caribbean Countries*

55. *Costa Rica*: Capacity Building Program on Enforcement of Intellectual Property Rights for Judges of Costa Rica (2008).

56. *Mexico*: Seminar on the Infringement of Copyright and Related Rights (2005).  
Seminar on Crime Related to Copyright and Related Rights (2005).

STUDY VISITS

57. Study visits (which encompassed at least one component of copyright and related rights) were undertaken during this period to various copyright related offices and organizations to get first hand and into depth knowledge of the functioning of those offices.

58. In 2005, an official from India and two officers from the Collective Management Organizations in Malaysia undertook study visits to collecting societies in Japan, while in 2006, three officers from Collective Management Organizations of Indonesia and an officer from the Directorate General of the Intellectual Property Office of Indonesia undertook such a study visit to Japan. In 2007, officials from Costa Rica, Mexico, Panama and Paraguay undertook a study visit to study the Latin American Collective Management Organizations; WIPO undertook an advisory mission to Myanmar to conduct a feasibility study on the establishment of a collective management system; and officials from China undertook study visits to collecting societies in Japan.

59. In 2008, four musicians from Sri Lanka undertook study visit to the collecting societies in Japan; three Government officials from El Salvador, Nicaragua and Panama undertook a study visit to the administration of copyright and related rights at the *Dirección Nacional del Derecho de Autor* (DNDA) of Colombia. Officials from the Copyright Bureau of Benin (BUBEDRA) undertook a study visit to France to study the collective management of related rights.

INTER-REGIONAL AWARENESS BUILDING AND HUMAN RESOURCE DEVELOPMENT ACTIVITIES, THE WIPO WORLDWIDE ACADEMY (WWA)

60. In the area of Inter-Regional Awareness Building and Human Resource Development Activities, the WIPO Worldwide Academy (WWA) continued to organize specialized programs for government officials, judges, customs officers, diplomats, university professors and researchers of institutions and heads of IP Offices during the period under review. The courses were organized with the cooperation of the Ministry of Education and Culture of Finland in Helsinki; National Office of Copyright and Related Rights (ONDA) in Algiers; British Copyright Council (BCC) in London; Collective Management Society of Authors and Editors (SGAE) in Madrid; and Ministry of Culture and Francophony in Paris.

61. WIPO Interregional Intermediate Seminar on Copyright and Related Rights in Geneva, followed by practical training programs in Helsinki, Algiers, London, Madrid and Paris (2005). WIPO–Swedish International Development Agency (SIDA) Advanced Training Course on Copyright and Related Rights in the Global Economy, Stockholm (2005).
62. WIPO Interregional Intermediate Seminar on Copyright and Related Rights in Geneva, followed by practical training programs in Helsinki, Algiers, London, Madrid and Paris(2006). WIPO–Swedish International Development Agency (SIDA) Advanced Training Course on Copyright and Related Rights in the Global Economy, Geneva (2006). WIPO International Symposium on Emerging Issues in Copyright and Related Rights for Developing Countries and Countries in Transition, Washington D.C. (2006).
63. WIPO Interregional Intermediate Seminar on Copyright and Related Rights followed by practical training programs in Helsinki, Algiers, London, Madrid and Paris (2007). WIPO-Swedish International Development Agency (SIDA) Advanced Training Course on Copyright and Related Rights in the Global Economy, Stockholm (2007).
64. WIPO Interregional Intermediate Seminar on Copyright and Related Rights, followed by practical training programs in Helsinki, Algiers, London, Madrid and Paris (2008). WIPO-Swedish International Development Agency (SIDA) Advanced Training Course on Copyright and Related Rights in the Global Economy, Stockholm (2008).

#### COPYRIGHT COLLECTIVE MANAGEMENT ORGANIZATIONS

65. Greater attention was also given to the area of Copyright Collective Management Organizations during the period under review by way of seminars, setting up of Collective Management Organizations and training sessions.

#### *African Countries*

66. *Burkina Faso*: WIPO Regional Seminar on Copyright and Related Rights Collective Management Dimension in the Development of Creative Industries (2005).
67. *Cameroon*: National Training Workshop on Collective Management of Copyright and Related Rights (2008).
68. *Chad*: National Seminar on Collective Management of Copyright and Related Rights (2005).
69. *Kenya*: WIPO Intensive Training Course on Copyright, Related Rights and Collective Management for Senior Management Staff of the Music Copyright Society of Kenya (MCSK) (2008).
70. *Niger*: National Training Workshop on Contracts and Performers Rights for Musicians, Magistrates, Attorneys, Law Enforcement Officers and Cultural Entrepreneurs (2006).

71. *Togo*: Intensive Training Course on Copyright, Related Rights and Collective Management for Members of the Board of Directors of the Copyright Bureau of Togo (BUTODRA) (2007).

*Arab Countries*

72. *Lebanon*: National Workshop on Copyright and Related Rights and Collective Management (2006). National Seminar on Copyright and Collective Management (2008).

