

WIPO



CRNR/DC/29
ORIGINAL: English
DATE: December 10, 1996

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

Geneva, December 2 to 20, 1996

AMENDMENT TO ARTICLES 3, 9 AND 12 OF DRAFT TREATY N° 1

proposed by the Delegation of the United States of America

[Additions are indicated by underlining, deletions are indicated by ~~striking through~~]

1. Article 3--Notion and Place of Publication

Amend paragraph (1) to read as follows:

(1) When literary or artistic works are made available to the public by wire or wireless means with the consent of their authors in such a way that members of the public may access these works from a place and at a time individually chosen by them, so that copies of these works are available, Contracting Parties shall, under the conditions specified in Article 3(3) of the Berne Convention, consider such works to be published works, for purposes of applying the provisions of the Berne Convention.

2. *Article 9--Rental Right*

Amend paragraph (2) to read as follows:

(2) Except in the case of computer programs, collections of data or other material in machine-readable form subject to protection under Article 5 of this treaty, and musical works embodied in phonograms, specific types of works may be excepted from the provisions of paragraph (1) unless the rental of such works has led to widespread copying that materially impairs the exclusive right of reproduction.

3. *Article 12--Exceptions and Limitations*

Amend paragraphs (1) and (2) to read as follows:

(1) Contracting Parties may, in their national legislation, provide for limitations of or exceptions to the rights granted to authors of literary and artistic works under this Treaty ~~only~~ in certain special cases that do not conflict with ~~the~~ a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

(2) Contracting Parties shall, when applying the Berne Convention, confine any limitations of or exceptions to rights provided for therein to certain special cases which do not conflict with ~~the~~ a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

[End of document]