

## **Committee on Development and Intellectual Property (CDIP)**

**Thirty-First Session**  
**Geneva, November 27 to December 1, 2023**

### **EVALUATION REPORT OF THE PROJECT ON COPYRIGHT AND THE DISTRIBUTION OF CONTENT IN THE DIGITAL ENVIRONMENT**

*prepared by Victoria Sánchez Esteban, external evaluator, Madrid*

1. The Annex to this document contains the independent, external evaluation report of the Development Agenda (DA) project on Copyright and the Distribution of Content in the Digital Environment, prepared by Victoria Sánchez Esteban, an external evaluator based in Madrid.

2. *The Committee is invited to take note of the information contained in the Annex to this document.*

[Annex follows]

## Contents

<b>Executive summary .....</b>	<b>2</b>
<b>1. Introduction.....</b>	<b>8</b>
1.1. Context .....	8
1.2. Subject of the evaluation: Pilot project on Copyright and the Distribution of Content in the Digital Environment .....	8
<b>2. Methodology .....</b>	<b>11</b>
2.1. Purpose and scope of the evaluation .....	11
2.2. Methodology and limitations.....	11
<b>3. Main findings .....</b>	<b>13</b>
3.1. Project design .....	13
3.2. Project implementation .....	13
3.3. Project outcomes Effectiveness .....	15
3.4. Project results Sustainability .....	18
<b>4. Conclusions and recommendations .....</b>	<b>20</b>
4.1. Conclusions.....	20
4.2. Recommendations.....	21

## **APPENDIXES (ATTACHED SEPARATELY)**

Appendix 1. Project outcomes framework

Appendix 2. Evaluation matrix

Appendix 3. Bibliography and references

Appendix 4. Stakeholders and key interviewees

Appendix 5. List of abbreviations

## EXECUTIVE SUMMARY

1. The aim of the evaluation of the pilot project on Copyright and the Distribution of Content in the Digital Environment is to draw lessons applicable to the activities of the World Intellectual Property Organization (WIPO) in this area and to arrive at assessments that may support the Committee on Development and Intellectual Property (CDIP) in its decision-making processes. As this is a final evaluation, another aim is to establish accountability for stakeholders.
2. The evaluation covered all the countries that participated in the project (Argentina, Brazil, Costa Rica, Ecuador, Peru and Uruguay) and activities carried out between January 2019 and July 2023. It was structured to answer nine evaluation questions, corresponding to all aspects of the project (design, implementation and outcomes, in the latter case in terms of effectiveness, and the degree to which they can be sustained in the long term (sustainability)).
3. A participatory approach was adopted in the evaluation in order to encourage the active involvement of stakeholders, including the project team, WIPO management, government officials (both at home and in missions to WIPO), the private sector and industry specialists. Two techniques were adopted: document analysis and semi-structured interviews conducted online with people involved in implementing and managing the project, developing activities for it and monitoring its progress. In all, 13 interviews were conducted with 17 people.
4. First, the evaluation reveals that the project design was satisfactory. The initial project document contained enough relevant information to carry out the project and assess its outcome.
5. The project's component parts are internally consistent, making it easy to understand its objectives and how they will be met from the description of its desired outcomes, outputs and activities. It is also externally consistent with the recommendations of the Development Agenda, especially those relating to technical assistance and capacity-building (cluster A). The project also takes into account issues of gender equality in the audiovisual sector in the digital environment.
6. The main tool for monitoring the project are the progress reports on implementation, which were drafted and submitted annually to the CDIP. Those publicly available reports are concise and contain links to additional information. They have been deemed useful and suitable for conveying information of interest to key stakeholders, in particular the Member States. They were especially important in helping the Committee to take decisions in the face of unforeseen circumstances hindering implementation of the project.
7. The indicators set out initially in the project document, however, could be improved. The output indicators refer only to the delivery of studies done and the holding of seminars, none of which adds relevant information. The outcome indicators fail to capture fully what constitutes achieving the desired outcomes and could be more detailed.
8. Various units of the WIPO Secretariat helped to carry out the project. The Copyright Development Division, which was in charge of the project, and those that worked with it (the Department for Economics and Data Analytics, the WIPO Arbitration and Mediation Center and the IP for Business Division) were satisfied with their collaboration. They all found that their involvement had been enriching and that the access it afforded them to expert opinion had helped to improve implementation and to avoid possible errors.

9. Timetable clashes resulting from the limited available time and resources were overcome through positive and productive communication and careful planning. The units involved in the project could thus be informed in good time of what was needed from them.

10. Risks identified in the initial design document were addressed in the first stage of implementation. The measures taken proved especially useful in mitigating their effects. Specifically, a process of informal consultation with the governments of the beneficiary countries and other stakeholders was set up in order to seek their assistance in obtaining information in their countries.

11. What could not be foreseen was the outbreak of the COVID-19 pandemic, which undoubtedly had an adverse impact on implementation. Even so, rapid analysis and CDIP approval of proposed alterations made it possible to adapt the project flexibly to the changed circumstances arising from the pandemic. In particular, in-person meetings and dissemination activities were postponed.

12. It was decided not to hold them online, as that would not have been conducive to achieving the desired outcomes, including the creation of networks, connecting with the audiovisual industry and reaching out to less digitally connected profiles. In the end, meetings and seminars were held in a hybrid format, providing the option to attend in person or remotely via streaming and thereby making it possible to reach a wider audience. Those decisions were conducive to achieving the project's desired outcomes.

13. The pandemic dramatically accelerated an already clear trend towards the consumption of digital audiovisual content via platforms, and so the discussion on copyright in the digital environment was intensified and expanded. Given that work on the subject was already being done as part of the project, there was no need to adapt it to the new situation. In that sense, it could be said that the project was ahead of its time.

