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32. Zakon o ratifikaciji Mednarodne konvencije za varstvo izvajalcev, proizvajalcev fonogramov in radiodifuznih organizacij (MKVIPF), stran 141.

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI MEDNARODNE KONVENCIJE ZA VARSTVO IZVAJALCEV, PROIZVAJALCEV FONOGRAMOV IN RADIODIFUZNIH ORGANIZACIJ (MKVIPF)

Razglašam Zakon o ratifikaciji Mednarodne konvencije za varstvo izvajalcev, proizvajalcev fonogramov in radiodifuznih organizacij (MKVIPF), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 16. maja 1996.

Št. 001-22-56/96
Ljubljana, dne 24. maja 1996

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI MEDNARODNE KONVENCIJE ZA VARSTVO IZVAJALCEV, PROIZVAJALCEV FONOGRAMOV IN RADIODIFUZNIH ORGANIZACIJ (MKVIPF)

1. člen

Ratificira se Mednarodna konvencija za varstvo izvajalcev, proizvajalcev fonogramov in radiodifuznih organizacij, sestavljena in podpisana v Rimu 26. oktobra 1961, v angleškem, francoskem in španskem jeziku.

2. člen

Besedilo konvencije se v angleškem izvorniku in slovenskem prevodu glasi:

I N T E R N A T I O N A L C O N V E N T I O N
FOR THE PROTECTION OF PERFORMERS, PRODUCERS OF PHONOGRAMS AND BROADCASTING ORGANISATIONS

The Contracting States, moved by the desire to protect the rights of performers, producers of phonograms, and broadcasting organisations,
Have agreed as follows:

Article 1

Protection granted under this Convention shall leave intact and shall in no way affect the protection of copyright in literary and artistic works. Consequently, no provision of this Convention may be interpreted as prejudicing such protection.

Article 2

1. For the purposes of this Convention, national treatment shall mean the treatment accorded by the domestic law of the Contracting State in which protection is claimed:

- (a) to performers who are its nationals, as regards performances taking place, broadcast, or first fixed, on its territory;
- (b) to producers of phonograms who are its nationals, as regards phonograms first fixed or first published on its territory;
- (c) to broadcasting organisations which have their headquarters on its territory, as regards broadcasts transmitted from transmitters situated on its territory.

2. National treatment shall be subject to the protection specifically guaranteed, and the limitations specifically provided for, in this Convention.

Article 3

For the purposes of this Convention:

- (a) "performers" means actors, singers, musicians, dancers, and other persons who act, sing, deliver, declaim, play in, or otherwise perform literary or artistic works;
- (b) "phonogram" means any exclusively aural fixation of sounds of a performance or of other sounds;
- (c) "producer of phonograms" means the person who, or the legal entity which, first fixes the sounds of a performance or other sounds;
- (d) "publication" means the offering of copies of a phonogram to the public in reasonable quantity;
- (e) "reproduction" means the making of a copy or copies of a fixation;
- (f) "broadcasting" means the transmission by wireless means for public reception of sounds or of images and sounds;
- (g) "rebroadcasting" means the simultaneous broadcasting by one broadcasting organisation of the broadcast of another broadcasting organisation.

Article 4

Each Contracting State shall grant national treatment to performers if any of the following conditions is met:

- (a) the performance takes place in another Contracting State;
- (b) the performance is incorporated in a phonogram which is protected under Article 5 of this Convention;
- (c) the performance, not being fixed on a phonogram, is carried by a broadcast which is protected by Article 6 of this Convention.

Article 5

1. Each Contracting State shall grant national treatment to producers of phonograms if any of the following conditions is met:

(a) the producer of the phonogram is a national of another Contracting State (criterion of nationality);

(b) the first fixation of the sound was made in another Contracting State (criterion of fixation);

(c) the phonogram was first published in another Contracting State (criterion of publication).

2. If a phonogram was first published in a non-contracting State but if it was also published, within thirty days of its first publication, in a Contracting State (simultaneous publication), it shall be considered as first published in the Contracting State.

3. By means of a notification deposited with the Secretary-General of the United Nations, any Contracting State may declare that it will not apply the criterion of publication or, alternatively, the criterion of fixation. Such notification may be deposited at the time of ratification, acceptance or accession, or at any time thereafter; in the last case, it shall become effective six months after it has been deposited.

Article 6

1. Each Contracting State shall grant national treatment to broadcasting organisations if either of the following conditions is met:

(a) the headquarters of the broadcasting organisation is situated in another Contracting State;

(b) the broadcast was transmitted from a transmitter situated in another Contracting State.

2. By means of a notification deposited with the Secretary-General of the United Nations, any Contracting State may declare 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. Such notification may be deposited at the time of ratification, acceptance or accession, or at any time thereafter; in the last case, it shall become effective six months after it has been deposited.

Article 7

1. The protection provided for performers by this Convention shall include the possibility of preventing:

(a) the broadcasting and the communication to the public, without their consent, of their performance, except where the performance used in the broadcasting or the public communication is itself already a broadcast performance or is made from a fixation;

(b) the fixation, without their consent, of their unfixed performance;

(c) the reproduction, without their consent, of a fixation of their performance:

(i) if the original fixation itself was made without their consent;

(ii) if the reproduction is made for purposes different from those for which the performers gave their consent;

(iii) if the original fixation was made in accordance with the provisions of Article 15, and the reproduction is made for purposes different from those referred to in those provisions.

