



## **Protocol to the European Agreement on the Protection of Television Broadcasts<sup>\*</sup>**

Strasbourg, 22.I.1965

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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, 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, 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 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:

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(\*) Text amended pursuant to the provisions of the Additional Protocol to the Protocol to the European Agreement on the Protection of Television Broadcasts (ETS No. 81) as from its entry into force, on 31 December 1974.

"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<sup>1</sup>**

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 1 January 1985, 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 26 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.

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(1) Text amended pursuant to the provisions of the Additional Protocol to the Protocol (ETS No. 81).

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.