14. Overall, the effectiveness and usefulness of the project outputs are judged to be excellent in terms of both scope and quality. General and specific needs have been identified and a strong foundation has been laid for future work. The project has provided stimulus for countries that do not have a highly developed audiovisual industry and an opportunity for more advanced countries to better grasp their own regulatory frameworks, also in the light of those of other countries. It became clear that, regardless of the differences in size of their respective audiovisual markets in the digital environment, countries need to recognize their common interests and pinpoint areas in which they can work together.

15. The case studies and analyses, however, did not address with the same precision and depth the matter of how best to meet the needs identified. That issue was raised at the subregional seminars and final regional seminar, at which the project outputs were presented, institutions involved in copyright and the audiovisual sector were brought together and industry professionals were included in the discussions. Respondents highlighted that last aspect as particularly useful.

16. Respondents agreed that the project had helped to raise awareness of the role played by copyright and related rights in the distribution of content and to improve understanding of the current licensing situation in the digital environment. Grasping the role played by those rights in the distribution of digital content online helps smaller producers to better understand the importance of the contracts that they sign. Larger producers may be more interested in other issues, such as the impact of artificial intelligence (AI). The governments of the beneficiary countries now have a clearer picture of the situation, the challenges facing them and how to deal with them.

17. Subregional and regional seminars and meetings played a key role in raising awareness. That is especially the case with the regional meeting, which was attended by representatives of 19 Latin American countries and a broad range of other stakeholders. The fact that the project materials were in Spanish and that seminars were also held in that language, making them more accessible to Latin American audiences, contributed to achieving the project's desired outcomes.

18. Some respondents said that more should be done in terms of dissemination in order to build on the results obtained. WIPO, however, has been quite active in raising awareness of the outputs:

Their publication on the website, the first line of dissemination, is a passive strategy, given that there is no way of knowing who uses the outputs or how. Respondents noted, however, that the content was not easy to find if one did not know exactly where it was. Moreover, one cannot know where it is if one does not know that it exists. Various complementary strategies have therefore been used to spread awareness of the content.

- The main approach has been to hold events and workshops. The last of them was attended by government officials from countries that had not participated in the project, who were thus able to see and obtain access to the materials produced and take part in the discussions.
- The submission of progress reports to the CDIP at its sessions drew the attention of delegates to them. They, in turn, conveyed the information to their respective countries.
- The outputs are discussed in the context of bilateral contacts with different actors and in events not related to this project. The use of streaming to distribute content is currently a hot topic in forums and opens up many avenues for publicizing the outputs.
- They have also been circulated within the Organization, bringing them to the attention of staff of other departments, who can then use or spread awareness of them in the course of their work.
- In particular, the studies have been made available to staff in the Organization's capacity-building and technical assistance departments and they can draw attention to them in their work with other regions. Hence, some indirect results could be produced beyond Latin America.

In the absence of specific follow-up mechanisms, it is difficult, however, to establish just what impact each of those channels of dissemination has.

19. With regard to whether the project's outcomes can be sustained in the longer term (sustainability), most respondents believe that WIPO should continue to work in this area for a variety of reasons:

- The Member States wish to continue working on it. The project has awakened considerable interest in a subject that is already in the public eye.
- WIPO has a holistic vision and its track record is well known. Its outputs are, therefore, more likely to be readily accepted. It also provides policymakers and other stakeholders with a realistic view of the issues.
- WIPO has a balanced, non-partisan stance. It can reach out to all stakeholders, who recognize it as a legitimate actor. Combined with its technical capacity and

a high degree of expertise, this makes WIPO ideal to serve as a global discussion forum.

- After some years of experimentation, the industry has come of age. The existence of outputs such as those emerging from the project will contribute greatly to any initiatives to review laws and regulations.
- The creative industries in general, and the audiovisual sector in particular, are or can be a major player in national economies. The topic is especially relevant today, not least because of the growth of AI and its impact.
- By organizing side events alongside major industry gatherings, access to the latter can be opened up to a larger, more diverse group of people who otherwise might be unable to afford the cost of access.
- Many aspects of the issue still require work, in terms of both content and the profile of the people, institutions and countries that benefit from such projects.

20. Respondents also made recommendations on how to approach the work in future, in particular the need for WIPO to continue to organize meetings and workshops of a more practical nature as focused capacity-building tools for specific actors. Most respondents said that it would be especially useful to tailor workshops to the needs of creators, mainly screenwriters and producers (above all, micro- and small companies).

21. In order to ensure that the knowledge acquired is not lost and to broaden its impact, partners are needed in the countries concerned who can replicate the work done on the basis of the Organization's initial investment with a view to building knowledge through training. Such national partners could be governments or industry associations. In some countries, the need for local partnerships has been grasped, facilitating the roll-out of specific strategies to that end.

22. In summary, the main conclusions are as follows:

- (a) The evaluated project has a clear internal logic and design, which can be gleaned from the project document, and it is internally consistent. External consistency with the most relevant recommendations of the Development Agenda has also been ensured.
- (b) Stakeholders found that the tools employed were useful and provided them with the information they needed on the project's implementation. Respondents voiced their satisfaction in terms of timeliness.
- (c) The indicators defined initially in the project could be improved, with a view to providing more complete information and better supporting the decision-making process.
- (d) Respondents appreciated the productive and cooperative manner in which work was done with other WIPO departments, resulting in smoother implementation. Timetable clashes were resolved by careful planning that made it possible to accurately anticipate collaboration needs.
- (e) From the outset, a major effort was made to put in place strategies to mitigate the risks arising from the lack of information. That effort yielded results that facilitated the development of outputs, although some topics needed specific searches for information.
- (f) The project was successfully adapted to the changed circumstances caused by the COVID-19 pandemic. The project was, in a sense, ahead of its time and did not need

to be adapted to emerging trends, because it had been designed to respond to such trends in any case.

