



URADNI LIST REPUBLIKE SLOVENIJE

MEDNARODNE POGODBE

Številka 8 (Uradni list RS, št. 31)

14. junija 1996

ISSN 1318-0932

Leto VI

31.

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI KONVENCIJE ZA VARSTVO PROIZVAJALCEV FONOGRAMOV PRED NEDOVOLJENIM PRESNEMAVANJEM NJIHOVIH FONOGRAMOV (MKVNPF)

Razlašam Zakon o ratifikaciji Konvencije za varstvo proizvajalcev fonogramov pred nedovoljenim presnemavanjem njihovih fonogramov (MKVNPF), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 16. maja 1996.

Št. 001-22-55/96

Ljubljana, dne 24. maja 1996

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI KONVENCIJE ZA VARSTVO PROIZVAJALCEV FONOGRAMOV PRED NEDOVOLJENIM PRESNEMAVANJEM NJIHOVIH FONOGRAMOV (MKVNPF)

1. člen

Ratificira se Konvencija za varstvo proizvajalcev fonogramov pred nedovoljenim presnemavanjem njihovih fonogramov, sestavljena in podpisana v Ženevi 29. oktobra 1971 v angleškem, francoskem, ruskem in španskem jeziku.

2. člen

Besedilo konvencije se v angleškem izvorniku in slovenskem prevodu glasi:

C O N V E N T I O N

FOR THE PROTECTION OF PRODUCERS OF PHONOGRAMS AGAINST UNAUTHORIZED DUPLICATION OF THEIR PHONOGRAMS

The Contracting States,
concerned at the widespread and increasing unauthorized duplication of phonograms and the damage this is occasioning to the interests of authors, performers and producers of phonograms;

convinced that the protection of producers of phonograms against such acts will also benefit the performers whose performances, and the authors whose works, are recorded on the said phonograms;

recognizing the value of the work undertaken in this field by the United Nations Educational, Scientific and Cultural Organization and the World Intellectual Property Organization;

anxious not to impair in any way international agreements already in force and in particular in no way to prejudice wider acceptance of the Rome Convention of October 26, 1961, which affords protection to performers and to broadcasting organizations as well as to producers of phonograms;

have agreed as follows:

K O N V E N C I J A

ZA VARSTVO PROIZVAJALCEV FONOGRAMOV PRED NEDOVOLJENIM PRESNEMAVANJEM NJIHOVIH FONOGRAMOV

Države pogodbenice
so zaskrbljene zaradi razširjenega in naraščajočega nedovoljenega presnemavanja fonogramov ter škode, ki jo to povzroča interesom avtorjev, izvajalcev in proizvajalcev fonogramov;

so prepričane, da bo varstvo proizvajalcev fonogramov pred takšnimi dejanji koristilo tudi izvajalcem, katerih izvedbe, in avtorjem, katerih dela so posneta na takšnih fonogramih;

priznavajo pomen dela, ki sta ga na tem področju opravili Organizacija Združenih narodov za izobraževanje, znanost in kulturo ter Svetovna organizacija za intelektualno lastnino;

si prizadevajo, da ne bi kakor koli posegale v že veljavne mednarodne sporazume, še posebej pa, da ne bi kakor koli škodovala širšemu sprejemanju Rimske konvencije z dne 26. oktobra 1961, ki zagotavlja varstvo izvajalcem in radiodifuznim organizacijam kot tudi proizvajalcem fonogramov;

in so zato sklenile, kot sledi:

Article 1

For the purposes of this Convention:

(a) "phonogram" means any exclusively aural fixation of sounds of a performance or of other sounds;

(b) "producer of phonograms" means the person who, or the legal entity which, first fixes the sounds of a performance or other sounds;

(c) "duplicate" means an Article which contains sounds taken directly or indirectly from a phonogram and which embodies all or a substantial part of the sounds fixed in that phonogram;

(d) "distribution to the public" means any act by which duplicates of a phonogram are offered, directly or indirectly, to the general public or any section thereof.

Article 2

Each Contracting State shall protect producers of phonograms who are nationals of other Contracting States against the making of duplicates without the consent of the producer and against the importation of such duplicates, provided that any such making or importation is for the purpose of distribution to the public, and against the distribution of such duplicates to the public.

Article 3

The means by which this Convention is implemented shall be a matter for the domestic law of each Contracting State and shall include one or more of the following: protection by means of the grant of a copyright or other specific right; protection by means of the law relating to unfair competition; protection by means of penal sanctions.

Article 4

The duration of the protection given shall be a matter for the domestic law of each Contracting State. However, if the domestic law prescribes a specific duration for the protection, that duration shall not be less than twenty years from the end either of the year in which the sounds embodied in the phonogram were first fixed or of the year in which the phonogram was first published.

Article 5

If, as a condition of protecting the producers of phonograms, a Contracting State, under its domestic law, requires compliance with formalities, these shall be considered as fulfilled if all the authorized duplicates of the phonogram distributed to the public or their containers bear a notice consisting of the symbol (P) accompanied by the year date of the first publication, placed in such manner as to give reasonable notice of claim of protection; and, if the duplicates or their containers do not identify the producer, his successor in title or the exclusive licensee (by carrying his name, trademark or other appropriate designation), the notice shall also include the name of the producer, his successor in title or the exclusive licensee.

Article 6

Any Contracting State which affords protection by means of copyright or other specific right, or protection by means of penal sanctions, may in its domestic law provide, with regard to the protection of producers of phonograms, the same kinds of limitations as are permitted with respect to the protection of authors of literary and artistic works. However, no compulsory licenses may be permitted unless all of the following conditions are met:

(a) the duplication is for use solely for the purpose of teaching or scientific research;

1. člen

Za namene te konvencije:

(a) "fonogram" pomeni vsak izključno slušni posnetek zvokov izvedbe ali drugih zvokov;

(b) "proizvajalec fonogramov" pomeni fizično ali pravno osebo, ki prva posname zvoke izvedbe ali druge zvoke;

(c) "kopija" pomeni predmet, ki vsebuje zvoke, prevzete neposredno ali posredno s fonograma, in obsega vse ali znaten del zvokov, posnetih na tem fonogramu;

(d) "distribuiranje javnosti" pomeni vsako dejanje, s katerim se kopije fonograma ponudijo neposredno ali posredno široki javnosti ali njenemu delu.

2. člen

Vsaka država pogodbenica varuje proizvajalce fonogramov, ki so državljani drugih držav pogodbenic, pred izdelavo kopij brez soglasja proizvajalca in pred uvozom takih kopij, pod pogojem, da je taka izdelava ali uvoz storjen z namenom distribuiranja javnosti, ter pred distribuiranjem takih kopij javnosti.

3. člen

Uresničevanje te konvencije ureja domače pravo vsake države pogodbenice z enim ali več od naslednjih načinov: varstvo na podlagi avtorske pravice ali druge posebne pravice; varstvo na podlagi predpisov o nelojalni konkurenci; varstvo na podlagi kazenskih sankcij.

4. člen

Trajanje varstva ureja domače pravo vsake države pogodbenice. Če pa domače pravo določa poseben čas trajanja varstva, ta čas ne sme biti krajši od dvajset let, šteto od konca leta, v katerem so bili zvoki, vsebovani na fonogramu, prvič posneti, ali od leta, v katerem je bil fonogram prvič izdan.

5. člen

Če kot pogoj za varstvo proizvajalcev fonogramov država pogodbenica zahteva po svojem domačem pravu izpolnitev določenih formalnosti, se šteje, da so te formalnosti izpolnjene, če je na vseh avtoriziranih kopijah fonograma, distribuiranih javnosti, ali na njihovih ovitkih opozorilo v obliki znaka (P) skupaj z letnico prve izdaje, in to tako, da primerno opozori na zahtevano varstvo; in če na kopijah ali njihovih ovitkih ni naveden proizvajalec, njegov pravni naslednik ali imetnik izključne licence (z navedbo imena, blagovne znamke ali druge ustrezne označbe), mora opozorilo vsebovati tudi ime proizvajalca, njegovega pravnega naslednika ali imetnika izključne licence.

6. člen

Vsaka država pogodbenica, ki zagotavlja varstvo na podlagi avtorske pravice ali druge posebne pravice ali varstvo na podlagi kazenskih sankcij, lahko v svojem domačem pravu za varstvo proizvajalcev fonogramov določi enake omejitve, kot so dopustne za varstvo avtorjev književnih in umetniških del. Vendar pa prisilne licence niso dopustne, razen če niso izpolnjeni vsi naslednji pogoji:

(a) da se kopije uporabljajo le za pouk ali znanstveno raziskovanje;

(b) the license shall be valid for duplication only within the territory of the Contracting State whose competent authority has granted the license and shall not extend to the export of duplicates;

(c) the duplication made under the license gives rise to an equitable remuneration fixed by the said authority taking into account, inter alia, the number of duplicates which will be made.

Article 7

(1) This Convention shall in no way be interpreted to limit or prejudice the protection otherwise secured to authors, to performers, to producers of phonograms or to broadcasting organizations under any domestic law or international agreement.

(2) It shall be a matter for the domestic law of each Contracting State to determine the extent, if any, to which performers whose performances are fixed in a phonogram are entitled to enjoy protection and the conditions for enjoying any such protection.

