

Copyright

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of Intellectual Property (BIRPI)

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WORLD INTELLECTUAL PROPERTY ORGANIZATION

Convention Establishing the World Intellectual Property Organization (WIPO)

Entry into Force

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, referring to Article 19(i) of the Convention Establishing the World Intellectual Property Organization (WIPO), has the honor to inform him that, pursuant to the provisions of Article 15(1), the said Convention will enter into force on

April 26, 1970,

that is, three months after ten States members of the Paris Union and seven States members of the Berne Union have fulfilled the conditions set forth in Article 14(1), (2) and (3).

In this connection, the Director of BIRPI, referring to his previous notifications, has the honor to remind him that:

(1) *Convention Establishing the World Intellectual Property Organization (WIPO)*

- (a) Ireland signed the said Convention, without reservation as to ratification, on January 12, 1968;
- (b) instruments of ratification or accession, relating to the said Convention, were deposited by
 - the German Democratic Republic, on June 20, 1968,
 - the Republic of Senegal, on September 19, 1968,
 - the Union of Soviet Socialist Republics, on December 4, 1968,
 - the United Kingdom of Great Britain and Northern Ireland, on February 26, 1969,
 - the Socialist Republic of Rumania, on February 28, 1969,
 - Spain, on June 6, 1969,
 - the State of Israel, on July 30, 1969,
 - the Kingdom of Sweden, on August 12, 1969,
 - the Hungarian People's Republic, on December 18, 1969,
 - the Kingdom of Denmark, on January 26, 1970,
 - the Swiss Confederation, on January 26, 1970.

(2) *Stockholm Act of the Paris Convention for the Protection of Industrial Property*

- (a) in its entirety: instruments of ratification or accession were deposited by Ireland on March 27, 1968, and by the German Democratic Republic, the Republic of Senegal, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and

Northern Ireland, the Socialist Republic of Rumania, the State of Israel, the Hungarian People's Republic, the Kingdom of Denmark and the Swiss Confederation on the respective dates mentioned above;

- (b) with only the limitation set forth in Article 20(1) (b)(i) of the said Act: an instrument of ratification was deposited by the Kingdom of Sweden on August 12, 1969.

(3) *Stockholm Act of the Berne Convention for the Protection of Literary and Artistic Works*

- (a) in its entirety: instruments of ratification or accession were deposited by the German Democratic Republic and the Republic of Senegal on the respective dates mentioned above, and by the Socialist Republic of Rumania on October 29, 1969;
- (b) with only the limitation set forth in Article 28(1) (b)(i) of the said Act: instruments of ratification were deposited by the United Kingdom of Great Britain and Northern Ireland, Spain, the State of Israel, the Kingdom of Sweden (with, however, a declaration admitting the application of the Protocol Regarding Developing Countries), the Kingdom of Denmark and the Swiss Confederation on the respective dates mentioned above.

The Director of BIRPI has the honor to remind him further that the notification of the deposit of the instruments of accession by the German Democratic Republic has given rise to communications from some Governments disputing the validity of such accession, communications which have been transmitted to the States concerned.

Furthermore, the Director of BIRPI has the honor to inform him that, pursuant to the second sentence of Article 15(1), the said Convention will enter into force also on April 26, 1970, in respect of States which, not being members of either of the two Unions, but fulfilling the conditions set forth in Article 5(2)(i), have taken action as provided in Article 14(1) three months or more prior to the said date, that is:

- the Byelorussian Soviet Socialist Republic,
- the Ukrainian Soviet Socialist Republic,

which deposited their instruments of ratification of the said Convention on March 19, 1969, and February 12, 1969, respectively.

Geneva, February 4, 1970.

Ratifications of the WIPO Convention

HUNGARY

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 Hungarian People's Republic deposited on December 18, 1969, its instrument of ratification dated October 9, 1969, of the Convention Establishing the World Intellectual Property Organization (WIPO), with the following declaration:

"At the time of ratification of the Convention, the Presidential Council of the Hungarian People's Republic repeats the declaration made by the Hungarian Government at the moment of signature of the instrument, in accordance with

which, the Convention having the character of a universal international Convention which concerns the interests of all States, any State has the right, on the basis of the principle of the sovereign equality of States, to become party to the Convention." (*Translation*)

The Hungarian People's Republic 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.

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, January 19, 1970.

WIPO Notification No. 14

DENMARK

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 Kingdom of Denmark deposited on January 26, 1970, its instrument of ratification dated December 31, 1969, of the Convention Establishing the World Intellectual Property Organization (WIPO).

The Kingdom of Denmark has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently rati-

fying 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 and to the Protocol Regarding Developing Countries.

A separate notification is being made of the entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO).

Geneva, February 4, 1970.

WIPO Notification No. 15

SWITZERLAND

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 Swiss Confederation deposited on January 26, 1970, its instrument of ratification dated January 13, 1970, of the Convention Establishing the World Intellectual Property Organization (WIPO).

The Swiss Confederation has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently rati-

fying 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 and to the Protocol Regarding Developing Countries.

A separate notification is being made of the entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO).

Geneva, February 4, 1970.

WIPO Notification No. 16

INTERNATIONAL UNION

DENMARK

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 Kingdom of Denmark deposited on January 26, 1970, its instrument of ratification dated December 31, 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 and to the Protocol Regarding Developing Countries.

Pursuant to the provisions of Article 28(2)(c) of the Stockholm Act of the said Convention, Articles 22 to 38 will enter into force, with respect to the Kingdom of Denmark, three months after the date of this notification, that is, on May 4, 1970.

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

Geneva, February 4, 1970.

Berne Notification No. 15

SWITZERLAND

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 Swiss Confederation deposited on January 26, 1970, its instruments of ratification dated January 13, 1970, 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 and to the Protocol Regarding Developing Countries.

Pursuant to the provisions of Article 28(2)(c) of the Stockholm Act of the said Convention, Articles 22 to 38 will enter into force, with respect to the Swiss Confederation, three months after the date of this notification, that is, on May 4, 1970.

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

Geneva, February 4, 1970.

Berne Notification No. 16

Permanent Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union)

Fourteenth Session (Paris, December 15 to 19, 1969)

Report

Part I: Report on the Meetings of the Permanent Committee sitting alone

1. The Permanent Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union), hereinafter referred to as "the Permanent Committee", held its fourteenth ordinary session in Paris from December 15 to 19, 1969, at the Headquarters of Unesco, which had extended its hospitality to the Committee because the Intergovernmental Copyright Committee was holding its tenth ordinary session there at the same time.

2. The twelve States members of the Permanent Committee were represented: Belgium, Brazil, Denmark, France, Germany (Federal Republic), India, Italy, Portugal, Rumania, Spain, Switzerland, United Kingdom.

3. Representatives of the following States, members of the Berne Union or parties to the Universal Copyright Convention, attended as observers: Argentina, Australia, Austria, Canada, Chile, Czechoslovakia, Ecuador, Finland, Guatemala, Holy See, Iceland, Ireland, Israel, Japan, Kenya, Laos, Lebanon, Mexico, Monaco, Netherlands, Nigeria, Panama, Senegal, Sweden, Tunisia, Turkey, United States of America, Yugoslavia.

4. In addition, four intergovernmental organizations, eighteen international non-governmental organizations and one national organization sent observers.

5. The list of participants is appended to this report (Annex B).

6. The Vice-Chairman of the Permanent Committee, Mr. Jorge Carlos Ribeiro (Brazil), acting as Chairman, opened the session and, emphasizing the importance of the items on the agenda in the present situation of international copyright, expressed the hope that the discussions of the Permanent Committee would be fruitful.

7. Professor G. H. C. Bodenhausen, Director of BIRPI, welcomed the members of the Permanent Committee and the observers sent by States and organizations, and wished the Committee every success in its work.

8. Mr. H. Saba, representing the Director-General of Unesco, welcomed the Permanent Committee on behalf of his Organization and echoed these good wishes.

9. With regard to the election of officers, the Director of BIRPI suggested that the Permanent Committee, following the tradition established, should elect as Chairman and Vice-Chairman the same persons who had just been elected to the corresponding offices in the Intergovernmental Copyright

Committee. This suggestion was seconded by the delegations of Germany (Federal Republic), Portugal and Rumania.

10. The Permanent Committee then unanimously elected Mr. Jorge Carlos Ribeiro (Brazil) Chairman and Mr. William Wallace (United Kingdom) Vice-Chairman.

11. In accordance with Rule 7, paragraph 3, of the Internal Rules of the Permanent Committee, the International Bureau of the Berne Union (BIRPI) provided the secretariat for the debates in the persons of Mr. C. Masouyé, Senior Counsellor, Head of the External and Public Relations Division, and Mr. V. Strnad, Counsellor, Head of the Copyright Division.

12. After adopting its agenda, the Permanent Committee, referring to the working papers prepared and submitted to it by BIRPI, proceeded to consider the questions of concern to the Permanent Committee alone. Questions of interest both to the Permanent Committee and to the Intergovernmental Copyright Committee were considered at the joint meetings of the two Committees and are dealt with in Part II of this report.

13. The Permanent Committee examined the report submitted to it by its Secretariat on the present state of the Berne Union, with particular reference to the ratifications, accessions and denunciations which had occurred since the preceding ordinary session (documents CP/XIV/2 and CP/XIV/2 Add. 1).

14. The Director of BIRPI drew the attention of the Permanent Committee to the consequences of the entry into force, at the beginning of 1970, of the administrative provisions and final clauses of the Stockholm Act of the Berne Convention, with particular reference to the convening of the Assembly of States members of the Berne Union bound by Articles 22 to 26 of the Stockholm Act. The Assembly, which was to meet in September 1970, would have to elect the Executive Committee of the Berne Union. He also drew the attention of the Permanent Committee to the possibility provided for in Article 38, paragraph (2), of the Stockholm Act (the so-called transitional provision) enabling States members of the Berne Union which had not ratified or acceded to the administrative provisions to exercise the rights provided for in the said provisions for a period of five years.