- (g) It is fair to say that the project was effective and there is unanimous agreement that it produced high-quality, far-reaching outputs that have made it possible to pinpoint countries' needs and which serve as a solid foundation for future work. The participating countries have realized the need to recognize their common interests and begun to pinpoint areas in which they can work together so as to address problems and challenges that, whatever the differences between their markets, are shared. The view is also held that the outputs do not fully set out by what means the identified needs can be met, and that further work is needed in that regard.
- (h) Respondents found the subregional seminars and final seminar especially useful, as they provided an opportunity to publicize the outputs developed, launch high-level discussions, bring together government officials from each country, and to include creators, who usually do not attend this type of forum.
- (i) All agreed that the project had contributed to meeting the two desired outcomes: raising awareness of the role of copyright and related rights in the distribution of content and improving the understanding of the current licensing situation in the digital environment. Progress, however, had been uneven and the various participating stakeholders had not all benefited to the same degree.
- (j) In spite of the significant effort made by WIPO to disseminate the project outputs, stakeholders are of the view that communication needs to be improved in order to maximize their impact.
- (k) In order for the activities, outputs and outcomes to have a sustained impact, WIPO should continue to work in this area, adopting a more practical approach. Respondents expressed an interest in continuing to hold meetings and workshops, with the aim of addressing questions that arose in the studies that were carried out. New, more practical and focused activities should include training sessions for creators that could later be replicated by public or private actors wishing to contribute as genuine partners in the initiative.

23. The following recommendations flow from the above-listed conclusions. Their aim is to highlight certain areas that could be improved or to ensure that the results obtained are sustained in the longer term.

24. **Recommendation 1.** WIPO should work to disseminate the project results and outputs more broadly, which might also enhance their usefulness. Beyond what has already been done, which in itself is satisfactory, dissemination through the website could be strengthened and improved, given that the outputs are not easy to find there. Such reinforcement of passive dissemination lends outputs a "life of their own" and allows them to reach beyond the initially intended audience. Specific recommendations have been received on the need for information to be more accessible and more attractive (the economic study is mentioned as a prime example), and for it to be presented in a more creative way. Some respondents suggested creating a dedicated space on the WIPO website for the audiovisual industry, which would make access easier.

25. **Recommendation 2.** This project is only the start of a journey that will require a sustained effort over time. In particular, respondents expressed their interest in the further development of project materials, which should be kept up to date to reflect ongoing rapid

change in this area. Updating the materials requires funding, so there may be a need to look at alternative means of bearing the cost. In any event, there is clearly a broad demand.

26. **Recommendation 3.** Respondents broadly agree that WIPO should continue to work on and take a more practical, applied approach to this subject. Usually, WIPO Development Agenda projects, once completed and if they have obtained positive results, as in this case, are built into the regular activity of the organization, at the request of the CDIP.

27. This time, however, it would be advisable to develop a second phase, focused on meeting respondents' requests for a more practical approach. That would help to ensure results with a sustained impact and would be focused on the needs of smaller creators.

28. Another aim would be to devise a strategy for finding partners in the participating countries to continue the work of dissemination and capacity-building, once WIPO has transformed the project outputs into practical materials (manuals and other training material) and tested them out with small producers. The objective is for those materials to be made available for use in the future by all Member States, at which point the project results and outputs would be ready for mainstreaming into the Organization's regular activities.



## 1. INTRODUCTION

### 1.1. CONTEXT

29. As mentioned in the pilot project document on Copyright and the Distribution of Content in the Digital Environment, governments have launched various initiatives to promote locally produced audiovisual content, focusing mainly on the initial stage of creation - financing - without taking into account the distribution of content, which is also key to enabling its production.

30. Digital platforms offering audiovisual services present an alternative means for distributing local content to which the public previously had no access. Local broadcasters are also offering content on digital channels. All this has led to an enormous increase in the amount of content available to the public via digital media.

31. In Latin America, the digital distribution of audiovisual content has grown significantly in recent years. Access to and use of digital media by consumers has increased exponentially, a trend that was further fueled by the COVID-19 pandemic.

32. Those factors can create opportunities for producing local content. Indeed, that is already happening, with major streaming services funding Latin American productions.

33. In those new distribution channels, creators and rights holders also depend on copyright and related rights for remuneration. The need to protect them is therefore even greater than is the case in traditional markets.

### 1.2. SUBJECT OF THE EVALUATION: PILOT PROJECT ON COPYRIGHT AND THE DISTRIBUTION OF CONTENT IN THE DIGITAL ENVIRONMENT

34. The project was proposed by Brazil and approved by the Committee on Development and Intellectual Property (CDIP) at its twenty-second session in November 2018. The countries taking part in the project were Argentina, Brazil, Costa Rica, Ecuador, Peru and Uruguay. The end beneficiaries, in other words people who would find the project outcomes useful, were policymakers in this area, content creators, producers and the digital distribution platforms.

