

No. 17949

MULTILATERAL

Convention relating to the distribution of programme-carrying signals transmitted by satellite. Done at Brussels on 21 May 1974

Authentic texts: French, English, Spanish and Russian.

Registered ex officio on 25 August 1979.

MULTILATÉRAL

Convention concernant la distribution de signaux porteurs de programmes transmis par satellite. Faite à Bruxelles le 21 mai 1974

Textes authentiques : français, anglais, espagnol et russe.

Enregistrée d'office le 25 août 1979.

CONVENTION¹ RELATING TO THE DISTRIBUTION OF PROGRAMME-CARRYING SIGNALS TRANSMITTED BY SATELLITE

The Contracting States,

Aware that the use of satellites for the distribution of programme-carrying signals is rapidly growing both in volume and geographical coverage,

Concerned that there is no world-wide system to prevent distributors from distributing programme-carrying signals transmitted by satellite which were not intended for those distributors, and that this lack is likely to hamper the use of satellite communications,

Recognizing, in this respect, the importance of the interests of authors, performers, producers of phonograms and broadcasting organizations,

Convinced that an international system should be established under which measures would be provided to prevent distributors from distributing programme-carrying signals transmitted by satellite which were not intended for those distributors,

Conscious of the need not to impair in any way international agreements already in force, including the International Telecommunication Convention² and the Radio Regulations³ annexed to that Convention, and in particular in no way to prejudice wider acceptance of the Rome Convention of October 26, 1961,⁴ which affords protection to performers, producers of phonograms and broadcasting organizations,

Have agreed as follows:

Article 1. For the purposes of this Convention:

(i) "Signal" is an electronically-generated carrier capable of transmitting programmes.

(ii) "Programme" is a body of live or recorded material consisting of images, sounds or both, embodied in signals emitted for the purpose of ultimate distribution.

¹ Came into force on 25 August 1979, i.e., three months after the deposit with the Secretary-General of the United Nations of the fifth instrument of ratification, acceptance or accession, in accordance with article 10 (1):

State	Date of deposit of the instrument of ratification or accession (a)
Nicaragua	1 December 1975 <i>a</i>
Kenya	6 January 1976
Mexico	18 March 1976
Yugoslavia	29 December 1976
Germany, Federal Republic of*	25 May 1979

(With a declaration of application to Berlin (West).)

* See p. 40 of this volume for the text of the declaration made upon ratification.

² United Kingdom, *Treaty Series*, No. 74 (1961), *Cmd. 1484*. See also "International Telecommunication Convention, concluded at Malaga-Torremolinos on 25 October 1973" in the United Nations, *Treaty Series*, vols. 1209 and 1210, No. 19497.

³ International Telecommunication Union, *Radio Regulations*, Geneva, 1959.

⁴ United Nations, *Treaty Series*, vol. 496, p. 43.

(iii) "Satellite" is any device in extraterrestrial space capable of transmitting signals.

(iv) "Emitted signal" or "signal emitted" is any programme-carrying signal that goes to or passes through a satellite.

(v) "Derived signal" is a signal obtained by modifying the technical characteristics of the emitted signal, whether or not there have been one or more intervening fixations.

(vi) "Originating organization" is the person or legal entity that decides what programme the emitted signals will carry.

(vii) "Distributor" is the person or legal entity that decides that the transmission of the derived signals to the general public or any section thereof should take place.

(viii) "Distribution" is the operation by which a distributor transmits derived signals to the general public or any section thereof.

Article 2. (1) Each Contracting State undertakes to take adequate measures to prevent the distribution on or from its territory of any programme-carrying signal by any distributor for whom the signal emitted to or passing through the satellite is not intended. This obligation shall apply where the originating organization is a national of another Contracting State and where the signal distributed is a derived signal.

(2) In any Contracting State in which the application of the measures referred to in paragraph (1) is limited in time, the duration thereof shall be fixed by its domestic law. The Secretary-General of the United Nations shall be notified in writing of such duration at the time of ratification, acceptance or accession, or if the domestic law comes into force or is changed thereafter, within six months of the coming into force of that law or of its modification.

(3) The obligation provided for in paragraph (1) shall not apply to the distribution of derived signals taken from signals which have already been distributed by a distributor for whom the emitted signals were intended.

