# Copyright

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# WORLD INTELLECTUAL PROPERTY ORGANIZATION

### **Press Release**

The Director of BIRPI sent the following press release to press agencies, permanent missions to the United Nations in Geneva, industrial property and copyright offices of member States of the Paris and Berne Unions, and interested international organizations:

"On April 26, 1970, the Convention came into force establishing a new international organization at the intergovernmental level whose title and abbreviation are as follows:

World Intellectual Property Organization (WIPO). 1

The new Organization will be a continuation of the United International Bureaux for the Protection of Intellectual Property (BIRPI), whose headquarters are in Geneva, near the Place des Nations.

The objectives of the Organization are:

- (i) to promote the protection of intellectual property throughout the world through cooperation among States,
- (ii) to ensure cooperation in the administration of international conventions and agreements for the protection of industrial property (patents, trademarks, industrial designs, appellations of origin) and literary and artistic property (copyright).

WIPO will gradually be substituted for BIRPI, until the 85 States at present party to these conventions and agreements have become members of WIPO.

The first meetings of the various bodies of WIPO will be held towards the end of September in Geneva.

Until the first Director General of WIPO is appointed and assumes office, his duties will be discharged by the Director of BIRPI."

\* \*

To celebrate the entry into force of WIPO, the Director of BIRPI gave a reception for members of the staff on April 24, 1970.

<sup>&</sup>lt;sup>1</sup> See Copyright, 1970, p. 18.

### **CANADA**

### Accession to the WIPO Convention

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

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his compliments to the Minister for Foreign Affairs of . . . . and, in accordance with the provisions of the above Convention, has the honor to notify him that the Government of Canada deposited on March 26, 1970, its instrument of accession dated March 16, 1970, to the Convention Establishing the World Intellectual Property Organization (WIPO).

Canada has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently acceding to

— the Stockholm Act of the Paris Convention with the limitation provided for in Article 20(1)(b)(i) of the said Act

- to the effect that the accession shall not apply to Articles 1 to 12, 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 accession shall not apply to Articles 1 to 21 and to the Protocol Regarding Developing Countries.

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization (WIPO) will enter into force, in respect to Canada, three months after the date of the deposit of the instruments of accession, that is, on June 26, 1970.

Geneva, April 7, 1970.

WIPO Notification No. 20

### **LUXEMBOURG**

### Notification concerning the application of the transitional clauses of the WIPO Convention

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

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his compliments to the Minister for Foreign Affairs of . . . . and, in accordance with the provisions of the above international instrument, adopted at Stockholm, has the honor to notify him of the notification deposited by the Government of the Grand Duchy of Luxemhourg in which that Government indicates its desire to avail itself of the provision of Article 21(2)(a) of the Convention.

This notification entered into force on the date of its receipt, that is, on March 20, 1970.

In pursuance of the said Article, the Grand Duchy of Luxemhourg, which is a member of the Paris Union and of the Berne Union hut has not yet hecome party to the WIPO Convention, may, for five years from April 26, 1970, date of entry into force of the said Convention, exercise the same rights as if it had become party.

Geneva, April 21, 1970.

WIPO Notification No. 21

### MALAWI

### Accession to the WIPO Convention

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

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his compliments to the Minister for Foreign Affairs of . . . . and, in accordance with the provisions of the above Convention, has te honor to notify him that the Government of the Republic of Malawi deposited on March 11, 1970, its instrument of accession dated February 18, 1970, to the Convention Establishing the World Intellectual Property Organization (WIPO).

The Republic of Malawi has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently acceding to the Stockholm Act of the Paris Convention in its entirety.

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization (WIPO) will enter into force, in respect to the Republic of Malawi, three months after the date of the deposit of the instrument of accession, that is, on June 11, 1970.

Geneva, March 25, 1970.

WIPO Notification No. 19

### INTERNATIONAL UNION

#### **BULGARIA**

# Notification concerning the application of the transitional clauses (Stockholm Act of the Berne Convention)

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 above international instrument, adopted at Stockholm, has the honor to notify him of the notification deposited by the Government of the People's Republic of Bulgaria in which that Government indicates its desire to avail itself of the provisions of Article 38(2) of the Berne Convention.

This notification entered into force on the date of its receipt, that is, on March 24, 1970.

In pursuance of the said Article, the People's Republic of Bulgaria, which is a member of the Berne Union, may, for five years from April 26, 1970, date of entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO), exercise the rights provided under Articles 22 to 26 of the Stockholm Act of the Berne Convention, as if it were bound by those Articles.

Geneva, April 21, 1970.

