

REPUBLIC OF KOREA'S POSITION ON THE DRAFT NON-PAPER
ON
THE WIPO TREATY ON THE PROTECTION OF BROADCASTING ORGANIZATIONS

■ **General Comments**

Korea suggests that WPPT model be applied to the proposed treaty in general. With regard to the measures to protect broadcast signals, the draft non-paper provides that each member state can choose to protect broadcast signals either by providing the right holders with exclusive rights to authorize or through adopting other effective legal measures. Korea is in the position that it is more desirable to provide exclusive rights to right holders. However, Korea does not intend to oppose the proposed optional approach regarding protection measures.

■ **Comments on Specific Articles**

1. Article 5(f)

The term 'communication to the public' is not used under the substantial provision of this draft. Therefore, Article 5 (f) is not necessary.

2. Article 7(1)

Korea finds *Alternative J* most desirable.

3. Article 8(1)(i)

While Article 5(e) defines 'retransmission' as 'simultaneous transmission', Article 8(1)(i) stipulates 'simultaneous or deferred retransmission' making deferred retransmission to be interpreted as 'deferred simultaneous retransmission'. This is logically unacceptable and Korea suggests that 'simultaneous or deferred transmission' of Article 8(1)(i) be corrected as 'retransmission or deferred transmission'.

Article 7(2), 8, 9 and 10

Article 7(2) provides for reciprocity regarding rights provided under Article 8, 9 and 10. However, Article 9 and 10, unlike Article 8, do not stipulate the possibility for member states to choose to adopt other effective legal measures than providing exclusive rights. It only avails the member states to provide effective legal protection to right holders,

which is not optional. Therefore, Article 7(2) is contrary to logic and Article 9 and 10 should be corrected to follow the format of Article 8 to address this problem.

4. Article 10

‘Any electronic information’ used in Article 10(iii) is not specific enough for the member states to enforce this treaty effectively. Also, providing that ‘any electronic information’ should be protected against removal or alteration is insufficient compared to the protection given to other related right holders. Having said that, Korea is in the position that the WPPT language should be adopted regarding this provision.

5. Article 13

Korea supports the protection term of 50 years for the balance of rights among related right holders.