(3) No Contracting State shall be required to apply the provisions of this Convention to any phonogram fixed before this Convention entered into force with respect to that State.

(4) Any Contracting State which, on October 29, 1971, affords protection to producers of phonograms solely on the basis of the place of first fixation may, by a notification deposited with the Director General of the World Intellectual Property Organization, declare that it will apply this criterion instead of the criterion of the nationality of the producer.

Article 8

(1) The International Bureau of the World Intellectual Property Organization shall assemble and publish information concerning the protection of phonograms. Each Contracting State shall promptly communicate to the International Bureau all new laws and official texts on this subject.

(2) The International Bureau shall, on request, furnish information to any Contracting State on matters concerning this Convention, and shall conduct studies and provide services designed to facilitate the protection provided for therein.

(3) The International Bureau shall exercise the functions enumerated in paragraph (1) and paragraph (2) above in cooperation, for matters within their respective competence, with the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization.

Article 9

(1) This Convention shall be deposited with the Secretary-General of the United Nations. It shall be open until April 30, 1972, for signature by any State that is a member of the United Nations, any of the Specialized Agencies brought into relationship with the United Nations, or the International Atomic Energy Agency, or is a party to the Statute of the International Court of Justice.

(2) This Convention shall be subject to ratification or acceptance by the signatory States. It shall be open for accession by any State referred to in paragraph (1) of this Article.

(3) Instruments of ratification, acceptance or accession shall be deposited with the Secretary-General of the United Nations.

(4) It is understood that, at the time a State becomes bound by this Convention, it will be in a position in accordance with its domestic law to give effect to the provisions of the Convention.

(b) da licenca velja le za izdelavo kopij na ozemlju države pogodbenice, katere pristojni organ je podelil licenco, in ne vsebuje dovoljenja za izvoz kopij;

(c) da je za kopije, izdelane na podlagi licence, predvideno pravično nadomestilo v znesku, ki ga določi navedeni organ, ki pri tem med drugim upošteva tudi število kopij, ki bodo izdelane.

7. člen

(1) Ta konvencija se ne sme na noben način razlagati tako, kot da omejuje ali posega v varstvo, ki je sicer drugače zagotovljeno avtorjem, izvajalcem, proizvajalcem fonogramov ali radiodifuznim organizacijam na podlagi domačega prava ali mednarodnih sporazumov.

(2) Domače pravo vsake države pogodbenice določa obseg, v katerem so izvajalci, katerih izvedbe so posnete na fonogramu, upravičeni do varstva, če to sploh so, ter pogoje za uživanje takšnega varstva.

(3) Nobena država pogodbenica ni dolžna uporabiti določb te konvencije za fonogram, ki je bil posnet, preden je ta konvencija začela veljati za to državo.

(4) Vsaka država pogodbenica, ki na dan 29. oktobra 1971 zagotavlja varstvo proizvajalcem fonogramov zgolj na podlagi kraja prvega posnetka, lahko z notifikacijo, deponirano pri generalnem direktorju Svetovne organizacije za intelektualno lastnino, izjavi, da bo uporabljala ta kriterij namesto kriterija državljanstva proizvajalca.

8. člen

(1) Mednarodni urad Svetovne organizacije za intelektualno lastnino zbira in objavlja podatke o varstvu fonogramov. Vsaka država pogodbenica takoj sporoči Mednarodnemu uradu vse nove predpise in uradna besedila o tem.

(2) Mednarodni urad daje vsaki državi pogodbenici na njeno zahtevo informacije o tej konvenciji ter vodi študije in zagotavlja storitve za lažje uresničevanje s to konvencijo predvidenega varstva.

(3) Mednarodni urad opravlja naloge, naštet v prvem in drugem odstavku tega člena, v sodelovanju z Organizacijo Združenih narodov za izobraževanje, znanost in kulturo oziroma z Mednarodno organizacijo dela za zadeve iz njune pristojnosti.

9. člen

(1) Ta konvencija se deponira pri generalnem sekretarju Združenih narodov. Do 30. aprila 1972 je na voljo za podpis vsaki državi, ki je članica Združenih narodov, katere koli specializirane agencije Združenih narodov ali Mednarodne agencije za atomsko energijo ali pa je pogodbenica Statuta Meddržavnega sodišča.

(2) To konvencijo države podpisnice ratificirajo ali sprejmejo. Konvencija je na voljo za pristop vsaki državi iz prvega odstavka tega člena.

(3) Listine o ratifikaciji, sprejemu ali pristopu se deponirajo pri generalnem sekretarju Združenih narodov.

(4) Razume se, da bo v času, ko postane določena država vezana s to konvencijo, sposobna, da v skladu s svojim domačim pravom zagotavi izvajanje določb te konvencije.

Article 10

No reservations to this Convention are permitted.

Article 11

(1) This Convention shall enter into force three months after deposit of the fifth instrument of ratification, acceptance or accession.

(2) For each State ratifying, accepting or acceding to this Convention after the deposit of the fifth instrument of ratification, acceptance or accession, the Convention shall enter into force three months after the date on which the Director General of the World Intellectual Property Organization informs the States, in accordance with Article 13, paragraph (4), of the deposit of its instrument.

(3) Any State may, at the time of ratification, acceptance or accession or at any later date, declare by notification addressed to the Secretary-General of the United Nations that this Convention shall apply to all or any one of the territories for whose international affairs it is responsible. This notification will take effect three months after the date on which it is received.

(4) However, the preceding paragraph may in no way be understood as implying the recognition or tacit acceptance by a Contracting State of the factual situation concerning a territory to which this Convention is made applicable by another Contracting State by virtue of the said paragraph.

Article 12

(1) Any Contracting State may denounce this Convention, on its own behalf or on behalf of any of the territories referred to in Article 11, paragraph (3), by written notification addressed to the Secretary-General of the United Nations.

(2) Denunciation shall take effect twelve months after the date on which the Secretary-General of the United Nations has received the notification.

Article 13

(1) This Convention shall be signed in a single copy in English, French, Russian and Spanish, the four texts being equally authentic.

(2) Official texts shall be established by the Director General of the World Intellectual Property Organization, after consultation with the interested Governments, in the Arabic, Dutch, German, Italian and Portuguese languages.

(3) The Secretary-General of the United Nations shall notify the Director General of the World Intellectual Property Organization, the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director-General of the International Labour Office of:

- (a) signatures to this Convention;
- (b) the deposit of instruments of ratification, acceptance or accession;
- (c) the date of entry into force of this Convention;
- (d) any declaration notified pursuant to Article 11, paragraph (3);
- (e) the receipt of notifications of denunciation.

(4) The Director General of the World Intellectual Property Organization shall inform the States referred to in Article 9, paragraph (1), of the notifications received pursuant to the preceding paragraph and of any declarations made under Article 7, paragraph (4). He shall also notify the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director-General of the International Labour Office of such declarations.

10. člen

Nobeni pridržki k tej konvenciji niso dopustni.

11. člen

(1) Ta konvencija začne veljati tri mesece po deponiranju pete listine o ratifikaciji, sprejemu ali pristopu.

(2) Za vsako državo, ki ratificira, sprejme ali pristopi k tej konvenciji po tem, ko je bila deponirana peta listina o ratifikaciji, sprejemu ali pristopu, začne konvencija veljati tri mesece po dnevu, ko generalni direktor Svetovne organizacije za intelektualno lastnino v skladu s četrtem odstavkom 13. člena obvesti druge države o deponiranju te listine.

(3) Vsaka država lahko ob ratifikaciji, sprejemu ali pristopu ali kadar koli pozneje izjavi z notifikacijo, naslovljeno na generalnega sekretarja Združenih narodov, da velja ta konvencija tudi za vsa ozemlja ali za posamezno ozemlje, za katerih mednarodne odnose je odgovorna. Taka notifikacija bo začela učinkovati tri mesece po dnevu njenega prejema.

(4) Vendar pa se prejšnji odstavek ne sme v nobenem primeru razumeti tako, kot da pomeni priznanje ali tihi pristane države pogodbenice na dejansko stanje na ozemlju, na katero druga država pogodbenica razširi veljavnost te konvencije na podlagi omenjenega odstavka.

12. člen

(1) Vsaka država pogodbenica lahko odpove to konvencijo zase ali za katero koli ozemlje, navedeno v tretjem odstavku 11. člena, s pisno notifikacijo, naslovljeno na generalnega sekretarja Združenih narodov.

(2) Odpoved začne učinkovati dvanajst mesecev po dnevu, ko generalni sekretar Združenih narodov prejme notifikacijo.

13. člen

(1) Ta konvencija je podpisana v enem izvodu v angleškem, francoskem, ruskem in španskem jeziku, pri čemer so vsa štiri besedila enako verodostojna.

(2) Generalni direktor Svetovne organizacije za intelektualno lastnino določi uradna besedila v arabskem, nizozemskem, nemškem, italijanskem in portugalskem jeziku po posvetovanju z vladami zainteresiranih držav.

