

WIPO Regional Meeting in Delhi:

# Asian countries tackle issues on Broadcasters' Treaty

**Government delegates from 14 Asian countries attended a WIPO Regional Meeting in New Delhi, India on 12-13 July 2010 to discuss issues related to the Broadcasters' Treaty.**

Hosted by the Ministry of Human Resources Development of India, the meeting was part of the regional consultation dialogue between the governments and the stakeholders organised by the World Intellectual Property Organization (WIPO).

Before the meeting in New Delhi, the proposed treaty had also been discussed at the Mexico City WIPO Regional Meeting in June.

In his opening statement, Uday Kumar Varma, Special Secretary of the Ministry of Information and Broadcasting of India, said: "In the last two decades broadcasting has emerged as one of the most powerful means of communication of information throughout the world. The technological revolution taking place in the field of communication has a significant impact on broadcasting as well.

"The innovations in digital technology and transmission of content through other mediums like the Internet have substantially changed the nature and content in advanced countries. This also has impacted on the nature of investment in the broadcasting sector. The availability of modern means of communication and the increasing competition in the field of broadcasting has compelled the broadcasting organisations to expand their area of activity and demand new standards of protection to safeguard their

new markets particularly in the developing countries."

Mr Varma said that: "The copyright law provide protection for all forms of content included in the transmission, provided that they are the original works protected under the copyright law.

"The authors of the works (content of the transmission) have the ownership of the content of broadcasting (copyright) and the same is transferred (by way of assignment or licence) to the broadcasting organisation for the purpose of transmission to the public. Thus, the broadcasting organisation based on the terms and conditions of contract with the authors of work has the authorisation to enjoy the copyright in the content.

"This also helps them to prevent the unauthorised use of the programme by any one. But in addition to this, the efforts of the broadcasting organisations to assemble and schedule the content and the investment they make to convert it into signal for transmission, needs separate protection to prevent the unauthorised use of signals for commercial purpose by competing organisations.

"Thus, both the copyright in the programme content acquired by the broadcasting organisations based in the contract with the authors along with a separate protection given to the signals, will together provide rightful protection for the broadcasting organisations."

He stressed however that there were outstanding issues which



Yukari Kojo, Uday Kumar Varma and Axel Aguirre

needed to be addressed and he encouraged the participants to find viable and equitable solutions that would help the WIPO to move forward to develop a signal-based international treaty for the protection of broadcasting organisations in the traditional sense.

Experts and resources speakers in the fields of copyright and related rights from different countries made presentations on broadcast signal piracy cases in Asia, the need for the Broadcasters' Treaty and the consequences of lack of its adoption, digital sports piracy in Asia Pacific and the role of public interest in the proposed treaty.

The ABU presented a paper which encouraged delegates to help the Asian diaspora numbering in millions spread all over the world to remain connected to their culture through the unhampered delivery of local news and information from their native countries through the broadcast media.

The ABU also pointed out that the creation of a robust, culturally inclusive communities among Asian migrants located in different parts of the world required not only a strong technological infrastructure but also an equally effective international protection measure that would ensure the delivery of broadcast information to the Asian migrants.

A general consensus was reached among the participating Asian countries on the need to adopt the Broadcasters' Treaty. However, some countries remained deadlocked on certain issues such as the inclusion of the Internet in the treaty and concerns on the possible restriction on access to information.

On the sideline of the meeting, Mr Varma received the representatives from the ABU, including Legal Counsel Axel Aguirre, ABU Copyright Committee Secretary Yukari Kojo of NHK, Japan and Ryohei Ishii, in New Delhi where he expressed his desire to help to move the treaty forward. ●

# World leaders gather for AIDS 2010

**Encouraged by recent progress but wary of signs of possible retrenchment, an estimated 20,000 participants from over 185 countries assembled in Vienna in July for the XVIII International Conference on AIDS (AIDS 2010).**

Under the theme of 'Rights Here, Rights Now', Bill Gates, former US President Bill Clinton and leading experts described the state of the epidemic, noting the central role of human right protections to success, and outlined the choices facing world leaders in the years ahead.

Examining the existing knowledge on the course of the epidemic as it links to human rights concerns, Yves Souteyrand of the World Health Organisation said that addressing human rights violations among vulnerable populations was essential

for the future success of the global response.

The HIV epidemic has stabilised globally, with annual numbers of deaths declining from 2.2 million in 2004 to 2 million in 2008, mostly due to impressive scale up of HIV treatment.

However, HIV is still not under control – currently it has around 2.7 million new infection cases each year. Most of the world's 32 million people living with HIV/AIDS live in developing countries, according to the World Bank. It is the leading cause of premature death in Thailand and China.

