

# Suggested edits to Broadcast text, SCCR/46/3

*Revision April 4, 2025*

## **Article 2 Definitions**

~~(g) —“stored programmes” means programmes, which a broadcasting organization intends to include in its linear transmission, or which have originally been transmitted in a linear transmission by a broadcasting organization, which are kept by the original broadcasting organization in a retrieval system, from which they can be transmitted for the reception by the public, including providing access to the stored programmes in such a way that members of the public may access them from a place and at a time individually chosen by them. The programmes may have been produced by a third party or by or on behalf of a broadcasting organization.~~

(x) “live sporting event” means the real-time transmission of a scheduled athletic competition, game, or race that occurs in real-time, meaning it's happening as it's being observed or broadcast.

(x) “live cultural events” means the real-time transmission of performances, exhibitions, or gatherings that celebrate and showcase artistic, historical, or social expressions. happening as it's being observed or broadcast.

## **Article 3 Scope of Application**

(5) The protection granted under this Treaty does not extend to [the post fixation rights, if any] of any ~~other protected~~ subject matter carried by the programme-carrying signals. ~~The protection granted under this Treaty is independent of the copyrightability of the subject matter carried by the programme-carrying signal.~~

[(7) Contracting Parties may, in a notification deposited with the Director General of WIPO, declare that they will limit the scope of the treaty to either live sporting events or live cultural events, or both. Such notifications may be deposited at any time and shall become effective six months after it has been repositied.]

## **Article 5**

### **National Treatment**

(1) A Contracting Party shall accord to broadcasting organizations that are nationals of other Contracting Parties the treatment it accords to the broadcasting organizations that are its own nationals with regard to the rights and the protection provided for in this Treaty.

~~(2) A Contracting Party shall be entitled, in respect of nationals of any other Contracting Party, to limit obligation under paragraph (1), on the rights and the protection of broadcasting organizations, to the extent to which the latter Contracting Party grants such rights and protection to the nationals of the former Contracting Party.~~

## **Article 7**

### ***Right of Fixation***

~~Broadcasting organizations shall enjoy the exclusive right of authorizing the fixation of their programme-carrying signals.~~

## **Article 8**

### **Protection of Signals Used in Making Available to the Public of Stored Programmes**

~~Broadcasting organizations shall enjoy a right to prohibit the unauthorized acts referred to in Articles 6 and 7 in respect of the transmission to the public by any means of the~~

~~programme-carrying signal used when they provide access to the public to their stored programmes, including providing access to the stored programmes in such a way that members of the public may access them from a place and at a time individually chosen by them. This right of broadcasting organizations shall be applicable for a certain period of time before or from the original linear transmission of a stored programme, to be determined by the domestic legislation of each Contracting Party.~~

## **Article 11**

### **Limitations and Exceptions**

(1) Contracting Parties ~~may~~ [shall], in their domestic legislation, provide for specific limitations or exceptions to the rights and protection guaranteed in this Treaty, [including but not limited to] ~~such as~~:

- (i) private use;
- (ii) quotation;
- (iii) use of short excerpts in connection with the reporting of current events;
- (iv) use for the purposes of teaching or scientific research;
- (v) preservation in archives of the programme material carried by the programme-carrying signal.
- [(vi) works for which copyright or related rights have expired.]

(2) Irrespective of paragraph 1 of this Article, Contracting Parties ~~may~~ [shall], in their national legislation, provide for the same kinds of limitations or exceptions with regard to the protection of broadcasting organizations as they provide, in their national legislation, in connection with the protection of copyright in literary and artistic works, and the protection of related rights.

[(3) Irrespective of paragraph 1 of this Article, Contracting Parties may, in their national legislation, provide for limitations or exceptions with regard to works for which the (a) broadcasting organization does not own or license copyright or related rights from the rights holder, (b) for which the right holders has distributed the license with an access enhancing license, or (c) for which the right holders has not received remuneration.]

#### **Article 14 Formalities**

~~The exercise and enjoyment of the right and protection provided in this Treaty shall not be subject to any formality, except that~~ Contracting Parties may, as a condition of protecting broadcasting organizations under this Treaty, require in their domestic law that the programme-carrying signal carries appropriate information to identify the broadcasting organization [, the rights, if any, the broadcasting organization has in the content, as well as additional metadata that benefits the holders of relevant copyright and related rights or users.]