2. (1) If broadcasting was consented to by the performers, it shall be a matter for the domestic law of the Contracting State where protection is claimed to regulate the protection against rebroadcasting, fixation for broadcasting purposes and the reproduction of such fixation for broadcasting purposes.

(2) The terms and conditions governing the use by broadcasting organisations of fixations made for broadcasting purposes shall be determined in accordance with the domestic law of the Contracting State where protection is claimed.

(3) However, the domestic law referred to in sub-paragraphs (1) and (2) of this paragraph

shall not operate to deprive performers of the ability to control, by contract, their relations with broadcasting organisations.

Article 8

Any Contracting State may, by its domestic laws and regulations, specify the manner in which performers will be represented in connexion with the exercise of their rights if several of them participate in the same performance.

Article 9

Any Contracting State may, by its domestic laws and regulations, extend the protection provided for in this Convention to artists who do not perform literary or artistic works.

Article 10

Producers of phonograms shall enjoy the right to authorise or prohibit the direct or indirect reproduction of their phonograms.

Article 11

If, as a condition of protecting the rights of producers of phonograms, or of performers, or both, in relation to phonograms, a Contracting State, under its domestic law, requires compliance with formalities, these shall be considered as fulfilled if all the copies in commerce of the published phonogram or their containers bear a notice consisting of the symbol P , accompanied by the year date of the first publication, placed in such a manner as to give reasonable notice of claim of protection; and if the copies or their containers do not identify the producer or the licensee of the producer (by carrying his name, trade mark or other appropriate designation), the notice shall also include the name of the owner of the rights of the producer; and, furthermore, if the copies or their containers do not identify the principal performers, the notice shall also include the name of the person who, in the country in which the fixation was effected, owns the rights of such performers.

Article 12

If a phonogram published for commercial purposes, or a reproduction of such phonogram, is used directly for broadcasting or for any communication to the public, a single equitable remuneration shall be paid by the user to the performers, or to the producers of the phonograms, or to both. Domestic law may, in the absence of agreement between these parties, lay down the conditions as to the sharing of this remuneration.

Article 13

Broadcasting organisations shall enjoy the right to authorise or prohibit:

- (a) the rebroadcasting of their broadcasts;
- (b) the fixation of their broadcasts;
- (c) the reproduction:
 - (i) of fixations, made without their consent, of their broadcasts;
 - (ii) of fixations, made in accordance with the provisions of Article 15, of their broadcasts, if the reproduction is made for purposes different from those referred to in those provisions;
- (d) the communication to the public of their television broadcasts if such communication is

made in places accessible to the public against payment of an entrance fee; it shall be a matter for the domestic law of the State where protection of this right is claimed to determine the conditions under which it may be exercised.

Article 14

The term of protection to be granted under this Convention shall last at least until the end of a period of twenty years computed from the end of the year in which:

- (a) the fixation was made – for phonograms and for performances incorporated therein;
- (b) the performance took place – for performances not incorporated in phonograms;
- (c) the broadcast took place – for broadcasts.

Article 15

1. Any Contracting State may, in its domestic laws and regulations, provide for exceptions to the protection guaranteed by this Convention as regards:

- (a) private use;
- (b) use of short excerpts in connexion with the reporting of current events;
- (c) ephemeral fixation by a broadcasting organisation by means of its own facilities and for its own broadcasts;
- (d) use solely for the purposes of teaching or scientific research.

2. Irrespective of paragraph 1 of this Article, any Contracting State may, in its domestic laws and regulations, provide for the same kinds of limitations with regard to the protection of performers, producers of phonograms and broadcasting organisations, as it provides for, in its domestic laws and regulations, in connexion with the protection of copyright in literary and artistic works. However, compulsory licences may be provided for only to the extent to which they are compatible with this Convention.

Article 16

1. Any State, upon becoming party to this Convention, shall be bound by all the obligations and shall enjoy all the benefits thereof. However, a State may at any time, in a notification deposited with the Secretary-General of the United Nations, declare that:

- (a) as regards Article 12:
 - (i) it will not apply the provisions of that Article;
 - (ii) it will not apply the provisions of that Article in respect of certain uses;
 - (iii) as regards phonograms the producer of which is not a national of another Contracting State, it will not apply that Article;
 - (iv) as regards phonograms the producer of which is a national of another Contracting State, it 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;
- (b) as regards Article 13, it will not apply item (d) of that Article; if a Contracting State makes such a declaration, the other Contracting States shall not be obliged to grant the right referred to in Article 13, item (d), to broadcasting organisations whose headquarters are in that State.

2. If the notification referred to in paragraph 1 of this Article is made after the date of the deposit of the instrument of ratification, acceptance or accession, the declaration will become effective six months after it has been deposited.

Article 17

Any State which, on October 26, 1961, grants protection to producers of phonograms solely on the basis of the criterion of fixation may, by a notification deposited with the Secretary-General of the United Nations at the time of ratification, acceptance or accession, declare that it will apply, for the purposes of Article 5, the criterion of fixation alone and, for the purposes of paragraph 1(a)(iii) and (iv) of Article 16, the criterion of fixation instead of the criterion of nationality.

Article 18

Any State which has deposited a notification under paragraph 3 of Article 5, paragraph 2 of Article 6, paragraph 1 of Article 16 or Article 17, may, by a further notification deposited with the Secretary-General of the United Nations, reduce its scope or withdraw it.

Article 19

Notwithstanding anything in this Convention, once a performer has consented to the incorporation of his performance in a visual or audio-visual fixation, Article 7 shall have no further application.