(3) Generalni sekretar Združenih narodov obvesti generalnega direktorja Svetovne organizacije za intelektualno lastnino, generalnega direktorja Organizacije Združenih narodov za izobraževanje, znanost in kulturo ter generalnega direktorja Mednarodne organizacije dela o:

- (a) podpisih te konvencije;
- (b) deponiranju listin o ratifikaciji, sprejemu ali pristopu;
- (c) datumu začetka veljavnosti te konvencije;
- (d) vsaki izjavi, notificirani v skladu z določbo tretjega odstavka 11. člena;
- (e) prejemu notifikacije o odpovedi.

(4) Generalni direktor Svetovne organizacije za intelektualno lastnino obvesti države iz prvega odstavka 9. člena o notifikacijah, sprejetih v skladu z določbo prejšnjega odstavka, in o vsaki izjavi, dani v skladu z določbo četrtega odstavka 7. člena. Prav tako o teh izjavah obvesti tudi generalnega direktorja Organizacije Združenih narodov za izobraževanje, znanost in kulturo in generalnega direktorja Mednarodne organizacije dela.

(5) The Secretary-General of the United Nations shall transmit two certified copies of this Convention to the States referred to in Article 9, paragraph (1).

(5) Generalni sekretar Združenih narodov pošlje dva overjena izvoda te konvencije državam iz prvega odstavka 9. člena.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Convention.

V POTRDITEV TEGA so podpisani, za to pravilno pooblaščen, podpisali to konvencijo.

DONE at Geneva, this twenty-ninth day of October, 1971.

Sestavljeno v Ženevi devetindvajsetega oktobra 1971.

3. člen

Za izvajanje konvencije skrbi Ministrstvo za znanost in tehnologijo – Urad Republike Slovenije za intelektualno lastnino.

4. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 120-01/96-02/1

Ljubljana, dne 16. maja 1996

Predsednik
Državnega zbora
Republike Slovenije
Jožef Školč l. r.

32.

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI MEDNARODNE KONVENCIJE ZA VARSTVO IZVAJALCEV, PROIZVAJALCEV FONOGRAMOV IN RADIODIFUZNIH ORGANIZACIJ (MKVIPF)

Razglašam Zakon o ratifikaciji Mednarodne konvencije za varstvo izvajalcev, proizvajalcev fonogramov in radiodifuznih organizacij (MKVIPF), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 16. maja 1996.

Št. 001-22-56/96

Ljubljana, dne 24. maja 1996

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI MEDNARODNE KONVENCIJE ZA VARSTVO IZVAJALCEV, PROIZVAJALCEV FONOGRAMOV IN RADIODIFUZNIH ORGANIZACIJ (MKVIPF)

1. člen

Ratificira se Mednarodna konvencija za varstvo izvajalcev, proizvajalcev fonogramov in radiodifuznih organizacij, sestavljena in podpisana v Rimu 26. oktobra 1961, v angleškem, francoskem in španskem jeziku.

2. člen

Besedilo konvencije se v angleškem izvorniku in slovenskem prevodu glasi:

**INTERNATIONAL CONVENTION
FOR THE PROTECTION OF PERFORMERS,
PRODUCERS OF PHONOGRAMS AND
BROADCASTING ORGANISATIONS**

The Contracting States, moved by the desire to protect the rights of performers, producers of phonograms, and broadcasting organisations,

Have agreed as follows:

Article 1

Protection granted under this Convention shall leave intact and shall in no way affect the protection of copyright in literary and artistic works. Consequently, no provision of this Convention may be interpreted as prejudicing such protection.

Article 2

1. For the purposes of this Convention, national treatment shall mean the treatment accorded by the domestic law of the Contracting State in which protection is claimed:

(a) to performers who are its nationals, as regards performances taking place, broadcast, or first fixed, on its territory;

(b) to producers of phonograms who are its nationals, as regards phonograms first fixed or first published on its territory;

(c) to broadcasting organisations which have their headquarters on its territory, as regards broadcasts transmitted from transmitters situated on its territory.

2. National treatment shall be subject to the protection specifically guaranteed, and the limitations specifically provided for, in this Convention.

Article 3

For the purposes of this Convention:

(a) "performers" means actors, singers, musicians, dancers, and other persons who act, sing, deliver, declaim, play in, or otherwise perform literary or artistic works;

(b) "phonogram" means any exclusively aural fixation of sounds of a performance or of other sounds;

(c) "producer of phonograms" means the person who, or the legal entity which, first fixes the sounds of a performance or other sounds;

(d) "publication" means the offering of copies of a phonogram to the public in reasonable quantity;

(e) "reproduction" means the making of a copy or copies of a fixation;

(f) "broadcasting" means the transmission by wireless means for public reception of sounds or of images and sounds;

(g) "rebroadcasting" means the simultaneous broadcasting by one broadcasting organisation of the broadcast of another broadcasting organisation.

Article 4

Each Contracting State shall grant national treatment to performers if any of the following conditions is met:

(a) the performance takes place in another Contracting State;

(b) the performance is incorporated in a phonogram which is protected under Article 5 of this Convention;

(c) the performance, not being fixed on a phonogram, is carried by a broadcast which is protected by Article 6 of this Convention.

Article 5

1. Each Contracting State shall grant national treatment to producers of phonograms if any of the following conditions is met:

**MEDNARODNA KONVENCIJA
ZA VARSTVO IZVAJALCEV, PROIZVAJALCEV
FONOGRAMOV IN RADIODIFUZNIH
ORGANIZACIJ**

Države pogodbenice v želji, da bi varovale pravice izvajalcev, proizvajalcev fonogramov in radiodifuznih organizacij,

so sklenile, kot sledi:

1. člen

Varstvo, ki ga zagotavlja ta konvencija, ne posega in na noben način ne vpliva na varstvo avtorske pravice na književnih in umetniških delih. Glede na to se nobena določba te konvencije ne sme razlagati na škodo tega varstva.

2. člen

1. Za namene te konvencije pomeni nacionalni tretma obravnavanje v skladu z domačim pravom države pogodbenice, v kateri se zahteva varstvo:

(a) izvajalcev, ki so njeni državljani, za izvedbe, ki potekajo, so oddajane ali prvič posnete na njenem ozemlju;

(b) proizvajalcev fonogramov, ki so njeni državljani, za fonograme, ki so prvič posneti ali prvič objavljeni na njenem ozemlju;

(c) radiodifuznih organizacij, ki imajo svoj sedež na njenem ozemlju, za radijske oddaje, prenašane preko oddajnikov, ki so na njenem ozemlju.

2. Nacionalni tretma mora biti v skladu z varstvom, ki ga izrecno zagotavlja, in z omejitvami, ki jih izrecno predvideva ta konvencija.

3. člen

Za namene te konvencije:

(a) "izvajalci" pomeni igralce, pevce, glasbenike, plešalce in druge osebe, ki igrajo, pojejo, podajajo, deklamirajo, nastopajo ali drugače izvajajo književna ali umetniška dela;

(b) "fonogram" pomeni vsak izključno slušni posnetek zvokov izvedbe ali drugih zvokov;

(c) "proizvajalec fonogramov" pomeni fizično ali pravno osebo, ki prva posname zvoke izvedbe ali druge zvoke;

(d) "izdaja" pomeni ponujanje kopij fonograma javnosti v razumni količini;

(e) "reproduciranje" pomeni izdelavo kopije ali kopij posnetka;

(f) "radiodifuzno oddajanje" pomeni brezžično prenašanje za javni sprejem zvoka ali slike in zvoka;

(g) "radiodifuzna retransmisija" pomeni sočasno radiodifuzno oddajanje oddaje ene radiodifuzne organizacije, ki ga opravi druga radiodifuzna organizacija.

4. člen

Vsaka država pogodbenica zagotovi nacionalni tretma izvajalcem, če je izpolnjen kateri od naslednjih pogojev:

(a) da izvedba poteka v drugi državi pogodbenici;

(b) da je izvedba na fonogramu, ki je zaščiten v skladu s 5. členom te konvencije;

(c) da se izvedba, ki ni posneta na fonogramu, prenaša z oddajo, ki je zaščiten v skladu s 6. členom te konvencije.

5. člen

1. Vsaka država pogodbenica zagotovi nacionalni tretma proizvajalcem fonogramov, če je izpolnjen kateri od naslednjih pogojev:

(a) the producer of the phonogram is a national of another Contracting State (criterion of nationality);

(b) the first fixation of the sound was made in another Contracting State (criterion of fixation);

(c) the phonogram was first published in another Contracting State (criterion of publication).

2. If a phonogram was first published in a non-contracting State but if it was also published, within thirty days of its first publication, in a Contracting State (simultaneous publication), it shall be considered as first published in the Contracting State.

3. By means of a notification deposited with the Secretary-General of the United Nations, any Contracting State may declare that it will not apply the criterion of publication or, alternatively, the criterion of fixation. Such notification may be deposited at the time of ratification, acceptance or accession, or at any time thereafter; in the last case, it shall become effective six months after it has been deposited.

Article 6

1. Each Contracting State shall grant national treatment to broadcasting organisations if either of the following conditions is met:

(a) the headquarters of the broadcasting organisation is situated in another Contracting State;

(b) the broadcast was transmitted from a transmitter situated in another Contracting State.

