

**3. INTERNATIONAL CONVENTION FOR THE PROTECTION OF PERFORMERS,  
PRODUCERS OF PHONOGRAMS AND BROADCASTING ORGANISATIONS**

*Rome, 26 October 1961*

**ENTRY INTO FORCE:** 18 May 1964, in accordance with article 25.

**REGISTRATION:** 18 May 1964, No. 7247.

**STATUS:** Signatories: 26. Parties: 98.

**TEXT:** United Nations, *Treaty Series*, vol. 496, p. 43.

*Note:* The Convention was drawn up by the Diplomatic Conference on the International Protection of Performers, Producers of Phonograms and Broadcasting Organisations convened jointly by the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the International Union for the Protection of Literary and Artistic Works. The Conference was held at Rome at the invitation of the Government of Italy from 10 to 26 October 1961.

<i>Participant<sup>1</sup></i>	<i>Signature, Succession to signature(d)</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant<sup>1</sup></i>	<i>Signature, Succession to signature(d)</i>	<i>Ratification, Accession(a), Succession(d)</i>
Albania.....		1 Jun 2000 a	Czech Republic <sup>3</sup> .....		30 Sep 1993 d
Algeria .....		22 Jan 2007 a	Denmark .....	26 Oct 1961	23 Jun 1965
Andorra .....		25 Feb 2004 a	Dominica .....		9 Aug 1999 a
Argentina .....	26 Oct 1961	2 Dec 1991	Dominican Republic .....		27 Oct 1986 a
Armenia .....		31 Oct 2002 a	Ecuador .....	26 Jun 1962	19 Dec 1963
Australia.....		30 Jun 1992 a	El Salvador .....		29 Mar 1979 a
Austria .....	26 Oct 1961	9 Mar 1973	Estonia <sup>4</sup> .....		28 Jan 2000 a
Azerbaijan.....		8 Jul 2005 a	Fiji .....		11 Jan 1972 a
Bahrain.....		18 Oct 2005 a	Finland .....	21 Jun 1962	21 Jul 1983
Barbados .....		18 Jun 1983 a	France .....	26 Oct 1961	3 Apr 1987
Belarus .....		27 Feb 2003 a	Georgia .....		14 May 2004 a
Belgium .....	26 Oct 1961	2 Jul 1999	Germany <sup>5</sup> .....	26 Oct 1961	21 Jul 1966
Belize.....		9 Nov 2018 a	Greece.....		6 Oct 1992 a
Bolivia (Plurinational State of).....		24 Aug 1993 a	Guatemala.....		14 Oct 1976 a
Bosnia and Herzegovina .....	12 Jan 1994 d	19 Feb 2009	Holy See .....	26 Oct 1961	
Brazil .....	26 Oct 1961	29 Jun 1965	Honduras.....		16 Nov 1989 a
Bulgaria .....		31 May 1995 a	Hungary .....		10 Nov 1994 a
Burkina Faso.....		14 Oct 1987 a	Iceland .....	26 Oct 1961	15 Mar 1994 a
Cabo Verde .....		3 Apr 1997 a	India.....	26 Oct 1961	
Cambodia.....	26 Oct 1961		Ireland.....	30 Jun 1962	19 Jun 1979
Canada .....		4 Mar 1998 a	Israel .....	7 Feb 1962	30 Sep 2002 a
Chile.....	26 Oct 1961	5 Jun 1974	Italy.....	26 Oct 1961	8 Jan 1975
Colombia .....		17 Jun 1976 a	Jamaica .....		27 Oct 1993 a
Congo.....		29 Jun 1962 a	Japan .....		26 Jul 1989 a
Costa Rica <sup>2</sup> .....		9 Jun 1971 a	Kazakhstan.....		30 Mar 2012 a
Croatia .....		20 Jan 2000 a	Kyrgyzstan.....		13 May 2003 a
Cyprus.....		17 Mar 2009 a	Latvia.....		20 May 1999 a
			Lebanon .....	26 Jun 1962	12 May 1997

<i>Participant<sup>1</sup></i>	<i>Signature, Succession to signature(d)</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant<sup>1</sup></i>	<i>Signature, Succession to signature(d)</i>	<i>Ratification, Accession(a), Succession(d)</i>
Lesotho .....		26 Oct 1989 a	Russian Federation .....		26 Feb 2003 a
Liberia.....		16 Sep 2005 a	Serbia.....	12 Mar 2001 d	10 Mar 2003
Liechtenstein.....		12 Jul 1999 a	Slovakia <sup>3</sup> .....		28 May 1993 d
Lithuania.....		22 Apr 1999 a	Slovenia .....		9 Jul 1996 a
Luxembourg.....		25 Nov 1975 a	Spain .....	26 Oct 1961	14 Aug 1991
Mexico .....	26 Oct 1961	17 Feb 1964	St. Lucia.....		17 May 1996 a
Monaco .....	22 Jun 1962	6 Sep 1985	Sweden.....	26 Oct 1961	13 Jul 1962
Montenegro <sup>6</sup> .....		23 Oct 2006 d	Switzerland .....		24 Jun 1993 a
Netherlands (Kingdom of the) <sup>7</sup> .....		7 Jul 1993 a	Syrian Arab Republic ...		13 Feb 2006 a
Nicaragua.....		10 May 2000 a	Tajikistan .....		19 Feb 2008 a
Niger .....		5 Apr 1963 a	Togo.....		10 Mar 2003 a
Nigeria .....		29 Jul 1993 a	Trinidad and Tobago ....		9 Dec 2019 a
North Macedonia .....		2 Dec 1997 a	Tunisia .....		13 Apr 2023 a
Norway .....		10 Apr 1978 a	Türkiye.....		8 Jan 2004 a
Panama.....		2 Jun 1983 a	Turkmenistan .....		31 Aug 2020 a
Paraguay .....	30 Jun 1962	26 Nov 1969	Ukraine .....		12 Mar 2002 a
Peru.....		7 May 1985 a	United Arab Emirates ...		14 Oct 2004 a
Philippines .....		25 Jun 1984 a	United Kingdom of Great Britain and Northern Ireland <sup>8</sup> .....	26 Oct 1961	30 Oct 1963
Poland.....		13 Mar 1997 a	Uruguay .....		4 Apr 1977 a
Portugal.....		17 Apr 2002 a	Uzbekistan .....		16 Jul 2024 a
Qatar .....		23 Jun 2017 a	Venezuela (Bolivarian Republic of) .....		30 Oct 1995 a
Republic of Korea.....		18 Dec 2008 a	Viet Nam.....		1 Dec 2006 a
Republic of Moldova.....		5 Sep 1995 a			
Romania.....		22 Jul 1998 a			

