

Copyright

Review of the
WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO)

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

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(2) It shall also be a matter for legislation in the countries of the Union to determine the conditions under which lectures, addresses and other works of the same nature which are delivered in public may be reproduced by the press, broadcast, communicated to the public by wire and made the subject of public communication as envisaged in Article 11^{bis}(1) of this Convention, when such use is justified by the informatory purpose.

(3) Nevertheless, the author shall enjoy the exclusive right of making a collection of his works mentioned in the preceding paragraphs.

Article 3

(1) The protection of this Convention shall apply to:

- (a) authors who are nationals of one of the countries of the Union, for their works, whether published or not;
- (b) authors who are not nationals of one of the countries of the Union, for their works first published in one of those countries, or simultaneously in a country outside the Union and in a country of the Union.

(2) Authors who are not nationals of one of the countries of the Union but who have their habitual residence in one of them shall, for the purposes of this Convention, be assimilated to nationals of that country.

(3) The expression "published works" means works published with the consent of their authors, whatever may be the means of manufacture of the copies, provided that the availability of such copies has been such as to satisfy the reasonable requirements of the public, having regard to the nature of the work. The performance of a dramatic, dramatico-musical, cinematographic or musical work, the public recitation of a literary work, the communication by wire or the broadcasting of literary or artistic works, the exhibition of a work of art and the construction of a work of architecture shall not constitute publication.

(4) A work shall be considered as having been published simultaneously in several countries if it has been published in two or more countries within thirty days of its first publication.

Article 4

The protection of this Convention shall apply, even if the conditions of Article 3 are not fulfilled, to:

- (a) authors of cinematographic works the maker of which has his headquarters or habitual residence in one of the countries of the Union;
- (b) authors of works of architecture erected in a country of the Union or of other artistic works incorporated in a building or other structure located in a country of the Union.

Article 5

(1) Authors shall enjoy, in respect of works for which they are protected under this Convention, in countries of the Union other than the country of origin, the rights which their respective laws do now or may hereafter grant to their

nationals, as well as the rights specially granted by this Convention.

(2) The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise shall be independent of the existence of protection in the country of origin of the work. Consequently, apart from the provisions of this Convention, the extent of protection, as well as the means of redress afforded to the author to protect his rights, shall be governed exclusively by the laws of the country where protection is claimed.

(3) Protection in the country of origin is governed by domestic law. However, when the author is not a national of the country of origin of the work for which he is protected under this Convention, he shall enjoy in that country the same rights as national authors.

(4) The country of origin shall be considered to be:

- (a) in the case of works first published in a country of the Union, that country; in the case of works published simultaneously in several countries of the Union which grant different terms of protection, the country whose legislation grants the shortest term of protection;
- (b) in the case of works published simultaneously in a country outside the Union and in a country of the Union, the latter country;
- (c) in the case of unpublished works or of works first published in a country outside the Union, without simultaneous publication in a country of the Union, the country of the Union of which the author is a national, provided that:
 - (i) when these are cinematographic works the maker of which has his headquarters or his habitual residence in a country of the Union, the country of origin shall be that country, and
 - (ii) when these are works of architecture erected in a country of the Union or other artistic works incorporated in a building or other structure located in a country of the Union, the country of origin shall be that country.

Article 6

(1) Where any country outside the Union fails to protect in an adequate manner the works of authors who are nationals of one of the countries of the Union, the latter country may restrict the protection given to the works of authors who are, at the date of the first publication thereof, nationals of the other country and are not habitually resident in one of the countries of the Union. If the country of first publication avails itself of this right, the other countries of the Union shall not be required to grant to works thus subjected to special treatment a wider protection than that granted to them in the country of first publication.

(2) No restrictions introduced by virtue of the preceding paragraph shall affect the rights which an author may have acquired in respect of a work published in a country of the Union before such restrictions were put into force.

(3) The countries of the Union which restrict the grant of copyright in accordance with this Article shall give notice thereof to the Director General of the World Intellectual Property Organization (hereinafter designated as "the Director General") by a written declaration specifying the countries in regard to which protection is restricted, and the restrictions to which rights of authors who are nationals of those countries are subjected. The Director General shall immediately communicate this declaration to all the countries of the Union.

Article 6^{bis}

(1) Independently of the author's economic rights, and even after the transfer of the said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation.