15. The delegation of Denmark informed the Permanent Committee that the competent Danish authorities had decided to ratify the administrative provisions of the Stockholm Act of the Berne Convention, as well as the Convention Estab-

lishing the World Intellectual Property Organization (WIPO) and the Stockholm Act of the Paris Convention for the Protection of Industrial Property. The instruments of ratification would be deposited shortly.

16. The delegation of Canada informed the Permanent Committee that its Government had been expressly recommended to ratify the administrative provisions of the Stockholm Act of the Berne Convention, the Convention Establishing the World Intellectual Property Organization and the Stockholm revision of the Paris Convention; it hoped that a favorable decision would be taken in the near future.

17. The Permanent Committee examined the report submitted to it by its Secretariat on the present state of accessions to and ratifications of the Convention Establishing the World Intellectual Property Organization, contained in document CP/XIV/3.

18. The Director of BIRPI stressed that 1970 would be an important year from the point of view of the administrative structure of the Organization owing to the expected entry into force of WIPO. He drew the attention of the Permanent Committee to the fact that the General Assembly of WIPO and the Coordination Committee, which would be the principal organs of the new administrative structure of BIRPI, would probably be convened in September 1970.

19. The Permanent Committee took note of the information provided by its Secretariat on this subject.

20. The Permanent Committee examined the report submitted to it by its Secretariat on the opinion to be given on the recommendations issuing from the first session of the

International Copyright Joint Study Group, which had met in Washington from September 29 to October 3, 1969 (document CP/XIV/4).

21. The delegation of Germany (Federal Republic) submitted a draft resolution to the Permanent Committee on this question.

22. This draft resolution was supported in turn by the delegations of Italy, India, Denmark, Belgium, Switzerland, Spain, Brazil and Rumania.

23. The delegations of Belgium, Spain and Switzerland, however, expressed doubts about the possibility of strictly observing the proposed time-table and, in particular, about the possibility of their respective Governments' complying with the date set for the submission of draft texts or comments on the contemplated revision of the Berne Convention.

24. The Permanent Committee then unanimously adopted the draft resolution submitted to it, which is appended to this report (Annex A). The delegation of France, however, entered a reservation with regard to the wording of the paragraph which states that the Permanent Committee expressed the view that the preparation of the revision of the Berne Convention should be made in accordance with the considerations stated in the Preamble to the Washington Recommendation and the specific recommendations contained therein. The delegation of France reminded the meeting that it had expressed formal reservations concerning certain points in the Washington Recommendation. It stated that, while it was in agreement with the draft resolution, it nevertheless could not accept the terms of the paragraph in question.

Part II: Report on the Joint Meetings of the Permanent Committee and the Intergovernmental Copyright Committee

25. The Permanent Committee and the Intergovernmental Copyright Committee, after meeting separately to examine questions within their respective fields of competence, held a number of joint meetings, at which they discussed the following items on their agenda.

Photographic reproduction of protected works

26. The Unesco Secretariat submitted document CP/XIV/5-IGC/X/5 on the photographic reproduction of protected works by or for libraries, documentation centres and scientific institutions and drew attention to the recommendations of the Committee of Experts which met in Paris from July 1 to 5, 1968, under the joint auspices of Unesco and BIRPI.

27. The representative of the Director-General of Unesco stated that the Member States of Unesco and BIRPI had been consulted as to whether, within the framework of the General Conference's normative action, they wished an international instrument covering this matter to be adopted. In consequence, the General Conference of Unesco might have occasion to decide at its next session whether such action was appropriate. Should the General Conference decide that it was, any such instrument could be adopted only during the 1972 session, after all the necessary preparatory steps had been taken. He further pointed out that under Unesco's Con-

stitution the General Conference was empowered to adopt recommendations defining legal norms to which States were invited to adhere. As a recommendation did not impose any strict legal obligations, the adoption of an instrument of this nature would perhaps be more in accordance with the present facts relating to the problems raised by photographic reproduction.

28. In the course of the discussion, a number of delegations, including those of Canada, France, Germany (Federal Republic), Switzerland, the United Kingdom and the United States of America, stated that while some points in the Committee's recommendations might serve as useful guide-lines for countries that were preparing new legislation in the matter, there were other points which required further detailed study.

29. The delegation of the United Kingdom also wondered to what extent this was a subject solely for discussion in the General Conference of Unesco. In its view, which was shared by the delegation of Germany (Federal Republic), the recommendations relating to photographic reproduction should be studied afresh by the Permanent Committee and the Intergovernmental Copyright Committee before a decision was taken on any final procedure.

30. The observer of the International Publishers Association stated that some of the recommendations were merely compromises which had been accepted by a small majority and that some of the proposed solutions constituted a potential danger to the publishing business, especially as regards scientific publishing, and could harm the interests of the authors of scientific works.

31. The Chairman noted that the subject could not be regarded as having advanced sufficiently for the Committees to take any final decision at their present sessions and that it should be kept on the agenda of subsequent sessions. The General Conference of Unesco, when it comes to examine this question, will be informed of the position of the two Committees in this regard.

Problems arising from the utilization of electronic computers and other technological equipment

32. The Secretariats informed the Committees that because of the urgent tasks that they had had to deal with since the last sessions, the work of collecting information on these problems had not yet been completed (document CP/XIV/6-IGC/X/6).

33. The delegation of Canada pointed out the urgent need for studies on the subject and drew the attention of the Committees to the fact that a working party had been set up in Canada to study the problems relating to computers and to submit its conclusions by late 1970 or early 1971. In its view, which was shared by the delegation of Denmark, the Secretariats should examine the question at the earliest possible moment.

34. The Chairman noted that the resolutions which the two Committees had adopted in the matter in December 1967 were still in force, and asked the Secretariats to proceed accordingly.

Development of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations

35. Document CP/XIV/7-IGC/X/7, which deals with the development of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, was submitted by BIRPI. To this document was added information on the second ordinary session of the Intergovernmental Committee of the Rome Convention, held at Unesco Headquarters in Paris from December 10 to 12, 1969.

36. In addition reference was made to the findings of the Meeting of Governmental Experts on International Arrangements in the Space Communication Field (held at Unesco Headquarters in Paris from December 2 to 9, 1969), which had, among other things, on its agenda the question of the protection of satellite broadcasts, and to the possible effects of an international convention on this matter on the various interests embodied in the Rome Convention.

Assistance to States in developing their national copyright legislation

37. The Secretariats presented information on the assistance being given to States in developing their national copy-

right legislation. Action on behalf of the developing countries forms by far the larger part of such assistance.

38. The Secretariats recalled in this connection the meeting held by the African Committee of Experts in Abidjan from June 9 to 12, 1969, under the joint auspices of Unesco and BIRPI with a view to drafting a model statute for societies of authors in African countries.

39. In addition, BIRPI informed the Committees that it had organized, in cooperation with the International Confederation of Societies of Authors and Composers (CISAC), at Geneva in November 1968, a Symposium on Practical Aspects of Copyright, in which nationals of developing countries had also participated.

40. The Unesco Secretariat said that fellowships to study the question of copyright had been granted to two nationals of the Malagasy Republic and to one national of Morocco and that experts were to be sent to the Republic of the Congo and to the Republic of Viet-Nam to help these countries in preparing national copyright legislation of their own.

41. BIRPI, for its part, has provided legal technical assistance to Morocco in preparing its new copyright law and has followed the work being carried out to prepare similar legislation in Senegal. Thailand, which is at present bound by the Act of Berlin (1908) of the Berne Convention, has asked for BIRPI's assistance in modernizing its copyright legislation with a view to acceding to a more recent Act of this Convention. BIRPI is at present preparing a new law in cooperation with the Thailand authorities.

42. The delegation of Canada welcomed the assistance being provided to various countries. It expressed the view that such aid should be covered by special funds provided by States members of the Organizations concerned.

43. The Director of BIRPI, after recalling the methods for the financing of assistance which had been adopted within the Paris Union for the Protection of Industrial Property, stated that they could also be studied within the framework of the Berne Union. However, owing to the probable entry into force of the Convention establishing WIPO, general consideration could be given to the problem within the new Organization.

International Copyright Joint Study Group

44. The report on the first session of the International Copyright Joint Study Group, held in Washington from September 29 to October 3, 1969, was submitted by the Unesco Secretariat.

45. The Chairman stated that on this item of the agenda it was purely a question of holding a general discussion at joint meetings of the two Committees, leaving it for each Committee meeting separately to adopt any decisions in the matter.

46. A large number of delegations expressed their agreement in principle with the Washington Recommendation, in particular the delegations of Germany (Federal Republic), India, Italy, Japan, Kenya, Mexico, the Netherlands, Nigeria, Portugal, Rumania, Sweden, the United Kingdom, the United States of America and Yugoslavia.

47. The delegation of the United Kingdom, however, expressed certain misgivings about points II(3) and (4) of the Washington Recommendation, while recognizing that they could serve as the basis for discussion in the "package deal" represented by the proposed solutions for revising the two Conventions.

48. The delegation of France recalled the reservations that it had expressed in Washington on point 6 and the first part of point 8 of the Preamble to the Recommendation and especially on point II(3) of the Recommendation itself, which would seem to conflict with the fundamental rule laid down in Article 20 of the Berne Convention. As regards point I(1), the delegation of France, recalling that it was agreeable to a revision of sub-paragraph (a) of the Appendix Declaration relating to Article XVII of the Universal Convention, stated that it was opposed to any change in sub-paragraph (b) of the said Declaration. The aim is in no way to encourage the developing countries to denounce the Berne Convention. The aim is to provide a free choice in deciding which convention best suits the interests of countries with different traditions. France was ready to discuss with the developing countries the conditions under which they would be able to remain within the Berne Union, but it could not accept a solution that would mean applying the Universal Convention within the Berne Union. In order to make it easier for developing countries which so desired to remain within the Berne Union, France would be ready to consider flexible solutions taking account of their specific needs in matters of cultural or scientific promotion.

