

Copyright

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WORLD INTELLECTUAL PROPERTY ORGANIZATION

Appointment of the Director General and Deputy Directors General of the World Intellectual Property Organization

Professor G. H. C. Bodenhausen was appointed on September 22, 1970, Director General of the World Intellectual Property Organization by the General Assembly of that Organization. Professor Bodenhausen is the Director of BIRPI since 1963.

Dr. Arpad Bogsch was appointed First Deputy Director General, and Mr. Joseph Voyame Second Deputy Director General of the World Intellectual Property Organization. The appointments were made by the Director General with the approval of the Coordination Committee of WIPO given on September 24, 1970. Dr. Bogsch and Mr. Voyame were Deputy Directors of BIRPI since 1963 and 1969, respectively*.

* The November issue of this review will contain a note on the first sessions of the General Assembly and the Coordination Committee which made the above decisions.

CZECHOSLOVAKIA

Accession to the WIPO Convention

Notification of the Director General of WIPO to the Governments of the countries invited to the Stockholm Conference

The Director General of the World Intellectual Property Organization (WIPO) presents his compliments to the Minister for Foreign Affairs and, in accordance with the provisions of the above Convention, has the honor to notify him that the Government of the Czechoslovak Socialist Republic deposited, on September 22, 1970, its instrument of accession dated September 3, 1970, to the Convention Establishing the World Intellectual Property Organization (WIPO), with the following declaration:

“Contrary to the principle of sovereign equality of States and to the right of all States to participate in General multilateral treaties, article 5, concerning the membership in the organization, deprives certain States of their undeni-

able right to become parties to a Treaty of general character, concerning matters of legitimate interest of any State which should contribute to the development of friendly relations among nations irrespective of their differing constitutional and social systems.”

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

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization (WIPO) will enter into force, in respect to the Czechoslovak Socialist Republic, three months after the date of the deposit of the instrument of accession, that is, on December 22, 1970.

Geneva, September 29, 1970.

WIPO Notification No. 29

**Notifications concerning the application of the transitional provisions (five-year privilege)
of the WIPO Convention**

(20 States)

Notification of the Director General of WIPO to the Governments of the countries invited to the Stockholm Conference

The Director General of the World Intellectual Property Organization (WIPO) presents his compliments to the Minister for Foreign Affairs and, in accordance with the provisions of the above international instrument, adopted at Stockholm, has the honor to notify him of the notifications deposited by the Governments of the States listed hereafter in which these Governments indicate their desire to avail themselves of the provisions of Article 21(2) of the Convention.

These notifications entered into force on the date of their receipt, that is, on:

August 18, 1970, for the Republic of the Upper Volta;
August 25, 1970, for the Portuguese Republic;
September 11, 1970, for the Kingdom of the Netherlands;
September 14, 1970, for the Kingdom of Morocco;
September 15, 1970, for the Polish People's Republic;
September 15, 1970, for the Syrian Arab Republic;
September 17, 1970, for Japan;
September 17, 1970, for the Republic of South Africa;
September 17, 1970, for the Republic of Turkey;

September 18, 1970, for the Republic of Tunisia;
September 21, 1970, for the Holy See;
September 21, 1970, for the Kingdom of Greece;
September 21, 1970, for Malta;
September 22, 1970, for the Federal Republic of Cameroon;
September 24, 1970, for the Democratic and Popular Republic of Algeria;
September 24, 1970, for the Gabonese Republic;
September 24, 1970, for the Republic of Niger;
September 25, 1970, for the Republic of Dahomey;
September 28, 1970, for the United Arab Republic;
October 7, 1970, for the Argentine Republic.

Pursuant to the said Article, these States, which are members of the Paris Union and/or of the Berne Union but have not yet become party to the WIPO Convention, may, for five years from April 26, 1970, the date of entry into force of the said Convention, exercise the same rights as if they had become party.

Geneva, October 7, 1970.

WIPO Notification No. 30

INTERNATIONAL UNION

IRELAND

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 and, in accordance with the provisions of the Stockholm Act of the above Convention, has the honor to notify him that the Government of Ireland deposited on September 17, 1970, its instrument of ratification dated September 8, 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 nor 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 Ireland, three months after the date of this notification, that is, on December 21, 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, September 21, 1970.

Berne Notification No. 26

MAURITIUS

Declaration concerning the non-application of the Berne Convention for the Protection of Literary and Artistic Works

Notification of the Swiss Government to the Governments of Union Countries

In a note dated August 12, 1970, which was received on August 18, 1970, the Ministry of External Affairs, Tourism and Emigration of Mauritius notified the Swiss Government that the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, revised at Brussels on June 26, 1948, shall cease to apply to Mauritius. The application of the said Convention was extended to Mauritius by

virtue of a declaration made by the United Kingdom of Great Britain and Northern Ireland on October 12, 1964, in accordance with Article 26, paragraph (1), of the Convention.

The declaration, dated August 12, 1970, is communicated to the Governments of the Member States of the Berne Union for the Protection of Literary and Artistic Works pursuant to paragraph (2) of the said Article and shall take effect on August 18, 1971.

Berne, October 16, 1970.

PORTUGAL

Change of Class with regard to the contribution towards the expenses of the Bureau of the International Union for the Protection of Literary and Artistic Works

Notification of the Swiss Government to the Governments of Union Countries

In a note dated August 13, 1970, the Embassy of Portugal in Berne informed the Federal Political Department, in conformity with Article 23, paragraph (4), of the Berne Convention for the Protection of Literary and Artistic Works of Sep-

tember 9, 1886, revised at Brussels on June 26, 1948, that Portugal intends to be placed in the Fifth Class instead of the Third with regard to its contribution to the expenses of the International Bureau of the Berne Union for the Protection of Literary and Artistic Works.

Berne, October 16, 1970.

Notifications concerning the application of the transitional provisions (five-year privilege) of the Stockholm Act of the Berne Convention

(15 States)

Notification of the Director General of WIPO to the Governments of Union Countries

The Director General of the World Intellectual Property Organization (WIPO) presents his compliments to the Minister for Foreign Affairs and, in accordance with the provisions of the above international instrument, adopted at Stockholm, has the honor to notify him of the notifications deposited by the Governments of the States listed hereafter in which these Governments indicate their desire to avail themselves of the provisions of Article 38(2) of the Stockholm Act of the Berne Convention.

These notifications entered into force on the date of their receipt, that is, on:

August 21, 1970, for the Republic of the Ivory Coast;
August 25, 1970, for the Portuguese Republic;
September 11, 1970, for the Kingdom of the Netherlands;
September 14, 1970, for the Hungarian People's Republic;
September 14, 1970, for the Kingdom of Morocco;
September 16, 1970, for the Holy See;

September 17, 1970, for the Republic of South Africa;
September 17, 1970, for Japan;
September 17, 1970, for the Republic of Turkey;
September 18, 1970, for the Republic of Tunisia;
September 21, 1970, for the Kingdom of Greece;
September 21, 1970, for Malta;
September 22, 1970, for the Federal Republic of Cameroon;
September 24, 1970, for the Gabonese Republic;
September 25, 1970, for the Republic of Dahomey.

Pursuant to the said Article, these States, which are members of the Berne Union, may, for five years from April 26, 1970, the 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 they were bound by those Articles.

Geneva, October 6, 1970.

Berne Notification No. 27

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

(Geneva, September 14 to 18, 1970)

Report

Introduction

1. The Permanent Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union) met in extraordinary session from September 14 to 18, 1970, at Geneva.

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

3. Representatives of the following countries, members of the Berne Union, were represented by observers: Argentina, Australia, Austria, Canada, Ceylon, Congo (Democratic Republic), Czechoslovakia, Finland, Japan, Mexico, Morocco, Netherlands, Norway, Philippines, Senegal, Sweden, Tunisia, Yugoslavia.

4. With the agreement of the Chairman of the Permanent Committee, Kenya and the United States of America were invited to be represented by observers and were so represented; these countries, not members of the Union, are mem-

bers of the Intergovernmental Copyright Committee and took part in the extraordinary session of that Committee held in Paris from September 2 to 11, 1970.

5. Two intergovernmental organizations and twenty international non-governmental organizations were represented by observers.

6. The list of participants is reproduced hereinafter.

7. 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.

Opening of the session

8. In the absence of Mr. Jorge Carlos Ribeiro (Brazil), the Chairman of the Permanent Committee, the session was opened by Mr. William Wallace (United Kingdom) in his capacity as Vice-Chairman of the Permanent Committee, who also presided over the meeting.

Adoption of the agenda

9. The provisional agenda contained in document DA/33/1 Rev. was unanimously adopted.

Examination of the proposals for revision of the Berne Convention

10. The Permanent Committee expressed the opinion that, as a basis for discussion, a certain parallelism was desirable between the proposals made by the Intergovernmental Copyright Committee for the revision of the Universal Copyright Convention and the proposals to be made for the revision of the Berne Convention. The delegation of France, however, recalling that it had not accepted the Washington Recommendation on this point, declared that while it did not have any objection to a similarity of the provisions concerning the rights of translation and reproduction, it continued to oppose any mixing of the two Conventions.

11. The Permanent Committee examined the proposals contained in document DA/33/2, resulting from the work of the Ad Hoc Preparatory Committee for the revision of the Berne Convention at its meeting held in Geneva from May 19 to 21, 1970, the comments received thereon contained in documents DA/33/5, DA/33/5 Add. 1, DA/33/5 Add. 2 and DA/33/6, and the further modifications proposed by the Director of BIRPI in document DA/33/9, which took into account the work of the Intergovernmental Copyright Committee at its extraordinary session held in Paris from September 2 to 11, 1970.

12. The delegation of India proposed that the provisions of Article 2 of the proposed Additional Act concerning the right of translation should apply also to audio-visual works. The Permanent Committee expressed the view that the effect of this proposal could be achieved by a modification of Article 3(7) concerning the right of reproduction of such works.

13. After a full exchange of views upon the question whether the benefit of the relaxations provided for in the Additional Act should be reserved for countries already members of the Berne Union at a certain date, and upon the possible introduction into the Berne Convention of a system of compulsory licences for translation seven years after the first publication of the work, the Permanent Committee decided to refer these matters to an informal Working Group composed of the delegations of certain members of the Permanent Committee (Brazil, France, Germany (Federal Republic), India, Italy, Spain, United Kingdom) and of certain observers (Kenya, Tunisia, United States of America).

14. At the end of its deliberations, the Working Group proposed to the Permanent Committee the following solutions:

- (i) that Article 1 of the Additional Act should contain no provisions limiting its application to the existing members of the Berne Union at the date of its entry into force, or to countries becoming members within a fixed period of time;
- (ii) that the proposed paragraph (7) of Article 2, relating to translation licences after seven years, be deleted;

(iii) that the developing countries should have an irrevocable choice, so far as the right of translation is concerned, between the system of compulsory licences provided for in the Additional Act and the facility provided for in Article 30(2)(a) and (b) (which refers to Article 5 of the Paris Act of 1896), without the possibility of applying both alternatives;

(iv) that in the case of developing countries the possibility of reciprocity provided for in Article 30(2)(b) should not apply;

(v) that a country ceasing to be regarded as a developing country should be able to make a declaration according to Article 30(2)(b), in which case reciprocity could be applied to it.

15. The delegations of Belgium, France, Germany (Federal Republic), India, Kenya, Spain, Tunisia and the United Kingdom declared in turn that they were ready, in a spirit of compromise, to recommend the adoption of these solutions.

16. The delegation of Yugoslavia declared that it could not at this stage approve the solution referred to in paragraph 14(iii) above, which, in view of the fact that Yugoslavia, a developing country, had already made a declaration of the sort permitted by Article 30(2) would deprive it of the possibility of applying some of the reservations provided for in the Additional Act.

17. On a proposal of the delegation of India, speaking on behalf of the developing countries attending this session, it was agreed to recommend that the special problem for developing countries which had already made declarations of the sort permitted by Article 30(2) should be studied with a view to a solution being agreed at the Revision Conference.

18. The delegation of Italy recalled its proposal to permit developing countries, members of the Berne Union, to apply temporarily the revised text of the Universal Copyright Convention in accordance with the system proposed in the Washington Recommendation; in view of the fact that this system, which in the opinion of the Italian Government would be more flexible and more favourable to the developing countries, had been abandoned, the Italian delegation, while continuing to collaborate with the other delegations in the work of drafting the proposed text of an Additional Act, emphasized the complexity of its provisions. It added that it was not opposed in principle to the proposed text, but that it could not commit the Italian Government before the Diplomatic Conference.

19. The Permanent Committee then appointed a Drafting Committee composed of representatives of France, Germany (Federal Republic), India and the United Kingdom, with observers from Kenya and Tunisia. The Drafting Committee was presided over by Professor Ulmer (Germany (Federal Republic)).

20. Draft texts submitted by the Drafting Committee were examined article by article and, after certain modifications, approved by the Permanent Committee, subject to the inclusion in this Report of the following reservations and explanations:

- (i) in relation to Article 2 of the proposed Additional Act, the delegation of Italy said that it could not accept as short a period as one year as the period after which compulsory licences might be granted; the delegation of Brazil objected to a distinction being drawn between certain developing countries and others on the basis of their languages; the delegation of France expressed the view that the word "research" did not include the meaning of research for industrial or commercial purposes;
- (ii) in relation to Article 4(6)(c), the Permanent Committee expressed the view that the words "a correct translation of the work or an accurate reproduction of the particular edition" do not exclude the possibility of minor adaptations made for the purpose of conformity with local usage, such as changes in references to units of currency;
- (iii) the delegation of Brazil drew attention to problems posed in the case where the exclusive right of translation in a language had been reserved, if such a language was in current use in another country; it emphasized the difficulties encountered in such cases and the serious consequences to the development of the culture of the country. It expressed the hope that the Revision Conference should find an equitable solution for this situation.

21. The draft texts for the revision of the Berne Convention adopted by the Permanent Committee are reproduced below.

22. After the approval of the draft texts, the following declarations were made:

- (i) the delegation of Portugal expressed the opinion that, in the discussions which had taken place mainly between developing countries and highly developed countries, the interests of countries in an intermediate situation had not been taken into account; whilst accepting in general the proposals for the revision of the Berne Convention, it emphasized the need to take into account all the interests concerned;
- (ii) the delegation of Canada expressed its understanding of the problems of revising the two conventions and congratulated both Committees on the results achieved and stated its sympathy with the needs of developing countries; stating that Canada is an intermediate country, the delegation of Canada expressed the hope that the needs of such countries could be considered at the appropriate time; the delegation of Canada informed the meeting that Canadian copyright legislation is being revised, and declared the intention of Canada to take a more active role in international copyright;
- (iii) the delegation of Australia considered that the primary purpose of the revision was the satisfaction of the needs of the developing countries; it was inevitable therefore that the present discussion should have been led by those developed countries which were the main exporters of works under consideration and the developing countries which were seeking to modify the Convention; the delegation of Australia considered that there were countries which did not easily fall into these two groups, and that

it was important that these countries should have the opportunity to express their views in the most effective and opportune way;

- (iv) the delegation of Czechoslovakia expressed its regret that the Stockholm Protocol had not achieved wide support; it was prepared to support the new steps being taken to remedy this situation and to meet the needs of the developing countries; it reserved the position of its Government on the question of any further modification to the Berne Convention.

Examination of the draft Rules of Procedure of the Conference for the revision of the Berne Convention

23. The draft Rules of Procedure prepared by BIRPI in accordance with Resolution No. 1 of the fourteenth ordinary session of the Permanent Committee, contained in document DA/33/3, were considered by the Permanent Committee. However, in view of the fact that the Conference for the revision of the Berne Convention would be held at the same time and place as the Conference for the revision of the Universal Copyright Convention, the Permanent Committee decided that it would be desirable that the Rules of Procedure of the two Conferences should be as similar as possible. It approved, with certain modifications, the draft prepared for this purpose by the Director of BIRPI, contained in document DA/33/8, which was based on the draft Rules of Procedure of the Conference for the revision of the Universal Copyright Convention.