35. The project was implemented between January 2019 and July 2023.

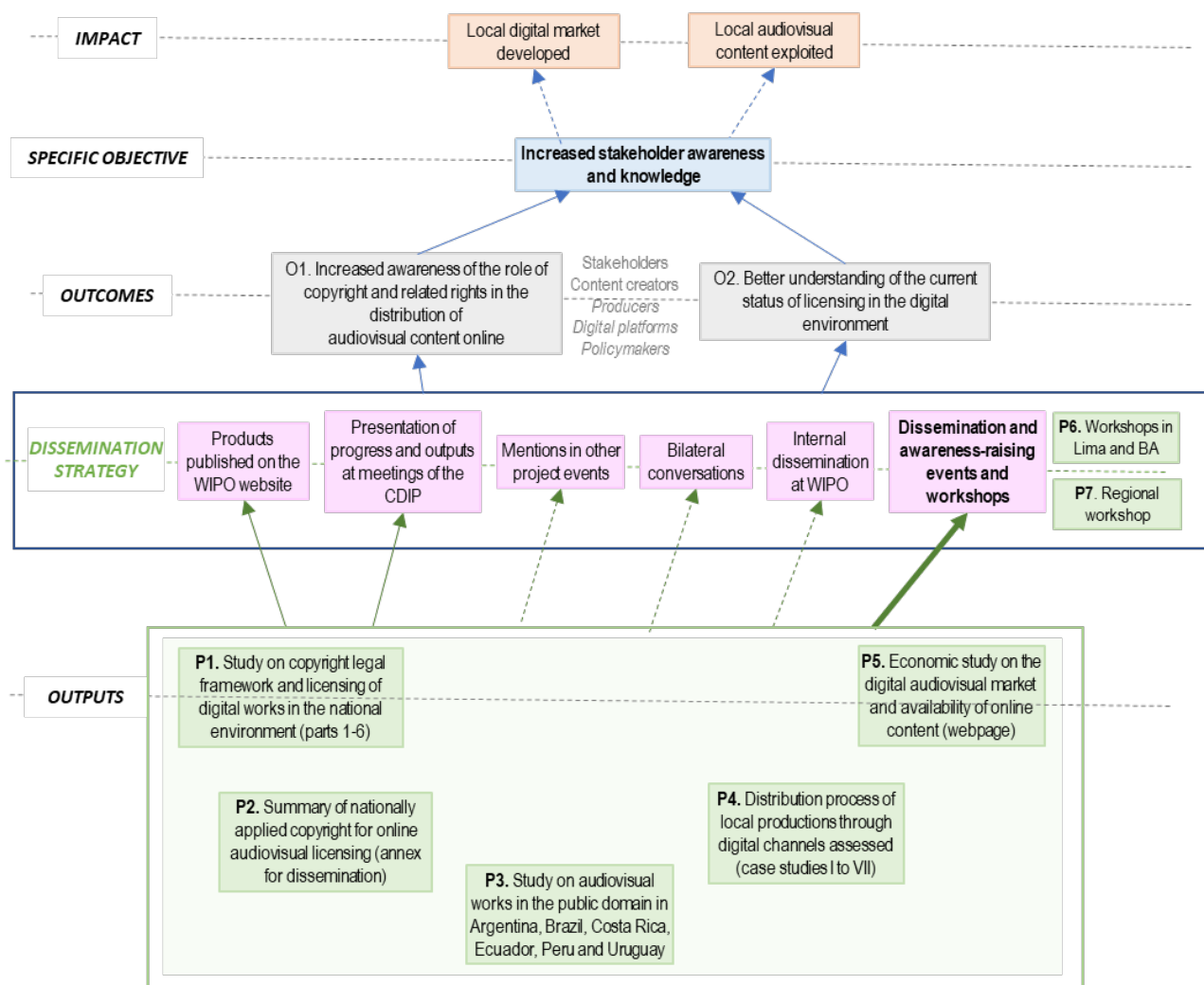
36. Its purpose, according to the project document, was threefold:

- Provide clear information about the national copyright and related rights regimes applicable to audiovisual content licensed and distributed in the digital environment in participating countries.
- Raise the awareness of local creators, rights holders and stakeholders of existing national rules, with a view to enhancing their understanding of the industry.
- Assess current issues relating to copyright and related rights in the digital audiovisual market in the participating countries and bring them to the attention of local stakeholders, including creators, producers, digital platforms and policymakers in this area, who could assist in the development of local digital markets and in the exploitation of local audiovisual content.

37. With a view to achieving those objectives, two outcomes were defined which, through the performance of seven activities, made it possible to obtain 19 outputs.<sup>1</sup> A framework of the project's desired outcomes, including indicators established to monitor implementation of the activities, appears in Appendix 1.

38. During the evaluation, a reconstruction of the initial theory of change was conducted with input from those running the project. Its final form is illustrated in the figure below.

**Figure 1 – Reconstruction of the Initial Theory of Change**



39. As can be seen, the starting point for the project was to identify the regulatory framework for copyright and related rights in the beneficiary countries and to develop outputs to facilitate a better understanding of the local markets in those countries. Once those outputs were available, a major campaign was undertaken to disseminate them, including through bilateral exchanges, the holding of seminars and other events, and the submission of progress reports to the CDIP, enabling delegates of the permanent missions to WIPO to pass on information about them to policymakers at home.

<sup>1</sup> Six studies that together make up a single broader study on the copyright legal framework and licensing practices for audiovisual content in the digital environment; a summary of national copyright and related rights applicable for the licensing of audiovisual content online; a study on audiovisual works in the public domain and orphan works; seven case studies on different subjects; an additional study on the digital audiovisual market; and lastly, two subregional seminars and one regional seminar.

40. The aim was to enhance understanding of the current licensing situation in the digital environment and of the role of copyright and related rights in the distribution of digital content, with the overall goal of raising stakeholders' awareness.

## 2. METHODOLOGY

### 2.1. PURPOSE AND SCOPE OF THE EVALUATION

41. The purpose of the evaluation is twofold:

- (a) To draw lessons applicable to the activities of WIPO in this area, focused on the design, implementation and management of the project, and on the outputs obtained, viewed as indicators of the degree to which defined objectives were met. This is, therefore, a multidimensional evaluation, given that it takes into account all aspects of the project; and
- (b) To arrive at evidence-based assessments to support the CDIP in its decision-making processes.

42. As is usually the case with final evaluations, another aim is to establish accountability for stakeholders, a process that will be enhanced by the involvement of all stakeholders in the project: the project team, high-level officials of the Organization and Member States, national copyright and IP offices, and other potential stakeholders, such as representatives of the private sector.

43. In geographical terms, the evaluation will refer primarily to the countries that decided to participate in the project. That does not exclude some of its results from being applied to other geographical areas. In terms of the period covered, all activities conducted during the life of the project (January 2019 to July 2023) will be taken into account.

