

THIRD MEETING OF THE UNESCO INTERGOVERNMENTAL COMMITTEE OF EXPERTS Paris, May 25 to June 4, 2005

Statement by the International Federation of Actors (FIA)

FIA is strongly opposed to the use of the word “free” exchange of cultural expressions by non-profit organisations and, even more so, by individuals in article 6.2(e). Although we continue to stress the importance of intellectual property for the protection and the promotion of the diversity of cultural expressions, we have the feeling that this Convention does not clearly embrace this fact. Even more, we have the feeling that this Convention may open dangerous doors that could even be detrimental for intellectual property.

Without an appropriate intellectual property protection and its implementation, there can be no viable cultural industry anywhere. Not in the US, not in Italy, not in Ghana or in Cambodia.

Using the word “free” exchange is ambiguous and should be avoided, especially in view of the current growing movement that is aiming to undermine intellectual property system in its entirety.

Words can carry many different meanings and should be carefully selected by the member States. If intellectual property is to remain – much to our regret – on the borderline of this Convention, then at least member States should refrain from leaving back doors open for damaging interpretations to creep in this treaty.

The soaring levels of piracy and illegal peer-to-peer distribution of protected content are extremely damaging for artists and all other players in the industry. “Free” exchange, does not appear in other parts of this Convention, including article 7. Mentioning “measures aiming at encouraging the development and promotion of exchange and circulation of ideas” is sufficiently clear, without need to make reference to what could be misinterpreted as a gratuitous exchange.

We therefore urge all delegation to agree on the deletion of the word “free” in article 6.2(e).