

Committee on Development and Intellectual Property (CDIP)

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

REVISED PROJECT ON COPYRIGHT AND THE DISTRIBUTION OF CONTENT IN THE
DIGITAL ENVIRONMENT – PHASE II – PROJECT PROPOSAL SUBMITTED BY BRAZIL,
PERU AND ARGENTINA

prepared by the Secretariat

1. During the thirty-first session of the Committee on Development and Intellectual Property (CDIP), the Committee considered proposal for a Phase II of the Development Agenda (DA) project on “Copyright and the Distribution of Content in the Digital Environment” submitted by Brazil, Peru and Argentina. Based upon the comments made during the discussion, the said project proposal was revised during the session.

2. The revised project proposal is contained in the Annexes to this document.

3. *The Committee is invited to consider the Annex hereto.*

[Annex follows]

1. Introduction of the Project
1.1. Project code
DA_1_3_4_10_11_16_25_35_02
1.2. Project title
Copyright and the Distribution of Content in the Digital Environment – Phase II
1.3. DA Recommendations
<p><i>Recommendation 1:</i> WIPO technical assistance shall be, <i>inter alia</i>, development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion. In this regard, design, delivery mechanisms and evaluation processes of technical assistance programs should be country specific.</p> <p><i>Recommendation 3:</i> Increase human and financial allocation for technical assistance programs in WIPO for promoting a, <i>inter alia</i>, development-oriented intellectual property culture, with an emphasis on introducing intellectual property at different academic levels and on generating greater public awareness on intellectual property.</p> <p><i>Recommendation 4:</i> Place particular emphasis on the needs of small and medium-sized enterprises (SMEs) and institutions dealing with scientific research and cultural industries and assist Member States, at their request, in setting-up appropriate national strategies in the field of intellectual property.</p> <p><i>Recommendation 10:</i> To assist Member States to develop and improve national intellectual property institutional capacity through further development of infrastructure and other facilities with a view to making national intellectual property institutions more efficient and promote fair balance between intellectual property protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with intellectual property.</p> <p><i>Recommendation 11:</i> To assist Member States to strengthen national capacity for protection of domestic creations, innovations and inventions and to support development of national scientific and technological infrastructure, where appropriate, in accordance with WIPO's mandate.</p> <p><i>Recommendation 16:</i> Consider the preservation of the public domain within WIPO's normative processes and deepen the analysis of the implications and benefits of a rich and accessible public domain.</p> <p><i>Recommendation 25:</i> To explore intellectual property-related policies and initiatives necessary to promote the transfer and dissemination of technology, to the benefit of developing countries and to take appropriate measures to enable developing countries to fully understand and benefit from different provisions, pertaining to flexibilities provided for in international agreements, as appropriate.</p> <p><i>Recommendation 35:</i> To request WIPO to undertake, upon request of Member States, new studies to assess the economic, social and cultural impact of the use of intellectual property systems in these States.</p>
1.4. Project Duration
36 months

1.5. Project Budget

The total Project budget is 556,200 Swiss Francs, all related to non-personnel expenditures.

2. Description of the Project

This Project proposal is a continuation of the DA Project on [Copyright and the Distribution of Content in the Digital Environment](#) (hereinafter “the initial Project”).

Background

The initial Project, proposed by Brazil in 2018, focused on the streaming of audiovisual content in Latin America. It was implemented in Argentina, Brazil, Costa Rica, Ecuador, Peru and Uruguay, and resulted in insightful analysis of the evolving Latin American streaming market, with a particular focus on market indicators, legal framework applicable to the commercialization of audiovisual content, the intellectual property (IP) rights exploited in an audiovisual production, and the challenges faced by Latin-American producers when navigating the legal and financing complexities. Concrete examples were brought through twelve case studies and in-depth discussions were held with stakeholders and governmental representatives.