24. The draft Rules of Procedure adopted by the Permanent Committee are contained in document DA/33/13.

Date and place of the Revision Conference

25. The Permanent Committee adopted unanimously Resolution No. 1, reproduced hereinafter, recommending that a Conference for the revision of the Berne Convention be held from June 21 to July 10, 1971, and authorizing the Director General of the World Intellectual Property Organization (WIPO) to fix, within certain limits, the place of the meeting of the Conference.

Invitations to the Revision Conference

26. By paragraph 7 of its Resolution No. 1, the Permanent Committee recommended that the States, the intergovernmental organizations and the international non-governmental organizations listed in document DA/33/4 be invited to the Conference for the revision of the Berne Convention.

27. The delegation of France stated that in its view the Central People's Government of the People's Republic of China was the only one authorized to represent China, and consequently it objected to an invitation being sent to the Taiwan régime. This view was supported by the delegation of Yugoslavia.

28. At the suggestion of the Chairman, it was agreed not to proceed to a formal vote on a recommendation in this connection, but to take note of the fact that it was desirable that the invitations to the Conference for the revision of the Berne Convention and the Conference for the revision of the Uni-

versal Copyright Convention should be the same, and that the established practices of the United Nations and of organizations of the United Nations system would be followed by the Director-General of Unesco.

Protection of phonograms

29. The proposal made by the United Kingdom, to include the question of the protection of phonograms in the agenda of the Conference for the revision of the Berne Convention, contained in document DA/33/7, was considered by the Permanent Committee.

30. The representative of the International Federation of the Phonographic Industry (IFPI) emphasized that the problem was urgent and that it affected the interests not only of producers of phonograms but also of authors and performers. The delegation of Denmark, whilst agreeing that further study of the problem by governmental experts was desirable, reserved its Government's position in relation to the establishment of any new international instrument at this stage and emphasized the need to protect the interests of broadcasting organizations and of performers by means of establishing some link with the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. The delegation of Italy also reserved the position of its Government. The representative of the International Federation of Musicians (FIM), speaking also for other

international federations of performers, suggested that it was necessary that performers' organizations should be invited to take part in any preparatory work, and that any new instrument should take account of the interests of performers in a separate substantive article.

31. The Permanent Committee adopted unanimously Resolution No. 2 reproduced hereinafter.

Adoption of the Report

32. The Permanent Committee adopted unanimously this Report of its discussions.

Closing of the session

33. The delegation of Germany (Federal Republic), speaking on behalf of all the participants, expressed sincere thanks to the Chairman of the Permanent Committee for the manner in which he had conducted the debates which had contributed in a large measure to their success, and expressed appreciation also for the work of the Director and staff of BIRPI.

34. The Chairman thanked the participants for their willingness to understand the positions adopted during the discussions and their readiness to reach agreement. In his opinion, the preparatory work now accomplished should assist in the achievement of a successful Revision Conference. The Chairman thanked the Secretariat for the high quality of its work. He declared the session closed.

Draft Texts for the Revision of the Berne Convention adopted by the Permanent Committee

I. Modifications to be made to certain Articles of the Stockholm Act

1. In the Articles mentioned below, any reference to "Protocol Regarding Developing Countries" should be replaced by a reference to "Additional Act".

- Article 21(1) and (2),
- Article 27(3),
- Article 28(1)(b)(i),
- Article 28(1)(c),
- Article 28(2)(a), (c) and (d),
- Article 30(1),
- Article 32(3).

2. In Article 32(3), the words "in ratifying or acceding to the present Act" should be omitted.

3. In Article 22, the following words should be added at the end of both paragraph (1)(a) and paragraph (2)(a)(ii): "[of this Act or of the Stockholm Act]".

4. In Article 28(2)(a), the following words should be added:

"but not before the Universal Copyright Convention as revised at on has been ratified, accepted or acceded to by France, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America and has entered into force".

5. In Article 29(2)(a)(i), the words "including the Additional Act" should be added after the words "Articles 1

to 21". The words "Brussels Act" should be enclosed in square brackets and followed by "[Stockholm Act]".

In Article 29(2)(a)(ii), the words "Articles 21 to 24 of the Brussels Act" should be replaced by the words "Articles 22 to 26 of the Stockholm Act".

6. Article 34 should be drafted as follows:

"After the entry into force of Articles 1 to 21 of this Act including the Additional Act, no ratification of earlier Acts of this Convention or accession thereto will be permissible. In addition, it will not be permissible, after the said date, for a country of the Union which is not bound by Articles 1 to 21 of the Stockholm Act and which has not made a declaration under Article 5(1)(a) or (b) of the Protocol Regarding Developing Countries to make such a declaration."

II. Draft Text of an Additional Act to the Act of of 1971

Article 1

(1) Any country regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations which ratifies or accedes to this Act, of which this Additional Act forms an integral part, and which, having regard to its economic situation and its social or cultural needs, does not consider itself immediately in a position to make provision for the protection of all the

rights as provided for in this Act may, by a notification deposited with the Director General at the time of making the said ratification or accession or thereafter, declare that it will avail itself of any or all of the reservations provided for in this Additional Act.

(2) Any reservation so notified shall be effective for a period of ten years from the date of the entry into force of this Act, or for such part of that period as remains at the date of deposit of the notification, and may be renewed in whole or in part for further periods of ten years each if, during the year preceding the expiration of the relevant ten-year period, the country concerned deposits a further notification with the Director General. Initial notifications may also be made during these further periods of ten years in accordance with the provisions of this paragraph.

(3) Notwithstanding the provisions of paragraph (2) of this Article, a country of the Union which, in conformity with the established practice of the General Assembly of the United Nations, has ceased to be regarded as a developing country shall no longer be entitled to renew the period during which it can avail itself of the reservations referred to in paragraph (1) and, whether or not it formally withdraws them, such country shall be precluded from availing itself of the said reservations at the end of the current ten-year period, or at the end of three years after it has ceased to be a developing country, whichever period expires later.

(4) Any copies of a work already made under the reservations provided for in this Additional Act may continue to be distributed after the expiration of the period for which notifications under this Article are effective.

(5) Any country which is bound by the provisions of this Act and which has deposited a declaration or a notification in accordance with Article 31(1) with respect to the application of this Act to a particular territory, the situation of which can be regarded as analogous to that of the countries referred to in paragraph (1) of this Article, may also deposit notifications of reservations or of renewals thereof with respect to any such territory. During the effective period of such notifications, the provisions of this Additional Act shall be applicable to such territory.

(6) (a) The fact that a reservation provided for in this Additional Act has been notified does not permit another country of the Union to give less protection to works of which the country of origin is the country availing itself of the reservation than is provided for in Articles 1 to 20 of this Act.

(b) The right of reciprocity provided for in Article 30(2)(b) of this Act cannot be exercised in relation to works the country of origin of which remains a country to which paragraph (1) of this Article applies.

Article 2

(1) Any country of the Union to which Article 1 of this Additional Act applies may, so far as works published in printed or analogous forms of reproduction are concerned, substitute for the exclusive right of translation provided for in Article 8 of this Convention a system of non-exclusive and

non-transferable licences, granted by the competent authority, under the following conditions and subject to the provisions of Article 4 of this Additional Act.

(2) If, after the expiration of a period of three years from the date of the first publication of a literary or artistic work, or of any longer period determined by national legislation of the country referred to above, a translation of such work has not been published in the language or in one of the languages of that country by the owner of the right of translation, or with his authorization, any national of such country may obtain a licence to translate the work and publish the work so translated in the said language in printed or analogous forms of reproduction.

(3) However, in the case of a translation into a language which is not in general use in one or more developed countries, a period of one year shall be substituted for the period of three years provided for in paragraph (2) above.

(4) Any licence under this Article shall be granted only for the purpose of teaching, scholarship or research.

(5) Licences obtainable after three years shall not be granted under this Article until a further period of six months has elapsed, and licences obtainable after one year until a further period of nine months has elapsed, from the date of the application for permission to translate mentioned in paragraph (1), or of the dispatch of the copies of the application mentioned in paragraph (2), as the case may be, of Article 4 of this Additional Act.

(6) For works which are composed mainly of illustrations, a licence to translate the text and to reproduce the illustrations may be granted only if the conditions of Article 3 of this Additional Act are also fulfilled.

(7) Any country to which Article 1 of this Additional Act applies, whether or not it is already a member of the Union, may, instead of availing itself of the reservations provided for by this Article, make, in ratifying or acceding to this Act, the declaration provided for in Article 30(2)(a) or (b) of this Act. However, any country making such a declaration may not subsequently avail itself of the reservations provided for in this Article, even if it withdraws its declaration.

(8) A country which has availed itself of the reservations provided for in paragraphs (1) to (6) of this Article may not subsequently make a declaration in accordance with Article 30(2)(a) or (b) of this Act.

(9) Any country which has ceased to be regarded as a developing country may, within three months from the expiry of the period provided for in paragraph (3) of Article 1 of this Additional Act, make a declaration according to Article 30(2)(b) of this Act.

Article 3

(1) Any country of the Union to which Article 1 of this Additional Act applies may substitute for the exclusive right of reproduction provided for in Article 9 of this Convention a system of non-exclusive and non-transferable licences granted by the competent authority under the following conditions and subject to the provisions of Article 4 of this Additional Act.

(2) If, after the expiration of

- (i) the relevant period specified in paragraph (3) of this Article commencing from the date of first publication of a particular edition of a literary or artistic work referred to in paragraph (7) of this Article, or
- (ii) any longer period determined by national legislation of the country referred to above,

copies of such edition have not been distributed in that country to the general public or in connection with systematic instructional activities, at a price reasonably related to that normally charged in the country for comparable works, by the owner of the right of reproduction or with his authorization, any national of such country may obtain a licence to publish such edition at that or a lower price for use in connection with systematic instructional activities.

(3) The period referred to in sub-paragraph (i) of paragraph (2) above shall be five years, except that

- (i) for works of the natural and physical sciences, including mathematics, and of technology, the period shall be three years;
- (ii) for works of fiction, poetry, drama and music, and for art books, the period shall be seven years.

(4) Licences obtainable after three years shall not be granted under this Article until a period of six months has elapsed from the date of the application for permission to reproduce mentioned in paragraph (1), or of the dispatch of the copies of the application mentioned in paragraph (2), as the case may be, of Article 4 of this Additional Act. Licences obtainable after other periods shall not be granted until a period of three months has elapsed from the date of the dispatch of copies of the application.

(5) A licence to reproduce and publish a translation of a work shall not be granted under this Article in the following cases:

- (i) where the translation was not published by the owner of the right or with his authorization; or
- (ii) where the translation is not in a language that is the language or one of the languages of the country granting the licence.

(6) Whenever copies of an edition of a work are distributed in the country referred to above to the general public or in connection with systematic instructional activities, by the owner of the right or with his authorization, at a price reasonably related to that normally charged in the country for comparable works, any licence granted under this Article shall terminate if such edition is in the same language and is substantially the same in content as the edition published under the licence. However, any copies already made before the licence is terminated may continue to be distributed.

(7) The literary or artistic works to which this Article applies shall be limited to works published in printed or analogous forms of reproduction. However, the reservations permitted by this Article shall also apply to the reproduction of audio-visual works and to the translation into the language or one of the languages of the country concerned of any accompanying text, in which case the reservations shall be

limited to audio-visual works prepared and published for the sole intrinsic purpose of being used in connection with systematic instructional activities.

Article 4

(1) Any licence granted under Articles 2 or 3 of this Additional Act may be granted only if the applicant, in accordance with the procedure of the country concerned, establishes either that he has requested, and has been denied, authorization by the proprietor of the right to make and publish the translation or to reproduce the edition, as the case may be, or that, after due diligence on his part, he was unable to find the owner of the right.

(2) If the owner of the right cannot be found, the applicant for a licence shall send, by registered airmail, copies of his application to the publisher whose name appears on the work and, if the nationality of the owner of the right is known, to the diplomatic or consular representative of the country of which such owner is a national, or to the organization, or to any national or international information centre, which may have been designated, in a notification to that effect deposited with the Director General, by the Government of the country of which the publisher is believed to be a national.

(3) The name of the author and the original title of the work or of the particular edition of the work shall be printed on all copies of the published translation or reproduction.

(4) No licence granted under Articles 2 or 3 of this Additional Act shall extend to the export of copies, and any such licence shall be valid only for publication of the translation or of the reproduction, as the case may be, in the territory of the country of the Union where it has been applied for.

(5) All copies published in accordance with such a licence shall, from the time of first publication, bear notices in the appropriate language stating that the copies are available for distribution only in the country or territory to which the said licence applies.

(6) Due provision shall be made by national legislation to assure

- (a) that the licence provides, in favour of the owner of the right of translation or of reproduction, as the case may be, for just compensation that is consistent with standards of royalties normally operating on licences freely negotiated between persons in the two countries concerned; and
- (b) payment and transmittal of the compensation: should national currency regulations intervene, the competent authority shall make all efforts, by the use of international machinery, to ensure transmittal in internationally convertible currency or its equivalent; and
- (c) a correct translation of the work or an accurate reproduction of the particular edition, as the case may be.

(7) Licences may also be granted in accordance with the conditions of Article 2 of this Additional Act if, in respect of a translation already published in the language concerned, the editions are out of print. Licences may also be granted in accordance with the conditions of Article 3 of this Addi-

tional Act if for a period of six months no authorized copies of the edition in question have been on sale in the country concerned to the public or in connection with systematic instructional activities, at a price reasonably related to that normally charged in the country for comparable works.

(8) A licence shall not be granted when the author has withdrawn from circulation all copies of the edition of the work.

Article 5

(1) Any country of the Union may declare as from the signature of this Act, and at any time before becoming bound by Articles 1 to 21 of this Act and by this Additional Act,

(a) in the case of a country referred to in Article 1 of this Additional Act, that it intends to avail itself of any or

all of the reservations provided for in the latter in relation to works whose country of origin is a country of the Union which admits the application of the reservations provided for in this Additional Act, or

(b) that it admits the application of the reservations provided for in this Additional Act to works of which it is the country of origin by countries which, upon becoming bound by Articles 1 to 21 of this Act and by this Additional Act, have notified reservations permitted under the latter, or have made a declaration of application of any or all provisions of this Additional Act.

(2) The declaration shall be made in writing and shall be deposited with the Director General. The declaration shall become effective from the date on which it is deposited.

Resolutions adopted by the Permanent Committee

Resolution No. 1: Revision of the Berne Convention

The Permanent Committee of the Berne Union,

1. Recalling the resolutions adopted by it at its extraordinary session in February 1969 (Resolution No. 1)¹ and at its fourteenth ordinary session in December 1969 (Resolution No. I)²;

2. Considering the report of the Ad Hoc Preparatory Committee which met in May 1970 to prepare a draft text of the proposals for the revision of the Berne Convention³;

3. Acting in application of the provisions of Rule 5 of its Internal Rules;

4. Recommends that a Conference for the revision of the Berne Convention be held from June 21 to July 10, 1971;

5. Authorizes the Director General of the World Intellectual Property Organization (WIPO) (which expression, in this resolution, shall include the Director of BIRPI) to fix the place of the meeting of the Conference for the revision of the Berne Convention, it being understood that in the absence of an invitation by a country member of the Berne Union submitted before October 15, 1970, the Conference shall be held in Paris at the premises of Unesco;

6. Calls upon the Director General of WIPO to make, in consultation with the Director-General of Unesco, the necessary arrangements for the Conference to be held at the same time and place as the Conference for the revision of the Universal Copyright Convention;

7. Recommends that the States, the intergovernmental organizations and the international non-governmental organizations listed in document DA/33/4 be invited to the Conference for the revision of the Berne Convention;

8. Requests the Director General of WIPO to:

- (a) send the necessary invitations as well as the draft for the revised Berne Convention, as prepared by the Permanent Committee, the provisional Rules of Procedure of the Conference for the revision of the Berne Convention approved by the Permanent Committee, and such other documents as may be necessary;
- (b) invite all countries of the Union and all interested international non-governmental organizations to present comments with respect to this draft text for the revision of the Berne Convention no later than March 15, 1971;

(c) communicate such comments to the States and organizations specified in paragraph 7 of this resolution as soon as possible after they are received;

9. Requests the Director General of WIPO to provide the secretariat for the Conference for the revision of the Berne Convention and to take all the necessary administrative steps and undertake the material arrangements for the preparation and the holding of this Conference.

