

# WIPO



CRNR/DC/12  
ORIGINAL: English  
DATE: December 6, 1996

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

**DIPLOMATIC CONFERENCE  
ON  
CERTAIN COPYRIGHT AND NEIGHBORING RIGHTS QUESTIONS**

**Geneva, December 2 to 20, 1996**

AMENDMENTS TO ARTICLES 6, 7, 8, 10, 12, 13 AND 14 OF DRAFT TREATY No. 1

*proposed by the Delegation of Singapore*

Article 6: Abolition of non-voluntary Licenses

1. First proposal: Delete Article 6.
2. Alternative proposal:

Replace Article 6(1) by the following:

(1) “Within 7 years of ratifying or acceding to this Treaty, Contracting Parties shall no longer provide for non-voluntary licences under Article 11 bis(2) of the Berne Convention in respect of the broadcasting of a work.”

Replace Article 6(2) by the following:

(2) Within 7 years of ratifying or acceding to this Treaty, Contracting Parties shall no longer apply the provisions of Article 13 of the Berne Convention.”

Article 7: Scope of Right of Reproduction

Article 7(1): The exclusive right accorded to authors of literary and artistic works in Article 9(1) of the Berne Convention of authorising the reproduction of their works shall include direct and indirect reproduction of their works, whether permanent or temporary in any manner or form. [Same text as in Basic Proposal].

Replace paragraph (2) by the following:

“Article 7(2): It shall be permissible to make temporary reproductions of works where such reproductions-

- (a) have the purpose of making perceptible an otherwise imperceptible work; or
- (b) are of a transient or incidental nature; or
- (c) facilitate transmission of a work and have no economic value independent from facilitating transmission;

these being special cases where such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author.”

Article 8: Right of Distribution/Right of Importation

Delete Alternative A in the Article.

Article 10: Right of Communication

The provision is amended by numbering the existing text as paragraph (1) and by inserting the following as a new paragraph (2):

“(2): The mere provision of facilities for enabling or making any such communication shall not constitute an infringement.”

Article 12: Limitations and Exceptions

1. It is proposed that paragraph (1) be amended as follows:

- (a) Delete the words “only” in line 2;
- (b) Replace the word “that” by “which” in line 3.

The first is to make the provision consistent with Berne and TRIPS by avoiding any change in meaning. The second change is consequential.

Article 13: Obligations concerning Technological Measures

Delete the expression “primary purpose or primary effect” in line 2 of paragraph 3 and replace by the expression “sole intended purpose”.

Article 14: Obligations concerning Rights Management Information

The applicability of “Limitations and Exceptions” to this provision has to be considered.

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