Actions proposed by participating countries at the end of the initial Project

The proposed continuation of the Project builds upon the knowledge accumulated through the outputs of the initial Project and takes into account the recent developments in the audiovisual market. Specifically, it addresses a number of concrete actions that had been proposed, discussed and identified by governments of participating countries and stakeholders to sustain the initial results of the project in the post-COVID-19 era, including:

- to promote sub-regional or regional cooperation through best practices on identification, standardization and metadata of audiovisual contents;
- to foster the training and better understanding of IP in the audiovisual sector in the era of streaming;
- to better understand the implication of frontier technologies in the audiovisual sector;
- to reinforce the cooperation towards gender inclusion in the audiovisual industry; and
- to develop reference materials on the strategic use of IP for micro, small and medium-sized audiovisual stakeholders and creators.

Stakeholders

The main stakeholders relevant in this project are:

- Audiovisual producers, in particular micro, small and medium-sized enterprises (MSMEs);
- Authors and performers in the audiovisual sector;
- Private sector involved in the distribution of audiovisual content in the beneficiary countries;
- Collective management organizations;
- Governmental bodies dealing with copyright policy and regulation, audiovisual promotion and film agencies;
- Festival organizers and audiovisual market curators;
- Legal counselors to stakeholders in the audiovisual industry; and
- Streaming platforms.

2.1. Project Concept

The proposed Phase II seeks to build upon the knowledge accumulated through the initial

Project and to respond to recent developments in the post-COVID-19 era.

2.2. Project Objective, Outcomes and Outputs

The overall **objective** of the project is to gain a better understanding of the use of IP to commercialize the audiovisual content in the era of streaming in the beneficiary countries, while building on the achievements of the initial Project and addressing post-COVID-19 challenges.

More specifically, the project's expected **outcomes** are increased awareness and enhanced capacities of stakeholders, including creators, MSMEs, and governments, to better use and commercialize IP in the audiovisual market in the participating countries.

The project will deliver the following **outputs**:

Output 1: Identification of national practices, opportunities and challenges related to commercialization of IP in the audiovisual market in the participating countries.

Output 2: Trained professionals and creators working in the audiovisual industry to effectively apply and manage IP assets for commercialization.

Output 3: Assessment of the perspectives of the audiovisual industry in order to anticipate changes and trends that will affect the use of IP in the audiovisual market.

Output 4: Development of tools for MSMEs for commercialization of their IP assets in the global market.

Output 5: Development of a methodology to measure the participation of women in the audiovisual sector.

Output 6: Assessment of opportunities for the circulation of IP assets regionally or globally.

2.3. Project Implementation Strategy

The implementation strategy is detailed under each output below:

Output 1: Identification of national practices, opportunities and challenges related to commercialization of IP in the audiovisual market in the participating countries.

Activity 1.1: Identify and compile national practices from audiovisual authorities on available databases and tools for retrieving information about ownership and licensing of audiovisual works.

Output 2: Trained professionals and creators working in the audiovisual industry to effectively apply and manage IP assets for commercialization.

Activity 2.1: Organize practical training workshops (at least four) for MSMEs and creators in the participating countries to tackle their specific needs for the use and acquisition of IP-related materials and the commercialization of the audiovisual content.

Output 3: Assessment of the perspectives of the audiovisual industry in order to anticipate changes and trends that will affect the use of IP in the audiovisual market.

Activity 3.1: An examination of current licensing markets and rights management structures related to the use of audiovisual works and AI systems, including the commercialization of audiovisual works in relation to artificial intelligence, and the accessibility of such markets by MSMEs and local creators, as well as introductory assessment identifying copyright-related issues involving the use of new technologies.

Output 4: Development of tools for MSMEs for commercialization of their IP assets in the

global market.

Activity 4.1: Develop a Reference Guide for the use and commercialization of IP in audiovisual production for MSMEs.

Activity 4.2: Organize national workshops (at least two) on mediation and arbitration in the creative industries.

Output 5: Development of a methodology to measure and foster the participation of women in the audiovisual sector, for example, through public financing parameters.