### ***Declarations and Reservations***

***(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.)***

#### **AUSTRALIA**

"Australia, pursuant to article 5 (3), will not apply the criterion of publication;

Australia, pursuant to article 6 (2), will protect broadcasts only if the headquarters of the broadcasting organisation is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State;

Australia, pursuant to article 16 (1) (a), will not, as regards article 12, apply the provision of that article; and

Australia, pursuant to article 16 (1) (b), will not, as regards article 13, apply item (d) of that article."

#### **AUSTRIA**

1. In accordance with article 16, paragraph 1 (a) (iii), of the Convention, Austria will not apply the provisions of article 12 in respect of phonograms the producer of which is not a national of a Contracting State;

2. In accordance with article 16, paragraph 1 (a) (iv), of the Convention, [ . . . ], as regards phonograms the producer of which is a national of another Contracting State, Austria will limit the protection provided for by

article 12 to the extent to which, and to the term for which the latter State grants protection to phonograms first fixed by an Austrian national;

3. In accordance with article 16, paragraph 1 (b), of the Convention, Austria will not apply article 13 (d).

#### **BELARUS**

The Republic of Belarus in accordance with:

Article 5(3) of the Convention will not apply the criterion of fixation provided for by Article 5(1)(b) of the convention;

Article 6(2) of the Convention will protect broadcasts only if the headquarters of the broadcasting organisation is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State;

Article 16(1)(a)(iii) of the Convention as regards phonograms the producer of which is not a national of another Contracting State will not apply Article 12 of the Convention;

Article 16(1)(a)(iv) of the Convention as regards phonograms the producer of which is a national of another Contracting State will limit the protection

provided for by Article 12 of the Convention to the extent to which, and to the term for which, the latter State grants protection to phonograms first fixed by a national of the Republic of Belarus.

#### BELGIUM

1. Pursuant to article 5, paragraph 3, of the Rome Convention, Belgium will not apply the criterion of publication;

2. Pursuant to article 6, paragraph 2, of the Rome Convention, Belgium will protect broadcasts only if the headquarters of the broadcasting organization is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State;

3. Pursuant to article 16, paragraph 1 (a) (iii), of the Rome Convention, Belgium will not apply the provisions of article 12 in respect of phonograms the producer of which is not a national of a Contracting State;

4. Pursuant to article 16, paragraph 1 (a) (iv), of the Rome Convention, as regards phonograms the producer of which is a national of another Contracting State, Belgium will limit the protection provided for by that article to the extent to which, and to the term for which, the latter State grants protection to phonograms first fixed by a national of the State making the declaration; however, the fact that the Contracting State of which the producer is a national does not grant the protection to the same beneficiary or beneficiaries as the State making the declaration shall not be considered as a difference in the extent of the protection.

#### BULGARIA

1. The Republic of Bulgaria declares in accordance with article 16, paragraph 1(a)(iii), that it will not apply the provisions of article 12 in respect of phonograms the producer of which is not a national of another Contracting State.

2. The Republic of Bulgaria declares in accordance with article 16, paragraph 1(a)(iv), that as regards phonograms the producer of which is a national of another Contracting State, it will limit the protection provided for by article 12 to the extent to which, and to the term for which the latter State grants protection to phonograms first fixed by a national of the Republic of Bulgaria.

#### CANADA

"1. In respect of article 5 (1) (b) and pursuant to article 5 (3) of the Convention, as regards the Right of Reproduction for Phonogram Producers (art. 10), Canada will not apply *criterion of fixation* .

2. In respect of article 5 (1) (c) and pursuant to article 5 (3) of the Convention, as regards the Secondary Users of Phonograms (art. 12), Canada will not apply *criterion of publication* .

3. In respect of article 6 (1) and pursuant to article 6 (2) of the Convention, Canada will protect broadcasts only if the headquarters of the broadcasting organization is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State.

4. In respect of article 12 and pursuant to article 16 (1) (a) (iv) of the Convention, as regards phonograms the producer of which is a national of another Contracting State, Canada will limit the protection provided for by article 12 to the extent to which, and to the term for which, the latter State grants protection to phonograms first fixed by a national of Canada."

#### CONGO

In a communication received on 16 May 1964, the Government of the Congo has notified the Secretary-General that it has decided to make its accession subject to the following declarations:

(1) Article 5, paragraph 3: the "criterion of publication" is excluded;

(2) Article 16: the application of article 12 is completely excluded.

