

**20. Regulations Under the Treaty on the International Registration of Audiovisual Works [Regolamento attuativo del Trattato sulla registrazione delle opere audiovisive]. Testo inglese.**

*Storia:* questo regolamento è stato adottato a Ginevra il 20 aprile 1989 ed è vincolante per gli stati per i quali lo è il Treaty on the International Registration of Audiovisual [trattato sulla registrazione delle opere audiovisive, adottato a Ginevra il 20 aprile 1989].

*Altre notizie:* le lingue ufficiali sono il francese e l'inglese; il testo qui pubblicato è ripreso dal sito UNESCO [www.unesco.org/webworld/com/compendium](http://www.unesco.org/webworld/com/compendium); da questo sito sono tratte anche alcune delle notizie qui fornite.

**Regulations Under the Treaty on the International Registration of Audiovisual Works**

**1. Definitions.** *For the purposes of these Regulations.* – (i) "Treaty" means the Treaty on the International Registration of Audiovisual Works;

(ii) "International Register" means the International Register of Audiovisual Works established by the Treaty;

(iii) "International Registry" means the administrative unit of the International Bureau that keeps the International Register;

(iv) "work" means audiovisual work;

(v) "work-related application" means an application that identifies an existing or future work at least by its title or titles and requests that statements in respect of the interest of an identified person or identified persons in or concerning that work be registered in the International Register; "work-related registration" means a registration effected pursuant to a work-related application;

(vi) "person-related application" means an application that requests that statements in respect of the interest of the applicant or of a third person identified in the application, in or concerning one or more existing or future work or works, described but not identified by its or their title or titles, be registered in the International Register; "person-related registration" means a registration effected pursuant to a person-related application. A work shall be considered as being described when, in particular, the person who or legal entity which has made, or is expected to make, the work is identified;

(vii) "application" or "registration" - unless qualified as "work-related" or "person-related" - means both a work-related and a person-related application or registration;

(viii) "applicant" means the natural person who or the legal entity which filed the application; "holder of the registration" means the applicant once the application has been registered;

(ix) "prescribed" means as prescribed in the Treaty, in these Regulations or in the Administrative Instructions;

(x) "Consultative Committee" means the consultative committee referred to in Article 53)(a)(vii) of the Treaty.

**2. Application.** – (1) *Forms.* - Any application shall be filed by using the appropriate prescribed form.

(2) *Language.* - Any application shall be in the English language or in the French language. As soon as the International Register is financially self-supporting the Assembly may determine the other languages in which applications may be filed.

(3) *Name and Address of Applicant.* - Any application shall indicate as prescribed, the name and address of the applicant.

(4) *Name and Address of Third Persons Referred to in the Application.* - Where an application refers to a person or legal entity other than the applicant the application shall indicate, as prescribed, the name and address of such person or legal entity.

(5) *Title or Description of the Work.* - (a) Any work-related application shall indicate at least the title or titles of the work. When a title is in a language other than English or French or in a script other than the Latin script, it shall be accompanied by a literal translation into English or a transliteration into Latin script, as the case may be.

(b) Any person-related application shall describe the work.

(6) *Reference to Existing Registration.* - When the application relates to a work which is the subject matter of an existing work-related registration, or to a work which is described in an existing person-related registration, the said application shall, whenever possible, indicate the registration number of the said registration. If the International Registry finds that such an indication would be possible but was not given in the application, it may, itself, indicate such number in the registration, subject to noting in the International Register that the indication comes from the International Registry rather than the applicant.

(7) *Interest of the Applicants.* - (a) In any work-related application, the application shall indicate the interest of the applicant in or concerning the work, whether existing or future. Where the interest consists of a right of exploitation of the work, the nature of the right and the territory for which the right belongs to the applicant shall also be indicated.

(b) In any person-related application the application shall indicate the interest of the applicant in or concerning the described, existing or future, work or works, in particular any right that limits or negates, for the benefit of the applicant or another person, the right of exploitation of the work or works.

(c) Where the interest is limited in time, the application may express such a limit.

(8) *Source of Rights.* - Where a work-related application concerns a right in the work, the application shall indicate where the right originally vested in the applicant, that fact, or, where the right is derived from a natural person or legal entity other than the applicant, the name and address of such person or entity and the legal cause of the derivation.

