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No. 7951

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**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.*

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**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 AGREEMENT<sup>1</sup> ON THE PROTECTION OF TELEVISION BROADCASTS. DONE AT STRASBOURG, 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 :

<sup>1</sup> 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.

*Article 9*

1. After this Agreement has come into force, any European Government which is not a Member of the Council of Europe or any non-European Government having political ties with 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 one month after the date of deposit.

*Article 10*

Signature, ratification or accession shall imply full acceptance of all the provisions of this Agreement ; provided always that any country may declare, at the time of signature or of deposit of its instrument of ratification or accession, that it intends to avail itself of one or more of the options in paragraph 1 of Article 3 above.

*Article 11*

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 :

- (a) of any signatures, together with any reservations as to ratification, of the deposit of instruments of ratification and of the date of entry into force of this Agreement ;
- (b) of the deposit of any instruments of accession in accordance with Article 9 ;
- (c) of any declaration or notification received in accordance with Articles 12, 13 or 14 ;
- (d) of any decision of the Committee of Ministers taken in pursuance of paragraph 2 of Article 13.

*Article 12*

1. This Agreement shall apply to the metropolitan territories of the Parties.
2. Any Party may, at the time of signature, of the deposit of its instrument of ratification or accession, or at any later date, declare by notice addressed to the Secretary-General of the Council of Europe that this Agreement shall extend to any or all of the territories for whose international relations it is responsible.
3. Any Government which has made a declaration under paragraph 2 of this Article extending this Agreement to any territory for whose international relations it is

responsible may denounce the Agreement separately in respect of that territory in accordance with Article 14 thereof.

*Article 13*

1. This Agreement shall cease to be effective, except in regard to fixations already made, at such time as a Convention on "neighbouring rights", including the protection of television broadcasts and open to European countries, amongst others, shall have entered into force for at least a majority of the Members of the Council of Europe that are themselves Parties to the Agreement.

2. The Committee of Ministers of the Council of Europe shall at the appropriate time declare that the conditions laid down in the preceding paragraph have been fulfilled, thereby entailing the termination of this Agreement.

*Article 14*

Any Contracting Party may denounce this Agreement by giving one year's notice to that effect to the Secretary-General of the Council of Europe.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Agreement.

DONE at Strasbourg, this 22nd day of June, 1960, in English and French, both texts being equally authoritative, in a single copy, which shall remain in the archives of the Council of Europe and of which the Secretary-General shall send certified copies to each of the signatory and acceding Governments and to the Director of the Bureau of the International Union for the Protection of Literary and Artistic Works.

For the Government  
of the Republic of Austria :

Pour le Gouvernement  
de la République d'Autriche :

For the Government  
of the Kingdom of Belgium :

Pour le Gouvernement  
du Royaume de Belgique :

*with reservation in respect of ratification:*

*sous réserve de ratification:*

Strasbourg, le 13 septembre 1960

Jean SALMON

For the Government  
of the Kingdom of Denmark :

Pour le Gouvernement  
du Royaume de Danemark :

*with reservation in respect of ratification:*

*sous réserve de ratification:*

V. U. HAMMERSHAIMB

For the Government  
of the French Republic :

Pour le Gouvernement  
de la République française :

LECOMPTE BOINET

For the Government  
of the Federal Republic of Germany :<sup>1</sup>

Pour le Gouvernement  
de la République fédérale d'Allemagne<sup>1</sup> :

*with reservation in respect of ratification:*

*sous réserve de ratification:*

Strasbourg, le 11 juillet 1960

A. REIFFERSCHIEDT

<sup>1</sup> Declaration made by the Government of the Federal Republic of Germany at the time of signature :

<sup>1</sup> Déclaration faite par le Gouvernement de la République fédérale d'Allemagne au moment de la signature :

[TRANSLATION\* — TRADUCTION\*\*]

The Federal Republic of Germany cannot ratify the Agreement before the revision of German Law on Copyright has been completed. On ratification the Federal Republic of Germany will avail itself of some of the reservations provided for in article 3 of the Agreement.

« La République fédérale d'Allemagne pourra seulement ratifier l'Arrangement lorsque la réforme du droit d'auteur allemand sera terminée. De plus, lors de la ratification, la République fédérale fera usage de quelques-unes des réserves prévues à l'article 3 de l'Arrangement. »

\* Translation by the Secretariat-General of the Council of Europe.

