

## 21. WIPO Performances and Phonograms Treaty

(Geneva, 1996)

### Status on January 30, 2018

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 <sup>1,2</sup>	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 <sup>2</sup>	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 <sup>3,4,5</sup>	August 13, 2014	Panama	May 20, 2002
Chile <sup>6</sup>	May 20, 2002	Paraguay	May 20, 2002
China <sup>7,8,9</sup>	June 9, 2007	Peru	July 18, 2002
Colombia	May 20, 2002	Philippines	October 4, 2002
Costa Rica <sup>10</sup>	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 <sup>2,14,15</sup>
Denmark <sup>2,11</sup>	March 14, 2010	Republic of Moldova	May 20, 2002
Dominican Republic	January 10, 2006	Romania	May 20, 2002
Ecuador	May 20, 2002	Russian Federation <sup>16</sup>	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 <sup>12</sup>	March 14, 2010	Serbia <sup>17</sup>	June 13, 2003
France <sup>2</sup>	March 14, 2010	Singapore	April 17, 2005 <sup>18</sup>
Gabon	May 20, 2002	Slovakia	May 20, 2002
Georgia	May 20, 2002	Slovenia	May 20, 2002
Germany <sup>20</sup>	March 14, 2010	Spain	March 14, 2010
Ghana	February 16, 2013	Sweden <sup>19</sup>	March 14, 2010
Greece	March 14, 2010	Switzerland	July 1, 2008 <sup>20</sup>
Guatemala	January 8, 2003	Tajikistan	August 24, 2011
Guinea	May 25, 2002	The former Yugoslav Republic of Macedonia	March 20, 2005 <sup>2,21</sup>
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 <sup>2,13</sup>	United States of America	May 20, 2002 <sup>22</sup>
Jordan	May 24, 2004	Uruguay	August 28, 2008
Kazakhstan	November 12, 2004		
Kyrgyzstan	August 15, 2002		

(Total: 96 States)

<sup>1</sup> 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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- <sup>2</sup> 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.
- <sup>3</sup> 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.
- <sup>4</sup> 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.
- <sup>5</sup> 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.
- <sup>6</sup> 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.
- <sup>7</sup> Pursuant to Article 15(3) of the Treaty, the People's Republic of China will not apply the provisions of Article 15(1).
- <sup>8</sup> 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.
- <sup>9</sup> 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.
- <sup>10</sup> 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.
- <sup>11</sup> Applicable to the Faroe Islands as of April 30, 2018.
- <sup>12</sup> 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.
- <sup>13</sup> 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 unfixated 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 unfixated information".
- <sup>14</sup> 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.
- <sup>15</sup> 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.
- <sup>16</sup> 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.
- <sup>17</sup> Serbia is the continuing State from Serbia and Montenegro as from June 3, 2006.
- <sup>18</sup> 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

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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.

- <sup>19</sup> 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.
- <sup>20</sup> 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.
- <sup>21</sup> Pursuant to Article 15(3) of the WPPT, the FYROM 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 FYROM on Article 16 (1)(a)(i) of the Rome Convention.
- <sup>22</sup> 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.