

1533

No. 7950

**BELGIUM, DENMARK, FRANCE,
GREECE, IRELAND, etc.**

**European Agreement concerning programme exchanges by
means of television films. Done at Paris, on 15 Decem-
ber 1958**

Official texts: English and French.

*Registered on 27 September 1965 by the Council of Europe acting on behalf of the Con-
tracting Parties, in accordance with Resolution 54 (6) of the Committee of Ministers
of the Council of Europe, adopted on 3 April 1954.*

**BELGIQUE, DANEMARK, FRANCE,
GRÈCE, IRLANDE, etc.**

**Arrangement européen sur l'échange des programmes au
moyen de films de télévision. Fait à Paris, le 15 décem-
bre 1958**

Textes officiels anglais et français.

*Enregistré le 27 septembre 1965 par le Conseil de l'Europe agissant au nom des Parties
contractantes, conformément à la résolution 54 (6) du Comité des ministres du
Conseil de l'Europe, adoptée le 3 avril 1954.*

No. 7950. EUROPEAN AGREEMENT¹ CONCERNING PROGRAMME EXCHANGES BY MEANS OF TELEVISION FILMS. DONE AT PARIS, ON 15 DECEMBER 1958

The Governments signatory hereto, being Members of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its Members ;

Considering that it is important in the interests of European cultural and economic unity that programmes may be exchanged by means of television films between the member countries of the Council of Europe as freely as possible ;

Considering that national legislations allow different conclusions as regards the legal nature of television films and as regards the rights which they grant in respect of such films ;

Considering that it is necessary to resolve the difficulties arising from this situation ;

Having regard to Article 20 of the Berne Convention² for the Protection of Literary and Artistic Works, by the terms of which the Governments of the countries

¹ In accordance with article 7, the Agreement entered into force on 1 July 1961, thirty days after the date on which three Members of the Council of Europe had signed the Agreement without reservation in respect of ratification or, having signed it with such a reservation, deposited the instrument of ratification. For the Members of the Council who subsequently signed the Agreement without reservation as to ratification or, having signed it subject to ratification, deposited their instruments of ratification, the Agreement came into force thirty days after the date of such signature or deposit of instrument. Following is the list of States in respect of which the Agreement entered into force, indicating in respect of each State either the date of signature without reservation as to ratification or the date of deposit of the instrument of ratification and the date of entry into force :

State	Signature or deposit of instrument of ratification (r)	Date of entry into force
France	15 December 1958	1 July 1961
United Kingdom of Great Britain and Northern Ireland	15 December 1958	1 July 1961
Sweden	31 May 1961 (r)*	1 July 1961
Denmark	26 October 1961 (r)	25 November 1961
Greece	10 January 1962 (r)	9 February 1962
Belgium	9 March 1962 (r)	8 April 1962
Norway	13 February 1963 (r)	15 March 1963
Luxembourg	1 October 1963 (r)	31 October 1963
Turkey	27 February 1964 (r)	28 March 1964
Ireland	5 March 1965	4 April 1965

* In a letter dated 25 May 1961, transmitting its instrument of ratification, the Government of Sweden informed the Secretary-General of the Council of Europe that the deposit of the instrument should be considered as having taken place on 31 May 1961, with effect for Sweden on 1 July 1961.

² United Nations, *Treaty Series*, Vol. 331, p. 217, and Vol. 489, p. 392.

of the Union reserve to themselves the right to enter into special arrangements which do not embody stipulations contrary to that Convention,

Have agreed as follows :

Article 1

In the absence of any contrary or special stipulation within the meaning of Article 4 of the present Agreement, a broadcasting organisation under the jurisdiction of a country which is a Party to this Agreement has the right to authorise in the other countries which are Parties thereto the exploitation for television of television films of which it is the maker.

Article 2

1. All visual or sound and visual recordings intended for television shall be deemed to be television films within the meaning of the present Agreement.
2. A broadcasting organisation shall be deemed to be the maker if it has taken the initiative in, and responsibility for, the making of a television film.

Article 3

1. If the television film has been made by a maker other than the one defined in Article 2, paragraph 2, the latter is entitled, in the absence of contrary or special stipulations within the meaning of Article 4, to transfer to a broadcasting organisation the right provided in Article I.
2. The provision contained in the preceding paragraph applies only if the maker and the broadcasting organisation are under the jurisdiction of countries which are Parties to the present Agreement.

Article 4

By "contrary or special stipulation" is meant any restrictive condition agreed between the maker and persons who contribute to the making of the television film.

Article 5

This Agreement shall not affect the following rights, which shall be entirely reserved :

- (a) any moral right recognised in relation to films ;
- (b) the copyright in literary, dramatic or artistic works from which the television film is derived ;
- (c) the copyright in a musical work, with or without words, accompanying a television film ;

- (d) the copyright in films other than television films ;
- (e) the copyright in the exploitation of television films otherwise than on television.

Article 6

1. This Agreement shall be open to signature by the Members of the Council of Europe, who may accede to it either by :

- (a) signature without reservation in respect of ratification ; or
- (b) signature with reservation in respect of ratification, followed by the deposit of an instrument of ratification.

2. Instruments of ratification shall be deposited with the Secretary-General of the Council of Europe.

Article 7

1. This Agreement shall enter into force thirty days after the date on which three Members of the Council shall, in accordance with Article 6 thereof, have signed it without reservation in respect of ratification or shall have ratified it.

2. In the case of any Member of the Council who shall subsequently sign the Agreement without reservation in respect of ratification or who shall ratify it, the Agreement shall enter into force thirty days after the date of such signature or deposit of the instrument of ratification.

Article 8

1. After this Agreement has come into force, any country which is not a Member of the Council of Europe may accede to it, subject to the prior approval of the Committee of Ministers of the Council of Europe.

2. Such accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the Council of Europe, and shall take effect thirty days after the date of deposit.

Article 9

Signature without reservation in respect of ratification, ratification or accession shall imply full acceptance of all the provisions of this Agreement.

Article 10

The Secretary-General of the Council of Europe shall notify Members of the Council, the Governments of any countries which may have acceded to this Agreement and the Director of the Bureau of the International Union for the protection of literary and artistic works :