2. By means of a notification deposited with the Secretary-General of the United Nations, any Contracting State may declare that it will protect broadcasts only if the headquarters of the broadcasting organisation is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in the same Contracting State. Such notification may be deposited at the time of ratification, acceptance or accession, or at any time thereafter; in the last case, it shall become effective six months after it has been deposited.

Article 7

1. The protection provided for performers by this Convention shall include the possibility of preventing:

(a) the broadcasting and the communication to the public, without their consent, of their performance, except where the performance used in the broadcasting or the public communication is itself already a broadcast performance or is made from a fixation;

(b) the fixation, without their consent, of their unfixed performance;

(c) the reproduction, without their consent, of a fixation of their performance:

(i) if the original fixation itself was made without their consent;

(ii) if the reproduction is made for purposes different from those for which the performers gave their consent;

(iii) if the original fixation was made in accordance with the provisions of Article 15, and the reproduction is made for purposes different from those referred to in those provisions.

2. (1) If broadcasting was consented to by the performers, it shall be a matter for the domestic law of the Contracting State where protection is claimed to regulate the protection against rebroadcasting, fixation for broadcasting purposes and the reproduction of such fixation for broadcasting purposes.

(2) The terms and conditions governing the use by broadcasting organisations of fixations made for broadcasting purposes shall be determined in accordance with the domestic law of the Contracting State where protection is claimed.

(3) However, the domestic law referred to in sub-paragraphs (1) and (2) of this paragraph shall not operate to deprive performers of the ability to control, by contract, their relations with broadcasting organisations.

(a) da je proizvajalec fonogramov državljan kake druge države pogodbenice (kriterij državljanstva);

(b) da je bil posnetek zvoka prvič narejen v kaki drugi državi pogodbenici (kriterij posnetka);

(c) da je bil fonogram prvič izdan v kaki drugi državi pogodbenici (kriterij izdaje).

2. Če je bil fonogram prvič izdan v državi, ki ni pogodbenica, vendar je bil v tridesetih dneh od prve izdaje izdan tudi v kaki državi pogodbenici (sočasna izdaja), se šteje, da je bil prvič izdan v državi pogodbenici.

3. Z notifikacijo, deponirano pri generalnem sekretarju Združenih narodov, lahko katera koli država pogodbenica izjavi, da ne bo uporabljala kriterija izdaje ali pa kriterija posnetka. Takšna notifikacija se lahko deponira ob ratifikaciji, sprejemu ali pristopu ali kadar koli pozneje; v zadnjem primeru začne učinkovati šest mesecev po tem, ko je bila deponirana.

6. člen

1. Vsaka država pogodbenica zagotovi nacionalni tretma radiodifuznim organizacijam, če je izpolnjen kateri od naslednjih pogojev:

(a) da je sedež radiodifuzne organizacije v kaki drugi državi pogodbenici;

(b) da je bila oddaja prenašana preko oddajnika, ki je v kaki drugi državi pogodbenici.

2. Z notifikacijo, deponirano pri generalnem sekretarju Združenih narodov, lahko vsaka država pogodbenica izjavi, da bo varovala oddaje le v primeru, če je sedež radiodifuzne organizacije v kaki drugi državi pogodbenici in če je bila oddaja prenašana preko oddajnika, ki je v isti državi pogodbenici. Takšna notifikacija se lahko deponira ob ratifikaciji, sprejemu ali pristopu ali kadar koli pozneje; v zadnjem primeru začne učinkovati šest mesecev po tem, ko je bila vložena.

7. člen

1. Varstvo, ki ga izvajalcem zagotavlja ta konvencija, vsebuje možnost, da se prepreči:

(a) oddajanje in posredovanje javnosti njihove izvedbe brez njihovega soglasja, razen kadar je izvedba, uporabljena v oddaji ali javnem posredovanju, že oddajana ali posneta;

(b) snemanje njihove neposnete izvedbe brez njihovega soglasja;

(c) reproduciranje posnetka njihove izvedbe brez njihovega soglasja:

(i) če je bil prvotni posnetek narejen brez njihovega soglasja;

(ii) če je reprodukcija narejena za namene, drugačne od tistih, za katere so izvajalci dali svoje soglasje;

(iii) če je bil prvotni posnetek narejen v skladu z določbami 15. člena in je reprodukcija narejena za namene, drugačne od navedenih v teh določbah.

2. (1) Če so izvajalci dali soglasje za radiodifuzno oddajanje, ureja varstvo zoper radiodifuzno retransmisijo, snemanje za namen oddajanja ter reproduciranje takšnih posnetkov domače pravo države pogodbenice, v kateri se zahteva varstvo.

(2) Določbe in pogoji, ki urejajo, kako radiodifuzne organizacije uporabljajo posnetke, narejene za namen oddajanja, se določajo v skladu z domačim pravom države pogodbenice, v kateri se zahteva varstvo.

(3) Uporaba domačega prava, navedenega v točkah (1) in (2) tega odstavka, pa izvajalcem ne sme kratiti možnosti, da pogodbeno urejajo svoje odnose z radiodifuznimi organizacijami.

Article 8

Any Contracting State may, by its domestic laws and regulations, specify the manner in which performers will be represented in connexion with the exercise of their rights if several of them participate in the same performance.

Article 9

Any Contracting State may, by its domestic laws and regulations, extend the protection provided for in this Convention to artists who do not perform literary or artistic works.

Article 10

Producers of phonograms shall enjoy the right to authorise or prohibit the direct or indirect reproduction of their phonograms.

Article 11

If, as a condition of protecting the rights of producers of phonograms, or of performers, or both, in relation to phonograms, a Contracting State, under its domestic law, requires compliance with formalities, these shall be considered as fulfilled if all the copies in commerce of the published phonogram or their containers bear a notice consisting of the symbol (P), accompanied by the year date of the first publication, placed in such a manner as to give reasonable notice of claim of protection; and if the copies or their containers do not identify the producer or the licensee of the producer (by carrying his name, trade mark or other appropriate designation), the notice shall also include the name of the owner of the rights of the producer; and, furthermore, if the copies or their containers do not identify the principal performers, the notice shall also include the name of the person who, in the country in which the fixation was effected, owns the rights of such performers.

Article 12

If a phonogram published for commercial purposes, or a reproduction of such phonogram, is used directly for broadcasting or for any communication to the public, a single equitable remuneration shall be paid by the user to the performers, or to the producers of the phonograms, or to both. Domestic law may, in the absence of agreement between these parties, lay down the conditions as to the sharing of this remuneration.

Article 13

Broadcasting organisations shall enjoy the right to authorise or prohibit:

- (a) the rebroadcasting of their broadcasts;
- (b) the fixation of their broadcasts;
- (c) the reproduction:
 - (i) of fixations, made without their consent, of their broadcasts;
 - (ii) of fixations, made in accordance with the provisions of Article 15, of their broadcasts, if the reproduction is made for purposes different from those referred to in those provisions;
- (d) the communication to the public of their television broadcasts if such communication is made in places accessible to the public against payment of an entrance fee; it shall be a matter for the domestic law of the State where protection of this right is claimed to determine the conditions under which it may be exercised.

Article 14

The term of protection to be granted under this Convention shall last at least until the end of a period of twenty years computed from the end of the year in which:

- (a) the fixation was made – for phonograms and for performances incorporated therein;
- (b) the performance took place – for performances not incorporated in phonograms;
- (c) the broadcast took place – for broadcasts.

8. člen

Vsaka država pogodbenica lahko s svojimi zakoni in predpisi določi, kako bodo izvajalci zastopani pri uresničevanju svojih pravic, kadar jih več sodeluje pri isti izvedbi.

9. člen

Vsaka država pogodbenica lahko s svojimi zakoni in predpisi razširi varstvo, ki ga zagotavlja ta konvencija, na umetnike, ki ne izvajajo književnih ali umetniških del.

10. člen

Proizvajalci fonogramov imajo pravico dovoliti ali prepovedati neposredno ali posredno reproduciranje svojih fonogramov.

11. člen

Če država pogodbenica s svojimi zakoni zahteva izpolnitev določenih formalnosti kot pogoj za varstvo pravic proizvajalcev fonogramov ali izvajalcev ali obojih v zvezi s fonogrami, se šteje, da so te formalnosti izpolnjene, če je na vseh kopijah izdanega fonograma, ki so v prometu, ali na njihovih ovitkih opozorilo v obliki znaka (P) skupaj z letnico prve izdaje, in to tako, da primerno opozori na zahtevano varstvo; in če na kopijah ali njihovih ovitkih ni naveden proizvajalec ali imetnik licence proizvajalca (z navedbo imena, blagovne znamke ali druge ustrezne označbe), mora opozorilo vsebovati tudi ime lastnika pravic proizvajalca; in nadalje če na kopijah ali ovitkih niso navedeni glavni izvajalci, mora opozorilo vsebovati tudi ime osebe, ki je v državi, kjer je bil narejen zvočni posnetek, lastnik pravic teh izvajalcev.

12. člen

Če se fonogram, ki je bil izdan v komercialne namene, ali njegova reprodukcija uporablja neposredno za radiodifuzno oddajanje ali za kakršno koli posredovanje javnosti, mora uporabnik plačati izvajalcem ali proizvajalcem fonogramov ali obojim enkratno pravično nadomestilo. Če ni dogovora med strankami, lahko domače pravo določi pogoje za delitev tega nadomestila.

