



WPPT Notification No. 112

WIPO PERFORMANCES AND PHONOGRAMS TREATY

Accession by Saint Kitts and Nevis

The Director General of the World Intellectual Property Organization (WIPO) presents his compliments and has the honor to notify the deposit by the Government of Saint Kitts and Nevis, on July 8, 2024, of its instrument of accession to the WIPO Performances and Phonograms Treaty, adopted at Geneva on December 20, 1996.

The WIPO Performances and Phonograms Treaty will enter into force, with respect to Saint Kitts and Nevis, on October 8, 2024.

./ The list of the States and the intergovernmental organization party to the WIPO Performances and Phonograms Treaty (status July 8, 2024) is attached to this Notification.

July 8, 2024

WIPO Performances and Phonograms Treaty

(Geneva, 1996)

Status on July 8, 2024

| State/IGO | Date on which State/IGO became party to the Treaty | State/IGO | Date on which State/IGO became party to the Treaty |
|---------------------------------|--|--|--|
| Afghanistan..... | February 9, 2021 | Latvia..... | May 20, 2002 |
| Albania..... | May 20, 2002 | Liechtenstein..... | April 30, 2007 |
| Algeria..... | January 31, 2014 | Lithuania..... | May 20, 2002 |
| Argentina..... | May 20, 2002 | Luxembourg..... | March 14, 2010 |
| Armenia..... | March 6, 2005 | Madagascar..... | February 24, 2015 |
| Australia ^{1, 2} | July 26, 2007 | Malaysia..... | December 27, 2012 |
| Austria..... | March 14, 2010 | Mali..... | May 20, 2002 |
| Azerbaijan..... | April 11, 2006 | Malta..... | March 14, 2010 |
| Bahrain..... | December 15, 2005 | Mexico..... | May 20, 2002 |
| Barbados..... | December 13, 2019 | Mongolia..... | October 25, 2002 |
| Belarus..... | May 20, 2002 | Montenegro..... | June 3, 2006 |
| Belgium..... | August 30, 2006 ² | Morocco..... | July 20, 2011 |
| Belize..... | February 9, 2019 | Netherlands (Kingdom of the)..... | March 14, 2010 |
| Benin..... | April 16, 2006 | New Zealand ^{15, 16} | March 17, 2019 |
| Bosnia and Herzegovina..... | November 25, 2009 | Nicaragua..... | March 6, 2003 |
| Botswana..... | January 27, 2005 | Nigeria..... | January 4, 2018 |
| Brunei Darussalam..... | May 2, 2017 | North Macedonia..... | March 20, 2005 ^{2, 17} |
| Bulgaria..... | May 20, 2002 | Oman..... | September 20, 2005 |
| Burkina Faso..... | May 20, 2002 | Panama..... | May 20, 2002 |
| Cabo Verde..... | May 22, 2019 | Paraguay..... | May 20, 2002 |
| Canada ^{3, 4, 5} | August 13, 2014 | Peru..... | July 18, 2002 |
| Chile ⁶ | May 20, 2002 | Philippines..... | October 4, 2002 |
| China ^{7, 8, 9} | June 9, 2007 | Poland..... | October 21, 2003 |
| Colombia..... | May 20, 2002 | Portugal..... | March 14, 2010 |
| Comoros..... | April 25, 2021 | Qatar..... | October 28, 2005 |
| Cook Islands..... | June 19, 2019 | Republic of Korea..... | March 18, 2009 ^{2, 18, 19} |
| Costa Rica..... | May 20, 2002 | Republic of Moldova..... | May 20, 2002 |
| Croatia..... | May 20, 2002 | Romania..... | May 20, 2002 |
| Cyprus..... | December 2, 2005 | Russian Federation ²⁰ | February 5, 2009 |
| Czech Republic..... | May 20, 2002 | Saint Kitts and Nevis..... | October 8, 2024 |
| Denmark ^{2, 10} | March 14, 2010 | Saint Lucia..... | May 20, 2002 |
| Dominican Republic..... | January 10, 2006 | Saint Vincent and the Grenadines..... | February 12, 2011 |
| Ecuador..... | May 20, 2002 | San Marino..... | September 2, 2020 |
| El Salvador..... | May 20, 2002 | Sao Tome and Principe..... | April 27, 2020 |
| Estonia..... | March 14, 2010 | Senegal..... | May 20, 2002 |
| European Union..... | March 14, 2010 | Serbia ²¹ | June 13, 2003 |
| Finland ¹¹ | March 14, 2010 | Singapore..... | April 17, 2005 ²² |
| France ² | March 14, 2010 | Slovakia..... | May 20, 2002 |
| Gabon..... | May 20, 2002 | Slovenia..... | May 20, 2002 |
| Georgia..... | May 20, 2002 | Spain..... | March 14, 2010 |
| Germany..... | March 14, 2010 ²⁴ | Sweden ²³ | March 14, 2010 |
| Ghana..... | February 16, 2013 | Switzerland..... | July 1, 2008 ²⁴ |
| Greece..... | March 14, 2010 | Tajikistan..... | August 24, 2011 |
| Guatemala..... | January 8, 2003 | Togo..... | May 21, 2003 |
| Guinea..... | May 25, 2002 | Trinidad and Tobago..... | November 28, 2008 |
| Honduras..... | May 20, 2002 | Tunisia..... | June 16, 2023 |
| Hungary..... | May 20, 2002 | Türkiye..... | November 28, 2008 |
| India ^{12, 13} | December 25, 2018 | Uganda..... | April 28, 2022 |
| Indonesia..... | February 15, 2005 | Ukraine..... | May 20, 2002 |
| Ireland..... | March 14, 2010 | United Arab Emirates..... | June 9, 2005 |
| Italy..... | March 14, 2010 | United Kingdom ^{25, 26} | March 14, 2010 |
| Jamaica..... | June 12, 2002 | United States of America..... | May 20, 2002 ²⁷ |
| Japan..... | October 9, 2002 ^{2, 14} | Uruguay..... | August 28, 2008 |
| Jordan..... | May 24, 2004 | Uzbekistan..... | July 17, 2019 |
| Kazakhstan..... | November 12, 2004 | Vanuatu..... | August 6, 2020 |
| Kiribati..... | June 22, 2021 | Viet Nam ²⁸ | July 1, 2022 |
| Kyrgyzstan..... | August 15, 2002 | | |