Resolution No. 2: Protection of Phonograms

The Permanent Committee of the Berne Union,

Dismayed at the widespread and increasing piracy of phonograms and the damage which this is occasioning to the interests of authors, performers and producers of phonograms;

Noting that the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations has so far been ratified by a limited number of States;

Recognizing also that the protection of phonograms is, for many countries, not a matter of copyright but that the interests of authors and performers require the protection of the means by which their works and performances are reproduced;

Expresses the wish that the Director General of the World Intellectual Property Organization (WIPO) (and therefore also the Director of BIRPI), together with the Director-General of Unesco, should invite countries members of the Berne Union and/or of the Paris Union for the Protection of Industrial Property or parties to the Universal Copyright Convention to nominate governmental experts to attend, together with the appropriate observers, a meeting to be held some months in advance of the Diplomatic Conferences to revise the Berne and Universal Copyright Conventions, with the tasks:

- (a) of studying any comments on or proposals for a draft instrument to protect producers of phonograms against unauthorized reproduction of their phonograms, which governments may formulate, and
- (b) of preparing a draft instrument on this subject to serve as the basis for the negotiation of an appropriate instrument which will be ready, so far as possible, for adoption and signature at a Diplomatic Conference to be held at the same time and place as the Diplomatic Conferences for the revision of the Berne and Universal Copyright Conventions.

¹ See *Copyright*, 1969, p. 52.

² *Ibid.*, 1970, p. 26.

³ *Ibid.*, pp. 144 et seq.

List of Participants*

I. Members of the Permanent Committee

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Brazil

S. Exc. M. Ramiro Saraiva Guerreiro, Ambassadeur, Chef de la Délégation permanente du Brésil, Genève
 M. Mauro Sergio Couto, Premier Secrétaire d'Ambassade, Délégation permanente du Brésil, Genève
 M. Francisco Alvim, Secrétaire d'Ambassade, Délégation du Brésil auprès de l'Unesco, Paris
 Mr. Claudio de Souza Amaral, Lawyer (Observer)

Denmark

Mr. Willi Weincke, Chief of Department, Ministry of Cultural Affairs
 Mr. Johannes Nørup-Nielsen, Secretary, Ministry of Cultural Affairs

France

S. Exc. M. Pierre Charpentier, Ambassadeur, Ministère des Affaires étrangères
 M^e Marcel Boutet, Vice-Président de la Commission de la propriété intellectuelle près le Ministre des Affaires culturelles
 M. Jean Buffin, Chef du Bureau du droit d'auteur au Ministère des Affaires culturelles
 M. André Kerever, Maître des Requêtes au Conseil d'Etat
 M. Jean-Loup Tournier, Membre de la Commission de la propriété intellectuelle

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Professor Dr. Eugen Ulmer, University of Munich
 Mrs. Elisabeth Steup, Ministerialrätin, Bundesjustizministerium
 Dr. Erhard Bungereoth, Gerichtsassessor, Bundesjustizministerium
 M^{lle} Gisela Rheker, Conseiller, Bureau de l'Observateur permanent de la République fédérale d'Allemagne auprès de l'Office des Nations Unies, Genève

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 Mr. S. S. Baramanya Balakrishnan, Joint Secretary to the Government of India, Ministry of Home Affairs
 Mr. D. B. Kulkarni, Joint Secretary and Legal Adviser to the Government of India, Ministry of Law, Member of Law Commission

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 M. Valerio De Sanctis, Conseiller juridique de la Société italienne des auteurs et éditeurs (SIAE), Membre du Comité consultatif permanent du droit d'auteur

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 Mr. I. J. G. Davis, Principal Examiner, Industrial Property and Copyright Department, Board of Trade
 Mr. Ronald Ernest Barker, O. B. E., The Publishers Association, Vice-Chairman, British Copyright Council

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Australia

Mr. Alan Brown, First Secretary, Permanent Mission of Australia to the United Nations, Geneva

Austria

Dr. Helmuth Tades, Sektionsrat, Ministry of Justice

Canada

Mr. Finlay W. Simons, Assistant Commissioner of Patents, Patent Office
 Mr. Andrew A. Keyes, Executive Officer, National Film Board of Canada
 Mr. Robert Auger, Third Secretary, Permanent Mission of Canada, Geneva

Ceylon

Mr. Appiah Pathmarajah, Permanent Representative of Ceylon to United Nations Office in Geneva

Czechoslovakia

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 Mr. Jiří Kordač, Director, Legislative Department, Ministry of Culture

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Professeur Berndt Godenhjelm, Faculté de droit, Université de Helsinki

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Mr. Moriyuki Kato, Head of Copyright Division, Agency for Cultural Affairs

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* Names and titles in the following list are reproduced as handed into the Secretariat by the delegations concerned.

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M. Willem Johannes Blackstone, Fonctionnaire du Ministère des Affaires culturelles

Norway

Mrs. Vera Louise Holmøy, Chief of Division, Ministry of Justice

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Mr. H. Danelius, Assistant Justice of Appeal, Ministry of Justice

Tunisia

M. Ahderrahmane el Amri, Directeur de la Société des auteurs et compositeurs de Tunisie

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Mr. Abraham L. Kaminstein, Register of Copyrights, Copyright Office
Miss Barbara Alice Ringer, Assistant Register of Copyrights, Copyright Office
Mr. Harvey J. Winter, Chief, Business Practices Division, Commercial Affairs and Business Activities, Bureau of Economic Affairs, Department of State
Mr. Robert Hadl, Legal Adviser, Copyright Office

Yugoslavia

Professeur Dr Vojislav Spaić, Faculté de droit, Université de Sarajevo

(b) Intergovernmental Organizations**International Labour Office (ILO)**

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

United Nations Educational, Scientific and Cultural Organization (Unesco)

Mr. Hanna Saha, Assistant Director-General for International Standards and Legal Affairs
Miss Marie-Claude Dock, Head, Copyright Division

(c) International Non-Governmental Organizations**European Broadcasting Union (EBU)**

Mr. Georges Straschnov, Director, Department of Legal Affairs

International Alliance for Diffusion by Wire (AID)

Mr. Halden Evans, Relay Services Association of Great Britain

International Association for the Protection of Industrial Property (IAPIP)

Professor Henri Deshois, Faculty of Law and Economic Science, Paris, Permanent Secretary of ALAI

International Confederation of Societies of Authors and Composers (CISAC)

Mr. Jean-Alexis Ziegler, Secretary-General

International Federation of Actors (IFA)

Mr. Rudolf Leuzinger, Secretary-General of FIM

International Federation of Film Distributors' Associations (FIAD)

Mr. Gontrand Schwaller, Secretary-General

International Federation of Film Producers' Associations (FIAPF)

Mr. Alphonse Brisson, Secretary-General

International Federation of Musicians (FIM)

Mr. Rudolf Leuzinger, Secretary-General

International Federation of the Phonographic Industry (IFPI)

Mr. S. M. Stewart, Director-General
Miss Gillian Davies, Barrister

International Literary and Artistic Association (ALAI)

Professor Henri Deshois, Faculty of Law and Economic Science, Paris, Permanent Secretary

International Music Council (IMC)

Mr. Rudolf Leuzinger, Secretary-General of FIM

International Publishers Association (IPA)

Mr. André Géranton, Head, Legal Service
Mr. J.-A. Koutchoumow, Secretary-General

International Federation of Translators (IFT)

Mr. Robert Roger Dupuy, Delegate

International Federation of Variety Artists (IFVA)

Mr. Rudolf Leuzinger, Secretary-General of FIM

International Writers Guild (IWG)

Mr. Roger Fernay, Executive Vice-President

Internationale Gesellschaft für Urheberrecht (INTERGU)

Dr. Jos. Anton Saladin, Member of the Administrative Council

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

Mr. Garha Sidikou, President
M. Gaston Guy Bikouta-Menga, Directeur des programmes de la Radiotélévision congolaise

III. Officers of the Meeting

Acting Chairman: Mr. William Wallace, C. M. G. (United Kingdom)
Secretary: Mr. Claude Masouyé (BIRPI)

IV. United International Bureaux for the Protection of Intellectual Property (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
Mr. Roger Harben, Counsellor, Copyright Division
Mr. Mihailo Stojanović, Legal Assistant, Copyright Division

NATIONAL LEGISLATION

AUSTRALIA

Copyright Act 1968

(No. 63 of 1968)

An Act relating to copyright, and for other purposes

(Sections 84 to 113)*

PART IV

Copyright in Subject-Matter other than Works

Division 1. — Preliminary

Definition

84. — In this Part, “qualified person” means —

- (a) an Australian citizen, an Australian protected person or a person (other than a body corporate) resident in Australia; or
- (b) a body corporate incorporated under a law of the Commonwealth or of a State.

Division 2. — Nature of Copyright in Subject-Matter other than Works

Nature of copyright in sound recordings

85. — For the purposes of this Act, unless the contrary intention appears, copyright, in relation to a sound recording, is the exclusive right to do all or any of the following acts:

- (a) to make a record embodying the recording;
- (b) to cause the recording to be heard in public;
- (c) to broadcast the recording.

Nature of copyright in cinematograph films

86. — For the purposes of this Act, unless the contrary intention appears, copyright, in relation to a cinematograph film, is the exclusive right to do all or any of the following acts:

- (a) to make a copy of the film;
- (b) to cause the film, in so far as it consists of visual images, to be seen in public, or, in so far as it consists of sounds, to be heard in public;
- (c) to broadcast the film;
- (d) to cause the film to be transmitted to subscribers to a diffusion service.

Nature of copyright in television broadcasts and sound broadcasts

87. — For the purposes of this Act, unless the contrary intention appears, copyright, in relation to a television broadcast or sound broadcast, is the exclusive right —

- (a) in the case of a television broadcast in so far as it consists of visual images — to make a cinematograph film of the broadcast, or a copy of such a film;

- (b) in the case of a sound broadcast, or of a television broadcast in so far as it consists of sounds — to make a sound recording of the broadcast, or a record embodying such a recording; and
- (c) in the case of a television broadcast or of a sound broadcast — to re-broadcast it.

Nature of copyright in published editions of works

88. — For the purposes of this Act, unless the contrary intention appears, copyright, in relation to a published edition of a literary, dramatic, musical or artistic work or of two or more literary, dramatic, musical or artistic works, is the exclusive right to make, by a means that includes a photographic process, a reproduction of the edition.

Division 3. — Subject-Matter, other than Works, in which Copyright Subsists

Sound recordings in which copyright subsists

89. — (1) Subject to this Act, copyright subsists in a sound recording of which the maker was a qualified person at the time when the recording was made.

(2) Without prejudice to the last preceding sub-section, copyright subsists, subject to this Act, in a sound recording if the recording was made in Australia.

(3) Without prejudice to the last two preceding sub-sections, copyright subsists, subject to this Act, in a published sound recording if the first publication of the recording took place in Australia.

Cinematograph films in which copyright subsists

90. — (1) Subject to this Act, copyright subsists in a cinematograph film of which the maker was a qualified person for the whole or a substantial part of the period during which the film was made.

(2) Without prejudice to the last preceding sub-section, copyright subsists, subject to this Act, in a cinematograph film if the film was made in Australia.

(3) Without prejudice to the last two preceding sub-sections, copyright subsists, subject to this Act, in a published cinematograph film if the first publication of the film took place in Australia.

* See Copyright, 1970, pp. 178 et seq.

Television broadcasts and sound broadcasts in which copyright subsists

91. — Subject to this Act, copyright subsists —

- (a) in a television broadcast made from a place in Australia by —
 - (i) the Australian Broadcasting Commission;
 - (ii) the holder of a licence for a television station; or
 - (iii) any prescribed person, being a person who is, at the time when the broadcast is made, the holder of a wireless telegraphy licence; and
- (b) in a sound broadcast made from a place in Australia by —
 - (i) the Australian Broadcasting Commission;
 - (ii) the holder of a licence for a broadcasting station; or
 - (iii) any prescribed person, being a person who is, at the time when the broadcast is made, the holder of a wireless telegraphy licence.

Published editions of works in which copyright subsists

92. — (1) Subject to this Act, copyright subsists in a published edition of a literary, dramatic, musical or artistic work, or of two or more literary, dramatic, musical or artistic works, where —

- (a) the first publication of the edition took place in Australia; or
- (b) the publisher of the edition was a qualified person at the date of the first publication of the edition.

(2) The last preceding sub-section does not apply to an edition that reproduces a previous edition of the same work or works.

Division 4. — Duration of Copyright in Subject-Matter other than Works

Duration of copyright in sound recordings

93. — Copyright subsisting in a sound recording by virtue of this Part continues to subsist until the expiration of fifty years after the expiration of the calendar year in which the recording is first published.

Duration of copyright in cinematograph films

94. — (1) Copyright subsisting in a cinematograph film by virtue of sub-section (1) or sub-section (2) of section 90 of this Act continues to subsist until the film is published and, after the publication of the film, until the expiration of fifty years after the expiration of the calendar year in which the film was first published.

(2) Copyright subsisting in a cinematograph film by virtue only of sub-section (3) of section 90 of this Act continues to subsist until the expiration of fifty years after the expiration of the calendar year in which the film was first published.

Duration of copyright in television broadcasts and sound broadcasts

95. — (1) Copyright subsisting in a television broadcast or sound broadcast by virtue of this Part continues to subsist until the expiration of fifty years after the expiration of the calendar year in which the broadcast was made.

(2) In so far as a television broadcast or sound broadcast is a repetition (whether the first or a subsequent repetition) of a previous television broadcast or sound broadcast to which section 91 of this Act applies, and is made by broadcasting visual images or sounds embodied in any article or thing —

- (a) if it is made before the expiration of the period of fifty years after the expiration of the calendar year in which the previous broadcast was made — any copyright subsisting in it expires at the expiration of that period; and
- (b) if it is made after the expiration of that period — copyright does not subsist in it by virtue of this Part.

Duration of copyright in published editions of works

96. — Copyright subsisting in a published edition of a work or works by virtue of this Part continues to subsist until the expiration of twenty-five years after the expiration of the calendar year in which the edition was first published.

Division 5. — Ownership of Copyright in Subject-Matter other than Works

Ownership of copyright in sound recordings

97. — (1) This section has effect subject to Parts VII and X.

(2) Subject to the next succeeding sub-section, the maker of a sound recording is the owner of any copyright subsisting in the recording by virtue of this Part.

(3) Where —

- (a) a person makes, for valuable consideration, an agreement with another person for the making of a sound recording by the other person; and
- (b) the recording is made in pursuance of the agreement, the first-mentioned person is, in the absence of any agreement to the contrary, the owner of any copyright subsisting in the recording by virtue of this Part.

Ownership of copyright in cinematograph films

98. — (1) This section has effect subject to Parts VII and X.