#### COSTA RICA<sup>2</sup>

#### CROATIA

"1) that [the Republic of Croatia] shall not apply, pursuant to para 3, Article 5 of the Convention, the criterion of the first fixation, but the criterion of publication of phonograms.

2) that [the Republic of Croatia] shall not apply, pursuant to subpara a) iii), para 1, Article 16 of the Convention, provisions of Article 12 as to phonograms whose producer is not a national of another Contracting State,

3) that [the Republic of Croatia] shall limit the protection provided for in Article 12 of the Convention, pursuant to subpara a) iv), para 1, Article 16, as to phonograms whose producer is a national of another Contracting State, to the extent to which and to the term for which the Contracting State grants protection to phonograms first fixed by a national from the Republic of Croatia."

#### CZECH REPUBLIC<sup>3</sup>

#### DENMARK

"1) With regard to article 6, paragraph 2: Protection will be granted to broadcasting organisations only if their headquarters is situated in another Contracting State and if their broadcasts are transmitted from a transmitter situated in the same Contracting State.

"2) With regard to article 16, paragraph 1 (a) (ii): The provisions of article 12 will be applied solely with respect to broadcasting as well as any other communication to the public which is carried out for profit-making purposes.

"3) With regard to article 16, paragraph 1 (a) (iv): As regards phonograms the producer of which is a national of another Contracting State, the protection provided for in article 12 will be limited to the extent to which, and to the term for which, the latter State grants protection to phonograms first fixed by a Danish national.

"4) With regard to article 17: Denmark will grant the protection provided for in article 5 only if the first fixation of the sound was made in another Contracting State (the criterion of fixation) and will apply for the purposes of paragraph 1 (a) (iii) and (iv) of article 16 the said criterion instead of the criterion of nationality."

"With regard to Article 5, paragraph 3, of the Convention, Denmark will not apply the criterion of publication in Article 5, paragraph 1 (c).

With regard to Article 17 of the Convention, the government of Denmark hereby withdraws its notification concerning the sole application of the criterion of fixation in relation to the protection of phonogram producers. This withdrawal of the notification shall take effect as of the same date as the notification pursuant to Article 5, paragraph 3, becomes effective."

#### ESTONIA<sup>4</sup>

"1. Pursuant to Article 5, paragraph 3 of the Convention the Republic of Estonia declares that it will not apply the criterion of publication;

2. Pursuant to Article 6, paragraph 2 of the Convention the Republic of Estonia declares that it will protect broadcasts only if the headquarters of the broadcasting organisation is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State;

"...that Republic of Estonia applies instead Article 16, paragraph I (a) (iv) of the Convention pursuant to which, as regards Article 12 of the Convention in connection with phonograms the producer of which is a national of another Contracting State, the Republic of Estonia will limit the protection provided for by Article 12 to the extent to which, and to the term for which, that Contracting State grants protection to phonograms first fixed by a national of the Republic of Estonia; however, the fact that the Contracting State of which the producer is a national does not grant the protection to the same beneficiary or beneficiaries as the Republic of Estonia shall not be considered as a difference in the extent of the protection".

#### FIJI

"(1) In respect of Article 5 (1) (b) and in accordance with Article 5 (3) of the Convention, Fiji will not apply, in respect of phonograms, the criterion of fixation;

"(2) In respect of Article 6 (1) and in accordance with Article 6 (2) of the Convention, Fiji will protect broadcasts only if the headquarters of the broadcasting organisation is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State;

"(3) In respect of article 12 and in accordance with article 16 (1) of the Convention,

"(a) Fiji will not apply the provisions of Article 12 in respect of the following uses:

"(i) The causing of a phonogram to be heard in public at premises where persons reside or sleep, as part of the amenities provided exclusively or mainly for residents or inmates therein except where a special charge is made for admission to the part of the premises where the phonogram is to be heard;

"(ii) The causing of a phonogram to be heard in public as part of the activities of, or for the benefit of, a club, society or other organisation which is not established or conducted for profit and whose main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare, except where a charge is made for admission to the place where the phonogram is to be heard, and any of the proceeds of the charge are applied otherwise than for the purpose of the organisation;

"(b) As regards phonograms the producer of which is not a national of another Contracting State or as regards phonograms the producer of which is a national of a Contracting State which has made a declaration under Article 16 (1) (a) (i) stating that it will not apply the provisions of Article 12, Fiji will not grant the protection provided for by Article 12, unless, in either event, the phonogram has been first published in a Contracting State which has made no such declaration."

"The Government of Fiji, having reconsidered the said Convention hereby withdraws its declaration in respect of certain provisions of article 12 and in substitution thereof declares in accordance with article 16 (1) of the said Convention that Fiji will not apply the provisions of article 12".

#### FINLAND<sup>9</sup>

1. ...

2. *Article 16, paragraph 1 (a) (i)*

The provisions of article 12 will not be applied with respect to phonograms acquired by a broadcasting organisation before 1 September 1961.

3. *Article 16, paragraph 1 (a) (ii)*

The provisions of article 12 will be applied solely with respect to broadcasting as well as to any other communication to the public which is carried out for profit-making purposes.

4. *Article 16, paragraph 1 (a) (iv)*

As regards phonograms first fixed in another Contracting State, the protection provided for in article 12 will be limited to the extent to which, and to the term for which, the latter State grants protection to phonograms first fixed in Finland.

5. ...

6. ...

"Pursuant to Article 5 (3) of the Convention, the Republic of Finland declares that it will not apply the criterion of publication."