(Total: 113)

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- ¹ Pursuant to Article 15(3), Australia will not apply the provisions of Article 15(1) in respect of:
- (a) the use of phonograms for (i) radio broadcasting, and (ii) radio communication to the public within the meaning of the first sentence of Article 2(g), and
 - (b) the communication to the public of phonograms by way of making the sounds of the phonograms audible to the public by means of the operation of equipment to receive a broadcast or other transmission of the phonograms.
- ² In accordance with Article 3(3) of the Treaty, this State has declared that it will not apply the criterion of publication concerning the protection of phonograms.
- ³ Pursuant to Article 3(3) of the Treaty, Canada will not apply the criterion of fixation with regard to exclusive rights of producers of phonograms.
- ⁴ Pursuant to Article 3(3) of the Treaty, Canada will not apply the criterion of publication with regard to the remuneration right of Article 15(1) of the Treaty.
- ⁵ Pursuant to Article 15(3) of the Treaty, Canada will not apply Article 15(1) of the Treaty with regard to the retransmission of phonograms.
- ⁶ Pursuant to Article 15, paragraph 3 of the Treaty, the Republic of Chile will apply the provisions of Article 15, paragraph 1 of the Treaty only in respect of direct uses of phonograms published for commercial purposes for broadcasting or for any communication to the public. Pursuant to Article 15, paragraph 3 of the Treaty, as regards phonograms the producer or performer of which is a national of another Contracting Party which has made a declaration under Article 15, paragraph 3 of the Treaty, the Republic of Chile will apply, notwithstanding the provisions of the preceding declaration, the provisions of Article 15, paragraph 1 of the Treaty to the extent that Party grants the protection provided for by the provisions of Article 15, paragraph 1 of the Treaty.
- ⁷ Pursuant to Article 15(3) of the Treaty, the People's Republic of China will not apply the provisions of Article 15(1).
- ⁸ In accordance with the Basic Law of Hong Kong, China, the Government of the People's Republic of China has decided that the Treaty will apply to Hong Kong, China, with effect from October 1, 2008. Hong Kong, China, does not consider itself bound by Article 15(1) of the Treaty with regard to the right of the performers. With respect to the right of the producers of phonograms stipulated in Article 15(1) of the Treaty, relevant laws of Hong Kong, China shall apply.
- ⁹ In accordance with the Basic Law of the Macao, China, the Government of the People's Republic of China decides that the Treaty shall apply to Macao, China. Macao, China, shall not be bound by Article 15(1) of the Treaty with regard to the right of producers of phonograms. With respect to the right of performers stipulated in Article 15(1) of the Treaty, relevant laws of Macao, China, shall apply.
- ¹⁰ Applicable to the Faroe Islands as of April 30, 2018.
- ¹¹ Pursuant to Article 3(3) of the Treaty the Republic of Finland, availing itself of the possibilities provided in Article 5(3) of the Rome Convention, declares that it will not apply the criterion of publication.
- ¹² In accordance with Article 3(3) of the Treaty, the Republic of India availing itself of the possibilities provided in Article 5(3) of the Rome Convention, will not apply the criterion of fixation while granting national treatment to phonograms producers.
- ¹³ In accordance with Article 15(3) of the Treaty, the Republic of India will not apply the provisions of Article 15(1) relating to a single equitable remuneration for performers and producers of phonograms.
- ¹⁴ Pursuant to Article 15(3) Japan will apply, as regards phonograms the producer of which is a national of another Contracting Party, the provisions of Article 15(1) to the extent that Contracting Party grants the protection provided for by these provisions; Japan will apply the provisions of Article 15(1) in respect of the direct or indirect use of the phonograms published for commercial purposes for broadcasting, cablecasting or "automatic public transmission of unfixed information"; and in respect of the direct or indirect use of phonograms made available to the public, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them for broadcasting, cablecasting (wire diffusion) or "automatic public transmission of unfixed information".
- ¹⁵ In accordance with Article 15(3) of the Treaty, the provision of Article 15(1) will not be applied in New Zealand.
