

21. WIPO Performances and Phonograms Treaty

(Geneva, 1996)

Status on October 13, 2017

| State/IGO | Date on which State/IGO became party to the Treaty | State/IGO | Date on which State/IGO became party to the Treaty |
|--------------------------|--|---|--|
| Albania | May 20, 2002 | Latvia | May 20, 2002 |
| Algeria | January 31, 2014 | Liechtenstein | April 30, 2007 |
| Argentina | May 20, 2002 | Lithuania | May 20, 2002 |
| Armenia | March 6, 2005 | Luxembourg | March 14, 2010 |
| Australia ^{1,2} | July 26, 2007 | Madagascar | February 24, 2015 |
| Austria | March 14, 2010 | Malaysia | December 27, 2012 |
| Azerbaijan | April 11, 2006 | Mali | May 20, 2002 |
| Bahrain | December 15, 2005 | Malta | March 14, 2010 |
| Belarus | May 20, 2002 | Mexico | May 20, 2002 |
| Belgium | August 30, 2006 ² | Mongolia | October 25, 2002 |
| Benin | April 16, 2006 | Montenegro | June 3, 2006 |
| Bosnia and Herzegovina | November 25, 2009 | Morocco | July 20, 2011 |
| Botswana | January 27, 2005 | Netherlands | March 14, 2010 |
| Brunei Darussalam | May 2, 2017 | Nicaragua | March 6, 2003 |
| Bulgaria | May 20, 2002 | Nigeria | January 4, 2018 |
| Burkina Faso | May 20, 2002 | Oman | September 20, 2005 |
| Canada ^{3,4,5} | August 13, 2014 | Panama | May 20, 2002 |
| Chile ⁶ | May 20, 2002 | Paraguay | May 20, 2002 |
| China ^{7,8,9} | June 9, 2007 | Peru | July 18, 2002 |
| Colombia | May 20, 2002 | Philippines | October 4, 2002 |
| Costa Rica ¹⁰ | May 20, 2002 | Poland | October 21, 2003 |
| Croatia | May 20, 2002 | Portugal | March 14, 2010 |
| Cyprus | December 2, 2005 | Qatar | October 28, 2005 |
| Czech Republic | May 20, 2002 | Republic of Korea | March 18, 2009 ^{2,13,14} |
| Denmark ² | March 14, 2010 | Republic of Moldova | May 20, 2002 |
| Dominican Republic | January 10, 2006 | Romania | May 20, 2002 |
| Ecuador | May 20, 2002 | Russian Federation ¹⁵ | February 5, 2009 |
| El Salvador | May 20, 2002 | Saint Lucia | May 20, 2002 |
| Estonia | March 14, 2010 | Saint Vincent and the Grenadines | February 12, 2011 |
| European Union | March 14, 2010 | Senegal | May 20, 2002 |
| Finland ¹¹ | March 14, 2010 | Serbia ¹⁶ | June 13, 2003 |
| France ² | March 14, 2010 | Singapore | April 17, 2005 ¹⁷ |
| Gabon | May 20, 2002 | Slovakia | May 20, 2002 |
| Georgia | May 20, 2002 | Slovenia | May 20, 2002 |
| Germany ¹⁹ | March 14, 2010 | Spain | March 14, 2010 |
| Ghana | February 16, 2013 | Sweden ¹⁸ | March 14, 2010 |
| Greece | March 14, 2010 | Switzerland | July 1, 2008 ¹⁹ |
| Guatemala | January 8, 2003 | Tajikistan | August 24, 2011 |
| Guinea | May 25, 2002 | The former Yugoslav Republic of Macedonia | March 20, 2005 ^{2,20} |
| Honduras | May 20, 2002 | Togo | May 21, 2003 |
| Hungary | May 20, 2002 | Trinidad and Tobago | November 28, 2008 |
| Indonesia | February 15, 2005 | Turkey | November 28, 2008 |
| Ireland | March 14, 2010 | Ukraine | May 20, 2002 |
| Italy | March 14, 2010 | United Arab Emirates | June 9, 2005 |
| Jamaica | June 12, 2002 | United Kingdom | March 14, 2010 |
| Japan | October 9, 2002 ^{2,12} | United States of America | May 20, 2002 ²¹ |
| Jordan | May 24, 2004 | Uruguay | August 28, 2008 |
| Kazakhstan | November 12, 2004 | | |
| Kyrgyzstan | August 15, 2002 | | |

(Total: 96 States)

¹ Pursuant to Article 15(3), Australia will not apply the provisions of Article 15(1) in respect of:

- (a) the use of phonograms for (i) radio broadcasting, and (ii) radio communication to the public within the meaning of the first sentence of Article 2(g), and
- (b) the communication to the public of phonograms by way of making the sounds of the phonograms audible to the public by means of the operation of equipment to receive a broadcast or other transmission of the phonograms.

