United States Intervention on Article 9

Compromise approach for consideration:

- Deal only with broadcasting and cablecasting organizations “in traditional sense” as referred to in the 2007 GA mandate
- Provide a single right, not a catalogue of rights as in the WPPT
- Focus on the core problem today: piracy of signals, as they are sent out to public or prepared to be sent
- Essence: No unauthorized retransmission of the signal to the public
- Avoid protection of the content carried by the signal
- No post-fixation rights

Elements:

- “Retransmission”
  - Over any medium, so technically neutral
  - Limited to simultaneous or near-simultaneous retransmission
    - “Near-simultaneous” defined as delayed only to the extent necessary to accommodate time differences or to facilitate the technical transmission of the signal

- “To the public”
  - Wouldn’t affect private uses

- “Signal”
  - Not the content carried by the signal
  - Include “pre-broadcast” signal
    - I.e., signal transmitted to broadcasting organizations and not intended for direct reception by the public

Advantages:

- Short and simple
- Doesn’t create more rights than necessary
- No overlap with rights in content, no extra layers of protection created
- Confirms and clarifies the protection broadcasters most need at the international level – to prevent signal piracy, including over the internet and including pre-broadcast signals
- Flexibility--allows countries to provide a greater range of rights in their own laws (as some already do)
- Avoids the need for a defined term of protection (because retransmission must be simultaneous or near-simultaneous)
- Addresses concerns that have been expressed regarding potential impact on consumers and private uses