44. As for the material scope, assessment of whether the project objectives were achieved involves answering the nine evaluation questions included in the terms of reference, which can be grouped into aspects and criteria. Specifically, one question refers to the project's design, four concern its implementation and the remaining four relate to its outcomes in terms of effectiveness (three questions) and their sustainability over time (one question). The questions can be found in Appendix 2.

### 2.2 METHODOLOGY AND LIMITATIONS

45. A participatory approach was adopted in the evaluation to encourage the active involvement of stakeholders. The evaluation questions were further broken down into more easily observable indicators. The resulting evaluation matrix appears in Appendix 2, which also includes the data sources and information collection techniques behind the indicators.

46. Two techniques were used for this evaluation. First, document analysis, covering both contextual documentation and the information generated by the project itself, was conducted. Appendix 3 contains a list of the sources consulted.

47. The other main source of information were the people involved in the project, whether by implementing and managing it, developing its activities or monitoring its progress. A sample list of people to be interviewed, made up of those most deeply involved in the project, was compiled. Suggestions by WIPO were taken as a starting point and the evaluators then filled out the list with additional profiles. Initially, 19 people were selected for interview, including government officials (at home and in missions to WIPO), the private sector, industry specialists, the WIPO project team and other Organization staff who were involved in some capacity in the project.

48. Not everyone responded to requests for interview and one interview was held in a group. In the end, 13 interviews were held with a total of 17 people.

- People were interviewed individually, except in one case where, at the suggestion of the person initially contacted, five people took part in order to facilitate a broader view of the project and its outcomes. The possibility of group interviews had already been contemplated in the methodological design.
- Ten of the interviewees were external to WIPO (mainly representatives of the relevant national institutions and the private sector). The remaining seven had a direct relationship with WIPO (government officials in missions to the Organization, project team members and other persons involved in the project's implementation).

49. The interviews were semi-structured. Some questions were shared across profiles, while others were more specific, depending on their characteristics. All of the interviews were conducted online. Appendix 4 contains a list of the interviewees and their positions.

50. Using those sources, the evaluators were able to compare and contrast the information obtained. Their findings, therefore, are evidence-based, which lends them credibility and legitimacy and forms a solid foundation for drawing conclusions and formulating pertinent, feasible and useful recommendations.

51. Although the entire evaluation was conducted in summer, most of the people invited to interview responded to the interview request. The risk that it might prove difficult to collect sufficient relevant information, therefore, did not arise and does not constitute a limitation on the analysis. Undoubtedly, the fact that WIPO made contact first was a key factor in ensuring the availability of respondents.

### 3. MAIN FINDINGS

#### 3.1. PROJECT DESIGN

##### Evaluation question (E.Q.) 1. Suitability of the initial project design document as a guide to carry out the project and assess its outcomes

52. The project design responded to a proposal presented by Brazil and discussed at the CDIP, and which was supported by the countries that participated in the project. WIPO made some comments, but the design was left to the proponent country.
53. Given that this is a relatively straightforward project, the aim of which is to lay the foundations for capacity-building among stakeholders in the participating countries, the project design was deemed adequate and effective in providing relevant and sufficient information for its implementation and the assessment of its outcomes, based on a clear understanding of the context in which the project was intended to be developed.
54. The project has a clear design, making it easy to understand its objectives and how they will be met from the description of its desired outcomes, outputs and activities. This results from the fact that the project component parts are internally consistent.
55. It is also externally consistent with the recommendations of the Development Agenda that it mentions (specifically, recommendations 1, 3, 4, 10, 11, 16, 25 and 35), especially those relating to technical assistance and capacity-building (cluster A) and particularly in relation to recommendation 4, since the project aims to take into consideration the needs of micro-, small and some medium-sized enterprises in developing countries with little industry, including young entrepreneurs. The project takes into account issues of gender equality in the audiovisual sector in the digital environment.

#### 3.2. PROJECT IMPLEMENTATION

##### E.Q. 2 Usefulness and suitability of project monitoring, self-evaluation and reporting tools for providing the project team and key stakeholders with relevant information for decision-making

56. The main monitoring tool throughout the project are progress reports on implementation, which are drafted and submitted annually. Those publicly available reports are concise and contain links to additional information, in the event that further information is deemed necessary.
57. Respondents stated that they found the project's monitoring tools useful and suitable for conveying information of interest to key stakeholders, particularly to the CDIP Member States. That view was shared by the project team and by the respondents who attended its sessions. In particular, it was stated that reports on the progress were especially important, especially when unforeseen circumstances hindering implementation of the project occurred, thus facilitating decision-making in the CDIP.
58. However, the indicators initially defined in the project document could be improved, especially in terms of outcomes. Given the content of the pilot project, the output indicators refer only to the delivery of studies done and the holding of seminars, none of which adds relevant information regarding the presence of the output itself. In fact, seminars are actually activity indicators and not output indicators.
59. The first of the outcome indicators refers to the publication of materials on the WIPO website, which is an enabling factor for achieving the defined outcomes (see theory of change) but does not indicate whether or not they were achieved. The second indicator establishes that

60 per cent of participants attending the final regional seminar express that they found the information provided in this activity useful. This indicator is considered suitable, although it could have been complemented with additional usefulness assessments to provide more complete information. Likewise, a single measurement is established after the final seminar, despite the fact that other subregional seminars were held previously.

E.Q. 3 Extent to which other units of the WIPO Secretariat have contributed to, and enabled effective and efficient implementation of, the project

60. Collaboration by different functional units is common practice in all large organizations. The interviewed respondents stated that they were satisfied with the how the division responsible for the project (the Copyright Law Division) and other units worked together throughout the project (Department of Economics and Data Analytics, WIPO Arbitration and Mediation Center, IP for Innovators Department or IP for Business Division). All parties found that their involvement had been enriching and that the access it afforded them to expert opinions from different units helped to improve implementation and to avoid possible errors arising from inexperience in a specific subject.