(2) The rights granted to the author in accordance with the preceding paragraph shall, after his death, be maintained, at least until the expiry of the economic rights, and shall be exercisable by the persons or institutions authorized by the legislation of the country where protection is claimed. However, those countries whose legislation, at the moment of their ratification of or accession to this Act, does not provide for the protection after the death of the author of all the rights set out in the preceding paragraph may provide that some of these rights may, after his death, cease to be maintained.

(3) The means of redress for safeguarding the rights granted by this Article shall be governed by the legislation of the country where protection is claimed.

Article 7

(1) The term of protection granted by this Convention shall be the life of the author and fifty years after his death.

(2) However, in the case of cinematographic works, the countries of the Union may provide that the term of protection shall expire fifty years after the work has been made available to the public with the consent of the author, or, failing such an event within fifty years from the making of such a work, fifty years after the making.

(3) In the case of anonymous or pseudonymous works, the term of protection granted by this Convention shall expire fifty years after the work has been lawfully made available to the public. However, when the pseudonym adopted by the author leaves no doubt as to his identity, the term of protection shall be that provided in paragraph (1). If the author of an anonymous or pseudonymous work discloses his identity during the above-mentioned period, the term of protection applicable shall be that provided in paragraph (1). The countries of the Union shall not be required to protect anonymous or pseudonymous works in respect of which it is reasonable to presume that their author has been dead for fifty years.

(4) It shall be a matter for legislation in the countries of the Union to determine the term of protection of photographic works and that of works of applied art in so far as they are protected as artistic works; however, this term shall

last at least until the end of a period of twenty-five years from the making of such a work.

(5) The term of protection subsequent to the death of the author and the terms provided by paragraphs (2), (3) and (4) shall run from the date of death or of the event referred to in those paragraphs, but such terms shall always be deemed to begin on the first of January of the year following the death or such event.

(6) The countries of the Union may grant a term of protection in excess of those provided by the preceding paragraphs.

(7) Those countries of the Union bound by the Rome Act of this Convention which grant, in their national legislation in force at the time of signature of the present Act, shorter terms of protection than those provided for in the preceding paragraphs shall have the right to maintain such terms when ratifying or acceding to the present Act.

(8) In any case, the term shall be governed by the legislation of the country where protection is claimed; however, unless the legislation of that country otherwise provides, the term shall not exceed the term fixed in the country of origin of the work.

Article 7^{bis}

The provisions of the preceding Article shall also apply in the case of a work of joint authorship, provided that the terms measured from the death of the author shall be calculated from the death of the last surviving author.

Article 8

Authors of literary and artistic works protected by this Convention shall enjoy the exclusive right of making and of authorizing the translation of their works throughout the term of protection of their rights in the original works.

Article 9

(1) Authors of literary and artistic works protected by this Convention shall have the exclusive right of authorizing the reproduction of these works, in any manner or form.

(2) It shall be a matter for legislation in the countries of the Union to permit the reproduction of such works in certain special cases, provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author.

(3) Any sound or visual recording shall be considered as a reproduction for the purposes of this Convention.

Article 10

(1) It shall be permissible to make quotations from a work which has already been lawfully made available to the public, provided that their making is compatible with fair practice, and their extent does not exceed that justified by the purpose, including quotations from newspaper articles and periodicals in the form of press summaries.

(2) It shall be a matter for legislation in the countries of the Union, and for special agreements existing or to be concluded between them, to permit the utilization, to the extent justified by the purpose, of literary or artistic works by way of illustration in publications, broadcasts or sound or visual recordings for teaching, provided such utilization is compatible with fair practice.

(3) Where use is made of works in accordance with the preceding paragraphs of this Article, mention shall be made of the source, and of the name of the author if it appears thereon.

Article 10^{bis}

(1) It shall be a matter for legislation in the countries of the Union to permit the reproduction by the press, the broadcasting or the communication to the public by wire of articles published in newspapers or periodicals on current economic, political or religious topics, and of broadcast works of the same character, in cases in which the reproduction, broadcasting or such communication thereof is not expressly reserved. Nevertheless, the source must always be clearly indicated; the legal consequences of a breach of this obligation shall be determined by the legislation of the country where protection is claimed.