*Asian and Pacific Countries*

73. *Bhutan*: WIPO Sub-Regional Roundtable on Multirights Collective Management (2007).

74. *China*: WIPO-State Administration of Radio, Film, and Television (SARFT) Informal Closed Discussion on Licensing and Broadcasting (2008).

75. *India*: WIPO Seminar on Collective Management of Copyright in the Digital Era: Trends, Problems and Prospects (2005).

76. *Sri Lanka*: WIPO National Seminar on Collective Management of Copyright and Related Rights, followed by Consultations on Collective Management of Copyright and Related Rights (2008).

77. *Thailand*: WIPO-CISAC Regional Colloquium for the Judiciary on Copyright and Related Rights (2006).

78. *Vietnam*: WIPO National Seminar on the Collective Management Organization (CMO) of Copyright in the field of Music (2007).

*Latin American and Caribbean Countries*

79. *Argentina*: WIPO-SGAE XIV Regional Academic Course on Copyright and Related Rights: "Practices and Challenges of Collective Management in Latin America" (2008).

80. *Barbados*: Meeting of the Caribbean Copyright Link (CCL) on Future Strategies and Functions of CCL (2006).

81. *Jamaica*: WIPO-International Federation of Reproduction Rights Organisations (IFRRO) Regional Consultation on Collective Management of Reprographic Reproduction Rights (2005). Third Regional Consultation on Collective Management of Reprographic Reproduction Rights in the Caribbean (2008).

82. *Panama*: WIPO National Seminar on the Collective Management of Copyright and Related Rights (2005).

83. *Saint Vincent and the Grenadines*: Board of the Caribbean Copyright Link (CCL) and Consultation Meeting (2008).
84. *Suriname*: National Seminar on Collective Management of Copyright (2006).
85. The period under review also saw the training and setting up of Collective Management Organizations. Collective Management Organizations were set up in Paraguay in 2005; in Costa Rica in 2006; and in Panama and Guatemala in 2007. During the same period under review, Benin and Malawi also received WIPO's assistance in the setting up of Collective Management Organizations.
86. In 2007, assistance was provided for the Kenya Copyright Board and the Music Copyright Society of Kenya (MCSK), and a Framework Assessment of the Needs for the Implementation of Collective Management of Related Rights by the Copyright Societies of Benin (BUBEDRA) and Malawi (COSOMA). In 2008, a Documentation Training Course was provided for Trinidad and Tobago; and a Collective Management Training in the Uruguayan Performers' Society (SUDEI), followed by Seminar and discussion on the Law Project "Performers status" was organized, with participants from Uruguay, Argentina and Brazil.

#### PROTECTION OF AUDIOVISUAL PERFORMERS

87. WIPO also organized a series of seminars on the protection of audiovisual performers during the period under review.

##### *African Countries*

88. *Malawi*: WIPO Regional Seminar on the Protection of Performers in Africa (2008).
89. *Nigeria*: WIPO National Seminar on Intellectual Property Rights for Professionals in the Film Industry (2008).

##### *Arab Countries*

90. *Algeria*: National Seminar on Copyright and the Audiovisual Sector (2007).

##### *Asian and Pacific Countries*

91. *China*: WIPO Asia-Pacific Regional Symposium on Performers' Rights in the Digital Network Environment (2007). WIPO National Workshop on Copyright and Related Rights in the Film and Audiovisual Sector (2007). WIPO National Symposium on Emerging Issues of Copyright and Related Rights in the Film and Audiovisual Sector, (2008).
92. *Malaysia*: WIPO Malaysia National Seminar on Collective Management of Copyright and Related Rights for Performers (2008).

93. *Nepal*: WIPO Asia–Pacific Regional Symposium on Emerging Issues of Copyright and Related Rights in the Audiovisual Industry (2008).

94. *Philippines*: National Seminar on Managing IP Rights in the Philippines Film Industry (2008).

*Latin American and Caribbean Countries*

95. *Argentina*: National Seminar on the Audiovisual Work: Creation, Production and Exploitation (2005). Second International Forum on Audiovisual Performances (2006). Fourth Iberolatinoamerican Training Course on Performers' Intellectual Property Rights (2006).

96. *Chile*: Fourth International Forum on the Protection of Audiovisual Performers in Latin America (2007). Training Course on Collective Management of Performer's Intellectual Property Rights for New or Emerging Latin American Societies (2008).

97. *Colombia*: Seminar on Performers Intellectual Property Rights (2007). Third Seminar on the Challenges of the Audiovisual Sector in the Digital Environment (2007). National Seminar on "The Challenges of the Audiovisual Sector in the Digital Environment (2007). Fifth International Forum on Audiovisual Performances–International Performances in a Globalized Market (2008).

98. *Costa Rica*: National Seminar on Collective Management of Performers' Intellectual Property Rights (2007).

99. *Guatemala*: National Seminar on Collective Management of Performers' Intellectual Property Rights (2007).

