

# *International Federation of Musicians*

February 20, 2002  
(Original: French)

## **PRESS RELEASE**

**WIPO Performances and Phonograms Treaty  
(WPPT-1996)  
will enter into force on May 20, 2002**

**The WPPT provides intellectual property rights to performers all related to audio performances**, as follows:

Moral right

Right of fixation

Right of broadcasting and communication to the public of unfixed performances

Right of reproduction of phonograms

Right of distribution of phonograms

Right of rental of phonograms

Right of (interactive) making available of phonograms

Right to equitable remuneration for broadcasting and communication to the public of commercial phonograms

This Treaty is complementary to the Rome Convention (1961) from which, according to article 1 of the WPPT, it shall not derogate. It provides a minimum level of protection and therefore does not preclude member States from providing additional rights to performers beyond those required to be provided under this Treaty.

\*\*\*

**The main improvements for performers brought about by the Treaty are:**

. The moral right, which confirms at the international level that performers rights belong, like the authors' rights, to the family of the human rights, and tend to protect the creative activity of the artists;

. The right of distribution (of copies) of phonograms, which is necessary for the fight against traditional piracy, including the import of CDs after they have been manufactured unlawfully in countries where it was not legally possible to oppose;

. The right of (interactive) making available of phonograms, which aims at uses on the Internet by which a phonogram is accessible to members of the public individually, from a place and at a time chosen by them;

. The right to equitable remuneration for broadcasting and communication to the public of "phonograms published for commercial purpose". It should be noted that this concept is now very broad because it includes any sound recordings made available to the public on the Internet.

It is also significant that the simulcasting of radio and television broadcasts is protected by the right to equitable and single remuneration, as such use is a non interactive act of communication to the public.

\*\*\*

**Protection relates to the content of what is fixed on a "phonogram",** i.e. the content of any interpretation whose original fixation is exclusively aural.

Unfortunately, the WPPT does not protect audio-visual performances fixed as part of audio-visual fixations. A process of negotiation is on going within WIPO so that WPPT is supplemented in the future by an international instrument which will protect the audiovisual performances.

It is important to stress that the WPPT protects the performers of phonograms independently of the type of medium (analogical or digital, audio or audio-visual) from which the phonograms are used. Thus for example, the sound part of a video-music is protected by the WPPT, when such sound part was recorded separately from the images later on associated to it.

Therefore, the WPPT provides a significant level of protection of music performers, including with regard to the uses of phonograms which are reproduced in audio-visual products of any type (documentary, advertising, cartoon, music TV broadcasts, TV series, films, etc).

\*\*\*

**Honduras was the 30<sup>th</sup> State to ratify the WPPT, on February 20, 2002.**

The minimum threshold of 30 ratifications was necessary for the entry into force of the Treaty. This entry into force, with its multiple legal consequences, will be effective **on May 20, 2002**

\*\*\*

**The States having ratified the WPPT are the following:**

Albania, Argentina, Belarus, Bulgaria, Burkina Faso, Chile, Colombia, Costa Rica, Croatia, Ecuador, Gabon, Georgia, Honduras, Hungary, Latvia, Lithuania, Mali, Mexico City, Panama, Paraguay, Republic of Moldova, Czech Republic, Romania, El Salvador, Saint Lucia, Senegal, Slovakia, Slovenia, Ukraine, USA

\*\*\*

**The International Federation of Musicians ([www.fim-musicians.com](http://www.fim-musicians.com)) congratulates WIPO and its Member States** for the considerable efforts which were made in order to achieve a real protection of music performers and to adapt such protection to the new digital environment.

*(end of the communiqué)*