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IAVP/DC/10
ORIGINAL:English
DATE:December12,2000

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

DIPLOMATIC CONFERENCE
ON THE PROTECTION OF AUDIOVISUAL PERFORMANCES

Geneva, December 7 to 20, 2000

AMENDMENT TO ARTICLE 5

OF THE BASIC PROPOSAL FOR THE SUBSTANTIVE PROVISIONS
OF AN INSTRUMENT ON THE PROTECTION OF AUDIOVISUAL PERFORMANCES
TO BE CONSIDERED BY THE DIPLOMATIC CONFERENCE
(DOCUMENT IAVP/DC/3)

Proposal by the Delegation of the United States of America

I. **Article 5(1)(ii)** to read:

(ii) to object to any distortion, mutilation or other modification of his performances that would be prejudicial to his reputation. Modifications of a performance consistent with customary practices in the course of a use authorized by the performer shall not be considered prejudicial to the performer's reputation.

II. **Agreed Statement concerning Article 5** :

It is generally understood that modifications of any protected subject matter, including performances, which are "consistent with customary practices," do not violate moral rights under treaties protecting any such works or performances. Moral rights are concerned only with changes that are objectively prejudicial to the performer's reputation in a meaningful substantial way.

Customary practices in modifying a performance in an audiovisual work include practices such as editing, compression, dubbing, changes by censorship or in response to local sensibilities, and the mere use of new or changed technology, media, formats or methods of distribution.

The reference to these "customary practices" in Article 5(1)(ii) is included in this instrument as a confirmation because such modifications are standard practice in the audiovisual industry.

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