

Copyright

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of Intellectual Property (BIRPI)

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<p style="text-align: center;">WORLD INTELLECTUAL PROPERTY ORGANIZATION</p>
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ISRAEL

Ratification of the WIPO Convention

*Notification of the Director of BIRPI to the Governments
of the countries invited to the Stockholm Conference*

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his compliments to the Minister for Foreign Affairs of and, in accordance with the provisions of the above Convention, has the honor to notify him that the Government of the State of Israel deposited on July 30, 1969, its instrument of ratification dated July 21, 1969, of the Convention Establishing the World Intellectual Property Organization (WIPO).

The State of Israel has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently ratifying the

Stockholm Act of the Paris Convention in its entirety and the Stockholm Act of the Berne Convention with the declaration provided for in Article 28(1)(b)(i) of the said Act to the effect that the ratification shall not apply to Articles 1 to 21 nor to the Protocol Regarding Developing Countries.

A separate notification will be made of the entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO), when the required number of ratifications or accessions is reached.

Geneva, August 15, 1969.

WIPO Notification No. 12

INTERNATIONAL UNION

ISRAEL

Ratification of the Stockholm Act of the Berne Convention (with the exception of Articles 1 to 21 and of the Protocol Regarding Developing Countries)

Notification of the Director of BIRPI to the Governments of Union Countries

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his compliments to the Minister for Foreign Affairs of and, in accordance with the provisions of the Stockholm Act of the above Convention, has the honor to notify him that the Government of the State of Israel deposited on July 30, 1969, its instrument of ratification dated July 21, 1969, of the Berne Convention for the Protection of Literary and Artistic Works

of September 9, 1886, as revised at Stockholm on July 14, 1967, with the declaration provided for in Article 28(1)(b)(i) of the said Act to the effect that the ratification does not apply to Articles 1 to 21 nor to the Protocol Regarding Developing Countries.

A separate notification will be made of the entry into force of the Stockholm Act of the said Convention when the required number of ratifications or accessions is reached.

Geneva, August 15, 1969.

Berne Notification No. 9

African Committee of Experts to Draft a Model Statute of Societies of Authors

(Abidjan, June 9 to 12, 1969)

Report

submitted by Mr. Abderrahmane el Amri, General Rapporteur

I. Introduction

1. In pursuance of resolution 5.122 adopted by the General Conference of Unesco at its fifteenth session and, in accordance with the opinion expressed by the Interunion Coordination Committee of the United International Bureaux for the Protection of Intellectual Property (BIRPI), a Committee of African Experts to prepare a Draft Model Statute on Authors' Societies for African countries was convened by Unesco and BIRPI. Thanks to the generous hospitality of the Government of the Ivory Coast, the Committee met in Abidjan from June 9 to 12, 1969.

2. The participants were eminent persons with responsibilities in the field of copyright, from seven member States of Unesco or BIRPI, or both, and had been invited in their individual capacity by the Director-General of Unesco and the Director of BIRPI. Observers from eight African States and from international non-governmental organizations also attended the meeting. The list of participants is attached to this report (Annex B).

3. Mr. Amon Tanoh, Ivory Coast Minister of Education, welcomed the representatives of Unesco and BIRPI, the ex-

perts and the observers. He pointed out that the subject to be discussed by the Committee of Experts, though it was highly specialized and had no impact on the public at large, was nevertheless of the utmost importance to the cultural development of peoples. It was still too often the case in Africa that intellectual works were exploited without payment, and that situation should not continue. He therefore considered it necessary to strike a balance as soon as possible between the need in developing countries for essential educational and cultural material, and the legitimate interests of authors. He regretted the reticent attitude of the developed countries towards the Protocol annexed in Stockholm to the Berne Convention. In conclusion, he expressed the hope that the Committee would succeed in establishing a model statute able to serve as a guide to African countries for their national societies of authors.

4. Mr. H. Saba, representative of the Director-General of Unesco, expressed his satisfaction at seeing so many eminent Africans gathered in Abidjan. The present meeting of the Committee of Experts was part of the assistance provided by Unesco to help its member States in establishing national machinery able to ensure the enforcement of legislation pro-

protecting intellectual works and to foster observance of the cultural rights set forth in Article 27 of the Universal Declaration of Human Rights. The existence, in a given country, of a national copyright law was not in itself sufficient to safeguard the moral and material interests of authors. Authors' societies would therefore have an important part to play in facilitating the implementation of national legislation. In conclusion, he thanked the Government of the Ivory Coast for its generous welcome and expressed the hope that the work of the Committee of Experts would help improve universal copyright and foster international exchanges of intellectual works.

5. Mr. C. Masouyé, representative of the Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI), associated himself with the thanks extended to the Government of the Ivory Coast for enabling the Committee to meet in Abidjan. After recalling the African Study Meeting on Copyright and the Committee of African Experts to Study a Draft Model Copyright Law, convened jointly by Unesco and BIRPI in Brazzaville (1963) and Geneva (1964) respectively, he stated that the work of the Committee in Abidjan would constitute a third stage in the study of suitable measures in Africa to safeguard authors' interests. He also recalled the part played by the Ivory Coast at various meetings on the subject, particularly at the Diplomatic Conference of Stockholm which revised the Berne Convention. He expressed the hope that the Committee's discussions would result in solutions to practical problems.

