

United States
Audiovisual Performers' Treaty Intervention
SCCR 20, Geneva, 21-24 June 2010

Thank you, Mr. Chairman. And thanks to our colleague from Nigeria for his excellent work in chairing the consultations on this important issue which were held in May.

The United States reaffirms its longstanding support for the adoption of a treaty to protect audiovisual performances.

Like many Member States, the United States believes that the 19 Articles completed at the 2000 Diplomatic Conference should serve as the established basis for the conclusion of any treaty in this area. We do not support re-opening the 19 Articles at this time.

At the same time, we are open to hearing views of the Member States who believe that technological and social developments since the 2000 Diplomatic Conference suggest that other or additional elements are needed.

At the May consultations, Member States discussed the desirability for establishing deadlines for the submission of further possible elements to the treaty and we discussed the importance of these being concrete, specific proposals.

The United States would like to endorse this idea, particularly provided that the period is long enough for Member States to submit their *complete* thinking about additional elements for the treaty.

We would see this period as a window of time for the submission of two sorts of proposals. First, for Member States who believe that technological and social developments since the 2000 Diplomatic Conference suggest that other elements are needed, it would be a period for the submission of any such proposals and the analyses supporting any such proposals.

Second, it would also be a period for proposals to resolve the one remaining, outstanding element from the 2000 diplomatic conference, that is recognition of the different ways that national laws consolidate economic rights with audiovisual producers. At its heart, this issue is about mutual recognition among the Member States of how their respective legal regimes and business practices allow for the consolidation of economic rights in audiovisual works.

As we announced at the May consultations, the unions representing audiovisual performers in the United States have been working with our motion picture studios on a streamlined proposal on this issue. The US Government is now in the process of studying the proposal from our private sector to see whether we believe it would solve the question of the "20th article."

Such consolidation or “centralization” of economic rights is basic to the functioning of audiovisual industries in all countries. For that reason, like our colleagues from India, we remain convinced that it should be possible to reach consensus on language – at some level -- that would embody respect for the national systems of fellow Member States, as unfamiliar and complex as these might seem to us from a distance.

The United States appreciates the efforts of the WIPO Secretariat to advance deliberations on the AV Treaty through regional seminars or workshops.

In light of those meetings, we would suggest that the window for submission of additional elements should be in October 2010, closing just enough before the November meeting of the Standing Committee to test the patience of the translation services here at WIPO – but nonetheless ensure that any submissions are available in all WIPO working languages.

The important thing is for us to adopt a reasonable, but meaningful plan to evaluate whether WIPO Member States can move toward a reconvened AV Treaty Diplomatic Conference working under a specific, limited mandate.

Thank you.

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