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- ² In accordance with Article 3(3) of the Treaty, this State has declared that it will not apply the criterion of publication concerning the protection of phonograms.
- ³ Pursuant to Article 3(3) of the Treaty, the Government of Canada will not apply the criterion of fixation with regard to exclusive rights of producers of phonograms.
- ⁴ Pursuant to Article 3(3) of the Treaty, the Government of Canada will not apply the criterion of publication with regard to the remuneration right of Article 15(1) of the Treaty.
- ⁵ Pursuant to Article 15(3) of the Treaty, the Government of Canada will not apply Article 15(1) of the Treaty with regard to the retransmission of phonograms.
- ⁶ Pursuant to Article 15, paragraph 3 of the Treaty, the Republic of Chile will apply the provisions of Article 15, paragraph 1 of the Treaty only in respect of direct uses of phonograms published for commercial purposes for broadcasting or for any communication to the public. Pursuant to Article 15, paragraph 3 of the Treaty, as regards phonograms the producer or performer of which is a national of another Contracting Party which has made a declaration under Article 15, paragraph 3 of the Treaty, the Republic of Chile will apply, notwithstanding the provisions of the preceding declaration, the provisions of Article 15, paragraph 1 of the Treaty to the extent that Party grants the protection provided for by the provisions of Article 15, paragraph 1 of the Treaty.
- ⁷ Pursuant to Article 15(3) of the Treaty, the People's Republic of China will not apply the provisions of Article 15(1).
- ⁸ In accordance with the *Basic Law of Hong Kong, China*, the Government of the People's Republic of China has decided that the Treaty will apply to Hong Kong, China, with effect from October 1, 2008. Hong Kong, China, does not consider itself bound by Article 15(1) of the Treaty with regard to the right of the performers. With respect to the right of the producers of phonograms stipulated in Article 15(1) of the Treaty, relevant laws of Hong Kong, China shall apply.
- ⁹ In accordance with the Basic Law of the Macao, China, the Government of the People's Republic of China decides that the *Treaty* shall apply to Macao, China. Macao, China, shall not be bound by Article 15(1) of the Treaty with regard to the right of producers of phonograms. With respect to the right of performers stipulated in Article 15(1) of the *Treaty*, relevant laws of Macao, China, shall apply.
- ¹⁰ In accordance with Article 15, paragraph 3 of the Treaty, the Republic of Costa Rica shall only apply the provisions of Article 15, paragraph 1 of the Treaty in respect of broadcasting or communication to the public for commercial purposes, in accordance with what is established in Costa Rican legislation, and shall not apply the said provisions to traditional free non-interactive over-the-air broadcasting.
- ¹¹ Pursuant to Article 3(3) of the Treaty the Republic of Finland, availing itself of the possibilities provided in Article 5(3) of the Rome Convention, declares that it will not apply the criterion of publication.
- ¹² Pursuant to Article 15(3), Japan will apply the provisions of Article 15(1) to the extent that Party grants the protection provided for by Article 15(1); and Japan will apply the provisions of Article 15(1) in respect of the direct or indirect use of the phonograms published for commercial purposes for broadcasting, cablecasting or "automatic public transmission of unfixed information"; and in respect of the direct or indirect use of the phonograms made available to the public, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them for "automatic public transmission of unfixed information".
- ¹³ In accordance with Article 15(3) of the Treaty, the Republic of Korea will apply the provision of Article 15(1) thereof in respect of the use of phonograms published for commercial purposes for broadcasting or transmission by wire. Transmission by wire does not include transmission over the Internet.
- ¹⁴ In accordance with 15(3) of the Treaty, as regards phonograms the producer or performer of which is a national of another Contracting Party which has made a declaration under Article 15(3) thereof, the Republic of Korea will apply the provisions of Article 15(1) thereof to the extent to which, and to the term for which, the other Contracting Party grants protection to phonograms the producer or performer of which is a national of the Republic of Korea under the provisions of Article 15(1) thereof.
- ¹⁵ In accordance with Article 15(3) of the WPPT, the Russian Federation shall not apply the provisions of Article 15(1) of the said Treaty in relation to phonograms, the producer of which is not a citizen or legal person of another Contracting Party; shall limit the protection granted, in accordance with Article 15(1) of the WPPT, in relation to phonograms, the producer of which is a citizen or legal person of another Contracting Party, within the scope and on the conditions provided for by this Contracting Party for phonograms first recorded by a citizen or legal person of the Russian Federation; and In accordance with Article 3(3) of the WPPT, the Russian Federation notifies that when it acceded to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention) of October 26, 1961, the Russian Federation in accordance with Article 5(3) of the Rome Convention, declared that it shall not apply the fixation criterion provided for in Article 5(1)(b) of the Rome Convention.
- ¹⁶ Serbia is the continuing State from Serbia and Montenegro as from June 3, 2006.
- ¹⁷ Pursuant to Article 15(3), Singapore will limit the provisions of Article 15(1) in the following ways: (i) Producers of phonograms have the exclusive right to make available to the public a sound recording by means of, or as part of, a digital audio transmission; and (ii) Performers can bring an action of unauthorized communication of a live performance to the public (on a network or otherwise) in such a way that the recording may be accessed by any person from a place and at a time chosen by him. In this context, "communication" includes broadcasting, inclusion in a cable programme service and the making available of the live performance in such a way that the performance may be accessed by any person from a place and at a time chosen by him.

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- ¹⁸ In accordance with Article 3(3) of WPPT, the Kingdom of Sweden has declared that it will not apply the criterion of publication, with the exception of the reproduction right for phonogram producers.
- ¹⁹ In accordance with Article 3(3) of the Treaty, this State has declared that it will not apply the criterion of fixation concerning the protection of phonograms.
- ²⁰ Pursuant to Article 15(3) of the WPPT, the FRYM shall not apply the provision on single equitable remuneration for the performers and for the phonogram producers for direct or indirect use of phonograms published for commercial purposes for broadcasting or for any other communication to the public, in relation to the expressed reservation of the FYRM on Article 16 (1)(a)(i) of the Rome Convention.
- ²¹ Pursuant to Article 15(3) of the WIPO Performances and Phonograms Treaty, the United States will apply the provisions of Article 15(1) of the WIPO Performances and Phonograms Treaty only in respect of certain acts of broadcasting and communication to the public by digital means for which a direct or indirect fee is charged for reception, and for other retransmissions and digital phonorecord deliveries, as provided under the United States law.