6. The participants then proceeded to elect the Officers of the Meeting:

Chairman:	Mr. Amon d'Aby
Vice-Chairman:	Mr. Z. R. Chesoni
Rapporteur:	Mr. Abderrahmane el Amri

7. Taking the chair, Mr. Amon d'Aby expressed his gratitude for the tribute paid to his country through his election. Mr. Chesoni also thanked the Committee for having elected him Vice-Chairman.

8. The Committee then examined a preliminary draft of model statutes for societies of authors in African countries prepared by the Secretariat of Unesco and BIRPI. Discussion centred around three main subjects: (i) the structure of the society; (ii) its field of activity; (iii) control of the society's management.

II. Structure of the society

9. The articles of the preliminary draft prepared by the Secretariats concerning the structure of the society dealt with its membership (Articles 6 to 10) and administration (Articles 11 to 21).

10. The Committee's attention was drawn to the status which could be devoted within the society to the successors in title or assignees of the authors. The Committee felt that relations between such persons and the society should be established on the basis of their legal capacity deriving from their juridical relations with the author, without it being necessary to include them among its members or grant them the privileges pertaining to membership.

11. The Committee also considered the question of admitting publishers to membership in the society, and it expressed the opinion that each country should be left to decide, according to its legal system or local conditions, whether to grant them full or associate membership. It was agreed that the term "publisher" referred mainly to publishers of musical works and that the ruling should cover publishers from the country concerned.

12. The Committee then examined the various obligations of members to the society. So far as their financial contribution to the society was concerned, the Committee felt that apart from deductions made from sums received to cover distribution costs, provision could be made for payment either of an admission fee or of an annual subscription, or both cumulatively.

13. After lengthy discussion on possible penalties for members guilty of professional conduct seriously prejudicial to the society, the Committee felt that since summary exclusion from the society was a serious and exceptional measure, any proposal to that effect by the Management Committee should require the approval of the General Assembly. It suggested, however, that the Rules of Procedure should provide for a series of penalties directly applicable by the Management Committee. The Committee of Experts further expressed the view that a person expelled from the membership of the society should be eligible for readmission after a certain length of time.

14. Before closure of the discussion on membership in the society, an expert stressed the potential usefulness of a permanent documentation service provided by an international organization acting in close collaboration with authors' societies in order to facilitate the obtaining of the necessary authorizations for use of works. He hoped that newly created societies in Africa would also assume responsibilities in the training of senior and general staff for other African societies, and that the current system of fellowships, both at Unesco and BIRPI, could cover that kind of activity.

15. The representative of the Director-General of Unesco emphasized the potential importance to developing countries of the creation, by an international organization, of an information centre to collect and distribute any information concerning the special copyright facilities which the developed countries might be willing to offer the developing countries, to meet their needs, having regard to their economic situation.

16. With regard to administration of the society, the Committee felt first that its organs should be confined to the General Assembly, the Management Committee and the Committees set up under the society's Statutes.

17. The Committee expressed the opinion that in addition to circular letters from the Management Committee to each member of the society, General Assembly meetings should be convened through press and radio announcements.

The Committee also accepted the principle that a society member could have himself represented by a proxy at General Assembly meetings, on the reservation that the number of such proxies should be limited.

Finally, the Committee thought that members of the Management Committee should receive an allowance covering their travel and representation expenses.

18. The Committee then turned to the question of deciding which organ would be competent to elect the President of the society. It felt that he could be appointed either by the General Assembly or by the Management Committee, according to legal concepts or custom prevailing in the country concerned.

For societies admitting to membership persons other than authors, especially publishers, it was accepted that authors should form a majority of members of the Management Committee, the degree of majority being left to the particular society's discretion.

The Committee also suggested that the persons empowered to dispose of the society's funds in accordance with the decisions and instructions of the Management Committee, should be designated in the Rules of Procedure.

19. With regard to the Committees set up under the society's Statutes the Committee felt that for the administration of performing rights a Programme Committee would have to be established. It further expressed the view that control of the society's income and expenditure justified the existence of a special committee or at least of an auditor, and that in any case such organs should be independent of the Management Committee.

20. Some experts pointed out that it would be useful if copyright laws contained a provision enabling agents for authors' societies to ascertain copyright infringements.

21. The Committee was of the unanimous opinion that the Director-General should not also be a member of the society, for a line should be drawn between professional organs and the persons assuming administrative and technical duties. It also felt that the Director-General should attend, *ex officio* and without a right to vote, deliberations of the society's organs.

III. Field of activity of the society

22. The articles of the preliminary draft prepared by the Secretariats concerning the field of activity of the society referred to its purposes (Articles 2 and 3) and to the collection and distribution of royalties (Articles 22 to 25).

23. The Committee of Experts considered that, apart from the essential function of safeguarding copyright and acting as a body for the collection and distribution of royalties, a number of other activities could be mentioned among the society's objectives and that the extent of their enumeration might depend on local concepts. The same might be true with regard to agency activities to promote the placing of national works. Attention was also drawn to the cultural and social functions which the society might fulfil.

24. Furthermore, the Committee felt that the possibility should not be ruled out for the society of entrusting, in certain special circumstances, distribution operations to other bodies, which might be either foreign companies or African regional centres.

The Committee stressed that the society's activities should lie outside all political or religious considerations. Nor should such considerations influence admission to membership.

25. After an exchange of views on the utility of a statutory provision fixing the percentage of deductions from the royalties of national and foreign authors, the Committee felt it was essential that a choice should be offered between the various possible solutions, on the understanding, however, that the principle of equal treatment be maintained. The annual amount of the society's expenditure should therefore be deducted from the sums collected both for national and for foreign authors, and the society's Rules of Procedure should lay down the rate and conditions of that deduction.