\*\* Traduction du Secrétariat général du Conseil de l'Europe.



For the Government  
of the Kingdom of Greece :

Pour le Gouvernement  
du Royaume de Grèce :

*with reservation in respect of ratification:*

*sous réserve de ratification:*

N. CAMBALOURIS

For the Government  
of the Icelandic Republic :

Pour le Gouvernement  
de la République islandaise :

For the Government  
of Ireland :

Pour le Gouvernement  
d'Irlande :

*with reservation in respect of ratification:*

*sous réserve de ratification:*

Thomas WOODS

For the Government  
of the Italian Republic :

Pour le Gouvernement  
de la République italienne :

*with reservation in respect of ratification:*

*sous réserve de ratification:*

BOMBASSEI DE VETTOR

For the Government  
of the Grand Duchy of Luxembourg :

Pour le Gouvernement  
du Grand-Duché de Luxembourg :

*with reservation in respect of ratification:*

*sous réserve de ratification:*

Strasbourg, le 13 septembre 1960

Pierre WURTH

For the Government  
of the Kingdom of the Netherlands :<sup>1</sup>

Pour le Gouvernement  
du Royaume des Pays-Bas :<sup>1</sup>

*sous réserve de ratification*<sup>2</sup>

Strasbourg, le 7 octobre 1964

W. J. D. PHILIPSE

For the Government  
of the Kingdom of Norway :<sup>3</sup>

Pour le Gouvernement  
du Royaume de Norvège :<sup>3</sup>

*with reservation in respect of ratification*<sup>2</sup>

Strasbourg, 29th June 1965

Ole ALGARD

<sup>1</sup> Declaration made by the Government of the Netherlands at the time of signature :

[TRANSLATION\* — TRADUCTION\*\*]

Signature affixed subject to the reservations referred to in Article 3, paragraph 1, subparagraphs (a), (b) and (c) formulated in the manner specified in Article 10 of the Agreement ;

The Government of the Kingdom of the Netherlands interprets the word "signature" in the first line of Article 10 as meaning only the signature, without any reservation in respect of ratification ;

In their application to the Kingdom of the Netherlands, the words "metropolitan territories" in Article 12, paragraph 1 of the Agreement no longer have their original sense but shall be deemed to signify "European Territory" in view of the equality existing in public law between the Netherlands, Surinam and the Netherlands Antilles.

\* Translation by the Secretariat-General of the Council of Europe.

\*\* Traduction du Secrétariat général du Conseil de l'Europe.

<sup>2</sup> With reservation in respect of ratification.

<sup>3</sup> Declaration made by the Government of Norway at the time of signature :

"The Norwegian Government intends to avail itself of the reservations provided in subparagraphs (b) and (c) of paragraph 1 of Article 3 of the said Agreement."

<sup>1</sup> Déclaration faite par le Gouvernement néerlandais au moment de la signature :

\* ... La signature est faite sous les réserves prévues aux alinéas a), b) et c) du paragraphe 1<sup>er</sup> de l'article 3 et formulées conformément aux dispositions de l'article 10 de l'Arrangement ;

« Le Gouvernement du Royaume des Pays-Bas interprète le mot « signature » figurant à la première ligne de l'article 10 comme désignant uniquement la signature sans réserve de ratification ;

« En ce qui concerne le Royaume des Pays-Bas, l'expression « territoires métropolitains », mentionnée à l'article 12, paragraphe 1<sup>er</sup> de l'Arrangement, perd son sens initial et sera considérée comme signifiant « territoire européen » vu l'égalité qui existe au point de vue du droit public entre les Pays-Bas, le Surinam et les Antilles néerlandaises. »

<sup>2</sup> Sous réserve de ratification.

<sup>3</sup> Déclaration faite par le Gouvernement norvégien au moment de la signature :

[TRANSLATION\* — TRANSLATION\*\*]

Le Gouvernement norvégien entend faire usage des réserves prévues au paragraphe 1, alinéas b) et c), de l'article 3 dudit Arrangement.

\* Traduction du Secrétariat général du Conseil de l'Europe.

\*\* Translation by the Secretariat-General of the Council of Europe.

