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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**STANDING COMMITTEE ON COPYRIGHT
AND RELATED RIGHTS**

Thirteenth Session
Geneva, November 21 to 23, 2005

**PROPOSAL BY CHILE
CONCERNING THE TREATY FOR THE PROTECTION OF
BROADCASTING ORGANIZATIONS**

Document prepared by the Secretariat

The Annex to this document contains a proposal by Chile on the protection of broadcasting organizations, received together with a letter dated November 22, 2005.

[Annex follows]

ANNEX

STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS
PROPOSAL BY CHILE CONCERNING THE TREATY FOR THE
PROTECTION OF BROADCASTING ORGANIZATIONS

I. National Treatment

Each Contracting Party shall accord to the national broadcasting organizations of other Contracting Parties treatment no less favorable than it accords to its own broadcasting organizations in respect of the application of the rights recognized expressly under this Treaty.

II. Defense of Competition

1. The Contracting Parties shall take adequate measures, especially when formulating or amending their laws and regulations, to prevent the abuse of intellectual property rights or the recourse to practices which unreasonably restrain trade or adversely affect the international transfer and dissemination of technology.
2. Nothing in this Treaty shall prevent the Contracting Parties from specifying in their legislation licensing practices or conditions that may in particular cases constitute an abuse of intellectual property rights having an adverse effect on competition in the relevant market.
3. Each Contracting Party may take appropriate measures consistent with the Agreement on Trade-Related Aspects of Intellectual Property Rights to prevent or control such practices.

III. Exceptions Permitted

1. Each Contracting Party may incorporate in its legislation exceptions to the protection granted by this Treaty in the following cases:
 - (a) private use;
 - (b) short excerpts used in connection with the reporting of current events;
 - (c) ephemeral fixation by a broadcasting organization by means of its own facilities and for its own broadcasts;
 - (d) use only for the purposes of teaching or scientific research;
 - e) use with the sole objective of making the broadcast accessible to disabled persons;
 - f) use by publicly accessible libraries or museums, or by archive services, which do not seek to obtain economic or commercial benefit.

2. The Contracting Parties may, in their national legislations, provide for the same kinds of limitations or exceptions with regard to broadcasting organizations as they provide for in their national legislation, in connection with the protection of copyright in literary and artistic works, or other limitations or exceptions in so far as they concern special cases which do not affect commercialization of the broadcast and do not unreasonably prejudice the legitimate interests of the rightsholder.

[End of Annex and of document]