Activity 5.1: Recompile existing measuring initiatives and develop a methodology to be employed by governments and audiovisual agencies to measure the participation of women in the audiovisual sector in key roles such as producer, scriptwriter and director.

Output 6: Assessment of opportunities for the circulation of IP assets regionally or globally.

Activity 6.1: Conduct analysis of the impact of international co-production agreements that exist in the beneficiary countries and of the IP commercialization of audiovisual content.

Activity 6.2: Organize a Seminar on the Audiovisual Industry in the Era of Streaming with a specific focus on the opportunities, challenges, and best practices related to the regional and global circulation of IP assets.

2.4. Project Indicators

<p><u>Project Objective:</u></p> <p>Gain a better understanding of the use of IP to commercialize the audiovisual content in the era of streaming, while building on the achievements of the initial Project and addressing post-COVID-19 challenges.</p>	<p><u>Objective Indicators:</u></p> <ul style="list-style-type: none"> - At least 70% of the participants in the project activities report a better understanding of the use of IP to commercialize audiovisual content in the era of streaming at the end of the project implementation.
<p><u>Project Outcome:</u></p> <p>Increased awareness and enhanced capacities of stakeholders, including MSMEs and governments, to better use and commercialize IP in the audiovisual market in the participating countries.</p>	<p><u>Outcome Indicators:</u></p> <ul style="list-style-type: none"> - At least 60% of the participants in the project activities indicate that the project improved their knowledge and skills to use and commercialize IP in the audiovisual market in the digital environment.
<p><u>Project Outputs:</u></p> <p>Identification of national practices, opportunities and challenges related to commercialization of IP in the audiovisual market in the participating countries.</p>	<p><u>Outputs Indicators:</u></p> <ul style="list-style-type: none"> - Compilation of national practices, opportunities, and challenges, validated by beneficiary countries' focal points and the WIPO Secretariat.
<p>Trained professionals and creators working in the audiovisual industry to effectively apply and manage IP assets for commercialization.</p>	<ul style="list-style-type: none"> - At least four practical training workshops organized for MSMEs and creators in the participating countries. - At least 60% of the participants indicated that the workshops improved their knowledge and skills.
<p>Assessment of the perspectives of the</p>	<ul style="list-style-type: none"> - An examination of current licensing markets

<p>audiovisual industry in order to anticipate changes and trends that will affect the use of IP in the audiovisual market.</p>	<p>and rights management structures related to the use of audiovisual works and AI systems, including the commercialization of audiovisual works in relation to artificial intelligence, and the accessibility of such markets by MSMEs and local creators, as well as introductory assessment identifying copyright-related issues involving the use of new technologies</p>
<p>Development of tools for MSMEs for commercialization of their IP assets in the global market.</p>	<ul style="list-style-type: none"> - A Reference Guide for the use and commercialization of IP in audiovisual production for MSMEs developed and validated by beneficiary countries' focal points and WIPO Secretariat. - At least two national workshops organized on mediation and arbitration in the creative industries. - At least 60% of the participants found the information disseminated in the national workshops useful.
<p>Development of a methodology to measure and foster the participation of women in the audiovisual sector, for example, through public financing parameters.</p>	<ul style="list-style-type: none"> - A methodology developed to measure the participation of women in the audiovisual sector, validated by beneficiary countries' focal points and WIPO Secretariat.
<p>Assessment of opportunities for the circulation of IP assets regionally or globally.</p>	<ul style="list-style-type: none"> - Report containing analysis of the impact of international co-production agreements that exist in the beneficiary countries and of the IP commercialization of audiovisual content developed and validated by beneficiary countries' focal points and WIPO Secretariat. - The Seminar successfully organized with a specific focus on the opportunities, challenges, and best practices related to the regional and global circulation of IP assets. - At least 60% of the participants found the information regarding the regional and global circulation of IP assets disseminated in the Seminar useful and applicable to their respective sectors.