(2) It shall also be a matter for legislation in the countries of the Union to determine the conditions under which, for the purpose of reporting current events by means of photography, cinematography, broadcasting or communication to the public by wire, literary or artistic works seen or heard in the course of the event may, to the extent justified by the informatory purpose, be reproduced and made available to the public.

Article 11

(1) Authors of dramatic, dramatico-musical and musical works shall enjoy the exclusive right of authorizing:

- (i) the public performance of their works, including such public performance by any means or process;
- (ii) any communication to the public of the performance of their works.

(2) Authors of dramatic or dramatico-musical works shall enjoy, during the full term of their rights in the original works, the same rights with respect to translations thereof.

Article 11^{bis}

(1) Authors of literary and artistic works shall enjoy the exclusive right of authorizing:

- (i) the broadcasting of their works or the communication thereof to the public by any other means of wireless diffusion of signs, sounds or images;
- (ii) any communication to the public by wire or by re-broadcasting of the broadcast of the work, when this communication is made by an organization other than the original one;
- (iii) the public communication by loudspeaker or any other analogous instrument transmitting, by signs, sounds or images, the broadcast of the work.

(2) It shall be a matter for legislation in the countries of the Union to determine the conditions under which the rights mentioned in the preceding paragraph may be exercised, but these conditions shall apply only in the countries where they have been prescribed. They shall not in any circumstances be prejudicial to the moral rights of the author, nor to his right to obtain equitable remuneration which, in the absence of agreement, shall be fixed by competent authority.

(3) In the absence of any contrary stipulation, permission granted in accordance with paragraph (1) of this Article shall not imply permission to record, by means of instruments recording sounds or images, the work broadcast. It shall, however, be a matter for legislation in the countries of the Union to determine the regulations for ephemeral recordings made by a broadcasting organization by means of its own facilities and used for its own broadcasts. The preservation of these recordings in official archives may, on the ground of their exceptional documentary character, be authorized by such legislation.

Article 11^{ter}

(1) Authors of literary works shall enjoy the exclusive right of authorizing:

- (i) the public recitation of their works, including such public recitation by any means or process;
- (ii) any communication to the public of the recitation of their works.

(2) Authors of literary works shall enjoy, during the full term of their rights in the original works, the same rights with respect to translations thereof.

Article 12

Authors of literary or artistic works shall enjoy the exclusive right of authorizing adaptations, arrangements and other alterations of their works.

Article 13

(1) Each country of the Union may impose for itself reservations and conditions on the exclusive right granted to the author of a musical work and to the author of any words, the recording of which together with the musical work has already been authorized by the latter, to authorize the sound recording of that musical work, together with such words, if any; but all such reservations and conditions shall apply only in the countries which have imposed them and shall not, in any circumstances, be prejudicial to the rights of these authors to obtain equitable remuneration which, in the absence of agreement, shall be fixed by competent authority.

(2) Recordings of musical works made in a country of the Union in accordance with Article 13(3) of the Conventions signed at Rome on June 2, 1928, and at Brussels on June 26, 1948, may be reproduced in that country without the permission of the author of the musical work until a date two years after that country becomes bound by this Act.

(3) Recordings made in accordance with paragraphs (1) and (2) of this Article and imported without permission from

the parties concerned into a country where they are treated as infringing recordings shall be liable to seizure.

Article 14

(1) Authors of literary or artistic works shall have the exclusive right of authorizing:

- (i) the cinematographic adaptation and reproduction of these works, and the distribution of the works thus adapted or reproduced;
- (ii) the public performance and communication to the public by wire of the works thus adapted or reproduced.

(2) The adaptation into any other artistic form of a cinematographic production derived from literary or artistic works shall, without prejudice to the authorization of the author of the cinematographic production, remain subject to the authorization of the authors of the original works.

(3) The provisions of Article 13(1) shall not apply.

Article 14^{bis}

(1) Without prejudice to the copyright in any work which may have been adapted or reproduced, a cinematographic work shall be protected as an original work. The owner of copyright in a cinematographic work shall enjoy the same rights as the author of an original work, including the rights referred to in the preceding Article.

(2) (a) Ownership of copyright in a cinematographic work shall be a matter for legislation in the country where protection is claimed.