Article 20

1. This Convention shall not prejudice rights acquired in any Contracting State before the date of coming into force of this Convention for that State.
2. No Contracting State shall be bound to apply the provisions of this Convention to performances or broadcasts which took place, or to phonograms which were fixed, before the date of coming into force of this Convention for that State.

Article 21

The protection provided for in this Convention shall not prejudice any protection otherwise secured to performers, producers of phonograms and broadcasting organisations.

Article 22

Contracting States reserve the right to enter into special agreements among themselves in so far as such agreements grant to performers, producers of phonograms or broadcasting organisations more extensive rights than those granted by this Convention or contain other provisions not contrary to this Convention.

Article 23

This Convention shall be deposited with the Secretary-General of the United Nations. It shall be open until June 30, 1962, for signature by any State invited to the Diplomatic Conference on the International Protection of Performers, Producers of Phonograms and Broadcasting Organisations which is a party to the Universal Copyright Convention or a member of the International Union for the Protection of Literary and Artistic Works.

Article 24

1. This Convention shall be subject to ratification or acceptance by the signatory States.
2. This Convention shall be open for accession by any State invited to the Conference referred to in Article 23, and by any State Member of the United Nations, provided that in either case such State is a party to the Universal Copyright Convention or a member of the International Union for the Protection of Literary and Artistic Works.
3. Ratification, acceptance or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the United Nations.

Article 25

1. This Convention shall come into force three months after the date of deposit of the sixth instrument of ratification, acceptance or accession.
2. Subsequently, this Convention shall come into force in respect of each State three months after the date of deposit of its instrument of ratification, acceptance or accession.

Article 26

1. Each Contracting State undertakes to adopt, in accordance with its Constitution, the measures necessary to ensure the application of this Convention.
2. At the time of deposit of its instrument of ratification, acceptance or accession, each State must be in a position under its domestic law to give effect to the terms of this Convention.

Article 27

1. Any State may, at the time of ratification, acceptance or accession, or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Convention shall extend to all or any of the territories for whose international relations it is responsible, provided that the Universal Copyright Convention or the International Convention for the Protection of Literary and Artistic Works applies to the territory or territories concerned. This notification shall take effect three months after the date of its receipt.
2. The notifications referred to in paragraph 3 of Article 5, paragraph 2 of Article 6, paragraph 1 of Article 16 and Articles 17 and 18, may be extended to cover all or any of the territories referred to in paragraph 1 of this Article.

Article 28

1. Any Contracting State may denounce this Convention, on its own behalf or on behalf of all or any of the territories referred to in Article 27.
2. The denunciation shall be effected by a notification addressed to the Secretary-General of the United Nations and shall take effect twelve months after the date of receipt of the notification.
3. The right of denunciation shall not be exercised by a Contracting State before the expiry of a period of five years from the date on which the Convention came into force with respect to that State.
4. A Contracting State shall cease to be a party to this Convention from that time when it is neither a party to the Universal Copyright Convention nor a member of the International

Union for the Protection of Literary and Artistic Works.

5. This Convention shall cease to apply to any territory referred to in Article 27 from that time when neither the Universal Copyright Convention nor the International Convention for the Protection of Literary and Artistic Works applies to that territory.

Article 29

1. After this Convention has been in force for five years, any Contracting State may, by notification addressed to the Secretary-General of the United Nations, request that a conference be convened for the purpose of revising the Convention. The Secretary-General shall notify all Contracting States of this request. If, within a period of six months following the date of notification by the Secretary-General of the United Nations, not less than one half of the Contracting States notify him of their concurrence with the request, the Secretary-General shall inform the Director-General of the International Labour Office, the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director of the Bureau of the International Union for the Protection of Literary and Artistic Works, who shall convene a revision conference in co-operation with the Intergovernmental Committee provided for in Article 32.

2. The adoption of any revision of this Convention shall require an affirmative vote by two-thirds of the States attending the revision conference, provided that this majority includes two-thirds of the States which, at the time of the revision conference, are parties to the Convention.

3. In the event of adoption of a Convention revising this Convention in whole or in part, and unless the revising Convention provides otherwise:

(a) this Convention shall cease to be open to ratification, acceptance or accession as from the date of entry into force of the revising Convention;

(b) this Convention shall remain in force as regards relations between or with Contracting States which have not become parties to the revising Convention.

Article 30

Any dispute which may arise between two or more Contracting States concerning the interpretation or application of this Convention and which is not settled by negotiation shall, at the request of any one of the parties to the dispute, be referred to the International Court of Justice for decision, unless they agree to another mode of settlement.

Article 31

Without prejudice to the provisions of paragraph 3 of Article 5, paragraph 2 of Article 6, paragraph 1 of Article 16 and Article 17, no reservation may be made to this Convention.

Article 32

1. An Intergovernmental Committee is hereby established with the following duties:

(a) to study questions concerning the application and operation of this Convention; and

(b) to collect proposals and to prepare documentation for possible revision of this Convention.

2. The Committee shall consist of representatives of the Contracting States, chosen with due regard to equitable geographical distribution. The number of members shall be six if there are twelve Contracting States or less, nine if there are thirteen to eighteen Contracting States and twelve if there are more than eighteen Contracting States.

3. The Committee shall be constituted twelve months after the Convention comes into force by an election organised among the Contracting States, each of which shall have one vote, by the Director-General of the International Labour Office, the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director of the Bureau of the International Union for the Protection of Literary and Artistic Works, in accordance with rules previously approved by a majority of all Contracting States.