IV. Supervisory authority

26. Thorough discussion showed that there could be no single solution to the question of whether State control should be instituted in the activities of authors' societies. The reason was that different countries had different traditions, legal systems and general situations. Consequently, the notion of a supervisory authority had been replaced by that of a trustee authority, designated under regulations in force in the country concerned.

As to the powers of such an authority, the Committee expressed its preference for a general formula stipulating that the trustee authority would ensure the regular functioning of the society by exercising the appropriate responsibilities as laid down in the legislative instrument instituting such an authority.

In examining the question of control of the activities of an authors' society exercised by the General Assembly, the Committee suggested that, to comply with prevailing legislation in certain countries, the statutes had to specify the society's financial period.

Since it had accepted a general formula referring detailed enumeration of the powers of the trustee authority to other legal instruments, the Committee felt that the statutes of the society should not list those powers.

27. The Committee's attention was also drawn to the legal nature of the society, which could vary according to the legal systems of different countries (society, co-operative society, limited liability society, association, etc.).

28. The Committee also considered the case of a member of the society who desired to resign. The draft statutes prepared by the Secretariats laid down that the title of member was recognized for as long as the society remained in existence. It was noted, however, that other solutions were possible — a member could resign from the society at periods, laid down in the statutes. If a new society was formed, the transfer of the management of the rights of authors who were nationals of the country in which the society was set up, exercised until then by a foreign society, should be effected through agreements concluded between the societies concerned.

V. Conclusion

29. In the course of the discussion, the Committee, in examining the draft statutes for societies of authors before

it, also proposed drafting changes which required no special mention in the present report. These changes had been incorporated in the draft model annexed to the present report (Annex A).

30. After the discussion, the Committee unanimously approved the text of the draft model statutes, adding as a statement of its aims, the introduction to the draft model statutes which had been established by the Secretariats.

31. Mr. Amon d'Aby expressed his deep satisfaction at seeing that the third and last aim of the Brazzaville Conference of 1963 had been reached through the adoption of the statute. While appreciating the possible rôle which Unesco and BIRPI had played in this development, he pointed out that it was now the responsibility of the governments of the African countries to take suitable measures. The Chairman concluded his address by thanking the experts of the international authors' organization for their collaboration, and hoped that the African countries might count on their co-operation in the future.

32. Mr. H. Saba, representative of the Director-General of Unesco, expressed his gratitude to the Ivory Coast Government for its invaluable help in organizing the meeting and to the Chairman, Mr. Amon d'Aby, for the efficiency with which he had directed the work of the Committee. He thanked the participants for their work and expressed satisfaction that a new stage had been reached in Unesco's assistance to member States in drawing up national and international copyright regulations.

33. Mr. C. Masouyé, the representative of the Director of BIRPI, associated himself with the thanks extended to the Ivory Coast authorities and also with the tribute paid to the Chairman of the Committee. He also thanked all the participants for their co-operation and expressed his conviction that the technical and legal assistance given by BIRPI to developing countries in Africa would achieve results which would be useful for all those concerned.

34. Mr. Malaplate, Secretary-General of the International Confederation of Societies of Authors and Composers (CISAC), speaking on behalf of the non-governmental organizations, expressed his gratitude to the Chairman, Unesco and to BIRPI.

ANNEX A

Draft Model Statute for Societies of Authors in African Countries

Introduction

The existence, in a given country, of national copyright legislation and the adherence of that country to a multilateral copyright convention are not sufficient in themselves to ensure the effective safeguard of the moral and economic interests of creators of intellectual works.

The necessary complement would appear to be the creation of a national society or association of authors, for, without authors' societies, the individual author is unable in most cases to control all of the uses made of his works in his own country and, even more so, in other countries.

It is therefore essential for authors to form a national society which, because of the extent of its repertoire, will be sufficiently organ-

ized to ensure the safeguard of the interests entrusted to it. This is particularly true because the national society, through its contracts of mutual representation concluded with the societies of other countries, will provide for the protection of its national repertoire not only in its own country but also abroad. In turn, foreign works will be protected by the national society in its country.

Further, it should be stressed that authors' societies, apart from their usefulness to authors, render services to the users themselves. In fact, without authors' societies, users would have great difficulty in discovering with any certainty the various owners of the authors' rights. Moreover, even when they had succeeded in discovering them, they would have to ask each of them individually for the necessary authorization to use their works.

The purpose of these Model Statutes for authors' societies is to help the developing countries of Africa to set up societies or associations of authors capable of fulfilling the task required of them. When these Statutes were being prepared, due consideration was given to the fact that the circumstances of the protection of authors' rights must necessarily depend on the social, political and economic situation of the country concerned and on the framework of its institutions. That is why the text appearing below is restricted to essential matters and why it leaves aside all special provisions which might be peculiar to a particular country or group of countries.

The idea is not to impose a model statute to be used without alteration by developing countries but to present, in the form of basic principles, draft Statutes for a society dealing with all aspects of copyright protection, not only "*petits droits*" (musical performing rights), but also "*grands droits*" (theatrical performing rights) including the rights of broadcasting, cinematographic adaptation, reproduction in its various forms, translation, etc.

If the authors' societies set up in developing countries are to be able to carry out their mission fully, it would seem desirable for them to have the support of the competent government authorities. This support would justify the existence of a certain amount of supervision.