61. Working with other units can lead to timetable clashes, given that time and resources are limited, and thus delay in implementation. Nonetheless, the respondents stated that communication was always positive and productive and that such difficulties were overcome through proper planning. The units involved in the project could thus be informed in sufficient time of what was needed from them (in terms of whose assistance was requested and when it was needed).

E.Q. 4 Extent to which risks identified in the initial project document arose or were mitigated

62. The two risks identified in the initial project document were related to the lack of information about the licensing of digital content online and conditions in a selected country that might impede project implementation, owing to the size of the market or the lack of available data and sources regarding content on digital platforms. The project manager devoted initial efforts to implementing the defined mitigation strategies, mainly aimed at building collaborative relationships with stakeholders in the participating countries.

63. In the September 2019 progress report it was noted that a process of informal consultation with beneficiary country governments and other stakeholders had been set up in order to seek their assistance in obtaining national information. Analysis of that preliminary information made it possible to precisely define the contents of each of the detailed topics and subtopics that would be addressed in the planned case studies. Those mitigation efforts proved useful but some outputs brought their own challenges, necessitating the use of data from various sources other than public data (such as through data donation and data purchase).

64. What could not be foreseen was the outbreak of the COVID-19 pandemic, which undoubtedly had an adverse impact on the implementation of the project, as it had on everything.

E.Q. 5 Project capacity to respond to emerging trends and technologies and other external forces

65. It proved possible to adapt the project to the changing circumstances arising from the pandemic. The options were debated swiftly and proposed to the CDIP, the body responsible for approving changes. As a result, it was decided that in-person meetings and dissemination activities would be postponed. The idea of holding the activities virtually was discarded for three main reasons:

- It would have made networking and establishing connections difficult, which was anticipated as one of the main outcomes of the events.
- The audiovisual production sector was facing a deep crisis derived from the pandemic itself, which made it difficult to attract their attention and would have made their participation unlikely.
- The desire to reach people from different backgrounds who might not have full digital access.

66. It was therefore agreed to delay the activities and slightly extend the duration of the project, which ultimately went from January 2019 to July 2023. Meetings and seminars were, however, held in a hybrid format, meaning that all of the activity occurred in person, but participants could join remotely via streaming, making it possible to reach a wider audience. Those decisions were conducive to achieving the project's expected outcomes.

67. The pandemic had additional consequences for trends. In particular, worldwide lockdown measures dramatically accelerated an already clear, albeit incremental, trend towards the consumption of digital audiovisual content via platforms. Given that work on the subject to meet increasing demands was already being done as part of the project, there was no need to adapt it to the new situation.

68. Discussions concerning copyright in the digital environment were already prevalent in some institutions and in the fields concerned when the proposal was submitted to the CDIP in 2018, but once the project was already in full swing in 2020, discussions on the matter had intensified and become widespread. In that sense, the project could be regarded as ahead of its time.

### 3.3. EFFECTIVENESS OF PROJECT OUTCOMES

#### E.Q. 6 Effectiveness and usefulness of outputs developed in the project

69. Overall, the outputs developed by the experts are judged to be excellent in terms of both scope and quality. Studies that were carried out laid a strong foundation for future work. A comprehensive regulatory mapping of copyright in the digital environment in the participating countries is now available, with a body of information that serves as an especially useful asset for further work. This has made it possible to pinpoint needs, such as harmonizing regulatory frameworks, given that the different countries are operating in a global and, therefore, homogeneous market. The specific and differing status of women in the industry and in the current context has also been identified, which was made possible thanks to a case analysis on this subject. Finally, the economic study<sup>2</sup> is particularly significant, as there was scarce information on this topic.

70. The case studies and analyses have also been highly commended by the countries. The project has stirred "an appetite for the subject" in countries that do not have a highly developed audiovisual industry and helped them to see what was being achieved elsewhere. It has also provided an opportunity for more advanced countries to learn about developments in other Latin American countries, which has allowed them to deepen their knowledge of their own regulatory frameworks in the light of those of other countries.

71. The studies also identified that, regardless of the differences in size of their respective audiovisual markets in the digital environment, all countries face certain structural fragilities -

---

<sup>2</sup>"Creative economy notes. Streaming wars: Exclusive content and cross-platform competition in Brazil".



they can work together by recognizing their common interests and teaming up with other countries. That need for joint action was also stressed by some of the professionals who were interviewed.

72. Therefore, it can be said that there is unanimous agreement when evaluating the outputs, which is excellent in terms of knowing the situation of this topic in these countries, thus becoming a diagnosis of their needs. There is also fairly widespread agreement that the outputs developed do not fully set out by what means the identified needs can be met.

73. That issue was raised at the subregional seminars and final regional seminar, which made the following possible:

- Presenting and publicizing the outputs, often by the same authors who developed them. This helped to spread awareness of their existence and enabled future use, thus sparking interest in its publication.
- Bringing together national copyright offices, but also other institutional leaders in related areas, such as the audiovisual industry and, by extension, the cultural industry. In other words, they were clearly instrumental in connecting relevant institutional actors in each country.<sup>3</sup> For example, copyright policymakers and audiovisual policymakers are vastly different, and systematic relationships are rare. The final seminar allowed both perspectives to come together in order to obtain a clear vision of how using IP could develop the audiovisual industry.
- Finally, these meetings also facilitate contact between institutional or production representatives from different countries, promoting coordinated and cooperative actions.

74. Respondents agreed on the importance of market events, attended by industry professionals who are often far removed from such discussions. That was emphasized by both institutional representatives and professionals, who have become aware of the importance of those matters for their daily activities, especially for the coming years.

E.Q. 7 Effectiveness of the project in raising awareness of the role of copyright and related rights in the distribution of audiovisual content online

E.Q. 8 Effectiveness of the project in improving understanding of the current licensing situation in the digital environment

75. It was decided that these two questions would be answered together, given that the way in which the project proceeded makes it difficult to establish a clear boundary between the two outcomes.