Berne Notification No. 19

#### **CANADA**

# Accession to 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 Canada deposited on March 26, 1970, its instrument of accession dated March 16, 1970, to 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 accession shall 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 Canada, three months after the date of this notification, that is, on July 7, 1970.

A separate notification will be made on 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, April 7, 1970.

Berne Notification No. 17

#### CHILE

# Accession to the Brussels Act (1948) of the Berne Convention for the Protection of Literary and Artistic Works (with effect from June 5, 1970)

Notification of the Swiss Government to the Governments of Union Countries

By a note dated April 9, 1970, the Embassy of Chile in Berne informed the Federal Political Department of the accession of the Republic of Chile to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Brussels on June 26, 1948.

With regard to its contribution to the expenses of the International Bureau of the Union, Chile is placed, according to its request, in the sixth class for the purposes of Article 23 of the Berne Convention as revised at Brussels.

This accession is notified in accordance with Article 25, paragraph (2), of the Convention and will take effect on June 5, 1970, pursuant to paragraph (3) of the said Article.

Berne, May 5, 1970.

### **LUXEMBOURG**

## Notification concerning the application of the transitional clauses (Stockholm Act of the Berne Convention)

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 above international instrument, adopted at Stockholm, has the honor to notify him of the notification deposited by the Government of the Grand Duchy of Luxembourg in which that Government indicates its desire to avail itself of the provisions of Article 38(2) of the Berne Convention.

This notification entered into force on the date of its receipt, that is, on March 20, 1970.

In pursuance of the said Article, the Grand Duchy of Luxembourg, which is a member of the Berne Union, may, for five years from April 26, 1970, date of entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO), exercise the rights provided under Articles 22 to 26 of the Stockholm Act of the Berne Convention, as if it were bound by those Articles.

Geneva, April 21, 1970.

Berne Notification No. 18

### NATIONAL LEGISLATION

#### **BRAZIL**

### Decree-Law concerning the collection of royalties in respect of cinematographic performances

(No. 980, of October 20, 1969) 1

The Ministers of the Navy, of the Army and of the Air Force, acting in pursuance of the authority conferred upon them by Article 3 of Institutional Act No. 16, of October 14, 1969, and by Article 2, paragraph 1, of Institutional Act No. 5, of December 13, 1968, and

Considering the notorious dispute between the motionpicture exhibitors and the organizations responsible for the collection of royalties, in particular with respect to those relating to musical compositions included in films;

Considering the need for a balanced solution which, while respecting copyright, would keep within reasonable limits the financial burden of motion-picture exhibitors which is often out of proportion to the economic capacity of their undertakings, thus giving rise to regrettable situations that it is the duty of the State to prevent or eliminate;

Considering that musical performances in the context of the screening of cinematographic films require special treatment with respect to the payment of royalties, because of the fact that the cinema, as a form of popular public entertainment, constitutes an excellent means for disseminating and winning appreciation for such works;

Convention for the Protection of Literary and Artistic Works of September 9, 1886, revised at Brussels on June 26, 1948, sanctioned by Legislative Decree No. 59 of November 19, 1951, and promulgated by Decree No. 34,954 of January 18, 1954, provides that it is a matter for the signatory States to determine, in their legislation, the conditions under which copyright may be exercised, and a matter for the competent authorities to fix an equitable remuneration for the holders of copyright, in the absence of an agreement between the parties;

Considering that the National Cinema Institute has been constituted as the body responsible for formulating an official policy for the promotion of the cinematographic industry and for its cultural encouragement, and that these objectives are adversely affected by the conflict of interests between motion-picture exhibitors and the royalty-collecting organizations;

Considering that the activities of the National Cinema Institute point to its being the appropriate body to promote the collection of royalties in respect of music included in

<sup>1</sup> Published in the Diário Oficial of October 21, 1969, with a rectification published in the Diáro Oficial of November 11, 1969. — BIRPI translation.

films and that the Institute declares itself willing to undertake this task, hereby decree as follows:

Article 1. — The royalties and connected fees payable in respect of literary and musical works and of phonograms included in films which are presented in cinemas or performed in the course of intervals between performances shall be equivalent to one half of one per cent  $(0.5 \, ^{0}/_{0})$  of the selling price of the standard admission tickets sold to the public and issued by the National Cinema Institute.

Single paragraph. — The amount corresponding to the percentage laid down in this Article shall be deposited by motion-picture exhibitors with the bodies designated for that purpose by the National Cinema Institute at the time of acquiring the standard admission tickets, and shall constitute a special account for the specific purpose for which it is intended.

