

JAPAN - MEASURES CONCERNING SOUND RECORDINGS

Notification of Mutually Agreed Solution

The following communication, dated 24 January 1997, from the Permanent Missions of the United States and Japan to the Dispute Settlement Body, is circulated at the request of those delegations.

The Governments of the United States of America and Japan wish to notify the Dispute Settlement Body that they have reached a mutually satisfactory solution to the matter raised by the Government of the United States in WT/DS28/1, dated 14 February 1996, concerning the protection of past performances and existing sound recordings pursuant to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

The United States requested consultations on the belief that the TRIPS Agreement obligates World Trade Organization (WTO) Members to grant protection to past performances performed in a WTO Member and existing sound recordings first fixed in a WTO Member or fixed by a national of a WTO Member for a term of at least fifty years from the end of the calendar year in which the performance took place or the sound recording was fixed, and that this term of protection should extend to those existing sound recordings that have not already enjoyed a full term of protection in the country of origin or in the country in which protection is sought.

On 26 December 1996, the Government of Japan promulgated amendments to the Japanese Copyright Law intended to provide the above-stated protection to past performances and existing sound recordings. These amendments are scheduled to come into effect before the end of March 1997.

Based on these developments, Japan and the United States have agreed to terminate consultations on this matter and the United States wishes formally to withdraw this matter from further attention under the provisions of the Dispute Settlement Understanding. The agreement is without prejudice to the rights or obligations of either Member under the Agreement Establishing the World Trade Organization.

¹This document cancels and replaces the document WT/DS28/4, circulated on 29 January 1997.