Lastly, the complexity of the distribution operations for some categories of royalties, especially those collected for public performance and for mechanical reproduction, may induce newly founded societies or associations of authors to entrust such operations, at least during the early years of their existence, to similar societies, African or other, which already have a great deal of experience in coping with the problems to be solved.

Statute

Name and Headquarters

Article 1. — The name of the Society shall be

The Headquarters of the Society shall be at

The Society is a non-profit association having the characteristics of a legal entity.

Purpose

Article 2. — The purpose of the Society shall be to promote and protect the general professional, economic and moral interests of its members or their successors in title, as well as of all creators of literary and artistic works, both in and abroad. Its activities shall lie outside all political or religious considerations.

Its objectives are:

1. to ensure the protection of copyright on both the national and international levels, to foster better copyright relations between and other countries, and thereby to contribute to broader cultural exchanges;
2. to act as the central collection and distribution agency for royalties and fees as determined by agreements, and to charge members only for the costs of such services [distribution operations possibly being entrusted to other organizations]; to ensure further that sums due to members of the Society are paid at least once a year;
3. to establish and enforce standard contracts, after discussion with copyright users or the organizations representing them;
4. to keep members informed as to their rights and interests;

5. to give information or opinions, on the request of competent official authorities, concerning problems relating to copyright;
6. to establish and maintain harmony and unity of action among members of the Society and to cultivate, between members and individuals, or legal entities that employ them or use their works, the understanding necessary to protect the rights of members;
7. to settle differences or disputes arising between members of the Society and users and other bodies and persons, by collective bargaining or agreement or otherwise;
8. to act, if necessary, as agents to promote the placing of national works both in the country and abroad;
9. to establish, administer or support a pension insurance scheme or any other similar welfare, benevolent or mutual aid scheme, for the benefit of members of the Society;
10. to perform such other lawful acts as are conducive to the attainment of the above objectives, including, inter alia, affiliation with international organizations of authors composed of societies having similar objects.

Membership

Article 3. — The Society may admit to its membership, without any political or religious discrimination, any author who at the time of his application:

- (a) shall, within the previous ... years, have had a book published;
- (b) shall, within the previous ... months, have had ... works of fiction or non-fiction of a substantial nature published by one or more major magazines or by one or more major newspapers of general circulation;
- (c) shall, within the previous ... months, have had a play, a scenario, one or more musical compositions, or choreographic work the acting form of which is fixed in writing, produced or performed publicly on stage, by radio, by television, by cinematography or by any other medium including mechanical reproduction;
- (d) shall, in the opinion of the Management Committee, be of such professional standing in the field of art and literature as to entitle him to membership.

Article 4. — In the manner prescribed in the Rules of Procedure, any publisher of musical works the authors of which are members of the Society may also be admitted to membership [or associate membership].

Article 5. — Members shall be entitled:

- (a) to benefit from the services and aid offered by the Society;
- (b) to participate fully in the affairs of the Society, including participation in the meetings of the General Assembly;
- (c) to propose the inclusion of matters in the agenda of the General Assembly, in the manner prescribed in the Rules of Procedure.

Article 6. — By virtue of their acceptance of these Statutes, members of the Society shall undertake to fulfil the following obligations:

- (a) to pay an annual subscription [and/or a membership fee] the amount[s] of which shall be fixed by the General Assembly;
- (b) to file declarations with the Society, giving all particulars stipulated in the Rules of Procedure and enabling their works intended for public use to be identified;
- (c) to assign to the Society the exclusive right, in respect of all countries and for the duration of the Society's existence, to authorize or forbid the public performance or recitation and the mechanical reproduction of any of their works, once created and intended for public use;
- (d) to authorize the Society to act as their exclusive representative, both in and abroad, for all their present or future works intended for public use, whether or not officially listed in the Society's repertoire;
- (e) to avoid, in general, any professional conduct that might be detrimental to the interests of the Society.

Article 7. — On the grounds of gross professional misconduct detrimental to the Society, the Management Committee may impose moral or financial sanctions including even the termination of membership. Such termination, however, must be ratified by the General Assembly.

Such sanctions and the procedure to be followed in pronouncing and applying them shall be set forth in the Rules of Procedure.

A member excluded from the Society may be readmitted after a certain length of time under the conditions stipulated in the Rules of Procedure.

Administration

Article 8. — The organs of the Society shall comprise:

- (a) the General Assembly;
- (b) the Management Committee;
- (c) the Committees set up under these Statutes.

Article 9. — The General Assembly is composed of all the members of the Society.

It shall meet in ordinary session each year in the month of

The General Assembly may hold extraordinary sessions on the request of the Management Committee or of no fewer than members of the Society.

Article 10. — Ordinary and extraordinary sessions of the General Assembly shall be convened no fewer than days before the date thereof by the President, who shall communicate the agenda by all suitable information means, written or oral.

If the General Assembly is to be asked to decide on amendments to the Statutes or to the Rules of Procedure, the text of the proposed amendments must be transmitted with the agenda.

Article 11. — The Rules of Procedure shall fix the quorum for the validity of the deliberations of the General Assembly.

Decisions shall be made by a majority vote of the members present, provided that the adoption of amendments to the Statutes or to the Rules of Procedure shall require a majority of two-thirds of the members present. Voting by proxy shall be permitted. However, no proxy may represent more than two members.

