

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 ARTICLES 4 AND 25, AND DELETION OF ALTERNATIVE A
IN DRAFT TREATY N° 2

proposed by the European Community and its Member States

1. Delete Alternative A throughout the text.
2. Delete Article 25 as now drafted, and substitute the following:

*Article 25:
Reservations*

(1) Any party upon becoming a Contracting Party to this Treaty may, in a notification deposited with the Director General of WIPO, declare that it will apply:

(i) one, several or all of the following provisions to sound performances fixed in phonograms only: Article 7, Article 9, Article 10, Article 11 and Article 21(1); and/or

[(ii) the provisions of Article 5 to sound performances only.]

(2) Subject to the provisions of Article 12(3) and 19(3) and paragraph 1 of this Article, no reservations to this Treaty shall be permitted.

Note to Article 25: It is suggested that consideration of whether or not subparagraph (ii) of paragraph (1) should be included among the reservation possibilities should be deferred until the question of moral rights has been discussed in Main Committee I.

3. Add the following paragraph to Article 4 (National Treatment):

(3) The obligation provided for in paragraph (1) shall not apply to the extent to which the other Contracting Party makes use of the reservations allowed under Article 25(1), 12(3) and 19(3) of this Treaty.

Note to the addition to Article 4: In making this proposal in connection with Article 25 (Reservations), the European Community and its Member States reserve the right to make other proposals in respect of other aspects of national treatment.

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