4. The Committee shall elect its Chairman and officers. It shall establish its own rules of procedure. These rules shall in particular provide for the future operation of the Committee and for a method of selecting its members for the future in such a way as to ensure rotation among the various Contracting States.

5. Officials of the International Labour Office, the United Nations Educational, Scientific and Cultural Organization and the Bureau of the International Union for the Protection of Literary and Artistic Works, designated by the Directors-General and the Director thereof, shall constitute the Secretariat of the Committee.

6. Meetings of the Committee, which shall be convened whenever a majority of its members deems it necessary, shall be held successively at the headquarters of the International Labour Office, the United Nations Educational, Scientific and Cultural Organization and the Bureau of the International Union for the Protection of Literary and Artistic Works.

7. Expenses of members of the Committee shall be borne by their respective Governments.

Article 33

1. The present Convention is drawn up in English, French and Spanish, the three texts being equally authentic.

2. In addition, official texts of the present Convention shall be drawn up in German, Italian and Portuguese.

Article 34

1. The Secretary-General of the United Nations shall notify the States invited to the Conference referred to in Article 23 and every State Member of the United Nations, as well as the Director-General of the International Labour Office, the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director of the Bureau of the International Union for the Protection of Literary and Artistic Works:

(a) of the deposit of each instrument of ratification, acceptance or accession;

(b) of the date of entry into force of the Convention;

(c) of all notifications, declarations or communications provided for in this Convention;

(d) if any of the situations referred to in paragraphs 4 and 5 of Article 28 arise.

2. The Secretary-General of the United Nations shall also notify the Director-General of the International Labour Office, the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director of the Bureau of the International Union for the Protection of Literary and Artistic Works of the requests communicated to him in accordance with Article 29, as well as of any communication received from the Contracting States concerning the revision of the Convention.

IN FAITH WHEREOF, the undersigned, being duly authorised thereto, have signed this Convention.

DONE at Rome, this twenty-sixth day of October 1961, in a single copy in the English, French and Spanish languages. Certified true copies shall be delivered by the Secretary-General of the United Nations to all the States invited to the Conference referred to in Article 23 and to every State Member of the United Nations, as well as to the Director-General of the

International Labour Office, the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director of the Bureau of the International Union for the Protection of Literary and Artistic Works.

M E D N A R O D N A K O N V E N C I J A **ZA VARSTVO IZVAJALCEV, PROIZVAJALCEV FONOGRAMOV IN** **RADIODIFUZNIH ORGANIZACIJ**

Države pogodbenice v želji, da bi varovale pravice izvajalcev, proizvajalcev fonogramov in radiodifuznih organizacij,
so sklenile, kot sledi:

1. člen

Varstvo, ki ga zagotavlja ta konvencija, ne posega in na noben način ne vpliva na varstvo avtorske pravice na književnih in umetniških delih. Glede na to se nobena določba te konvencije ne sme razlagati na škodo tega varstva.

2. člen

1. Za namene te konvencije pomeni nacionalni tretma obravnavanje v skladu z domačim pravom države pogodbenice, v kateri se zahteva varstvo:

- (a) izvajalcev, ki so njeni državljani, za izvedbe, ki potekajo, so oddajane ali prvič posnete na njenem ozemlju;
- (b) proizvajalcev fonogramov, ki so njeni državljani, za fonograme, ki so prvič posneti ali prvič objavljeni na njenem ozemlju;
- (c) radiodifuznih organizacij, ki imajo svoj sedež na njenem ozemlju, za radijske oddaje, prenašane preko oddajnikov, ki so na njenem ozemlju.

2. Nacionalni tretma mora biti v skladu z varstvom, ki ga izrecno zagotavlja, in z omejitvami, ki jih izrecno predvideva ta konvencija.

3. člen

Za namene te konvencije:

- (a) "izvajalci" pomeni igralce, pevce, glasbenike, plesalce in druge osebe, ki igrajo, pojejo, podajajo, deklamirajo, nastopajo ali drugače izvajajo književna ali umetniška dela;
- (b) "fonogram" pomeni vsak izključno slušni posnetek zvokov izvedbe ali drugih zvokov;
- (c) "proizvajalec fonogramov" pomeni fizično ali pravno osebo, ki prva posname zvoke izvedbe ali druge zvoke;
- (d) "izdaja" pomeni ponujanje kopij fonograma javnosti v razumni količini;
- (e) "reproduciranje" pomeni izdelavo kopije ali kopij posnetka;
- (f) "radiodifuzno oddajanje" pomeni brezžično prenašanje za javni sprejem zvoka ali slike in zvoka;
- (g) "radiodifuzna retransmisija" pomeni sočasno radiodifuzno oddajanje oddaje ene radiodifuzne organizacije, ki ga opravi druga radiodifuzna organizacija.

4. člen

Vsaka država pogodbenica zagotovi nacionalni tretma izvajalcem, če je izpolnjen kateri od naslednjih pogojev:

- (a) da izvedba poteka v drugi državi pogodbenici;
- (b) da je izvedba na fonogramu, ki je zaščiten v skladu s 5. členom te konvencije;
- (c) da se izvedba, ki ni posneta na fonogramu, prenaša z oddajo, ki je zaščiten v skladu s 6. členom te konvencije.

