

Japan's comments on the draft non-paper

We appreciate the efforts made by the Chair and the Secretariat of WIPO to prepare the Draft Non-paper. The Draft is well prepared to facilitate construction of consensus. Our comments towards the finalization of Non-Paper are as follows.

Preamble

The fourth paragraph sounds as if broadcasting organization has adverse effects on the interests of general public. However, basically, broadcasting organization contributes to access to knowledge and information and national educational and scientific objectives.

Therefore, we propose to insert "that broadcasting organizations play a crucial role in promoting the interests of general public by offering easier access to knowledge and information, while it is also important" instead of "the need".

Article3(iii)

Although we understand that the part of "(transmission...)" is just for purpose of illustration, and should not be understood as to constitute legal text of this Treaty, it should be noted that the understanding that all the transmissions using the Internet Protocol are transmissions over computer networks, which is subject to this Article 3(iii), is incorrect or inaccurate.

It should be clarified what type of transmission using the Internet Protocol is included in "webcasting" or "netcasting" and thus excluded from the scope of this treaty as "transmission over computer networks", since the Internet Protocol is quite a fundamental and versatile technology.

Article 7

Alternative J is preferable, since it is consistent with Rome Convention, which provides for fundamental protection of the right of broadcasting organization.

Article 8(1)

The following three paragraphs should be inserted.

- (iv) the making available to the public of the original and copies of fixations of their broadcasts through sale or other transfer of ownership.
- (v) the making available to the public of their broadcasts, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them.
- (vi) the communication to the public of their broadcasts, if such communication is made in places accessible to the public against payment of an entrance fee.

Article 8(2)

This provision should be deleted.

Article 10

Alternative MM of Article 19 of and Article 20 should be reintroduced from SCCR15/2.

Article 11

This provision should be deleted.

Article 13

The period should be “50 years” instead of “20 years”.