

JAPAN - MEASURES CONCERNING SOUND RECORDINGS

Notification of a Mutually-Agreed Solution

The following communication, dated 7 November 1997, from the Permanent Delegation of the European Commission and the Permanent Mission of Japan to the Dispute Settlement Body is circulated in accordance with Article 12.12 of the DSU.

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The European Community and its Member States and the Government of Japan wish to notify the Dispute Settlement Body that they have reached a mutually satisfactory solution to the matter raised by the Community and its Member States in document WT/DS42/1, dated 4 June 1996, concerning the protection of performers and producers of sound recordings pursuant to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs).

The Community and its Member States requested consultations in the belief that the TRIPs Agreement requires Members of the World Trade Organisation (WTO) to grant protection to performers first performing in a WTO Member and to producers of sound recordings first fixed in a WTO Member or fixed by a national of a WTO Member for a term of at least 50 years from the end of the calendar year in which the fixation was made or the performance took place and that this term of protection should extend to those existing recordings which have not yet fallen into public domain in the country of origin or in the country where protection is sought.

On 26 December 1996, the Government of Japan promulgated amendments to the Japanese Copyright Law, which entered into force on 25 March 1997 (Law No 117). These amendments are intended to provide the above-described protection to performers and producers of sound recordings.

Based on these developments, the Community and its Member States and the Government of Japan agreed formally to terminate the dispute settlement proceedings with respect to this issue. Therefore, the Community and its Member States wish to withdraw the matter from further attention under the provisions of the Dispute Settlement Understanding.

This agreement is without prejudice to the rights and obligations of either Member under the WTO Agreements.