

**Combined proposal from India, Mexico and the United States on
Article 12- Transfer of Rights for the proposed WIPO Treaty on
Protection of Audiovisual Performances**

"The Contracting Parties may provide in their national law that once a performer has consented to the fixation of his or her performance in an audiovisual fixation, the exclusive rights of authorization provided for in Articles 7 to 11 of this treaty shall be owned or exercised by the producer of such audiovisual fixation subject to any contract to the contrary between the performer and the producer of the audiovisual fixation.

A Party may require with respect to audiovisual fixations produced under its national law that such consent or contract be in writing and signed by the performer or by his or her duly authorized representative.

Independent of the transfer of exclusive rights described above, national laws or individual, collective or other agreements may provide the performer with the right to receive royalties or equitable remuneration for any use of the performance, including as described in Article 11.2."