



**ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ**  
**ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ**  
Αρ. 3357 της 15ης ΟΚΤΩΒΡΙΟΥ 1999  
**ΝΟΜΟΘΕΣΙΑ**

**ΜΕΡΟΣ ΙΙΙ**

Ο περί της Διεθνούς Συμβάσεως της Ρώμης για την Προστασία των Εκτελεστών, Παραγωγών Φωνογραμμάτων και Ραδιοτηλεοπτικών Οργανισμών (Κυρωτικός) Νόμος του 1999, εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 14(ΙΙΙ) του 1999

**ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΔΙΕΘΝΗ ΣΥΜΒΑΣΗ ΤΗΣ ΡΩΜΗΣ ΓΙΑ ΤΗΝ  
ΠΡΟΣΤΑΣΙΑ ΤΩΝ ΕΚΤΕΛΕΣΤΩΝ, ΠΑΡΑΓΩΓΩΝ ΦΩΝΟΓΡΑΜΜΑΤΩΝ ΚΑΙ  
ΡΑΔΙΟΤΗΛΕΟΠΤΙΚΩΝ ΟΡΓΑΝΙΣΜΩΝ**

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Διεθνούς Συμβάσεως της Ρώμης για την Προστασία των Εκτελεστών, Παραγωγών Φωνογραμμάτων και Ραδιοτηλεοπτικών Οργανισμών (Κυρωτικός) Νόμος του 1999. Συνοπτικός  
τίτλος.

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

«Σύμβαση» σημαίνει τη Διεθνή Σύμβαση της Ρώμης για την προστασία των Εκτελεστών, Παραγωγών Φωνογραμμάτων και Ραδιοτηλεοπτικών Οργανισμών, που υπογράφηκε στις 26 Οκτωβρίου 1961, της οποίας το κείμενο στο αγγλικό πρωτότυπο εκτίθεται στο Πρώτο Μέρος του Πίνακα και σε ελληνική μετάφραση στο Δεύτερο Μέρος του Πίνακα:

Νοείται ότι σε περίπτωση απόκλισης μεταξύ των δύο αυτών κειμένων υπερισχύει το κείμενο στο αγγλικό πρωτότυπο. Πίνακας.  
Πρώτο  
Μέρος.  
Δεύτερο  
Μέρος.

3. Η Σύμβαση, στην οποία η προσχώρηση της Κυπριακής Δημοκρατίας αποφασίστηκε με την Απόφαση του Υπουργικού Συμβουλίου με Αριθμό 49.580 και ημερομηνία 5 Μαΐου 1999, με τον παρόντα Νόμο κυρούται. Κύρωση  
της σύμβασης.

ΠΙΝΑΚΑΣ  
(Αρθρο 2)

ΠΡΩΤΟ ΜΕΡΟΣ

INTERNATIONAL CONVENTION FOR THE PROTECTION OF  
PERFORMERS, PRODUCERS OF PHONOGRAMS AND  
BROADCASTING ORGANISATIONS "

Rome, October 26, 1961

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

[Safeguard of Copyright Proper\*]

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

[Protection given by the Convention. Definition of National Treatment]

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

[Definitions: (a) Performers (b) Phonogram; (c) Producers of Phonograms; (d) Publication; (e) Reproduction; (f) Broadcasting; (g) Rebroadcasting]

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;

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

(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

[Performances Protected. Points of Attachment for Performers]

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

[Protected Phonograms: 1. Points of Attachment for Producers of Phonograms; 2. Simultaneous Publication; 3. Power to exclude certain Criteria]

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

[Protected Broadcasts: 1. Points of Attachment for Broadcasting Organizations; 2. Power to Reserve]

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

[Minimum Protection for Performers: 1. Particular Rights;  
2. Relations between Performers and Broadcasting Organizations]

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

[Performers acting jointly]

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

[Variety and Circus Artists]

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.