For the Government  
of the Kingdom of Sweden :

*with reservation in respect of ratification:*

Pour le Gouvernement  
du Royaume de Suède :

*sous réserve de ratification :*

Strasbourg, le 3 août 1960

Sture PETREN

For the Government  
of the Turkish Republic :

*with reservation in respect of ratification:*

Pour le Gouvernement  
de la République turque :

*sous réserve de ratification:*

M. BOROVALI

For the Government  
of the United Kingdom of Great  
Britain and Northern Ireland :<sup>1</sup>

*with reservation in respect of ratification:*

Pour le Gouvernement  
du Royaume-Uni de Grande-  
Bretagne et d'Irlande du Nord<sup>1</sup> :

*sous réserve de ratification:*

[TRADUCTION\* — TRANSLATION\*\*]

Her Majesty's Government understand the word "signature" in the first line of Article 10 to refer only to signature without reservation as to ratification.

Le Gouvernement de Sa Majesté interprète le mot « signature » figurant à la première ligne de l'article 10 comme désignant uniquement la signature sans réserve de ratification.

Strasbourg, 13th July 1960

John PECK

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<sup>1</sup> Second declaration made by the Government of the United Kingdom at the time of signature (letter from the Permanent Representative to the Council of Europe dated 13th July 1960) :

"On signing the European Agreement on the Protection of Television Broadcasts on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to state that Her Majesty's Government, in accordance with the provisions of Article 10 of the said Agreement, intend at the time of depositing their instrument of ratification to avail themselves of one or more of the options provided for in paragraph 1 of Article 3 of the Agreement."

<sup>1</sup> Deuxième déclaration faite par le Gouvernement britannique au moment de la signature (lettre du Représentant permanent auprès du Conseil de l'Europe, en date du 13 juillet 1960) :

[TRADUCTION\* — TRANSLATION\*\*]

En signant l'Arrangement européen pour la protection des émissions de télévision au nom du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, j'ai l'honneur de déclarer que, conformément aux dispositions de l'article 10 de cet Arrangement, le Gouvernement de Sa Majesté entend faire usage, au moment du dépôt de son instrument de ratification, de l'une ou de plusieurs des réserves prévues à l'alinéa 1 de l'article 3 dudit instrument.

\* Traduction du Secrétariat général du Conseil de l'Europe.

\*\* Translation by the Secretariat-General of the Council of Europe.

## RESERVATIONS MADE UPON RATIFICATION

## DENMARK

*Letter dated 3rd November 1961 from the Government of Denmark to the Secretary-General of the Council of Europe:*

"... On October 26, 1961, I placed in your hands the instrument of ratification of the European Agreement on the Protection of Television Broadcasts.

"The Danish Government feel that certain reservations should be taken in connection with the ratification of the said Agreement before it enters into force one month after the date of deposit.

"Consequently, I now have the honour to inform you that the Danish ratification is subject to the following reservations provided for in sub-paragraphs (b), (c) and (f) of paragraph 1 of Article 3 and made in accordance with the provisions of Article 10 of the said Agreement :

- "(1) The Danish Government withhold the protection provided for in sub-paragraph (c) of paragraph 1 of Article 1 of the said Agreement where the communication is not to a paying audience within the meaning of the domestic law of Denmark ;
- "(2) The Danish Government withhold the protection provided for in sub-paragraph (d) of paragraph 1 of Article 1 of the said Agreement where the fixation or reproduction of the fixation is made for private use or solely for educational purposes ;
- "(3) The Danish Government restrict the operation of the said Agreement to broadcasting organisations constituted in the territory and under the laws of a Party to the said Agreement and also transmitting from the territory of such Party."

## SWEDEN

*Extract from the Minutes of deposit of the instrument of ratification, dated 31st May 1961:*

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

...

(a) this ratification shall take effect as from 1st July 1961.

(b) in accordance with Article 10 of this Agreement, the Swedish Government has availed itself of reservations (b) (c) and (f) provided for in paragraph 1 of Article 3.

<sup>1</sup> Translation by the Secretariat-General of the Council of Europe.

<sup>2</sup> Traduction du Secrétariat général du Conseil de l'Europe.

UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND*Reservations contained in the Instrument of ratification:*

“... the Government of the United Kingdom of Great Britain and Northern Ireland, having considered the Agreement aforesaid, hereby confirm and ratify the same and undertake to perform and carry out all the stipulations therein contained, subject to the following reservations provided for in sub-paragraphs (a), (b), (c), (d) and (f) of paragraph 1 of Article 3 and made in accordance with the provisions of Article 10 of the said Agreement :

- “(1) The Government of the United Kingdom of Great Britain and Northern Ireland withhold the protection provided for in sub-paragraph (b) of paragraph 1 of Article 1 of the said Agreement ;
- “(2) The Government of the United Kingdom of Great Britain and Northern Ireland withhold the protection provided for in sub-paragraph (c) of paragraph 1 of Article 1 of the said Agreement, where the communication is not to a paying audience within the meaning of the domestic law of the United Kingdom of Great Britain and Northern Ireland ;
- “(3) The Government of the United Kingdom of Great Britain and Northern Ireland withhold the protection provided for in sub-paragraph (d) of paragraph 1 of Article 1 of the said Agreement, where the fixation or reproduction of the fixation is made for private use or solely for educational purposes ;
- “(4) The Government of the United Kingdom of Great Britain and Northern Ireland withhold the protection provided for in sub-paragraphs (d) and (e) of paragraph 1 of Article 1 of the said Agreement, in respect of still photographs or reproductions of such photographs ;
- “(5) The Government of the United Kingdom of Great Britain and Northern Ireland restrict the operation of the said Agreement to broadcasting organisations constituted in the territory and under the laws of a Party to the said Agreement and also transmitting from the territory of such Party.”

PROTOCOL<sup>1</sup> TO THE EUROPEAN AGREEMENT OF 22 JUNE 1960<sup>2</sup> ON THE PROTECTION OF TELEVISION BROADCASTS. DONE AT STRASBOURG, ON 22 JANUARY 1965

The member States of the Council of Europe, signatory hereto,

Considering the desirability of amending the European Agreement on the Protection of Television Broadcasts, signed at Strasbourg on 22nd June 1960,<sup>2</sup> hereinafter referred to as "the Agreement";

Considering that the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, signed in Rome on 26th October 1961,<sup>3</sup> entered into force on 18th May 1964,

Have agreed as follows :

*Article 1*

1. Paragraph 1 of Article 2 of the Agreement shall be amended as follows :

"Subject to paragraph 2 of Article 1, and Articles 13 and 14, the protection provided for in paragraph 1 of Article 1 shall last not less than a period of twenty years from the end of the year in which the broadcast took place."

2. Paragraph 2 of Article 2 of the Agreement shall be deleted.

*Article 2*

1. Sub-paragraph 1 (a) of Article 3 of the Agreement shall be amended as follows :

"(a) withhold the protection provided for in sub-paragraph 1 (b) of Article 1 as regards broadcasting organisations constituted in their territory or transmitting from such territory, and restrict the exercise of such protection, as regards broadcasts by broadcasting organisations constituted in the territory of another Party to this Agreement or transmitting from such territory, to a percentage of

<sup>1</sup> In accordance with its article 4 (2), the Protocol came into force on 24 March 1965, one month after the date on which all the Parties to the European Agreement on the protection of television broadcasts (see p. 248 of this volume) had signed it without reservation in respect of ratification, on the dates indicated :

Denmark . . . . .	22 January 1965
France . . . . .	22 January 1965
Sweden . . . . .	22 January 1965
United Kingdom of Great Britain and Northern Ireland	23 February 1965

<sup>2</sup> See p. 248 of this volume.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 496, p. 43, and Vol. 540.

the transmissions by such organisations, which shall not be less than 50% of the average weekly duration of the broadcasts of each of these organisations.”

2. Sub-paragraph 1 (e) of Article 3 of the Agreement shall be amended as follows :

“(e) without prejudice to sub-paragraph 1 (a) of this Article, withhold all 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.”
3. Paragraph 3 of Article 3 of the Agreement shall be amended as follows :

“3. The aforesaid Parties may, in respect of their own territory, provide for a body with jurisdiction over cases where the right of diffusion to the public by wire referred to in sub-paragraph 1 (b) of Article 1, or 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.”
4. Any State which in accordance with Article 10 of the Agreement has, before the entry into force of this Protocol, availed itself of the option in sub-paragraph 1 (a) of Article 3 of the Agreement may, notwithstanding anything in paragraph 1 of the present Article, maintain the application of such option.