49. The delegation of Italy recalled the steps which it had taken in the preceding years concerning the revision of the Universal Convention, and stressed that although it was ready to discuss the possibility of suspending the implementation of sub-paragraph (a) of the Appendix Declaration, it could also consider suspending sub-paragraph (b) in favor of the developing countries, in order to avoid the situation of some countries taking the regrettable step of leaving the Berne Union after a long period of membership. In that connection, it drew attention once again to the working paper it had submitted in June 1969 to the Sub-Committee of the Intergovernmental Copyright Committee. It emphasized the importance of deciding on the date of the Revision Conference and making a start on the necessary preparatory work, the search for final solutions being in any case reserved for the Conference itself.

50. The delegation of Germany (Federal Republic) stressed the necessity of coming to a decision on procedure, questions of substance being left to committees of experts.

51. The delegation of India, supporting the idea of the "package deal" and stressing the prime importance of education for all, and the major rôle that the translation and reproduction of literary and scientific works played in the process of development, appealed to the delegation of France to take into account the unanimous views of the developing countries and to rally to the opinion held by the other States members of the Committee.

52. The delegation of Portugal, recalling that its country was one of those which had requested the convening of a Conference for the revision of the Universal Convention, pointed out that, between the developing countries and the highly industrialized countries, there were countries which had specific interests. It considered that the deletion of Article XVII and of the Appendix Declaration relating thereto was imperative, as it complied with the principle of the sovereignty of States, and that it should be applicable to all countries.

53. The delegation of Kenya gave a brief historic outline of the "package deal" and summarized the five principles underlying the Washington Recommendation: (i) no developing country should be compelled to leave any one of the two Conventions; (ii) every developing country should be entitled to apply the same level of protection to foreign works, whether covered by the Berne Convention or the Universal Copyright Convention; (iii) there should be no discrimination between developing countries now parties to one of the Conventions and those acceding after the revision; (iv) there should be a safeguard for the developing countries against a situation similar to that which had arisen in connection with the Stockholm Protocol; (v) the two revisions must be simultaneous, it being understood that the revision of the Universal Copyright Convention should precede that of the Berne Convention, which should follow immediately after the other.

54. The delegation of Nigeria urged that the solutions finally adopted, whatever they might be, should not call into question the recommendations agreed on in Washington, and also appealed to the French delegation to reconsider its position.

55. The delegation of Canada urged the continuation of the work of the Joint Study Group and drew the attention of the Committees to the fact that the industrialized countries also had problems which deserved detailed study, particularly those countries in Canada's position. Canada's statement at Washington was recalled with particular emphasis on the need for long range solutions to copyright problems in the light of technological developments and a request was made to BIRPI and Unesco to examine the problems concerning broadcasts by satellites and the use of computers and other technological equipment in satellite transmissions. It was further urged that both Secretariats examine the problems associated with the possibility of a new single multi-level copyright convention.

56. The Chairman, summing up the opinion of the Committees, noted that the Joint Study Group had not been asked to continue its work in the immediate future and that consequently the question would remain on the Committees' agenda at their subsequent sessions.

Problems of copyright arising from wireless and television broadcasts transmitted by space satellites

57. This item on the agenda was presented by BIRPI (document CP/XIV/9-IGC/X/9). After mentioning the Working Group convened by BIRPI in October 1968, and the decisions taken by the General Conference of Unesco, the Secre-

tariat gave further information on the Meeting of Governmental Experts convened by Unesco from December 2 to 9, 1969, in Paris. This Meeting discussed in particular the problems raised by the protection of signals. Three solutions were considered: the first consisted of adding a protocol to ITU's Radio Regulations, the second of applying the Rome Convention, as the definition of the term "broadcasting" contained in that instrument could be clarified at a Revision Conference, the third of adopting a new convention independent of the above-mentioned agreements. From the conclusions of that Meeting the opinion emerged that the Rome Convention was not an appropriate instrument for ensuring world-wide protection. As regards the choice between a special convention and an agreement to be concluded within ITU, no final decision had been taken. It was noted that a Committee of Experts, convened by Unesco and BIRPI in 1970 or early in 1971, would make a detailed study of these problems.

58. The observer from the International Federation of the Phonographic Industry (IFPI) was in favor of applying the Rome Convention to settle the problems arising from satellite transmissions. He refuted the objections to the Rome Convention as they had been presented, particularly concerning the very small number of ratifications, the resulting expenses and the definition of broadcasting.

59. The representative of France, who was Chairman of the Working Group set up by the above-mentioned Meeting of Governmental Experts to study this question, said that the view expressed by the observer from IFPI had been defended within the Working Group by only two delegations; the other delegations had been in favor either of an arrangement within ITU, or else of a special convention.

60. The observer from the International Federation of Musicians (FIM), recalling the efforts that had been made over several decades to secure recognition of the rights of performers through an international convention, said that he was in favor of applying the Rome Convention to broadcasts transmitted by satellites.

61. The delegation of Denmark, bearing in mind the need to maintain a balance between the interests of broadcasting and those of authors, performers and producers of phonograms, declared that special attention should be paid to the protection of satellite broadcasts either through the Rome Convention or by means of a protocol annexed to the existing copyright conventions.

62. Referring to the Committee of Experts to be set up under the joint auspices of Unesco and BIRPI, the representative of the Director-General of Unesco pointed out that the importance of the problems to be discussed justified the convening of a committee of a governmental nature and that, that being so, the Executive Board of Unesco, in so far as that Organization was concerned, must be apprised of the matter in advance. In those circumstances, the Committee of Experts could only be convened towards the end of 1970 or the beginning of 1971. If it were to come down in favor of drawing up a new international instrument, the Conference for its adoption could meet only at the end of 1972 or the beginning of 1973.

63. The delegations of the United States of America, France and Kenya stressed in turn the importance of gaining as much time as possible and proposed, after all the possibilities had been reexamined by the Director of BIRPI and the representative of the Director-General of Unesco, that the date of the Conference should be fixed for the end of 1972 or at the latest for the beginning of 1973.

64. It was noted that the preparatory work by Unesco and BIRPI would be undertaken in consultation with ILO and ITU.

Resolution submitted by France and Germany (Federal Republic)

65. At the last meeting on December 19, 1969, the delegations of France and Germany (Federal Republic) presented a draft resolution on the question of transmissions via satellites (document CP/XIV/12-IGC/X/13).

66. The delegations of Australia, Austria, Canada, Denmark, Israel, Kenya, Mexico, Nigeria, Sweden and the United States of America took part in a general discussion on this resolution and supported it. The main points raised in the general discussion have been summarized in the following paragraphs.

67. The delegation of Canada, while supporting the resolution, referred in particular to paragraph 28 of the Draft Report of the Working Party of the Meeting of Governmental Experts on International Arrangements in the Space Communications Field — COM/SPACE/9, December 8, 1969 — and drew the attention of the two Committees to the special interests of Canada and certain other countries. Further, the delegation of Canada emphasized that the Joint Study Group, or the Washington Recommendation, had given no answer to the problems of these countries and that it would like to express its concern with regard to the following three points: (i) that no instructions were given to the Ad Hoc Preparatory Committee to study the special problems that are of interest to these countries; (ii) that the special interests of these countries cannot be presented as a matter "of right" during the discussions of the Ad Hoc Preparatory Committee; and (iii) that the composition of the Ad Hoc Preparatory Committee and of the Intergovernmental Committee itself do not fairly reflect the membership of the various countries concerned. The delegation of Canada further expressed the hope that in future activities the Committees and Secretariats would take these factors into account.

68. The delegation of Denmark referred to the interests of those developed countries which were importers rather than exporters of copyrighted materials and stated that they should be actively associated with the future work in the field of copyright. The delegation of Denmark also gave support to the views expressed by the delegation of Canada.

69. The delegation of Australia expressed support for the statement by the delegation of Canada that consideration should be given to the particular copyright problems of countries that were neither developed in the full industrial sense nor developing as defined by the United Nations. The delegation of Australia further pointed out that Australia was in a similar position to that of Canada in this respect and hoped

that this question could be raised at a future session of the Joint Study Group.

70. The delegation of Mexico firstly recalled that the most important problem in the field of international copyright was connected with the process of diffusion of culture and that the developing countries were not in a position to shoulder all the economic burdens which this process entailed. Secondly, the delegation of Mexico drew the attention of the two Committees to the recommendations of the Joint Study Group concerning the solution of the problems of the developing countries. Speaking in this context, finally, the delegation of Mexico expressed the view that it failed to understand the problems raised by countries like Canada, Denmark and Australia which could easily pay all the requisite copyright fees.

71. The delegations of Sweden and Austria supported the statements made by the delegations of Denmark and Canada respectively.

72. The delegation of Israel supported the statements made by the delegations of Denmark and Canada and then, referring to the statement made by the delegation of Mexico, stated that in its opinion questions concerning international copyright matters should not be discussed simply from the economic point of view as they covered the interests of both the developing as well as the developed countries.

73. Finally, the draft resolution presented by France and Germany (Federal Republic) was adopted unanimously (see Annex A).

Recommendations adopted by international organizations in the field of copyright or which may affect copyright

74. The Committees took note of the information presented on the subject by the Secretariats (document CP/XIV/10-IGC/X/10).

Date and place of the next ordinary sessions

75. The Director of BIRPI recalled that, in the absence of a formal invitation from one of their member States, the Committees held their ordinary sessions at the Headquarters of the two Secretariats in turn. In those circumstances, he suggested that the ordinary sessions for 1971 should be held at Geneva, preferably towards the end of the year. The suggestion was accepted unanimously.

Closing of the sessions

76. The representative of the Director-General of Unesco thanked the participants for the important work they had accomplished with a view to finding solutions to the problems at present existing in the field of international copyright and expressed his satisfaction at the fact that further meetings, planned for the very near future, would permit the exchange of views that had begun to be continued.

77. The delegation of the United States of America voiced the feelings of all participants in paying tribute to the Chairman of the Committees for the masterly fashion, the competence and the flexibility with which he had conducted the debates. It also congratulated the Secretariats, whose assistance had contributed towards the smooth working of the sessions.

78. The delegation of Italy endorsed these remarks.

79. The Chairman expressed his satisfaction with the results achieved and with the spirit of comprehension that had animated the debates. After thanking all the delegations again for their cooperation, he declared the sessions closed.

