

Announcement

from the Copyright Office, Library of Congress, Washington, D.C. 20559

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

signed at Brussels, May 21, 1974

The United States and 14 other countries signed on May 21, 1974, at Brussels a new convention relating to the distribution of programme-carrying signals transmitted by satellite. The new convention, which is in the field of international public law, obligates member countries to take adequate measures by statutory, decisional, administrative, or penal means to prevent the distribution of signals by unintended distributors on or from their territories. The Convention will remain open for signature until March 31, 1975, and it is expected additional countries will sign, although only 18 of the 47 participating countries were empowered to sign at Brussels.

Many countries will enact new legislation or issue new administrative regulations, or adopt a combination of these approaches. Some countries will fulfill the convention obligation by copyright or neighboring rights legislation. However, most members of the 1961 Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations consider that it already protects against satellite signal piracy. In addition, other countries may rely on existing administrative provisions stemming from the obligations established by the International Telecommunications Union (ITU) and its Radio Regulations. The new Convention was considered necessary both to establish a more specific obligation to combat satellite signal piracy than the ITU, and to achieve wide acceptance, which has not been the fate of the Rome Convention.

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The Brussels Convention was placed in the field of international public law to avoid conferring a new private right on one group in the intellectual property field to the possible disadvantage of the others. It is expected that contractual arrangements among broadcasters, authors, performers, and producers will take into consideration the existence of effective protection under this Convention against satellite signal piracy.

The Convention does not establish a minimum term for protection of the signal. It is understood that protection will be perpetual unless a minimum term is established by the national law. If a minimum term is established, it must be reasonable, and notification of the term must be sent to the Secretary-General of the United Nations.

Programme-carrying signals originally transmitted by direct broadcasting satellites will not be covered by the new Convention.

Exceptions are permitted under national law for brief excerpts and quotations, especially of news programs, to the extent justified by the informatory purpose. In addition, developing countries may make exceptions for the purpose of teaching or scientific research.

Countries whose domestic law on May 21, 1974, limits or denies protection against unauthorized distribution by cable television systems may, if necessary, make a reservation on this point.

The Convention will take effect three months after the deposit of the fifth instrument of ratification, acceptance, or accession.

Countries Signing Brussels Convention
May 21, 1974

Belgium
Brazil
Cyprus
Federal Republic of Germany
Israel
Italy
Ivory Coast
Kenya
Lebanon
Mexico
Morocco
Senegal
Spain
Switzerland
United States