#### FRANCE

The Government of the French Republic declares, in conformity with article 5, paragraph 3 of the Convention, concerning the protection of phonograms, that it rejects the criterion of first publication in favour of the criterion of first fixation.

The Government of the French Republic declares, first, that it will not apply the provisions of this article to all phonograms the producer of which is not a national of a Contracting State, in conformity with the provisions of article 16, paragraph 1 (a) (iii) of this Convention.

Secondly, the Government of the French Republic declares that, with regard to phonograms the producer of which is a national of another Contracting State, it will limit the extent and duration of the protection provided in this article (article 12), to those which the latter Contracting State grants to phonograms first fixed by French nationals.

The Government of France specifies that it understands the expression "International Court of Justice", in article 30 of the Convention, as covering not only the Court itself but also a chamber of the Court.

#### GERMANY<sup>5</sup>

"1. The Federal Republic of Germany makes use of the following reservations provided for in article 5, paragraph 3, and article 16, paragraph 1 (a) (iv) of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations:

"1) As regards the protection of producers of phonograms it will not apply the criterion of fixation referred to in article 5, paragraph 1 (b) of the Convention;

"2) As regards phonograms the producer of which is a national of another Contracting State, it will limit the protection provided for by article 12 of the Convention to the extent to which, and to the term for which, the latter State grants protection to phonograms first fixed by a German national."

#### ICELAND

Iceland, pursuant to article 5, paragraph 3, will not apply the criterion of fixation.

Iceland, pursuant to article 6, paragraph 2, will protect broadcasts only if the headquarters of the broadcasting organisation is situated in another Contracting State and if the broadcast was transmitted from a transmitter situated in the same Contracting State.

Iceland, pursuant to article 16, paragraph 1 (a) (i), will not apply article 12 with respect to the use of phonograms published before 1 September 1961.

Iceland, pursuant to article 16, paragraph 1 (a) (ii), will apply article 12 solely with respect to use for broadcasting or for any other communication to the public for commercial purposes.

Iceland, pursuant to article 16, paragraph 1 (a) (iii), will not apply article 12 as regards phonograms the producer of which is not a national of another Contracting State.

Iceland, pursuant to article 16, paragraph 1 (a) (iv), will, as regards phonograms the producer of which is a national of another Contracting State, limit the protection provided for in article 12 to the extent to which, and to the term for which, the latter State grants protection to phonograms first fixed in Iceland.

#### IRELAND

"(1) With regard to article 5, paragraph 1, and in accordance with article 5, paragraph 3, of the Convention: Ireland will not apply the criterion of fixation;

"(2) With regard to article 6, paragraph 1, and in accordance with article 6, paragraph 2, of the Convention: Ireland will protect broadcasts only if the headquarters of the broadcasting organization is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State;

"(3) With regard to article 12, and in accordance with article 16, paragraph 1 (a) (iii): Ireland will not protect broadcasts heard in public (a) at any premises where persons reside or sleep, as part of the amenities provided exclusively or mainly for residents or inmates therein unless a special charge is made for admission to the part of the premises where the recording is to be heard or (b) as part of the activities of, or for the benefit of a club, society or other organisation which is not established or conducted for profit and whose main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare, unless a charge is made for admission to the part of the premises where the recording is to be heard and any of the proceeds of the charge are applied otherwise than for the purposes of the organisation."

#### ISRAEL

"1. Pursuant to Article 5(3) of the Convention, Israel shall not apply the criterion of fixation, as set forth in Article 5(1) (b).

2. In respect of Article 6(1) and pursuant to Article 6(2) of the convention, Israel will protect broadcasts only if the headquarters of the broadcasting organization is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State.

3. Pursuant to Article 16(1)(a)(iii) of the Convention, as regards phonograms the producer of which is not a national of another Contracting State, Israel will not apply Article 12 of the Convention.

4. Pursuant to Article 16(1)(a)(iv) of the Convention, as regards phonograms the producer of which is a national of another Contracting State, Israel will limit the protection provided by Article 12 of the Convention to the extent to which, and to the term for which, that other Contracting State grants protection to phonograms first fixed by a national of Israel.

5. Pursuant to Article 16(1)(b) of the Convention, Israel will not apply Article 13(d) of the Convention."

#### ITALY

(1) With regard to article 6, paragraph 1, and in accordance with article 6, paragraph 2, of the Convention: Italy will protect broadcasts only if the headquarters of the broadcasting organization is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State;

(2) With regard to article 12 and in accordance with article 16, paragraph 1 (a), of the Convention:

(a) Italy will apply the provisions of article 12 to use for broadcasting or for any other communication to the public for commercial purposes, with the exception of cinematography;

(b) It will apply the provisions of article 12 only to phonograms fixed in another Contracting State;

(c) With regard to phonograms fixed in another Contracting State, it will limit the protection provided for by article 12 to the extent to which, and to the term for which, that Contracting State grants protection to phonograms first fixed in Italy; however, if that State does not grant the protection to the same beneficiary or beneficiaries as Italy, that fact will not be considered as a difference in the extent of the protection.

(3) With regard to article 13 and in accordance with article 16, paragraph 1 (b), of the Convention: Italy will not apply the provisions of article 13 (d);

(4) With regard to article 5 and in accordance with article 17 of the Convention, Italy will apply only the criterion of fixation for the purposes of article 5; the same criterion, instead of the criterion of nationality, will be applied for the purposes of the declarations provided for in article 16, paragraph 1 (a) (iii) and (iv), of the Convention.