#### *Article 3*

Article 13 of the Agreement shall be deleted and replaced by the following :

- “1. This Agreement shall remain in force indefinitely.
- “2. Nevertheless, as from 1st January 1975, no State may remain or become a Party to this Agreement unless it is also a Party to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations signed in Rome on 26th October 1961.”

#### *Article 4*

1. The Governments signatory to the Agreement and the Governments having acceded thereto may become Parties to this Protocol by the procedure laid down in Article 7 or Article 9 of the Agreement, according to whether they are member States of the Council of Europe or not.
2. This Protocol shall enter into force one month after the date on which all the Parties to the Agreement have signed this Protocol without reservation in respect of ratification, or deposited their instrument of ratification or accession in accordance with the provisions of the preceding paragraph.

3. As from the date on which this Protocol enters into force, no State may become a Party to the Agreement without becoming also a Party to this Protocol.

*Article 5*

The Secretary-General of the Council of Europe shall notify member States of the Council, other States Parties to the Agreement, and the Director of the Bureau of the International Union for the Protection of Literary and Artistic Works of any signature of this Protocol, together with any reservations as to ratification, and of the deposit of any instrument of ratification of the Protocol or of accession to it, and of the date referred to in paragraph 2 of Article 4 of this Protocol.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Protocol.

DONE at Strasbourg, this 22nd day of January 1965 in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary-General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.



For the Government  
of the Republic of Austria :

Pour le Gouvernement  
de la République d'Autriche :

For the Government  
of the Kingdom of Belgium :  
*with reservation in respect  
of ratification or acceptance*

Pour le Gouvernement  
du Royaume de Belgique :  
*sous réserve de ratification  
ou d'acceptation*

Strasbourg, le 2 février 1965

Louis COUVREUR

For the Government  
of the Republic of Cyprus :

Pour le Gouvernement  
de la République de Chypre :

For the Government  
of the Kingdom of Denmark :

Pour le Gouvernement  
du Royaume de Danemark :

Mogens WARBERG

For the Government  
of the French Republic :

Pour le Gouvernement  
de la République française :

C. H. BONFILS

For the Government  
of the Federal Republic of Germany :  
*with reservation in respect  
of ratification or acceptance*

Pour le Gouvernement  
de la République Fédérale d'Allemagne :  
*sous réserve de ratification  
ou d'acceptation*

Felician PRILL

For the Government  
of the Kingdom of Greece :

Pour le Gouvernement  
du Royaume de Grèce :

For the Government  
of the Icelandic Republic :

Pour le Gouvernement  
de la République islandaise :

For the Government  
of Ireland :

Pour le Gouvernement  
d'Irlande :

For the Government  
of the Italian Republic :

Pour le Gouvernement  
de la République italienne :

For the Government  
of the Grand Duchy of Luxembourg :  
*with reservation in respect  
of ratification or acceptance*

Pour le Gouvernement  
du Grand-Duché de Luxembourg :  
*sous réserve de ratification  
ou d'acceptation*

Jean WAGNER

For the Government  
of the Kingdom of the Netherlands :

Pour le Gouvernement  
du Royaume des Pays-Bas :

For the Government  
of the Kingdom of Norway :  
*with reservation in respect of ratification or acceptance*<sup>1</sup>

Pour le Gouvernement  
du Royaume de Norvège :

Strasbourg, 29th June 1965

Ole ALGARD

For the Government  
of the Kingdom of Sweden :

Pour le Gouvernement  
du Royaume de Suède :

Sten LINDH

For the Government  
of the Swiss Confederation :

Pour le Gouvernement  
de la Confédération suisse :

For the Government  
of the Turkish Republic :

Pour le Gouvernement  
de la République turque :

For the Government  
of the United Kingdom of Great  
Britain and Northern Ireland :

Pour le Gouvernement  
du Royaume-Uni de Grande-  
Bretagne et d'Irlande du Nord :

Strasbourg, 23rd February 1965

I. F. PORTER

8 + 9 = 17

<sup>1</sup> Sous réserve de ratification ou d'acceptation.