

WIPO: Entry into force of Beijing Treaty on Audiovisual Performances

IRIS 2020-3:1/3

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On 28 January 2020, Indonesia became the 30th contracting party to ratify the Beijing Treaty on Audiovisual Performances, allowing the Treaty to enter into force on 28 April 2020, in accordance with Article 26. It has been signed by 88 states, including 22 EU member states and the European Union (to date, Slovakia is the only EU member state to ratify it).

The Treaty was adopted in Beijing at a Diplomatic Conference of the World Intellectual Property Organisation (WIPO) (see IRIS 2012-8/1), after more than ten years of negotiations (see IRIS 2001-2/1 and IRIS 2011-8/1), notably during the WIPO Diplomatic Conference on the Protection of Audiovisual Performances held in Geneva in December 2000. It addresses intellectual property rights, in particular the rights of actors and performers in respect of their audiovisual performances.

The intellectual property rights of artists and performers are protected at international level under the 1961 Rome Convention and the 1996 WIPO Phonograms and Performances Treaty (WPPT). However, this international protection did not previously include audiovisual performances.

The Beijing Treaty therefore aims to modernise and adapt international rules on these rights in the digital age, recognising in its preamble “the profound impact of the development and convergence of information and communication technologies on the production and use of audiovisual performances.”

This modernisation process involves, first of all, strengthening the five types of exclusive economic rights granted to beneficiaries for their performances fixed in audiovisual format: the rights of reproduction (Article 7), distribution (Article 8), rental (Article 9), making available (Article 10) and broadcasting and communication to the public (Article 11). Unfixed performances are also protected, with performers granted the right to authorise, or not, their fixation, broadcasting and communication to the public (Article 6). The Treaty also grants performers two forms of moral rights (Article 5): firstly, the right to claim to be identified as the performer of a performance, and secondly, the right to object to any distortion or mutilation of their performances that would be prejudicial to their reputation.

Communiqué de presse de l'OMPI PR/2020/845, Genève, 28 janvier 2020

https://www.wipo.int/pressroom/fr/articles/2020/article_0002.html?utm_source=WIP+Newsletters&utm_campaign=9ffee9e93a-EMAIL_CAMPAIGN_2020_01_29_11_49&utm_medium=email&utm_term=0_bcb3de19b4-9ffee9e93a-256793657

WIPO press release PR/2020/845, Geneva, 28 January 2020

https://www.wipo.int/pressroom/en/articles/2020/article_0002.html?utm_source=WIP+Newsletters&utm_campaign=9ffee9e93a-EMAIL_CAMPAIGN_2020_01_29_11_49&utm_medium=email&utm_term=0_bcb3de19b4-9ffee9e93a-256793657

Traité de Beijing sur les interprétations et exécutions audiovisuelles, TRT/BEIJING/001, 24 juin 2012

<https://wipolex.wipo.int/fr/treaties/textdetails/12213>

Beijing Treaty on Audiovisual Performances, TRT/BEIJING/001, 24 June 2012