13. člen

Radiodifuzne organizacije imajo pravico dovoliti ali prepovedati:

- (a) radiodifuzno retransmisijo svojih oddaj;
- (b) snemanje svojih oddaj;
- (c) reproduciranje:
 - (i) posnetkov svojih oddaj, narejenih brez njihovega soglasja;
 - (ii) posnetkov svojih oddaj, narejenih v skladu z določbami 15. člena, če je reprodukcija narejena za druge namene, kot so navedeni v teh določbah;
- (d) posredovanje svojih televizijskih oddaj javnosti, storjeno na krajih, ki so dostopni ob plačilu vstopnine; domače pravo države, v kateri se zahteva varstvo te pravice, določa pogoje za njeno uresničevanje.

14. člen

Varstvo, ki ga zagotavlja ta konvencija, traja najmanj dvajset let, šteto od konca leta, v katerem:

- (a) je bil narejen posnetek – za fonograme in izvedbe na teh fonogramih;
- (b) je bila izvedba – za izvedbe, ki niso na fonogramih;
- (c) je bila predvajana oddaja – za radiodifuzne oddaje.

Article 15

1. Any Contracting State may, in its domestic laws and regulations, provide for exceptions to the protection guaranteed by this Convention as regards:

- (a) private use;
- (b) use of short excerpts in connexion with the reporting of current events;
- (c) ephemeral fixation by a broadcasting organisation by means of its own facilities and for its own broadcasts;

(d) use solely for the purposes of teaching or scientific research.

2. Irrespective of paragraph 1 of this Article, any Contracting State may, in its domestic laws and regulations, provide for the same kinds of limitations with regard to the protection of performers, producers of phonograms and broadcasting organisations, as it provides for, in its domestic laws and regulations, in connexion with the protection of copyright in literary and artistic works. However, compulsory licences may be provided for only to the extent to which they are compatible with this Convention.

Article 16

1. Any State, upon becoming party to this Convention, shall be bound by all the obligations and shall enjoy all the benefits thereof. However, a State may at any time, in a notification deposited with the Secretary-General of the United Nations, declare that:

- (a) as regards Article 12:
 - (i) it will not apply the provisions of that Article;
 - (ii) it will not apply the provisions of that Article in respect of certain uses;
 - (iii) as regards phonograms the producer of which is not a national of another Contracting State, it will not apply that Article;
 - (iv) as regards phonograms the producer of which is a national of another Contracting State, it will limit the protection provided for by that Article to the extent to which, and to the term for which, the latter State grants protection to phonograms first fixed by a national of the State making the declaration; however, the fact that the Contracting State of which the producer is a national does not grant the protection to the same beneficiary or beneficiaries as the State making the declaration shall not be considered as a difference in the extent of the protection;
- (b) as regards Article 13, it will not apply item (d) of that Article; if a Contracting State makes such a declaration, the other Contracting States shall not be obliged to grant the right referred to in Article 13, item (d), to broadcasting organisations whose headquarters are in that State.

2. If the notification referred to in paragraph 1 of this Article is made after the date of the deposit of the instrument of ratification, acceptance or accession, the declaration will become effective six months after it has been deposited.

Article 17

Any State which, on October 26, 1961, grants protection to producers of phonograms solely on the basis of the criterion of fixation may, by a notification deposited with the Secretary-General of the United Nations at the time of ratification, acceptance or accession, declare that it will apply, for the purposes of Article 5, the criterion of fixation alone and, for the purposes of paragraph 1(a)(iii) and (iv) of Article 16, the criterion of fixation instead of the criterion of nationality.

Article 18

Any State which has deposited a notification under paragraph 3 of Article 5, paragraph 2 of Article 6, paragraph 1 of Article 16 or Article 17, may, by a further notification deposited with the Secretary-General of the United Nations, reduce its scope or withdraw it.

15. člen

1. Vsaka država pogodbenica lahko s svojimi zakoni in predpisi določi izjeme od varstva, ki ga zagotavlja ta konvencija glede:

- (a) zasebne uporabe;
- (b) uporabe kratkih izvlečkov pri poročanju o aktualnih dogodkih;
- (c) efemernih posnetkov, ki jih naredijo radiodifuzne organizacije s svojimi lastnimi napravami in za potrebe svojih lastnih oddaj;
- (d) uporabe le za pouk ali znanstveno raziskovanje.

2. Ne glede na prvi odstavek tega člena lahko vsaka država pogodbenica s svojimi zakoni in predpisi določi enake vrste omejitev pri varstvu izvajalcev, proizvajalcev fonogramov in radiodifuznih organizacij, kot jih v svojih zakonih in predpisih določa glede varstva avtorskih pravic na književnih in umetniških delih. Vendar pa so prisilne licence lahko predvidene le v obsegu, v katerem so združljive s to konvencijo.

16. člen

1. Vsaka država, ki postane pogodbenica te konvencije, ima vse obveznosti in uživa vse ugodnosti iz te konvencije. Vendar lahko država kadar koli z notifikacijo, deponirano pri generalnem sekretarju Združenih narodov, izjavi, da:

- (a) v zvezi z 12. členom:
 - (i) ne bo uporabljala določb tega člena;
 - (ii) ne bo uporabljala določb tega člena glede posameznih načinov uporabe;
 - (iii) ne bo uporabljala tega člena glede fonogramov, katerih proizvajalec ni državljan ene od držav pogodbenic;
 - (iv) bo glede fonogramov, katerih proizvajalec je državljan kake druge države pogodbenice, omejila varstvo, določeno po tem členu na tak obseg in trajanje, kot ga ta druga država zagotavlja za fonograme, ki jih je prvič posnel državljan države, ki daje izjavo; vendar se dejstvo, da država pogodbenica, katere državljan je proizvajalec, ne daje varstva istemu upravičencu ali upravičencem kot država, ki daje izjavo, ne šteje kot razlika v obsegu varstva;
- (b) v zvezi s 13. členom ne bo uporabljala točke (d) tega člena; če država pogodbenica da tako izjavo, druge države pogodbenice niso dolžne priznati pravice, navedene v točki (d) 13. člena, radiodifuznim organizacijam s sedežem v tej državi.

2. Če je notifikacija iz prvega odstavka tega člena sporočena po datumu deponiranja listine o ratifikaciji, sprejemu ali pristopu, začne izjava učinkovati šest mesecev po tem, ko je bila deponirana.

17. člen

Vsaka država, ki na dan 26. oktobra 1961 zagotavlja varstvo proizvajalcem fonogramov samo na podlagi kriterija posnetka, lahko z notifikacijo, deponirano pri generalnem sekretarju Združenih narodov, ob ratifikaciji, sprejemu ali pristopu izjavi, da bo za namene 5. člena uporabljala samo kriterij posnetka, za namene točke (a) (iii) in (iv) prvega odstavka 16. člena pa kriterij posnetka namesto kriterija državljanstva.

18. člen

Vsaka država, ki je deponirala notifikacijo po tretjem odstavku 5. člena, drugem odstavku 6. člena, prvem odstavku 16. člena ali po 17. členu, lahko z nadaljnjo notifikacijo, deponirano pri generalnem sekretarju Združenih narodov, omeji njen obseg ali jo umakne.

Article 19

Notwithstanding anything in this Convention, once a performer has consented to the incorporation of his performance in a visual or audio-visual fixation, Article 7 shall have no further application.

Article 20

1. This Convention shall not prejudice rights acquired in any Contracting State before the date of coming into force of this Convention for that State.

2. No Contracting State shall be bound to apply the provisions of this Convention to performances or broadcasts which took place, or to phonograms which were fixed, before the date of coming into force of this Convention for that State.

Article 21

The protection provided for in this Convention shall not prejudice any protection otherwise secured to performers, producers of phonograms and broadcasting organisations.

Article 22

Contracting States reserve the right to enter into special agreements among themselves in so far as such agreements grant to performers, producers of phonograms or broadcasting organisations more extensive rights than those granted by this Convention or contain other provisions not contrary to this Convention.

Article 23

This Convention shall be deposited with the Secretary-General of the United Nations. It shall be open until June 30, 1962, for signature by any State invited to the Diplomatic Conference on the International Protection of Performers, Producers of Phonograms and Broadcasting Organisations which is a party to the Universal Copyright Convention or a member of the International Union for the Protection of Literary and Artistic Works.

Article 24

1. This Convention shall be subject to ratification or acceptance by the signatory States.

2. This Convention shall be open for accession by any State invited to the Conference referred to in Article 23, and by any State Member of the United Nations, provided that in either case such State is a party to the Universal Copyright Convention or a member of the International Union for the Protection of Literary and Artistic Works.

3. Ratification, acceptance or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the United Nations.

Article 25

1. This Convention shall come into force three months after the date of deposit of the sixth instrument of ratification, acceptance or accession.

2. Subsequently, this Convention shall come into force in respect of each State three months after the date of deposit of its instrument of ratification, acceptance or accession.

Article 26

1. Each Contracting State undertakes to adopt, in accordance with its Constitution, the measures necessary to ensure the application of this Convention.

2. At the time of deposit of its instrument of ratification, acceptance or accession, each State must be in a position under its domestic law to give effect to the terms of this Convention.

