

Diplomatic Conference on the Protection of Audiovisual Performances

Beijing, June 20 to 26, 2012

AGREED STATEMENT TO CLARIFY THE RELATIONSHIP BETWEEN ARTICLE 13
AND ARTICLE 15 OF THE TREATY
ANNEX TO DOCUMENT AVP/DC/3

proposal by Brazil, Mexico and the United States of America

Text for the Agreed Statement to clarify the relationship between Article 13 and Article 15 of the Treaty:

"It is understood that in the absence of voluntary measures taken by rights holders in relation to a particular performance protected under this treaty, nothing in this Article shall prevent a Contracting Party from adopting appropriate measures to permit that a beneficiary of a limitation or exception provided in its national law in accordance with Article 13 may benefit from such limitation or exception where technological measures have been applied to an audiovisual performance and the beneficiary has legal access to that performance. Without prejudice to the legal protections of an audiovisual work in which a performance is fixed, it is further understood that the obligations under Article 15 are not applicable to performances unprotected concerning the economic rights under the national legislation giving effect to this Treaty, including but not limited to the expiry of the term of protection of the economic rights."

[End of document]