

WIPO



IAVP/DC/19
ORIGINAL: Spanish
DATE: December 13, 2000

E

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
(IAVP/DC/3)

*Proposal by the Delegation of Peru with the support of the Delegations of Argentina, Brazil,
Chile, Dominican Republic, Ecuador, El Salvador, Jamaica, Mexico, Panama and Uruguay*

The text of Article 5 should be as follows:

“Article 5

Moral Rights

- (1) Independently of a performer's economic rights, and even after the transfer of those rights, the performer shall have, in relation to his unfixed audiovisual performances, with or without sound, or his performances fixed in audiovisual works, the right to claim to be identified as the performer of his performances, except where omission is dictated by the manner of the use of the performance, and the right to object to any distortion, mutilation or other modification of his performances that would be prejudicial to his reputation.
- (2) Modifications that are made by the producer and are necessary for the exploitation of the audiovisual fixation, such as abridgement, condensing, editing or dubbing, shall not be considered modifications within the meaning of the foregoing paragraph.
- (3) The rights granted to the performer shall be maintained after his death at least until the expiry of his economic rights, and shall be exercisable by the persons or institutions authorized by the legislation of the Contracting Party where protection is claimed. However, those Contracting Parties whose legislation, at the moment of their ratification or accession to this Treaty, does not provide for the protection after the death of the performer of all the rights set forth in this Article, may provide that some of those rights will, after his death, cease to be maintained.
- (4) The means of redress for safeguarding the rights granted under this Article shall be governed by the legislation of the Contracting Party where protection is claimed.”

[End of document]