(b) However, in the countries of the Union which, by legislation, include among the owners of copyright in a cinematographic work authors who have brought contributions to the making of the work, such authors, if they have undertaken to bring such contributions, may not, in the absence of any contrary or special stipulation, object to the reproduction, distribution, public performance, communication to the public by wire, broadcasting or any other communication to the public, or to the subtitling or dubbing of texts, of the work.

(c) The question whether or not the form of the undertaking referred to above should, for the application of the preceding subparagraph (b), be in a written agreement or a written act of the same effect shall be a matter for the legislation of the country where the maker of the cinematographic work has his headquarters or habitual residence. However, it shall be a matter for the legislation of the country of the Union where protection is claimed to provide that the said undertaking shall be in a written agreement or a written act of the same effect. The countries whose legislation so provides shall notify the Director General by means of a written declaration, which will be immediately communicated by him to all the other countries of the Union.

(d) By "contrary or special stipulation" is meant any restrictive condition which is relevant to the aforesaid undertaking.

(3) Unless the national legislation provides to the contrary, the provisions of paragraph (2)(b) above shall not be

applicable to authors of scenarios, dialogues and musical works created for the making of the cinematographic work, or to the principal director thereof. However, those countries of the Union whose legislation does not contain rules providing for the application of the said paragraph (2)(b) to such director shall notify the Director General by means of a written declaration, which will be immediately communicated by him to all the other countries of the Union.

Article 14^{ter}

(1) The author, or after his death the persons or institutions authorized by national legislation, shall, with respect to original works of art and original manuscripts of writers and composers, enjoy the inalienable right to an interest in any sale of the work subsequent to the first transfer by the author of the work.

(2) The protection provided by the preceding paragraph may be claimed in a country of the Union only if legislation in the country to which the author belongs so permits, and to the extent permitted by the country where this protection is claimed.

(3) The procedure for collection and the amounts shall be matters for determination by national legislation.

Article 15

(1) In order that the author of a literary or artistic work protected by this Convention shall, in the absence of proof to the contrary, be regarded as such, and consequently be entitled to institute infringement proceedings in the countries of the Union, it shall be sufficient for his name to appear on the work in the usual manner. This paragraph shall be applicable even if this name is a pseudonym, where the pseudonym adopted by the author leaves no doubt as to his identity.

(2) The person or body corporate whose name appears on a cinematographic work in the usual manner shall, in the absence of proof to the contrary, be presumed to be the maker of the said work.

(3) In the case of anonymous and pseudonymous works, other than those referred to in paragraph (1) above, the publisher whose name appears on the work shall, in the absence of proof to the contrary, be deemed to represent the author, and in this capacity he shall be entitled to protect and enforce the author's rights. The provisions of this paragraph shall cease to apply when the author reveals his identity and establishes his claim to authorship of the work.

(4) (a) In the case of unpublished works where the identity of the author is unknown, but where there is every ground to presume that he is a national of a country of the Union, it shall be a matter for legislation in that country to designate the competent authority which shall represent the author and shall be entitled to protect and enforce his rights in the countries of the Union.

(b) Countries of the Union which make such designation under the terms of this provision shall notify the Director General by means of a written declaration giving full information concerning the authority thus designated. The Director

General shall at once communicate this declaration to all other countries of the Union.

Article 16

(1) Infringing copies of a work shall be liable to seizure in any country of the Union where the work enjoys legal protection.

(2) The provisions of the preceding paragraph shall also apply to reproductions coming from a country where the work is not protected, or has ceased to be protected.

(3) The seizure shall take place in accordance with the legislation of each country.

Article 17

The provisions of this Convention cannot in any way affect the right of the Government of each country of the Union to permit, to control, or to prohibit, by legislation or regulation, the circulation, presentation, or exhibition of any work or production in regard to which the competent authority may find it necessary to exercise that right.

Article 18

(1) This Convention shall apply to all works which, at the moment of its coming into force, have not yet fallen into the public domain in the country of origin through the expiry of the term of protection.

(2) If, however, through the expiry of the term of protection which was previously granted, a work has fallen into the public domain of the country where protection is claimed, that work shall not be protected anew.

(3) The application of this principle shall be subject to any provisions contained in special conventions to that effect existing or to be concluded between countries of the Union. In the absence of such provisions, the respective countries shall determine, each in so far as it is concerned, the conditions of application of this principle.