Article 2. — The payment of royalties in the manner provided for in the preceding Article shall exclude any other claim in this respect against motion-picture exhibitors.

Article 3. — It shall be the responsibility of the National Cinema Institute, in its capacity as the body authorized to collect the royalties that are the subject of the present Decree-Law, to distribute them among the owners of copyright or among the parties showing proof that they are the legitimate representatives of such owners or that due authority has been delegated to them.

Single paragraph. — If two or more parties show proof of the existence, in one particular film, of literary or musical works or of phonograms by the authors whom they represent, the amount due in respect of such film shall be apportioned among the beneficiaries pro rata to the number of compositions by each author.

Article 4. — The provisions of Articles 2 and 3 of Decree No. 4,790, of January 2, 1924, and Article 1 of Decree No. 1,023, of May 17, 1962, shall not be applicable to any authorization granted for the inclusion of literary or musical works in films or for the playing of phonograms in intervals between performances.

Article 5. — The present Decree-Law shall enter into force on the day of its publication; all provisions inconsistent with it are hereby rescinded.

#### UNITED KINGDOM

### The Copyright (International Conventions) (Amendment) Order 1970

(No. 290, of February 25, 1970, coming into force on March 4, 1970)

Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by sections 31, 32 and 47 of the Copyright Act 1956, and of all other powers enabling Her in that behalf, is pleased to order, and it is hereby ordered, as follows:

- 1. (1) This Order may be cited as the Copyright (International Conventions) (Amendment) Order 1970, and shall come into operation on March 4, 1970.
- (2) The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.
- 2. The Copyright (International Conventions) Order 1964, as amended 2, shall be further amended as follows:
- (a) references to Australia and Tunisia shall be included in Part 2 of Schedule 1 (countries party to the Universal Copyright Convention);
- (b) references to Paraguay shall be included in Schedule 3 (countries in whose case copyright in sound recordings includes the exclusive right of public performance and broadcasting) and in Schedules 5 and 6 (countries whose broadcasting organisations have copyright protection in relation to their sound and television broadcasts); and
- (c) references to February 26, 1970, shall be included in column 2 of Schedules 5 and 6 in relation to Paraguay.

See Le Droit d'Auteur (Copyright), 1964, p. 150.
 Ibid., 1964, p. 184; Copyright, 1965, pp. 40, 240 and 241; 1966, pp. 93, 187, 247 and 275; 1967, p. 134; 1968, p. 65; 1969, p. 28.

3. — This Order shall extend to the countries named in the Schedule hereto but Articles 2(b) and (c) shall not extend to any country other than Bermuda and Gibraltar so far as they amend Schedules 5 and 6 to the 1964 Order.

### **SCHEDULE**

Countries to which this Order extends

Bahama Islands	Gibraltar
Bermuda	Isle of Man
British Honduras	Montserrat
Cayman Islands	Seychelles
Falkland Islands	St. Helena
and its Dependencies	and its Dependencies
Fiii	Virgin Islands

#### EXPLANATORY NOTE

(This Note is not part of the Order)

This Order further amends the Copyright (International Conventions) Order 1964.

It takes account of:

- (a) the ratification by Australia of, and the accession by Tunisia to, the Universal Copyright Convention; and
- (b) the ratification by Paraguay of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations.

The Order extends, so far as is appropriate, to dependent countries of the Commonwealth to which the 1964 Order extends.

### CORRESPONDENCE

Letter from Brazil

Hermano DUVAL Attorney-at-Law, Rio de Janeiro

### **CALENDAR**

### **BIRPI** Meetings

May 19 to 21, 1970 (Geneva) - Ad Hoc Preparatory Committee for the Revision of the Berne Convention

Object: To prepare a draft text of the proposals for revision of the Berne Convention — Invitations: France, Germany (Fed. Rep.), India, Italy, Mexico, Tunisia, United Kingdom, Yugoslavia — Observers: Kenya, United States of America — Non-participating Observers: All other States memhers of the Berne Union or party to the Universal Copyright Convention; representatives from international non-governmental organizations appointed