(2) Subject to the next succeeding sub-section, the maker of a cinematograph film is the owner of any copyright subsisting in the film by virtue of this Part.

(3) Where —

- (a) a person makes, for valuable consideration, an agreement with another person for the making of a cinematograph film by the other person; and
- (b) the film is made in pursuance of the agreement, the first-mentioned person is, in the absence of any agreement to the contrary, the owner of any copyright subsisting in the film by virtue of this Part.

Ownership of copyright in television broadcasts and sound broadcasts

99. — Subject to Parts VII and X —

- (a) the Australian Broadcasting Commission is the owner of any copyright subsisting in a television broadcast or sound broadcast made by it; and

- (b) a person who is or has been a holder of a licence for a television station, a holder of a licence for a broadcasting station or a prescribed person for the purposes of sub-paragraph (iii) of paragraph (a) or sub-paragraph (iii) of paragraph (b) of section 91 of this Act is the owner of any copyright subsisting in a television broadcast or sound broadcast, as the case may be, made by that person.

Ownership of copyright in published editions of works

100. — Subject to Parts VII and X, the publisher of an edition of a work or works is the owner of any copyright subsisting in the edition by virtue of this Part.

Division 6. — Infringement of Copyright in Subject-Matter other than Works

Infringement by doing acts comprised in copyright

101. — (1) Subject to this Act, a copyright subsisting by virtue of this Part is infringed by a person who, not being the owner of the copyright, and without the licence of the owner of the copyright, does in Australia, or authorizes the doing in Australia of, any act comprised in the copyright.

(2) The next two succeeding sections do not affect the generality of the last preceding sub-section.

(3) Sub-section (1) of this section applies in relation to an act done in relation to a sound recording whether the act is done by directly or indirectly making use of a record embodying the recording.

(4) Sub-section (1) of this section applies in relation to an act done in relation to a television broadcast or a sound broadcast whether the act is done by the reception of the broadcast or by making use of any article or thing in which the visual images and sounds comprised in the broadcast have been embodied.

Infringement by importation for sale or hire

102. — A copyright subsisting by virtue of this Part is infringed by a person who, without the licence of the owner of the copyright, imports an article into Australia for the purpose of —

- (a) selling, letting for hire, or by way of trade offering or exposing for sale or hire, the article;
- (b) distributing the article —
 - (i) for the purpose of trade; or
 - (ii) for any other purpose to an extent that will affect prejudicially the owner of the copyright; or
- (c) by way of trade exhibiting the article in public,

where, to his knowledge, the making of the article would, if the article had been made in Australia by the importer, have constituted an infringement of the copyright.

Infringement by sale and other dealings

103. — (1) A copyright subsisting by virtue of this Part is infringed by a person who, in Australia, and without the licence of the owner of the copyright —

- (a) sells, lets for hire, or by way of trade offers or exposes for sale or hire, an article; or
- (b) by way of trade exhibits an article in public,

where, to his knowledge, the making of the article constituted an infringement of the copyright or, in the case of an imported article, would, if the article had been made in Australia by the importer, have constituted an infringement of the copyright.

(2) For the purposes of the last preceding sub-section, the distribution of any articles —

- (a) for the purpose of trade; or
 - (b) for any other purpose to an extent that affects prejudicially the owner of the copyright concerned,
- shall be taken to be the sale of those articles.

Acts done for purposes of a judicial proceeding

104. — A copyright subsisting by virtue of this Part is not infringed by anything done for the purposes of a judicial proceeding or a report of a judicial proceeding.

Copyright in certain recordings not infringed by causing recordings to be heard in public or broadcast

105. — Copyright subsisting in a sound recording by virtue only of sub-section (3) of section 89 of this Act is not infringed by the causing of the recording to be heard in public or by the broadcasting of the recording.

Causing sound recording to be heard at guest house or club

106. — (1) Where a sound recording is caused to be heard in public —

- (a) at premises where persons reside or sleep, as part of the amenities provided exclusively for residents or inmates of the premises or for those residents or inmates and their guests; or
 - (b) as part of the activities of, or for the benefit of, a club, society or other organization that is not established or conducted for profit and the principal objects of which are charitable or are otherwise concerned with the advancement of religion, education or social welfare,
- the act of causing the recording to be so heard does not constitute an infringement of the copyright in the recording.

(2) The last preceding sub-section does not apply —

- (a) in relation to premises of a kind referred to in paragraph (a) of that sub-section, if a specific charge is made for admission to the part of the premises where the recording is to be heard; or
- (b) in relation to an organization of a kind referred to in paragraph (b) of that sub-section, if a charge is made for admission to the place where the recording is to be heard and any of the proceeds of the charge are applied otherwise than for the purposes of the organization.

(3) A reference in the last preceding sub-section to a specific charge, or a charge, made for admission includes a reference to a specific charge, or a charge, made partly for admission and partly for other purposes.

Making of record embodying sound recording for purpose of broadcasting

107. — (1) Where the broadcasting by a person of a sound recording would not (whether by reason of an assignment or

licence or of the operation of a provision of this Act) constitute an infringement of the copyright in the recording but the making by the person of a record embodying the recording would, apart from this sub-section, constitute such an infringement, the copyright in the recording is not infringed by his making a record embodying the recording in association with other matter solely for the purpose of the broadcasting of the recording in association with the other matter.

(2) The last preceding sub-section does not apply in relation to a record if the record is used for a purpose other than—

- (a) the broadcasting of the recording in circumstances that do not (whether by reason of an assignment or licence or of the operation of a provision of this Act) constitute an infringement of the copyright in the recording; or
- (b) the making of further records embodying the recording for the purpose of the broadcasting of the recording in such circumstances.

(3) Sub-section (1) of this section does not apply in relation to a record where the record is used for the purpose of the broadcasting of the recording by a person who is not the maker of the record unless the maker has paid to the owner of the copyright in the recording such amount as they agree or, in default of agreement, has given an undertaking in writing to the owner to pay to him such amount as is determined by the Copyright Tribunal, on the application of either of them, to be equitable remuneration to the owner for the making of the record.

(4) A person who has given an undertaking referred to in the last preceding sub-section is liable, when the Copyright Tribunal has determined the amount to which the undertaking relates, to pay that amount to the owner of the copyright in the recording and the owner may recover that amount in a court of competent jurisdiction from the person as a debt due to the owner.

(5) Sub-section (1) of this section does not apply in relation to a record unless, before the expiration of the period of twelve months commencing on the day on which any of the records made in accordance with that sub-section is first used for broadcasting the recording in accordance with that sub-section, or before the expiration of such further period, if any, as is agreed between the maker of the record and the owner of the copyright in the recording, all the records made in accordance with that sub-section are destroyed or are delivered, with the consent of the National Librarian, to the National Library.

Copyright in published recording not infringed by public performance if equitable remuneration paid

108. — (1) The copyright in a sound recording that has been published is not infringed by a person who causes the recording to be heard in public if—

- (a) the person has paid to the owner of the copyright in the recording such amount as they agree or, in default of agreement, has given an undertaking in writing to the owner to pay to him such amount as is determined by the Copyright Tribunal, on the application of either of

them, to be equitable remuneration to the owner for the causing of the recording to be heard in public; and

- (b) in the case of a recording that was first published outside Australia — the recording has been published in Australia or the prescribed period after the date of the first publication of the recording has expired.

(2) A person who has given an undertaking referred to in the last preceding sub-section is liable, when the Copyright Tribunal has determined the amount to which the undertaking relates, to pay that amount to the owner of the copyright in the recording and the owner may recover that amount in a court of competent jurisdiction from the person as a debt due to the owner.

(3) Regulations prescribing a period for the purposes of paragraph (b) of sub-section (1) of this section may prescribe different periods in relation to different classes of sound recordings.

Copyright in published sound recording not infringed by broadcast in certain circumstances

109. — (1) Subject to this section, the copyright in a published sound recording is not infringed by the making of a broadcast of that recording if—

- (a) where there is no order of the Tribunal in force under section 152 of this Act applying to the maker of that broadcast in relation to the time when that broadcast was made — the maker of that broadcast has given an undertaking in writing to the person who is the owner of the copyright in that recording to pay to him such amounts (if any) as may be specified in, or determined in accordance with, an order of the Tribunal made under that section in respect of the broadcasting by the maker, during a period within which that broadcast was made, of published sound recordings in which the copyrights are owned by that person and which include that recording; or

- (b) where there is an order of the Tribunal in force under that section applying to the maker of that broadcast in relation to the time when that broadcast was made —

- (i) the copyright in that recording is owned by a person who is specified in the order as one of the persons among whom the amount specified in, or determined in accordance with, the order is to be divided and the maker of the broadcast makes payments to the person in accordance with the order; or
- (ii) the copyright in that recording is owned by a person who is not so specified in the order.

(2) The last preceding sub-section does not apply in relation to a broadcast of a sound recording if the broadcast was made in accordance with an agreement between the maker of the broadcast and the owner of the copyright in the recording.

(3) Sub-section (1) of this section does not apply in relation to a broadcast of a sound recording that has not been published in Australia if the broadcast was made before the expiration of the prescribed period after the date of the first publication of the recording.

(4) Regulations prescribing a period for the purposes of the last preceding sub-section may prescribe different periods in relation to different classes of sound recordings.

(5) Sub-section (1) of this section does not apply in relation to a broadcast of a sound recording that has not been published in Australia if —

- (a) the recording consists of, or includes, a musical work in which copyright subsists;
- (b) the musical work was made for the purpose of being performed, or has been performed, in association with a dramatic work or has been included in a cinematograph film; and
- (c) records of the musical work have not been supplied (whether by sale or otherwise) to the public in Australia.

(6) For the purposes of paragraph (c) of the last preceding sub-section, a supplying of records of a musical work shall be disregarded if the supplying was done otherwise than by, or with the licence of, the owner of the copyright in the work.

Provisions relating to cinematograph films

110. — (1) Where the visual images forming part of a cinematograph film consist wholly or principally of images that, at the time when they were first embodied in an article or thing, were means of communicating news, the copyright in the film is not infringed by the causing of the film to be seen or heard, or to be both seen and heard, in public after the expiration of fifty years after the expiration of the calendar year in which the principal events depicted in the film occurred.

(2) Where, by virtue of this Part, copyright has subsisted in a cinematograph film, a person who, after that copyright has expired, causes the film to be seen or heard, or to be seen and heard, in public does not, by so doing, infringe any copyright subsisting by virtue of Part III in a literary, dramatic, musical or artistic work.

(3) Where the sounds that are embodied in a sound-track associated with the visual images forming part of a cinematograph film are also embodied in a record, other than such a sound-track or a record derived directly or indirectly from such a sound-track the copyright in the cinematograph film is not infringed by any use made of that record.

Filming or recording broadcasts for private and domestic use

111. — (1) The copyright in a television broadcast in so far as it consists of visual images is not infringed by the making of a cinematograph film of the broadcast, or a copy of such a film, for the private and domestic use of the person by whom it is made.

(2) The copyright in a sound broadcast, or in a television broadcast in so far as it consists of sounds, is not infringed by the making of a sound recording of the broadcast, or a record embodying such a recording, for the private and domestic use of the person by whom it is made.

(3) For the purposes of this section, a cinematograph film or a copy of such a film, or a sound recording or a record embodying such a recording, shall be deemed to be made

otherwise than for the private and domestic use of the person by whom it is made if it is made for the purpose of —

- (a) the sale or letting for hire of a copy of the film or of a record embodying the recording, as the case may be;
- (b) broadcasting the film or recording; or
- (c) causing the film or recording to be seen or heard in public.

Reproductions by libraries of editions of works

112. — (1) Subject to this section, the copyright in a published edition of a work or works is not infringed by the making by, or on behalf of, a librarian of a reproduction of part of the edition.

(2) The last preceding sub-section does not apply in relation to a reproduction of a part of an edition unless —

- (a) the reproduction is supplied only to a person who satisfies the librarian, or a person acting on behalf of the librarian, that he requires the reproduction for the purpose of research or private study and that he will not use it for any other purpose or, if the person to whom the reproduction is supplied is a member of a Parliament and the librarian is the librarian of a library the principal purpose of which is to provide library services for members of that Parliament, that he requires the reproduction for the purpose of the performance of his duties as such a member and that he will not use it for any other purpose;
- (b) the person to whom the reproduction is supplied has not previously been supplied by the librarian, or by a person acting on behalf of the librarian, with a reproduction of the same part of the edition;
- (c) where the reproduction is supplied to a person other than a member of a Parliament — the person is required to pay for the reproduction an amount not less than the cost of making the reproduction; and
- (d) the reproduction contains only a reasonable portion of the edition.

(3) The regulations may exclude the application of sub-section (1) of this section in such cases as are specified in the regulations.

Division 7. — Miscellaneous

Copyrights to subsist independently

113. — (1) Subject to sub-section (2) of section 110 of this Act, where copyright subsists in any subject-matter by virtue of this Part, nothing in this Part shall be taken to affect the operation of Part III in relation to any literary, dramatic, musical or artistic work from which that subject-matter is wholly or partly derived, and any copyright subsisting by virtue of this Part is in addition to, and independent of, any copyright subsisting by virtue of Part III.

(2) The subsistence of copyright under any provision of this Part does not affect the operation of any other provision of this Part under which copyright can subsist.

(To be continued)

INTERNATIONAL ACTIVITIES

Extraordinary Session of the Intergovernmental Copyright Committee (Unesco)

(Paris, September 2 to 11, 1970)

Report

I. Introduction

1. The Intergovernmental Copyright Committee established by Article XI of the Universal Convention, met in extraordinary session at Unesco Headquarters in Paris from 2 to 11 September 1970.

2. Eleven of the twelve Member States of the Intergovernmental Copyright Committee were represented, namely: Brazil, France, Federal Republic of Germany, India, Italy, Kenya, Spain, Switzerland, Tunisia, United Kingdom, United States of America.

3. The following States, parties to the Universal Convention or members of the United Nations or of the United Nations Educational, Scientific and Cultural Organization were represented by observers: Andorra, Australia, Austria, Canada, Chile, Costa Rica, Czechoslovakia, Denmark, Ghana, Greece, Guatemala, Holy See, Japan, Laos, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Panama, Philippines, Sweden, Venezuela and Yugoslavia.

4. The Acting Director-General of Unesco and the Director of the United International Bureaux for the Protection of Intellectual Property attended the meeting in an advisory capacity.

5. The representatives of three intergovernmental organizations and of seventeen non-governmental international organizations followed the proceedings in the capacity of observers.

6. The list of the participants appears in the annex to this report*.

7. In the absence of Mr. Ribeiro (Brazil), Chairman of the Intergovernmental Copyright Committee, Mr. William Wallace (United Kingdom), Vice-Chairman of the Committee, opened the session and presided over the meetings.

8. Mr. Saba, Assistant Director-General of Unesco for International Standards and Legal Affairs and Acting Director-General, extended a most cordial welcome to the participants. He said that the present session of the Intergovernmental Committee was particularly important because its purpose was to give final form to the proposals for revision of the Universal Copyright Convention and to settle any other questions relevant to the Conference for revision of that instrument.

Adoption of the provisional agenda

9. As a result of the discussion following upon the request of the United Kingdom to circulate a document which appears

as IGC/XR.2/8, the Committee decided to add to the agenda the subject of protection of phonograms as item 6a). The provisional agenda, document IGC/XR.2/1, so modified, was adopted.