2.5. Sustainability Strategy

To ensure the sustainability of the project's outputs, all the relevant material and tools developed in the context of the Project (initial Project and Phase II) will be made available on the WIPO website. In addition, they will be presented to other Member States in the context of the CDIP, and other information events. Beneficiary Member States are also strongly encouraged to make those outputs available for broader use by the interested public.

Furthermore, the methodology for delivering practical training workshops will be developed in a

way to allow local governments and stakeholders to continue conducting similar trainings.

Updates to the sustainability strategy will be provided in the course of the project implementation.

In addition to that, as part of the implementation of the project, the governments of beneficiary countries and local stakeholders will be assisted to establish partnerships to ensure long term sustainability for the outcomes achieved. Examples of such partnerships, derived from the first phase of the project, would be the inclusion, on the agenda of large events of the audiovisual industry in beneficiary countries, of trainings workshops by institutions that work on the ground with creative industries.

2.6. Selection Criteria for Pilot/Beneficiary Countries

The present Project is proposed by Brazil, its proponent in the initial phase, along with Peru and Argentina.

Phase II is open for applications by Member States willing to build upon the knowledge accumulated through the outputs of the initial Project.

2.7. Implementing Organizational Entity

Copyright Law Division, Copyright and Creative Industries Sector

2.8. Links to other Organizational Entities

Regional and National Development Sector; IP and Innovation Ecosystems Sector

2.9. Links to other DA Projects

DA Project on *Copyright and the Distribution of Content in the Digital Environment* ([CDIP/22/15 REV.](#))

2.10. Contribution to Expected Results in WIPO's Program and Budget

Program and Budget 2024/25

1.1: More effective communication and engagement world-wide to raise awareness of and increase knowledge about the potential of IP to improve the lives of everyone, everywhere.

2.2: WIPO brings the international community together to proactively address emerging issues and policy challenges at the global level relating to IP, innovation and creativity.

3.1: Wider and more effective use of WIPO's global IP systems, services, knowledge and data.

4.1: More effective use of IP to support growth and development of all Member States and their relevant regions and sub-regions, including through the mainstreaming of the Development Agenda recommendations.

4.3: Increased IP knowledge and skills in all Member States.

4.4: More innovators, creators, SMEs, universities, research institutions and communities leverage IP successfully.

2.11. Risk and Mitigation

Risk 1: Political instabilities, restructuring of national institutions or shift in local priorities.

Mitigation 1: Should such risk occur, the project team would develop a revised timeline and re-assess together with beneficiary countries the priorities and project implementation strategy.

Risk 2: Insufficient utilization of the outputs developed in the context of the project.

Mitigation 2: Improve the dissemination of the project outputs, through reports, publications, and events hosted by WIPO and beneficiary countries.

3. TENTATIVE IMPLEMENTATION TIMELINE

Project Deliverables	Quarters											
	Year 1				Year 2				Year 3			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Pre implementation activities: ¹ - Appointment of national coordinators in each of the beneficiary country - Identification of consultants - Development and approval of country-level Project plans - Hiring of a Fellow												
Compilation of national practices from audiovisual authorities on available databases and tools for retrieving information about ownership and licensing of audiovisual works	x	x	x	x								
Practical training workshops (at least four) for MSMEs and creators in the participating countries to tackle their specific needs for the use and acquisition of IP-related materials and the commercialization of the audiovisual content					x	x	x	x	x	x		
An examination of current licensing markets and rights management structures related to the use of audiovisual works and AI systems					x	x	x	x				
Reference Guide for the use and commercialization of IP in audiovisual production for MSMEs						x	x	x	x			
National workshops (at least two) on mediation and arbitration in the creative industries					x	x	x	x				
Methodology to measure the participation of women in the audiovisual sector, based on the case study prepared in the framework of the initial Project					x	x	x	x	x			
Analysis of the impact of international co-production agreements that exist in the beneficiary countries and of the IP commercialization of audiovisual content							x	x	x			
Seminar on the Audiovisual Industry in the Era of Streaming										x	x	
Project evaluation												x
CDIP side event												x

¹Implementation will start only once the pre-implementation activities have been delivered, that is: (i) all beneficiary countries of the projects have been selected; (ii) focal points have been appointed in each country; and (iii) the project implementation team is established.