19. člen

Ko izvajalec privoli v vključitev svoje izvedbe v vizualni ali avdiovizualni posnetek, se ne glede na katero koli določbo te konvencije njen 7. člen ne uporablja več.

20. člen

1. Ta konvencija ne posega v pravice, pridobljene v kateri koli državi pogodbenici pred dnem, ko ta konvencija začne veljati za to državo.

2. Nobena država pogodbenica ni dolžna uporabljati določb te konvencije za izvedbe ali oddaje, ki so bile, ali za fonograme, posnete pred dnem, ko ta konvencija začne veljati za to državo.

21. člen

Varstvo, ki ga zagotavlja ta konvencija, ne posega v katero koli varstvo, ki se kako drugače zagotavlja izvajalcem, proizvajalcem fonogramov ali radiodifuznim organizacijam.

22. člen

Države pogodbenice si pridržujejo pravico sklepati med seboj posebne sporazume, če takšni sporazumi zagotavljajo izvajalcem, proizvajalcem fonogramov ali radiodifuznim organizacijam obsežnejše pravice, kot jih daje ta konvencija, ali vsebujejo druge določbe, ki niso v nasprotju s to konvencijo.

23. člen

Ta konvencija se deponira pri generalnem sekretarju Združenih narodov. Do 30. junija 1962 je na voljo za podpis vsaki državi, povabljeni na Diplomatsko konferenco o mednarodnem varstvu izvajalcev, proizvajalcev fonogramov in radiodifuznih organizacij, ki je pogodbenica Univerzalne konvencije o varstvu avtorske pravice ali članica Mednarodne unije za varstvo književnih in umetniških del.

24. člen

1. To konvencijo države podpisnice ratificirajo ali sprejmejo.

2. Ta konvencija je na voljo za pristop vsaki državi, povabljeni na konferenco, navedeno v 23. členu, in vsaki državi članici Združenih narodov pod pogojem, da je v obeh primerih ta država tudi pogodbenica Univerzalne konvencije o avtorski pravici ali članica Mednarodne unije za varstvo književnih in umetniških del.

3. Ratifikacija, sprejem ali pristop se opravi z deponiranjem ustrezne listine pri generalnem sekretarju Združenih narodov.

25. člen

1. Ta konvencija začne veljati tri mesece po datumu deponiranja šeste listine o ratifikaciji, sprejemu ali pristopu.

2. Nato začne ta konvencija veljati za vsako posamezno državo tri mesece po datumu deponiranja njene listine o ratifikaciji, sprejemu ali pristopu.

26. člen

1. Vsaka država pogodbenica se zaveže, da v skladu s svojo ustavo sprejme ukrepe, potrebne za zagotovitev uporabe te konvencije.

2. Ob deponiranju listine o ratifikaciji, sprejemu ali pristopu mora biti vsaka država sposobna, da v skladu s svojim domačim pravom uveljavi določbe te konvencije.

Article 27

1. Any State may, at the time of ratification, acceptance or accession, or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Convention shall extend to all or any of the territories for whose international relations it is responsible, provided that the Universal Copyright Convention or the International Convention for the Protection of Literary and Artistic Works applies to the territory or territories concerned. This notification shall take effect three months after the date of its receipt.

2. The notifications referred to in paragraph 3 of Article 5, paragraph 2 of Article 6, paragraph 1 of Article 16 and Articles 17 and 18, may be extended to cover all or any of the territories referred to in paragraph 1 of this Article.

Article 28

1. Any Contracting State may denounce this Convention, on its own behalf or on behalf of all or any of the territories referred to in Article 27.

2. The denunciation shall be effected by a notification addressed to the Secretary-General of the United Nations and shall take effect twelve months after the date of receipt of the notification.

3. The right of denunciation shall not be exercised by a Contracting State before the expiry of a period of five years from the date on which the Convention came into force with respect to that State.

4. A Contracting State shall cease to be a party to this Convention from that time when it is neither a party to the Universal Copyright Convention nor a member of the International Union for the Protection of Literary and Artistic Works.

5. This Convention shall cease to apply to any territory referred to in Article 27 from that time when neither the Universal Copyright Convention nor the International Convention for the Protection of Literary and Artistic Works applies to that territory.

Article 29

1. After this Convention has been in force for five years, any Contracting State may, by notification addressed to the Secretary-General of the United Nations, request that a conference be convened for the purpose of revising the Convention. The Secretary-General shall notify all Contracting States of this request. If, within a period of six months following the date of notification by the Secretary-General of the United Nations, not less than one half of the Contracting States notify him of their concurrence with the request, the Secretary-General shall inform the Director-General of the International Labour Office, the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director of the Bureau of the International Union for the Protection of Literary and Artistic Works, who shall convene a revision conference in co-operation with the Intergovernmental Committee provided for in Article 32.

2. The adoption of any revision of this Convention shall require an affirmative vote by two-thirds of the States attending the revision conference, provided that this majority includes two-thirds of the States which, at the time of the revision conference, are parties to the Convention.

3. In the event of adoption of a Convention revising this Convention in whole or in part, and unless the revising Convention provides otherwise:

(a) this Convention shall cease to be open to ratification, acceptance or accession as from the date of entry into force of the revising Convention;

(b) this Convention shall remain in force as regards relations between or with Contracting States which have not become parties to the revising Convention.

27. člen

1. Vsaka država lahko ob ratifikaciji, sprejemu ali pristopu ali kadar koli pozneje izjavi z notifikacijo, naslovljeno na generalnega sekretarja Združenih narodov, da velja ta konvencija tudi za vsa ozemlja ali za katero koli ozemlje, za katerih mednarodne odnose je odgovorna, pod pogojem, da za to ozemlje ali ozemlja velja Univerzalna konvencija o avtorski pravici ali Mednarodna konvencija za varstvo književnih in umetniških del. Ta notifikacija začne učinkovati tri mesece po datumu prejema.

2. Notifikacija po tretjem odstavku 5. člena, drugem odstavku 6. člena, prvem odstavku 16. člena in po 17. in 18. členu se lahko razširi tako, da vključuje vsa ozemlja ali katero koli ozemlje iz prvega odstavka tega člena.

28. člen

1. Vsaka država pogodbenica lahko odpove to konvencijo zase ali za vsa ozemlja ali katero koli ozemlje iz 27. člena.

2. Odpoved konvencije se opravi z notifikacijo, naslovljeno na generalnega sekretarja Združenih narodov, in začne učinkovati dvanajst mesecev po datumu prejema notifikacije.

3. Država pogodbenica ne more uresničiti pravice do odpovedi pred iztekom petletnega obdobja od dneva, ko je konvencija začela veljati za to državo.

4. Država pogodbenica preneha biti pogodbenica te konvencije, ko ni več pogodbenica Univerzalne konvencije o avtorski pravici ali ko ni več članica Mednarodne unije za varstvo književnih in umetniških del.

5. Ta konvencija se preneha uporabljati za vsako ozemlje, navedeno v 27. členu, ko se za to ozemlje ne uporablja več niti Univerzalna konvencija o avtorski pravici niti Mednarodna konvencija za varstvo književnih in umetniških del.

29. člen

1. Ko je ta konvencija veljala pet let, lahko vsaka država pogodbenica z notifikacijo, naslovljeno na generalnega sekretarja Združenih narodov, zahteva, da se skliče konferenca za revizijo konvencije. Generalni sekretar o tej zahtevi obvesti vse države pogodbenice. Če v šestih mesecih po tem obvestilu najmanj polovica držav pogodbenic obvesti generalnega sekretarja Združenih narodov, da se strinjajo s to zahtevo, generalni sekretar obvesti generalnega direktorja Mednarodnega urada za delo, generalnega direktorja Organizacije Združenih narodov za izobraževanje, znanost in kulturo ter direktorja Urada Mednarodne unije za varstvo književnih in umetniških del, ki v sodelovanju z Medvladnim odborom, predvidenim v 32. členu, skličejo revizijsko konferenco.

2. Za sprejem kakršne koli revizije te konvencije sta potrebni dve tretjini pritrdilnih glasov držav, navzočih na revizijski konferenci, pod pogojem, da ta večina vključuje dve tretjini držav, ki so v času revizijske konference pogodbenice konvencije.

3. V primeru sprejema konvencije, ki v celoti ali delno revidira to konvencijo in če revidirana konvencija ne določa drugače:

(a) ta konvencija preneha biti na voljo za ratifikacijo, sprejem ali pristop od dneva, ko začne veljati revidirana konvencija;

(b) ta konvencija ostane v veljavi za odnose med oziroma z državami pogodbenicami, ki niso postale pogodbenice revidirane konvencije.

Article 30

Any dispute which may arise between two or more Contracting States concerning the interpretation or application of this Convention and which is not settled by negotiation shall, at the request of any one of the parties to the dispute, be referred to the International Court of Justice for decision, unless they agree to another mode of settlement.

Article 31

Without prejudice to the provisions of paragraph 3 of Article 5, paragraph 2 of Article 6, paragraph 1 of Article 16 and Article 17, no reservation may be made to this Convention.