(4) The preceding provisions shall also apply in the case of new accessions to the Union and to cases in which protection is extended by the application of Article 7 or by the abandonment of reservations.

Article 19

The provisions of this Convention shall not preclude the making of a claim to the benefit of any greater protection which may be granted by legislation in a country of the Union.

Article 20

The Governments of the countries of the Union reserve the right to enter into special agreements among themselves, in so far as such agreements grant to authors more extensive rights than those granted by the Convention, or contain other provisions not contrary to this Convention. The provisions of existing agreements which satisfy these conditions shall remain applicable.

Article 21

(1) Special provisions regarding developing countries are included in the Appendix.

(2) Subject to the provisions of Article 28(1)(b), the Appendix forms an integral part of this Act.

Article 22

(1) (a) The Union shall have an Assembly consisting of those countries of the Union which are bound by Articles 22 to 26.

(b) The Government of each country shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) (a) The Assembly shall:

- (i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Convention;
 - (ii) give directions concerning the preparation for conferences of revision to the International Bureau of Intellectual Property (hereinafter designated as "the International Bureau") referred to in the Convention Establishing the World Intellectual Property Organization (hereinafter designated as "the Organization"), due account being taken of any comments made by those countries of the Union which are not bound by Articles 22 to 26;
 - (iii) review and approve the reports and activities of the Director General of the Organization concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;
 - (iv) elect the members of the Executive Committee of the Assembly;
 - (v) review and approve the reports and activities of its Executive Committee, and give instructions to such Committee;
 - (vi) determine the program and adopt the triennial budget of the Union, and approve its final accounts;
 - (vii) adopt the financial regulations of the Union;
 - (viii) establish such committees of experts and working groups as may be necessary for the work of the Union;
 - (ix) determine which countries not members of the Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;
 - (x) adopt amendments to Articles 22 to 26;
 - (xi) take any other appropriate action designed to further the objectives of the Union;
 - (xii) exercise such other functions as are appropriate under this Convention;
 - (xiii) subject to its acceptance, exercise such rights as are given to it in the Convention establishing the Organization.
- (b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly

shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) (a) Each country member of the Assembly shall have one vote.

(b) One-half of the countries members of the Assembly shall constitute a quorum.

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the following conditions are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 26(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

(f) A delegate may represent, and vote in the name of, one country only.

(g) Countries of the Union not members of the Assembly shall be admitted to its meetings as observers.

(4) (a) The Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of the Executive Committee or at the request of one-fourth of the countries members of the Assembly.

(5) The Assembly shall adopt its own rules of procedure.

Article 23

(1) The Assembly shall have an Executive Committee.

(2) (a) The Executive Committee shall consist of countries elected by the Assembly from among countries members of the Assembly. Furthermore, the country on whose territory the Organization has its headquarters shall, subject to the provisions of Article 25(7)(b), have an *ex officio* seat on the Committee.

(b) The Government of each country member of the Executive Committee shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(3) The number of countries members of the Executive Committee shall correspond to one-fourth of the number of

countries members of the Assembly. In establishing the number of seats to be filled, remainders after division by four shall be disregarded.

(4) In electing the members of the Executive Committee, the Assembly shall have due regard to an equitable geographical distribution and to the need for countries party to the Special Agreements which might be established in relation with the Union to be among the countries constituting the Executive Committee.

(5) (a) Each member of the Executive Committee shall serve from the close of the session of the Assembly which elected it to the close of the next ordinary session of the Assembly.

(b) Members of the Executive Committee may be re-elected, but not more than two-thirds of them.

(c) The Assembly shall establish the details of the rules governing the election and possible re-election of the members of the Executive Committee.

(6) (a) The Executive Committee shall:

- (i) prepare the draft agenda of the Assembly;
- (ii) submit proposals to the Assembly respecting the draft program and triennial budget of the Union prepared by the Director General;
- (iii) approve, within the limits of the program and the triennial budget, the specific yearly budgets and programs prepared by the Director General;
- (iv) submit, with appropriate comments, to the Assembly the periodical reports of the Director General and the yearly audit reports on the accounts;
- (v) in accordance with the decisions of the Assembly and having regard to circumstances arising between two ordinary sessions of the Assembly, take all necessary measures to ensure the execution of the program of the Union by the Director General;
- (vi) perform such other functions as are allocated to it under this Convention.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Executive Committee shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(7) (a) The Executive Committee shall meet once a year in ordinary session upon convocation by the Director General, preferably during the same period and at the same place as the Coordination Committee of the Organization.