II. Consideration of the Proposals for Revision of the Universal Copyright Convention prepared by the Ad Hoc Preparatory Committee

10. The Intergovernmental Committee had available the preparatory documentation drawn up by the Secretariat, including the report adopted by the Ad Hoc Preparatory Committee which met at Unesco Headquarters in Paris from 11 to 16 May 1970, which contains a draft text of the proposals for revision of the Universal Convention (document IGC/XR.2/2), as well as the comments on this draft text submitted by the States parties to that instrument and by the non-governmental organizations concerned (documents IGC/XR.2/3, 3 Add. 1, 3 Add. 2, 3 Add. 3, 3 Add. 4, 3 Add. 5, 3 Add. 6, IGC/XR.2/4).

11. With regard to the documentation submitted during the proceedings, reference to this is made at each particular point.

12. The part of the report which follows sets forth the results of the Committee's proceedings, referring to the present articles of the Universal Convention or to the new articles proposed.

Preamble

13. No change has been proposed to the text of the preamble as it appears in the Universal Copyright Convention adopted in 1952.

Article I

14. No change to this article has been proposed.

Article II

15. The draft text of Article II adopted by the Ad Hoc Preparatory Committee has been accepted by the Intergovernmental Committee except for the insertion of "Revised" before "Convention" in paragraphs 1 and 2 of that article.

Articles III and IV

16. The Intergovernmental Committee has accepted the proposal of the Ad Hoc Preparatory Committee to insert the word "Revised" before "Convention" in Articles III and IV, paragraph 2, as they appear in the Universal Copyright Convention adopted in 1952.

* The list is not reproduced in this review, but it can be obtained, on request, from the Copyright Division, Unesco, Paris.

Article IV^{bis}

17. Certain delegations expressed the wish that a mention of the right of adaptation be added to Article IV^{bis}, paragraph 1.

18. In view of the difficulties that the inclusion of this right might create for certain States, other delegations asked whether it would not be enough to mention in the report that the right of reproduction includes the reproduction of works either in their original form or in a form derived from the original.

19. These two proposals gave rise to an exchange of views culminating in the decision by the Intergovernmental Committee to add at the end of the text of Article IV^{bis}, paragraph 1, drafted by the Ad Hoc Preparatory Committee, the words "... of their works either in their original form or in any form recognizably derived from the original". Further, the word "including" was substituted for the word "namely" preceding the reference to rights of reproduction, of public performance and of broadcasting.

20. Further, the Intergovernmental Committee decided to refer to the Drafting Committee a proposal the intention of which is to bring the wording of this paragraph into conformity with that of Article V, paragraph 1.

21. Further, in view of the provisions of Article X of the Convention, the Intergovernmental Committee did not adopt a proposal to add to the end of this paragraph a stipulation to the effect that each Contracting State should undertake to make appropriate provisions to penalize the non-observance of these rights.

22. With regard to paragraph 2 of Article IV^{bis}, the Intergovernmental Committee, having examined the two texts submitted by the Ad Hoc Preparatory Committee, adopted the text of Alternative A. Certain alterations thereto were proposed, but the Intergovernmental Committee did not, after discussion, modify the text established by the Ad Hoc Preparatory Committee.

Article V

23. The Intergovernmental Committee adopted the proposal made by the Ad Hoc Preparatory Committee to insert the word "Revised" before the word "Convention" in the text of Article V as it appears in the Universal Copyright Convention adopted in 1952.

Article V^{bis}

24. The Intergovernmental Committee adopted the draft text established by the Ad Hoc Preparatory Committee with two alterations in the wording of paragraph 2, namely, to substitute the words "Any such notification" for the words "Any notification under Article V^{ter} and V^{quater}" opening the first sentence of this paragraph, and the inclusion in the last sentence of the word "Initial" before the words "notifications may also be made ...".

25. After the Intergovernmental Committee's attention was drawn to Article 1, paragraph (6), of the draft text of an Additional Act adopted by the Ad Hoc Preparatory Committee for the revision of the Berne Convention, the Chairman explained that all were agreed that there should be no pos-

sibility of applying reciprocity to a developing country making a reservation under Article V^{bis}. In the draft of the Additional Act mentioned, since the word "reservations" was used as distinct from the wording employed in Article V^{bis}, it was thought necessary in such draft to exclude the possibility that reciprocity might be allowable. In the light of this explanation, the Intergovernmental Committee deemed it unnecessary to refer to reciprocity in the proposed Article V^{bis}.

Article V^{ter}

26. A preference for Alternative A was expressed by the developing countries. Such countries nevertheless considered this Alternative as not completely satisfactory, particularly in light of the fact that among developing countries a different treatment could result depending upon whether or not the developing country had a national language which was a language of general use. Other countries expressed a preference for Alternative B. Still others, although expressing a preference for Alternative B, noted that Alternative C contained elements not found in either Alternatives A or B which also merited consideration by the Diplomatic Conference.

27. The view was also expressed that it was exceedingly important that export of works translated under a compulsory licence be prohibited and that a distinction be drawn between world and regional languages. The opinion was also advanced that the suggested distinction of world and regional languages did not fully take into account the needs of all developing countries.

28. The question was raised whether a work consisting wholly or principally of illustrations would bring into play the compulsory licensing provisions of Article V^{ter} or those of Article V^{quater} or of both. The opinion was expressed that those works in which the illustrations were secondary to the text should be governed by Article V^{ter} in which event the licence to translate would carry with it the right to reprint the illustrations. On the other hand, if the thrust of the work centred on the illustrations, then the provisions of Article V^{quater} would be applicable. Accordingly, the Committee decided to add to Article V^{ter} a provision to the effect that if a work consisted mainly of illustrations, a licence to translate the text and reproduce the illustrations may be granted only if the conditions of Article V^{quater} are also fulfilled.

29. Certain countries expressed misgivings as to the retention in Alternatives A, B and C of the words "just compensation that is consistent with standards of royalties normally operating on licences freely negotiated between persons in the two countries concerned". In their view, the concept of just compensation carried with it notions emanating from constitutional provisions and judicial decisions in certain countries which hold that just compensation is referable to the market value of the property in question and entails payment in internationally convertible currency. This was reinforced by the reference in the draft text to the "standards of royalties normally operating on licences freely negotiated between persons in the two countries concerned". As a consequence, developing countries may find it difficult to pay such compensation whereas fair compensation payable in accordance with the standards applicable in developing coun-

tries in relation with its authors should be sufficient. A number of countries dissented from this view.

30. The Committee accepted the proposal of the delegation of France, as set forth in document IGC/XR.2/7, to improve the drafting of paragraph 3 of Alternative A, paragraph 2 of Alternative B and paragraph 2 of Alternative C.

31. In the light of the foregoing consideration and proposed modifications and, taking into account the remarks of a number of delegations who pointed out that the various aspects of the scope and application of Article V^{ter} must be regarded in their ensemble, the Intergovernmental Committee referred the matter of revising Article V^{ter} to an Informal Working Group composed of the delegations of Brazil, France, Federal Republic of Germany, India, Italy, Kenya, Spain, Tunisia, United Kingdom and the United States of America, charged to consider the revision of Article V^{ter} and Article V^{quater} in their ensemble.

32. The Informal Working Group presented to the Intergovernmental Committee a document, IGC/XR.2/12, containing a proposal for the revision of Article V^{ter} submitted by the delegates of France, Federal Republic of Germany, India, Kenya, Tunisia, United Kingdom and the United States of America.

33. During the course of the discussion on this proposal, it was stated that in the view of some delegations the word "research" in the phrase "for the purpose of teaching, scholarship or research" was to be understood as not linked to industry, it being further noted that in light of the wording in Article V^{ter} whereby the licence was grantable to publish a work, it was difficult to conceive otherwise.

34. While associating themselves in general with the principles reflected in the proposal contained in document IGC/XR.2/12, the delegations of Italy and Brazil expressed reservations.

35. The Brazilian delegation stated that the drafting of the standards concerning the time-limits relating to the right of translation was contrary to the spirit in which the Convention should be revised. In its view, revision had been undertaken with a view to enabling the developing countries to have easier access to the culture of the developed countries. The proposed text, however, drew a linguistic distinction between developing countries, and thus gave rise to discrimination between them in regard to access to the culture of the developed countries. Consequently the Brazilian delegation expressed reservations on paragraphs 1 and 5 of this Article.

36. The delegation of Italy stated that it could not at the present time endorse the provision for a period of one year specified in paragraph 1 of the text for Article V^{ter} which was shorter than that provided for in a similar provision of the Stockholm Protocol.

Article V^{quater}

37. The question was raised as to the type of work to which the provisions of the proposed Article V^{quater} should apply. A proposal was made to bring the wording in paragraph (a) in line with that in Article I of the Universal Copyright Convention adopted in 1952 by expressly mentioning

scientific works. It was also proposed that Article V^{quater} should reflect a relationship between the type of work and the length of the term after the expiration of which a compulsory licence could be granted. If that proposal were acceptable, the length of the term in respect of scientific works could be shorter than that for other works in view of the fact that scientific works become outdated quickly. A suggestion was also made that if such an approach were adopted consideration might also be given to whether textbooks should receive a treatment similar to that for scientific works.

38. Turning to another aspect of the type of works for which a compulsory licence for reproduction might be granted pursuant to Article V^{quater}, the question was raised as to whether the wording of this Article as adopted by the Ad Hoc Preparatory Committee was intended to cover cinematographic works, dramatic works and other works not related to books. If it was so intended, or if the wording of the provisions concerning the compulsory licence for reproduction was to be so broadly drafted so as to include such other works, it was pointed out that it would be difficult for certain countries to ratify the Convention.

39. The difference in wording between this Article and the analogous provision of Article 3 of the Draft Text of an Additional Act adopted by the Ad Hoc Preparatory Committee for the Revision of the Berne Convention was alluded to. It was pointed out that the two Conventions differed considerably as to the extent of the rights provided for. The concept of publication as defined in Article VI of the Universal Copyright Convention was referred to.

40. Drawing attention to the words "date of first publication", "edition" and "price" used in Article V^{quater}, a view was expressed that it was clear from the text that only books and magazines were intended but that the issue could be clarified by adopting wording similar to that used in Article 3 of the Draft Text of an Additional Act adopted by the Ad Hoc Preparatory Committee for the Revision of the Berne Convention, wherein the phrase "printed edition" is employed.

41. In opposition to this point of view, it was stressed that films and other audiovisual material should not be excluded from the scope of Article V^{quater} as they were important for systematic instructional activities.

42. It was pointed out that a literal reading of the provisions of Article V^{quater} led to the conclusion that it would be permissible to issue a compulsory licence to reproduce a translation of a work. This was in contrast to Article I(c)(i) of the Stockholm Protocol wherein it is stated that the work must not have been published "in that country in the original form in which it was created". These words indicated that a compulsory licence for reproduction could be issued in a country only with respect to works in their original language. Otherwise, in the case where a work had been translated and distributed in one country, whether under contractual licence or compulsory licence, but not in another, the latter could issue a compulsory licence for the reproduction of the translation, thus enabling publishers in such country to enter the market for works in a world language on very favourable conditions.

43. On the other hand, the view was expressed that since under Article V^{quater} the author of the original would be subjected to a compulsory licence for reproduction, it would seem paradoxical for the proprietor of the translation not to be subject to such a compulsory licence, and this all the more so, as such a proprietor had himself benefited from a compulsory licence. Moreover, it would be difficult to accept, as had been suggested by some, that a distinction be drawn between world and regional languages enabling a compulsory licence to be granted only for the latter.

44. Another approach suggested was to make a distinction between works translated under a contractual licence and those works translated under a compulsory licence, with the latter only excepted from the provisions of Article V^{quater}. In any event, two compulsory licences would be required, the one in connection with the original work and the other for the translation.

45. To others, a distinction between translations under contractual licence and those under compulsory licence introduced complications and further, the "cascading" of licences should be avoided.

46. It was suggested that since the heart of the problem seemed to be whether or not the translated works reproduced under compulsory licence were exported or not, the solution lay in imposing restrictions on the exportation of such works. Moreover, the problem under discussion raised the question whether Article V^{quater} was intended to apply between developing countries as distinct from only between developing countries, on the one hand, and developed countries on the other.

47. Referring to the apparent inconsistency between the requirement that the work has not been "generally distributed to the public in that State" and the issuance for "use in connection with systematic instructional activities", it was suggested that the former phrase, wherever employed in Article V^{quater}, be modified to read "generally distributed in that State to the public or in connection with systematic instructional activities". Further, it was suggested that since the word "corresponding" in the phrase "at a price corresponding to that charged in the State for comparable works" was imprecise and subject to interpretation as meaning "exact", it would be preferable to substitute the words "reasonably related" for such word.

48. Drawing attention to the need to provide for not only the expeditious dispatch of copies of an application for a licence, as provided in sub-paragraph (b) of paragraph 1 of Article V^{quater}, but also to fix in an official manner the date of their dispatch, a proposal was made and accepted that the applicant be required to send such copies by registered air mail.

49. Opposition was expressed to the retention of sub-paragraph (a) of paragraph 2 of Article V^{quater}.

50. In explanation of sub-paragraph (a) of paragraph 2, it was pointed out that a large number of countries at the May 1970 Meeting of the Ad Hoc Preparatory Committee were opposed to any exportation of works reproduced under compulsory licence, whereas other countries desired a limited form of export. A provision to the latter effect, placed in

brackets, was included and appears as sub-paragraph (a), and gives the States the option of being considered as one State for all purposes of Article V^{quater}.

51. In support of the retention of sub-paragraph (a), modified to replace the words "close cultural relations" with the words "using the same language", the developing countries remarked that in certain cases, as where the process of reproduction was costly, a limited form of export was in order not for commercial purposes, but for reasons of economy in expenditures by developing countries for needed works.

52. In the light of the foregoing considerations and, taking into account the remarks of a number of delegations who pointed out that the various aspects of the scope and application of Article V^{quater} must be regarded in their ensemble the Intergovernmental Committee referred the matter of revising Article V^{quater} to the Informal Working Group composed of the delegations mentioned in paragraph 33 charged to consider the revision of Articles V^{ter} and V^{quater} in their ensemble.

53. The Informal Working Group presented to the Intergovernmental Committee a document, IGC/XR.2/13, containing a proposal for the revision of Article V^{quater} submitted by the delegates of Brazil, France, Federal Republic of Germany, India, Italy, Kenya, Tunisia and the United States of America.

54. As a result of the discussions on this proposal, the Intergovernmental Committee accepted a number of proposed modifications to the text for Article V^{quater} advanced in this proposal.

55. In particular, it accepted a suggestion to include musical works in the categories of works to which the period of seven years applied.

56. In addition, after hearing an explanation as to the need to permit time for reasonable alternative arrangements to be made, the Intergovernmental Committee accepted the suggestion to include a provision to the effect that before a licence may be granted a period of six months must elapse in the case of licences which may be granted after three years. Following upon the acceptance of this suggestion, the delegation of the United Kingdom agreed that it be added to the list of these delegations mentioned in document IGC/XR.2/13.

57. Further, the Intergovernmental Committee also accepted a suggestion to improve the drafting of sub-paragraph (f) of paragraph 1 by more clearly expressing the intention to limit the cases in question to translations. In this connection, it was noted that in the view of the Working Group a translation was "a particular edition" in the sense in which these words were employed in the Article.

58. During the course of the discussion on the proposal contained in the document presented by the Working Group, certain delegations expressed their understanding of the impact of certain provisions of Article V^{quater} in the form proposed.

59. In particular, with respect to the categories of works mentioned in sub-paragraph (b) of paragraph 1, it was the general consensus that encyclopaedias of a general nature should not be regarded as subject to the compulsory licensing system at all since they were not used in connection with systematic instructional activities.

60. In connection with a discussion of the phrase "systematic instructional activities", which had originated in the draft text presented to the Preparatory Committee at its May 1970 meeting it was explained that this phrase was intended to include not only activities connected with the formal and informal curriculum of an educational institution, but also systematic out of school education. It was further remarked, as Article V^{quater} was envisaged, the competent authority in a developing country to whom a request for a reproduction licence has been referred would be under a duty to determine that the licence would fulfil the needs of specified "systematic instructional activities", and that licences would be refused if such activities were merely incidental to the actual purpose of the reproduction.