76. Respondents unanimously agreed that the project helped to raise awareness of the role played by copyright and related rights in the distribution of content and to improve understanding of the current licensing situation in the digital environment: the two project outcomes that were initially defined.

77. Greater awareness of the current state of affairs also facilitates further action, as together with the needs assessment, it sets the starting point for moving forward.

- Grasping the role played by copyright and related rights in the distribution of digital content online allows the smaller producers to better understand the importance of the characteristics and content of the contracts that they sign, while larger producers consider other issues, such as the impact of AI.

---

<sup>3</sup> Such liaisons did not arise identically in all countries owing to factors like the seminar venues, since stakeholders were granted access to venues in Argentina, Brazil and Peru.

- The governments of the beneficiary countries now have a clearer picture of the situation, the challenges facing them and how to deal with them.

78. Naturally, not all of the project participants walked away with the same extent of raised awareness and better understanding, and it varies depending on the stakeholders and how they implement it. People directly involved in implementing the project at the national level may have made the most progress, since they work in the field. Participants who took part in technical assistance activities or seminars and meetings also learned a great deal, but not to the same extent. Lastly, those who only know and use one of the outputs will be able to improve in that particular area, but not in the rest.

79. One factor that has been highlighted as conducive to achieving the project's desired outcomes is the fact that the project materials were in Spanish, the predominant language in Latin America. Furthermore, the seminars were held in the same language, making them more accessible to the target audiences.

80. Subregional and regional seminars and meetings played a key role in raising awareness. That is especially the case with the regional meeting, which was attended by representatives of 19 Latin American countries and a broad range of other stakeholders. Some respondents said that it would have been beneficial to have more information on the nature of the contracts that are signed, but the additional obstacle that they are confidential documents containing, consequently, no factual information is also acknowledged.

81. While recognizing that the project had helped to raise awareness of the role of copyright in the distribution of content and to improve understanding of the current licensing situation in the digital environment, respondents expressed opinions to the effect that more should be done in terms of dissemination, especially of the outputs, in order to build on the outcomes.

82. Maximizing knowledge of those outputs requires time and ongoing dedication. WIPO has made great efforts to spread information. Activities conducted included:

Their publication on the website, the first line of dissemination, is a passive strategy given that there is no way of knowing who uses the outputs or how. However, statements have been collected regarding the fact that the content is not easy to find if one does not know exactly where it is. Moreover, one cannot know where it is if one does not know that it exists. Various complementary strategies were therefore used to spread awareness of the content.

- The main approach was to hold events, as already mentioned in this report. The final event was attended by policymakers from countries that had not participated in the project, who were thus able to see and access the materials produced and take part in the discussions. This was also the case with stakeholders from the same countries.
- The submission of progress reports to the CDIP at its sessions drew the attention of delegates to them. They, in turn, conveyed the information to their respective countries.
- The outputs are discussed in the context of bilateral contacts with different actors and at events not related to this project. The use of streaming to distribute content is currently a hot topic in forums and opens up many avenues for publicizing the outputs.
- They have also been circulated within the Organization, bringing them to the attention of staff of other departments, who can then use or spread awareness of them in the course of their work.
- In particular, the studies have been made available to staff in its capacity-building and technical assistance departments and they can draw attention to them in their work with other regions. Hence, some indirect results could be produced beyond Latin America.

In the absence of specific follow-up mechanisms, it is difficult to establish just what impact each of those channels of dissemination has. But all of them working in tandem may have contributed to achieving the project's outcomes.

### 3.4. PROJECT RESULTS SUSTAINABILITY

#### E.Q. 9 Likelihood of more work being done in the future on the use of copyright and related rights in the distribution of audiovisual content online

83. The general consensus among respondents is that WIPO should continue to work in this area for many reasons. The main points are summarized below:

- The Member States wish to continue working on it. The project has awakened considerable interest in a subject that is already in the public eye, so WIPO should continue the discussions.
- WIPO has a holistic vision and its track record is well known by different actors. Therefore, their outputs are more likely to be accepted at the outset and make it easier for policymakers and other stakeholders to have a realistic view of the issues.
- WIPO has a balanced, non-partisan stance in an environment marked by strong interests, confrontations and power struggles. Furthermore, it can reach out to all stakeholders, who recognize it as a legitimate actor. Combined with its technical capacity and high degree of expertise, this makes WIPO ideal to serve as a global discussion forum.
- After some years of experimentation, the sector has come of age. The existence of outputs such as those emerging from the project may contribute greatly to any initiatives to review laws and regulations.
- The creative industries in general, and the audiovisual sector in particular, are or can be a major player in national economies and there are still many aspects that have not been worked on. Moreover, the topic is especially relevant today, not least because of the growth of AI and its impact.
- Organizing side events alongside major industry gatherings means that access to the latter can be opened up to a larger, more diverse group of people who otherwise may be unable to afford the cost of access. As a result, spaces and conversations on these issues are more open.
- Several aspects still require work, including the intersection between policies on cultural development, the creative industries and copyright. There is also indigenous IP, which is based on collaborative processes. The latter have not yet accessed distribution in the virtual environment to the same extent but will eventually do so. In the same vein, the need to consider the peripheral spaces where other types of audiovisual material are produced and which have less access to distribution, is also mentioned.

84. In addition to these reasons for WIPO to continue to work in this area, respondents proffered some practical recommendations on the best approach to doing so. The most frequently repeated recommendation is the need to continue organizing meetings and workshops of a more practical nature as focused capacity-building tools for specific actors.

85. Some respondents said that such practical seminars could be aimed at a variety of stakeholders, including the general public. That said, focused activities were necessary from a sustainability standpoint. In fact, most respondents said that it would be especially useful to tailor seminars to the needs of creators, mainly screenwriters and producers (above all, micro- and small companies).