ANNEX A

Resolutions

Resolution No. 1: Revision of the Berne Convention

The Permanent Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union),

1. Recalling the resolutions adopted by it at its thirteenth ordinary session in December 1967 (Resolution No. 3) and its extraordinary session in February 1969 (Resolution No. 1),

2. Taking account of the results of the first session of the International Copyright Joint Study Group, held from September 29 to October 3, 1969, and the Washington Recommendation formulated by that Study Group, which was set up in pursuance of the above-mentioned resolutions,

3. Recognizing the need for careful preparations to follow up the Washington Recommendation, particularly the need for close coordination between the revision of the Berne Convention and that of the Universal Copyright Convention,

4. Expresses the wish that the Intergovernmental Copyright Committee take into account the recommendations for revision of the Universal Copyright Convention contained in the Washington Recommendation;

5. Expresses the view that the preparation for the revision of the Berne Convention should be made in accordance with the considerations stated in the Preamble to the Washington Recommendation and the specific recommendations contained therein, including, in particular, the recommendation that the Berne Convention and the Universal Copyright Convention be revised in revision conferences to be held at the same time and place;

6. Hopes that the Conference for the revision of the Berne Convention will be held no later than May-June 1971 at the same place and time as the Conference for the revision of the Universal Copyright Convention;

7. Recommends that the following measures be taken in preparation for this revision of the Berne Convention:

(a) the Director of BIRPI shall invite States members of the Berne Union and all interested international non-governmental organizations to present draft texts or comments with respect to the proposed revision of the Berne Convention no later than March 15, 1970;

(b) an Ad Hoc Preparatory Committee, composed of representatives of States members of the Berne Union, is established and shall meet in Geneva from May 19 to 21, 1970, to consider, on the basis of the documentation supplied by BIRPI, these draft texts and comments and to prepare a draft text of the proposals for revision of the Berne Convention. The composition of the Preparatory Committee shall be as follows:

(i) the States represented shall be: France, Germany (Federal Republic), India, Italy, Mexico, Tunisia, United Kingdom, Yugoslavia;

(ii) the Chairman of the Permanent Committee of the Berne Union is *ex officio* member of the Preparatory Committee;

(iii) two States parties to the Universal Convention may be represented as observers on the Preparatory Committee. These States shall be Kenya and the United States of America;

(iv) the Director-General of Unesco or his representatives may attend the meetings of the Preparatory Committee in an advisory capacity;

(v) before April 1, 1970, the Director of BIRPI shall convene a one-day information meeting of the interested international non-

governmental organizations and shall invite those organizations to appoint a total of seven persons to attend the meetings of the Preparatory Committee as non-participating observers. For this purpose, the organizations representing authors shall be invited to appoint two persons, the organizations representing publishers shall be invited to appoint one person, the organizations representing legal circles working for copyright protection shall be invited to appoint one person and the organizations representing users of copyrighted works shall be invited to appoint three persons.

The Ad Hoc Preparatory Committee shall appoint its officers and establish its Rules of Procedure at its first session. Its meetings shall be open to any State member of the Berne Union or party to the Universal Copyright Convention, other than the States listed above, as a non-participating observer, but shall otherwise be closed;

- (c) the Director of BIRPI shall communicate the results of the meeting of the Ad Hoc Preparatory Committee to all States members of the Berne Union and interested international non-governmental organizations as soon as possible following the conclusion of the work of the Ad Hoc Preparatory Committee. He shall invite comments on the draft text adopted by the Ad Hoc Preparatory Committee to be submitted to BIRPI before August 1, 1970;
- (d) BIRPI is requested to prepare and to distribute to all States members of the Berne Union and interested international non-governmental organizations, before June 1, 1970, draft Rules of Procedure to govern the work of the Conference for revision of the Berne Convention;
- (e) the Chairman of the Permanent Committee of the Berne Union is requested and is hereby authorized to convene an extraordinary session of the Permanent Committee in September 1970 to consider the draft Rules of Procedure for the Revision Conference, prepared by BIRPI, the results of the meeting of the Ad Hoc Preparatory Committee and such other matters relating to the Revision Conference as it may deem appropriate. The Permanent Committee shall give BIRPI its opinion on the preparation of the program for the Revision Conference of the Berne Convention and the final arrangements relating thereto.

Resolution No. 2: Transmissions by satellites

The Permanent Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union), sitting with the Intergovernmental Copyright Committee,

1. Having examined report CP/XIV/9-IGC/X/9 on problems of copyright arising from wireless and television broadcasts transmitted by space satellites,
2. Having taken note of the statements made in the course of the discussion of this item of its agenda,
3. Considers that it is not yet possible at present to adopt a definitive position with regard to the steps which should be taken to provide legal protection against uses not authorized by the originating organization;
4. Recommends that a committee of governmental experts be convened as soon as possible by Unesco and BIRPI in collaboration with interested organizations, in particular ITU and ILO; and
5. Hopes that the problem will be settled, preferably before the end of 1972, by the enactment of appropriate treaty provisions.

ANNEX B

List of participants

I. Members of the Permanent Committee

Belgium

- Mr. Gérard L. de San, Director-General and Legal Counsellor, Ministry of National Education and Culture
 Mr. Jacques Bocqué, Assistant Counsellor, Ministry of Foreign Affairs

Brazil

- Mr. Jorge Carlos Ribeiro, Secretary of Embassy, Embassy of Brazil, Montevideo
 Mr. Francisco Alvim, Permanent Delegation of Brazil to Unesco

Denmark

- Mr. Willi Weincke, Head of Division, Ministry of Cultural Affairs
 Mr. Johannes Nørup-Nielsen, Secretary, Ministry of Cultural Affairs

France

- H. E. Mr. Pierre Charpentier, Ambassador, Ministry of Foreign Affairs
 Mr. Marcel Boutet, Vice-Chairman of the Commission for Intellectual Property, Ministry of State for Cultural Affairs
 Mr. Charles Rohmer, Head of the Copyright Office, Ministry of State for Cultural Affairs
 Mr. P. R. L. Lunet, International Organizations Office, Ministry of Foreign Affairs
 Mr. J.-L. Tournier, Director-General, Society of Authors, Composers and Music Publishers (SACEM)

Germany (Federal Republic)

- Dr. Eugen Ulmer, Professor at the University of Munich
 Mrs. Elisabeth Steup, Ministerialrätin, Federal Ministry of Justice

India

- Mr. Kanti Chaudhuri, I. A. S., Joint Secretary to the Government of India, Ministry of Education and Youth Services
 Mr. S. Balakrishnan, Joint Secretary to the Government of India, Ministry of Law

Italy

- H. E. Mr. Pio Antonio Archi, Ambassador, Delegate for Intellectual Property Treaties, Ministry of Foreign Affairs
 Mr. G. Galtieri, Inspector-General, Head of the Literary, Artistic and Scientific Property Office, Presidency of the Council of Ministers
 Mr. G. Trotta, Judge at the Court of Appeal, Legal Adviser, Ministry of Foreign Affairs
 Mr. A. Ciampi, Director-General, Italian Society of Authors and Publishers, Member of the Permanent Consultative Committee for Copyright
 Mr. V. De Sanctis, Member of the Permanent Consultative Committee for Copyright

Portugal

- Dr. Mário Júlio de Melo Freitas, Counsellor of Embassy, Deputy Permanent Delegate of Portugal to Unesco
 Professor Dr. José de Oliveira Ascensão, Representative of the Ministry of National Education
 Mrs. Maria Teresa Pereira de Castro Ascensão, Representative of the Ministry of National Education

Rumania

- M. Traian Preda, Chef du service de la Centrale du Livre de la République socialiste de Roumanie auprès de l'Unesco
 M. Gheorghe Pele, Conseiller juridique principal auprès du Comité d'Etat pour la Culture et l'Art de Roumanie

Spain

- H. E. Mr. E. Garrigues, Ambassador, Permanent Delegate of Spain to Unesco
 Mr. J. M. Garcia-Agullo, Counsellor of Embassy
 Mrs. Isabel Fonseca-Ruiz, Director del Gabinete de Estudios, Department of Archives and Libraries

Switzerland

- Mr. Mario M. Pedrazzini, Professor at the University of St.-Gall
 Mr. J.-L. Marro, Head of the Copyright Section, Federal Bureau of Intellectual Property

United Kingdom

- Mr. W. Wallace, C. M. G., Assistant Comptroller, Industrial Property and Copyright Department, Board of Trade
 Mr. I. J. G. Davis, Industrial Property and Copyright Department, Board of Trade

II. Observers**(a) States non-members of the Permanent Committee***Argentina*

- Miss Teresa H. I. Flouret, Counsellor of Embassy, Member of the Delegation of Argentina to Unesco
 Mr. Luis M. Laurelli, Secretary of Embassy, Permanent Mission of Argentina, Geneva

Australia

- Mr. Gardner Davies, Permanent Delegate of Australia to Unesco
 Mr. Derrick Deane, Member of the Permanent Delegation of Australia to Unesco

Austria

- Mr. Helmuth Tades, Sektionsrat, Federal Ministry of Justice

Canada

- Mr. F. W. Simons, Assistant Commissioner of Patents, Patent Office
 Mr. G. E. Pallant, Chief, Printing and Publishing Division, Ministry of Industry and Commerce
 Mr. A. A. Keyes, Executive Officer, National Film Board of Canada
 Mr. Jacques Corbeil, Consul of Canada, Geneva

Chile

- Mr. Diego Valenzuela Rodriguez, Deputy Permanent Delegate of Chile to Unesco

Czechoslovakia

- Mr. Milan Reiniš, Legal Counsellor, Ministry of Culture of the Czech Socialist Republic
 Mr. Oldřich Fabián, Ministry of Foreign Affairs

Ecuador

- H. E. Mr. G. Escudero, Ambassador, Permanent Delegate of Ecuador to Unesco
 Mr. G. Ponce, Deputy Permanent Delegate of Ecuador to Unesco