#### JAPAN

"(1) Pursuant to article 5, paragraph 3 of the Convention, the Government of Japan will not apply the criterion of publication concerning the protection of producers of phonograms,

"(2) Pursuant to article 16, paragraph 1 (a) (ii) of the Convention, the Government of Japan will apply the provisions of article 12 of the Convention in respect of uses for broadcasting or for wire diffusion,

"(3) Pursuant to article 16, paragraph 1 (a) (iv) of the Convention,

(i) As regards phonograms the producer of which is a national of a Contracting State which has made a declaration under article 16, paragraph 1 (a) (i) of the Convention stating that it will not apply the provisions of article 12 of the Convention, the Government of Japan will not grant the protection provided for by the provisions of article 12 of the Convention.

(ii) As regards phonograms the producer of which is a national of another Contracting State which applies the provisions of article 12 of the Convention, the Government of Japan will limit the term of the protection provided for by the provisions of article 12 of the Convention to the term for which that State grants protection to phonograms first fixed by a Japanese national."

#### LATVIA

"In accordance with paragraph 1 of article 16 of the [Convention], the Republic of Latvia declares that it will not apply article 12 of the Convention on phonograms the producer of which is not a national of another Contracting State."

#### LESOTHO

"Pursuant to article 12 of the said Convention, the Government of the Kingdom of Lesotho declares that the provisions of this article will not apply in respect of broadcasts made for non-profit making purposes or where communication to the public in public places is not the result of a purely commercial activity;

". . . [The Kingdom of Lesotho] does not consider itself bound by the provisions of item (d)."

#### LIECHTENSTEIN

"The Principality of Liechtenstein declares, in accordance with article 5, paragraph 3 of the Convention,

that it rejects the criterion of first fixation. It will therefore apply the criterion of first publication.

In accordance with the provisions of article 16, paragraph 1 of the Convention, the Principality of Liechtenstein declares that it will not apply the provisions of article 12 as regards phonograms the producer of which is not a national of another Contracting State.

The Principality of Liechtenstein also declares, as regards phonograms the producer of which is a national of another Contracting State, that it will limit the protection provided for by article 12 to the extent to which, and to the term for which, the latter State grants protection of phonograms first fixed by a Liechtenstein national, in accordance with the provisions of article 16, paragraph 1 (a) (iv) of the Convention."

#### LITHUANIA

"In accordance with sub-paragraph (a)(iii) of paragraph 1 of article 16 of the [...] Convention, the Republic of Lithuania declares that as regards phonograms the producer of which is not a national or a legal person of another Contracting State, it will not apply the provisions of article 12 of the above-mentioned Convention."

#### LUXEMBOURG

1. With regard to the protection of producers of phonograms, Luxembourg will not apply the criterion of publication but only the criteria of nationality and fixation, in accordance with article 5, paragraph 3, of the Convention.

2. With regard to the protection of phonograms, in accordance with article 16, paragraph 1 (a) (i), of the Convention, Luxembourg will not apply any of the provisions of article 12.

3. With regard to broadcasting organizations, in accordance with article 16, paragraph 1 (b), of the Convention, Luxembourg will not apply the protection envisaged in article 13 (d) against communication to the public of their television broadcasts.

#### MONACO

1. With regard to the protection of producers of phonograms, Monaco will not apply the criterion of publication but only the criteria of nationality and fixation, in accordance with article 5, paragraph 3.

2. With regard to broadcasting organizations, in accordance with article 16, paragraph 1 (a) (i), Monaco will not apply any of the provisions of article 12.

3. With regard to broadcasting organizations, in accordance with article 16, paragraph 1 (b), Monaco will not apply the provisions of article 13 (d) concerning protection against communication to the public of television broadcasts.

#### NETHERLANDS (KINGDOM OF THE)

"The said Convention shall be observed subject to the following reservations, provided for in article 16, paragraph [1], (a) (iii) and (iv), of the Convention:

- The Kingdom of the Netherlands will not apply article 12 to phonograms the producer of which is not a national of another Contracting State;

- As regards phonograms the producer of which is a national of another Contracting State, it will limit the protection provided for by article 12 to the extent to which, and to the term for which, the latter State grants protection to phonograms first fixed by a national of the Kingdom of the Netherlands."

#### NIGER

(1) Article 5, paragraph 3: the "criterion of publication" is excluded;

(2) Article 16: the application of article 12 is completely excluded.

#### NIGERIA

1. With regard to article 5, paragraph 3, the Federal Republic of Nigeria will not apply the criteria of publication under article 5, paragraph 1 (c).

2. With regard to article 6, paragraph 2, the Federal Republic of Nigeria will protect broadcasts only if the headquarters of the broadcasting organization is situated in another Contracting State and if the broadcast is transmitted from a transmitter situated in the same Contracting State.

3. With regard to article 16, paragraph 1 (a):

i) The provisions of article 12 will not be applied in case of communication to the public of phonograms (a) at any premises where persons reside or sleep, as part of the amenities provided exclusively or mainly for residents or inmates therein unless a special charge is made for admission to the part of the premises where the phonogram is to be heard or (b) as part of the activities of, or for the benefit of a club, society or other organization which is not established or conducted for profit and whose main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare, unless a charge is made for admission to the part of the premises where the phonogram is to be heard and any of the proceeds of the charge are applied otherwise than for the purpose of the organization;

ii) The provisions of article 12 will not apply as regards phonograms the producer of which is not a national of another Contracting State; and

iii) As regards phonograms the producer of which is a national of another Contracting State, the Federal Republic of Nigeria will limit the protection provided for in article 12 to the extent to which, and to the term for which, that Contracting State grants protection to phonograms first fixed by nationals of the Federal Republic of Nigeria.

