



Statement on behalf of Creative Commons to the Twenty-fifth Standing Committee on Copyright and Related Rights (SCCR/25)

Geneva, 22 November 2012

Creative Commons is an international nonprofit organization dedicated to making it easier for people to share and build upon the work of others, consistent with the rules of copyright. CC offers free copyright licenses and legal tools used by individuals, governments, and companies worldwide. The Creative Commons licenses operate by communicating a set of permissions to users of the licensed works while at the same time ensuring that the creators of the works receive the credit they deserve.

We are concerned about the potential impact of a treaty for the Protection of Broadcasting Organizations. While details of what is in the treaty are not entirely clear at this time, we are concerned that the treaty could add a layer of rights atop the underlying copyright in the works being broadcast. Thus, a broadcaster might be able to restrict access to or distribution of works already licensed under a Creative Commons license, or is not protected by copyright at all because they are in the public domain. This new set of rights would unnecessarily complicate the rights-negotiation process that Creative Commons has attempted to simplify.

Establishing a Broadcasting Treaty could in effect negate the permissions that users of Creative Commons licenses wish to communicate, and grant unwarranted rights to broadcasting organizations that have added little or no value to the underlying work being transmitted.

The proposed benefit to society resulting from the creation and enforcement of additional rights under a Broadcasting Treaty is unclear. If there is a dire need for this treaty, the data demonstrating this need should be presented and impartially evaluated. If there is no discernable reason backed up by data, then the treaty negotiations should be abandoned.

WIPO should carefully consider the implications to the public interest and properly address the recommendations from civil society organizations.

Thank you.