06/29/2012 Events

The diplomatic conference to finalize a new treaty for audiovisual performers was successfully concluded on June 26, 2012 as negotiators from World Intellectual Property Organization (WIPO)'s member states signed the Beijing Treaty on Audiovisual Performances – so-named in recognition of the city that hosted the final round of negotiations. The new treaty brings audiovisual performers into the fold of the international copyright framework in a comprehensive way, for the first time.

Negotiations on this treaty were held under the auspices of WIPO over 12 years. Mr. Francis Gurry, WIPO Director General, hailed this major development in the history of international copyright as a success of the multilateral system. "The conclusion of the Beijing Treaty is an important milestone toward closing the gap in the international rights' system for audiovisual performers and reflects the collaborative nature of the multilateral process," Gurry said. He noted that "the international copyright framework will no longer discriminate against one set of performers."

The Diplomatic Conference was opened by China State Counselor [1] Liu Yandong and Beijing Deputy Mayor Lu Wei. Actors from around the world – including American Meryl Streep, Brazilian Sonia Braga, Chinese Mei Baojiu and Spanish actors Javier Bardem and Antonio Banderas – appealed for adoption of the treaty.

(See video at: http://www.wipo.int [2] or/and http://www.youtube.com [3]).

In a closing message, international actors present at the Diplomatic Conference hailed the successful conclusion of the treaty. Chinese performer Wang Xiaotang, Indian film producer Bobbi Bedi and International Federation of Actors (FIA) President Agnette Haaland addressed delegates at the closing of the Conference.

(See video at: http://www.wipo.int/multimedia/en/dc2012/actors_on_beijing_treaty.swf [4]).

From Chinese officials, the closing ceremony was attended by Mr. Liu Qi, Member of the Political Bureau of the Central Committee of the Communist Party of China (CPC) and the Secretary of the CPC Beijing Municipal Committee, who described the Treaty as the pride of Beijing. "Respect for IP is a must," he said. "We will grasp this opportunity to further strengthen intellectual property and build Beijing as the first city of IP."

The Diplomatic Conference was attended by 156 member states, 6 intergovernmental organizations and 45 non-governmental organizations. This is the highest level of participation ever at a WIPO Diplomatic Conference.

122 countries signed the Final Act of the treaty, and 48 countries, including Moldova, signed the Treaty itself.

Entry into Force

The treaty will enter into force once it has been ratified by 30 eligible parties, including countries or certain intergovernmental organizations.

Signature of the treaty constitutes a preliminary endorsement by demonstrating the state's intent to examine the treaty domestically and consider ratification, though signing does not create a binding legal obligation to ratify.

Ratification or accession signifies an agreement to be legally bound by the terms of the treaty. Though accession has the same legal effect as ratification, the procedures differ. In the case of ratification, the state first signs and then ratifies the treaty. The procedure for accession has only one step and is therefore not preceded by an act of signature.

Most commonly, countries that support a treaty sign shortly after it has been adopted. They then ratify the treaty when all of their domestically required legal procedures have been fulfilled. Other states may begin with the domestic approval process and accede to the treaty once their domestic procedures have been completed, without signing the treaty first.

Impact of Beijing Treaty on Audiovisual Performances

The Beijing Treaty on Audiovisual Performances (BTAP) will strengthen the economic rights of film actors and other performers and could provide extra income from their work. It will potentially enable performers to share proceeds with producers for revenues generated internationally by audiovisual productions. It will also grant performers moral rights to prevent lack of attribution or distortion of their performances.

The new treaty will strengthen the precarious position of performers in the audiovisual industry by providing a clearer international legal framework for their protection. For the first time it will provide performers with protection in the digital environment. The treaty will also contribute to safeguarding the rights of performers against the unauthorized use of their performances in audiovisual media, such as television, film and video.

WIPO Press Release on the Signing of the Beijing Treaty can be found at: http://www.wipo.int/pressroom/ru/articles/2012/article_0013.html [5]

Audiovisual Performances Treaty text can be accessed at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=208966 [6].

Images from the signing ceremony of the Treaty on the Protection of Audiovisual Performances can be found at: http://www.wipo.int/dc2012/ru/ [7].

Details about the closing ceremony of the Diplomatic Conference can be found at: http://www.wipo.int/portal/index.html.ru [8].

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