#### NORTH MACEDONIA

"1. According to the article 5, paragraph 3 of this Convention, the Republic of Macedonia shall not apply the criterion of publication provided under article 5, paragraph 1 (c).

2. According to the article 16, paragraph 1 (a)(1) of this Convention, the Republic of Macedonia shall not apply the provisions of the article 12."

#### NORWAY<sup>10</sup>

"b) Pursuant to article 16, paragraph 1, item a (iii), reservation is made to the effect that article 12 shall not be applicable if the producer is not a national of another Contracting State.

"c) Pursuant to article 16, paragraph 1, item a (iv), reservation is made to the effect that the extent and duration of the protection provided for under article 12 for phonograms which are produced by a national in another Contracting State shall not be more comprehensive than protection granted by that State to phonograms first produced by a Norwegian national.

"d) Pursuant to article 6, paragraph 2, reservation is made to the effect that broadcasts are only protected if the headquarters of the broadcasting organisation is situated in another Contracting State, and the broadcast is transmitted from a transmitter in the same Contracting State."

"The Norwegian Act of 14 December 1956 concerning a Levy on the Public Presentation of Recordings of

Artists' Performances, etc., establishes rules for the disbursement of that levy to producers and performers of phonograms.

"A portion of the annual revenue from the levy devolves, as of rights, to producers of phonograms as a group, without distinction as to nationality, in remuneration for the public use of phonograms.

"Under the terms of the Act, contributions from the levy may be made to Norwegian performing artists and their survivors on the basis of individual needs. This benevolent arrangement falls entirely outside the scope of the Convention.

"The régime established by the said Act, being fully consistent with the requirements of the Convention, will be maintained."

#### **POLAND**

1. As regards article 5, paragraph 3:

The Republic of Poland will not apply the criterion of publication.

2. As regards article 6, paragraph 2:

The Republic of Poland will protect broadcasts only if the headquarters of the broadcasting organisation is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State.

3. As regards article 16, paragraph 1 item (a)(i), (iii) and (iv); the Republic of Poland:

(i) With regard to broadcasters - will not apply the provisions of article 12 of the Convention in respect of the uses of a published phonogram referred to therein,

(iii) With regard to schools - will not apply the provisions of article 12 of the Convention as regards phonograms the producer of which is not a national of another Contracting State,

(iv) With regard to schools - will not apply the provisions of article 12 of the Convention as regards phonograms the producer of which is a national of another Contracting State; the extent and term of protection provided for by this article shall be limited to the extent and period of protection granted by this Contracting State to phonograms first fixed by a national of the Republic of Poland.

4. As regards article 16 paragraph 1 item (b), the Republic of Poland will not apply the provisions of item (d) of article 13 of the Convention so as to exclude the rights of broadcasting organisations in respect of the communication of their broadcasts made in places accessible to the public against payment of an entrance fee.

#### **REPUBLIC OF KOREA**

"In accordance with Article 5(3) of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, the Republic of Korea will not apply the criterion of publication.

In accordance with Article 6(2) of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, the Republic of Korea will protect broadcasts only if the headquarters of the broadcasting organization are situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State.

In accordance with Article 16(1)(a)(ii) of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, the Republic of Korea will apply the provisions of Article 12 only in respect of the uses of phonograms published for commercial purposes for broadcasting or transmission by wire. Transmission by wire does not include transmission

over the Internet.

In accordance with Article 16(1)(a)(iii) of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, the Republic of Korea will not apply the provisions of Article 12 in respect of phonograms the producer of which is not a national of a Contracting State.

In accordance with Article 16(1)(a)(iv) of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, as regards phonograms the producer of which is a national of another Contracting State, the Republic of Korea will limit the protection provided for by Article 12 to the extent to which, and to the term for which, that other Contracting State grants protection to the phonograms first fixed by a national of the Republic of Korea.

In accordance with Article 16(1)(b) of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, the Republic of Korea will not, as regards Article 13, apply item (d) of that Article."

#### **REPUBLIC OF MOLDOVA**

1. In accordance with article 5, paragraph 3, the Republic of Moldova declares that it will not apply the criteria of fixation under article 5, paragraph 1 (b).

2. In accordance with article 6, paragraph 2, the Republic of Moldova declares that it will protect broadcasts only if the headquarters of the broadcasting organization is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State.

3. With reference to article 16, paragraph 1 (a), the Republic of Moldova declares that:

a) It will not apply the provisions of article 12 in the case of communications to the public of phonograms as part of the activities or for the benefit of a club, society or other organization which has been established or is being administered on a non-commercial basis, the purpose of which, generally speaking, is charitable or concerned with the advancement of education, the promotion of the public good and the dissemination of religion, unless a charge is made for admission to the part of the premises where the phonogram is to be heard and any of profit thus obtained is used for purposes which differ from those of the organization;

b) It will not apply the provisions of article 12 as regards phonograms the producer of which is not a national of another Contracting State;

c) It will limit the protection stipulated in article 12 for phonograms the producer of which is a national of another Contracting State to the extent to which and as long as that Contracting State grants protection to phonograms which were originally fixed by a national of the Republic of Moldova.

#### **ROMANIA**

1. With regard to article 5, paragraph 3, Romania declares that it will not apply the criterion of fixation.

2. With regard to article 6, paragraph 2, Romania declares that it will protect radio and television broadcasts only if the headquarters of the broadcasting organization is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in that same Contracting State.

