

1534

No. 7951

**BELGIUM, DENMARK, FEDERAL REPUBLIC
OF GERMANY, FRANCE, GREECE, etc.**

**European Agreement on the protection of television broad-
casts. Done at Strasbourg, on 22 June 1960**

**Protocol to the above-mentioned Agreement. Done at
Strasbourg, on 22 January 1965**

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, RÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE, FRANCE, GRÈCE, etc.**

**Arrangement européen pour la protection des émissions de
télévision. Fait à Strasbourg, le 22 juin 1960**

**Protocole à l'Arrangement susmentionné. Fait à Strasbourg,
le 22 janvier 1965**

Textes officiels anglais et français.

*Enregistrés 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. 7951. EUROPEAN AGREEMENT¹ ON THE PROTECTION
OF TELEVISION BROADCASTS. DONE AT STRAS-
BOURG, ON 22 JUNE 1960

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

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

Considering that exchanges of television programmes between the countries of Europe are calculated to further the achievement of that object ;

Considering that these exchanges are hampered by the fact that the majority of television organisations are at present powerless to restrain the re-broadcasting, fixation or public performance of their broadcasts, whereas the organisers of musical or dramatic performances or the like, and the promoters of sports meetings, make their consent to broadcasting to other countries conditional upon an undertaking that the relays will not be used for purposes other than private viewing ;

Considering that the international protection of television broadcasts will in no way affect any rights of third parties in these broadcasts ;

Considering that the problem is one of some urgency, in view of the installations and links now being brought into service throughout Europe, which are such as to make it easy from the technical point of view for European television organisations to exchange their programmes ;

Considering that, pending the conclusion of a potentially universal Convention on "neighbouring rights" at present in contemplation, it is fitting to conclude a regional Agreement restricted in scope to television broadcasts and of limited duration,

Have agreed as follows :

¹ In accordance with article 8, the Agreement entered into force on 1 July 1961, one month after the date on which the following 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, had deposited the instruments of ratification :

<i>State</i>	<i>Date of signature or deposit of instrument of ratification (r)</i>
France	22 June 1960
Sweden	31 May 1961 (r)
United Kingdom of Great Britain and Northern Ireland	9 March 1961 (r)

It came into force subsequently for Denmark on 27 November 1961, one month after the date of deposit, on 26 October 1961, of its instrument of ratification.

For the text of reservations made upon ratification, see p. 264 of this volume.

Article 1

Broadcasting organisations constituted in the territory and under the laws of a Party to this Agreement or transmitting from such territory shall enjoy, in respect of all their television broadcasts :

1. in the territory of all Parties to this Agreement, the right to authorise or prohibit :

- (a) the re-broadcasting of such broadcasts ;
- (b) the diffusion of such broadcasts to the public by wire ;
- (c) the communication of such broadcasts to the public by means of any instrument for the transmission of signs, sounds or images ;
- (d) any fixation of such broadcasts or still photographs thereof, and any reproduction of such a fixation ; and
- (e) re-broadcasting, wire diffusion or public performance with the aid of the fixations or reproductions referred to in subparagraph (d) of this paragraph, except where the organisation in which the right vests has authorised the sale of the said fixations or reproductions to the public ;

2. in the territory of any other Party to this Agreement, the same protection as that other Party may extend to organisations constituted in its territory and under its laws or transmitting from its territory, where such protection is greater than that provided for in paragraph 1 above.

Article 2

1. Subject to paragraph 2 of Article 1, and Articles 13 and 14, the protection provided for in paragraph 1 of Article 1 shall continue until the end of the tenth calendar year following the year in which the first broadcast was made from the territory of a Party to this Agreement.

2. No Party to this Agreement shall be required, in pursuance of paragraph 2 of Article 1, to accord to the broadcasts of any broadcasting organisations constituted in the territory and under the laws of another Party to this Agreement or transmitting from the territory of another Party longer protection than that granted by the said other Party.

Article 3

1. Parties to this Agreement, by making a declaration as provided in Article 10, and in respect of their own territory, may :

- (a) withhold the protection provided for in sub-paragraph 1 (b) of Article 1 ;
- (b) withhold the protection provided for in sub-paragraph 1 (c) of Article 1, where the communication is not to a paying audience within the meaning of their domestic law ;

(c) withhold the protection provided for in sub-paragraph 1 (d) of Article 1, where the fixation or reproduction of the fixation is made for private use, or solely for educational purposes ;

(d) withhold the protection provided for in sub-paragraphs 1 (d) and (e) of Article 1, in respect of still photographs or reproductions of such photographs ;

(e) withhold the protection provided for in this Agreement from television broadcasts by broadcasting organisations constituted in their territory and under their laws or transmitting from such territory, where such broadcasts enjoy protection under their domestic law ;

(f) restrict the operation of this Agreement to broadcasting organisations constituted in the territory and under the laws of a Party to this Agreement and also transmitting from the territory of such Party ;

2. It shall be open to the aforesaid Parties, in respect of their own territory, to provide exceptions to the protection of television broadcasts :

(a) for the purpose of reporting current events, in respect of the re-broadcasting, fixation or reproduction of the fixation, wire diffusion or public performance of short extracts from a broadcast which itself constitutes the whole or part of the event in question ;

(b) in respect of the making of ephemeral fixations of television broadcasts by a broadcasting organisation by means of its own facilities and for its own broadcasts.

3. The aforesaid Parties may, in respect of their own territory, provide for a body with jurisdiction over cases where the right of communication to the public referred to in sub-paragraph 1 (c) of Article 1 has been unreasonably refused, or granted on unreasonable terms, by the broadcasting organisation in which the said right vests.

Article 4

1. Fixations of a broadcast in which protection under this Agreement subsists, or still photographs thereof, as well as reproductions of such photographs, made in a territory to which this Agreement does not apply and imported into the territory of a Party to this Agreement where they would be unlawful without the consent of the broadcasting organisation in which the right vests, shall be liable to seizure in the latter territory.

2. The provisions of the last preceding paragraph shall apply to the importation into the territory of a Party to this Agreement of still photographs of a broadcast in which protection under this Agreement subsists and of reproductions of such photographs, where such photographs or reproductions are made in the territory of another Party to this Agreement by virtue of sub-paragraph 1 (d) of Article 3.

3. Seizure shall be effected in accordance with the domestic law of each Party to this Agreement.

4. No Party to this Agreement shall be required to provide protection in respect of still photographs, or the reproduction of such photographs, of broadcasts made by a broadcasting organisation constituted in the territory and under the laws of another Party to this Agreement or transmitting from such territory, if the said other Party has availed itself of the reservation provided for in sub-paragraph 1 (d) of Article 3.

Article 5

The protection afforded by this Agreement shall apply both in relation to the visual element and in relation to the sound element of a television broadcast. It shall not affect the sound element when broadcast separately.

Article 6

1. The protection provided for in Article 1 shall not affect any rights in respect of a television broadcast that may accrue to third parties, such as authors, performers, film makers, manufacturers of phonographic records or organisers of entertainments.

2. It shall likewise be without prejudice to any protection of television broadcasts that may be accorded apart from this Agreement.

Article 7

1. This Agreement shall be open to signature by the Members of the Council of Europe, who may become Parties 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 8

1. This Agreement shall enter into force one month after the date on which three Members of the Council of Europe shall, in accordance with Article 7 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 of Europe who shall subsequently sign the Agreement without reservation in respect of ratification or who shall ratify it, the Agreement shall enter into force one month after the date of such signature or deposit of the instrument of ratification.