



December 22, 2006

Marybeth Peters  
Register of Copyrights  
U.S. Copyright Office  
101 Independence Avenue SE  
Washington, DC 20559-6000

Lois Boland  
Director of Office of International Relations  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Re: WIPO Broadcasting Treaty**

Dear Ms. Peters and Ms. Boland;

The Semiconductor Industry Association (SIA) appreciates the efforts of the U.S. Delegation to the World Intellectual Property Organization (WIPO) to advance **a signal-theft-based approach** in the negotiations on the WIPO Treaty on the Protection of Broadcasts and Broadcasting Organizations, and urges you to continue to work to ensure that any WIPO broadcasting treaty does not impede the ability of the world's consumers to benefit from developments in home and personal network technologies.

As the representative of the \$120B U.S. semiconductor industry, SIA understands the role that intellectual property (IP) protection can play in encouraging R&D investments and developing new markets. Indeed, semiconductor companies typically invest 17 percent of sales on R&D to develop new technologies, and five of the top seven U.S. recipients of U.S. patents are major semiconductor producers and SIA members. We are concerned, however, about the unnecessary expansion of IP rights to areas where consumer and business interests are more appropriately met through other forms of protection.

The last version of the WIPO broadcast treaty, as currently drafted, may have serious unintended consequences on the ability of consumers to benefit from semiconductor technology advances. **New IP rights for broadcast signals may impede consumers from benefiting from semiconductor technology advances** because granting such new rights raises questions about whether "casters" would gain the ability to control signals in the home or personal network environment and would thus interfere with the rollout of broadband and home and personal networking services. This risk from new IP rights is unacceptable since narrow and specifically focused legislation against signal theft can protect broadcasters from the intentional misappropriation of broadcast signals.

SIA urges you to continue working with other WIPO Member States on a signal-theft-based approach rather than an IP rights-based approach and to ensure that any WIPO broadcasting treaty does not inhibit uses of broadcast content that are lawful under copyright law; and specifically exclude coverage of fixations, transmissions or retransmissions across a home or personal network.

We look forward to working with you on WIPO policies that promote R&D investments on new semiconductor technologies and that encourage consumers to benefit from that technology. Please feel free to call me at 408-573-6605 if you have any questions on SIA's position.

Sincerely,

A handwritten signature in black ink, appearing to read "Daryl Hatano", is written over a horizontal line.

Daryl Hatano  
Vice President, Public Policy

Cc: David Carson - General Counsel, Copyright Office  
Ann Chaitovitz - Attorney Advisor, USPTO  
Marla Poor - Policy Planning Advisor, Copyright Office  
Paul Salmon - Senior Counsel, USPTO