3. With reference to article 16, paragraph 1 (a) (iii) and (iv):

(iii) Romania will not apply any of the provisions of article 12, as regards phonograms the producer of which is not a national of another Contracting State.

(iv) For the producers of phonograms who are nationals of another Contracting State, the scope and length of the protection provided for in article 12 shall be

limited to the extent to which and as long as that Contracting State grants protection to phonograms which were originally fixed by a national of Romania.

#### RUSSIAN FEDERATION

The Russian Federation:

1. Pursuant to article 5, paragraph 3, of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations of 26 October 1961 (hereinafter referred to as the Convention), will not apply the criterion of fixation provided for article 5, paragraph 1 (b) of the Convention;

2. Pursuant to article 6, paragraph 2, of the Convention, will protect broadcasts only if the headquarters of the broadcasting organization is situated in another contracting State and the broadcast was transmitted from a transmitter situated in the same contracting State;

3. Pursuant to article 16, paragraph 1, of the Convention:

Will not apply article 12 of the Convention as regards phonograms the producer of which is not a national or a body corporate of another contracting State;

Will limit the protection provided for by article 12 of the Convention as regards phonograms the producer of which is a national of another contracting State to the extent to which, and under the terms on which, the latter State grants protection to phonograms first fixed by a national or a body corporate of the Russian Federation.

#### SLOVAKIA<sup>3</sup>

#### SLOVENIA

1. "In respect of article 5, paragraph 1 (c) and in accordance with article 5, paragraph 3 of the Convention, the Republic of Slovenia will not apply the criterion of publication;

2. In accordance with article 16, paragraph 1 (a) (I) of the Convention, the Republic of Slovenia will not apply the provisions of article 12 until 1 January 1998."

#### SPAIN

[The Government of Spain] will not apply the criterion of first publication and will apply instead the criterion of first fixation.

[The Government of Spain] will protect broadcasts only if the headquarters of the broadcasting organization is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State.

Firstly [the Government of Spain] will not apply the provisions of article 12 as regards phonograms the producer of which is not a national of a Contracting State.

Secondly, the Spanish Government, as regards phonograms the producer of which is a national of another Contracting State, will limit the scope and duration of the protection provided in article 12 to the extent to which that latter Contracting State grants protection to phonograms first fixed by nationals of Spain, in conformity with the provisions of article 16, paragraph 1 (a) (iv) of the Convention.

#### ST. LUCIA

"The Government of Saint Lucia declares that as regards article 5 it will not apply the criterion of publication contained in article 5 (I) (c).

The Government of Saint Lucia declares that as regards article 12 it will not apply that article in relation to phonograms the producer of which is not a national of another Contracting State."

#### SWEDEN<sup>11</sup>

- (a) ...
- (b) ...
- (c) With regard to article 16, paragraph 1, subparagraph (a) (iv);
- (d) ...
- (e) ...

#### SWITZERLAND

The Swiss Government declares, in accordance with article 5, paragraph 3 of the Convention, that it rejects the criterion of first fixation. It will therefore apply the criterion of first publication.

In accordance with the provisions of article 16, paragraph 1 of the Convention, the Swiss Government declares that it will not apply the provisions of article 12 as regards phonograms the producer of which is not a national of another Contracting State.

The Swiss Government also declares, as regards phonograms the producer of which is a national of another Contracting State, that it will limit the protection provided for by article 12 to the extent to which, and to the term for which, the latter State grants protection to phonograms first fixed by a Swiss national, in accordance with the provisions of article 16, paragraph 1 (a) (iv) of the Convention.

#### SYRIAN ARAB REPUBLIC

The accession of the Syrian Arab Republic to this Convention shall in no way imply its recognition of Israel or entail its entry into any dealings with Israel under the provisions thereof.

#### UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

"(1) In respect of article 5 (1) (b) and in accordance with article 5 (3) of the Convention, the United Kingdom will not apply, in respect of phonograms, the criterion of fixation;

"(2) In respect of article 6 (1) and in accordance with article 6 (2) of the Convention, the United Kingdom will protect broadcasts only if the headquarters of the broadcasting organisation is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State;

"(3) In respect of article 12 and in accordance with article 16 (1) of the Convention,

"(a) The United Kingdom will not apply the provisions of article 12 in respect of the following uses:

"(i) The causing of a phonogram to be heard in public at any premises where persons reside or sleep, as part of the amenities provided exclusively or mainly for residents or inmates therein except where a special charge is made for admission to the part of the premises where the phonogram is to be heard.

"(ii) The causing of a phonogram to be heard in public as part of the activities of, or for the benefit of, a club, society or other organisation which is not established or conducted for profit and whose main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare, except where a charge is made for admission to the place where the phonogram is to be heard, and any of the proceeds of the charge are applied otherwise than for the purposes of the organisation.

"(b) As regards phonograms the producer of which is not a national of another Contracting State or as regards phonograms the producer of which is a national of a Contracting State which has made a declaration under article 16 (1) (a) (i) stating that it will not apply the provisions of article 12, the United Kingdom will not grant the protection provided for by article 12, unless, in



either event, the phonogram has been first published in a Contracting State which has made no such declaration."

**UZBEKISTAN**

"In accordance with Article 6 Paragraph 2 of the Convention the Republic of Uzbekistan declares that it will protect broadcasts only if the headquarters of that broadcasting organization is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State;

In accordance with Article 16, Paragraph 1 (a) (iii) of the Convention, the Republic of Uzbekistan will not apply the provisions of Article 12 in respect of phonograms the producer of which is not a national of another Contracting State."

