

Diplomatic Conference on the Protection of Audiovisual Performances

Beijing, June 20 to 26, 2012

TECHNICAL AMENDMENT TO ARTICLE 27

Proposal by the Delegation of the European Union

1. The European Union and its Member States propose to slightly amend Article 27 ("Effective Date of Becoming Party to the Treaty") of the Draft Audiovisual Treaty (Administrative and Final provisions) in view of the Diplomatic Conference taking place in Beijing, from June 20 to 26, 2012.
2. The suggested change is of a purely technical nature. It consists in making sure that the text of Article 27 is fully aligned with Article 26, the provision establishing how many ratifications are needed for the future Treaty to enter into force. Article 26 was changed (as compared to the version prepared by the WIPO Secretariat, which was identical to Article 29 of the WPPT) by the Preparatory Committee of the Diplomatic Conference on November 30 to December 1, 2011, in Geneva to take account of the request by the EU and its Member States to replace the term "States" by the term "eligible parties" in order to make sure that the EU's ratification can be counted among those determining the entry into force of the future treaty. Following this amendment to Article 26, paragraph (i) of Article 27 was changed by replacing "State" with "eligible party", but not so the remaining paragraphs of the article, which are still identical to the corresponding provision of the WPPT (Article 30).
3. In order to make sure that Article 27 of the future Treaty is fully in line with Article 26, it is proposed to delete paragraph (iii) – which in Article 30 of the WPPT established a special rule for the EU due to the fact that its ratification was not counted among those determining the entry into force of the Treaty- and to amend paragraph ii) consequently. The proposed drafting of Article 27(ii) is very similar to the Article 28(3) of the Singapore Treaty on Trademarks which, as the future Audiovisual Treaty, does not distinguish between States and other contracting parties when it comes to determining the mechanisms for the entry into force of the Treaty.

Article 27

Effective Date of Becoming Party to the Treaty

4. This Treaty shall bind:
- (i) the 30 eligible parties referred to in Article 26, from the date on which this Treaty has entered into force;
 - (ii) each other eligible party referred to in Article 26 State from the expiration of three months from the date on which ~~the State~~ it has deposited its instrument of ratification or accession with the Director General of WIPO;
 - ~~(iii) the European Union, from the expiration of three months after the deposit of its instrument of ratification or accession if such instrument has been deposited after the entry into force of this Treaty according to Article 26, or, three months after the entry into force of this Treaty if such instrument has been deposited before the entry into force of this Treaty;~~
 - (iv) any other intergovernmental organization that is admitted to become party to this Treaty, from the expiration of three months after the deposit of its instrument of accession.

[End of document]