
Unofficial translation

Copyright Order
(Convention for Protection of Producers of Phonograms), 1978

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In accordance with my authority pursuant to paragraph 6 of the Copyright Ordinance, I order the following:

Definitions

1. (a) In this Order—

“Convention”—Means the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms; which was ratified in Geneva on October 29, 1971;

“Phonogram”—Means a solely aural recording of sounds, performances or the like;

“Producer of Phonograms”—Means the first entity to make a recording of sounds, performances or the like;

“Duplication”—Means material which contains sounds which were taken, directly or indirectly, from a phonogram and were recorded.

(b) Terms which are not defined by the Convention shall be interpreted in accordance with the Copyright Law, 1911 as amended and the Copyright Ordinance as amended.

Protection of Foreign Phonogram Producers

2. Where a phonogram producer is a citizen or subject of a State which is a member of the convention, then paragraph 19 of the Copyright Law, 1911 shall apply as regards duplications of phonograms without the producer’s agreement, and as regards importation of such duplicates in any member State to the convention without the consent of the producer.

Protection of the Making of a Phonogram

3. Where a phonogram producer is a citizen or subject of a State which is a member of the Convention, and the phonogram was produced in a State which is a member of the Convention, then the phonogram shall be protected in Israel as if it was produced in Israel by a citizen of Israel, regardless of whether the phonogram is published or unpublished.

Limitation on the Period of Protection

4. Notwithstanding paragraphs 2 and 3 above, the period of protection in Israel for producers of phonograms shall be limited as follows—

(1) For the making of a phonogram which was published—the period of protection shall be as set forth in the Copyright Law, 1911, as amended;

(2) For the making of a phonogram which was not published—the period of protection in Israel shall be determined in accordance with the law of the producer's citizenship or nationality.

Determination of Publication

5. For purposes of determining the country of publication the following will be taken into consideration—

(1) Where a phonogram was first published in a country which is not a member of the convention, but the producer is a citizen or subject of a country which is a member of the convention, then the phonogram will be deemed to have been first published in the country where the producer is either a citizen or subject.

(2) Where the phonogram was published in one or more countries which are members of the convention, then the phonogram will be deemed to have been first published in the country of publication in which the shortest period of protection applies.

Coming into Force

6. This Order shall come into force thirty days after its official publication.

Title

7. This Order may be cited as "Copyright Order (Convention for the Protection of Phonogram Producers), 1978".

Dated: May 3, 1978

Shmuel Tamir
Minister of Justice