

WIPO



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**COMMITTEE OF EXPERTS
ON A PROTOCOL
CONCERNING AUDIOVISUAL PERFORMANCES**

**Second Session
Geneva, June 8 to 12, 1998**

PROPOSAL FROM THE REPUBLIC OF KOREA *

* This proposal was received on March 4, 1998, that is after the deadline of January 15, 1998, fixed for the submission of proposals. For that reason, the proposal was not yet contained in document AP/CE/2/2, distributed with circular letter 1295.

PROPOSAL OF THE GOVERNMENT OF THE REPUBLIC OF KOREA CONCERNING
A PROTOCOL TO THE WIPO PERFORMANCES AND PHONOGRAMS TREATY ON
AUDIOVISUAL PERFORMANCES

“The Government of the Republic of Korea would like to make the following contribution on the issues of audiovisual performances, although it admits that further considerations are necessary during the negotiation process. The Republic of Korea’s proposals are not definitive, and we reserve the right to make further proposals.

“1. Audiovisual performances shall be protected in line with the WIPO Performances and Phonograms Treaty (hereinafter referred to as WPPT) in which aural performances are protected.

“2. However, we should respect special conditions surrounding audiovisual performances in each country such as contractual practices in the audiovisual industry and should take into account the purpose of the relevant provisions of the Rome Convention and the Berne Convention.

“3. Performers shall enjoy the following exclusive rights of authorizing their unfixed audiovisual performances:

- (a) fixation;
- (b) broadcasting and communication to the public.

“4. Performers shall enjoy the following rights of their fixed audiovisual performances:

- (a) the exclusive right to authorize the reproduction;
- (b) the exclusive right of making available to the public, equivalent to the right given in the WPPT;
- (c) the right to remuneration for broadcasting and communication to the public.

“5. Concerning the right to remuneration for broadcasting and communication to the public of fixed performances, reservation on national treatment should be permitted in this protocol in the manner as provided in the WPPT.

“6. We are also in favor of the provisions on the obligations concerning technological measures and rights management information included in the Protocol as those provided for in the WPPT.

“We have so far studied but could not work out a concrete position on the issues of moral rights, the right of distribution, and retroactive protection of audiovisual performances. These issues require further consultations with the interested parties in the Republic of Korea.”

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