Article 32

1. An Intergovernmental Committee is hereby established with the following duties:

(a) to study questions concerning the application and operation of this Convention; and

(b) to collect proposals and to prepare documentation for possible revision of this Convention.

2. The Committee shall consist of representatives of the Contracting States, chosen with due regard to equitable geographical distribution. The number of members shall be six if there are twelve Contracting States or less, nine if there are thirteen to eighteen Contracting States and twelve if there are more than eighteen Contracting States.

3. The Committee shall be constituted twelve months after the Convention comes into force by an election organised among the Contracting States, each of which shall have one vote, by the Director-General of the International Labour Office, the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director of the Bureau of the International Union for the Protection of Literary and Artistic Works, in accordance with rules previously approved by a majority of all Contracting States.

4. The Committee shall elect its Chairman and officers. It shall establish its own rules of procedure. These rules shall in particular provide for the future operation of the Committee and for a method of selecting its members for the future in such a way as to ensure rotation among the various Contracting States.

5. Officials of the International Labour Office, the United Nations Educational, Scientific and Cultural Organization and the Bureau of the International Union for the Protection of Literary and Artistic Works, designated by the Directors-General and the Director thereof, shall constitute the Secretariat of the Committee.

6. Meetings of the Committee, which shall be convened whenever a majority of its members deems it necessary, shall be held successively at the headquarters of the International Labour Office, the United Nations Educational, Scientific and Cultural Organization and the Bureau of the International Union for the Protection of Literary and Artistic Works.

7. Expenses of members of the Committee shall be borne by their respective Governments.

Article 33

1. The present Convention is drawn up in English, French and Spanish, the three texts being equally authentic.

2. In addition, official texts of the present Convention shall be drawn up in German, Italian and Portuguese.

Article 34

1. The Secretary-General of the United Nations shall notify the States invited to the Conference referred to in Article 23 and every State Member of the United Nations, as well as the Director-General of the International Labour Office, the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director of the Bureau of the International Union for the Protection of Literary and Artistic Works:

30. člen

Vsak spor, ki lahko nastane med dvema ali več državami pogodbenicami glede razlage ali uporabe te konvencije in ni rešen s pogajanjem, se na zahtevo katere koli od strank v sporu predloži v reševanje Meddržavnemu sodišču, če se stranke ne dogovorijo za drugačen način reševanja spora.

31. člen

Nobeni pridržki k tej konvenciji niso dopustni, razen tistih, ki so dopustni po tretjem odstavku 5. člena, drugem odstavku 6. člena, prvem odstavku 16. člena in po 17. členu.

32. člen

1. Ustanovi se Medvladni odbor z naslednjimi nalogaми:

(a) da proučuje vprašanja, ki zadevajo uporabo in delovanje konvencije; in

(b) da zbira predloge in pripravlja dokumentacijo za morebitno revizijo te konvencije.

2. Odbor sestavljajo predstavniki držav pogodbenic, izbrani s obveznim upoštevanjem pravične geografske porazdelitve. Članov je šest, če je držav pogodbenic dvanajst ali manj, devet, če je držav pogodbenic trinajst do osemnajst, in dvanajst, če je držav pogodbenic več kot osemnajst.

3. Odbor se oblikuje dvanajst mesecev po tem, ko začne veljati konvencija, na volitvah, na katerih ima vsaka država pogodbenica en glas in jih pripravijo generalni direktor Mednarodnega urada za delo, generalni direktor Organizacije Združenih narodov za izobraževanje, znanost in kulturo in direktor Urada Mednarodne unije za varstvo književnih in umetniških del v skladu s pravili, ki jih prej odobri večina držav pogodbenic.

4. Odbor izvoli predsednika in funkcionarje ter določi svoj poslovnik. Poslovnik mora predvsem urejati prihodnje delo in način izbiranja njegovih članov za vnaprej, tako da je zagotovljeno kroženje med različnimi državami pogodbenicami.

5. Sekretariat odbora sestavljajo funkcionarji Mednarodnega urada za delo, Organizacije Združenih narodov za izobraževanje, znanost in kulturo in Urada Mednarodne unije za varstvo književnih in umetniških del, ki jih določita njihova generalna direktorja oziroma direktor.

6. Sestanki odbora, ki se skličejo, ko večina njegovih članov meni, da je to potrebno, so izmenično na sedežu Mednarodnega urada za delo, Organizacije Združenih narodov za izobraževanje, znanost in kulturo in Urada Mednarodne unije za varstvo književnih in umetniških del.

7. Stroške članov odbora krijejo njihove vlade.

33. člen

1. Ta konvencija je sestavljena v angleškem, francoskem in španskem jeziku, pri čemer so vsa tri besedila enako verodostojna.

2. Poleg tega se uradna besedila te konvencije sestavijo tudi v nemškem, italijanskem in portugalskem jeziku.

34. člen

1. Generalni sekretar Združenih narodov obvesti države, objavljene na konferenco, navedeno v 23. členu, in vse države članice Združenih narodov kot tudi generalnega direktorja Mednarodnega urada za delo, generalnega direktorja Organizacije Združenih narodov za izobraževanje, znanost in kulturo in direktorja Urada Mednarodne unije za varstvo književnih in umetniških del:

(a) of the deposit of each instrument of ratification, acceptance or accession;
 (b) of the date of entry into force of the Convention;
 (c) of all notifications, declarations or communications provided for in this Convention;
 (d) if any of the situations referred to in paragraphs 4 and 5 of Article 28 arise.

2. The Secretary-General of the United Nations shall also notify the Director-General of the International Labour Office, the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director of the Bureau of the International Union for the Protection of Literary and Artistic Works of the requests communicated to him in accordance with Article 29, as well as of any communication received from the Contracting States concerning the revision of the Convention.

IN FAITH WHEREOF, the undersigned, being duly authorised thereto, have signed this Convention.

DONE at Rome, this twenty-sixth day of October 1961, in a single copy in the English, French and Spanish languages. Certified true copies shall be delivered by the Secretary-General of the United Nations to all the States invited to the Conference referred to in Article 23 and to every State Member of the United Nations, as well as to the Director-General of the International Labour Office, the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director of the Bureau of the International Union for the Protection of Literary and Artistic Works.

3. člen

Republika Slovenija na podlagi tretjega odstavka 5. člena konvencije izjavlja, da ne bo uporabljala kriterija izdaje fonograma po točki (c) prvega odstavka 5. člena konvencije.

Republika Slovenija na podlagi alineje (i) točke (a) prvega odstavka 16. člena konvencije izjavlja, da do 1. januarja 1998 ne bo uporabljala določb 12. člena konvencije.

4. člen

Za izvajanje konvencije skrbi Ministrstvo za znanost in tehnologijo – Urad Republike Slovenije za intelektualno lastnino.

5. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 120-01/96-3/1

Ljubljana, dne 16. maja 1996

Predsednik
 Državnega zbora
 Republike Slovenije
Jožef Školč l. r.

33.

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA O ZNANSTVENEM IN TEHNOLOŠKEM SODELOVANJU MED VLADO REPUBLIKE SLOVENIJE IN VLADO ČEŠKE REPUBLIKE (BCZZTS)

Razglašam Zakon o ratifikaciji Sporazuma o znanstvenem in tehnološkem sodelovanju med Vlado Republike Slovenije in Vlado Češke republike (BCZZTS), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 16. maja 1996.

Št. 001-22-54/96

Ljubljana, dne 24. maja 1996

Predsednik
 Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI SPORAZUMA O ZNANSTVENEM IN TEHNOLOŠKEM SODELOVANJU MED VLADO
REPUBLIKE SLOVENIJE IN VLADO ČEŠKE REPUBLIKE (BCZZTS)

1. člen

Ratificira se Sporazum o znanstvenem in tehnološkem sodelovanju med Vlado Republike Slovenije in Vlado Češke republike, sklenjen 22. septembra 1995 v Ljubljani.

2. člen

Sporazum se v izvorniku v slovenskem in angleškem jeziku glasi:*

S P O R A Z U M
O ZNANSTVENEM IN TEHNOLOŠKEM
SODELOVANJU MED VLADO REPUBLIKE
SLOVENIJE IN VLADO ČEŠKE REPUBLIKE

Vlada Republike Slovenije in Vlada Češke republike (v nadaljnjem besedilu: pogodbenici) sta se

v želji, da bi spodbujali in pospeševali sodelovanje na področju znanosti in tehnologije na osnovi enakosti in vzajemnih koristi,

ker se zavedata tako prednosti, ki izhajajo iz povečane znanstvenega in tehnološkega sodelovanja za naroda obeh držav, kakor tudi pomena le-tega za razvoj nacionalnih gospodarstev in dobro obeh držav

in v prepričanju, da bo mednarodno sodelovanje v znanosti in tehnologiji okrepilo prijateljske vezi in razumevanje med državama,

dogovorili o naslednjem :

1. člen

Pogodbenici bosta razvijali in podpirali znanstveno in tehnološko sodelovanje na podlagi enakosti in koristi.

Sodelujejo lahko znanstveni inštituti, znanstvena združenja, univerze, vladne organizacije in druge raziskovalne in razvojne organizacije.