61. With respect to the phrase "in printed or analogous forms of reproduction" in paragraph 3, it was explained that the purpose of the words "analogous forms" was to enlarge upon the word "printed" to which these words related, in order to take into account the rapid technological developments in the forms of reproduction.

62. In response to an appeal by the delegates of certain countries for a unanimous support of the draft text of Articles V^{ter} and V^{quater}, certain delegations while associating themselves in general with the principles reflected in these draft texts declared that they were not in a position at this time to completely endorse such texts but stated that they shared the view that in order to arrive at a text acceptable to all countries at the Diplomatic Conference every effort should be made to give sympathetic consideration to the minor divergences which had appeared.

Articles VI and VII

63. The Intergovernmental Committee adopted the proposal of the Ad Hoc Preparatory Committee that the word "Revised" be inserted before the word "Convention" in the text of Articles VI and VII as they appear in the Universal Copyright Convention adopted in 1952.

Article VIII

64. The draft text of Article VIII established by the Ad Hoc Preparatory Committee was adopted by the Intergovernmental Committee.

Article IX

65. The attention of the Intergovernmental Committee was drawn to the fact that, on grounds of principle, certain governments might find it difficult to accept the system proposed by the Ad Hoc Preparatory Committee under paragraph 4 of Article IX, which appears to impose upon a State that is a Party to the 1952 Convention only the obligation to accept the provisions of the Revised Convention, unless the State in question has duly deposited the notification of its intention not to do so. It is in fact difficult to admit that a Convention should modify the legal obligations of States that do not adhere thereto, or that a Convention should impose upon States the obligation to deposit a notification in order to obviate the application of the Convention with respect to them. In view of this, certain delegations chose to reserve their government's position on this question.

Article X

66. The Intergovernmental Committee adopted the proposal of the Ad Hoc Preparatory Committee to insert the word "Revised" before the word "Convention" in the text of Article X as it appears in the Universal Copyright Convention adopted in 1952.

Article XI

67. During the debate concerning the Intergovernmental Copyright Committee, three main questions were considered: (1) by whom should the members of the Committee be elected; (2) according to what criteria; (3) would the Intergovernmental Committee established by the terms of the Convention adopted in 1952 coexist with the Intergovernmental Committee established by the terms of the Revised Convention, or would the latter have the power to take decisions applicable to States Parties to the 1952 Convention only?

68. On the first point, certain delegations expressed the view that members of the Intergovernmental Committee set up by the terms of the Revised Convention should be elected by the Contracting States as a whole. Other delegations suggested that the members of the Committee be elected initially by all the States Parties, at the Revision Conference, but that subsequent elections be conducted in accordance with the existing procedure. The question having been raised as to how far it was possible to appoint members of the Committee before the entry into force of the Convention, since a State so elected need not have adhered to the Convention or ratified it upon its entry into force, it was pointed out that the 1952 Convention had already provided for such a contingency, subparagraph (b) of paragraph 3 of the resolution concerning Article XI in its present form stating that "the representatives of those States which have not ratified, accepted or acceded shall be the first to retire". The view was also put forward that a Committee appointed at the Revision Conference could act only in a provisional capacity until such time as it was established permanently, following the entry into force of the Convention.

69. With regard to the selection of the members of the Intergovernmental Committee, it was observed that positive, precise and detailed criteria therefor were to be laid down by the Revision Conference.

Further, many delegations considered that the reference to "importers or exporters" of copyrighted works in the text of paragraph 3 of Article XI prepared by the Ad Hoc Preparatory Committee should be deleted, since it introduces as one of the criteria governing the selection of the members of the Committee a notion that is completely alien as regards copyright and which, in the opinion of these delegations, should remain so.

In order to eliminate all reference to considerations of a commercial character that might be implied by the use of the words "importer or exporter", certain delegations proposed that the words "producer or user" be substituted.

At the close of the discussions that took place on this subject, the Intergovernmental Committee decided not to accept this proposal and to delete the reference to importers

and exporters of copyrighted works from this paragraph. Some countries disagreed with this decision.

70. As to the question whether the Intergovernmental Committee set up under the terms of the 1952 Convention and the Intergovernmental Committee set up under the Revised Convention will coexist, it was pointed out that the two Committees will be obliged to coexist as long as States remain Parties to the 1952 Convention only. The opinion was also expressed that, in practice, this situation ought not to present any problems, to the extent that the text of paragraph 1 of the resolution relating to Article XI, drafted by the Ad Hoc Preparatory Committee, was maintained. Under the terms of this provision, the Intergovernmental Committee set up under the Revised Convention would be composed initially, in addition to the representatives of the six States to be appointed, of representatives of the twelve Member States belonging to the Intergovernmental Committee established under the terms of Article XI of the 1952 Convention and of the Appendix resolution thereto. On the other hand, the six new countries, to be appointed by the Conference, would almost certainly be parties to the 1952 Convention and there would therefore unlikely be any problem in practice.

71. At the close of the discussions on this Article and on the resolution relating to it, the Intergovernmental Committee decided that the text adopted by the Ad Hoc Preparatory Committee should be maintained, with the amendment referred to in paragraph 69 above.

Article XII

72. The Intergovernmental Committee endorsed the draft text of Article XII, adopted by the Ad Hoc Preparatory Committee.

Article XIII

73. The Intergovernmental Committee approved the Ad Hoc Preparatory Committee's proposal to insert the word "Revised" before the word "Convention" in the text of Article XIII, as it appears in the Universal Copyright Convention adopted in 1952.

Article XIV

74. The Intergovernmental Committee endorsed the draft text of Article XIV adopted by the Ad Hoc Preparatory Committee.

Articles XV and XVI

75. The Intergovernmental Committee endorsed the Ad Hoc Preparatory Committee's proposal to insert the word "Revised" before the word "Convention" in the text of Articles XV and XVI, as it appears in the Universal Copyright Convention adopted in 1952.

Article XVII and Appendix Declaration relating thereto

76. The Intergovernmental Committee endorsed the draft text of Article XVII adopted by the Ad Hoc Preparatory Committee.

77. With regard to sub-paragraph (b) of the Appendix Declaration relating to Article XVII, drafted by the Ad Hoc Preparatory Committee, which provides that, notwithstanding

the terms of Article XVII and the Appendix Declaration relating thereto, a Contracting State regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, which withdraws from the Berne Union, would continue to be protected by the Universal Copyright Convention, it is proposed that any State concerned which desires to avail itself of the said provision should deposit with the Director-General of Unesco, at the time of its withdrawal from the Berne Union, a notification to the effect that it regards itself as a developing country. The Intergovernmental Committee endorsed this proposal.

The Committee's attention was also drawn to the fact that the wording of paragraph 3 of the Appendix Declaration relating to Article XVII proposed by the Ad Hoc Preparatory Committee needed re-drafting, in particular as regards the reference to the relative stage of cultural, social and economic development.

Articles XVIII, XIX and XX

78. The Intergovernmental Committee endorsed the Ad Hoc Preparatory Committee's proposal to insert the word "Revised" before the word "Convention" in the text of Articles XVIII, XIX and XX, as it appears in the Universal Copyright Convention adopted in 1952.

Article XXI

79. Since the Director-General of Unesco is bound, in his capacity of depositary of the Convention, to inform all interested States of the various matters concerning this instrument with which governments need to be acquainted and, especially, notifications deposited in conformity with these provisions, the Intergovernmental Committee decided not to mention the various articles providing for such notifications in the text of Article XXI.

80. At the conclusion of its discussions on the proposals for the revision of the Universal Copyright Convention, resulting from the work of the Ad Hoc Preparatory Committee, the Intergovernmental Committee charged a drafting committee consisting of the Federal Republic of Germany, France, India, Kenya, Spain, United Kingdom and the United States of America to prepare, in the light of the decisions taken by the Intergovernmental Committee, a revised text.

81. On the basis of a draft prepared by the Secretariat, document IGC/XR.2/14, the Drafting Committee, through its Chairman, Professor Eugen Ulmer, presented to the Intergovernmental Committee, a document, IGC/XR.2/14 Rev., containing proposals for the revision of the Universal Copyright Convention, prepared by the Drafting Committee on the basis of the decisions of the Intergovernmental Committee.

82. In so presenting the document, the Chairman of the Drafting Committee drew the attention of the Intergovernmental Committee to the efforts of the Drafting Committee to harmonize the wording of paragraph 1 of Article IV^{bis} with that in paragraph 1 of Article V. In addition, the Chairman reported that the Drafting Committee had also brought into line the wording in similar provisions of Article V^{ter} and V^{quater} relating to exportation, notice and payment of com-

pensation and had examined the question of the extent to which these provisions might be included in a separate article, Article V^{quinquies}. However, in the interest of simplicity and of facility of understanding the application of the provisions of these Articles, the Drafting Committee preferred to maintain the text as set forth in document IGC/XR.2/14 Rev.

83. It appeared to the Intergovernmental Committee that the inclusion in the Convention of special provisions allowing developing countries to publish certain works and translations under compulsory licences means, *a contrario* that, except as provided in Article V, there could be no question of developed countries instituting a general system of compulsory licensing for the publication of literary, scientific or artistic works.

84. At the close of these deliberations the Intergovernmental Committee decided to submit to the Diplomatic Conference the proposals for revision of the Universal Copyright Convention which appear in the annex to this document.

85. The delegation of France declared itself willing to recommend the adoption of these proposals, and was supported by the delegations of the Federal Republic of Germany, India, Kenya, Spain and the United Kingdom.

III. Consideration of the Draft Rules of Procedure of the Conference to Revise the Universal Copyright Convention

86. During the course of the discussion of the draft provisional rules of procedure for the Conference for Revision of the Universal Copyright Convention, set forth in document IGC/XR.2/5, prepared by the Secretariat, the Intergovernmental Committee accepted proposals for the modification of this draft relating to the provisions concerning the scope of the credentials, the communication to the Secretariat of the names of participants, the provisional admission of a delegation, and the election of the Credentials Committee. The Intergovernmental Committee also decided to place within brackets the second sentence of Rule 8 and certain words in Rule 4, paragraph (2). The text so modified, which appears as an appendix to this report*, was adopted as the provisional Rules of Procedure for the Conference.

IV. Place and Dates of the Revision Conference

87. The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI), referring to the recommendations of Washington and Paris to the effect that the conferences for the revision of the Universal Convention and the Berne Convention should be held at the same place and dates, suggested that in the absence of an invitation from a government, these conferences should not be convened at the invitation of one or the other of the two organizations, nor at the Headquarters of one of them, in view of the responsibilities which these organizations assume respectively concerning each of these two instruments, but that these conferences should preferably be held on neutral ground.

88. The Acting Director-General of Unesco, referring to the close co-operation which exists between Unesco and the BIRPI, indicated that the Director-General was ready to place

at the disposal of these two Revision Conferences the requisite premises free of charge from 21 June to 10 July 1971.

He pointed out that this solution would make it possible to avoid the expense involved in holding these conferences at the Headquarters of another organization and which, considering the number of rooms and offices essential, might prove to be rather heavy.

89. After considering the various possibilities, the Intergovernmental Committee decided that the Conference for Revision of the Universal Copyright Convention be held from 21 June to 10 July 1971 and in the absence of an invitation by a State party to the Universal Copyright Convention submitted before 15 October 1970, the Conference be held in Paris at the premises of Unesco.

V. Invitations to the Conference

90. The delegation of France, referring to document IGC/XR.2/6, wherein China is listed as one of the States proposed to be invited to attend the Conference for Revision of the Universal Copyright Convention, stated that in its view the Central People's Government of the People's Republic of China was the only one authorized to represent China and consequently it objected to any invitation being sent to the Taiwan regime. This view was supported by the delegations of Czechoslovakia and Yugoslavia. The delegation of Czechoslovakia also expressed regret that it was not proposed to invite the Democratic Republic of Germany to attend the Conference in the capacity of observer.

91. The delegation of the United States remarked that the Intergovernmental Copyright Committee did not have the legal or political competence to resolve the question of the representation of China. This was a matter properly considered by the General Assembly of the United Nations, which had accepted the National Government of the Republic of China as the representative of China in the United Nations, as had Unesco. The delegation of the United States proposed that the Intergovernmental Committee follow the decisions of the United Nations and continue to invite the National Government of the Republic of China.

92. The Acting Director-General of Unesco, referring to Article XII of the Universal Convention, drew the attention of the Intergovernmental Committee to the fact that, in the event of the Director-General of Unesco being responsible for sending on behalf of the Committee invitations to the Revision Conference, definite guidance should be given to him.

93. The Chairman found that the Committee had taken no new decision on this matter and that in those circumstances the practice that had been followed so far ought to be continued.

VI. Resolution of the Intergovernmental Committee concerning the Convening of the Conference for Revision of the Universal Copyright Convention

94. The delegations of the United Kingdom and the United States of America submitted a draft resolution concerning the convening of the Conference for Revision of the Universal Copyright Convention (document IGC/XR.2/17).

* The text is not reproduced below.

95. During the discussion on the draft resolution, the Committee incorporated therein the decisions it had taken in regard to the place and date of the Revision Conference (see paragraph 89 above).

96. The Intergovernmental Committee decided, moreover, to invite to the Conference for Revision of the Universal Convention, the States, intergovernmental organizations and non-governmental international organizations mentioned in document IGC/XR.2/6 and instructed the Director-General of Unesco to take all the administrative and practical measures necessary for the preparation and holding of this Conference.

97. After making a few drafting amendments to the draft resolution in question, the Intergovernmental Committee adopted the resolution No.1 (XR.2) which appears in the annex to this document.

VII. Protection of Phonograms

98. During the course of the general discussion on this subject, the position taken by the Ad Hoc Preparatory Committee was recalled. In proposing this subject for inclusion in the agenda of the Intergovernmental Committee (see paragraph 9) and suggesting a draft of the sort of provisions that an international instrument for the protection of phonograms against unauthorized reproduction might contain, document IGC/XR.2/8, the delegation of the United Kingdom drew attention to the gravity of the problem and the urgent need for a solution. This proposal was supported by the delegations of the Netherlands and the United States of America.

99. In support of this view, the observer from the International Federation of the Phonographic Industry also noted that immediate measures for protection were equally in the interest of authors and performing artists. The observer from the International Federation of Musicians, speaking also on behalf of the other performers' organizations, also supported the proposal for protection and emphasized that the equilibrium of the Rome Convention should not be disturbed, that the problem affected performers as much as anyone else and that this interest should be recognized in the instrument itself.

100. While sharing the view advanced concerning the gravity of the problem and the need for a solution, it was noted by others that although the subject was covered by the Rome Convention, it had been ratified by a limited number of countries, and that for any new instrument on the subject to be widely accepted, it would be necessary to take into account existing domestic legislation. Such an instrument should include provisions on the term of protection, reciprocity, fair dealing, formalities, and the interests of performers. Further, it was pointed out that any such instrument should take into account the interests of developing countries with respect to teaching, scholarship and research.

101. Although not detracting from the position advanced above, it was pointed out by others that the subject was one which was regarded differently in various countries. It could be approached within the framework of existing regimes of either copyright, or of neighbouring rights, or of unfair competition. Consequently the need for a new international instrument was

recognized which might be adopted and signed at a separate conference held at the same time and place as the conferences for the revision of the Universal Copyright Convention and the Berne Convention. To this end, and in view of the fact that the problem could be discussed but not be resolved by the Intergovernmental Committee, it was suggested that a meeting of government experts be convened to study the subject and to prepare proposals for an appropriate international instrument.

