

## 10 REASONS FOR A WIPO TREATY

- 1. Broadcasters' investment in content production and dissemination must be protected.** Creation of broadcast signals involves acquiring and producing programmes, editorially organizing, scheduling and promoting them, plus creating and maintaining the means of disseminating the programme-carrying signals. Broadcasters' investment in this process is immense and its protection must thus be adequate.
  - 2. The current legal protection of broadcasters' signals at the international level is obsolete and inadequate for broadcasters wishing to meet consumer demands and to curb growing broadcast piracy.** The Rome Convention of 1961 offers inadequate protection of broadcasters' signals today. New transmission technologies come with new costs and new risks for broadcasters as they increase the scope for international signal theft, including new means to easily copy and redistribute digital broadcasts.
  - 3. Signal piracy is harmful to all broadcasters in all parts of the world.** WIPO studies confirm that massive misappropriation of broadcast signals is suffered on a daily basis by both private and public broadcasters in all parts of the world. Much piracy stems from foreign-based Internet sites which see a business model in stealing product from one part of the world and displaying it to markets in another. The ability of multinational pirates to copy broadcast streams from any region and to send them around globally with impunity also robs developing-country broadcasters of actual and potential markets around the world.
  - 4. Benefits to society, media pluralism and the local creative sector.** Broadcasters provide the most benefits to society than any other entity in the copyright sector. They play a critical role in developing and sustaining an informed society, ensuring the public's right to receive diversified and independent information; they safeguard cultural diversity and media pluralism, enhance social cohesion and media literacy, and adapt society to the dynamic process of modernization. Protection of their signals further strengthens global cultural exchange and improves exports of cultural goods from developing nations.
  - 5. Protection of the integrity and value of broadcast signals supports access to culture, information, education and entertainment.** Broadcasters' programmes enrich and stimulate artistic expression and creativity by displaying local talent. Broadcasters' services, and in particular those from public service broadcasters, serve the information and educational needs of minority and other groups, including those with low levels of literacy or living in remote locations. A Treaty safeguards all those benefits.
  - 6. The Treaty offers a minimum, harmonized level of protection.** A Treaty is the most suitable instrument to address signal piracy, in a harmonized manner and on a multilateral basis. Effective rights would provide broadcasters the incentive to invest in cross-border and post-fixation offerings of their signals, as consumer demand for access to broadcasts "anywhere, at any time, on any device" is increasing everywhere. Limiting protection to a few platforms would create loopholes, inviting pirates to circumvent the Treaty.
  - 7. Signal piracy is detrimental to the entire copyright society.** Broadcast piracy causes serious harm to broadcasters and the public they serve: loss of compensation from retransmitting entities; loss of advertising revenue; loss of programme quality that results from migration of quality programmes to pay services with technological protection measures; loss to broadcasters competing in markets where pirated signals are being transmitted. Also programme producers and contributors lose out on potential income, and government tax receipts suffer, as pirates are usually based outside the tax net.
  - 8. The Treaty would be updating existing rights, not adding a "new layer".** Broadcasters are granted neighbouring rights protection in respect of their programme-carrying signals since 1961, independent of protection of the signal's content. Any country should remain free to provide for the same kinds of limitations or exceptions to such protection in its national legislation, in accordance with the internationally recognized "3-step-test".
  - 9. The Treaty would not create new rights for mere "webcasters" operating solely online.** Protection should include broadcasters' programme transmissions delivered online or via other new platforms simultaneously, and to a certain extent, non-simultaneously. All those signals require the broadcaster's investment, editorial input and responsibility, and its technical expertise. Countries should remain free to extend such minimum object of protection, so as to prevent gaps due to technological developments and the 5G environment.
  - 10. All adhering countries obtain implementation support and legislative training.** The effect of the Treaty will be a higher level of protection of broadcasters' signals not only at the international, but also at the national level. Through the active support from the WIPO administration of the Treaty, there will be an increase in education and training of officials and legal practitioners in copyright law with respect to broadcasting.
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