(b) The Executive Committee shall meet in extraordinary session upon convocation by the Director General, either on his own initiative, or at the request of its Chairman or one-fourth of its members.

(8) (a) Each country member of the Executive Committee shall have one vote.

(b) One-half of the members of the Executive Committee shall constitute a quorum.

(c) Decisions shall be made by a simple majority of the votes cast.

(d) Abstentions shall not be considered as votes.

(e) A delegate may represent, and vote in the name of, one country only.

(9) Countries of the Union not members of the Executive Committee shall be admitted to its meetings as observers.

(10) The Executive Committee shall adopt its own rules of procedure.

Article 24

(1) (a) The administrative tasks with respect to the Union shall be performed by the International Bureau, which is a continuation of the Bureau of the Union united with the Bureau of the Union established by the International Convention for the Protection of Industrial Property.

(b) In particular, the International Bureau shall provide the secretariat of the various organs of the Union.

(c) The Director General of the Organization shall be the chief executive of the Union and shall represent the Union.

(2) The International Bureau shall assemble and publish information concerning the protection of copyright. Each country of the Union shall promptly communicate to the International Bureau all new laws and official texts concerning the protection of copyright.

(3) The International Bureau shall publish a monthly periodical.

(4) The International Bureau shall, on request, furnish information to any country of the Union on matters concerning the protection of copyright.

(5) The International Bureau shall conduct studies, and shall provide services, designed to facilitate the protection of copyright.

(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Executive Committee and any other committee of experts or working group. The Director General, or a staff member designated by him, shall be *ex officio* secretary of these bodies.

(7) (a) The International Bureau shall, in accordance with the directions of the Assembly and in cooperation with the Executive Committee, make the preparations for the conferences of revision of the provisions of the Convention other than Articles 22 to 26.

(b) The International Bureau may consult with inter-governmental and international non-governmental organizations concerning preparations for conferences of revision.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at these conferences.

(8) The International Bureau shall carry out any other tasks assigned to it.

Article 25

(1) (a) The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union, its contribution to the budget of expenses common to the Unions, and, where applicable, the sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the

Organization shall be considered as expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Union shall be financed from the following sources:

- (i) contributions of the countries of the Union;
- (ii) fees and charges due for services performed by the International Bureau in relation to the Union;
- (iii) sale of, or royalties on, the publications of the International Bureau concerning the Union;
- (iv) gifts, bequests, and subventions;
- (v) rents, interests, and other miscellaneous income.

(4) (a) For the purpose of establishing its contribution towards the budget, each country of the Union shall belong to a class, and shall pay its annual contributions on the basis of a number of units fixed as follows:

Class I	. . . . .	25
Class II	. . . . .	20
Class III	. . . . .	15
Class IV	. . . . .	10
Class V	. . . . .	5
Class VI	. . . . .	3
Class VII	. . . . .	1

(b) Unless it has already done so, each country shall indicate, concurrently with depositing its instrument of ratification or accession, the class to which it wishes to belong. Any country may change class. If it chooses a lower class, the country must announce it to the Assembly at one of its ordinary sessions. Any such change shall take effect at the beginning of the calendar year following the session.

(c) The annual contribution of each country shall be an amount in the same proportion to the total sum to be contributed to the annual budget of the Union by all countries as the number of its units is to the total of the units of all contributing countries.

(d) Contributions shall become due on the first of January of each year.

(e) A country which is in arrears in the payment of its contributions shall have no vote in any of the organs of the Union of which it is a member if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the Union may allow such a country to continue to exercise its vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(f) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, in accordance with the financial regulations.

(5) The amount of the fees and charges due for services rendered by the International Bureau in relation to the Union shall be established, and shall be reported to the Assembly and the Executive Committee, by the Director General.

(6) (a) The Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Union. If the fund becomes insufficient, an increase shall be decided by the Assembly.

(b) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country for the year in which the fund is established or the increase decided.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(7) (a) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization. As long as it remains under the obligation to grant advances, such country shall have an *ex officio* seat on the Executive Committee.