Finland

- Mr. Ragnar Meinander, Director of General Affairs, Ministry of Education

Guatemala

- Mr. Oscar Bertholin y Galvez, Permanent Delegate of Guatemala to Unesco

Holy See

- Mgr. Edoardo Rovida, Permanent Observer to Unesco

Iceland

- Mr. Knutur Hallsson, Chief of Division, Ministry of Culture and Education

Ireland

- Mr. M. J. Quinn, Controller of Patents, Industrial and Commercial Property Registration Office

Israel

- Mr. Zc'ev Sher, Deputy Attorney General

Japan

- Mr. Kenji Adachi, Deputy Director-General, Cultural Affairs Bureau, Ministry of Education
 Mr. Kiyoshi Yamamoto, Deputy Delegate of Japan to Unesco

Kenya

- Mr. John William Ndisi, Chargé d'affaires of Kenya in France, Permanent Delegate a. i. of Kenya to Unesco
 Mr. Georges Straschnov, Director of Legal Affairs, European Broadcasting Union

Laos

- Mr. Khamtanh Chanthala, Cultural Counsellor to the Embassy of Laos, Paris, Deputy Permanent Delegate of Laos to Unesco

Lebanon

- Mr. Salah Stétié, Permanent Delegate a. i. of Lebanon to Unesco

Mexico

- Lic. Prof. Arturo González Cosío, Director General de Derecho de Autor, Secretaría de Educación Pública
 Sr. Edmundo González Llaca, Dirección General de Derecho de Autor, Secretaría de Educación Pública
 Prof. Carlos Gomez Barrera, Director General, Sociedad de Autores y Compositores de Música
 Sta. Consuelo Velasquez, Presidente, Sociedad de Autores y Compositores de Música

Monaco

- Mr. Georges Straschnov, Director of Legal Affairs, European Broadcasting Union

Netherlands

- Professor W. L. Haardt, University of Leiden
 Mr. J. A. W. Schwan, Division of Legislation on Private Law, Ministry of Justice
 Mr. D. Wechgelaer, Senior Official, Legal Section, Ministry of Cultural Affairs
 Mr. W. J. Blackstone, Ministry of Cultural Affairs

Nigeria

- Mr. G. E. E. Umokoro, Deputy Permanent Delegate of Nigeria to Unesco

Panama

- H. E. Mr. Arturo Morgan-Morales, Ambassador, Permanent Delegate of Panama to Unesco

Senegal

- H. E. Mr. Blaise Senghor, Permanent Delegate of Senegal to Unesco

Sweden

- Mr. H. Danielius, Legal Adviser, Ministry of Justice

Tunisia

- Mr. Rafik Saïd, Minister plenipotentiary, Deputy Permanent Delegate of Tunisia to Unesco

Turkey

- Mr. S. Günay, Cultural Attaché, Embassy of Turkey, Paris

United States of America

- Mr. Keld Christensen, Chief, Business Practices Division, Department of State
 Miss Barbara Ringer, Assistant Register of Copyrights, Library of Congress
 Mr. Robert Hadl, Legal Adviser, Copyright Office, Library of Congress
 Mr. Richard K. Nobbe, Delegation of the United States of America to Unesco

Yugoslavia

- Mr. Aleksandar Jelić, Director, Foreign Affairs Legal Department
 Dr. Vojislav Spaić, Professor at the University of Sarajevo

(b) Intergovernmental organizations

United Nations (UN)

M^{me} J. Hamel-Minne, Chef, Service Audio-Visuel

International Labour Office (ILO)

Mr. E. Thompson, Head, Non-Manual Workers' Section

United Nations Education, Scientific and Cultural Organization (Unesco)

Mr. H. Saba, Assistant Director-General for International Standards and Legal Affairs

Miss M.-C. Dock, Head, Copyright Division

Mr. N. Singh, Legal Assistant, Copyright Division

Council of Europe

Mr. Francis Jacobs, Directorate of Legal Affairs

(c) International non-governmental organizations

European Broadcasting Union (EBU)

Mrs. M. Larrue, Assistant to the Director of Legal Affairs

International Association for the Protection of Industrial Property (IAPIP)

Mr. G. Gaultier, Assistant to the Rapporteur General

International Confederation of Societies of Authors and Composers (CISAC)

Mr. Léon Malaplate, Secretary-General

Mr. Jean-Alexis Ziegler, Deputy Secretary-General

International Federation of Actors (IFA)

Mr. Rolf Rembe, Acting General Secretary

International Federation of Film Distributors' Associations (FIAD)

Mr. G. Schwaller, Secretary-General

International Federation of Film Producers' Associations (FIAPF)

Mr. A. Brisson, Secretary-General

International Federation of Musicians (FIM)

Mr. Rudolf Leuzinger, Secretary-General

International Federation of Newspaper Publishers (FIEJ)

Mr. M. L. de Saint-Pierre, Director

International Federation of the Phonographic Industry (IFPI)

Mr. S. M. Stewart, Director-General

Mr. G. McFarlane

International Federation of Translators (IFT)

M. Robert Dupuy, Délégué administratif

International Federation of Variety Artistes (IFVA)

Mr. Rudolf Leuzinger, Secretary-General of FIM

Internationale Gesellschaft für Urheberrecht (INTERGU)

Mr. Helmut Haumann, Delegate

International Law Association (ILA)

Mr. André Françon, Professor at the Faculty of Law, Nanterre

International Literary and Artistic Association (ALAI)

Mr. Henri Desbois, Professor at the Faculty of Law, Paris, Permanent Secretary

Miss R. V. Blaustein, Member of the Board of the Association

International Publishers Association (IPA)

Mr. Hjalmar Pehrsson, Secretary-General

Mr. R. Barker, O. B. E., Secretary, The Publishers' Association, London

Mr. André Géranton, Head, Legal Section, Syndicat français des éditeurs

International Secretariat of Entertainment Trade Unions (ISETU)

Mr. A. J. Forrest, Director

Mr. N. F. Bunyan, Research Assistant

International Union of Cinematograph Exhibitors (UIEC)

Mr. Josef Handl, Legal Adviser

International Writers Guild (IWG)

Mr. Roger Fernay, President, International Copyright Committee

(d) National non-governmental organizations

Canadian Copyright Institute

Mr. Roy Sharp, Executive Director

III. BIRPI

Professor G. H. C. Bodenhausen, Director

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

Mr. Vojtěch Strnad, Counsellor, Head, Copyright Division

IV. Officers of the Permanent Committee (1969-1971)

Chairman: Mr. Jorge Carlos Riheiro (Brazil)

Vice-Chairman: Mr. W. Wallace (United Kingdom)

Secretary: Mr. Claude Masouyé (BIRPI)

NATIONAL LEGISLATION

UNITED STATES OF AMERICA

Public Law 91-147 (91st Congress, S. J. Res. 143)

(Of December 16, 1969)

Joint Resolution extending the duration of copyright protection in certain cases

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87-668, by Public

Law 89-142, by Public Law 90-141, or by Public Law 90-416 (or by all or certain of said laws), would expire prior to December 31, 1970, such term is hereby continued until December 31, 1970.

Approved December 16, 1969.

INTERNATIONAL ACTIVITIES

Intergovernmental Copyright Committee (Unesco)

Tenth Session (Paris, December 15 to 19, 1969)

Report

Introduction

1. The Intergovernmental Copyright Committee, established by Article XI of the Universal Copyright Convention, held its tenth ordinary session at the Unesco Headquarters at Paris from December 15 to 19, 1969.

2. All the twelve Member States of the Committee (Brazil, France, Federal Republic of Germany, India, Italy, Japan, Kenya, Mexico, Spain, Switzerland, United Kingdom and United States of America) were represented at this session.

3. The following States, parties to the Universal Copyright Convention or members of the United Nations Educational, Scientific and Cultural Organization or the United Nations, were represented by observers: Argentina, Australia, Austria, Belgium, Canada, Chile, Czechoslovakia, Denmark, Ecuador, Finland, Guatemala, the Holy See, Iceland, Ireland, Israel, Laos, Lebanon, Monaco, the Netherlands, Nigeria, Panama, Portugal, Rumania, Senegal, Sweden, Tunisia, Turkey, Yugoslavia.

4. The representatives of four intergovernmental organizations, eighteen international non-governmental organizations and one national non-governmental organization attended the session as observers.

5. The list of participants is given as an annex to this report¹.

Opening of the tenth ordinary session

6. The tenth ordinary session of the Committee was opened by its acting chairman, Mr. J. C. Ribeiro (Brazil).

Address by the representative of the Director-General of Unesco

7. The representative of the Director-General of Unesco, Mr. H. Saba, Assistant Director-General for International Standards and Legal Affairs, welcomed the members of the Committee and the observers designated by the States, intergovernmental and non-governmental organizations on behalf of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

In his address, Mr. H. Saba briefly outlined the history of the efforts made so far in connection with the revision of the Universal Copyright Convention and thereafter he referred specifically firstly to the recommendations made by the Sub-

¹ See above, p. 27, the list of participants of the Permanent Committee of the Berne Union. The persons mentioned in this list are the same as the participants of the Intergovernmental Copyright Committee, subject, as regards the States concerned, to the membership of both Committees.

Committee (established by the Intergovernmental Copyright Committee) and secondly to the Recommendation made by the International Copyright Joint Study Group (established by the Intergovernmental Copyright Committee while sitting with the Permanent Committee of the Berne Union). In conclusion, Mr. H. Saba referred to the urgency to satisfy the needs of developing countries in the field of copyright.

Furthermore, he pointed out that the new means of technology and communication, especially the satellites, can play a rôle in diffusing ideas and in meeting the educational needs of the developing countries and stressed the necessity to solve the problems raised in the field of copyright by this means of communication.

Address by the Director of BIRPI

8. Professor G. H. C. Bodenhausen, Director of BIRPI, expressed his pleasure at being present in an advisory capacity at the meetings of the Intergovernmental Copyright Committee. He thanked the Director-General of Unesco for the kind hospitality extended to the Permanent Committee of the Berne Union which will meet after the Intergovernmental Copyright Committee and hold also joint meetings with that Committee. He stressed the need of such joint meetings for the consideration of the fundamental problems in the field of copyright. Referring briefly to some of these problems, he pointed out that it was important to find appropriate solutions in a spirit of mutual understanding and co-operation.