102. While not differing from the main thrust of these points of view, it was stressed that there was a need to avoid jeopardizing efforts to secure ratification of the Rome Convention and that governments would wish to give consideration to the ways and means for a solution which would maintain a balance among all the interests affected.

103. In the light of these discussions, and after considering a draft resolution proposed by the delegation of the United Kingdom, document IGC/XR.2/16, the Intergovernmental Committee accepted certain proposed modifications to this draft and as so modified it was adopted by the Committee and appears as an annex to this report.

104. The Acting Director-General of Unesco pointed out the difficulties, budgetary difficulties in particular, which would arise if it became necessary to convene the Diplomatic Conference concerning the adoption of an international instrument on the protection of phonograms at a different time from the Conferences to revise the Universal Convention and the Berne Convention. He doubted very much whether, in that case, the Director-General of Unesco would be able to take action in accordance with the wish of the Intergovernmental Committee during the period 1971-1972.

105. The representative of BIRPI, speaking on behalf of his organization, endorsed these remarks.

106. With respect to the question of which observers should be represented, it was decided not to prepare a detailed list but to leave it to the competent organs of Unesco and BIRPI, it being understood that among the intergovernmental organizations the International Labour Organisation would be invited and that in extending invitations the discussions of the Committee with respect to international non-governmental organizations on this point would be taken into consideration.

VIII. Other Questions

107. The delegation of Brazil drew attention to the problems posed in the case where the exclusive right of translation in a language had been reserved if such a language was in current use in another country. Noting the state of dependence resulting in such case and referring to the difficulties encountered by such country and the serious consequences to its culture as well as to other developing countries the Brazilian delegation stated that an attempt should be made to correct this situation, particularly in so far as concerns works utilized for purposes of teaching, scholarship or research. To this end, the Brazilian delegation suggested that a statement on the matter could interest States and encourage them to

study the question and that concrete measures be proposed to the Revision Conference.

108. The delegation of the Netherlands recalled that the Washington meeting had recommended that Unesco establish an international mechanism to allow the developing countries wider access to protected works, and asked what action had been taken along those lines.

109. The Acting Director-General of Unesco said that the Director-General had included in the draft programme and budget for 1971-1972 measures to establish an international copyright information service and that the Executive Board, when examining the draft programme and budget, had approved the establishment of the centre. Without anticipating the decisions of the General Conference on the subject, it is expected that the centre will begin operating in January 1971.

Proposals for the Revision of the Universal Copyright Convention adopted by the Intergovernmental Copyright Committee

Preamble

[No change]

Article I

[No change]

Article II

1. Published works of nationals of any Contracting State and works first published in that State shall enjoy in each other Contracting State the same protection as that other State accords to works of its nationals first published in its own territory, as well as the protection specially granted by this Revised Convention.

2. Unpublished works of nationals of each Contracting State shall enjoy in each other Contracting State the same protection as that other State accords to unpublished works of its own nationals, as well as the protection specially granted by this Revised Convention.

3. For the purpose of this Revised Convention any Contracting State may, by domestic legislation, assimilate to its own nationals any person domiciled in that State.

Article III

[No change, except insert "Revised" before "Convention" in each case]

Article IV

[No change, except insert "Revised" before "Convention" in each case]

Article IV^{bis}

1. Copyright shall include the basic rights constituting the author's economic right, including the rights of reproduction by any means, of public performance and of broadcasting of their works either in their original form or in any form recognizably derived from the original.

2. However, any Contracting State may, by its domestic legislation make exceptions that do not conflict with the spirit and provisions of this Revised Convention to the rights mentioned in paragraph 1 above. Any State whose legislation so provides, shall nevertheless accord a reasonable degree of effective protection to each of the rights to which exception has been made.

Article V

[No change, except insert "Revised" before "Convention"]

Article V^{bis}

1. Any Contracting State that is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, and that has ratified, accepted, or acceded to this

IX. Adoption of the Report

110. On concluding its deliberations, the Intergovernmental Committee adopted the present report.

X. Closing of the Session

111. The delegation of India, speaking on behalf of all the participants, expressed to the Chairman the Committee's appreciation of the skill, competence and courtesy with which he had conducted the debates. It congratulated the Secretariat on the assistance it had given during the preparations for the session and throughout the proceedings.

112. The delegation of France seconded these remarks.

113. The Chairman thanked the participants for the work they had done and the Secretariat for its co-operation and its valuable assistance, after which he declared the session closed.

Revised Convention, may, by a notification deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization at the time of said ratification, acceptance or accession or thereafter, avail itself of any or all of the exceptions provided by Articles V^{ter} and V^{quater}.

2. Any such notification shall be effective for ten years from the date of coming into force of this Revised Convention, or for such part of that ten years as remains at the date of deposit of the notification, and may be renewed in whole or in part for further periods of ten years each if, during the year preceding the expiration of the relevant ten-year period, the Contracting State deposits a further notification with the Director-General of Unesco. Initial notifications may also be made during these further periods of ten years in accordance with the provisions of this paragraph.

3. Notwithstanding the provisions of paragraph 2 of this Article, a Contracting State that has ceased to be a developing country as defined in paragraph 1 shall no longer be entitled to renew the period during which it can avail itself of the exceptions provided by Articles V^{ter} and V^{quater}, and whether or not it formally withdraws them, such State shall be precluded from availing itself of said exceptions at the end of the current ten-year period, or at the end of three years after it has ceased to be a developing country, whichever period expires later.

4. Any copies of a work made under the exceptions provided by Articles V^{ter} and V^{quater} may continue to be distributed after expiration of the period for which notifications under this Article were effective.

5. Any Contracting State that has ratified, accepted or acceded to this Revised Convention, and that has deposited a notification in accordance with Article XIII with respect to the application of this Revised Convention to a particular country or territory, the situation of which can be regarded as analogous to that of the States referred to in paragraph 1 of this Article, may also deposit notifications of exceptions and renewals thereof under this Article with respect to any such country or territory. During the effective period of such notifications, the provisions of Articles V^{ter} and V^{quater} may be applied with respect to such country or territory.

Article V^{ter}

1. Any Contracting State to which paragraph 1 of Article V^{bis} applies may substitute for the period of seven years provided in paragraph 2 of Article V the period of three years or any longer period determined by its national legislation. However, in the case of a translation into a language not in general use in one or more developed countries, the period shall be one year instead of three.

2. Any licence under this Article shall be granted only for the purpose of teaching, scholarship or research.

3. Subject to the provisions of this Article, any licence granted under this Article shall be governed by the provisions of Article V, and shall continue to be governed by the provisions of Article V and of this Article, even after the seven-year period provided for in paragraph 2 of Article V has expired.

However, after the said period has expired, the licensee shall be free to request that the said licence be replaced by a new licence governed exclusively by the provisions of Article V.

4. Any licence granted under this Article shall not extend to the export of copies and shall be valid only for publication in the territory of the Contracting State where it has been applied for.

Any copy published in accordance with a licence granted under the provisions of this Article shall, from the time of its first publication, bear a notice in the appropriate language stating that the copy is available for distribution only in the Contracting State to which the said licence applies.

5. Licences obtainable after three years shall not be granted under this Article until a further period of six months has elapsed, and licences obtainable after one year until a further period of nine months has elapsed, from the date of the request for permission to translate mentioned in paragraphs 3 and 4 of Article V.

6. Due provision shall be made to assure

- (i) that the licence provides for just compensation that is consistent with standards of royalties normally operating on licences freely negotiated between persons in the two countries concerned; and
- (ii) payment and transmittal of the compensation: however, should national currency regulations intervene, the competent authority shall make all efforts, by the use of international machinery, to ensure transmittal in internationally convertible currency or its equivalent.

7. For works which are composed mainly of illustrations a licence to translate the text and to reproduce the illustrations may be granted only if the conditions of Article V^{quater} are also fulfilled.

Article V^{quater}

1. Any Contracting State to which paragraph 1 of Article V^{bis} applies may adopt the following provisions:

(a) If, after the expiration of

- (i) the relevant period specified in sub-paragraph (b) of this paragraph commencing from the date of first publication of a particular edition of a literary, scientific or artistic work referred to in paragraph 3, or

- (ii) any longer period determined by national legislation of the State,

copies of such edition have not been generally distributed in that State to the public or in connection with systematic instructional activities at a price reasonably related to that normally charged in the State for comparable works, by the owner of the right of reproduction or with his authorization, any national of such State may obtain a non-exclusive licence from the competent authority to publish such edition at that or a lower price for use in connection with systematic instructional activities.

This licence may only be granted if such national, in accordance with the procedure of the State concerned, establishes either that he has requested, and been denied, authorization by the proprietor of the right to publish such work, or that, after due diligence on his part he was unable to find the owner of the right.

A licence may also be granted on the same conditions if authorized copies of the particular edition have ceased to be generally available to the public or in connection with systematic instructional activities at a price reasonably related to that normally charged in the State for comparable works.

- (b) The period referred to in sub-paragraph (a) above shall be five years except that:

- (i) for works of the natural and physical sciences, including mathematics, and of technology, the period shall be three years;
- (ii) for works of fiction, poetry, drama and music, and for art books the period shall be seven years.

(c) If the owner of the right of reproduction cannot be found, the applicant for a licence shall send, by registered air mail, copies of his application to the publisher whose name appears on the work and to any national clearing house identified as such in a notification deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization by the State to which the publisher is believed to belong. He shall also send a copy to any international copyright information centre established by said Organization to assist in the clearance of rights in works such as that in question. The licence shall not be granted before the expiration of a period of three months from the date of dispatch of the copies of the application.

(d) Licences obtainable after three years shall not be granted under this Article until a period of six months has elapsed from the date of the request for permission referred to in sub-paragraph (a) of this paragraph.

(e) The name of the author and the title of the particular edition of the work shall be printed on all copies of the published reproduction. The licence shall not extend to the export of copies and shall be valid only for publication in the territory of the Contracting State where it has been applied for. The licence shall not be transferable by the licensee.

(f) Due provision shall be made by domestic legislation to assure an accurate reproduction of the particular edition in question. The licence shall not be granted when the author has withdrawn from circulation all copies of that edition.

(g) A licence to reproduce and publish a translation of a work shall not be granted under this Article in the following cases:

- (i) where the translation was not published by the copyright proprietor or with his authorization; or
- (ii) where the translation is not in a language that is a language in general use in the State issuing the licence.

2. The exceptions provided by paragraph 1 of this Article are subject to the following provisions:

(a) Any copy published in accordance with a licence granted under this Article shall, from the time of its first publication, bear a notice in the appropriate language stating that the copy is available for distribution only in the Contracting State to which the said licence applies.

(b) Due provision shall be made to assure:

- (i) that the licence provides for just compensation that is consistent with standards of royalties normally operating on licences freely negotiated between persons in the two countries concerned; and

- (ii) payment and transmittal of the compensation: however, should national currency regulations intervene, the competent authority shall make all efforts, by the use of international machinery, to ensure transmittal in internationally convertible currency or its equivalent.

(c) Whenever copies of an edition of a work are generally distributed in the Contracting State to the public or in connection with systematic instructional activities, by the copyright owner or with his authorization, at a price reasonably related to that normally charged in the State for comparable works, any licence issued under this Article shall terminate if such edition is in the same language and is substantially the same in content as the edition published under the licence; provided, however, that any copies already made before the licence is terminated may continue to be distributed.

3. The literary, scientific, or artistic works to which this Article applies shall be limited to works published in printed or analogous forms of reproduction.

However, the provisions of this Article shall also apply to the reproduction of audio-visual works in which case such provisions shall be limited to audio-visual works prepared and published for the sole intrinsic purpose of being used in connection with systematic instructional activities.

Article VI

[No change, except insert "Revised" before "Convention"]

Article VII

[No change, except insert "Revised" before "Convention"]

Article VIII

1. This Revised Convention, which shall bear the date of shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization and shall remain open for signature by all States Parties to the Convention signed at Geneva on 6 September 1952 for a period of 120 days after the date of this Revised Convention. It shall be subject to ratification or acceptance by the signatory States.

2. Any State which has not signed this Revised Convention may accede thereto.

3. Ratification, acceptance or accession shall be effected by the deposit of an instrument to that effect with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article IX

1. This Revised Convention shall come into force three months after the deposit of twelve instruments of ratification, acceptance or accession.

2. Subsequently, this Revised Convention shall come into force in respect of each State three months after that State has deposited its instrument of ratification, acceptance or accession.

3. Accession to this Revised Convention by a State not Party to the Convention signed at Geneva at 6 September 1952 shall also constitute accession to that Convention; however, if its instrument of accession is deposited before this Revised Convention comes into force, such State may make its accession to the 1952 Convention conditional upon the coming into force of this Revised Convention. After the coming into force of this Revised Convention, no State may accede solely to the 1952 Convention.

4. Contracting States Parties to this Revised Convention shall, with respect to their obligations to all States Party to either the 1952 Convention or this Revised Convention, be governed by the provisions of this Revised Convention, and it is understood that Contracting States not Party to this Revised Convention shall, with respect to their obligations to all other States Party to either the 1952 Convention, or this Revised Convention, be governed by the provisions of the 1952 Convention. However, any State Party to this Revised Convention may, by notification deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization, declare that it will apply only the provisions of the 1952 Convention in its relations with Contracting States not Party to this Revised Convention, and any Contracting State not Party to this Revised Convention may, by notification deposited as aforesaid, declare that it will admit the application only of the 1952 Convention in its relations with States also Party to this Revised Convention. [Any such notification shall be made by 1972.]

Article X

[No change, except insert "Revised" before "Convention"]

Article XI

1. An Intergovernmental Committee is hereby established with the following duties:

- (a) to study the problems concerning the application and operation of this Convention;
- (b) to make preparation for periodic revisions of this Convention;
- (c) to study any other problems concerning the international protection of copyright, in co-operation with the various interested international organizations, such as the United Nations Educational, Scientific and Cultural Organization, the International Union for the Protection of Literary and Artistic Works and the Organization of American States;
- (d) to inform the Contracting States as to its activities.

2. The Committee shall consist of the representatives of eighteen Contracting States.

3. The Committee shall be selected with due consideration to a fair balance of national interests on the basis of factors of geographical location, population, languages and stage of development.

4. The Director-General of the United Nations Educational, Scientific and Cultural Organization, the Director-General of the World Intellectual Property Organization and the Secretary-General of the Organization of American States, or their representatives, may attend meetings of the Committee in an advisory capacity.

Article XII

The Intergovernmental Committee shall convene a conference for revision of the Revised Convention whenever it deems necessary, or at the request of at least ten Contracting States Party to the 1952 Convention.

Article XIII

[No change, except insert "Revised" before "Convention" in each case]

Article XIV

1. Any Contracting State may denounce this Revised Convention in its own name or on behalf of all or any of the countries or territories as to which a notification has been given under Article XIII. The denunciation shall be made by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization. Such denunciation shall also constitute denunciation of the 1952 Convention.

2. Such denunciation shall operate only in respect of the State or of the country or territory on whose behalf it was made and shall not take effect until twelve months after the date of receipt of the notification.

Article XV

[No change, except insert "Revised" before "Convention"]

Article XVI

[No change, except insert "Revised" before "Convention"]

Article XVII

1. This Revised Convention shall not in any way affect the provisions of the Berne Convention for the Protection of Literary and Artistic Works or membership in the Union created by that Convention.

2. In application of the foregoing paragraph, a declaration has been annexed to the present Article. This declaration is an integral part of this Revised Convention for the States bound by the Berne Convention on 1 January 1951, or which have or may become bound to it at a later date. The signature of this Revised Convention by such States shall also constitute signature of the said Declaration, and ratification, acceptance or accession by such States shall include the Declaration, as well as this Revised Convention.