Article 3. This Convention shall not apply where the signals emitted by or on behalf of the originating organization are intended for direct reception from the satellite by the general public.

Article 4. No Contracting State shall be required to apply the measures referred to in Article 2 (1) where the signal distributed on its territory, by a distributor for whom the emitted signal is not intended,

- (i) Carries short excerpts of the programme carried by the emitted signal, consisting of reports of current events, but only to the extent justified by the informatory purpose of such excerpts; or
- (ii) Carries, as quotations, short excerpts of the programme carried by the emitted signal, provided that such quotations are compatible with fair practice and are justified by the informatory purpose of such quotations; or
- (iii) Carries, where the said territory is that of a Contracting State regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, a programme carried by the emitted signal, provided that the distribution is solely for the purpose of

teaching, including teaching in the framework of adult education, or scientific research.

Article 5. No Contracting State shall be required to apply this Convention with respect to any signal emitted before this Convention entered into force for that State.

Article 6. This Convention shall in no way be interpreted to limit or prejudice the protection secured to authors, performers, producers of phonograms, or broadcasting organizations, under any domestic law or international agreement.

Article 7. This Convention shall in no way be interpreted as limiting the right of any Contracting State to apply its domestic law in order to prevent abuses of monopoly.

Article 8. (1) Subject to paragraphs (2) and (3), no reservation to this Convention shall be permitted.

(2) Any Contracting State whose domestic law, on May 21, 1974, so provides may, by a written notification deposited with the Secretary-General of the United Nations, declare that, for its purposes, the words "where the originating organization is a national of another Contracting State" appearing in Article 2 (1) shall be considered as if they were replaced by the words "where the signal is emitted from the territory of another Contracting State".

(3) (a) Any Contracting State which, on May 21, 1974, limits or denies protection with respect to the distribution of programme-carrying signals by means of wires, cable or other similar communications channels to subscribing members of the public may, by a written notification deposited with the Secretary-General of the United Nations, declare that, to the extent that and as long as its domestic law limits or denies protection, it will not apply this Convention to such distributions.

(b) Any State that has deposited a notification in accordance with subparagraph (a) shall notify the Secretary-General of the United Nations in writing, within six months of their coming into force, of any changes in its domestic law whereby the reservation under that subparagraph becomes inapplicable or more limited in scope.

Article 9. (1) This Convention shall be deposited with the Secretary-General of the United Nations. It shall be open until March 31, 1975, for signature by any State that is a member of the United Nations, any of the Specialized Agencies brought into relationship with the United Nations, or the International Atomic Energy Agency, or is a party to the Statute of the International Court of Justice.

(2) This Convention shall be subject to ratification or acceptance by the signatory States. It shall be open for accession by any State referred to in paragraph (1).

(3) Instruments of ratification, acceptance or accession shall be deposited with the Secretary-General of the United Nations.

(4) It is understood that, at the time a State becomes bound by this Convention, it will be in a position in accordance with its domestic law to give effect to the provisions of the Convention.

Article 10. (1) This Convention shall enter into force three months after the deposit of the fifth instrument of ratification, acceptance or accession.

(2) For each State ratifying, accepting or acceding to this Convention after the deposit of the fifth instrument of ratification, acceptance or accession, this Convention shall enter into force three months after the deposit of its instrument.

Article 11. (1) Any Contracting State may denounce this Convention by written notification deposited with the Secretary-General of the United Nations.

(2) Denunciation shall take effect twelve months after the date on which the notification referred to in paragraph (1) is received.

Article 12. (1) This Convention shall be signed in a single copy in English, French, Russian and Spanish, the four texts being equally authentic.

(2) Official texts shall be established by the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director General of the World Intellectual Property Organization, after consultation with the interested Governments, in the Arabic, Dutch, German, Italian and Portuguese languages.

(3) The Secretary-General of the United Nations shall notify the States referred to in Article 9 (1), as well as the Director-General of the United Nations Educational, Scientific and Cultural Organization, the Director-General of the World Intellectual Property Organization, the Director-General of the International Labour Office and the Secretary-General of the International Telecommunication Union, of

- (i) Signatures to this Convention;
- (ii) The deposit of instruments of ratification, acceptance or accession;
- (iii) The date of entry into force of this Convention under Article 10 (1);
- (iv) The deposit of any notification relating to Article 2 (2) or Article 8 (2) or (3), together with its text;
- (v) The receipt of notifications of denunciation.