Election of officers

9. On the proposal of the Indian Delegation, seconded by the Mexican Delegation, Mr. J. C. Riheiro, Head of the Delegation of Brazil, was unanimously elected Chairman. And on the proposal of the Delegation of the United States of America, seconded by the French Delegation, Mr. William Wallace (United Kingdom) was unanimously elected Vice-Chairman.

Drafting of the Report

10. In accordance with Article 17 of the Rules of Procedure the Secretariat of the Committee was provided by the United Nations Educational, Scientific and Cultural Organization. The present report was drafted by the Secretariat of the Committee.

Adoption of the Agenda

11. The Chairman stated that the Provisional Agenda was somewhat restrictive and suggested that the title of item 5 should be amended to read: "Revision of the Universal Copyright Convention" (instead of "Revision of Article XVII of the Universal Copyright Convention").

It was so agreed and then the Committee adopted the Provisional Agenda contained in document IGC/X/1.

12. The delegation of Canada pointed out that as items 5 and 7(4) were very important items, they should be taken up in a proper sequence and that item 5(1) should not be discussed before item 7.

13. The delegation of Mexico referred to item 6 of the Agenda and stated that the membership of the Intergovernmental Copyright Committee should reflect a fair geographical representation of the States Parties to the Universal Copyright Convention.

14. Referring to item 6 of the Agenda the Chairman stated that it was understood that the partial renewal of the Intergovernmental Copyright Committee would also involve the amendment of the Rules of Procedure dealing with this subject.

15. Finally, in reply to a question from the delegation of the United Kingdom concerning the amendment of the Rules of Procedure, the Chairman replied that it was possible for the Committee to adopt certain principles without formally amending the Rules of Procedure.

Application of the Universal Copyright Convention

16. The Secretariat of the Committee introduced the report on this question (document IGC/X/2) and gave a brief account of the new ratifications of or accessions to the Convention since the ninth ordinary session of the Committee. The Committee took note of the report.

Partial renewal of the Intergovernmental Copyright Committee

17. In the general discussion on this question the delegation of Tunisia after referring to the "inadequacy" of Article XI of the Universal Copyright Convention in ensuring fair geographical representation on the Committee stated that although the text of Article 2 of the Committee's Rules of Procedure was not perfect, it at least had the advantage of being clear. The system of drawing lots should be regarded as a last resort when all the other possibilities had been exhausted, including the secret ballot, which the delegation of Tunisia considered preferable to drawing lots.

18. The delegation of India endorsed the statement of the delegation of Tunisia.

19. The delegation of Argentina stated that developing countries ought to be adequately represented on the Committee and further suggested that the system of "drawing lots" be replaced by "secret ballot".

20. The delegation of Mexico gave support to the statements made by the delegations of Tunisia, India and Argentina.

21. The delegation of Japan stated that it was necessary to increase the membership of the Committee in order to ensure a fair representation of the different parts of the world; that such an increase had become necessary in view of a sharp increase in the number of contracting States; that this question be taken up at the time of the revision of the Universal Copyright Convention and that in the meantime the present Rules of Procedure should be followed because they were decided after heated discussions at the last session.

22. The delegation of Kenya stated that the question of fair geographical representation should be seriously considered by the Committee; that developing countries should have more seats and that it would like to see another African country represented on the Committee. The delegation of Kenya further expressed the opinion that voting by secret ballot represented a much more sensible solution than the system of "drawing lots".

23. The delegation of the United Kingdom stated that it would not be easy for it to choose from the four countries due to retire from the Committee and that it was not clear how the system of secret ballot would improve the situation.

24. The delegation of Israel stated that since they were looking forward to a change in Article XI of the Universal Copyright Convention (so as to make the election more democratic by permitting every State member to participate in the election) the existing rules of procedure should be followed for the present and that they should not be changed.

25. The delegation of France seconded the statement of the delegation of the United Kingdom.

26. The delegation of Italy endorsed the statements made by the delegations of the United Kingdom and France.

27. The delegation of Spain stated that although the alternatives available were not very satisfactory, the system of secret ballot should be adopted and that the membership of the Committee should reflect the different linguistic and geographic divisions of the world.

28. The delegation of Brazil gave support to the statements made by the delegations of Tunisia and Argentina.

29. The delegation of Nigeria suggested that the Committee should agree "to bring in an area" not represented on the Committee.

30. The delegation of the United States of America stated that it shared the view of those who believed that the membership of the Committee should rotate, that there should be a better geographical representation on the Committee and that the United States delegation was fully prepared to abide by the decision resulting from the casting of lots.

31. After closing the general discussion on this question, the chairman made a general statement and suggested that a secret ballot be held for deciding which States were going to be eligible for re-election. The delegation of Japan asked for a vote on the chairman's proposal. A vote was taken and the chairman's proposal was adopted by 7 votes in favour, 3 against and one abstention.

32. The election for the re-eligibility for the membership of the Committee took place on December 16, 1969. Before the election, the delegation of France announced that it would abstain from voting on the grounds that the question of choice was extremely difficult and it was almost impossible for the delegation to make a right choice from outgoing members of the Committee. The delegation of the United States of America declared that as its country was an interested party, the delegation had decided to abstain from voting.

33. The result of the election was as follows: United States of America - ten votes; India - eight votes; Japan - six

votes; and Mexico - five votes. In the light of this result the Chairman declared that the United States of America, India and Japan were re-eligible for the membership of the Committee.

Election for the partial renewal of the Intergovernmental Copyright Committee

34. The delegations of Mexico and Brazil made general statements concerning the question of fair geographic distribution of seats on the Committee and at the same time declared their support for the candidature of Argentina.

35. The delegation of Kenya, speaking on behalf of the developing countries, stated that the developing countries were not satisfied with the present arrangement concerning the representation of the developing countries on the Committee; that they had envisaged to make a protest by abstaining from voting; that in view of certain considerations they had finally decided to vote under protest.

36. The delegation of Canada made a detailed statement concerning Canada's interest in copyright matters and stated that they would like their country to be considered for the membership of the Committee.

37. The result of the election was as follows: India - ten votes; United States of America - nine votes; Argentina - eight votes; Tunisia - seven votes; Japan - five votes; Canada - four votes; Australia - one vote.

38. India, the United States of America, Argentina and Tunisia were declared elected.

39. The delegations of Argentina and Tunisia thanked the members of the Committee for electing their countries. The delegations of India and the United States of America also expressed their thanks to the members of the Committee for the reelection of their countries.

40. The delegations of Mexico and Japan, the outgoing members, welcomed the new members of the Committee and after briefly referring to the rôle played by their delegations in the past stated that their countries would continue to take an active interest in the work of the Committee.

Revision of the Universal Copyright Convention

41. The Report of the Sub-Committee (established by the Intergovernmental Copyright Committee under Article 16 of its Rules of Procedure) contained in document IGC/X/13 was introduced by the Secretariat of the Committee.

42. Thereafter, the Chairman requested the delegation of the United States of America to introduce its draft resolution (see document IGC/X/11).

43. The delegation of the United States of America in introducing the draft resolution made a few preliminary remarks: that all the different paragraphs of the resolution fitted together in the form of an arch with the result that even if any one of them was taken out the whole thing would fall down and suggested that the draft resolution be accepted in its entirety.

44. The delegation of India, after fully supporting the draft resolution proposed by the United States delegation, inquired if the revision conference could not be held earlier as suggested by the Sub-Committee.

45. The delegation of Brazil, Federal Republic of Germany, Italy, Japan, Kenya, Mexico and the United Kingdom expressed their support for the resolution of the United States of America.

46. *Paragraphs 1 to 5* of the draft resolution were adopted unanimously.

47. *Paragraph 6*: The delegation of France expressed its reservations concerning this paragraph, especially concerning the use of the phrase "to implement" in the first sentence and the formulation concerning "collaboration" between the revision of the Universal Copyright Convention and the Berne Convention in the last two sentences of the paragraph.

48. After a general exchange of views on the objection of the French delegation, it was finally agreed to replace the term "implement" by "follow-up".

49. *Paragraph 7*: The delegation of France criticized the use of the phrase "in conformity with the considerations" in the first sentence of this paragraph and suggested that it be replaced by the phrase "the utmost importance being attached to the considerations". Furthermore, while it agreed with the authors of the draft resolution that the two conventions should be revised at the same time, it thought that the word "simultaneously" was improperly used in the penultimate line of the paragraph. In its view, the revision of the Universal Convention should precede that of the Berne Convention.

50. In the general discussion concerning the formulation or wording of this paragraph a number of statements were made by the delegations of Belgium, France, Federal Republic of Germany, India, Italy, Kenya, Mexico, Spain, United States of America and by the representative of the Director-General of Unesco.

51. The delegation of Tunisia stated that it would be prepared, when the time came, to examining the possibility of having some provision in the Berne Convention for a system of specific reservations in favour of the developing countries. It further stated that it fully supported the draft resolution submitted by the United States of America. That draft resolution truly reflected the Washington recommendations, which the delegation of Tunisia had already approved in principle.

52. The delegation of Kenya supported the text as it was; the delegations of India, Mexico and Nigeria endorsed the statement made by the delegation of Kenya.

53. The Italian delegation supported the text of the American draft resolution.

54. The delegation of France observed that the Intergovernmental Copyright Committee did not seem to be empowered to commit States members of the revision conference in respect of clauses of substance.

55. The representative of the Director-General of Unesco said that the question brought up by the French delegation

was pertinent. The wording of paragraph 7 of the draft resolution raised an important legal issue. The responsibilities and powers of the Intergovernmental Committee were limited to the preparation of the revision conference.