5. člen

1. Vsaka država pogodbenica zagotovi nacionalni tretma proizvajalcem fonogramov, če je izpolnjen kateri od naslednjih pogojev:

- (a) da je proizvajalec fonogramov državljan kake druge države pogodbenice (kriterij državljanstva);
- (b) da je bil posnetek zvoka prvič narejen v kaki drugi državi pogodbenici (kriterij posnetka);
- (c) da je bil fonogram prvič izdan v kaki drugi državi pogodbenici (kriterij izdaje).

2. Če je bil fonogram prvič izdan v državi, ki ni pogodbenica, vendar je bil v tridesetih dneh od prve izdaje izdan tudi v kaki državi pogodbenici (sočasna izdaja), se šteje, da je bil prvič izdan v državi pogodbenici.

3. Z notifikacijo, deponirano pri generalnem sekretarju Združenih narodov, lahko katera koli država pogodbenica izjavi, da ne bo uporabljala kriterija izdaje ali pa kriterija posnetka. Takšna notifikacija se lahko deponira ob ratifikaciji, sprejemu ali pristopu ali kadar koli pozneje; v zadnjem primeru začne učinkovati šest mesecev po tem, ko je bila deponirana.

6. člen

1. Vsaka država pogodbenica zagotovi nacionalni tretma radiodifuznim organizacijam, če je izpolnjen kateri od naslednjih pogojev:

- (a) da je sedež radiodifuzne organizacije v kaki drugi državi pogodbenici;
- (b) da je bila oddaja prenašana preko oddajnika, ki je v kaki drugi državi pogodbenici.

2. Z notifikacijo, deponirano pri generalnem sekretarju Združenih narodov, lahko vsaka država pogodbenica izjavi, da bo varovala oddaje le v primeru, če je sedež radiodifuzne organizacije v kaki drugi državi pogodbenici in če je bila oddaja prenašana preko oddajnika, ki je v isti državi pogodbenici. Takšna notifikacija se lahko deponira ob ratifikaciji, sprejemu ali pristopu ali kadar koli pozneje; v zadnjem primeru začne učinkovati šest mesecev po tem, ko je bila vložena.

7. člen

1. Varstvo, ki ga izvajalcem zagotavlja ta konvencija, vsebuje možnost, da se prepreči:

- (a) oddajanje in posredovanje javnosti njihove izvedbe brez njihovega soglasja, razen kadar je izvedba, uporabljena v oddaji ali javnem posredovanju, že oddajana ali posneta;
- (b) snemanje njihove neposnete izvedbe brez njihovega soglasja;
- (c) reproduciranje posnetka njihove izvedbe brez njihovega soglasja:
 - (i) če je bil prvotni posnetek narejen brez njihovega soglasja;
 - (ii) če je reprodukcija narejena za namene, drugačne od tistih, za katere so izvajalci dali svoje soglasje;
 - (iii) če je bil prvotni posnetek narejen v skladu z določbami 15. člena in je reprodukcija narejena za namene, drugačne od navedenih v teh določbah.

2. (1) Če so izvajalci dali soglasje za radiodifuzno oddajanje, ureja varstvo zoper radiodifuzno retransmisijo, snemanje za namen oddajanja ter reproduciranje takšnih posnetkov domače pravo države pogodbenice, v kateri se zahteva varstvo.

(2) Določbe in pogoji, ki urejajo, kako radiodifuzne organizacije uporabljajo posnetke,

narejene za namen oddajanja, se določajo v skladu z domačim pravom države pogodbenice, v kateri se zahteva varstvo.

(3) Uporaba domačega prava, navedenega v točkah (1) in (2) tega odstavka, pa izvajalcem ne sme kratiti možnosti, da pogodbeno urejajo svoje odnose z radiodifuznimi organizacijami.

8. člen

Vsaka država pogodbenica lahko s svojimi zakoni in predpisi določi, kako bodo izvajalci zastopani pri uresničevanju svojih pravic, kadar jih več sodeluje pri isti izvedbi.

9. člen

Vsaka država pogodbenica lahko s svojimi zakoni in predpisi razširi varstvo, ki ga zagotavlja ta konvencija, na umetnike, ki ne izvajajo književnih ali umetniških del.

10. člen

Proizvajalci fonogramov imajo pravico dovoliti ali prepovedati neposredno ali posredno reproduciranje svojih fonogramov.

11. člen

Če država pogodbenica s svojimi zakoni zahteva izpolnitev določenih formalnosti kot pogoj za varstvo pravic proizvajalcev fonogramov ali izvajalcev ali obojih v zvezi s fonogrami, se šteje, da so te formalnosti izpolnjene, če je na vseh kopijah izdanega fonograma, ki so v prometu, ali na njihovih ovitkih opozorilo v obliki znaka P skupaj z letnico prve izdaje, in to tako, da primerno opozori na zahtevano varstvo; in če na kopijah ali njihovih ovitkih ni naveden proizvajalec ali imetnik licence proizvajalca (z navedbo imena, blagovne znamke ali druge ustrezne označbe), mora opozorilo vsebovati tudi ime lastnika pravic proizvajalca; in nadalje če na kopijah ali ovitkih niso navedeni glavni izvajalci, mora opozorilo vsebovati tudi ime osebe, ki je v državi, kjer je bil narejen zvočni posnetek, lastnik pravic teh izvajalcev.

12. člen

Če se fonogram, ki je bil izdan v komercialne namene, ali njegova reprodukcija uporablja neposredno za radiodifuzno oddajanje ali za kakršno koli posredovanje javnosti, mora uporabnik plačati izvajalcem ali proizvajalcem fonogramov ali obojim enkratno pravično nadomestilo. Če ni dogovora med strankami, lahko domače pravo določi pogoje za delitev tega nadomestila.

