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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)

Revised proposal by the Delegations of the European Community and its Member States

Revised version of the amendment to Article 5 (IAVP/DC/9)

Article 5

Moral Rights

(1) Independently of a performer's economic rights, and even after the transfer of those rights, the performer shall have the right to claim to be identified as the performer of his performance, except where omission is dictated by the manner of the use of the performance, and to object to any distortion, mutilation or other modification of his performance that would be prejudicial to his reputation.

(2) The rights granted to a performer in accordance with paragraph (1) shall, after his death, be maintained, at least until the expiry of the 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 the ratification of, or accession to, this Agreement, does not provide for protection after the death of the performer of all rights set out in the preceding paragraph may provide that some of these rights will, after his death, cease to be maintained.

(3) 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.

Agreed statement concerning Article 5

It is understood that the modifications of an audiovisual fixation, which are required in the course of, or the preparation for, a use authorized by the performer, which form part of the exploitation of the performance as intended by the parties, such as formatting, editing, or the use of new or changed technology or media, and which are neither substantially nor objectively prejudicial to the performer's reputation, do not concern the performer's moral rights.

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