

## OPENING REMARKS BY THE DIRECTOR GENERAL

### FORTIETH SESSION OF THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS

NOVEMBER 16 TO 20, 2020

Honorable delegates, ladies and gentlemen, I am very pleased to welcome you to the fortieth session of the SCCR.

Opening this SCCR is truly a special occasion in several ways:

First, this is a Committee close to my heart. I've chaired the SCCR from 2017 until I was elected DG. I had the pleasure to work with most of you and the opportunity to appreciate the complexities of the important work you are responsible for.

Second, like other recent meetings, this Committee is convening under unique and challenging circumstances. Nevertheless, we are inspired by your commitment to continue the work and thank all of you for your flexibility and willingness to work through different time zones and with much less face-to-face interaction.

This is the first SCCR session taking place in the absence of our dear colleague Carole Croella, who tragically passed away at the end of August this year. Since the year 2000, for two decades, Carole worked tirelessly to advance the work of this Committee. She played important and delicate roles in a number of crucial processes, such as the negotiations towards a treaty for broadcasting organizations, as well as the diplomatic conferences in Beijing and Marrakesh and many other aspects of the Committee's work. Not only was she a committed and skilled professional, but, above all, Carole was a special, caring and passionate human being. She is greatly missed by all of us, her colleagues, friends and the international copyright community. We would like to remember her with a moment of silence.

[Moment of silence.]

As many of you have remarked, the best tribute we can pay to Carole is to keep working for an excellent copyright system that truly supports artists and creators around the world. Let this Committee indeed live up to that call.

Distinguished Delegates,

Governments around the world are engaging in forward-looking public policies to leverage the vast potential of their creative sectors. For instance, in 2015 President Joko Widodo of Indonesia set up the Indonesian Agency for the Creative Economy (BEKRAF), a State agency that recently was upgraded to Ministry level, with a mandate to develop and coordinate policies to harness the huge potential of Indonesia's creative economy.

In Colombia, President Ivan Duque has introduced a series of policies that come together to form the 'Orange Economy.' Its ambitious cross-cutting plans target micro, small, medium, and large enterprises, with the objective of expanding the cultural industries and covering everyone, making sure to include rural areas and minority groups.

From the economic perspective, a number of recent studies have attempted to assess the economic size of the sector. The WIPO methodology on surveying the economic contribution of the copyright industries has been applied in over 50 developing, transitional and developed economies. On average, the creative industries that operate on the basis of copyright protection account for about 5.2% of GDP and around 5.3% of total national employment. For instance, the total estimated contribution of copyright industries to the economy of Botswana<sup>1</sup> in 2016 was 5.46 per cent of GDP and 2.66 per cent of the national labor force.

The Observatory on Creative Industries of Buenos Aires found that in 2011 these industries contributed 9.2% of the gross geographic product to the Argentine capital. At the national level the figures for the region are lower but still significant. Methodologies vary from country to country, but it is estimated that the average contribution of creative or cultural industries to the GDP of Latin American and Caribbean countries hovers around 2.2%. In Panama and Brazil, creative industries account for 3.1% and 2.64% of the GDP, respectively.

Unfortunately, this positive trend has been hindered by the current pandemic, which has brought serious economic hardship to the creative sector. This is a unique crisis, where consumption of creative content is not declining, but the most traditional sources of revenues are disrupted.

But with crisis comes opportunities. For instance, a recent ASEAN Post<sup>2</sup> article provides insights on how people are spending their time online during the pandemic. 29% of internet users report a significant increase in time spent watching films or other kinds of shows on streaming platforms; and 35% are accessing more news reports.

The challenge for us is that the increase in opportunities may not be equally shared by all actors in the creative ecosystem. For example, there has been a decline in revenues for most artists, creators and other stakeholders around the world.

The latest annual Global Collections Report published by CISAC tell us that worldwide royalty collections for creators of music, audiovisual works, visual arts, drama and literature are likely to decline this year by up to 35% - that would be **3.5 billion euros** in lost income!

In September, the WIPO Conference on the Global Digital Content Market (GDCM) provided a showcase of new strategies that various sectors are implementing to move an increasing share of their business operations online.

For instance, in music increased live streaming is an interesting trend that has emerged from the pandemic. Although revenues from concerts and tours have not been replaced, many initiatives are being launched:

- 1- Working with partners like Facebook and YouTube, Universal Music reported the production of hundreds of fun and engaging events over the past several months.
- 2- TikTok worked towards leveraging the platform's huge audience for the benefit of the music creators and performers; and created a new revenue stream for artists by enabling donations and financial contributions by corporations for online concerts/events.

