

CLOSING STATEMENT OF THE  
UNITED STATES OF AMERICA  
Diplomatic Conference on the Protection of Audiovisual Performances  
26 June 2012, Beijing

Mr. President, Director-General Gurry, Assistant General Director Clarke, distinguished delegates and honored guests,

The United States again wants to thank the WIPO Secretariat for decamping from WIPO headquarters, traveling over 8,000 kilometers, and yet conducting their work at this Diplomatic Conference with the same efficiency, grace, and goodwill as we have come to expect in Geneva. We also want to repeat our thanks to the Government of the People's Republic of China and, in particular, the National Copyright Administration of China for hosting this Diplomatic Conference with careful organization, meticulous detail, and true style -- plus more television cameras than we have ever seen at a WIPO meeting.

The United States delegation is also particularly thankful to our audiovisual performers' union, SAG-AFTRA, for their constant support and availability, as well as our film producers who have worked so cooperatively with our performers.

The twentieth century gave rise to a truly new art form, a form of creative expression the world had never seen in which images flickered across the screen, creating the impression of motion, first in silence and later with sound. Called the motion picture play, the motion picture, the movie, "la película" in Spanish, "dian ying" (*electric shadow*) in Mandarin, but in most languages -- from English, French, and Portuguese to Indonesian, Vietnamese, and Turkish, it simply came to be called the "film" reflecting the medium on which these images were first captured. Over the decades, the technology to deliver these new works to consumers changed -- first with television, then the internet -- triggering new forms of audiovisual works. The technology for creating the films and television shows also changed. But one thing remained constant: by their very nature audiovisual works are a tremendously collaborative art form

involving the talents and creativity of writers, cinematographers, directors, animators, special effects wizards, composers, musicians, and above all, actors.

Yet these actors and their performances have been the last to be brought into the modern system of intellectual property protection. As everyone knows, the 1996 Diplomatic Conference that completed the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty was unable to find the right formula to bring audiovisual performers into the latter treaty's protection. That work was left for subsequent discussions, leading to the 2000 Diplomatic Conference. Our colleagues at that diplomatic conference finished 19 of the treaty's 20 substantive articles. But, again, success eluded them; December 2000 was dark and disappointing in Geneva.

Creating audiovisual works is storytelling, the film projector or television screen replacing the campfire of our ancestors. The great writer from Mali, Amadou Hampate-Ba, once said that "a story is a message from yesterday, destined for tomorrow, transmitted across today" (*Une conte , c'est le message d'hier, destiné a demain, transmis à travers aujourd'hui.*). A great film, a classic television episode – is that kind of story. It doesn't matter whether it's a fantasy like "Star Wars" or a poignant story like "Central do Brasil," a beautiful parable like "Slumdog Millionaire," the power of a Nollywood thriller like the "The Figurine," the absorbing drama of a telenovella, or the campiness of "Dr. Who."

In all these, the performer is the storyteller – the actor, dancer, musician – because it is the performer's image and voice, movement and virtuosity, that is captured in the audiovisual work, and that transmits our stories across today and into tomorrow. For that labor of love, these creators deserve the protections crafted in this Beijing Treaty.

And this success, this treaty, has been possible because of the hard work, goodwill, flexibility, and *warmth* of all delegations. There were lots of jokes and lots of smiles – and not just when we had *finished* and not just when people were taking pictures on the Great Wall, but throughout the week.

Describing his craft, the American actor Humphrey Bogart once said "[t]he only thing you owe the public is a good performance." Those performances delight us, thrill us, make us laugh, and bring us to tears; an actor's performance on the screen can make us forget our own troubles -- or remind us of who we are --or inspire us toward what we might become.

Ladies and Gentlemen, after the attempts in 1996 and 2000, the delegation of the United States will be happy and proud to go home knowing that we government officials and diplomats have finally given the world's actors the performance *they* deserve from us.

Thank you very much.

DELEGATION OF THE UNITED STATES OF AMERICA

*Head of delegation*

Justin Hughes

*Deputy heads of delegation*

Jean A. Bonilla

Shira Perlmutter

*Delegation members*

Fritz Attaway

Bob Hadl

Deborah Lashley-Johnson

Maria Pallante

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Todd Reves

Carl Schonander

Michael Shapiro

Karyn Temple-Claggett

Jeremy Weinberg

*Ex officio delegation members*

David Kappos

Betty King

PRESS RELEASES, ANNOUNCEMENTS, AND INFORMATION

## USPTO

*USPTO Press Release:*

<http://www.uspto.gov/news/pr/2012/12-39.jsp>

*USPTO fact sheet on the Beijing Treaty:*

[http://www.uspto.gov/news/WIPO\\_AVP\\_TREATY\\_FACT\\_SHEET.pdf](http://www.uspto.gov/news/WIPO_AVP_TREATY_FACT_SHEET.pdf)

*Under Secretary Kappos blog post:*

[http://www.uspto.gov/blog/director/entry/a\\_milestone\\_in\\_protecting\\_creative](http://www.uspto.gov/blog/director/entry/a_milestone_in_protecting_creative)

## White House

<http://www.whitehouse.gov/blog/2012/06/26/big-step-forward-actors-rights-around-world>

## World Intellectual Property Organization

<http://www.wipo.int/portal/index.html.en>

## Screen Actors' Guild/ American Federation Of Television and Radio Actors

<https://www.sagaftra.org/news/sag-aftra-applauds-adoption-global-treaty-performers-rights>

## International Federation of Actors

[https://www.sagaftra.org/files/sagaftra/fia\\_release\\_june\\_26\\_2012.pdf](https://www.sagaftra.org/files/sagaftra/fia_release_june_26_2012.pdf)

## Press reports

<http://www.bna.com/countries-adopt-performance-n12884910276/>

<http://www.ip-watch.org/2012/06/29/wipo-lauded-for-new-beijing-treaty-on-audiovisual-performances/print/>

[http://www.ipwatchdog.com/2012/06/26/uspto-led-international-delegation-negotiates-historic-audiovisual-performance-treaty-in-beijing/id=25882/?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+Ipwatchdog+%28IPWatchdog.com%29](http://www.ipwatchdog.com/2012/06/26/uspto-led-international-delegation-negotiates-historic-audiovisual-performance-treaty-in-beijing/id=25882/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+Ipwatchdog+%28IPWatchdog.com%29)

<http://www.ipfrontline.com/depts/printabletemplate.aspx?id=27207>

## "Managing Intellectual Property" Primer before the Diplomatic Conference

<http://www.managingip.com/Article/3047438/WIPO-Audiovisual-Treaty-Managing-IPs-guide-to-the-Beijing-diplomatic-conference.html>