

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 9 OF DRAFT TREATY N° 1

proposed by the Delegation of India

In our general statement made at the Plenary meeting of the Conference, the Delegation of India had expressed its reservation on extending rental rights beyond the TRIPS Agreement. Accordingly, it is proposed that Article 9 of Draft Treaty N° 1, be deleted as currently drafted, and the following is substituted therefor:

*Article 9
Right of Rental*

(1) *Authors of computer programs and cinematographic works shall enjoy the exclusive right of authorizing commercial rental to the public of the originals or copies of their works.*

(2) *Paragraph (1) shall not apply:*

(i) *in case of a computer program where the program itself is not the essential object of the rental; and*

(ii) *in case of a cinematographic work, unless such commercial rental has led to widespread copying of such work materially impairing the exclusive right of reproduction.*

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