Article 12. — The General Assembly shall have the power to adopt the Statutes and the Rules of Procedure and to amend them. It shall approve the Society's accounts every year and pronounce on the general and audit reports. It shall elect the members of the Management Committee and fix the amount, if any, of the allowance granted to them to cover expenses incurred in the exercise of their duties. It shall elect the members of the Committees set up under the Statutes and, in general, make decisions on all questions included in the agenda and submitted to it by the Management Committee.

Article 13. — The Management Committee shall be composed of ... members elected for a term of ... years by the General Assembly at its ordinary sessions.

At least ... per cent of the members of the Management Committee shall be authors.

Every ... years, one-third of the Management Committee shall be re-elected in the manner prescribed in the Rules of Procedure.

The Management Committee shall be convened by the President in ordinary session at least once every ...

The Management Committee shall meet in extraordinary session on the initiative of its President or at the request of ... of its members.

The Management Committee may make decisions at its meetings only if a majority of its members are present.

Decisions of the Management Committee shall be made by a majority vote of the members present. In the event of an equality of votes, the President shall have a casting vote.

The Management Committee shall conduct the affairs of the Society and in general perform all administrative acts.

It shall adopt the budget, control all the funds of the Society, and decide as to their investment and employment.

Any disputes among authors and publishers may, on the written request of the parties concerned, be arbitrated by the Management Committee, whose decision shall be final.

The Management Committee shall report to the General Assembly on its management and on important decisions it has made in the course of its duties.

Article 14. — The Management Committee shall elect, from among its members, a President, a Vice-President, a Secretary-General and a Treasurer, who shall together constitute its Officers.

The Officers shall be responsible for preparing meetings of the Management Committee and discharging current business in the intervals between such meetings.

Article 15. — The President of the Management Committee shall be the legal representative of the Society. He shall preside over sessions of the Society's organs and of the Officers of the Management Committee.

Article 16. — The Committees set up under the Statutes are:

- (1) the Accounts and Auditing Committee, entrusted with checking the receipts and expenditure of the Society and with auditing the accounts; it may obtain the assistance of an auditor specially appointed for the purpose;
- (2) the Programme Committee, entrusted with controlling programmes and ensuring inspection in all establishments where the works of the members of the Society are used in public.

They shall each be composed of . . . members, elected for a term of . . . years by the General Assembly, one-third of them being renewable.

Every year, each of the Committees set up under the Statutes shall submit a report on its work to the General Assembly.

Article 17. — The Director-General of the Society shall be appointed by the Management Committee in the manner prescribed in the Rules of Procedure.

His duties shall consist in the fostering, management and administration of the Society, in accordance with the instructions and decisions of the Management Committee.

The Director-General, who shall not be a member of the Society, shall attend, *ex officio* and without the right to vote, the deliberations of the Society's organs.

After consultation with the Management Committee, he shall make and revoke all administrative appointments. No such appointment, however, may be filled by a member of the Society. Agents proposed by the Director-General for appointment must be of . . . nationality, be of age and enjoy full civil and political rights.

The Director-General shall, further, exercise all powers delegated to him by the President of the Society to represent it before third parties and in all judicial proceedings.

The appointment of the Director-General may be revoked by the Management Committee in the manner prescribed in the Rules of Procedure.

Trustee Authority

Article 18. — In conformity with the legislative or other provisions entrusting the administration of the rights and the protection of the moral and economic interests of authors and composers exclusively to the Society, the latter shall be placed under the trusteeship of the Ministry appointed for the purpose by the Government of . . . and hereinafter designated "the Trustee Authority".

Article 19. — The Trustee Authority shall ensure the regular functioning of the Society by exercising the powers and assuming the responsibilities fixed by the legislative or statutory act instituting it.

Collection and Distribution of Royalties

Article 20. — The Society, to the exclusion of any other person or legal entity, shall have the authority to act as intermediary or assign, as the case may be, for the grant of authorizations and the collection of the relevant royalties in respect of works in its repertoire. It shall further, with regard to users of works, represent its members of foreign authors' societies or members thereof, whether as agent or by virtue of a mutual agreement.

Article 21. — Authors' fees collected by the Society in respect of the right of public performance or recitation, the right of broadcasting, or the right of mechanical reproduction, shall be distributed, after deduction of overhead expenses and of sums retained under the Statutes, in accordance with the principles laid down in the Rules of Procedure.

The annual amount of the Society's expenses shall be deducted from the sums collected both for national and for foreign authors. The Rules of Procedure shall fix the rate and conditions for this deduction.

Article 22. — Fees other than those mentioned in the foregoing Article shall be paid to authors or their assigns after deduction of a sum retained as commission, whose amount shall be determined in the Rules of Procedure for each category of these fees.

Rendering and Audit of Accounts

Article 23. — At the end of each financial year, and for that year, the Society shall, without delay, draw up an annual statement of account of assets and liabilities (the annual closing of accounts), as well as a management report.

The annual closing of accounts shall be in accordance with normal book-keeping practice.

The management report shall include a statement on the activities and situation of the Society, as well a commentary on the annual balance sheet.

For the purposes of this Article the financial year shall end on . . . of the current year.

Dissolution of the Society

Article 24. — The General Assembly may announce the dissolution of the Society by a decision passed by a two-thirds majority of the members of the Society. In order to vote on this decision, a mandatory must hold a special power of attorney.

If the General Assembly decides on the dissolution of the Society, it shall take the necessary measures for the liquidation of the assets and liabilities and for the transfer of the responsibilities of the Society.