In a very different sector, the art market, there are also important changes. Auction houses report that online auctions are able to attract more potential buyers than traditional ones; art

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<sup>1</sup> [https://www.wipo.int/export/sites/www/copyright/en/performance/pdf/econ\\_contribution\\_cr\\_bw.pdf](https://www.wipo.int/export/sites/www/copyright/en/performance/pdf/econ_contribution_cr_bw.pdf)

<sup>2</sup> <https://theaseanpost.com/article/social-media-habits-during-pandemic>

lovers that were not able to travel in person to art market capitals can now connect from their households no matter where they live.

These examples confirm that almost all developments in the digital marketplace have global implications. They also highlight the relevance of this Committee, whose mandate is to maintain a well-functioning international framework for copyright and related rights. This complex policy making goal requires vision, willingness to cooperate and hard work.

You are obviously capable of meeting the challenge: the SCCR has been the most prolific norm-setting Committee of this house. It would not be remiss to recount some of the highlights this year.

First, we are very pleased to note that the Beijing Treaty on Audiovisual Performances came into force this year on April 28, with the ratification by a 30th State - Indonesia. Since then another five countries have joined the Treaty and we understand that Costa Rica and Ecuador have already completed their internal process to ratify this Treaty. The economic rights granted by the Treaty are updated for the digital environment and are very relevant right now, when most rights related to performances are exploited online. We look forward to seeing the positive effects of the Beijing Treaty for the performers in contracting countries.

Second, regarding the Marrakesh Treaty, I am happy to report that its membership has continued its rapid growth. It now has 76 contracting parties, covering 102 countries; and we are aware that more instruments are on the way. Only four years after its entry into force in 2016, the Marrakesh Treaty has already changed the lives of millions of people who are blind or print-disabled.

Third, the established treaties in the international copyright and related rights legal framework continue to steadily gain members. In 2019 the Internet Treaties, the WCT and WPPT, each reached 100 contracting parties and, as of today, they already have 106.

Very different in scope and objectives, these instruments all exemplify focused, impactful and balanced multilateral norm-setting. They also show to the world the broad scope of our discussion ... and what kind of results and impact can be achieved by all of you through the work of this Committee.

The agenda of this Committee is very dense and includes many substantive items, some of which have been under discussion for a long time.

Considering its level of maturity, I would like to make special reference to the issue of broadcasting. Technological development has enabled broadcasters to put an amazing variety of content and new services on the market. At the same time, technological development has also led to new forms of piracy that hinder healthy development of the business. This treaty would be very meaningful not only because it is an important component required to complete the update of the international copyright framework to the digital environment, but also because it will address the emerging challenges brought about by signal piracy.

Also on the agenda is the topic of limitations and exceptions. As you know, the current work continues to focus on the flexibilities for specific categories of beneficiaries, such as libraries, archives, museums, educational institutions and persons with other disabilities. Last year, at the request of this Committee, the Secretariat organized three regional seminars and an International Conference for fact-finding and information gathering in various regions. This provided an opportunity to address on a global scale some of the most salient issues in the field of limitations and exceptions for the beneficiaries. The SCCR will need to take stock of

these extremely rich sources of information and decide on feasible and practical next steps for future sessions.

In addition to these two, long-standing agenda items, new topics have been added for discussion in the SCCR. On top of: I) The analysis of copyright related to the digital environment – now focusing on a study on digital music services; II) the Artist's Resale Right; and III) the Rights of Theatre Directors, on which work has already taken place, we have now received a proposal to add a fourth topic under Other Matters. The Republic of Sierra Leone, the Republic of Panama and Malawi have submitted a proposal to undertake a study focused on the public lending right and to include the topic in the agenda and future work of this Committee.

The Secretariat is ready to support your work on all of those topics following the guidance of the Committee.

It is now my great pleasure to give the floor to my friend and colleague, Mr. Aziz Dieng from Senegal. Mr. Dieng, who was the Vice-Chair of the SCCR, has accepted the task of chairing this session and made his way to Geneva for that. Mr. Dieng is not only an able policy maker and copyright expert, he is also an artist, and a musician himself – making him the perfect fit to steer the work of the SCCR with all of you. Aziz, you have the floor.

November 13, 2020