(b) The country referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 26

(1) Proposals for the amendment of Articles 22, 23, 24, 25, and the present Article, may be initiated by any country member of the Assembly, by the Executive Committee, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment of Article 22, and of the present paragraph, shall require four-fifths of the votes cast.

(3) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Assembly at the time it adopted the amendment. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date, provided that any amendment

increasing the financial obligations of countries of the Union shall bind only those countries which have notified their acceptance of such amendment.

Article 27

(1) This Convention shall be submitted to revision with a view to the introduction of amendments designed to improve the system of the Union.

(2) For this purpose, conferences shall be held successively in one of the countries of the Union among the delegates of the said countries.

(3) Subject to the provisions of Article 26 which apply to the amendment of Articles 22 to 26, any revision of this Act, including the Appendix, shall require the unanimity of the votes cast.

Article 28

(1) (a) Any country of the Union which has signed this Act may ratify it, and, if it has not signed it, may accede to it. Instruments of ratification or accession shall be deposited with the Director General.

(b) Any country of the Union may declare in its instrument of ratification or accession that its ratification or accession shall not apply to Articles 1 to 21 and the Appendix, provided that, if such country has previously made a declaration under Article VI(1) of the Appendix, then it may declare in the said instrument only that its ratification or accession shall not apply to Articles 1 to 20.

(c) Any country of the Union which, in accordance with subparagraph (b), has excluded provisions therein referred to from the effects of its ratification or accession may at any later time declare that it extends the effects of its ratification or accession to those provisions. Such declaration shall be deposited with the Director General.

(2) (a) Articles 1 to 21 and the Appendix shall enter into force three months after both of the following two conditions are fulfilled:

- (i) at least five countries of the Union have ratified or acceded to this Act without making a declaration under paragraph (1)(b),
- (ii) France, Spain, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, have become bound by the Universal Copyright Convention as revised at Paris on July 24, 1971.

(b) The entry into force referred to in subparagraph (a) shall apply to those countries of the Union which, at least three months before the said entry into force, have deposited instruments of ratification or accession not containing a declaration under paragraph (1)(b).

(c) With respect to any country of the Union not covered by subparagraph (b) and which ratifies or accedes to this Act without making a declaration under paragraph (1)(b), Articles 1 to 21 and the Appendix shall enter into force three months after the date on which the Director General has notified the deposit of the relevant instrument of ratification or accession, unless a subsequent date has been indicated in the instrument deposited. In the latter case, Articles 1 to 21

and the Appendix shall enter into force with respect to that country on the date thus indicated.

(d) The provisions of subparagraphs (a) to (c) do not affect the application of Article VI of the Appendix.

(3) With respect to any country of the Union which ratifies or accedes to this Act with or without a declaration made under paragraph (1)(b), Articles 22 to 38 shall enter into force three months after the date on which the Director General has notified the deposit of the relevant instrument of ratification or accession, unless a subsequent date has been indicated in the instrument deposited. In the latter case, Articles 22 to 38 shall enter into force with respect to that country on the date thus indicated.

Article 29

(1) Any country outside the Union may accede to this Act and thereby become party to this Convention and a member of the Union. Instruments of accession shall be deposited with the Director General.

(2) (a) Subject to subparagraph (b), this Convention shall enter into force with respect to any country outside the Union three months after the date on which the Director General has notified the deposit of its instrument of accession, unless a subsequent date has been indicated in the instrument deposited. In the latter case, this Convention shall enter into force with respect to that country on the date thus indicated.

(b) If the entry into force according to subparagraph (a) precedes the entry into force of Articles 1 to 21 and the Appendix according to Article 28(2)(a), the said country shall, in the meantime, be bound, instead of by Articles 1 to 21 and the Appendix, by Articles 1 to 20 of the Brussels Act of this Convention.

Article 29^{bis}

Ratification of or accession to this Act by any country not bound by Articles 22 to 38 of the Stockholm Act of this Convention shall, for the sole purposes of Article 14(2) of the Convention establishing the Organization, amount to ratification of or accession to the said Stockholm Act with the limitation set forth in Article 28(1)(b)(i) thereof.

Article 30

(1) Subject to the exceptions permitted by paragraph (2) of this Article, by Article 28(1)(b), by Article 33(2), and by the Appendix, ratification or accession shall automatically entail acceptance of all the provisions and admission to all the advantages of this Convention.