2. člen

Po tem sporazumu bo znanstveno in tehnološko sodelovanje potekalo v okviru :

- a) znanstvenih in tehnoloških raziskav in razvojnih projektov na skupno dogovorjenih področjih,
- b) izmenjav znanstvenikov, strokovnjakov, raziskovalcev in izvedencev,
- c) izmenjav znanstvenih in tehnoloških informacij in dokumentacije v zvezi z dejavnostjo sodelovanja,
- d) skupnih znanstvenih konferenc, simpozijev, delavnic in drugih srečanj,
- e) drugih oblik znanstvenega in tehnološkega sodelovanja, o katerih se pogodbenici medsebojno dogovorita.

Poleg navedenega bosta pogodbenici v največji možni meri spodbujali izmenjavo tehnologij med podjetji, vključno s tehničnim sodelovanjem.

3. člen

Pogodbenici bosta spodbujali in podpirali sodelovanje in udeležbo v multilateralnih in regionalnih znanstvenih, tehnoloških in razvojnih programih in projektih.

A G R E E M E N T
ON SCIENTIFIC AND TECHNOLOGICAL
COOPERATION BETWEEN THE GOVERNMENT
OF THE REPUBLIC OF SLOVENIA AND THE
GOVERNMENT OF THE CZECH REPUBLIC

The Government of the Republic of Slovenia and the Government of the Czech Republic (hereinafter referred to as the Contracting Parties)

Desiring to encourage and promote cooperation in the areas of science and technology on the basis of equality and mutual benefits,

Recognizing the advantages to be derived by the people of the two countries from the increased scientific and technological cooperation, as well as of its importance for the development of the national economies and prosperity of both countries,

Convinced that international cooperation in science and technology will strengthen the bonds of friendship and understanding between the two countries,

have agreed as follows:

Article 1

The Contracting Parties shall develop and support the cooperation in the field of science and technology on the basis of equality and benefit.

Cooperating organizations may include scientific institutes, scientific societies, universities, government agencies and other research and development organizations.

Article 2

According to this agreement, scientific and technological cooperation shall be promoted through:

- a) Scientific and technological research and development projects in areas jointly agreed upon
- b) Exchange of scientists, specialists, researchers and experts
- c) Exchange of science and technology information and documentation in the context of cooperative activities
- d) Joint scientific conferences, symposia, workshops and other meetings
- e) Other forms of scientific and technological cooperation which can mutually be agreed upon by the Contracting Parties.

Besides, the Contracting Parties shall encourage to the maximum possible extent, exchange of technologies between enterprises, including technical collaboration.

Article 3

The Contracting Parties shall encourage and support cooperation and participation in multilateral and regional scientific, technological and development programs and projects.

* Besedilo izvornika sporazuma v češkem jeziku je na vpogled v Službi za mednarodnopravne zadeve Ministrstva za zunanje zadeve Republike Slovenije.

4. člen

Sodelovanje po tem sporazumu poteka v skladu z veljavnimi zakoni in predpisi obeh držav, kot tudi v skladu s pravili, ki izvirajo iz drugih veljavnih sporazumov, ki zavezujejo državi.

5. člen

Obravnavanje intelektualne lastnine, ki izhaja iz aktivnosti sodelovanja po tem sporazumu, se ureja z dogovori o izvajanju med sodelujočimi organizacijami, v katerih bo zagotovljeno ustrezno in učinkovito varstvo intelektualne lastnine. Sodelujoče organizacije bodo postale solastnice intelektualne lastnine, ki bo izhajala iz sodelovanja po tem sporazumu.

Znanstvene in tehnološke informacije nelastninske narave, ki izhajajo iz sodelovanja po tem sporazumu, bodo last obeh strani in bodo zaupne; če bo treba, bodo na razpolago tretji strani, če ne bo drugače pisno dogovorjeno med sodelujočimi organizacijami.

6. člen

Znanstveniki, izvedenci in institucije tretjih držav ali mednarodnih organizacij so lahko na podlagi soglasja obeh pogodbenic na njihove stroške, če ni drugače pisno dogovorjeno, povabljeni k sodelovanju pri projektih in programih po tem sporazumu.

7. člen

Določila tega sporazuma se lahko spremenijo ali dopolnijo le s privolitvijo obeh pogodbenic. Spremembe in dopolnitve morajo biti v pisni obliki.

8. člen

Izvajanje tega sporazuma bosta pogodbenici uravnavali z dveletnimi programi sodelovanja, o katerih se bosta pogajala Ministrstvo za znanost in tehnologijo Republike Slovenije in Ministrstvo za šolstvo, mladino in šport Češke republike.

9. člen

Za izvajanje tega sporazuma pogodbenici ustanovita Skupni odbor za znanstveno in tehnološko sodelovanje (v nadaljevanju: Skupni odbor), sestavljen iz enakega števila predstavnikov in izvedencev pogodbenic.

Skupni odbor načrtuje in usklajuje sodelovanje v znanosti in tehnologiji ter presoja razvoj sodelovanja.

Če je treba, predlaga dejavnosti za uresničitev rezultatov, doseženih pri sodelovanju.

Skupni odbor dela v skladu s statutom, ki je sprejet s podpisom obeh ministrov.

Srečanja Skupnega odbora so vsako leto ali na zahtevo ene od pogodbenic izmenično v Republiki Sloveniji in v Češki republiki.

10. člen

Ta sporazum začne veljati, ko pogodbenici izmenjata obvestili, da so bile izpolnjene njune zakonske in druge zahteve, potrebne za začetek veljavnosti sporazuma.

Ta sporazum velja pet let in ostane veljaven nadaljnja petletna obdobja, če katera od pogodbenic šest mesecev pred iztekom pisno ne sporoči svoje namere, da ga želi odpovedati.

Article 4

Cooperation under this Agreement shall be subject to the applicable national laws and regulations of both countries, as well as to the obligations resulting from other valid agreements which bind the countries.

Article 5

The treatment of intellectual property arising from the cooperative activities under this Agreement shall be regulated by the implementing arrangements between the cooperative organizations in which an adequate and efficient intellectual-property protection shall be guaranteed. The cooperative organizations shall become joint owners of intellectual property resulting from cooperation under this Agreement.

Scientific and technological information of a non-proprietary nature deriving from the cooperation under this Agreement shall be possessed by both sides and kept secret; such information could be made available to a third party, unless otherwise agreed in writing by the cooperative organizations.

Article 6

Scientists, experts and institutions of the third countries or international organizations may be invited, upon consent of Contracting Parties, to participate in projects and programs being carried out under this Agreement. The cost of such participation shall normally be covered by third parties unless both sides agree otherwise in writing.

Article 7

The provisions of this Agreement may be modified or amended only upon the consent of both Contracting Parties. Modifications and amendments should be done in writing.

Article 8

The implementation of this Agreement should be regulated by the Contracting Parties in the biennial Programs of Cooperation which should be negotiated between the Ministry of Science and Technology of the Republic of Slovenia and the Ministry of Education, Youth and Sports of the Czech Republic.

Article 9

For the purpose of the implementation of this Agreement the Contracting Parties shall establish a Joint Board for Scientific and Technological Cooperation (hereinafter referred to as "the Joint Board") consisting of equal number of representatives and experts of Contracting Parties.

The Joint Board shall plan and coordinate cooperation in science and technology and shall review the progress of such cooperation.

It shall propose, if necessary, measures for implementation of the results of cooperation.

The Joint Board should follow its Statute approved by signing of both ministers.

The Joint Board shall meet annually, or at the request of either Party, alternately in the Republic of Slovenia and in the Czech Republic.

Article 10

This Agreement shall enter into force upon an exchange of notes confirming that the Contracting Parties have completed their internal requirements necessary for the entry into force.

This Agreement shall remain in force for a period of five years and continue in force thereafter for successive periods of five years, unless either Contracting Party notifies in writing six months in advance of its intention to denounce the Agreement.

Z uveljavitvijo tega sporazuma preneha v odnosih med Republiko Slovenijo in Češko republiko veljati Sporazum med Vlado Federativne ljudske republike Jugoslavije in Vlado Češkoslovaške republike o znanstvenotehničnem sodelovanju, podpisan v Beogradu 3. julija 1956.

Sestavljeno in podpisano v Ljubljani dne 22. septembra 1995 v slovenskem, češkem in angleškem jeziku, vsa tri besedila so enako verodostojna. Ob razlikah v razlagi je odločilno angleško besedilo.

Za Vlado
Republike Slovenije
dr. Rado Bohinc l. r.

Za Vlado
Češke republike
Ivan Pilip l. r.

After this Agreement enters into force in the relations between the Republic of Slovenia and the Czech Republic, the Agreement between the Government of the Yugoslav Federal People's Republic and the Government of the Czechoslovak Republic, for the scientific-technical cooperation, signed in Belgrade on 3 July 1956, ceases to be applied.

Done in Ljubljana on 22 September 1995 in Slovenian, Czech and English languages; all texts being equally authentic. In case of different interpretation, the English text prevails.

For the Government of
the Republic of Slovenia
dr. Rado Bohinc, (s)

For the Government of
the Czech Republic
Ivan Pilip, (s)

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za znanost in tehnologijo.

4. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 630-02/95-9/1

Ljubljana, dne 16. maja 1996

Predsednik
Državnega zbora
Republike Slovenije
Jožef Školč l. r.

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