

WIPO: SCCR Strengthens the Position of Performers in the Audiovisual Industry

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After more than ten years, the Standing Committee on Copyright and Related Rights (SCCR, WIPO's top copyright negotiating body), reached agreement on the last outstanding issue relating to the transfer of rights during a session that took place from 15 to 24 June. In 2000 the treaty on the protection of audiovisual performances failed to be adopted during a diplomatic conference - the highest level of negotiations in the WIPO context. All but one article was agreed upon at that time, however this was characterised by some sources as very important to the treaty.

Originally, the problem had been that the transfer of rights was dealt with inconsistently, given that in some countries the performer owned the rights, while in others they were in the hands of the producer. It also proved difficult to reach agreement on what should be regulated on the national level and what through international consensus. The new Article 12 is intended to strike a balance between the rights of performers and producers. Thus, member states at the Standing Committee on Copyright and Related Rights, meeting in June 2011 in Geneva, have now been able to reach agreement on the article relating to the transfer of rights, thereby paving the way for the conclusion of a treaty.

The adoption of a new instrument would strengthen the position of performers in the audiovisual industry by providing a clearer legal basis for the international use of audiovisual works, both in traditional media and in digital networks. Such an instrument would also contribute to safeguarding the rights of performers against the unauthorised use of their performances in audiovisual media, such as television, film and video.

On the protection of broadcasting organisations, after lengthy discussions delegates could only agree on a work plan, not on a negotiation text. Further discussion on this topic will take place in November during the next SCCR session. This informal consultation will aim at working on a draft treaty "with a view to making a recommendation to the 2012 WIPO General Assembly on the possible scheduling of a Diplomatic Conference," according to the chair's summary.

Agreement on Transfer of Rights Paves Way to Treaty on Performers' Rights, WIPO press release, 24 June 2011

http://www.wipo.int/pressroom/en/articles/2011/article_0018.html