86. Their statements coincide with those made by the project team, which notes that the demand for a more practical approach was systematically echoed in workshops and seminars.<sup>4</sup> The need for focus was also generally agreed upon: "If you train 30 or 40 producers in a given country, I think that's a very good outcome."

87. If this training is to be sustained in the long term and its impact is to reach beyond those trained, and the know-how is to be readily available, partners are needed in the countries concerned who can replicate the work done on the basis of the Organization's initial investment with a view to building knowledge through training.

88. Such national partners could be governments or industry associations. In fact, in interviews held as a part of this evaluation, representatives of the Argentine institutions said that the project seminar held in Buenos Aires served as a stimulus to hold seminars on similar or related topics, so that the information could reach a larger audience. They added that they were trying to sign agreements with other actors to carry out similar work in the rest of the country. Although not detected in the information gathered, there may be other examples of subsequent dissemination.

89. In short, at least some of the participating countries have acknowledged the need for local partnerships, which would facilitate the implementation of a specific strategy for this purpose.

---

<sup>4</sup> Discussions raised issues such as: "What can we do? How do we do it? How can we prepare or adapt?"

## 4. CONCLUSIONS AND RECOMMENDATIONS

### 4.1. CONCLUSIONS

90. The evaluated project has a clear internal logic and design, which can be gleaned from the project document, and it is internally consistent. External consistency with the most relevant recommendations of the Development Agenda has also been ensured.

91. Stakeholders involved in monitoring WIPO projects alongside this one found that the tools employed were useful and provided them with the information they needed on the project's implementation. Respondents voiced their satisfaction in terms of timeliness.

92. The indicators defined initially in the project could be improved, with a view to providing more complete information and better supporting the decision-making process.

93. Respondents appreciated the productive and cooperative manner in which work was done with other WIPO departments, resulting in smoother implementation. Timetable clashes were resolved by careful planning that made it possible to accurately anticipate collaboration needs.

94. From the outset, a major effort was made to put in place strategies to mitigate the risks arising from the lack of information. That effort yielded results that facilitated the development of outputs, although some topics needed specific searches for information.

95. The project was successfully adapted to the changed circumstances caused by the COVID-19 pandemic. The project was, in a sense, ahead of its time and did not need to be adapted to emerging trends, because it had been designed to respond to such trends in any case.

96. It is fair to say that the project was effective and there is unanimous agreement that it produced high-quality, far-reaching outputs that have made it possible to pinpoint countries' needs and which serve as a solid foundation for future work. The participating countries have realized the need to acknowledge their common interests and begun to pinpoint areas in which they can work together so as to address problems and challenges that, whatever the differences between their markets, are shared. The view is also held that the outputs do not fully set out by what means the needs can be met, and that further work is needed in that regard.

97. Respondents found the subregional seminars and final seminar especially useful, as they had provided an opportunity to publicize the outputs developed, launch high-level discussions, bring together government officials from each country, and to include creators, who usually do not attend this type of forum.

98. All agreed that the project had clearly contributed to meeting the two expected results: raising awareness of the role of copyright and related rights in the distribution of content and improving the understanding of the current licensing situation in the digital environment. Progress, however, had been uneven and the various participating stakeholders had not all benefited to the same degree.

99. Nonetheless and in spite of the significant effort made by WIPO to disseminate the project outputs, stakeholders are of the view that that effort needs to be redoubled in order to reinforce their outcome.

100. In order for the activities, outputs and results to have a sustained impact, WIPO should continue to work in that area and adopt a more practical approach. Respondents expressed an interest in continuing to hold meetings and seminars and in maintaining the activity, with the aim

of addressing questions that arose in the studies that were carried out. New, more practical and focused activities should include training sessions for creators that could later be replicated by public or private actors that wish to contribute as genuine partners in the initiative.

#### 4.2. RECOMMENDATIONS

101. The recommendations listed below flow from the above-listed outcomes of the evaluation. Their aim is to highlight certain areas that could be improved or to ensure that the results obtained are sustained in the longer term.

102. **Recommendation 1.** WIPO should work to disseminate the project results and outputs more broadly, which could potentially also enhance their usefulness. Beyond what has already been done, which in itself is acceptable, dissemination through the website could be strengthened and improved, given that the outputs are not easy to find there. Such reinforcement of passive dissemination lends outputs a “life of their own” and allows them to reach beyond the initially intended audience. Specific recommendations have been received on the need for information to be more accessible and more attractive (the economic study is mentioned as a prime example), and for it to be presented in a more creative way. Some respondents suggested creating a dedicated space on the WIPO website for the audiovisual industry, which would make access easier.

103. **Recommendation 2.** This project is only the start of a journey that will require a sustained effort over time. In particular, respondents expressed their interest in the further development of project materials, which should be kept up-to-date to reflect ongoing rapid change in this area. Updating the materials requires funding, so there may be a need to look at alternative means of bearing the cost. In any event, there is clearly a broad demand.

104. **Recommendation 3.** Respondents broadly agree that WIPO should continue to work on, and take a more practical, applied approach to, this subject. Usually, WIPO Development Agenda projects, once completed and if they have obtained positive results, as in this case, are built into the regular activity of the organization, at the request of the CDIP.

105. This time, however, it would be advisable to develop a second phase, focused on meeting respondents’ requests for a more practical approach. That would help to ensure results with a sustained impact and would be focused on the needs of smaller creators.

106. Another aim would be to devise a strategy for finding partners in the participating countries to continue the work of dissemination and capacity-building, once WIPO has transformed the project outputs into practical materials (manuals and other training material) and tested them out with small producers. The aim is for those materials to be made available for use in the future by all Member States, at which point the project results and outputs would be ready for mainstreaming into the Organization’s regular activities.

[Appendixes are attached separately  
(in English and Spanish)]