Rules of Procedure

Article 25. — The Rules of Procedure completing the present Statutes should be adopted or amended in the manner prescribed for the adoption or amendment of these Statutes.

Transitional Arrangements

Article 26. — The Society may, if the case should arise, take over all the affairs of any society of authors previously entrusted in . . . with the collection and distribution of royalties, including all other activities or operations, which are the basis for or derive from the collection or distribution of royalties. The terms and conditions of such transfer of responsibilities shall be determined in the agreements concluded for that purpose by the two societies concerned.

Article 27. — Notwithstanding Article 17, paragraph 1, the first Director-General of the Society shall be appointed by a two-thirds majority decision of the Management Committee.

Article 28. — Pending the adoption of the Rules of Procedure, the deliberations of the General Assembly shall be deemed to be valid if the members present or represented at the meeting constitute . . . per cent of the members of the Society.

ANNEX B

List of Participants

The names and titles in this list are reproduced as handed in to the Secretariats of Unesco and BIRPI.

I. Experts

- M. François Amon d'Ahy, Inspecteur général des services administratifs de la Présidence de la République, Abidjan, Ivory Coast.
- M. Abderrahmane el Amri, Directeur général, Société des auteurs et compositeurs de Tunisie (SODACT), Tunis, Tunisia.
- Mr. Z. R. Chesoni, Assistant Registrar General, Nairobi, Kenya.
- M. J. B. Emany, Directeur intérimaire, Société des droits d'auteur, Kinshasa, Democratic Republic of Congo.

Mr. Augustine D. Jallah, Director of Archives, Patents and Copyrights, Department of State, Monrovia, Liberia.

M. Saliou Kandji, Conseiller culturel, Directeur des arts et lettres, Ministère de la culture, de la jeunesse et des sports, Dakar, Senegal.

Mr. J. B. Odunton, Principal Secretary, Ministry of Information, Accra, Ghana.

II. Observers

(i) States

Algeria

M. Zaki Ihaddaden, Sous-Directeur, Ministère de l'information.

Cameroon

M. E. Mveng, Directeur des affaires culturelles, Ministère de l'éducation nationale.

Dahomey

M. Adjaouhoum, Professeur à l'Université d'Abidjan.

Ivory Coast

M. Bernard Dadié, Directeur des affaires culturelles, Ministère de l'éducation nationale.

M. J. J. Pango, Professeur, Président de l'Union nationale des artistes-musiciens de Côte d'Ivoire, Directeur de l'Orchestre national, Ministère de l'éducation nationale.

M. F. Coulibaly, Commissionnaire aux prix, Sous-Directeur du commerce intérieur et distribution.

Mali

M. M. Toure, Chargé d'affaires du Mali.

Mauritania (Islamic Republic of)

M. O. Athie, Consul général de la République islamique de Mauritanie.

Morocco

M. Abdelaziz Bennani, Ambassadeur du Maroc.

Togo

M. Gabriel Johnson, Professeur à l'Université d'Abidjan.

(ii) International Organizations

International Confederation of Societies of Authors and Composers (CISAC)

M. Léon Malaplate, Secrétaire général de la CISAC.

M. Claude Joubert, Membre de la Commission juridique et de législation de la CISAC.

M. François Sparta, Délégué de la CISAC.

M. Michael Freegard, Délégué de la CISAC.

International Writers Guild (IWG)

M. Léon Malaplate, Secrétaire général de la CISAC.

Union of National Radio and Television Organizations of Africa (URTNA)

M. Kouame F. Edo, Directeur des programmes de la Radiodiffusion Télévision ivoirienne, Président de la Commission administrative et juridique de l'URTNA.

M. François Godi, Animateur des programmes, Radiodiffusion Télévision ivoirienne.

III. Secretariat

United Nations Educational, Scientific and Cultural Organization (Unesco)

M. H. Saba, Assistant Director-General for International Standards and Legal Affairs, Representative of the Director-General.

M^{lle} M. C. Dock, Head, Copyright Division.

M. J. P. Úrlik, Chief, Conference Management Division.

United International Bureaux for the Protection of Intellectual Property (BIRPI)

M. Claude Masouyé, Senior Counsellor, Head, Public Relations Division, Representative of the Director.

M. Vojtěch Strnad, Counsellor, Head, Copyright Division.

IV. Liaison Officers of the Ivory Coast Government

M. Amontchi Aka, International Conferences Section, Ministry of Foreign Affairs.

M. Albert Hoba, Secretary-General, National Commission of the Ivory Coast for Unesco.

Information Meeting of International Non-Governmental Organizations

(Geneva, August 29, 1969)

Minutes

1. BIRPI and Unesco, acting as the Joint Secretariat of the International Copyright Joint Study Group, established by resolutions No. 1 and No. 2 (XR) of the Permanent Committee of the Berne Union and the Intergovernmental Copyright Committee, respectively, adopted in Paris on February 7, 1969, and in implementation of paragraph 14 of the said resolutions, invited to an Information Meeting the international non-governmental organizations mentioned in the list annexed to these Minutes (Annex A).

2. The purpose of the meeting, apart from the information to be given, was the appointment of four persons to be invited to attend the meetings of the first session of the Joint Study Group and to furnish such information and observations as might be requested.

3. The meeting was presided over by Professor G. H. C. Bodenhausen, Director of BIRPI, in the presence of the representative of the Director-General of Unesco.

