



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

Αρ. 2700 της 30ής ΑΠΡΙΛΙΟΥ 1992

ΝΟΜΟΘΕΣΙΑ

ΜΕΡΟΣ ΙΙΙ

Ο περί της Συμβάσεως της Γενεύης για την Προστασία των Παραγωγών Φωνογραμμάτων από μη Εξουσιοδοτημένη Αντιγραφή των Φωνογραμμάτων τους Νόμος του 1992 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 21(ΙΙΙ) του 1992

**ΝΟΜΟΣ ΚΥΡΩΤΙΚΟΣ ΤΗΣ ΣΥΜΒΑΣΗΣ ΤΗΣ ΓΕΝΕΥΗΣ
ΓΙΑ ΤΗΝ ΠΡΟΣΤΑΣΙΑ ΤΩΝ ΠΑΡΑΓΩΓΩΝ ΦΩΝΟΓΡΑΜΜΑΤΩΝ
ΑΠΟ ΜΗ**

ΕΞΟΥΣΙΟΔΟΤΗΜΕΝΗ ΑΝΤΙΓΡΑΦΗ ΤΩΝ ΦΩΝΟΓΡΑΜΜΑΤΩΝ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Συμβάσεως της Γενεύης για την Προστασία των Παραγωγών Φωνογραμμάτων από μη Εξουσιοδοτημένη Αντιγραφή των Φωνογραμμάτων τους Νόμος του 1992.

Συνοπτικός
τίτλος.

2. Στον παρόντα Νόμο εκτός αν προκύπτει διαφορετικά από το κείμενο—

Ερμηνεία.

«Σύμβαση» σημαίνει τη Σύμβαση της Γενεύης για την Προστασία των Παραγωγών Φωνογραμμάτων από μη Εξουσιοδοτημένη Αντιγραφή των Φωνογραμμάτων τους που έγινε στις 29 Οκτωβρίου 1971 και της οποίας το κείμενο στο αγγλικό πρωτότυπο εκτίθεται στο Πρώτο Μέρος του Πίνακα και σε ελληνική μετάφραση στο Δεύτερο Μέρος του Πίνακα:

Πίνακας
Μέρος Πρώτο.
Πίνακας,
Μέρος
Δεύτερο.

Νοείται ότι σε περίπτωση αντίθεσης μεταξύ των δυο κειμένων, υπερισχύει το κείμενο που εκτίθεται στο Πρώτο Μέρος του Πίνακα.

Πίνακας,
Μέρος Πρώτο.

3. Με τον παρόντα Νόμο κυρώνεται η Σύμβαση.

Κύρωση της
Σύμβασης.

4. Ο παρών Νόμος τίθεται σε ισχύ από την 1η Ιανουαρίου 1993.

Έναρξη της
ισχύος του
παρόντος
Νόμου.

ΜΕΡΟΣ ΠΡΩΤΟ
**Convention for the Protection
of Producers of Phonograms
Against Unauthorized Duplication
of Their Phonograms**

of October 29, 1971

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* This Table of Contents is added for the convenience of the reader. It does not appear in the original text of the Convention.

The Contracting States,

concerned at the widespread and increasing unauthorized duplication of phonograms and the damage this is occasioning to the interests of authors, performers and producers of phonograms;

convinced that the protection of producers of phonograms against such acts will also benefit the performers whose performances, and the authors whose works, are recorded on the said phonograms;

recognizing the value of the work undertaken in this field by the United Nations Educational, Scientific and Cultural Organization and the World Intellectual Property Organization;

anxious not to impair in any way international agreements already in force and in particular in no way to prejudice wider acceptance of the Rome Convention of October 26, 1961, which affords protection to performers and to broadcasting organizations as well as to producers of phonograms;

have agreed as follows:

Article 1

[Definitions*]

For the purposes of this Convention:

- (a) "phonogram" means any exclusively aural fixation of sounds of a performance or of other sounds;
- (b) "producer of phonograms" means the person who, or the legal entity which, first fixes the sounds of a performance or other sounds;
- (c) "duplicate" means an article which contains sounds taken directly or indirectly from a phonogram and which embodies all or a substantial part of the sounds fixed in that phonogram;
- (d) "distribution to the public" means any act by which duplicates of a phonogram are offered, directly or indirectly, to the general public or any section thereof.

Article 2

[Obligations of Contracting States; Whom they must protect and against what]

Each Contracting State shall protect producers of phonograms who are nationals of other Contracting States against

* Articles have been given titles to facilitate their identification. There are no titles in the signed text.

the making of duplicates without the consent of the producer and against the importation of such duplicates, provided that any such making or importation is for the purpose of distribution to the public, and against the distribution of such duplicates to the public.

Article 3

[Means of Implementation by Contracting States]

The means by which this Convention is implemented shall be a matter for the domestic law of each Contracting State and shall include one or more of the following: protection by means of the grant of a copyright or other specific right; protection by means of the law relating to unfair competition; protection by means of penal sanctions.

Article 4

[Term of Protection]

The duration of the protection given shall be a matter for the domestic law of each Contracting State. However, if the domestic law prescribes a specific duration for the protection, that duration shall not be less than twenty years from the end either of the year in which the sounds embodied in the phonogram were first fixed or of the year in which the phonogram was first published.

Article 5

[Formalities]

If, as a condition of protecting the producers of phonograms, a Contracting State, under its domestic law, requires compliance with formalities, these shall be considered as fulfilled if all the authorized duplicates of the phonogram distributed to the public or their containers bear a notice consisting of the symbol $\text{\textcircled{P}}$, accompanied by the year date of the first publication, placed in such manner as to give reasonable notice of claim of protection; and, if the duplicates or their containers do not identify the producer, his successor in title or the exclusive licensee (by carrying his name, trademark or other appropriate designation), the notice shall also include the name of the producer, his successor in title or the exclusive licensee.

Article 6

[Limitations on Protection]

Any Contracting State which affords protection by means of copyright or other specific right, or protection by means

of penal sanctions, may in its domestic law provide, with regard to the protection of producers of phonograms, the same kinds of limitations as are permitted with respect to the protection of authors of literary and artistic works. However, no compulsory licenses may be permitted unless all of the following conditions are met:

- (a) the duplication is for use solely for the purpose of teaching or scientific research;
- (b) the license shall be valid for duplication only within the territory of the Contracting State whose competent authority has granted the license and shall not extend to the export of duplicates;
- (c) the duplication made under the license gives rise to an equitable remuneration fixed by the said authority taking into account, inter alia, the number of duplicates which will be made.

Article 7

[Savings: 1. Safeguard of Copyright and Neighboring Rights;
2. Protection for Performers; 3. Non-Retroactivity;
4. Substitution of the Criterion of Fixation]

(1) This Convention shall in no way be interpreted to limit or prejudice the protection otherwise secured to authors, to performers, to producers of phonograms or to broadcasting organizations under any domestic law or international agreement.

(2) It shall be a matter for the domestic law of each Contracting State to determine the extent, if any, to which performers whose performances are fixed in a phonogram are entitled to enjoy protection and the conditions for enjoying any such protection.

(3) No Contracting State shall be required to apply the provisions of this Convention to any phonogram fixed before this Convention entered into force with respect to that State.

(4) Any Contracting State which, on October 29, 1971, affords protection to producers of phonograms solely on the basis of the place of first fixation may, by a notification deposited with the Director General of the World Intellectual Property Organization, declare that it will apply this criterion instead of the criterion of the nationality of the producer.

Article 8

[Secretariat]

(1) The International Bureau of the World Intellectual Property Organization shall assemble and publish information