Article XVIII

[No change, except insert "Revised" before "Convention"]

Article XIX

[No change, except insert "Revised" before "Convention"]

Article XX

[No change, except insert "Revised" before "Convention"]

Article XXI

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall send duly certified copies of this Revised Convention to the States interested, to and to the Secretary-General of the United Nations for registration by him.

He shall also inform all interested States of the ratifications, acceptances and accessions which have been deposited, the date on which this Revised Convention comes into force, the notifications under this Revised Convention and denunciations under Article XIV.

Appendix Declaration
relating to Article XVII

The States which are members of the International Union for the Protection of Literary and Artistic Works, and which are signatories to this Revised Convention,

Desiring to reinforce their mutual relations on the basis of the said Union and to avoid any conflict which might result from the coexistence of the Convention of Berne and the Universal Convention,

Recognizing the temporary need of some States to adjust their level of copyright protection in accordance with their relative stage of cultural, social and economic development,

Have, by common agreement, accepted the terms of the following declaration:

- (a) Except as provided by paragraph (b), works which, according to the Berne Convention, have as their country of origin a country which has withdrawn from the International Union created by the said Convention, after 1 January 1951 shall not be protected by the Universal Copyright Convention in the countries of the Berne Union;
- (b) Where a Contracting State is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, and has deposited with the Director-General of Unesco, at the time of its withdrawal from the Berne Union, a notification to the effect that it regards itself as a developing country, the provisions of paragraph (a) shall not be applicable as long as such State may avail itself of the exceptions provided for by this Revised Convention in accordance with Article Vbis;
- (c) The Universal Copyright Convention shall not be applicable to the relationships among countries of the Berne Union in so far as it relates to the protection of works having as their country of origin, within the meaning of the Berne Convention, a country of the International Union created by the said Convention.

Resolution concerning Article XI

The Conference for Revision of the Universal Copyright Convention,
Having considered the problems relating to the Intergovernmental

Committee provided for in Article XI of the Revised Universal Copyright Convention, to which this resolution is annexed,

Resolves that,

[1. At its inception, the Committee shall include representatives of the twelve States members of the Intergovernmental Committee established under Article XI of the 1952 Convention and the resolution annexed to it, and, in addition, representatives of the following States:]

2. As soon as this Revised Convention comes into force the Committee as provided in paragraph 1 shall be deemed to be constituted in accordance with Article XI of the Revised Convention.

3. The first session of the Committee shall take place within one year after the coming into force of this Revised Convention; thereafter the Committee shall meet in ordinary session at intervals of no more than two years.

4. The Committee shall elect its Chairman and one Vice-Chairman. It shall establish its rules of procedure having regard to the following principles:

- (a) All members represented on the Committee at its inception shall serve for an initial term of six years and until the end of the first ordinary session held thereafter. At such ordinary session of the Committee and each ordinary session held thereafter, the terms of not less than one-fourth and not more than one-third of the total membership of the Committee shall expire.
- (b) The rules governing the procedure whereby the Committee shall fill vacancies, the order in which terms of membership expire, eligibility for re-election, and election procedures, shall be based upon a balancing of the opposing needs for continuity of membership and rotation of representation, as well as the factors provided in paragraph 3 of Article XI.

Expresses the wish that the United Nations Educational, Scientific and Cultural Organization provide its Secretariat.

Resolutions

Resolution No. 1 (XR.2):

Revision of the Universal Copyright Convention

The Intergovernmental Copyright Committee,

1. Recalling resolutions Nos. 60 (X) and 1 (XR) which it adopted at its tenth ordinary session and at its first extraordinary session, respectively;

2. Considering the report of the Ad Hoc Preparatory Committee which met in May 1970, to prepare a draft text of the proposals for revision of the Universal Copyright Convention;

3. Acting in application of the provisions of Article XII of the Universal Copyright Convention;

4. Decides to convene a Conference for Revision of the Universal Copyright Convention to be held from 21 June to 10 July 1971;

5. Authorizes the Director-General of Unesco to fix the place of the meeting of the Conference for Revision of the Universal Copyright Convention, it being understood that in the absence of an invitation by a State party to the Universal Copyright Convention submitted before 15 October 1970, the Conference shall be held in Paris at the premises of Unesco;

6. Calls upon the Director-General of Unesco to make, in consultation with the Director-General of the World Intellectual Property Organization, Director of BIRPI, the necessary arrangements for the Conference to be held at the same time and place as the Conference for the revision of the Berne Convention;

7. Decides to invite to the Conference for the revision of the Universal Copyright Convention the States, the intergovernmental organizations and the international non-governmental organizations listed in Document IGC/XR.2/6;

8. Requests the Director-General of Unesco to:

- (a) send, on behalf of the Intergovernmental Committee, the necessary invitations as well as the draft of the Revised Universal Copyright Convention, as prepared by the Committee, the provisional rules

of procedure of the Conference for Revision of the Universal Copyright Convention approved by the Intergovernmental Committee, and such other documents as may be necessary;

- (b) invite all contracting States and all interested international non-governmental organizations to present comments with respect to this draft text for revision of the Universal Copyright Convention no later than 15 March 1971;

- (c) communicate such comments to the States and organizations specified in paragraph 7 of this resolution as soon as possible after they are received;

9. Requests the Director-General of Unesco to provide the Secretariat of the Conference for Revision of the Universal Copyright Convention and to take all the necessary administrative steps and undertake the material arrangements for the preparation and the holding of this Conference.

Resolution No. 2 (XR.2): Protection of Phonograms

The Intergovernmental Copyright Committee,

1. Dismayed at the widespread and increasing piracy of phonograms and the damage which this is occasioning to the interests of authors, performing artists and producers of phonograms;

2. Noting that the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations has so far been ratified by a limited number of States;

3. Recognizing also that the protection of phonograms is, for many countries, not a matter of copyright but that the interests of authors and performing artists require the protection of the means by which their works and performances are reproduced;

4. Expresses the wish that the Director-General of Unesco, together with the Director of BIRPI, should invite States parties to or members of the Universal Copyright Convention, the Berne Union and/or the Paris Union for the Protection of Industrial Property to nominate govern-

mental experts to attend, together with the appropriate observers, a meeting to be held some months in advance of the Diplomatic Conferences to revise the Berne and Universal Copyright Conventions, with the tasks:

- (a) of studying any comments on or proposals for a draft instrument to protect producers of phonograms against unauthorized reproduction of their phonograms, which governments may formulate, and

- (b) of preparing a draft instrument on this subject to serve as the basis for the negotiation of an appropriate instrument which will be ready in so far as possible for adoption and signature at a Diplomatic Conference to be held at the same time and place as the Diplomatic Conferences for the revision of the Berne and the Universal Copyright Conventions.

CALENDAR

WIPO Meetings

November 23 to 27, 1970 (Geneva) — Joint ad hoc Committee on the International Classification of Patents — Working Group V *

November 30 to December 4, 1970 (Geneva) — Provisional Committee of Experts for the International Classification of Industrial Designs

Members: Signatory States of the Locarno Agreement

December 7 to 9, 1970 (Geneva) — ICIREPAT — Technical Coordination Committee

January 18 to 22, 1971 (The Hague) — Joint ad hoc Committee on the International Classification of Patents — Working Group III *

January 25 to 29, 1971 (The Hague) — Joint ad hoc Committee on the International Classification of Patents — Working Group IV *

February 8 to 13, 1971 (Geneva) — Patent Cooperation Treaty (PCT) — Financing Working Group

Members: Canada, France, Germany (Fed. Rep.), Italy, Japan, Netherlands, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America

February 8 to 13, 1971 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Committee for Technical Assistance, Interim Committee for Technical Cooperation and Interim Advisory Committee for Administrative Questions

Members: Signatory States of the PCT

February 8 to 12, 1971 (Moscow) — Joint ad hoc Committee on the International Classification of Patents — Working Group I *

February 15 to 19, 1971 (Munich) — Joint ad hoc Committee on the International Classification of Patents — Working Group II *

February 15 and 16, 1971 (Geneva) — Group of Consultants on International Registration of Marks

Invitations: Representatives of Industry and Commerce

February 17 and 18, 1971 (Geneva) — Group of Consultants on International Registration of Marks

Invitations: Algeria, Austria, France, Germany (Fed. Rep.), Hungary, Japan, Netherlands, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America

February 19, 1971 (Geneva) — Group of Consultants on International Registration of Marks

Invitations: Representatives of Trademark Attorneys and Agents

February 22 to 26, 1971 (Geneva) — Committee of Experts on the Protection of Type Faces

Object: Study of a preliminary draft Agreement — *Invitations:* Member States of the Paris Union and organizations concerned

March 1 to 5, 1971 (Paris) — Committee of Experts on the Protection of Phonograms

Object: Preparation of a draft international instrument — *Invitations:* Member States of the Berne Union, Member States of the Paris Union, States party to the Universal Copyright Convention — *Observers:* Other States, members of the United Nations or of a Specialized Agency; Intergovernmental and non-governmental organizations concerned — *Note:* Meeting convened jointly with Unesco

March 15 to 24, 1971 (Strasbourg) — Diplomatic Conference on the International Classification of Patents *

Object: Adoption of a new Agreement — *Invitations:* Member States of the Paris Union and of the Council of Europe — *Observers:* Other States, members of the United Nations or of a Specialized Agency; Intergovernmental and non-governmental organizations concerned

April 13 and 14, 1971 (Geneva) — ICIREPAT — Technical Committee III (Advanced Computer Techniques)

April 15 and 16, 1971 (Geneva) — ICIREPAT — Technical Committee II (Technical Fields: Forward Planning)

April 19 to 21, 1971 (Geneva) — ICIREPAT — Technical Committee I (Retrieval Systems, Designs and Testing)

April 21 to 23, 1971 (Geneva) — ICIREPAT — Technical Committee VI (Systems Implementation)

April 22 and 23, 1971 (Geneva) — ICIREPAT — Advisory Board for Cooperative Systems

April 26 to 28, 1971 (Geneva) — ICIREPAT — Technical Committee V (Patent Format and Printing)

April 29 and 30, 1971 (Geneva) — ICIREPAT — Technical Committee IV (Microform)

April 21 to 30, 1971 (Lausanne) — Committee of Experts on the Protection of Television Signals Transmitted by Space Communication Satellites

Object: Preparation of a draft international instrument — *Invitations:* Member States of the Berne Union, Member States of the Paris Union and Member States of the United Nations or of a Specialized Agency — *Observers:* Intergovernmental and non-governmental organizations concerned — *Note:* Meeting convened jointly with Unesco and in cooperation with the International Labour Office and the International Telecommunication Union

May 3 to 7, 1971 (London) — Joint ad hoc Committee on the International Classification of Patents — Working Group V *

May 24 to 28, 1971 (Strasbourg) — Joint ad hoc Committee on the International Classification of Patents — Meeting of the Bureau *

* Meeting convened jointly with the Council of Europe.

June 14 to 16, 1971 (Geneva) — ICIREPAT — Technical Coordination Committee

June 22 to 25, 1971 (Montreux) — WIPO Lecture Course: "Current Trends in the Field of Intellectual Property"

Participation open to all interested persons subject to payment of a registration fee

July 5 to 9, 1971 (Munich) — Joint ad hoc Committee on the International Classification of Patents — Working Group III *

July 5 to 24, 1971 (Paris) — Diplomatic Conference for the Revision of the Berne Convention

Object: Revision of the Stockholm Act — *Invitations:* Member States of the Berne Union — *Observers:* Other States, members of the United Nations or of a Specialized Agency; Intergovernmental and non-governmental organizations concerned

September 6 to 10, 1971 (Place to be fixed) — Joint ad hoc Committee on the International Classification of Patents — Working Group IV *

September 13 to 17, 1971 (The Hague) — Joint ad hoc Committee on the International Classification of Patents — Working Group I *

September 20 and 21, 1971 (Geneva) — ICIREPAT — Technical Coordination Committee

September 22 to 24, 1971 (Geneva) — ICIREPAT — Plenary Committee

September 21 and 22, 1971 (Geneva) ** — WIPO Headquarters Building Subcommittee

Members: Argentina, Cameroon, France, Germany (Fed. Rep.), Italy, Japan, Netherlands, Soviet Union, Switzerland, United States of America

September 27 to October 1, 1971 (Berne) — Joint ad hoc Committee on the International Classification of Patents — Working Group II *

September 27 to October 2, 1971 (Geneva) — WIPO Coordination Committee, Executive Committees of the Paris and Berne Unions, Assembly and Committee of Directors of the National Property Offices of the Madrid Union, Council of the Lisbon Union

October 4 to 8, 1971 (Geneva) — Committee of Experts on International Registration of Marks

Object: Preparation of the Revision of the Madrid Agreement or of the Conclusion of a New Treaty — *Invitations:* Member States of the Paris Union and organizations concerned

October 4 to 9, 1971 (Geneva) — Joint ad hoc Committee on the International Classification of Patents — Working Group V *

October 11 to 13, 1971 (Geneva) — ICIREPAT — Technical Committee I (Retrieval Systems, Design and Testing)

October 13 to 15, 1971 (Geneva) — ICIREPAT — Technical Committee VI (Systems Implementation)

October 14 and 15, 1971 (Geneva) — ICIREPAT — Advisory Board for Cooperative Systems

October 18 to 20, 1971 (Geneva) — ICIREPAT — Technical Committee II (Technical Fields: Forward Planning)

October 21 and 22, 1971 (Geneva) — ICIREPAT — Technical Committee III (Advanced Computer Techniques)

October 25 to 27, 1971 (Geneva) — ICIREPAT — Technical Committee V (Patent Format and Printing)

October 28 and 29, 1971 (Geneva) — ICIREPAT — Technical Committee IV (Microform)

November 9 to 12, 1971 (Geneva) — Joint ad hoc Committee on the International Classification of Patents — Meeting of the Bureau *

November 15 to 18, 1971 (Geneva) — Joint ad hoc Committee on the International Classification of Patents — Plenary Committee *

November 18 to 20, 1971 (Geneva) — Intergovernmental Committee Established by the Rome Convention (Neighbouring Rights)

Note: Meeting convened jointly with the International Labour Office and Unesco

November 22 to 27, 1971 (Geneva) — Executive Committee of the Berne Union

December 6 to 11, 1971 (Geneva) ** — Patent Cooperation Treaty (PCT) — Financing Working Group and Interim Committees

Members: (i) Financing Working Group: Canada, France, Germany (Fed. Rep.), Italy, Japan, Netherlands, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America; (ii) Interim Committees: Signatory States of the PCT

December 13 to 15, 1971 (Geneva) — ICIREPAT — Technical Coordination Committee

* Meeting convened jointly with the Council of Europe.

** Dates to be confirmed later.

Meetings of Other International Organizations Concerned with Intellectual Property

December 15 to 17, 1970 (The Hague) — International Patent Institute — Administrative Council (104th Session)

April 17 to 24, 1971 (Vienna) — International Chamber of Commerce — Congress

May 18 to 22, 1971 (Stockholm) — International Federation of Patent Agents — General Assembly

July 5 to 24, 1971 (Paris) — Unesco — Diplomatic Conference for the Revision of the Universal Copyright Convention

July 26 to August 3, 1971 (Montreal) — International Writers Guild — 3rd Congress

International Conference for the Setting Up of a European System for the Grant of Patents (Luxembourg):

November 24 to 27, 1970 — Working Party I — "Implementing Regulations" Subcommittee

November 30 to December 1, 1970 — Working Party I

December 2 to 4, 1970 — Coordination Committee

December 8 to 11, 1970 — Working Party I — "Regulations on Fees" Subcommittee

January 12 to 15, 1971 — Working Party I

April 20 to 30, 1971 — Conference