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Panel Discussion

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PANEL DISCUSSION

AUDIENCE MEMBER: Register Oman, one of the proposals of the WIPO was that any work stored in a digital format would be subject to protection. Would that then make the whole issue of sound recording protection virtually moot, since that will be the way sound recordings will be disseminated in the future? Additionally, would that not also offer protection for devices in the United States that are not currently subject to copyright protection, such as the rental of logic arrays, which cannot be registered right now?

REGISTER OMAN: We don't have any details on that proposal. It's a surprise inclusion in the materials by the WIPO. That's why I said that I was looking forward to the discussions in Geneva in June.

But I think your points are well taken and we could be talking about a different kind of protection for sound recordings. I'm talking about the performance of sound recordings. But the storage of works in digital medium will be protected. I'd be curious to know what it is they're talking about. As soon as I find out, I will let you know.

AUDIENCE MEMBER: I also have a question for Mr. Oman. I should identify myself. I have a dual role here. I'm a law student and I also work for the Screen Actors Guild, so you should know that I come to this with an opinion. I want to know if the United States has determined its position with regard to audiovisual performers for the WIPO discussions in June? And, if there's a difference between the U.S. position with regard to phonogram performers and audiovisual performers, do you have an equitable basis for that difference?

REGISTER OMAN: The U.S. position on the protection of performers for the June meeting has not yet been resolved. I do understand that there are negotiations going on over the next few weeks in Hollywood on the audiovisual side of it and that there

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may be some resolution of the disagreement between the Screen Actors Guild and the motion picture companies. If that were done, that would certainly be a boost for the U.S. position, although I cannot speak authoritatively on the subject.

Right now we have not yet formulated a position. We had a meeting in Washington earlier this week in which we asked the sides to get together and try to work something out so that we could present a united front to the international community. I have every hope and expectation that that will eventually materialize so it may be on time for the June meeting.

On the question of the difference in treatment of performers in the audiovisual and in the audio side of the shop, we have not sorted out the equities or the distinctions. We do understand that on the audio side of the shop, there is ninety-five percent agreement between the performers and the record companies. Whether that remaining five percent will prove to be insurmountable, I don't know, but they seem to be closer to working out their problems on the audio side than they do on the audiovisual side right now. But again, the question is open as far as the U.S. position at Berne and how we distinguish between the two sets of performers.