4. PROJECT BUDGET BY DELIVERABLE

<i>(in Swiss francs)</i>	Year 1		Year 2		Year 3		Total
	Personnel	Non-Personnel	Personnel	Non-Personnel	Personnel	Non-Personnel	
Project Deliverables							
Project coordination	-	-	-	77,100	-	77,100	154,200
Compilation of national practices from audiovisual authorities on available databases and tools for retrieving information about ownership and licensing of audiovisual works	-	15,000	-	-	-	-	15,000
Practical training workshops (at least four) for MSMEs and creators in the participating countries to tackle their specific needs for the use and acquisition of IP-related materials and the commercialization of the audiovisual content	-	-	-	60,000	-	20,000	80,000
An examination of current licensing markets and rights management structures related to the use of audiovisual works and AI systems	-	-	-	20,000	-	-	20,000
Reference Guide for the use and commercialization of IP in audiovisual production for MSMEs	-	-	-	10,000	-	10,000	20,000
National workshops (at least two) on mediation and arbitration in the creative industries	-	-	-	60,000	-	-	60,000
Methodology to measure the participation of women in the audiovisual sector, based on the case study prepared in the framework of the initial Project	-	-	-	15,000	-	15,000	30,000
Analysis of the impact of international co-production agreements that exist in the beneficiary countries and of the IP commercialization of audiovisual content	-	-	-	15,000	-	15,000	30,000
Seminar on the Audiovisual Industry in the Era of Streaming	-	-	-	-	-	120,000	120,000
Project evaluation	-	-	-	-	-	15,000	15,000
CDIP side event	-	-	-	-	-	12,000	12,000
Total	-	15,000	-	257,100	-	284,100	556,200

5. PROJECT BUDGET BY COST CATEGORY

<i>(in Swiss francs)</i>	Travel, Training and Grants			Contractual Services					Total
	Staff Missions	Third-party Travel	Training and related travel grants	Conferences	Publishing	Individual Contractual Services	WIPO Fellowships	Other Contractual Services	
Project coordination	-	-	-	-	-	-	154,200	-	154,200
Compilation of national practices from audiovisual authorities on available databases and tools for retrieving information about ownership and licensing of audiovisual works	-	-	-	-	-	15,000	-	-	15,000
Practical training workshops (at least four) for MSMEs and creators in the participating countries to tackle their specific needs for the use and acquisition of IP-related materials and the commercialization of the audiovisual content	25,000	35,000	-	12,000	-	8,000	-	-	80,000
An examination of current licensing markets and rights management structures related to the use of audiovisual works and AI systems	-	-	-	-	-	15,000	-	5,000	20,000
Reference Guide for the use and commercialization of IP in audiovisual production for MSMEs	-	-	-	-	-	15,000	-	5,000	20,000
National workshops (at least two) on mediation and arbitration in the creative industries	12,000	32,000	-	6,000	-	10,000	-	-	60,000
Methodology to measure the participation of women in the audiovisual sector, based on the case study prepared in the framework of the initial Project	-	-	-	-	-	25,000	-	5,000	30,000
Analysis of the impact of international co-production agreements that exist in the beneficiary countries and of the IP commercialization of audiovisual content	-	-	-	-	-	25,000	-	5,000	30,000
Seminar on the Audiovisual Industry in the Era of Streaming	12,000	80,000	-	8,000	-	15,000	-	5,000	120,000
Project Evaluation	-	-	-	-	-	-	-	15,000	15,000
CDIP side event	-	-	-	-	-	-	-	12,000	12,000
Total	49,000	147,000	-	26,000	-	128,000	154,200	52,000	556,200

[End of Annex and of document]