

# Beijing Treaty on Audiovisual Performances

Diplomatic Conference  
on the Protection  
of Audiovisual Performances

June 20 to 26, 2012  
Beijing, China

保护音像表演外交会议  
2012年6月20日至26日  
中国北京

Organized by  
the World Intellectual Property Organization (WIPO)

Hosted by  
the National Copyright Administration of China  
and the People's Government of Beijing Municipality  
the People's Republic of China

主办方：世界知识产权组织

承办方：中华人民共和国国家版权局  
中华人民共和国北京市人民政府





# Who are the beneficiaries?

**Performers** are actors, singers, musicians, dancers, and other persons who act, sing, deliver, declaim, play in, interpret, or otherwise perform literary or artistic works or **expression of folklore**.

“Agreed statement: *It is understood that the definition of “performers” includes those who perform a literary or artistic work that is created or first fixed in the course of a performance.*”

Point of attachment: **nationality or habitual residence in a member Country.**

# *Advantages of adhering to the Beijing Treaty*

# Economic Development

- Audiovisual productions are becoming increasingly more important and popular, especially on TV and in the digital productions. (e.g. Music sector, **videoclips, recordings of concerts**);
- It will strengthen the local audiovisual industry, which is labor-intensive, employing scores of performers, technicians, musicians and other creators. Audiovisual content is also known for being a powerful vehicle for the **promotion of locally generated goods and services, such as tourism, food and beverages, and clothing.**

# Improving the status of Audiovisual Performers

- The Beijing Treaty will strengthen the standing of performers in the audiovisual industry. Performers are both artists and **cultural workers**. It will contribute to raising the professional status;
- The development of performers' rights could lead to the **introduction or consolidation of performers' organizations**, as well as those of producers, which are their natural counterparts in the exercise of rights for the exploitation of films and other audiovisual content.

# Protection of cultural diversity and folklore

- Apart from being an art form on its own, film is an excellent vehicle for other expressions of creativity and cultural identity. They can be a carrier and multiplier of other creative expressions which not only has a economic significance but is also extremely relevant to furthering **cultural diversity**;
- It contributes to the protection of traditional cultural expressions and national folklore. As clearly stated in the Beijing Treaty, performers include those actors and singers who interpret an **expression of folklore**.

*Is there only one way to implement  
WIPO-Administered Treaties?*



# The Meaning of IP Flexibility

## Normative perspective

- “Degree of room for *manœuvre* or space for discretionary decisions of Member States in the implementation of their international obligations”;



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higher  
level of  
protection



Towards  
fitting your  
national  
needs.

# Global Market

- Modern national legislation is essential, however Treaties are the only way to protect your Local Content abroad;
- Treaties provide your Nationals with economic rights to monetize their creativity in the global market;
- The Internet makes works immediately accessible everywhere; a regulation providing a level playing field for national creators and industry is essential.

# Folklore and Traditional Cultural Expressions (TCEs)

- New versions (adaptations/derivative works) of TCEs can be protected by copyright (under Berne and WCT);
- Performances and fixations of TCEs can be protected by related rights (under WPPT and Beijing);
- Additional/parallel systems of protection of TCE can apply to address gaps under copyright and related rights (eg individual creator Vs community; duration of protection; limitations and exceptions..)

# FAQs

Is there any cost for a country to become member of a treaty?

*Nope!*

*WIPO Member States will incur no costs by adhering to one or more WIPO-administered treaties*

# How do you become a member?

*To become member of a treaty, a country needs to deposit an instrument declaring its intention to join. This instrument must be signed alternatively by: the Head of State, the Head of Government or the Minister of Foreign Affairs.*

*WIPO can provide model instrument and information on process upon request*

# Is it necessary to change national legislation prior to adhering to a treaty?

*Changing national legislation to ensure (in advance) compliance with treaty provisions is not a requirement to become member; as WIPO does not conduct a review of the legislation for this purpose.*

*It is a matter of national regulation; however it is clear that ratifying/acceding to a treaty creates an international obligation to comply with its provisions.*

# Can WIPO assist in the review of the national legislation?

*As part of its mission, WIPO is always ready to review national legislation in light of treaty provisions, and to propose draft language on a confidential and non-binding basis.*

*WIPO's technical assistance is demand-driven. WIPO acts on the basis of official requests received by Member States.*