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

Object: Negotiations and Conclusion of the Patent Cooperation Treaty — Invited with the right to vote: The member countries of the Paris Union — Observer States: Member States of the United Nations and the U. N. Specialized Agencies, not member countries of the Paris Union — Observer Intergovernmental Organizations: United Nations, International Lahour Organization, United Nations Educational, Scientific and Cultural Organization, United Nations Conference on Trade and Development, United Nations Industrial Development Organization, International Institute for the Unification of Private Law, International Patent Institute, African and Malagasy Industrial Property Office, Commission of the European Communities, Council of Europea, European Free Trade Association, Industrial Development Centre for Arah States, Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents, Latin American Free Trade Association, Organization of American States, Permanent Secretariat of the General Treaty for Central American Economic Integration — Observer International Non-Governmental Organizations: Asian Patent Attorneys' Association, Committee of National Institutes of Patent Agents, Council of European Industrial Federations, European Industrial Research Management Association, Inter-American Association of Industrial Property, International Federation of Patent Agents, Union of Industries of the European Community

June 15, 1970 (Washington) - Patent Cooperation Treaty (PCT) Financing Working Group

Object: To study the financial repercussions of the "lead period" of the Patent Cooperation Treaty — Invitations: Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America

- June 29 and 30, 1970 (Geneva) Suh-Committee of the Committee of Experts for the International Classification of Goods and Services (Marks)

  Object: Consideration of proposals for amendments and additions to the International Classification Invitations: Memhers of the Suh-Committee
- June 29 to July 3, 1970 (London) Joint ad hoc Committee on the International Classification of Patents Working Group V (2<sup>nd</sup> Session)

  Object: Supervision of the uniform application of the Classification Invitations: Germany (Fed. Rep.), Netherlands, Soviet Union, United Kingdom, United States of America Note: Meeting convened jointly with the Council of Europe
- 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
- July 13 to 17, 1970 (Geneva) Joint ad hoc Committee on the International Classification of Patents Bureau (3<sup>rd</sup> Session)

  Object: Supervision and coordination of the activities of the Working Groups Invitations: Czechoslovakia, Germany (Fed. Rep.), Netherlands, Soviet Union, United Kingdom, United States of America Observers: International Patent Institute Note: Meeting convened jointly with the Council of Europe
- September 14 and 15, 1970 (Geneva) BIRPI Headquarters Building Suhcommittee (a Suhcommittee of the Interunion Coordination Committee) (2nd Session)
  - Object: Plans for the extension of the Headquarters Building of BIRPI Invitations: Argentina, Cameroon, France, Germany (Fed. Rep.), Italy, Japan, Netherlands, Soviet Union, Switzerland, United States of America
- September 16 to 18, 1970 (Geneva) Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) Plenary Committee (2<sup>nd</sup> Session)
- September 21 to 29, 1970 (Geneva) Administrative Bodies of WIPO and of the Paris, Berne, Nice and Lishon Unions (Bodies to he specified later)
  - Object: Constitution of the new organs on the hasis of the entry into force of some of the Stockholm (1967) texts; elections; hudget and program; other administrative questions Invitations: Memher States of WIPO and the Paris, Berne, Nice and Lisbon Unions Observers: To he announced later
- October 6 to 9, 1970 (Madrid) Joint ad hoc Committee on the International Classification of Patents (4th Session)
  - Object: Supervision and coordination of the activities of the Working Groups Invitations: Czechoslovakia, France, Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Spain, Switzerland, United Kingdom, United States of America Observers: International Patent Institute Note: Meeting convened jointly with the Council of Europe.
- November 2 to 6, 1970 (Geneva) Committee of Experts for an Agreement on the Protection of Type Faces
- November 23 to 27, 1970 (Geneva) Joint ad hoc Committee on the International Classification of Patents Working Group V (3rd Session)

  Object: Supervision of the uniform application of the Classification Invitations: Germany (Fed. Rep.), Netherlands, Soviet Union, United Kingdom, United States of America Note: Meeting convened jointly with the Council of Europe
- December 7 and 8, 1970 (Geneva) ICIREPAT Technical Coordination Committee (4th Session)
- December 14 to 18, 1970 (The Hague) Joint ad hoc Committee on the International Classification of Patents Temporary Working Group VI Object: Harmonization of French and English texts Note: Meeting convened jointly with the Council of Europe

### Meetings of Other International Organizations Concerned with Intellectual Property

- 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
- June 30 to July 2, 1970 (The Hague) International Patent Institute (IIB) Administrative Council (103rd Session)
- July 7 to 9, 1970 (Luxemhourg) Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents Working Group IV (2nd Session)
- September 2 to 5, 1970 (Luxembourg) Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents Working Group II (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)
- September 21 to 25, 1970 (Amsterdam) International Federation of Actors (IFA) 8th Congress
- October 6 to 8, 1970 (Luxembourg) Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents Working Group II (3<sup>rd</sup> Session)
- October 19 to 24, 1970 (Madrid) International Association for the Protection of Industrial Property (IAPIP) Executive Committee