



NPR's proposed addition to Article 2, "Definitions," of draft General Provisions of April 20, 2007 "non-paper" on the WIPO Treaty on the Protection of Broadcasting Organizations

(g) "deferred transmission" shall mean a nonsimultaneous transmission that is not a fair use of a broadcast program. In determining whether a nonsimultaneous transmission is a fair use, the following factors shall be considered:

- The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes;
- The nature of the program;
- The amount and substantiality of the portion used in relation to the program as a whole; and
- The effect of the use upon the potential market for or value of the program.