13. člen

Radiodifuzne organizacije imajo pravico dovoliti ali prepovedati:

- (a) radiodifuzno retransmisijo svojih oddaj;
- (b) snemanje svojih oddaj;
- (c) reproduciranje:
 - (i) posnetkov svojih oddaj, narejenih brez njihovega soglasja;
 - (ii) posnetkov svojih oddaj, narejenih v skladu z določbami 15. člena, če je reprodukcija narejena za druge namene, kot so navedeni v teh določbah;
- (d) posredovanje svojih televizijskih oddaj javnosti, storjeno na krajih, ki so dostopni ob

plačilu vstopnine; domače pravo države, v kateri se zahteva varstvo te pravice, določa pogoje za njeno uresničevanje.

14. člen

Varstvo, ki ga zagotavlja ta konvencija, traja najmanj dvajset let, šteto od konca leta, v katerem:

- (a) je bil narejen posnetek – za fonograme in izvedbe na teh fonogramih;
- (b) je bila izvedba – za izvedbe, ki niso na fonogramih;
- (c) je bila predvajana oddaja – za radiodifuzne oddaje.

15. člen

1. Vsaka država pogodbenica lahko s svojimi zakoni in predpisi določi izjeme od varstva, ki ga zagotavlja ta konvencija glede:

- (a) zasebne uporabe;
- (b) uporabe kratkih izvlečkov pri poročanju o aktualnih dogodkih;
- (c) efemernih posnetkov, ki jih naredijo radiodifuzne organizacije s svojimi lastnimi napravami in za potrebe svojih lastnih oddaj;
- (d) uporabe le za pouk ali znanstveno raziskovanje.

2. Ne glede na prvi odstavek tega člena lahko vsaka država pogodbenica s svojimi zakoni in predpisi določi enake vrste omejitev pri varstvu izvajalcev, proizvajalcev fonogramov in radiodifuznih organizacij, kot jih v svojih zakonih in predpisih določa glede varstva avtorskih pravic na književnih in umetniških delih. Vendar pa so prisilne licence lahko predvidene le v obsegu, v katerem so združljive s to konvencijo.

16. člen

1. Vsaka država, ki postane pogodbenica te konvencije, ima vse obveznosti in uživa vse ugodnosti iz te konvencije. Vendar lahko država kadar koli z notifikacijo, deponirano pri generalnem sekretarju Združenih narodov, izjavi, da:

- (a) v zvezi z 12. členom:
 - (i) ne bo uporabljala določb tega člena;
 - (ii) ne bo uporabljala določb tega člena glede posameznih načinov uporabe;
 - (iii) ne bo uporabljala tega člena glede fonogramov, katerih proizvajalec ni državljan ene od držav pogodbenic;
 - (iv) bo glede fonogramov, katerih proizvajalec je državljan kake druge države pogodbenice, omejila varstvo, določeno po tem členu na tak obseg in trajanje, kot ga ta druga država zagotavlja za fonograme, ki jih je prvič posnel državljan države, ki daje izjavo; vendar se dejstvo, da država pogodbenica, katere državljan je proizvajalec, ne daje varstva istemu upravičencu ali upravičencem kot država, ki daje izjavo, ne šteje kot razlika v obsegu varstva;
- (b) v zvezi s 13. členom ne bo uporabljala točke (d) tega člena; če država pogodbenica da tako izjavo, druge države pogodbenice niso dolžne priznati pravice, navedene v točki (d) 13. člena, radiodifuznim organizacijam s sedežem v tej državi.

2. Če je notifikacija iz prvega odstavka tega člena sporočena po datumu deponiranja listine o ratifikaciji, sprejemu ali pristopu, začne izjava učinkovati šest mesecev po tem, ko je bila deponirana.

17. člen

Vsaka država, ki na dan 26. oktobra 1961 zagotavlja varstvo proizvajalcem fonogramov samo na podlagi kriterija posnetka, lahko z notifikacijo, deponirano pri generalnem sekretarju Združenih narodov, ob ratifikaciji, sprejemu ali pristopu izjavi, da bo za namene 5. člena uporabljala samo kriterij posnetka, za namene točke (a) (iii) in (iv) prvega odstavka 16. člena pa kriterij posnetka namesto kriterija državljanstva.

18. člen

Vsaka država, ki je deponirala notifikacijo po tretjem odstavku 5. člena, drugem odstavku 6. člena, prvem odstavku 16. člena ali po 17. členu, lahko z nadaljnjo notifikacijo, deponirano pri generalnem sekretarju Združenih narodov, omeji njen obseg ali jo umakne.

19. člen

Ko izvajalec privoli v vključitev svoje izvedbe v vizualni ali avdiovizualni posnetek, se ne glede na katero koli določbo te konvencije njen 7. člen ne uporablja več.

20. člen

1. Ta konvencija ne posega v pravice, pridobljene v kateri koli državi pogodbenici pred dnem, ko ta konvencija začne veljati za to državo.
2. Nobena država pogodbenica ni dolžna uporabljati določb te konvencije za izvedbe ali oddaje, ki so bile, ali za fonograme, posnete pred dnem, ko ta konvencija začne veljati za to državo.

21. člen

Varstvo, ki ga zagotavlja ta konvencija, ne posega v katero koli varstvo, ki se kako drugače zagotavlja izvajalcem, proizvajalcem fonogramov ali radiodifuznim organizacijam.