4. Of the 24 international non-governmental organizations invited, 18 were present or represented. The list of participants is annexed to these Minutes (Annex B).

5. The representative of the Director-General of Unesco, on behalf of the Joint Secretariat, gave the meeting complete information concerning the establishment of the Joint Study Group, the tasks that it would have to accomplish, and the role of the observers appointed to attend its first session. The representative also informed the meeting about the documents prepared for the Joint Study Group by the Joint Secretariat and Unesco. Similarly, BIRPI gave detailed information on the documents prepared by it.

6. The meeting proceeded to consider the appointment of four persons. The organizations representing authors appointed Mr. Léon Malaplate and Mr. Roger Fernay, and the organizations representing publishers appointed Mr. Dan Lacy.

7. Before proceeding to consider the appointment of the observer representing users of copyrighted works, the following observations were made:

- (i) some organizations (EBU, FIAPF and IFPI) expressed the opinion that, according to certain legislations, they could be called upon to represent authors or copyright owners as well as users, and they regretted to have to limit themselves to a single group;
- (ii) one organization (EBU), considering that performers are not users, since they are not liable to pay copyright fees, claimed that three organizations (FIM, IFA and IFVA), which had declared themselves to be representatives of users, were not, in fact, qualified to do so; this viewpoint was shared by two other organizations (FIAPF, FIAD);

(iii) the FIM, IFA and IFVA regretted that they had to make a choice between the representation of authors and the representation of users, and declared that it was only for that reason that they had opted for the second possibility;

(iv) the organizations which had declared themselves as representatives of users unanimously deplored the fact that the above-mentioned resolutions adopted by the Committees had put them in an impossible situation, that is, to have to be represented by a single person, while there are several interests involved.

8. After an adjournment of the meeting, the organizations which had declared themselves to be representatives of users came to the conclusion that they were unable to appoint one person as observer in the Joint Study Group, in view of the different interests involved and the fact that it was impossible for a single person to speak on behalf of the entire group.

9. They sincerely regretted that they were obliged, in the circumstances, to abstain from appointing an observer to represent them at the first session of the said Joint Study Group, to be held in Washington.

10. These organizations consequently expressed the unanimous wish that the Permanent Committee of the Berne Union and the Intergovernmental Copyright Committee, at their next sessions, should provide for wider representation for the users group, by increasing to at least three the number of persons to be appointed by that group, it being understood that in any event there should be equal representation of users and of authors or copyright owners.

11. At the close of its deliberations, the meeting unanimously approved these Minutes.

ANNEX A

List of Organizations invited

Asociación Interamericana de Radiodifusión
 European Broadcasting Union (EBU)
 International Alliance for Diffusion by Wire (AID)
 International Association for the Protection of Industrial Property (IAPIP)
 International Bureau for Mechanical Reproduction (BIEM)
 International Confederation of Societies of Authors and Composers (CISAC)
 International Federation of Actors (IFA)
 International Federation of Film Distributors' Associations (FIAD)
 International Federation of Film Producers' Associations (FIAPF)
 International Federation of Journalists (IFJ)

International Federation of Musicians (FIM)
 International Federation of Newspaper Publishers (FIEJ)
 International Federation of the Phonographic Industry (IFPI)
 International Federation of Translators (FIT)
 International Federation of Variety Artistes (IFVA)
 International Law Association (ILA)
 International Literary and Artistic Association (ALAI)
 International Music Council (IMC)
 International Publishers Association (IPA)
 International Radio and Television Organization (OIRT)
 International Union of Cinematographic Exhibitors (UIEC)
 International Writers Guild (IWG)
 Internationale Gesellschaft für Urheberrecht (INTERGU)
 Union of National Radio and Television Organizations of Africa (URTNA)

ANNEX B

List of Participants

I. International Non-Governmental Organizations

European Broadcasting Union (EBU)

Mr. Georges Straschnov, Director, Department of Legal Affairs

International Alliance for Diffusion by Wire (AID)

Mr. Georges Straschnov, Director, Department of Legal Affairs, EBU

International Association for the Protection of Industrial Property (IAPIP)

Mr. Edmond Martin-Achard, Attorney-at-Law

International Bureau for Mechanical Reproduction (BIEM)

Mr. Léon Malaplate, Secretary-General, CISAC

International Confederation of Societies of Authors and Composers (CISAC)

Mr. Léon Malaplate, Secretary-General

International Federation of Actors (IFA)

Mr. Rudolf Leuzinger, Secretary-General, FIM

International Federation of Film Distributors' Associations (FIAD)

Mr. Gontrand Schwaller, Secretary-General

International Federation of Film Producers' Associations (FIAPF)

Mr. Ola Ellwyn, Attorney-at-Law, Foreningen Sveriges Filmproducenter

International Federation of Musicians (FIM)

Mr. Rudolf Leuzinger, Secretary-General

International Federation of the Phonographic Industry (IFPI)

Mr. Stephen M. Stewart, Director-General

Mr. Maurice Lenoble, Delegate-General of the French Group

International Federation of Translators (FIT)

Mr. Robert Dupuy, Délégué administratif de la Société des Gens de Lettres de France

International Federation of Variety Artistes (IFVA)

Mr. Vital Hauser, Attorney-at-Law

International Law Association (ILA)

Mr. Edmond Martin-Achard, Attorney-at-Law

International Literary and Artistic Association (ALAI)

Professor Henri Desbois, Permanent Secretary

International Publishers Association (IPA)