56. At this stage, the United States delegation proposed certain amendments in the text which were accepted. The text revised and adopted was as follows:

Decides that the preparation for the revision of the Universal Copyright Convention shall be made in accordance with the considerations stated in the preamble to the Washington Recommendation and the specific recommendations contained therein, including, in particular, the recommendation that the Universal Copyright Convention and the Berne Convention be revised in revision conferences to be held at the same time and place;

57. *Paragraph 8*: In reply to a question asked by the delegation of France, the representative of the Director-General of Unesco pointed out that there was no legal obstacle and that the Committee could certainly express a "wish" on the question dealt with in paragraph 8.

58. The delegation of France expressed its objections to the use of the word "adopt" in the first line of the paragraph.

59. The delegation of Argentina pointed out that the order of paragraphs 7 and 8 should be reversed. It was so decided.

60. In the general discussion on the wording of paragraph 8, the delegations of France, India, Italy, Tunisia, Nigeria, Kenya, Japan, the representative of the Director-General of Unesco and the Director of BIRPI expressed their views. In the final wording of the paragraph the term "adopt" was replaced by "take into account".

61. *Paragraph 9* was adopted without any objection.

62. *Paragraph 10*: The delegation of India inquired if the revision conference could be held at the time of the coming meeting of the General Conference of Unesco.

63. In reply to this question the representative of the Director-General of Unesco pointed out that as the scope of revision had now been widened it was not possible to hold a revision conference before December 1970.

64. The delegation of the United Kingdom suggested that the expression "in May-June 1971" should be changed to "not later than May-June 1971".

65. The paragraph as finally adopted was as follows:

Decides that the Conference for revision of the Universal Copyright Convention shall be held not later than May-June 1971, at the same place and time as the Conference for revision of the Berne Convention;

66. *Paragraph 11*: The delegation of Argentina after referring to the time allowed for presenting draft texts or comments under sub-paragraph (a) made a brief statement concerning the difficulties of the countries situated at a considerable distance from Paris in sending their comments or proposals in time.

67. The delegation of Canada referring to the question of the composition of the Ad Hoc Drafting Committee stated that it should be composed of at least 15 members, in order to provide representation for interests concerned.

68. The representative of the Council of Europe referring to sub-paragraph (3) stated that the intergovernmental organizations had not been mentioned therein at all; that the publications of all the intergovernmental organizations should be protected; and that the Protocol No. 2 of the Universal Copyright Convention deserves to be revised in this light.

69. The delegation of Switzerland expressed its doubts if the time-table laid down for consultations and for the preparation of the revision conference in the draft resolution was adequate.

70. The delegation of the United States of America proposed that a new paragraph be inserted between sub-paragraphs (2) and (3) of the draft resolution which now figures as 11(b)(iv) in the resolution finally adopted by the Committee (see Annex I).

71. The delegation of the United States of America also suggested the names of the following eight States for the membership of the Committee: Brazil, France, India, Italy, Kenya, Tunisia, United Kingdom, United States of America and that two members of the Berne Union, the Federal Republic of Germany and Yugoslavia, may be represented as observers on the Committee.

72. The delegation of Spain drew the attention of the Committee to the fact that the list did not include any "representative of the Spanish language", and in this context asked if the name of Mexico could be included in the list.

73. The Chairman suggested that the name of Mexico be added to the list.

74. With regard to the participation of Brazil, the Committee noted that the Chairman of the Intergovernmental Committee would be an *ex officio* member of the Ad Hoc Drafting Committee. Under the circumstances, it decided to include Mexico among the members of the Ad Hoc Drafting Committee.

75. The delegation of France proposed that the non-governmental organizations may be represented by seven observers. The formula suggested by the delegation of France in this connection was later on adopted by the Committee (see paragraph 11(b)(v) of the resolution adopted by the Committee - Annex I).

76. The delegation of Kenya supported the French proposal.

77. The Italian delegation stated that it favoured the solution which was worked out at the Washington meeting.

78. In the course of discussion concerning the question of the number of observers which the non-governmental organizations can send to the meetings of the Ad Hoc Drafting Committee, the delegations of the Federal Republic of Germany, France, Mexico, the United Kingdom and the United States of America expressed their views on the subject.

79. The observers of the International Federation of the Phonographic Industry (IFPI), the International Federation of Musicians (FIM), the International Writers Guild (IWG), the International Union of Cinematograph Exhibitors (UIEC)

and the European Broadcasting Union (EBU) emphasized that it was necessary that the different interests involved in the field of copyright should be represented at the meetings of the Ad Hoc Drafting Committee.

80. As a compromise, the delegation of the United Kingdom, while emphasizing the importance of a small group to do the actual drafting, proposed nevertheless that representatives of non-governmental organizations could be allowed to attend the meetings of the Ad Hoc Drafting Committee as "non-participating observers". The delegation of the United Kingdom further pointed out that the same facility should of course be allowed to the representatives of contracting States who would no doubt be given by the Chairman the right to speak if they requested it.

81. The delegations of Austria, Federal Republic of Germany, France, Portugal, Spain and the United States of America supported this proposal.

82. Thereafter it was decided that the non-governmental organizations be represented by seven non-participating observers (see paragraph 11(b)(v) of the resolution adopted by the Committee - Annex I).

83. During the discussion on paragraph 11(a), the delegation of France questioned the use of the term "Ad Hoc Drafting Committee". This delegation pointed out that the drafting of texts will be done by the revision conference and that it was not proper to call this Committee an Ad Hoc Drafting Committee.

84. In the general discussion on this question, a number of views and suggestions were advanced by the delegations of Belgium, India, Kenya, Nigeria, United States of America, the representative of the Director-General of Unesco and the Director of BIRPI.

85. Finally it was agreed that the Committee be called Ad Hoc Preparatory Committee.

86. *Paragraph 11(b)(3)*: was adopted without any objection or discussion.

87. *Paragraph 11(c)*: was adopted without any objection or discussion.

88. *Paragraph 11(d)*: was adopted without any objection or discussion.

89. *Paragraph 11(e)*: was adopted without any objection or discussion.

90. At the time of the adoption of the draft resolution as a whole, the French delegation made the following statement: "The French delegation has stated that it is in general agreement with the terms of the resolution submitted by the delegation of the United States of America. It cannot, however, accept the wording of the (new) paragraph 8 of this resolution in so far as this decides that the preparation for the revision of the Universal Convention shall be made in accordance with the Washington recommendations. The French delegation has, in fact, made formal reservations concerning certain points in the Washington Recommendation".

91. For the text of the resolution as adopted by the Committee, see Annex I.

Draft resolution moved by India

92. At the end of the discussions on the agenda items of the Intergovernmental Copyright Committee, the delegation of India, after referring to the work of the Washington Meeting concerning the establishment of an international mechanism for permitting developing countries a greater degree of access to protected works, introduced a draft resolution which has been reproduced as an annex to this report (see Annex II). The Indian delegation pointed out that the proposed resolution represented a follow-up procedure of the Washington Recommendation and that it was intended to be a "part" of the international mechanism now being created for helping the developing countries.

93. The delegations of Brazil, France and Mexico expressed their support for the Indian draft resolution.

94. The representative of the Director-General made a statement concerning the scope and potential effects of the Indian resolution, emphasizing its great importance. However, he expressed the hope that, in view of the financial implications of that resolution, India would put its proposal direct to the General Conference of Unesco.

95. The delegations of the United States of America, the United Kingdom and Federal Republic of Germany expressed their interest in the Indian proposals but felt that they did not fall within the terms of reference of the Intergovernmental Copyright Committee.

96. With regard to the translations alluded to in paragraph (b)(iii) of the draft resolution submitted by India, the delegations of Mexico and Italy, respectively, asked for the Spanish and French languages to be added.

97. The delegation of Israel referred to general problems concerning book production in the developing countries and the rôle of Unesco in this field and stated that the question of granting fellowships was complementary to the other "copyright activities" of Unesco. The delegation of Israel also suggested that a draft recommendation should be brought to the attention of the General Conference of Unesco on the question of fellowships.

98. The delegation of Tunisia, while fully supporting the draft resolution submitted by India, expressed the view that it raised important issues which should be put to the General Conference of Unesco for consideration. The delegation suggested that the draft resolution be annexed to the report.

99. Finally the Committee decided that the Indian draft resolution be appended to the report as an annex and expressed the wish that the proposals contained in the draft resolution be presented before the General Conference of Unesco during its session in 1970².

² The other paragraphs of this report refer to the joint meetings of the Intergovernmental Copyright Committee and the Permanent Committee of the Berne Union (see above, pages 21 to 26).

ANNEX I

Resolution

Resolution No. 60 (X): Revision of the Universal Copyright Convention

The Intergovernmental Copyright Committee,

1. Mindful of its duties under Articles XI and XII of the Universal Copyright Convention, to "convene a conference for revision of this Convention whenever it deems necessary", and to prepare for such revision,

2. Recalling its decision of February 1969, embodied in resolution No. 1 (XR) to convene a conference for the revision of Article XVII and its Appendix Declaration,

3. Considering resolution No. 1 (IGC/SC) adopted on June 27, 1969, by its Sub-Committee established to examine the issues raised by the proposals for the revision of Article XVII and its Appendix Declaration, as well as the report adopted by the Sub-Committee,

4. Taking account of the results of the first session of the International Copyright Joint Study Group held from September 29 to October 3, 1969, and the Washington Recommendation formulated by that Study Group,

5. Being aware of the further need to consider revision of Article XI of the Universal Copyright Convention,

6. Recognizing the need for careful preparations to follow up the Washington Recommendation, particularly the need for close coordination between the revision of the Universal Copyright Convention and that of the Berne Convention,

7. Expresses the wish that the Berne Permanent Committee take into account the recommendations for revision of the Berne Convention contained in the Washington Recommendation;

8. Decides that the preparation for the revision of the Universal Copyright Convention shall be made in accordance with the considerations stated in the preamble to the Washington Recommendation and the specific recommendations contained therein, including, in particular, the recommendation that the Universal Copyright Convention and the Berne Convention be revised in revision conferences to be held at the same time and place;

9. Decides that the Universal Copyright Convention shall also be revised to amend Article XI to provide a broader and more balanced representation among Contracting States on the Intergovernmental Copyright Committee;

10. Decides that the Conference for revision of the Universal Copyright Convention shall be held no later than May-June 1971 at the same place and time as the Conference for revision of the Berne Convention;

11. Takes the following decisions concerning the preparations for revision of the Universal Copyright Convention:

(a) The Director-General of Unesco shall invite all Contracting States and all interested international non-governmental organizations to present draft texts or comments with respect to the proposed revision of the Universal Copyright Convention no later than March 15, 1970.

