

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1996 Nr. 16

A. TITEL

Internationaal Verdrag inzake de bescherming van uitvoerende kunstenaars, producenten van fonogrammen en omroeporganisaties; Rome, 26 oktober 1961

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1986, 182.

C. VERTALING

Zie *Trb.* 1986, 182.

D. PARLEMENT

Zie *Trb.* 1993, 133.

E. BEKRACHTIGING

Zie *Trb.* 1986, 182¹⁾ en *Trb.* 1993, 133.

Behalve de aldaar genoemde Staten heeft nog de volgende Staat in overeenstemming met artikel 24, derde lid, van het Verdrag een akte van bekrachtiging bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

IJsland²⁾ 15 maart 1994

¹⁾ De Regering van Finland heeft op 21 juli 1983 bij de bekrachtiging van het Verdrag de volgende voorbeholden gemaakt:

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

3. With regard to article 16, paragraph 1 (a) (ii): The provisions of article 12 will be applied solely with respect to use for broadcasting.

4. With regard to 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. With regard to article 16, paragraph 1 (b): The provisions of article 13 (d) will be applied only to the communication to the public of television broadcasts in a cinema or other similar place.

6. With regard to article 17: Finland will apply, for the purpose of article 5, the criterion of fixation alone and, for the purposes of article 16, paragraph 1 (a) (iv), the criterion of fixation instead of the criterion of nationality.”

De Regering van Finland heeft op 10 februari 1994 medegedeeld de bij de bekrachtiging gemaakte voorbehouden met betrekking tot de artikelen 6, tweede lid, en 16, eerste lid, letter b, in te trekken en het voorbehoud met betrekking tot artikel 16, eerste lid, letter a, ii, te wijzigen. Na deze wijziging luidt het laatstbedoeld voorbehoud aldus:

“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.”

²⁾ Onder de volgende verklaringen:

“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. (*VN-vertaling*)

F. TOETREDING

Zie *Trb.* 1986, 182 en *Trb.* 1993, 133¹⁾.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 24, derde lid, van het Verdrag¹⁾ een akte van toetreding bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Nigeria ²⁾	29 juli 1993
Bolivia	24 augustus 1993
Jamaica	27 oktober 1993
Hongarije	10 november 1994
Bulgarije ³⁾	31 mei 1995
Moldavië ⁴⁾	5 september 1995
Venezuela	30 oktober 1995

Verklaring van voortgezette gebondenheid

De volgende Staten hebben aan de Secretaris-Generaal van de Verenigde Naties medegedeeld, dat zij zich gebonden achten aan het onderhavige Verdrag:

de Tsjechische Republiek⁵⁾ 30 september 1993
 Bosnië-Herzegovina 12 januari 1994

¹⁾ Waar in rubriek F van *Trb.* 1993, 133 staat vermeld „*Trb.* 1986, 183” ware te lezen „*Trb.* 1986, 182”; waar in dezelfde rubriek staat „de Overeenkomst” ware te lezen „het Verdrag”.

De Regering van Zwitserland heeft op 24 juni 1993 bij de toetreding tot het Verdrag de volgende voorbehouden gemaakt:

„Ad article 5

Le Gouvernement suisse déclare, conformément au paragraphe 3 de l’article 5 de la Convention, qu’il rejette le critère de la première fixation. Il appliquera donc le critère de la première publication.

Ad article 12

Conformément aux dispositions du paragraphe 1 de l’article 16 de la Convention, le Gouvernement suisse déclare qu’il n’appliquera pas les dispositions de l’article 12 en ce qui concerne les phonogrammes dont le producteur n’est pas ressortissant d’un État contractant.

Le Gouvernement suisse déclare également qu’en ce qui concerne les phonogrammes dont le producteur est ressortissant d’un autre État contractant, il limitera l’étendue et la durée de la protection prévue à l’article 12, à celles de la protection que ce dernier État accorde aux phonogrammes fixés pour la première fois par un ressortissant suisse, conformément aux dispositions du point iv) de l’alinéa a) du paragraphe 16 de la Convention.”

²⁾ Onder de volgende verklaringen:

“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 purposes of the organization;

(ii) the provisions of Articles 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 pro-

vided 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.”

³⁾ Onder de volgende verklaringen

“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.” (*VN-vertaling*)

⁴⁾ Onder de volgende voorbehouden:

“(1) In accordance with article 5, paragraph 3, the Republic of Moldova declares that it will not apply the criterion of fixation referred to in 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 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 nationals of the Republic of Moldova. (*VN-vertaling*)

⁵⁾ Onder handhaving van het door Tsjechoslowakije bij de toetreding tot het Verdrag gemaakte voorbehoud (zie *Trb.* 1986, 182, blz. 44).

Ook Slowakije heeft bij de nederlegging van haar verklaring van voortgezette gebondenheid bovenbedoeld voorbehoud gehandhaafd.

G. INWERKINGTREDING

Zie *Trb.* 1986, 182 en *Trb.* 1993, 133¹⁾.

¹⁾ In *Trb.* 1993, 133 is ten onrechte vermeld *Trb.* 1986, 183.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1986, 182.

J. GEGEVENS

Zie *Trb.* 1986, 182 en *Trb.* 1993, 133.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Handvest der Verenigde Naties zie ook, laatstelijk, *Trb.* 1994, 277.

Voor de op 29 oktober 1971 te Genève tot stand gekomen Overeenkomst ter bescherming van producenten van fonogrammen tegen het ongeoorloofd kopiëren van hun fonogrammen zie ook *Trb.* 1996, 17.

Uitgegeven de *achttiende* januari 1996.

De Minister van Buitenlandse Zaken a.i.,

H. F. DIJKSTAL