

# 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 7, 10, 13 AND 14 OF DRAFT TREATY N° 1

*proposed by the Delegations of Algeria, Angola, Burkina Faso, Cameroon, Chad, Côte d'Ivoire, Egypt, Ethiopia, Gabon, Gambia, Ghana, Kenya, Lesotho, Libya, Madagascar, Malawi, Mali, Mauritius, Morocco, Namibia, Niger, Nigeria, Senegal, South Africa, Sudan, Togo, Tunisia, United Republic of Tanzania, Zambia and Zimbabwe*

The following amendments are proposed:

1. Replace the current paragraph (2) of Article 7 with the following text:

*Temporary reproduction does not as such constitute a reproduction within the meaning of Article 9(1) of the Berne Convention and this Treaty where—*

*(i) such temporary reproduction is made for the sole purpose of making a work perceptible, or*

*(ii) such temporary reproduction is part of a technical process incidental to the transmission or utilization of the work concerned; or*

*(iii) such reproduction is incidental to the use of the work as authorized by the right holder concerned or permitted by law.*

2 Renumber the current draft Article 10 as paragraph (1) and insert the following text as paragraph (2):

*For the purposes of this Article, the phrase “communication to the public,” in respect of any communication, means the initial act of making the work available to the public and does not include merely providing facilities or the means for enabling or making such communication.*

3 Replace the current draft Article 13 with the following text:

*Contracting Parties shall provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures that are used by rights holders in connection with the exercise of their rights under this Treaty and that restrict acts, in respect of their works, which are not authorized by the rights holders concerned or permitted by law.*

4 Replace the current draft paragraph (1) of Article 14 with the following text:

*(1) Contracting Parties shall provide appropriate and effective legal remedies against any person who knowingly performs any of the following acts knowing that by doing so such person is enabling, facilitating or concealing an infringement of any of the rights under this Treaty:*

*(i) to remove or alter any rights management information without authority;*

*(ii) to distribute, import for distribution, broadcast, or communicate to the public, without authority, copies of works from which the rights management information has been removed or altered without authority.*

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