- ¹⁶ The accession by New Zealand shall extend to Tokelau.
- ¹⁷ Pursuant to Article 15(3) of the WPPT, the Republic of Macedonia does not apply the provision on single equitable remuneration for the performers and for the phonogram producers for direct or indirect use of phonograms published for commercial purposes for broadcasting or for any other communication to the public, in relation to the expressed reservation of the then former Yugoslav Republic of Macedonia on Article 16 (1)(a)(i) of the Rome Convention.
- ¹⁸ In accordance with Article 15(3) of the Treaty, the Republic of Korea will apply the provision of Article 15(1) thereof in respect of the use of phonograms published for commercial purposes for broadcasting or transmission by wire. Transmission by wire does not include transmission over the Internet.
- ¹⁹ In accordance with 15(3) of the Treaty, as regards phonograms the producer or performer of which is a national of another Contracting Party which has made a declaration under Article 15(3) thereof, the Republic of Korea will apply the provisions of Article 15(1) thereof to the extent to which, and to the term for which, the other Contracting Party grants protection to phonograms the producer or performer of which is a national of the Republic of Korea under the provisions of Article 15(1) thereof.
- ²⁰ In accordance with Article 15(3) of the WPPT, the Russian Federation shall not apply the provisions of Article 15(1) of the said Treaty in relation to phonograms, the producer of which is not a citizen or legal person of another Contracting Party; shall limit the protection granted, in accordance with Article 15(1) of the WPPT, in relation to phonograms, the producer of which is a citizen or legal person of another Contracting Party, within the scope and on the conditions provided for by this Contracting Party for phonograms first recorded by a citizen or legal person of the Russian Federation; and
- In accordance with Article 3(3) of the WPPT, the Russian Federation notifies that when it acceded to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention) of October 26, 1961, the Russian Federation in accordance with Article 5(3) of the Rome Convention, declared that it shall not apply the fixation criterion provided for in Article 5(1)(b) of the Rome Convention.
- ²¹ Serbia is the continuing State from Serbia and Montenegro as from June 3, 2006.
- ²² Pursuant to Article 15(3), Singapore will limit the provisions of Article 15(1) in the following ways: (i) Producers of phonograms have the exclusive right to make available to the public a sound recording by means of, or as part of, a digital audio transmission; and (ii) Performers can bring an action of unauthorized communication of a live performance to the public (on a network or otherwise) in such a way that the recording may be accessed by any

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person from a place and at a time chosen by him. In this context, “communication” includes broadcasting, inclusion in a cable programme service and the making available of the live performance in such a way that the performance may be accessed by any person from a place and at a time chosen by him.

- ²³ In accordance with Article 3(3) of WPPT, the Kingdom of Sweden has declared that it will not apply the criterion of publication, with the exception of the reproduction right for phonogram producers.
- ²⁴ In accordance with Article 3(3) of the Treaty, this State has declared that it will not apply the criterion of fixation concerning the protection of phonograms.
- ²⁵ The United Kingdom extended the application of the Treaty to the territories of the Bailiwick of Guernsey and the Isle of Man with effect from January 1, 2021.
- ²⁶ The United Kingdom extended the application of the Treaty to the territory of Gibraltar with effect from May 17, 2022.
- ²⁷ Pursuant to Article 15(3) of the WIPO Performances and Phonograms Treaty, the United States will apply the provisions of Article 15(1) of the WIPO Performances and Phonograms Treaty only in respect of certain acts of broadcasting and communication to the public by digital means for which a direct or indirect fee is charged for reception, and for other retransmissions and digital phonorecord deliveries, as provided under the United States law.
- ²⁸ Pursuant to Article 15(3) of the Treaty, the Socialist Republic of Viet Nam declares to apply Article 15(1) in specific cases as provided for in the Law on Intellectual Property of Viet Nam and its implementing documents.