(4) The Secretary-General of the United Nations shall transmit two certified copies of this Convention to all States referred to in Article 9 (1).

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Convention.

DONE at Brussels, this twenty-first day of May, 1974.

Pour l'Afghanistan :
For Afghanistan:
Por Afganistán:
За Афганистан:

Pour l'Afrique du Sud :
For South Africa:
Por Sudáfrica:
За Южную Африку:

Pour l'Albanie :
For Albania:
Por Albania:
За Албанию:

Pour l'Algérie :
For Algeria:
Por Argelia:
За Алжир:

Pour la République fédérale d'Allemagne :
For the Federal Republic of Germany:
Por la República Federal de Alemania:
За Федеративную Республику Германии:

FELIX OTTO GAERTE
ELISABETH STEUP

Pour la République démocratique allemande :
For the German Democratic Republic:
Por la República Democrática Alemana:
За Германскую Демократическую Республику:

Pour l'Arabie saoudite :
For Saudi Arabia:
Por Arabia Saudita:
За Саудовскую Аравию:

Pour l'Argentine :
For Argentina:
Por Argentina:
За Аргентину:

CARLOS ORTIZ DE ROZAS
marzo 26 de 1975¹

Pour l'Australie :
For Australia:
Por Australia:
За Австралию:

Pour l'Autriche :
For Austria:
Por Austria:
За Австрию:

WOLFGANG WOLTE
26 March 1975

Pour les Bahamas :
For the Bahamas:
Por las Bahamas:
За Багамские острова:

Pour Bahreïn :
For Bahrain:
Por Bahrein:
За Бахрейн:

Pour le Bangladesh :
For Bangladesh:
Por Bangladesh:
За Бангладеш:

Pour les Barbades :
For Barbados:
Por las Barbados:
За Барбадос:

¹ 26 March 1975 — 26 mars 1975.

Pour la Belgique :
For Belgium:
Por Bélgica:
За Бельгию:

G. L. DE SAN

Pour le Bhoutan :
For Bhutan:
Por Bhután:
За Бутан:

Pour la République socialiste soviétique de Biélorussie :
For the Byelorussian Soviet Socialist Republic:
Por la República Socialista Soviética de Bielorrusia:
За Белорусскую Советскую Социалистическую Республику:

Pour la Birmanie :
For Burma:
Por Birmania:
За Бирму:

Pour la Bolivie :
For Bolivia:
Por Bolivia:
За Боливию:

Pour le Botswana :
For Botswana:
Por Botswana:
За Ботсвану:

Pour le Brésil :
For Brazil:
Por Brasil:
За Бразилию:

JOÃO FRANK DA COSTA

Pour la Bulgarie :
For Bulgaria:
Por Bulgaria:
За България:

Pour le Burundi :
For Burundi:
Por Burundi:
За Бурунди:

Pour la République-Unie du Cameroun :
For the United Republic of Cameroon:
Por la República Unida del Camerún:
За Объединенную Республику Камерун:

Pour le Canada :
For Canada:
Por Canadá:
За Канаду:

Pour la République centrafricaine :
For the Central African Republic:
Por la República Centroafricana:
За Центральноафриканскую Республику:

Pour le Chili :
For Chile:
Por Chile:
За Чили:

Pour la Chine :
For China:
Por China:
За Китай:

Pour Chypre :
For Cyprus:
Por Chipre:
За Кипр:

TITOS PHANOS

Pour la Colombie :
For Colombia:
Por Colombia:
За Колумбию:

Pour le Congo :
For the Congo:
Por Congo:
За Конго:

Pour la République de Corée :
For the Republic of Korea:
Por la República de Corea:
За Республику Корею:

Pour la République populaire démocratique de Corée :
For the People's Democratic Republic of Korea:
Por la República Popular Democrática de Corea:
За Корейскую Народно-Демократическую Республику:

Pour le Costa Rica :
For Costa Rica:
Por Costa Rica:
За Коста-Рику:

