

WIPO



CRNR/DC/71

ORIGINAL: Chinese

DATE: December 13, 1996

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

Geneva, December 2 to 20, 1996

AMENDMENT TO PARTLY CONSOLIDATED TEXT OF DRAFT TREATY NO. 2
(CRNR/DC/58)

proposed by the Delegation of the People's Republic of China

1. The Delegation accepts the following provisions of the consolidated text:

Preamble

Article 1. Relation to other Conventions.

Article 2. Definitions, in which Alternative A is selected in respect of "fixation" in subparagraph (c), and Alternative A is selected in respect of "communication to the public" in subparagraph (h).

Article 3. Beneficiaries of protection under this Treaty.

Article 4. National treatment.

Article 5. Moral rights of performers: Alternative B is selected.

Article 6. Economic rights of performers in their unfixed performances: Alternative B is selected.

Article 9. Right of distribution: Alternative F is selected; it is proposed that Alternative A and Alternative B be merged into “performances fixed in phonograms.”

Article 10. Right of rental: It is proposed that Alternative A and Alternative B be merged into “performances fixed in phonograms.”

Article 16. Right of distribution: Alternative B is selected.

Article 17. Right of rental.

Article 20a. Right of remuneration for broadcasting and communication to the public.

Article 20b. Limitations and exceptions.

Article 21. Term of protection: it is proposed that Alternative A and Alternative B be merged into “performances fixed in phonograms.”

Article 23. Obligations concerning rights management information.

Article 24. Formalities and independence of protection.

Article 25. Reservations: Alternative C is selected.

Article 26. Application in time: Alternative B is selected.

Article 27. Special provisions on enforcement of rights: Alternative C is selected.

2. **It is proposed that the following provisions be deleted:**

Article 8. Right of modification

Article 15. Right of modification.

Article 22. Obligations concerning technological measures.

3. **It is proposed that Article 7 be replaced by:** “Performers shall enjoy the exclusive right of authorizing the direct or indirect permanent reproduction of their performances fixed in phonograms in any manner or form.”

4. **It is proposed that Article 14 be replaced by:** “Producers of phonograms shall enjoy the exclusive right of authorizing the direct or indirect permanent reproduction of their phonograms in any manner or form.”

5. The Delegation has reservations concerning Article 11 on the right of making available of fixed performances and Article 18 on the right of making available of phonograms.

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