



BEIJING Notification No. 40

BEIJING TREATY ON AUDIOVISUAL PERFORMANCES

Accession by the Union of the Comoros

The Director General of the World Intellectual Property Organization (WIPO) presents his compliments to the Minister for Foreign Affairs and has the honor to notify the deposit by the Government of the Union of the Comoros, on January 25, 2021, of its instrument of accession to the Beijing Treaty on Audiovisual Performances, adopted at Beijing on June 24, 2012.

The Treaty will enter into force, with respect to the Union of the Comoros, on April 25, 2021.

The list of the States party to the Beijing Treaty on Audiovisual Performances (status on January 25, 2021) is attached to this Notification.

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January 25, 2021

Beijing Treaty on Audiovisual Performances
(Beijing, 2012)

January 25, 2021

State	Date on which State became party to the Treaty	State	Date on which State became party to the Treaty
Algeria	April 28, 2020	Mali	April 28, 2020
Armenia	March 17, 2021	Marshall Islands	April 28, 2020
Belize	April 28, 2020	Nigeria	April 28, 2020
Botswana	April 28, 2020	Peru ⁴	April 28, 2020
Burkina Faso	April 28, 2020	Qatar	April 28, 2020
Cambodia	April 28, 2020	Republic of Korea ⁵	July 22, 2020
Central African Republic	November 19, 2020	Republic of Moldova	April 28, 2020
Chile	April 28, 2020	Russian Federation	April 28, 2020
China ^{1,2}	April 28, 2020	Saint Vincent and the Grenadines	April 28, 2020
Comoros	April 25, 2021	Samoa ⁶	April 28, 2020
Cook Islands	April 28, 2020	Sao Tome and Principe	January 15, 2021
Costa Rica	February 13, 2021	Slovakia ⁷	April 28, 2020
Democratic People's Republic of Korea	April 28, 2020	Switzerland ⁸	May 11, 2020
Dominican Republic	April 28, 2020	Syrian Arab Republic	April 28, 2020
El Salvador	April 28, 2020	Togo	April 20, 2021
Gabon	April 28, 2020	Trinidad and Tobago	April 28, 2020
Indonesia	April 28, 2020	Tunisia	April 28, 2020
Japan ³	April 28, 2020	United Arab Emirates	April 28, 2020
Kenya	April 28, 2020	Vanuatu	August 6, 2020
		Zimbabwe	April 28, 2020

(Total: 39 States)

¹ The People's Republic of China shall not be bound by Article 11(1) and (2) of the Treaty.

² The Treaty shall not apply for the time being to Hong Kong, China until otherwise notified by the Government of the People's Republic of China.

³ Pursuant to Article 11(2) of the Treaty, Japan will establish a right to equitable remuneration, instead of the right of authorization provided for in Article 11(1) for the broadcasting of a performance by:

- (a) a broadcasting organization, using the audiovisual fixation that it made for the broadcasting under the authorization of the person entitled to the right to broadcast the performance;
- (b) a person to whom the broadcasting organization referred to in (a) provided the audiovisual fixations referred to in (a), using those audiovisual fixations; or
- (c) a person to whom the broadcasting organization referred to in (a) otherwise supplied a broadcasting program pertaining to the authorization referred to in (a), using that broadcasting program;

Pursuant to Article 11(2) of the Treaty, Japan will also establish a right to equitable remuneration, instead of the right of authorization provided for in Article 11(1) of the Treaty, for the simultaneous cablecasting of a broadcast performance and for the "automatic public transmission of unfixed information" made in order that a broadcast performance be received simultaneously with the original broadcasting exclusively in the broadcasting service area pertaining to the original broadcasting;

"automatic public transmission of unfixed information" shall mean transmission by means of inputting information into an automatic public transmission server already connected with a telecommunication line that is provided for use by the public, which is carried out automatically in response to a request from the public and which is intended for direct receipt by the public;

Pursuant to Article 11, paragraph 3 of the Treaty, Japan will not apply the provisions of Article 11 paragraphs (1) and (2) of the Treaty to the communication to the public of a performance fixed in audiovisual fixations done by means other than cablecasting or "automatic public transmission of unfixed information".

⁴ In accordance with Article 11(2) of the Treaty, the Republic of Peru opts for the right to equitable remuneration for the direct or indirect use of performances fixed in audiovisual fixations for broadcasting or for communication to the public.

⁵ In accordance with Article 11(3) of the Treaty, the Republic of Korea will apply the provision of Article 11(1) thereof only in respect of the performances fixed in audiovisual fixation for broadcasting or transmission by wire. Transmission by wire does not include transmission over the Internet.

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(Beijing, 2012)

⁶ Pursuant to Article 11(3) of the Treaty, the provisions under Articles 11(1) and (2) do not apply to the Independent State of Samoa, until such time that the national laws have been reformed.

⁷ In accordance with Article 11(2) of the Treaty, the Slovak Republic has set conditions in its legislation for the exercise of the right to equitable remuneration.

⁸ Pursuant to Article 11(2) and (3), instead of the exclusive right of authorization referred to in Article 11(1), Switzerland shall grant a right to remuneration subject to collective management and to the principle of reciprocity for the broadcasting, retransmission or public reception of an audiovisual fixation where it is made from a commercially available audiovisual fixation.