

Standing Committee on Copyright and Related Rights

Twenty-First Session

Geneva, November 8 to 12, 2010

Comments on the Draft Text of the WIPO Treaty on
the Protection of Audiovisual Performances

Document submitted by India

1. By a Note Verbale dated September 17, 2010, the Permanent Mission of India submitted comments on the draft WIPO Treaty on the Protection of Audiovisual Performances (SCCR/19/9) Background Document on the Main Questions and Positions Concerning the International Protection of Audiovisual Performances.
2. The Note Verbale is annexed to the document.

[Annex follows]



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The Permanent Mission of India to the United Nations Office and other International Organisations in Geneva presents its compliments to the World Intellectual Property Organisation (WIPO) and has the honour to convey herewith the comments of India on the draft text of the WIPO Treaty on the Protection of Audiovisual Performances (SCCR/19/9) as per Para 10 of Conclusions by the Chair of the 20th SCCR of WIPO held from 21-24th June 2010.

The comments of the Government of India on the draft WIPO Treaty on Protection of Audiovisual Performances (SCCR/19/9) are as below:

- In Article 2: "Definition" of the draft text, with a view to making the definition of 'Performer' inclusive and broad, the following amendment is suggested:

"performers" are- *includes*, actors, singers, musicians, dancers, and other persons who act, sing, deliver, declaim, play in, interpret, or otherwise perform literary or artistic works or expressions of folklore *or otherwise engage in performance*".

- Regarding Article 12, i.e. 'Transfer of Rights', India is of the view that Performers' Rights should not be automatically transferred to Producers under any presumptive clause. The Rights could be made transferable by way of Contracts/Equitable Remuneration and the Contractual terms should be determined by the legislation of the Contracting Parties. There should be restrictions on

assignment of rights as given in section 19 of the Indian Copyright Act.

The Permanent Mission of India to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the World Intellectual Property Organisation, the assurances of its highest consideration.



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