(9) *Accompanying Documents and Identifying Material.* - (a) Any application may be accompanied by documents supporting the statements contained in the application. Any such document in a language other than English or French shall be accompanied, in English, by an indication of the nature and essence of the document: otherwise the International Registry shall treat the document as if it had not been attached.

(b) Any application may be accompanied by material, other than documents, susceptible of identifying the work.

(10) *Statement of Veracity.* - The application shall contain a statement to the effect that the statements contained therein are, to the knowledge of the applicant, true and that any accompanying document is an original or is a true copy of an original.

(11) *Signature.* - The application shall be signed by the applicant or by his representative appointed as provided in paragraph (12).

(12) *Representation.* - (a) Any applicant or holder of the registration may be represented by a representative who may be appointed in the application, in a separate power of attorney relating to a specific application or registration, or in a general power of attorney, signed by the applicant or holder of the registration.

(b) A general power of attorney enables the representative to represent the applicant or holder of the registration in connection with all the applications or registrations of the person having given the general power of attorney.

(c) Any appointment of a representative shall be in force until it is revoked in a communication signed by the person who made the appointment and addressed to the International Registry or until it is renounced by the representative in a communication signed by the representative and addressed to the International Registry.

(d) The International Registry shall address to the representative any communication intended for the applicant or holder of the registration under these Regulations; any communication so addressed to the representative shall have the same effect as if it had been addressed to the applicant or holder of the registration. Any communication addressed to the International Registry by the representative shall have the same effect as if it had originated with the applicant or holder of the registration.

(13) *Fees.* - For each application, the applicant shall pay the prescribed fee, which must reach the International Registry not later than the day on which the application is received by the International Registry. If the fee reaches the International Registry within 30 days from the date on which the application was actually received by the International Registry, the application shall be considered as having been received by the International Registry on the date on which the fee reaches the International Registry.

**3. Processing of the Application.** - (1) *Corrections.* - If the International Registry notices what it believes to be an inadvertent omission, two or more statements conflicting with each other a mistake of transcription, or another obvious error, in the

application, it shall invite the applicant to correct the application. Any correction by the applicant must, in order to be taken into consideration, reach the International Registry within 30 days from the date of the invitation to correct the application.

(2) *Giving Possibility to Remove Contradictions.* - (a) Where, in the opinion of the International Registry, any statement contained in an application is in contradiction to any statement that, on the basis of an earlier application, is the subject matter of an existing registration in the International Register, the International Registry shall immediately

(i) where the applicant is also the holder of the existing registration, send him a notification asking him whether he wishes to either modify the statement contained in the application or apply for the modification of the statement that is subject matter of the existing registration

(ii) where the applicant and the holder of the existing registration are not the same, send a notification to the applicant asking him whether he wishes to modify the statement contained in the application and, at the same time, send a notification to the holder of the existing registration asking the said holder whether -- in case the applicant does not wish to modify the statement appearing in the application -- he wishes to apply for the modification of the statement in the existing registration.

The registration of the application shall be suspended until a modification is submitted that, in the opinion of the International Registry, removes the contradiction, but for no longer than 60 days from the date of the said notification or notifications, unless the applicant asks for a longer period, in which case it will be suspended until the expiration of that longer period.

(b) The fact that the International Registry failed to notice the contradictory nature of a statement shall not be considered as removing that nature of the statement.

(3) *Rejection.* - (a) In the following cases the International Registry shall, subject to paragraphs (1) and (2), reject the application:

(i) where the application does not contain a statement which, on the face of it, shows that the requirements of Article 3(5) of the Treaty are met;

(ii) where, in the opinion of the International Registry, the application does not relate to a work whether existing or future;

(iii) where the application does not meet any of the requirements of Rule 2(2), (3), (4), (5), (7)(a) and (b), (8), (10), (11) and (13).

(b) The International Registry may reject the application where the application does not fulfil the prescribed conditions as to its form.

(c) No application shall be rejected for any reason other than those referred to in subparagraphs (a) and (b).

(d) Any decision of rejection under this paragraph shall be communicated in writing by the International Registry to the applicant. The applicant may, within 30 days from the date of the communication, request in writing the International Registry to reconsider its decision. The International Registry shall reply to the request within 30 days from the date of receipt of the said request.