The ABU once again partnered with the Kaiser Family Foundation (KFF) to bring ABU broadcaster members to the conference. KFF leverages a unique combination of online communications resources, global media partnerships,

policy analysis, and health journalism programmes, aimed at elevating the global reach of the conference through bringing journalists to cover the event. KFF also served as the official conference webcaster through [www.kaisernetwork.org](http://www.kaisernetwork.org).

ABU members who benefited from the partnership were DDI-India, Astro-Malaysia and BBS-Bhutan. They reported in their national languages on issues covered in the forum and the implications for their home countries.

"The ABU-KFF collaboration has afforded our members the invaluable opportunity to cover on the ground this unparalleled gathering of world leaders and HIV experts at a time when tight budgets within broadcast stations often preclude international travel to these events," said Francyne Harrigan, ABU Development Projects Manager.



Bill Gates

AIDS 2010 is convened by the International AIDS Society, a leading independent association of HIV/AIDS professionals. Vienna was chosen as the host city for AIDS 2010 in part due to its proximity to Eastern Europe and Central Asia, a region with a growing epidemic fueled primarily by injecting drug use.

For more information, visit [www.aids2010.org](http://www.aids2010.org).

## Broadcast journalists have important role in climate change

**Climate change and melting glaciers was the focus of a recent workshop held for ABU members in Bhutan.**

Climate change will have many manifestations in Asia and the Pacific, according to the Asian Development Bank (ADB). Measures are needed to protect the most vulnerable from the adverse effects of melting glaciers, rising sea level, more frequent and severe storms, greater variability of rainfall and other predicted impacts.

Millions could become climate refugees, and the poorest people in the poorest countries are likely to experience the earliest and greatest suffering.

In the landlocked, mountainous Bhutan, climate change threatens to have a serious impact on river flows as a result of changing patterns of rain and snowfall, flash floods which are exacerbated by melting glaciers and acute droughts in the dry season.

"Broadcast journalists have an important role to play in helping policymakers and the public appreciate the extent of this threat, and encouraging them to take cost-effective actions that can preserve the environment, save communities and improve lives," ADB media specialist Jason Rush said.

The three-day production workshop was attended by participants from the headquarters of BBS and its staff from provinces from across Bhutan.



Bhutanese journalists learn about their role in reporting climate change

The workshop represented the last one under the ABU-ADB Climate Change Initiative, which entailed a series of capacity-building activities for ABU member broadcasters in Asia and the Pacific. Commitments included were: creation and distribution of broadcast and electronic media items on the issue of climate change, its manifestations and impact on the region. Funding for the project was provided by the ADB.

Completed productions are made available for exchange between all ABU members cost and rights-free. For more information on the Initiative, please contact Francyne Harrigan, ABU Development Projects Manager, [francyne@abu.org.my](mailto:francyne@abu.org.my).

# A trusted broadcaster is key

Peter Cavanagh, CEO of Radio New Zealand



Peter Cavanagh

**Q. How would you describe Radio New Zealand's role as a public broadcaster in the 21st Century?**

Per capita, New Zealanders have access to more media outlets than virtually any other nation on the planet. They have the highest number of commercial radio stations in the world per head of population, high penetration of multi-channel satellite and terrestrial television, a strong tradition of regional newspapers and a burgeoning blogosphere. And in recent years, with the rapid growth of broadband Internet connections, the best of online international media is instantly available at their fingertips.

But despite this explosion of media choice, Radio New Zealand's role as an independent, commercial-free public service broadcaster has never been more important. Radio New Zealand (RNZ) is New Zealand's only news and media organisation with statutory independence from political or commercial influence and with an exclusive mandate to serve the public interest.

As a dedicated public service broadcaster, RNZ seeks to set and maintain the highest possible standards of editorial integrity, ensuring that the information it provides is fair, accurate and impartial – and provided at all times without fear or favour. We see our key role as providing New Zealanders with the essential information they need to make informed decisions about the important issues in their lives.

**Q. Amid all the fierce competition in the media industry, how do you see the future of public service broadcasting in New Zealand?**

Unfortunately, the current exponential growth in the number of different media outlets brought about by deregulation and new technology does not necessarily mean any improvement in the diversity or reliability of the news and information they provide. To the contrary, with the increasing trends towards networking and syndication by traditional mainstream media, content sharing deals, blogging, re-tweeting and other unattributed appropriation, too much news and information is simply being recycled from a diminishing number of original sources.

In a world flooded with information of variable and often dubious reliability, the role of a trusted public service broadcaster like RNZ is all the more vital for a properly functioning democratic society.

