

Diplomatic Conference on the Protection of Audiovisual Performances

Beijing, June 20 to 26, 2012

DRAFT ADDITIONAL CLAUSE TO BE ADDED IN THE PREAMBLE AND DRAFT
AGREED STATEMENTS ON ARTICLES 1, 2 AND 15
ANNEX TO DOCUMENT AVP/DC/3

proposal by India

Additional clause to be added in the Preamble

"Recalling the 45 recommendations adopted by WIPO Member States in the Development Agenda, particularly those under cluster B, regarding norm setting, flexibilities, public policy and the public domain."

Draft agreed statement on Article 2 (a): Definitions: Performer

"It is understood that the definition of performer is an inclusive one and covers all audiovisual fixations of the performances."

Draft agreed statement on Article 1: Relation with TRIPS

"Contracting Parties reaffirm their commitments under the Agreement on Trade Related Aspects of Intellectual Property, in particular the provisions on principles, objectives and competition policy."

Draft agreed statement on Article 1: Relation with WPPT

It is understood that paragraph 3 does not create any obligation for Contracting Parties which are not parties to the WIPO Performance and Phonogram Treaty neither to accede to said treaty nor to comply with any of its provisions.

Draft agreed statement on Article 15: Technological Protection Measures

"It is understood that the adequate protection of technological measures applied to a particular audiovisual performance shall not prevent contracting parties from adopting adequate and effective measures necessary to ensure exercise of limitations and exceptions in accordance with Article 13 to that performance and access to performance in the public domain."

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