

**COPYRIGHT, PERFORMERS, AND BROADCASTERS RIGHTS ORDER
(ROME CONVENTION), 5763–2002**

[Section 1: Definitions](#)

[Section 2: Performers' Rights](#)

[Section 3: Rights of Producers of Phonograms](#)

[Section 4: The Rights of Broadcasting Firms](#)

[Section 5: Effect](#)

Pursuant to my authority under section 6 of the Copyright Order, section 13(b) of the Performers' and Broadcasters Rights Law, 5744–1984 (Hereinafter – Performers' Rights Law), I hereby declare:

Definitions

1. (a) in this order –

“Rome Convention” – The Convention for the protection of performers, producers of phonograms and broadcasting organizations, which was signed in Rome in 1961;

“Broadcasting Organization” – who transmits radio or television broadcasting;

“producer” of phonogram – the person who first fixes the sounds of a performance or other sounds;

“Member state” – a state who is party to the Rome Convention;

“Publication” – as defined in the Copyright Law, 1911, the Copyright Ordinance, Performers' Rights Law and the Rome Convention, as the case may be.

“Phonogram” – any exclusively aural fixation of sounds of a performance or of other sounds;

“Broadcasting” and “Rebroadcasting” – as defined under the Rome Convention;

(b) Any undefined term in this order shall be defined in light of the provisions of the Copyright Law, 1911, the Copyright Ordinance, Performers' Rights Law and the Rome Convention, as the case may be.

Performers' Rights

2. A live performance in which one the following occurs:

(1) Is performed in a member state;

(2) If it was fixed in a phonogram – the phonogram is protected in Israel pursuant to the provisions of section 3;

(3) It is covered by the protected broadcasting in Israel pursuant to the provisions of section 4;

Shall be subject to the provisions of the Performers' Rights Law, as follows:

(1) Section 2 –

(a) Paragraphs (1) and (2), as well as (4);

- (b) The beginning of paragraph (3), in relation to the broadcasting of a live performance during its' performance or of an unlicensed fixation thereof, except for a rebroadcasting;
- (2) Sections 1, 3, 4, 5, 8, 9, 10, 11, and 14 to 17.

Rights of Producers of Phonograms

3. The provisions of section 9(1) of the Copyright Law, 1911, shall apply to a phonogram of which the producer is -
- (1) Is a national of a member state or the phonogram was first published in a member state - in relation to production of copies thereto.
 - (2) Is a national of a member state who provides similar rights to Israeli producers of phonograms or Israeli performers, as enumerated in the Schedule - regarding the direct use thereof for the purpose of broadcasting or live performance.

The Rights of Broadcasting Firms

4. A broadcast for which the following holds:
- (1) The business center of the Broadcasting organization is situated in a member state;
 - (2) The broadcast is performed in a broadcasting facility situated in a member state;
- Shall be subject to the provisions of the Performers' Rights Law, as detailed as follows:
- (1) Section 4A1,, and in regards to rebroadcasting - except for the reservations of paragraphs (5);
 - (2) Section 4C;
 - (3) Section 4D and the enumerated section thereof, however for the purpose of this matter sections 6 and 7 shall not apply.

Effect

5. This Order shall take effect on the 19th of tevet, 5763 (December 24th, 2002).

SCHEDULE (Section 3(2))

States providing right of royalty to record producers or Israeli performers

13th of Tishrei, 5763 (September 19th, 2002)

Meir Shitrit
Minister of Justice