

WIPO



IAVP/DC/7
ORIGINAL:English
DATE:December11,2000

E

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

DIPLOMATIC CONFERENCE
ON THE PROTECTION OF AUDIOVISUAL PERFORMANCES

Geneva, December 7 to 20, 2000

AMENDMENT TO ARTICLES 4 AND 11

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 IA/VP/DC/3)

Proposal by the Delegations of the European Community and its Member States

The European Community and its Member States Proposal

In the view of the European Community and its Member States, the following modifications in Article 4 and Article 11 of the Basic Proposal for the Substantive Provisions are required, should the present structure of Article 11 be retained. It is without prejudice to the final outcome of the discussion on Article 11 and subject to further deliberations on this provision.

1. Article 4 and agreed statement

Article 4 National Treatment

(1) Each Contracting Party shall accord to nationals of other Contracting Parties the treatment it accords to its own nationals with regard to the exclusive rights specifically granted in this Agreement and the right to equitable remuneration provided for in Article 11 of this Agreement.

(2) A Contracting Party shall be entitled, in respect of nationals of another Contracting Party, to limit the protection provided for in paragraph (1) with respect to the rights provided for in Article 11(1) and 11(2) of this Agreement to the extent to which, and to the term for which, the latter Contracting Party grants such rights to the nationals of the former Contracting Party.

(3) The obligation provided for in paragraph (1) does not apply to the extent that a Contracting Party makes use of the reservations permitted by Article 11(3) of this Agreement.

Agreed statement concerning Article 4: When making the comparison in Article 4(2) between the Contracting Parties concerned, the material equivalence of the right in question effectively applied for the benefit of the performers should be considered.

2. Article 11

Article 11 Right of Broadcasting and Communication to the Public

(1) [Wording as stated in the Basic Proposal]

(2) [Wording as stated in the Basic Proposal]

(3) Any Contracting Party may in a notification deposited with the Director General of WIPO, declare that it will apply the provisions of paragraphs (1) and (2) only in respect of certain users or that it will limit their application in some other way, or that it will not apply the provisions of paragraphs (1) and (2) at all.

[End of document]