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## SROC POSITION ON THE WIPO BROADCASTING TREATY

The Sports Rights Owners Coalition (SROC) represents more than 40 national and international sports bodies who are active licensors of media rights to broadcasters and media partners. SROC members represent a significant proportion of the source of sport content which is licensed to and transmitted by broadcasters worldwide.

Sport holds a uniquely important position in the cultural identity of many (if not most) countries – illustrated most effectively by the extremely broad popularity and wide-ranging appeal of the major international events such as the Olympics, the Formula 1 Grand Prix, the tennis Grand Slam tournaments or the FIFA World Cup. The importance of sport's contribution to society and economy has been acknowledged by governments and international organisations and is demonstrated by the desire and commitment by cities and countries to host major events.

The ability of sports bodies to generate revenues with which to develop, protect and grow their sports is linked increasingly to their ability to generate commercial revenues from the licensing of various commercial rights and in particular, audio-visual rights. In some cases, the amount of money redistributed towards grassroots sports is directly dependent upon the value of media rights. The relationship between sports bodies and broadcasters and their respective interests in protecting the audio-visual transmission of sport to fans and consumers has therefore been growing closer, in particular over the past decade with the development of digital transmission technologies and platforms, from satellite, DTT, cable to internet and mobile.

Sports rights owners commonly grant rights on a platform neutral basis encouraging use of rights by media partners and the viewing of their sports by fans using all available technological platforms. Increasingly as well, the transmission of a sporting event is being made on one technological platform and carried and/or retransmitted on multiple other platforms (whether simultaneously or on an asynchronous basis). This highlights the importance of affording protection for the audio-visual transmissions irrespective of the technological means employed.

In particular, while many such multi- or cross-technological platform services are operated by legitimate, officially licensed broadcasters and media partners, there is an increasing threat posed by unlicensed and unauthorised parasitic exploiters of sports owners' property who do so for the sole purpose of commercial exploitation without contributing to the support and development of the sport and endangering our primary revenue streams derived from the exclusive licensing of media rights. This includes not just internet pirates streaming live coverage of our sporting events but also unlicensed broadcasters in various parts of the world who, without authorisation, retransmit the broadcasts of an officially licensed broadcaster.



Sports enjoy a unique position in today's society from a global and national perspective. It is an area of human endeavour which attracts huge local, regional and global fan, consumer and commercial engagement and interest and its contribution of societal benefits also allows sport to stand-out with a degree of relevance and significance with few peers against whom it can be compared.

Nevertheless, the continued growth, promotion and support of sports is dependent upon being able to preserve, protect and grow their financial income. With these factors in mind, SROC supports the aims and objectives of the proposed Treaty on the Protection of Broadcasting Organisations, but would urge the member states to adopt a treaty which is technology neutral in its application while preserving the legitimate interests and needs of sports. The Treaty should:

- (1) reflect and fully embrace the wide range of technological platforms relevant to the broadcasting landscape of today and the future; and
- (2) ensure that the benefits of the protection established through such an instrument are also enjoyed by the underlying rights owners, whether through assignment by contract of such rights by the broadcasters to the rights owner, or preferably by a direct recognition of our interests and rights therein.

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