22. člen

Države pogodbenice si pridržujejo pravico sklepati med seboj posebne sporazume, če takšni sporazumi zagotavljajo izvajalcem, proizvajalcem fonogramov ali radiodifuznim organizacijam obsežnejše pravice, kot jih daje ta konvencija, ali vsebujejo druge določbe, ki niso v nasprotju s to konvencijo.

23. člen

Ta konvencija se deponira pri generalnem sekretarju Združenih narodov. Do 30. junija 1962 je na voljo za podpis vsaki državi, povabljeni na Diplomatsko konferenco o mednarodnem varstvu izvajalcev, proizvajalcev fonogramov in radiodifuznih organizacij, ki je pogodbenica Univerzalne konvencije o varstvu avtorske pravice ali članica Mednarodne unije za varstvo književnih in umetniških del.

24. člen

1. To konvencijo države podpisnice ratificirajo ali sprejmejo.
2. Ta konvencija je na voljo za pristop vsaki državi, povabljeni na konferenco, navedeno v 23. členu, in vsaki državi članici Združenih narodov pod pogojem, da je v obeh primerih ta država tudi pogodbenica Univerzalne konvencije o avtorski pravici ali članica Mednarodne unije za varstvo književnih in umetniških del.
3. Ratifikacija, sprejem ali pristop se opravi z deponiranjem ustrezne listine pri generalnem sekretarju Združenih narodov.

25. člen

1. Ta konvencija začne veljati tri mesece po datumu deponiranja šeste listine o ratifikaciji, sprejemu ali pristopu.
2. Nato začne ta konvencija veljati za vsako posamezno državo tri mesece po datumu deponiranja njene listine o ratifikaciji, sprejemu ali pristopu.

26. člen

1. Vsaka država pogodbenica se zaveže, da v skladu s svojo ustavo sprejme ukrepe, potrebne za zagotovitev uporabe te konvencije.
2. Ob deponiranju listine o ratifikaciji, sprejemu ali pristopu mora biti vsaka država sposobna, da v skladu s svojim domačim pravom uveljavi določbe te konvencije.

27. člen

1. Vsaka država lahko ob ratifikaciji, sprejemu ali pristopu ali kadar koli pozneje izjavi z notifikacijo, naslovljeno na generalnega sekretarja Združenih narodov, da velja ta konvencija tudi za vsa ozemlja ali za katero koli ozemlje, za katerih mednarodne odnose je odgovorna, pod pogojem, da za to ozemlje ali ozemlja velja Univerzalna konvencija o avtorski pravici ali Mednarodna konvencija za varstvo književnih in umetniških del. Ta notifikacija začne učinkovati tri mesece po datumu prejema.
2. Notifikacija po tretjem odstavku 5. člena, drugem odstavku 6. člena, prvem odstavku 16. člena in po 17. in 18. členu se lahko razširi tako, da vključuje vsa ozemlja ali katero koli ozemlje iz prvega odstavka tega člena.

28. člen

1. Vsaka država pogodbenica lahko odpove to konvencijo zase ali za vsa ozemlja ali katero koli ozemlje iz 27. člena.
2. Odpoved konvencije se opravi z notifikacijo, naslovljeno na generalnega sekretarja Združenih narodov, in začne učinkovati dvanajst mesecev po datumu prejema notifikacije.
3. Država pogodbenica ne more uresničiti pravice do odpovedi pred iztekom petletnega obdobja od dneva, ko je konvencija začela veljati za to državo.
4. Država pogodbenica preneha biti pogodbenica te konvencije, ko ni več pogodbenica Univerzalne konvencije o avtorski pravici ali ko ni več članica Mednarodne unije za varstvo književnih in umetniških del.
5. Ta konvencija se preneha uporabljati za vsako ozemlje, navedeno v 27. členu, ko se za to ozemlje ne uporablja več niti Univerzalna konvencija o avtorski pravici niti Mednarodna konvencija za varstvo književnih in umetniških del.

29. člen

1. Ko je ta konvencija veljala pet let, lahko vsaka država pogodbenica z notifikacijo, naslovljeno na generalnega sekretarja Združenih narodov, zahteva, da se skliče konferenca za revizijo konvencije. Generalni sekretar o tej zahtevi obvesti vse države pogodbenice. Če v šestih mesecih po tem obvestilu najmanj polovica držav pogodbenic obvesti generalnega sekretarja Združenih narodov, da se strinjajo s to zahtevo, generalni sekretar obvesti generalnega direktorja Mednarodnega urada za delo, generalnega direktorja Organizacije Združenih narodov za izobraževanje, znanost in kulturo ter direktorja Urada Mednarodne unije za varstvo književnih in umetniških del, ki v sodelovanju z Medvladnim odborom, predvidenim v 32. členu, skličejo revizijsko konferenco.

2. Za sprejem kakršne koli revizije te konvencije sta potrebni dve tretjini pritrdilnih glasov držav, navzočih na revizijski konferenci, pod pogojem, da ta večina vključuje dve tretjini držav, ki so v času revizijske konference pogodbenice konvencije.

3. V primeru sprejema konvencije, ki v celoti ali delno revidira to konvencijo in če revidirana konvencija ne določa drugače:

(a) ta konvencija preneha biti na voljo za ratifikacijo, sprejem ali pristop od dneva, ko začne veljati revidirana konvencija;

(b) ta konvencija ostane v veljavi za odnose med oziroma z državami pogodbenicami, ki niso postale pogodbenice revidirane konvencije.

