

- (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 :

- (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.