Pour la Côte d'Ivoire :
For the Ivory Coast:
Por Costa de Marfil:
За Берег Слоновой Кости:

KETTI LAUBHOUET

Pour Cuba :
For Cuba:
Por Cuba:
За Кубу:

Pour le Dahomey :
For Dahomey:
Por Dahomey:
За Дагомею:

Pour le Danemark :
For Denmark:
Por Dinamarca:
За Данию:

Pour la République dominicaine :
For the Dominican Republic:
Por la República Dominicana:
За Доминиканскую Республику:

Pour l'Egypte :
For Egypt:
Por Egipto:
За Египет:

Pour El Salvador :
For El Salvador:
Por El Salvador:
За Сальвадор:

Pour les Emirats arabes unis :
For the United Arab Emirates:
Por los Emiratos Arabes Unidos:
За Объединенные Арабские Эмираты:

Pour l'Equateur :
For Ecuador:
Por Ecuador:
За Эквадор:

Pour l'Espagne :
For Spain:
Por España:
За Испанию:

JUAN MANUEL DE LA VEGA GÓMEZ-ACEBO

Pour les Etats-Unis d'Amérique :
For the United States of America:
Por los Estados Unidos de América:
За Соединенные Штаты Америки:

HARVEY J. WINTER

BARBARA A. RINGER

Pour l'Ethiopie :
For Ethiopia:
Por Etiopía:
За Эфиопию:

Pour les Fidji :
For Fiji:
Por los Fiji:
За Фиджи:

Pour la Finlande :
For Finland:
Por Finlandia:
За Финляндию:

Pour la France :
For France:
Por Francia:
За Францию:

JACQUES LECOMPT
27 mars 1975

Pour le Gabon :
For Gabon:
Por Gabón:
За Габон:

Pour la Gambie :
For the Gambia:
Por Gambia:
За Гамбию:

Pour le Ghana :
For Ghana:
Por Ghana:
За Гану:

Pour la Grèce :
For Greece:
Por Grecia:
За Грецию:

Pour le Guatemala :
For Guatemala:
Por Guatemala:
За Гватемалу:

Pour la Guinée :
For Guinea:
Por Guinea:
За Гвинею:

Pour la Guinée-Bissau :
For Guinea Bissau:
Por Guinea Bissau:
За Гвинею (Бисау):

Pour la Guinée équatoriale :
For Equatorial Guinea:
Por Guinea Ecuatorial:
За Экваториальную Гвинею:

Pour la Guyane :
For Guyana:
Por Guyana:
За Гайану:

Pour Haïti :
For Haiti:
Por Haiti:
За Гаити:

Pour la Haute-Volta :
For the Upper Volta:
Por Alto Volta:
За Верхнюю Вольту:

Pour le Honduras :
For Honduras:
Por Honduras:
За Гондурас:

Pour la Hongrie :
For Hungary:
Por Hungría:
За Венгрию:

Pour l'Inde :
For India:
Por India:
За Индию:

Pour l'Indonésie :
For Indonesia:
Por Indonesia:
За Индонезию:

Pour l'Irak :
For Iraq:
Por Irak:
За Ирак:

Pour l'Iran :
For Iran:
Por Irán:
За Иран:

Pour l'Irlande :
For Ireland:
Por Irlanda:
За Ирландию:

Pour l'Islande :
For Iceland:
Por Islandia:
За Исландию:

Pour Israël :
For Israel:
Por Israel:
За Израиль:

MAYER GABAY
VICTOR HAZAN

Pour l'Italie :
For Italy:
Por Italia:
За Италию:

GIUSEPPE MESCHINELLI
GINO GALTIERI

Pour la Jamaïque :
For Jamaica:
Por Jamaica:
За Ямайку:

Pour le Japon :
For Japan:
Por Japón:
За Японию:

Pour la Jordanie :
For Jordan:
Por Jordania:
За Иорданию:

Pour le Kenya :
For Kenya:
Por Kenia:
За Кению:

DAVID J. COWARD

Pour la République khmère :
For the Khmer Republic:
Por la República Khmer:
За Кхмерскую Республику:

Pour le Koweït :
For Kuwait:
Por Kuwait:
За Кувейт:

Pour le Laos :
For Laos:
Por Laos:
За Лаос:

Pour le Lesotho :
For Lesotho:
Por Lesotho:
За Лесото:

Pour le Liban :
For Lebanon:
Por Líbano:
За Ливан:

EMILE BEDRAN
GABY GRESH

Pour le Libéria :
For Liberia:
Por Liberia:
За Либерию:

Pour la République arabe libyenne :
For the Libyan Arab Republic:
Por la República Árabe Libia:
За Ливийскую Арабскую Республику:

Pour le Liechtenstein :
For Liechtenstein:
Por Liechtenstein:
За Лихтенштейн:

Pour le Luxembourg :
For Luxembourg:
Por Luxemburgo:
За Люксембург:

Pour Madagascar :
For Madagascar:
Por Madagascar:
За Мадагаскар:

Pour la Malaisie :
For Malaysia:
Por Malasia:
За Малайзию:

Pour le Malawi :
For Malawi:
Por Malawi:
За Малави:

Pour les Maldives :
For Maldives:
Por las Maldivas:
За Мальдивские острова:

Pour le Mali :
For Mali:
Por Malí:
За Мали:

Pour Malte :
For Malta:
Por Malta:
За Мальту:

Pour le Maroc :
For Morocco:
Por Marruecos:
За Марокко:

ABDALLAH CHAKROUN

Pour Maurice :
For Mauritius:
Por Mauricio:
За Остров Маврикий:

Pour la Mauritanie :
For Mauritania:
Por Mauritania:
За Мавританию:

Pour le Mexique :
For Mexico:
Por México:
За Мексику:

GABRIEL E. LARREA RICHERAND

Pour Monaco :
For Monaco:
Por Mónaco:
За Монако:

Pour la Mongolie :
For Mongolia:
Por Mongolia:
За Монголию:

Pour Nauru :
For Nauru:
Por Nauru:
За Науру:

Pour le Népal :
For Nepal:
Por Nepal:
За Непал:

Pour le Nicaragua :
For Nicaragua:
Por Nicaragua:
За Никарагуа:

Pour le Niger :
For the Niger:
Por Níger:
За Нигер:

Pour le Nigéria :
For Nigeria:
Por Nigeria:
За Нигерию:

Pour la Norvège :
For Norway:
Por Noruega:
За Норвегию:

Pour la Nouvelle-Zélande :
For New Zealand:
Por Nueva Zelandia:
За Новую Зеландию:

Pour l'Oman :
For Oman:
Por Omán:
За Оман:

Pour l'Ouganda :
For Uganda:
Por Uganda:
За Уганду:

Pour le Pakistan :
For Pakistan:
Por Pakistán:
За Пакистан:

Pour le Panama :
For Panama:
Por Panamá:
За Панаму:

Pour le Paraguay :
For Paraguay:
Por Paraguay:
За Парагвай:

Pour les Pays-Bas :
For the Netherlands:
Por los Países Bajos:
За Нидерланды:

Pour le Pérou :
For Peru:
Por Perú:
За Перу:

Pour les Philippines :
For the Philippines:
Por Filipinas:
За Филиппины:

Pour la Pologne :
For Poland:
Por Polonia:
За Польшу:

Pour le Portugal :
For Portugal:
Por Portugal:
За Португалию:

Pour le Qatar :
For Qatar:
Por Qatar:
За Катар:

Pour la Roumanie :
For Romania:
Por Rumania:
За Румынию:

Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
For the United Kingdom of Great Britain and Northern Ireland:
Por el Reino Unido de Gran Bretaña e Irlanda del Norte:
За Соединенное Королевство Великобритании и Северной Ирландии:

Pour le Rwanda :
For Rwanda:
Por Rwanda:
За Руанду:

Pour Saint-Marin :
For San Marino:
Por San Marino:
За Сан-Марино:

Pour le Saint-Siège :
For the Holy See:
Por Santa Sede:
За Ватикан:

Pour le Samoa Occidental :
For Western Samoa:
Por Samoa Occidental:
За Западное Самоа:

Pour le Sénégal :
For Senegal:
Por Senegal:
За Сенегал:

N'DÉNÉ N'DIAYE

Pour la Sierra Leone:
For Sierra Leone:
Por Sierra Leone:
За Сьерра-Леоне:

Pour Singapour :
For Singapore:
Por Singapur:
За Сингапур:

Pour la Somalie :
For Somalia:
Por Somalia:
За Сомали:

Pour le Souaziland :
For Swaziland:
Por Swazilandia:
За Свазиленд:

Pour le Soudan :
For the Sudan:
Por Súdán:
За Судан:

Pour Sri Lanka :
For Sri Lanka:
Por Sri Lanka:
За Шри Ланку:

Pour la Suède :
For Sweden:
Por Suecia:
За Швецию:

Pour la Suisse :
For Switzerland:
Por Suiza:
За Швейцарию:

WALTER STAMM

Pour la République arabe syrienne :
For the Syrian Arab Republic:
Por la República Árabe Siria:
За Сирийскую Арабскую Республику:

Pour la République-Unie de Tanzanie :
For the United Republic of Tanzania:
Por la República Unida de Tanzania:
За Объединенную Республику Танзанию:

Pour le Tchad :
For Chad:
Por Chad:
За Чад:

Pour la Tchécoslovaquie :
For Czechoslovakia:
Por Checoslovaquia:
За Чехословакию:

Pour la Thaïlande :
For Thailand:
Por Tailandia:
За Таиланд:

Pour le Togo :

For Togo:

Por Togo:

За Того:

Pour les Tonga :

For Tonga:

Por Tonga:

За Тонга:

Pour Trinité-et-Tobago :

For Trinidad and Tobago:

Por Trinidad y Tobago:

За Тринидад и Тобаго:

Pour la Tunisie :

For Tunisia:

Por Túnez:

За Тунис:

Pour la Turquie :

For Turkey:

Por Turquía:

За Турцию:

Pour la République socialiste soviétique d'Ukraine :

For the Ukrainian Soviet Socialist Republic:

Por la República Socialista Soviética de Ucrania:

За Украинскую Советскую Социалистическую Республику:

Pour l'Union des Républiques socialistes soviétiques :

For the Union of Soviet Socialist Republics:

Por la Unión de Repúblicas Socialistas Soviéticas:

За Союз Советских Социалистических Республик:

Pour l'Uruguay :

For Uruguay:

Por Uruguay:

За Уругвай:

Pour le Venezuela :
For Venezuela:
Por Venezuela:
За Венесуэлу:

Pour la République du Viet-Nam :
For the Republic of Viet-Nam:
Por la República de Viet-Nam:
За Республику Вьетнам:

Pour le Yémen :
For Yemen:
Por Yemen:
За Йемен:

Pour le Yémen démocratique :
For Democratic Yemen:
Por Yemen Democrático:
За Йеменскую Народно-Демократическую Республику:

Pour la Yougoslavie :
For Yugoslavia:
Por Yugoslavia:
За Югославию:

JACKSA PETRIC
31st March 1975

Pour le Zaïre :
For Zaire:
Por Zaire:
За Заир:

Pour la Zambie :
For Zambia:
Por Zambia:
За Замбию:

**DECLARATION MADE
UPON RATIFICATION*****FEDERAL REPUBLIC
OF GERMANY*****DÉCLARATION FAITE
LORS DE LA RATIFICATION*****RÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE*****[GERMAN TEXT — TEXTE ALLEMAND]**

„Die Regierung der Bundesrepublik Deutschland erklärt gemäß Artikel 2 Absatz 2 des Übereinkommens, daß der Schutz gemäß Artikel 2 Absatz 1 auf ihrem Hoheitsgebiet auf 25 Jahre nach Ablauf des Kalenderjahres beschränkt wird, in dem die Übertragung über Satelliten erfolgt ist.“

[TRANSLATION]

The Government of the Federal Republic of Germany herewith declares in pursuance of article 2(2) of the Convention that the protection accorded pursuant to article 2(1) is restricted in its territory to a period of 25 years after the expiry of the calendar year in which the transmission by satellite has occurred.

[TRADUCTION]

Le Gouvernement de la République fédérale d'Allemagne déclare par les présentes, conformément au paragraphe 2 de l'article 2 de la Convention, que la protection accordée en application du paragraphe 1 de l'article 2 est limitée sur son territoire à une période de 25 ans suivant l'expiration de l'année civile au cours de laquelle la transmission par satellite a eu lieu.