Pursuant to Article 11(2) of the Treaty, Japan will also establish a right to equitable remuneration, instead of the right of authorization provided for in Article 11(1) for the broadcasting of a performance by:

(a) a broadcasting organization, using the audiovisual fixation that it made for the broadcasting under the authorization of the person entitled to the right to broadcast the performance;

(b) a person to whom the broadcasting organization referred to in (a) provided the audiovisual fixations referred to in (a), using those audiovisual fixations; or

(c) a person to whom the broadcasting organization referred to in (a) otherwise supplied a broadcasting program pertaining to the authorization referred to in (a), using that broadcasting program;

Pursuant to Article 11(2) of the Treaty, Japan will also establish a right to equitable remuneration, instead of the right of authorization provided for in Article 11(1) of the Treaty, for the simultaneous cablecasting of a broadcast performance and for the “automatic public transmission of unfixed information” made in order that a broadcast performance be received simultaneously with the original broadcasting exclusively in the broadcasting service area pertaining to the original broadcasting;

“automatic public transmission of unfixed information” shall mean transmission by means of inputting information into an automatic public transmission server already connected with a telecommunication line that is provided for use by the public, which is carried out automatically in response to a request from the public and which is intended for direct receipt by the public;

Pursuant to Article 11, paragraph 3 of the Treaty, Japan will not apply the provisions of Article 11 paragraphs (1) and (2) of the Treaty to the communication to the public of a performance fixed in audiovisual fixations done by means other than cablecasting or “automatic public transmission of unfixed information”.

In accordance with Article 11(2) of the Treaty, the Republic of Peru opts for the right to equitable remuneration for the direct or indirect use of performances fixed in audiovisual fixations for broadcasting or for communication to the public.

Pursuant to Article 11(3) of the Treaty, the provisions under Articles 11(1) and (2) do not apply to the Independent State of Samoa, until such time that the national laws have been reformed.

In accordance with Article 11(2) of the Treaty, the Slovak Republic has set conditions in its legislation for the exercise of the right to equitable remuneration.

Pursuant to Article 11(2) and (3), instead of the exclusive right of authorization referred to in Article 11(1), Switzerland shall grant a right to remuneration subject to collective management and to the principle of reciprocity for the broadcasting, retransmission or public reception of an audiovisual fixation where it is made from a commercially available audiovisual fixation.

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1 The People’s Republic of China shall not be bound by Article 11(1) and (2) of the Treaty.

2 The Treaty shall not apply for the time being to Hong Kong, China until otherwise notified by the Government of the People’s Republic of China.

3 Pursuant to Article 11(2) of the Treaty, Japan will establish a right to equitable remuneration, instead of the right of authorization provided for in Article 11(1) for the broadcasting of a performance by:

(a) a broadcasting organization, using the audiovisual fixation that it made for the broadcasting under the authorization of the person entitled to the right to broadcast the performance;

(b) a person to whom the broadcasting organization referred to in (a) provided the audiovisual fixations referred to in (a), using those audiovisual fixations; or

(c) a person to whom the broadcasting organization referred to in (a) otherwise supplied a broadcasting program pertaining to the authorization referred to in (a), using that broadcasting program;

Pursuant to Article 11(2) of the Treaty, Japan will also establish a right to equitable remuneration, instead of the right of authorization provided for in Article 11(1) of the Treaty, for the simultaneous cablecasting of a broadcast performance and for the “automatic public transmission of unfixed information” made in order that a broadcast performance be received simultaneously with the original broadcasting exclusively in the broadcasting service area pertaining to the original broadcasting;

“automatic public transmission of unfixed information” shall mean transmission by means of inputting information into an automatic public transmission server already connected with a telecommunication line that is provided for use by the public, which is carried out automatically in response to a request from the public and which is intended for direct receipt by the public;

Pursuant to Article 11, paragraph 3 of the Treaty, Japan will not apply the provisions of Article 11 paragraphs (1) and (2) of the Treaty to the communication to the public of a performance fixed in audiovisual fixations done by means other than cablecasting or “automatic public transmission of unfixed information”.

4 In accordance with Article 11(2) of the Treaty, the Republic of Peru opts for the right to equitable remuneration for the direct or indirect use of performances fixed in audiovisual fixations for broadcasting or for communication to the public.

5 Pursuant to Article 11(3) of the Treaty, the provisions under Articles 11(1) and (2) do not apply to the Independent State of Samoa, until such time that the national laws have been reformed.

6 In accordance with Article 11(2) of the Treaty, the Slovak Republic has set conditions in its legislation for the exercise of the right to equitable remuneration.

7 Pursuant to Article 11(2) and (3), instead of the exclusive right of authorization referred to in Article 11(1), Switzerland shall grant a right to remuneration subject to collective management and to the principle of reciprocity for the broadcasting, retransmission or public reception of an audiovisual fixation where it is made from a commercially available audiovisual fixation.