**VIET NAM**

"The Socialist Republic of Vietnam, pursuant to Article 16(1) of that Convention, declares that the Socialist Republic of Vietnam does not consider itself bound by the provisions of Article 12 and item (d) of Article 13 of that Convention."

***Territorial Application***

<i>Participant</i>	<i>Date of receipt of the notification</i>	<i>Territories</i>
United Kingdom of Great Britain and Northern Ireland <sup>12</sup>	20 Dec 1966	Gibraltar
	10 Mar 1970	Bermuda
	28 Apr 1999	Isle of Man
	30 Sep 2020	Bailiwick of Guernsey and Bailiwick of Jersey

***Notes:***

<sup>1</sup> The former Yugoslavia had signed the Convention on 26 October 1961. See also note 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of this volume.

<sup>2</sup> On 12 July 2018, the Government of Costa Rica notified the Secretary-General that it decided to withdraw its reservation with respect to article 12 of the Convention. The text of the reservation read as follows:

In accordance with article 16, paragraph 1 (a) (ii) of the Convention, Costa Rica will not apply the provisions of article 12 to free, traditional, non-interactive over-the-air broadcasting, or to noncommercial public broadcasts and communications, as provided for by Costa Rican legislation.

<sup>3</sup> Czechoslovakia had acceded to the Convention on 13 May 1964, with reservations. For the text of the reservations, see United Nations, *Treaty Series*, vol. 496, p. 96. See also note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of this volume.

<sup>4</sup> On 9 April 2003, the Government of Estonia notified the Secretary-General that it had decided to withdraw its declaration made upon accession pursuant to article 16, paragraph 1 (a)(i). The text of the declaration reads as follows:

"3. Pursuant to Article 16, paragraph 1 (a) (i) the Republic of Estonia declares that it will not apply the provisions of Article 12."

<sup>5</sup> See note 2 under "Germany" in the "Historical Information" section in the front matter of this volume.

<sup>6</sup> See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

<sup>7</sup> For the Kingdom in Europe.

<sup>8</sup> On 30 September 2020, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General that its ratification of the Convention is extended to the following territories as follows :

"... in accordance with Article 27(1) of the Convention, the Government of the United Kingdom of Great Britain and Northern Ireland declares that the United Kingdom's ratification to the Convention shall be extended to the territories of the Bailiwick of Guernsey and the Bailiwick of Jersey, for the international relations of which the United Kingdom is responsible. By the same Article, the Government of the United Kingdom of Great Britain and Northern Ireland considers the extension of the Convention to the territories of the Bailiwick of Guernsey and the Bailiwick of Jersey shall take effect three months after the date of receipt of this notification."

<sup>9</sup> On 12 April 2016, the Government of Finland notified the Secretary-General of its decision to withdraw the reservation to article 17 made upon ratification. (See C.N.366.2016.TREATIES-XIV.3)

On 10 February 1994, the Government of Finland notified the Secretary-General of its decision to withdraw the reservations to

article 6 (2) and 16 (1)(b), and to amend, reducing in scope, the reservation with regard to article 16 (1)(a)(ii) made upon ratification. For the text of the reservations made upon ratification, see United Nations, *Treaty Series*, vol. 1324, p. 379.

<sup>10</sup> In a communication received on 30 June 1989, the Government of Norway notified the Secretary-General of its decision to substitute a new reservation for the one made to the said Convention upon accession. The text of the reservation so withdrawn reads as follows:

"(a) Pursuant to article 16, paragraph 1, item a (ii), reservation is made to the effect that article 12 shall not apply in respect of use other than for the purpose of economic gain."

Further, on 15 July 2002, the Government of Norway informed the Secretary-General of the following:

...the Government of Norway hereby withdraws the following reservation:

"Pursuant to article 16, section 1, item a (ii), reservation is made to the effect that article 12 shall not apply in respect of use other than use of phonograms in broadcast transmissions."

<sup>11</sup> With regard to the said declarations, the Secretary-General received from the Government of Sweden on 27 June 1986, the following notification:

"With application of article 18 of the Convention, a notification notifying its withdrawal or amendment of the notifications deposited with the instrument of ratification on July 13, 1962, as follows:

1. The notification relating to article 6, paragraph 2, is withdrawn.

2. The notification under article 16, paragraph 1 (a) (ii) according to which Sweden will apply article 12 only in relation to broadcasting is reduced in scope to the effect that Sweden will apply article 12 to broadcasting and to such communication to the public which is carried out for commercial purposes.

3. The notification relating to article 17 is withdrawn in so far as reproduction of phonograms is concerned. Sweden will from July 1, 1986, grant protection according to article 10 of the Convention to all phonograms.

The withdrawals and amendments take effect on July 1, 1986."

Subsequently, on 1 December 1995, the Secretary-General received from the Government of Sweden, the following notification:

"With application of article 18 of the Convention Sweden withdraws or amends the notifications deposited with the instrument of ratification on 13 July 1962, as follows:

1. The notification under article 16 (1) (a) (ii), amended by the notification of 26 June 1986, to the effect that Sweden will apply article 12 only to broadcasting and such communication to the public which is carried out for commercial purposes is withdrawn with immediate effect.

2. The notification under article 16(1)(b) to the effect that Sweden will apply article 13 (d) only to communication to the public of television broadcasts in a cinema or similar place is withdrawn with immediate effect."

For the text of the declarations so withdrawn and the unamended declarations, see United Nations, *Treaty Series*, vol. 496, p. 94.

<sup>12</sup> The territorial applications were effected subject to the same declarations as those made on behalf of the United Kingdom upon ratification of the Convention.

