

Dear Michael,

First, I would like to thank the Jukka for his tremendous work of compiling an excellent document that considers all divergent propositions and standpoints.

However, we would like to draw your attention to a few points of concern:

Firstly the fourth alinea of the preamble (Recognizing the need to maintain a balance ...) seems very much unclear. What is understood by "freedom to promote access to knowledge and information"? How can this freedom be reconciled for instance with the obligation of protection of encryption? It seems that the respective alinea of preamble of the WCT (al. 6) is avoiding possible conflicts and should thus be given preference.

Secondly the fifth alinea of the preamble (Emphasizing that this treaty ...) seems unnecessary. The relationship between the Convention on the Protection and Promotion of the Diversity of Cultural Expressions and other treaties is clearly defined in Article 20 of said treaty. Thus there is no need for another Definition in the treaty before us. Moreover the wording of the recital might cause confusion since there is no definition what protection and promotion of cultural diversity means in this context and to what extent it frees parties to the treaty before us from their obligations under this treaty.

Thirdly the sixth alinea of the preamble (Acknowledging that contracting parties ...) seems unnecessarily pejorative. It goes without saying the abuse of rights is not tolerable and courts should not enforce requests that are founded on abused rights. However the introduction of such an uncommon recital in this treaty would be seen as a distinct mistrust of broadcasters and cablecasters and should therefore be removed.

Best Regards

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