Mr. Ernest Lefebvre, President

Mr. Bengt Lassen, President of the Copyright Committee

Mr. Ronald Barker, Secretary, The Publishers Association, London

Mr. Hjalmar Pehrsson, Secretary-General

International Union of Cinematographic Exhibitors (UIEC)

Mr. Josef Handl, Executive Secretary, Fachverband der Lichtspieltheater

International Writers Guild (IWG)

Mr. Roger Fernay, Executive Vice-President, President of the International Copyright Commission

Internationale Gesellschaft für Urheberrecht (INTERGU)

Mr. Walter Jost, Delegate

II. Joint Secretariat

Unesco

Miss Marie-Claude Dock, Head, Copyright Division

BIRPI

Professor G. H. C. Bodenhausen, Director

Mr. Claude Masouyé, Senior Counsellor, Head, External and Public Relations Division

Mr. Mihailo Stojanović, Legal Assistant, Copyright Division

NATIONAL LEGISLATION

UNITED KINGDOM

The Copyright (Bermuda: Protection of Foreign Broadcasts) Order 1969

(No. 743, of May 23, 1969, coming into force on August 23, 1969)

Her Majesty, in pursuance of the powers conferred upon Her by section 31 of the Copyright Act 1956 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to direct, and it is hereby directed, as follows:

1. — This Order may be cited as the Copyright (Bermuda: Protection of Foreign Broadcasts) Order 1969 and shall come into operation on 23rd August 1969.

2. — The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. — Part II and (so far as relevant thereto) Part III of the Copyright (International Conventions) Order 1964¹ shall extend to Bermuda subject to the modifications specified in the Schedule hereto.

SCHEDULE

Modifications to Part II of the Copyright (International Conventions) Order 1964

1. In article 8, the words "other than section 40 (3)" shall be omitted.

2. In article 9, the words "other than section 37 (4), section 40 (3) and Schedule 5" and paragraph (a) shall be omitted.

3. In Schedule 5, to the countries listed in column 1 there shall be added Czechoslovakia, Denmark, Brazil and the Federal Republic of Germany (and *Land Berlin*), and the date included in column 2 in relation to each country named in column 1 shall be 23rd August 1969.

4. In Schedule 6, France shall be deleted from and Czechoslovakia, Brazil and the Federal Republic of Germany (and *Land Berlin*) shall be added to the countries listed in column 1, and the date included in column 2 in relation to each country named in column 1 shall be 23rd August 1969.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The United Kingdom proposes to declare Bermuda to be a territory to which the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations shall extend.

This Order implements the obligations thereby undertaken in respect of foreign sound and television broadcasts by extending to Bermuda those provisions of the Copyright (International Conventions) Order 1964 which protect foreign broadcasts.

The law of Bermuda already gives performers of literary and artistic works and producers of phonograms the protection required by the Convention.

¹ See *Le Droit d'Auteur (Copyright)*, 1964, p. 150.

March 9 to 20, 1970 (Geneva) — Preparatory Study Group on PCT Regulations

Object: Study of Draft PCT Regulations — *Invitations:* All member States of the Paris Union — *Observers:* Intergovernmental and international non-governmental Organizations concerned

May 25 to June 19, 1970 — Diplomatic Conference for the adoption of the Patent Cooperation Treaty (PCT)

Invitations: All member States of the Paris Union — *Observers:* Other States; Intergovernmental and international non-governmental Organizations concerned — *Note:* The exact place of the Conference will be announced later

Meetings of Other International Organizations Concerned with Intellectual Property

September 8 to 12, 1969 (Nuremberg) — International Federation of Musicians (FIM) — 7th Ordinary Congress

October 14 to 17, 1969 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group

November 12 to 14, 1969 (Strasbourg) — Committee of Experts on Patents of the Council of Europe

November 18 to 20, 1969 (The Hague) — International Patent Institute (IIB) — 102nd Session of the Administrative Council

November 25 to 28, 1969 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group

December 8 to 11, 1969 (The Hague) — International Association for the Protection of Industrial Property (IAPIP) — Council of Presidents

January 12 to 16, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents

ANNOUNCEMENT OF A VACANCY FOR A POST IN BIRPI

COMPETITION No. 88

Legal Assistant in the Copyright Division

Category and grade: P.3

Principal Duties:

In general to assist in the implementation of BIRPI's copyright and neighbouring rights program.

The particular duties will include:

- (a) legal studies on questions concerning copyright and neighbouring rights;
- (b) drafting of working papers for, and reports on, international meetings;
- (c) participation in meetings of other international organizations concerning copyright and neighbouring rights;
- (d) maintaining up to date a complete collection of copyright and neighbouring rights legislation of all countries.

Qualifications:

- (a) University degree in law or equivalent qualification;
- (b) Experience in the field of copyright and neighbouring rights (preferably including their international aspects);
- (c) Excellent knowledge of one of the official languages (English and French) and at least a good working knowledge of the other.

Nationality:

Candidates must be nationals of one of the member States of the Paris or Berne Unions. Qualifications being equal, preference will be given to candidates who are nationals of States of which no national is on the staff of BIRPI.

Age limit:

Candidates must be less than 50 years of age at date of appointment.

Date of entry on duty:

As mutually agreed.

Application forms and full details regarding the conditions of employment may be obtained from the *Head of Personnel, BIRPI, 32, chemin des Colombettes, 1211 Geneva 20, Switzerland*. Application forms, duly completed, should reach BIRPI not later than *September 30, 1969*.