

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

Geneva, December 2 to 20, 1996

AMENDMENT TO ARTICLE 5 OF DRAFT TREATY N° 2

proposed by the Delegation of Argentina

The Delegation of Argentina proposes to delete Article 5 as currently drafted, and substitute the following:

*Article 5
Moral Rights of Performers*

(1) Independently of the performer's economic rights, and even after the transfer of those rights, the performer shall

ALTERNATIVE A: as regards his musical performances, have the right

ALTERNATIVE B: have the right

(a) to demand that his name be mentioned. Such mention may be omitted where omission is dictated by the manner of use of the performance.

(b) to object to any type of unauthorized distortion, mutilation or other modification of his performances that would be seriously prejudicial to his reputation.

Where the performance has been given by two or more performers in such a way that it is impracticable to mention all the names, the obligation under subparagraph (a) shall be considered fulfilled if the name of the choir or orchestra, or the collective designation by which the group is known, is mentioned.

The merging, omission or deletion of the names of the performers shall have no effect on the identification required in other media for collective administration or collective bargains.

(2) The rights granted to a performer in accordance with the preceding paragraph shall, after his death, be maintained, at least until the expiry of the economic rights, and shall be exercisable by the persons or institutions authorized by the legislation of the Contracting Party where protection is claimed. However, those Contracting Parties whose legislation, at the moment of their ratification of or accession to this Treaty, does not provide for protection after the death of the performer of all rights set out in the preceding paragraph may provide that some of these rights will, after his death, cease to be maintained.

(3) The means of redress for safeguarding the rights granted under this Article shall be governed by the legislation of the Contracting Party where protection is claimed.

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