(b) An Ad Hoc Preparatory Committee composed of representatives of Contracting States is established and shall meet at Paris from May 11 to 16, 1970, to consider these draft texts and comments and to prepare a draft text of the proposals for revision of the Universal Copyright Convention. The composition of the Preparatory Committee shall be as follows:

- (i) the States represented shall be France, India, Italy, Kenya, Mexico, Tunisia, United Kingdom, United States of America;
- (ii) the Chairman of the Intergovernmental Copyright Committee is *ex officio* member of the Preparatory Committee;
- (iii) two States members of the Berne Union may be represented as observers on the Preparatory Committee. These States shall be Federal Republic of Germany and Yugoslavia;
- (iv) the Director-General of the United Nations, Educational, Scientific and Cultural Organization and the Director of the United International Bureaux for the Protection of Intellectual Prop-

erty, or their representatives, may attend the meetings of the Preparatory Committee in an advisory capacity;

- (v) before April 1, 1970, the Director-General of Unesco shall convene a one-day information meeting of the interested international non-governmental organizations and shall invite those organizations to appoint a total of seven persons to attend the meetings of the Preparatory Committee as non-participating observers. For this purpose, the organizations representing authors shall be invited to appoint two persons, the organizations representing publishers shall be invited to appoint one person, the organizations representing legal circles working for the copyright protection shall be invited to appoint one person, and the organizations representing users of copyrighted works shall be invited to appoint three persons.

The Ad Hoc Preparatory Committee shall appoint its officers and establish its Rules of Procedure at its first session. Its meetings shall be opened to any State party to the Universal Copyright Convention or member of the Berne Union, other than the States listed above, as a non-participating observer, but shall otherwise be closed.

- (c) The Director-General of Unesco shall communicate the results of the meeting of the Ad Hoc Preparatory Committee to all Contracting States and interested international non-governmental organizations as soon as possible following the conclusion of the work of the Ad Hoc Preparatory Committee. He shall invite comments on the draft text adopted by the Ad Hoc Preparatory Committee to be submitted to Unesco before August 1, 1970.
- (d) The Unesco Secretariat is requested to prepare and to distribute to all Contracting States and interested international non-governmental organizations, before June 1, 1970, draft Rules of Procedure to govern the work of the Conference for revision of the Universal Copyright Convention.
- (e) The Chairman of the Intergovernmental Copyright Committee is requested and is hereby authorized to convene an extraordinary session of the Committee in September 1970, to consider the draft Rules of Procedure for the Conference prepared by the Unesco Secretariat, the results of the meeting of the Ad Hoc Preparatory Committee and such other matters relating to the revision Conference as it may deem appropriate. The Committee shall instruct the Unesco Secretariat as to the preparation of the programme for the revision Conference and the final arrangements relating thereto.

ANNEX II

Draft Resolution proposed by India

The Intergovernmental Copyright Committee,

Considering the recommendation of the International Copyright Joint Study Group in the first session held in Washington from September 29 to October 3, 1969, relating to the establishment of an international mechanism for permitting the developing countries a greater degree of access to protected works consistently with the legitimate rights of authors;

Taking into account particularly the Recommendation No. (viii) of the Working Party set up by the International Joint Study Group in its first session on the establishment of such international mechanism;

Realizing the urgent need to provide facilities to developing countries for rapidly reaching a higher level of education and culture;

Realizing also the need to encourage authors in such countries to produce original works;

- (a) decides that Unesco be requested immediately to constitute fellowships to be offered to the developing countries for authors to write original books and for translators to undertake translation of original books in any of the languages of the developing countries concerned and thereby to enable the educational and cultural requirements of the developing countries to be satisfied;
- (b) decides that the principles for the granting of such fellowships should be as follows:
- (i) the fellowships should be granted at the rate of two fellowships per million of population;
 - (ii) the fellowships should be granted in consultation with the governments of the developing countries to well-known authors or serving university teachers, who are nationals of that country and who have served or who may be serving in the universities whether in that country or not;
 - (iii) the fellowships may be for writing original books or translating original works of other countries in any of the languages of the country concerned or in English as may be determined by the governments of the developing countries concerned;
 - (iv) the duration of each fellowship should be ordinarily for a period of two years and the payments should approximately meet the average income of the author or, as the case may be, the pay and allowances which the university teacher was receiving from the university immediately prior to his acceptance of the fellowship, together with a suitable provision for secretariat assistance, typing and costs of stationery on such scale as may be determined by Unesco;
 - (v) Unesco in co-operation with the governments of developing countries should endeavour to ensure that the university teacher who accepts any such fellowship is granted the requisite special leave during the period he is paid the fellowship without his having to lose his service rights;
 - (vi) the government of the developing country concerned will be at liberty to lay down other terms and conditions for fellowships in consultation with Unesco;
- (c) also decides to recommend to Unesco to take up with the interested developing countries the establishment of National Book Information Centres to serve as feeders to the International Copyright Information Centre envisaged in the recommendation of the Joint Study Group and for that purpose Unesco should be requested to provide the developing country concerned such financial and other assistance as may be needed so that the National Book Information Centres may be established by the developing countries interested in such a programme during 1970.

July 1 to 10, 1970 (Geneva) — Committee of Experts for the International Classification of Goods and Services (Marks)

Object: Decisions concerning the proposals for amendments and additions to the International Classification — *Invitations:* All member States of the Nice Union — *Observers:* All member States of the Paris Union

September 21 to 29, 1970 (Geneva) — Administrative Bodies of WIPO and of the Paris, Berne, Nice and Lisbon Unions (Bodies to be specified later)

Object: Constitution of the new organs on the basis of the entry into force of some of the Stockholm (1967) texts; elections; budget and program; other administrative questions — *Invitations:* Member States of WIPO and the Paris, Berne, Nice and Lisbon Unions — *Observers:* To be announced later

Meetings of Other International Organizations Concerned with Intellectual Property

March 4 to 6, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group II (1st Session)

March 8 to 11, 1970 (London) — International League Against Unfair Competition (LICCD) — Mission to study the British law on restrictive practices in competition

March 16, 1970 (Paris) — United Nations Educational, Scientific and Cultural Organization (Unesco) — Information Meeting of International Non-Governmental Organizations to appoint observers to the Ad Hoc Preparatory Committee for the Revision of the Universal Copyright Convention

March 23 to 26, 1970 (Munich) — International Association for the Protection of Industrial Property (IAPIP) — Council of Presidents

April 1 to 3, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group I (4th Session)

April 6 to 10, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group III (1st Session)

April 21 to 24, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — 3rd Session

May 3 to 6, 1970 (Istanbul) — International League Against Unfair Competition (LICCD) — Symposium

May 4 to 6, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group IV (1st Session)

May 11 to 16, 1970 (Paris) — United Nations Educational, Scientific and Cultural Organization (Unesco) — Ad Hoc Preparatory Committee for the Revision of the Universal Copyright Convention

June 22 to 27, 1970 (Las Palmas) — International Confederation of Societies of Authors and Composers (CISAC) — 27th Congress

July 6 to 10, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group IV (2nd Session)

September 9 to 11, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group I (5th Session)

October 19 to 24, 1970 (Madrid) — International Association for the Protection of Industrial Property (IAPIP) — Executive Committee

VACANCIES FOR POSTS IN BIRPI

Applications are invited for the following posts:

Competition No. 116

Technical Assistant

(Industrial Property Division)

Category and grade: P. 3

Principal duties:

The incumbent will assist in the implementation of BIRPI's technical program in the patent field, with particular emphasis on patent documentation, patent classification and information retrieval. In this connection, his duties will include:

- (a) Assistance in the preparation of BIRPI's program in the above-mentioned fields;
- (b) Assistance in the preparation of meetings organized by BIRPI, especially by preparing documents for and reports on such meetings;
- (c) Assistance in the preparation of reports on the work performed and planned in the above-mentioned field of activity;
- (d) Assistance in coordinating the work of the International Patent Institute and of the Patent Offices which participate in the technical program relating to the above-mentioned fields;
- (e) Participation in the meetings of other international organizations dealing with patent documentation, patent classification or information retrieval.

Qualifications:

- (a) University degree in a relevant field of science or technology or qualifications equivalent to such degree.
- (b) Good knowledge and experience in the field of information retrieval.
- (c) Excellent knowledge of English and a good working knowledge of French.

Practical experience in the processing of patent applications, especially as a patent examiner, and in dealing with documentation problems in the patent field, would be an advantage.

Competition No. 117

Head of the Periodicals and Legislation Section

(Industrial Property Division)

Category and grade: P. 3

Principal duties:

Under the general supervision of the Head of the Industrial Property Division, the incumbent will in particular be responsible for the following tasks:

- (a) Preparation and editing of the monthly periodicals *Industrial Property* and *La Propriété industrielle*;
- (b) Preparation of a complete collection of industrial property laws and regulations covering all countries of the world;
- (c) Studying questions concerning industrial property legislation, both as regards its national aspects (especially reform measures) and international harmonization;
- (d) Preparation of documents related to industrial property meetings and seminars;
- (e) Representation of BIRPI in international meetings.

Qualifications:

- (a) University degree in law or legal qualification equivalent to such degree.
- (b) Professional experience in the field of industrial property (including its international aspects).
- (c) Ability in editorial work.
- (d) Excellent knowledge of one of the official languages (English and French) and at least a good knowledge of the other. Working knowledge of other languages would be an important advantage.

* * *

As regards the two posts mentioned above:

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.

Applications:

Application forms and full information regarding the *conditions of employment* may be obtained from the Head of the Administrative Division, BIRPI, 32, chemin des Colombettes, 1211 Geneva, Switzerland. Please refer to the number of the competition.

Closing date: March 31, 1970.