

WIPO



CRNR/DC/73
ORIGINAL: Spanish
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 ARTICLE 7 OF DRAFT TREATY NO. 1

proposed by the Delegation of Colombia on behalf of itself and Argentina, Bolivia, Brazil, Chile, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela

It is proposed that the text of the Basic Proposal shown below in square brackets be deleted and that the passages in underlined italics be added.

Article 7 Scope of the Right of Reproduction

- (1) No change.
- (2) Subject to the provisions of Article 9(2) of the Berne Convention, [it shall be a matter for legislation in Contracting Parties to limit the right of reproduction in cases where a temporary reproduction] *the scope of the right of reproduction shall not extend to the temporary reproduction of a work where such reproduction has the sole purpose of making the work perceptible or where the reproduction is of a transient nature as part of a technical process*, provided that such reproduction takes place in the course of use of the work that is authorized by the author or permitted by Law, *as provided in Article 10 of this Treaty*.

Explanatory Note

Article 9(1) of the Berne Convention establishes the right of reproduction “... in any manner or form.” In view of the fact that new technology has broadened traditional “forms” and “manners,” it has become necessary to redefine the scope of the right of reproduction and exclude from it those reproductions that are technically necessary for making the work perceptible or form part of a technical process and do not in themselves constitute the production of originals or copies of the work.

If the foregoing is not expressly stated, it could give rise to one-sided, excessively broad interpretations of the scope of Article 9(1) of the Berne Convention.

[End of document]