100. *Panama*: National Seminar on Collective Management of Performers' Intellectual Property Rights (2007).

101. *Paraguay*: Seminar on Performers' Intellectual Property Rights and Collective Management (2005). Workshop on Copyright Collective Management for Performers (2005).

102. *Uruguay*: Seminar on the Challenges of Collective Management of Performers' Intellectual Property Rights in the region (2006).

103. In 2005, a Third Iberolatinoamerican Training Course on Performer's Intellectual Property Rights was held in Spain, with participants coming from Argentina, Bolivia, Brazil, Colombia, Costa Rica, Chile, Dominican Republic, Ecuador, Mexico, Paraguay, Peru, Uruguay and Venezuela.

104. In 2007, training on collective management of related rights was organized in Madrid, in coordination with the Iberolatinoamerican Federation of Performers (FILAIIE), for managers of newly established collective management organizations from Costa Rica, Mexico, Panama and Paraguay.

## PROMOTION OF THE WIPO COPYRIGHT TREATY AND THE WIPO PERFORMANCES AND PHONOGRAMS TREATY

105. During the period under review, WIPO carried out activities on the *promotion of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty* as follows:

106. *Malaysia*: WIPO Asia Pacific Regional Seminar on the Issues and Recent Developments of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty (2007).

107. *Egypt*: WIPO Arab Regional Seminar on the Issues and Recent Developments of the WIPO Copyright Treaty (1996) and the WIPO Performances and Phonograms Treaty (1996) (2008).

## SURVEYS ON THE ECONOMIC IMPORTANCE OF INDUSTRIES AND ACTIVITIES PROTECTED BY COPYRIGHT AND RELATED RIGHTS

108. During the period under review, WIPO undertook surveys on the economic importance of industries and activities protected by copyright and related rights in specific Member States on request.

109. In 2005, such surveys were conducted in Mexico and Columbia; in Peru and Spain in 2006; in Brazil in 2007, and in Jamaica in 2008. The Study entitled “Contribution of Copyright and Related Rights Industries to the National Economy of Jamaica” was launched in 2008. Earlier in 2006, the methodology for conducting such studies was also translated into Chinese. In 2007, WIPO provided assistance in conducting a survey on the teaching of copyright and related rights at law universities and institutions, *Instituto PENSARTE*, Brazil.

## SENDING RESOURCE PERSONS IN THE FORM OF EXPERTS, SPEAKERS, OR PARTICIPANTS

110. WIPO also assisted in several of the copyright related conferences by sending resource persons in the form of experts, speakers, or participants as follows:

111. In 2005, WIPO participated in the Sub-Regional Workshops on the Management of Intellectual Property in the Publishing Industries, Jamaica; and sent speakers to the FIM/FIA Workshops on Strengthening Performers Unions and Developing Performers/Intellectual Property Rights in Malaysia and to the Philippines. In the same year WIPO participation in the VI Intensive Postgraduate Course on Copyright and Related Rights organized by the University of Buenos Aires, Argentina, and in a roundtable at the International Seminar on Copyright and Related Rights for Judges and Prosecutors in Peru. In 2006, WIPO participated in the VI Intensive Postgraduate Course on Copyright and Related Rights organized by the University of Buenos Aires, Argentina. In the same year, WIPO participated in a Meeting of the Ibero-American Committee of the International Confederation of Societies of Authors and Composers (CISAC), in Costa Rica. In 2008, WIPO participated in meetings organized by the International Federation of Reproduction Rights Organizations (IFRRO) on the Digital Issues Forum and the IFRRO Annual General Meeting in Jamaica, and in the Sixth Seminar on Copyright in the Publishing World, Argentina. WIPO also

participated in “The Week of Copyright and Related Rights” University of La Habana, Cuba; The VI Seminar on Copyright in the Publishing World”, Argentina; and the National Symposium on Copyright and Related Rights “The Protection of Copyright and Related Rights in the National Legal Framework”, Guatemala.

112. In 2006, WIPO financed a speaker from Venezuela to the Seventh Postgraduate Course “Update on Copyright and Related Rights: Theoretical and Practical Aspects” Argentina. In 2007, WIPO financed a speaker from Costa Rica to the National Symposium on Copyright and Related Rights, Guatemala. In the same year, WIPO financed participants from Papua New Guinea, Solomon Islands, Tonga, Vanuatu and Western Samoa to participate in the Papua New Guinea Music Copyright Summit held in Australia. Again, in 2007, WIPO financed speakers to the FIM/FIA Workshops on Strengthening Performers Unions and Developing Performers/Intellectual Property Rights in China, and to the Asia–Pacific Economic Cooperation (APEC) Workshop on the Enforcement of Intellectual Property Rights in the Digital Era in Vietnam. In 2008, WIPO financed a speaker from Columbia to the Seminar on Copyright and Related Rights for Judges and Prosecutors in Ecuador.

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