

**REQUEST FROM PUBLIC INTEREST ORGANIZATIONS FOR U.S.
GOVERNMENT OPPOSITION TO ADVANCING A DIPLOMATIC TREATY
CONFERENCE ON THE PROPOSED WIPO TREATY ON THE PROTECTION
OF BROADCASTING ORGANIZATIONS**

The undersigned consumer, public interest and civil liberties organizations, some of whom attended last week's SCCR meeting in Geneva, write to express our concerns about the Committee's decision to propose a 2007 Diplomatic Conference on the proposed WIPO Treaty on the Protection of Broadcasting Organizations. We are concerned about the substance of the treaty, as well as proceeding with this Diplomatic Conference in the face of significant disagreement amongst delegations. Therefore, we ask that the U.S. delegation express its objections to proceeding with a Diplomatic Conference at this time and seek support for that position from other country delegations at the upcoming WIPO General Assembly.

The current draft treaty's rights-based approach would create a new intellectual property-like right in broadcast signals, which would be layered upon existing copyright in the underlying program material. The proposed treaty does not adequately address limitations and exceptions and includes broad provisions relating to technological protection measures (TPMs), both of which would limit consumers' ability to make lawful use of media and technology. As such, the proposed treaty would require complex implementing legislation in the U.S., which would provoke a replay of the contentious debates over each exception and limitation in the U.S. Copyright Act.

Up until the final moments of the 15th SCCR, there appeared to be growing support for a broadcast treaty that protects against signal theft. However, support for this approach is not reflected in the text of SCCR 15/2, over which there is still a great deal of disagreement. For these reasons, we believe that it is inappropriate to proceed with the Diplomatic Conference until we have a treaty text that reflects consensus.

Although we recognize that there is limited time to act, we respectfully request the U.S. delegation send a letter to the WIPO Director General detailing its objections to proceeding with a Diplomatic Conference with the current treaty text. Additionally, because the U.S. has common concerns with a number of other delegations we also ask that the U.S. delegation reach out to those countries for support to:

1. Develop a consensus text, possibly based on the Chairman's proposal, before proceeding with a Diplomatic Conference;
2. Limit the treaty's scope to signal theft and narrow the term of protection;
3. Exclude TPMs from the scope of the treaty; and
4. Ensure other appropriate limitations and exceptions, such as the exclusion of home and personal networks.

We thank the U.S. delegation for its efforts at last week's meeting and for reaching out to those companies and NGOs who have expressed serious concern with the draft treaty.

We are available to meet with the U.S. delegation at any time and to lend our support to these efforts.

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Consumer Project on Technology
Consumers Union
Electronic Frontier Foundation

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IP Justice
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Medical Library Association
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Special Libraries Association
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