Although funding pressures are severe at the moment, public support for RNZ and recognition of the important role it plays, has never been higher. In a recent nationwide public opinion poll, 80 percent of New Zealanders agreed that Radio New Zealand provides a valuable service. Audiences are growing and new generations are discovering the importance of public service broadcasting.

Despite the numerous challenges we're facing, New Zealanders clearly regard RNZ as a vital national cultural institution and I expect that it will continue in that role for a very long time to come.

**Q. RNZ depends on government funding. A support group called Save Radio New Zealand has claimed you are underfunded by about 20 percent, is this true, and if so, how can the problem be overcome?**

In late 2007, the New Zealand government commissioned the international consultancy group KPMG to review the level of RNZ's baseline funding. That review found that RNZ would need a funding increase of around 20 percent to sustain the range and quality of its services.

While the KPMG findings were unanimously supported by key stakeholders,

**“ With so many New Zealanders living overseas, the Internet adds exponential value to the services we provide ”**

the recent global recession has been a serious setback for the New Zealand economy and this has led to severe constraints on public sector expenditure. The government has announced that funding for RNZ will be frozen for the foreseeable future and this will undoubtedly pose some serious challenges for the organisation in the years ahead.

As a non-commercial broadcaster, our greatest challenge will be to further reduce our costs and generate new revenue while maintaining the

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# Helping shape multicultural Australia

Shaun Brown, Managing Director of Special Broadcasting Service (SBS), Australia

**Q. SBS is a publicly funded broadcaster but with a specific mandate. Could you describe its role in Australian society?**

SBS is Australia's multicultural and multilingual broadcaster and is a unique broadcaster in the world. One of two national, public broadcasters in Australia, SBS is charged with providing multicultural and multilingual radio and television services that inform, educate and entertain all Australians and, in doing, reflect Australia's multicultural society.

Throughout its existence, SBS has had a transformative effect on the Australian media landscape. We have given a face and a voice to Australia's many language communities and, in turn, we have helped to shape multicultural Australia and contribute to a more cohesive society.

**Q. SBS Television celebrates its 30th birthday this year. When it was launched, it was considered an 'experiment' in multicultural and multilingual broadcasting. Has that experiment succeeded?**  
SBS Television commenced broadcasting on 24 October 1980. Thirty years on television, 35 years on radio and around a decade online, SBS has proven that Australia's cultural diversity can be a source of inspiration, discovery and personal transformation.

Not only has the 'experiment' succeeded but I think it has surpassed expectations. SBS is an integral part of the Australian media landscape and a much loved national, cultural asset. We now broadcast on two television channels - SBS ONE and SBS TWO - on digital and analogue radio and online. We also operate two subscription television channels - World Movies and the arts focused channel STVDIO.

**Q. How many languages does SBS radio and television broadcast in?**  
SBS broadcasts in 68 languages on radio which is complemented by the same number of in-language sites online. On television we broadcast programmes in around 50 languages representing 136 cultures.

**Q. SBS has a responsibility to meet the needs of Australia's multicultural community while informing and entertaining all Australians. This sounds like a fine balancing act. How difficult is it?**  
It is a balancing act. We have a vast remit articulated in our Charter and limited resources with which to deliver it. There is often the misguided (but I would say well meaning) view that we must try to deliver all things, to all people, all of the time, in all languages, without diminishing the distinctiveness of what we do.

It is an impossible task. Instead, SBS in delivering its Charter focuses on core activities which can meet the communications needs of Australia's multicultural communities, while opening a window on the world for all Australians, from all backgrounds to enjoy.

**Q. A tricky issue for a broadcaster like SBS, which relies on both government funding and ad revenue, is where and how often to carry ads. Has SBS hit on the right formula?**

Since 1991, SBS has been permitted to carry five minutes of advertising per hour on television and radio. In 2006, the Board took the decision to allow in-programme advertising for the first time. It has been a transition for the



Shaun Brown

audience, but our audience share has continued to grow since 2006 to record levels. The added benefit is that our commercial revenue has also grown which enables us to invest in locally produced content. SBS has considerably less advertising than the commercial networks in Australia and we have developed a range of guidelines dictating where breaks will be allowed for different genres of content.

**Q. On the news side, SBS TV carries news bulletins from many broadcasters around the world in their home languages. You are perhaps the only broadcaster in the world to do this. What's the thinking behind it?**

Our WorldWatch service is unique, particularly for the range of languages we cater for. The schedule now offers bulletins from 27 countries in 26 languages across our two television channels - SBS ONE and SBS TWO. WorldWatch is an important means for us to cater to the language needs of Australia's multicultural community.

**Q. How is SBS using new technologies to increase its range of services and reach new audiences?**

Technology enables us to reach both current and new audiences in different ways. For example, our language services can be delivered online or via  
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