

**Written Statement of the Independent Film & Television Alliance:
28th Session of the WIPO Standing Committee on Copyright and Related Rights
(June 30 – July 4, 2014)**

submitted via email to the WIPO Secretariat (copyright.mail@wipo.int)

The Independent Film & Television Alliance (“IFTA”) is grateful for the opportunity to contribute to the Committee’s discussions on the important topics on its agenda this week. We would like to specifically address the Committee’s work on the proposed WIPO Treaty on the Protection of Broadcasting Organisations (“Broadcast Treaty”).

IFTA is the non-profit trade association for the worldwide independent film and television industry, representing over 150 member companies in 23 countries. Headquartered in Los Angeles, IFTA is dedicated to protecting and strengthening its Members’ ability to finance, produce, market and distribute their films and television programming in an ever-changing global marketplace. IFTA Members are independent film and television program production and distribution companies, sales agents, and financial institutions that support production.

Our industry relies on a strong copyright framework to operate their businesses and protect the investment in their productions. IFTA Members routinely license local television broadcasters the exclusive rights to exploit their copyrighted programs in a defined territory and on defined distribution platforms. As such, the parties (*i.e.*, the copyright owner and the broadcaster) carefully negotiate the terms of the License Agreement, including:

- the appropriate grant of distribution rights;
- the period of exploitation;
- exclusivity;
- the authorized distribution platforms and uses;
- enforcement by the broadcaster of the licensed distribution rights; and
- the reserved rights that are retained by the copyright owner, such as the right to authorize and collect royalties for secondary retransmissions of their programs.

Since the only rights in the copyrighted program that are conveyed to the broadcasters are those specifically negotiated by the parties and granted in the License Agreement, it is critical that no ambiguity is introduced by the language in the proposed Broadcast Treaty. There must continue to be a clear line drawn between *content* and the *broadcast signal* and it must remain clear that the Committee is addressing only protection of the *broadcast signal* and that any such protections must not interfere with the rights of the copyright owner, including any reserved rights not granted to the broadcaster.

IFTA also calls on the Member States to ensure that the proposed Broadcast Treaty is – in every other respect – compliant with the existing international copyright framework, which provides a satisfactory balance between the need to incentivise content creation by rights holders, while also safeguarding the public interest.

Thank you.