

Open-Ended Consultations on the Protection of Audiovisual Performances

Geneva, April 13 and 14, 2011

20th Article Proposal for the WIPO Treaty for the Protection of
Audiovisual Performances

Proposal by the Delegation of the United States of America

1. In a letter dated January 31, 2011, the Secretariat received from the delegation of the United States of America the attached proposal regarding the protection of audiovisual performances.

2. The proposal is annexed to this document.

[Annex follows]

ANNEX

“20th *Article*” proposal for the
WIPO Treaty for the Protection of Audiovisual Performances

Proposal by the Delegation of the United States of America

The delegation of the United States of America proposes the following language to resolve the sole outstanding issue of the 2000 Diplomatic Conference and be added to the existing 19 Articles of the draft WIPO Treaty for the Protection of Audiovisual Performances.

ARTICLE XII:

"Contracting Parties may provide in their national law that once a performer has consented to incorporate his or her performance in an audiovisual fixation, the exclusive rights of authorization provided for in articles VI to XI of this treaty shall be owned or exercised by the producer of the audiovisual fixation. Neither this article nor its implementation in national law shall prejudice collective or individual agreements providing for the payment of remuneration for the performance."

[End of annex and of document]