30. člen

Vsak spor, ki lahko nastane med dvema ali več državami pogodbenicami glede razlage ali uporabe te konvencije in ni rešen s pogajanjem, se na zahtevo katere koli od strank v sporu predloži v reševanje Meddržavnemu sodišču, če se stranke ne dogovorijo za drugačen način reševanja spora.

31. člen

Nobeni pridržki k tej konvenciji niso dopustni, razen tistih, ki so dopustni po tretjem odstavku 5. člena, drugem odstavku 6. člena, prvem odstavku 16. člena in po 17. členu.

32. člen

1. Ustanovi se Medvladni odbor z naslednjimi nalogami:

(a) da proučuje vprašanja, ki zadevajo uporabo in delovanje konvencije; in

(b) da zbira predloge in pripravlja dokumentacijo za morebitno revizijo te konvencije.

2. Odbor sestavljajo predstavniki držav pogodbenic, izbrani z obveznim upoštevanjem pravične geografske porazdelitve. Članov je šest, če je držav pogodbenic dvanajst ali manj, devet, če je držav pogodbenic trinajst do osemnajst, in dvanajst, če je držav pogodbenic več kot osemnajst.

3. Odbor se oblikuje dvanajst mesecev po tem, ko začne veljati konvencija, na volitvah, na katerih ima vsaka država pogodbenica en glas in jih pripravijo generalni direktor Mednarodnega urada za delo, generalni direktor Organizacije Združenih narodov za izobraževanje, znanost in kulturo in direktor Urada Mednarodne unije za varstvo književnih in umetniških del v skladu s pravili, ki jih prej odobri večina držav pogodbenic.

4. Odbor izvoli predsednika in funkcionarje ter določi svoj poslovnik. Poslovnik mora predvsem urejati prihodnje delo in način izbiranja njegovih članov za vnaprej, tako da je

zagotovljeno kroženje med različnimi državami pogodbenicami.

5. Sekretariat odbora sestavljajo funkcionarji Mednarodnega urada za delo, Organizacije Združenih narodov za izobraževanje, znanost in kulturo in Urada Mednarodne unije za varstvo književnih in umetniških del, ki jih določita njihova generalna direktorja oziroma direktor.

6. Sestanki odbora, ki se skličejo, ko večina njegovih članov meni, da je to potrebno, so izmenično na sedežu Mednarodnega urada za delo, Organizacije Združenih narodov za izobraževanje, znanost in kulturo in Urada Mednarodne unije za varstvo književnih in umetniških del.

7. Stroške članov odbora krijejo njihove vlade.

33. člen

1. Ta konvencija je sestavljena v angleškem, francoskem in španskem jeziku, pri čemer so vsa tri besedila enako verodostojna.

2. Poleg tega se uradna besedila te konvencije sestavijo tudi v nemškem, italijanskem in portugalskem jeziku.

34. člen

1. Generalni sekretar Združenih narodov obvesti države, povabljene na konferenco, navedeno v 23. členu, in vse države članice Združenih narodov kot tudi generalnega direktorja Mednarodnega urada za delo, generalnega direktorja Organizacije Združenih narodov za izobraževanje, znanost in kulturo in direktorja Urada Mednarodne unije za varstvo književnih in umetniških del:

(a) o deponiranju vsake listine o ratifikaciji, sprejemu ali pristopu;

(b) o datumu začetka veljavnosti konvencije;

(c) o vseh notifikacijah, izjavah ali sporočilih, predvidenih s to konvencijo;

(d) o primerih iz četrtega in petega odstavka 28. člena.

2. Generalni sekretar Združenih narodov obvesti tudi generalnega direktorja Mednarodnega urada za delo, generalnega direktorja Organizacije Združenih narodov za izobraževanje, znanost in kulturo in direktorja Urada Mednarodne unije za varstvo književnih in umetniških del o zahtevah, ki so mu bile sporočene v skladu z 29. členom, kot tudi o vsakem sporočilu, prejetem od držav pogodbenic v zvezi z revizijo konvencije.

V POTRDITEV TEGA so podpisani, ki so bili za to pravilno pooblašteni, podpisali to konvencijo.

SESTAVLJENO v Rimu šestindvajsetega oktobra 1961 v enem izvodu v angleškem, francoskem in španskem jeziku. Pravilno overjene kopije generalni sekretar Organizacije združenih narodov pošlje vsem državam, povabljenim na konferenco, navedeno v 23. členu, in vsem državam članicam Združenih narodov kot tudi generalnemu direktorju Mednarodnega urada za delo, generalnemu direktorju Organizacije Združenih narodov za izobraževanje, znanost in kulturo in direktorju Urada Mednarodne unije za varstvo književnih in umetniških del.

3. člen

Republika Slovenija na podlagi tretjega odstavka 5. člena konvencije izjavlja, da ne bo uporabljala kriterija izdaje fonograma po točki (c) prvega odstavka 5. člena konvencije. Republika Slovenija na podlagi alineje (i) točke (a) prvega odstavka 16. člena konvencije izjavlja, da do 1. januarja 1998 ne bo uporabljala določb 12. člena konvencije.

4. člen

Za izvajanje konvencije skrbi Ministrstvo za znanost in tehnologijo – Urad Republike Slovenije za intelektualno lastnino.

5. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 120-01/96-3/1

Ljubljana, dne 16. maja 1996

Predsednik
Državnega zbora
Republike Slovenije
Jožef Školč l. r.