

June 7, 2006

Re: Proposed WIPO Broadcast Treaty

Dear : (Senator or Member of Congress)

We are writing to share our concerns regarding the proposed “Treaty on the Protection of Broadcasting Organizations” currently being negotiated in the United Nations World Intellectual Property Organization (WIPO Broadcast Treaty). We are troubled not only by the substance of the treaty, but also by the fact that the U.S. delegation, represented by the Library of Congress Copyright Office and the U.S. Patent and Trademark Office (USPTO), have failed to engage in any public discussion about the effect of the treaty on consumers, industry, copyright holders and U.S. law.

Negotiations on the treaty are moving forward rapidly with the support of the U.S. delegation. A target date of September 2006 has been set for recommending the treaty to the WIPO General Assembly for a diplomatic conference.

The treaty would give broadcasters, cablecasters and webcasters a broad and unprecedented 50-year intellectual property like right in their signals. Placing new layers of rights on top of the already existing copyright in the underlying program material would complicate current U.S. law and existing regulations for copyright holders, Internet Service Providers, telecommunications companies, technology companies and consumers. It would also place in jeopardy new initiatives like a solution for “orphan” copyrighted works. The harm to the millions of consumers represented by the undersigned organizations would be particularly great – this additional layer of rights could permit broadcasters to restrict access to content within the home and could limit lawful uses of content over the Internet. Thus, this treaty could reverse the explosion of diverse and increasingly sophisticated “user generated” content that has become part of the fabric of the Internet.

For these reasons, we ask Congress to hold hearings on the WIPO Broadcasters’ Treaty prior to its submission to the WIPO General Assembly. This will to give public policy makers and private stakeholders an opportunity to comment on and discuss the U.S. position and justification for establishing an additional layer of copyright protection for broadcasters, cablecasters and webcasters.

In addition, we respectfully ask that you request the Copyright Office and the USPTO to issue a Federal Register notice seeking public comment on the treaty that provides an analysis of the proposed treaty’s impact on: 1) current U.S. law; 2) stakeholders, such as copyright holders, the telecommunications industry, consumer electronics industry and consumers; and 3) the public domain and the greater public interest.

We urge the committee to act expeditiously on both requests so that Congress and the public better understand what is at stake should negotiations on this treaty move forward.

If you have questions, or would like to discuss this matter further, please contact Gigi

Sohn, President, Public Knowledge at (202) 518-0020. Thank you in advance for your consideration of this important issue.

Signed,

Center for Democracy and Technology
Consumer Federation of America
Consumers Union
Consumer Project on Technology
EDUCAUSE
Electronic Frontier Foundation
Free Press
The Internet Society (ISOC)
IP Justice
Public Knowledge
Union for the Public Domain
U.S. Public Interest Research Group