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

**INTERGOVERNMENTAL COMMITTEE
Nineteenth Ordinary Session**

(Paris, 27 – 28 June 2005)

Item 10.1. of the provisional agenda:

**PROPOSAL FOR A CONVENTION ON BROADCASTING AND
THE NEW TECHNOLOGIES**

Memorandum prepared by the Secretariat

In compliance with the decision of the Executive Board of UNESCO at its 171st session, the Director-General of UNESCO has the honour to submit for examination by the Intergovernmental Committee of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, a proposal for a convention on broadcasting and the new technologies, made by India at the 171st session of UNESCO Executive Board.

In presenting the item in question (item 65 of the provisional agenda) at the Executive Board meeting, the delegate from India referred to Communication and Information as UNESCO's core mandate and to broadcasting as a powerful instrument for the dissemination of information, especially in developing countries. He also indicated that UNESCO, with its wide mandate in the areas of communication, information, culture and education, could fully address the broadcasting issues which have not been regulated by other international treaties and reiterated the proposal of India for a new convention on broadcasting and the emerging technologies.

The representative of the Director-General of UNESCO stated that the proposal raised pertinent and timely issues that were closely related to the building of knowledge societies and the impact of new technologies on the access to information. Reaffirming the Organization's commitment to promote freedom of expression in all media, and preserve a fair balance of the interests of the right holders and those of the public, also in the digital environment, he recalled that UNESCO is following closely the ongoing discussions currently taking place at WIPO on a possible new treaty for the protection of the rights of broadcasting organizations, and is similarly following the related debate in the context of the ongoing World Summit on the Information Society.

Since UNESCO co-administers the Convention for the Protection of Performers, Producers of Phonogram's and Broadcasting Organizations ('Rome Convention', 1961), with WIPO and ILO, he suggested that this proposal be submitted to the next session of its Intergovernmental Committee to take place at UNESCO Headquarters on 27 and 28 June 2005, for its consideration.

Thirteen delegates took part in the debate: Sri Lanka, United States of America, France, Canada, Bangladesh, Ecuador, Venezuela, Indonesia, Iceland, Australia, Japan, United Kingdom and Russian Federation. While some countries were favourable to the proposal, others considered the matter as highly technical and supported the idea of submitting it to the Intergovernmental Committee of the Rome Convention for its consideration as suggested by the representative of the Director-General.

After some exchange of views, the following decision was adopted by the Executive Board (see the annex):

[Annex follows]

ANNEX I

« **65. Protection of the rights of broadcasting organizations** (171 EX/59; 171 EX/INF.20; 171 EX/64 Part II; 171 EX/65)

The Executive Board,

1. Having examined documents 171 EX/59 and 171 EX/INF.20,
2. Noting that the issue of broadcasting comes within UNESCO's core mandate as part of the activities of the Communication and Information Sector,
3. Recalling that the principal priority identified for the Communication and Information Sector is "empowering people through access to information and knowledge, with special emphasis on freedom of expression",
4. Further recalling the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention, 1961), the World Intellectual Property Organization (WIPO) Performance and Phonograms Treaty (WPPT), the WIPO Copyright Treaty (WCT) and the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), which already provide protection to the rights of broadcasters,
5. Takes note of the developments at WIPO aimed at finalizing a new convention on broadcaster's rights, and of UNESCO's continuing role in the WIPO process;
6. Recognizing that attempts to impose another layer of rights over and above the intellectual property rights of copyright holders affect the rights of both the copyright holder(s) and the rights of the public at large, and act as an impediment to the preservation of information and universal access to it and to the participation of all in the emerging global information society,
7. Stresses the importance of promoting and enhancing the public domain as a vital means of providing access to information and knowledge and ensuring that any convention on broadcasting does not curtail access to public domain materials which are accessible only through broadcast;
8. Also recognizing that such regulations have a negative impact on the free flow of information essential to the building of knowledge societies, and that the separation between content and content-carrying signals is crucial for maintaining the distinction between the rights of copyright-holders as creators of works and broadcasters as transmitters of signals,
9. Reaffirms that UNESCO is committed to promoting freedom of expression, creating an enabling environment which is conducive to facilitating universal access to information and knowledge, developing effective infrastructures and stimulating the development of and access to, diverse contents;

10. Thanks the Government of India for taking an initiative on this issue of immense concern to UNESCO;
11. Invites the Director-General to ensure that UNESCO, as the specialized agency within the United Nations system dealing with the issue of communication and information, plays an active role in any deliberations affecting its mandate;
12. Further invites the Director-General to submit a proposal for a convention on broadcasting and the new technologies for examination at the next session of the Intergovernmental Committee of the Rome Convention, and to report thereon to the Executive Board at its 172nd session.

(171 EX/SR.10) »

[End of memorandum]