(4) *Notice in the International Register of Receipt of the Application.* - If, for any reason, the International Registry within three working days from the receipt of the application, does not register the application, it shall enter into the data base of the International Registry, open for consultation to the public, the essential elements of the application, and an indication of the reason for which no registration has taken place and, if the reason is related to paragraphs (1), (2)(a) or (3)(d), an indication of the measures taken under any of those provisions. If and when the registration is effected, the said entry in the data base shall be erased.

**4. Date and Number of the Registration.** - (1) *Date.* The International Registry shall allot, subject to Rule 2(13), as the filing date, to each application, the date of receipt of the application. Where the application is registered, it shall be given, as registration date, the filing date.

(2) *Number.* - The International Registry shall allot a number to each application. If the application refers to a work whose title appears in an existing work-related registration, or which is described in an existing person-related registration, the number allotted shall also contain the number of that registration. Any registration number shall consist of the application number.

**5. Registration.** – (1) *Registration.* - Where an application is not rejected all the statements contained therein shall, as prescribed, be registered in the International Register.

(2) *Notification and Publication of the Registration.* Any registration effected shall, as prescribed, be notified to the applicant and published in the Gazette referred to in Rule 6.

**6. The Gazette.** – (1) *Publication.* - The International Registry shall publish a gazette ("the Gazette") in which it shall indicate the prescribed elements in respect of all registrations. The Gazette shall be in English, provided that elements concerning applications that were filed in French shall also be in French.

(2) *Sale.* - The International Registry shall offer, against payment, both yearly subscriptions to the Gazette and single copies of the Gazette. The amount of the prices shall be fixed in the same manner as the amount of the fees is fixed according to Rule 8 (1).

**7. Inquiries.** – (1) *Information and Copies.* - The International Registry shall, against the payment of the prescribed fee, furnish information concerning any registration and certified copies of any registration certificate or document concerning such registration.

(2) *Certificates.* - The International Registry shall, against the payment of the prescribed fee, furnish a certificate answering questions about the existence, in the International Register, of statements concerning specific matters in any registration or any document or material that has been attached to the application.

(3) *Inspection.* - The International Registry shall, against the payment of the prescribed fee, allow the inspection of any application as well as of any document or material that has been attached to the application.

(4) *Monitoring Service.* - The International Registry shall, against the payment of the prescribed fee, give written information, during the period for which the fee was paid, on all registrations effected in respect of given works or given persons during that period. The information shall be sent promptly after each registration is effected.

(5) *Computerized Memory.* - The International Registry may input into computer memory all or part of the contents of the International Register, and, in performing any of the services referred to in paragraphs (1) to (4) or in Rule 3(4), it may rely on that memory.

**8. Fees.** – (1) *Fixing of the Fees.* - Before determining the system and amounts of the fees, and before making any changes in that system or amounts, the Director-General shall consult the Consultative Committee. The Assembly may instruct the Director-General to change the said system, the said amounts, or both.

(2) *Reduction of Fees for Applicants from Developing Countries.* - The amounts of the fees shall be reduced initially by 15% where the applicant is a natural person who is a national of, or a legal entity which is organized under the laws of, a Contracting State that is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations. The Assembly shall periodically examine the possibility of increasing the percentage of the said reduction.

(3) *Entry Into Effect of Changes in the Fees.* - Any increase in the amounts of the fees shall not be retroactive. The date of the entry into effect of any change shall be fixed by the Director-General or, where the change is on instruction by the Assembly, by the Assembly. Such date shall be indicated when the change is published in the Gazette. It shall not be sooner than one month after the publication in the Gazette.

(4) *Currency and Manner of Payment.* - The fees shall be paid in the prescribed manner and in the prescribed currency or, if several currencies are admitted, in the currency that the applicant chooses among the said currencies.

**9. Administrative Instructions.** – (1) *Scope.* - (a) The Administrative Instructions shall contain provisions concerning details in respect of the administration of the Treaty and these Regulations.

(b) In the case of conflict between the provisions of the Treaty or these Regulations and those of the Administrative Instructions, the former shall prevail.

(2) *Source.* - (a) The Administrative Instructions shall be drawn up, and may be modified, by the Director-General after consultation of the Consultative Committee.

(b) The Assembly may instruct the Director-General to modify the Administrative Instructions, and the Director-General shall modify them accordingly.

(3) *Publication and Entry Into Force.* - (a) The Administrative Instructions and any modification thereof shall be published in the Gazette.

(b) Each publication shall specify the date on which the published provisions come into effect. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Gazette.