

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS

First Session

Geneva, November 2 to 10, 1998

AGENDA ITEM 5: PROTECTION OF AUDIOVISUAL PERFORMANCES

SUBMISSION BY BRAZIL* RELATING TO THE REPORT ON THE REGIONAL
CONSULTATION MEETING FOR LATIN AMERICA AND THE CARIBBEAN
(DOCUMENT SCCR/1/4)

Document prepared by the International Bureau

* Received by the International Bureau of WIPO on October 20, 1998.

The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva has submitted the following comments, so as to accurately reflect the views of the Brazilian Government.

COMMENTS BY BRAZIL ON THE REPORT OF THE REGIONAL MEETING FOR
LATIN AMERICAN AND CARIBBEAN COUNTRIES (DOCUMENT SCCR/1/4)

Article IV (Definitions)

Include the following in paragraph (2): “The Delegation of Brazil understands that audiovisual fixation takes place in an individual (non-sequential) manner, and does not involve the incorporation of moving images.”

Article VIII (Moral rights)

With regard to paragraph (1), include the following text: “The Delegation of Brazil proposes the addition, at the end of the paragraph, of “the audiovisual producer being free to abridge, condense, edit or dub the work, but without distorting the performer’s participation.”

Article X (Rights of performers concerning audiovisual fixations)

Delete the passage referring to Brazil under 5 (Right of broadcasting and communication to the public). The following paragraph should start as follows: “The Delegations of Brazil and Uruguay said that, with regard to the same point 5 ...”

Article XII (Contractual arrangements concerning the rights of performers)

Delete the passage referring to Brazil.

Article XIV (Obligations concerning technological measures)

In the opinion of the Delegation of Brazil, the wording of this Article should correspond to that of Article 18 of the WPPT, which also refers to technological measures, instead of being based on Article 19 of the same instrument, which has to do with the collective management of rights.

Article XV (Obligations concerning rights management information)

In paragraph (1)(i), the Delegation of Brazil proposes the following wording:

[The proposal concerns the Spanish text only].

In addition, the Delegation of Brazil expresses concern regarding the inclusion in the text of certain references to the terms “audiovisual producer” and “audiovisual work,” as they are already dealt with in the WCT.

Article 17 (application in time).

Add Brazil to the sentence starting “The Delegation of Argentina proposes replacing ...,” so that the wording would be: “The Delegations of Argentina and Brazil propose ...”

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