(2) (a) Any country of the Union ratifying or acceding to this Act may, subject to Article V(2) of the Appendix, retain the benefit of the reservations it has previously formulated on condition that it makes a declaration to that effect at the time of the deposit of its instrument of ratification or accession.

(b) Any country outside the Union may declare, in acceding to this Convention and subject to Article V(2) of the Appendix, that it intends to substitute, temporarily at least,

for Article 8 of this Act concerning the right of translation, the provisions of Article 5 of the Union Convention of 1886, as completed at Paris in 1896, on the clear understanding that the said provisions are applicable only to translations into a language in general use in the said country. Subject to Article I(6)(b) of the Appendix, any country has the right to apply, in relation to the right of translation of works whose country of origin is a country availing itself of such a reservation, a protection which is equivalent to the protection granted by the latter country.

(c) Any country may withdraw such reservations at any time by notification addressed to the Director General.

Article 31

(1) Any country may declare in its instrument of ratification or accession, or may inform the Director General by written notification at any time thereafter, that this Convention shall be applicable to all or part of those territories, designated in the declaration or notification, for the external relations of which it is responsible.

(2) Any country which has made such a declaration or given such a notification may, at any time, notify the Director General that this Convention shall cease to be applicable to all or part of such territories.

(3) (a) Any declaration made under paragraph (1) shall take effect on the same date as the ratification or accession in which it was included, and any notification given under that paragraph shall take effect three months after its notification by the Director General.

(b) Any notification given under paragraph (2) shall take effect twelve months after its receipt by the Director General.

(4) This Article shall in no way be understood as implying the recognition or tacit acceptance by a country of the Union of the factual situation concerning a territory to which this Convention is made applicable by another country of the Union by virtue of a declaration under paragraph (1).

Article 32

(1) This Act shall, as regards relations between the countries of the Union, and to the extent that it applies, replace the Berne Convention of September 9, 1886, and the subsequent Acts of revision. The Acts previously in force shall continue to be applicable, in their entirety or to the extent that this Act does not replace them by virtue of the preceding sentence, in relations with countries of the Union which do not ratify or accede to this Act.

(2) Countries outside the Union which become party to this Act shall, subject to paragraph (3), apply it with respect to any country of the Union not bound by this Act or which, although bound by this Act, has made a declaration pursuant to Article 28(1)(b). Such countries recognize that the said country of the Union, in its relations with them:

(i) may apply the provisions of the most recent Act by which it is bound, and

(ii) subject to Article I(6) of the Appendix, has the right to adapt the protection to the level provided for by this Act.

(3) Any country which has availed itself of any of the faculties provided for in the Appendix may apply the provisions of the Appendix relating to the faculty or faculties of which it has availed itself in its relations with any other country of the Union which is not bound by this Act, provided that the latter country has accepted the application of the said provisions.

Article 33

(1) Any dispute between two or more countries of the Union concerning the interpretation or application of this Convention, not settled by negotiation, may, by any one of the countries concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the countries concerned agree on some other method of settlement. The country bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other countries of the Union.

(2) Each country may, at the time it signs this Act or deposits its instrument of ratification or accession, declare that it does not consider itself bound by the provisions of paragraph (1). With regard to any dispute between such country and any other country of the Union, the provisions of paragraph (1) shall not apply.

(3) Any country having made a declaration in accordance with the provisions of paragraph (2) may, at any time, withdraw its declaration by notification addressed to the Director General.

Article 34

(1) Subject to Article 29^{bis}, no country may ratify or accede to earlier Acts of this Convention once Articles 1 to 21 and the Appendix have entered into force.

(2) Once Articles 1 to 21 and the Appendix have entered into force, no country may make a declaration under Article 5 of the Protocol Regarding Developing Countries attached to the Stockholm Act.

Article 35

(1) This Convention shall remain in force without limitation as to time.

(2) Any country may denounce this Act by notification addressed to the Director General. Such denunciation shall constitute also denunciation of all earlier Acts and shall affect only the country making it, the Convention remaining in full force and effect as regards the other countries of the Union.

(3) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(4) The right of denunciation provided by this Article shall not be exercised by any country before the expiration of

five years from the date upon which it becomes a member of the Union.

Article 36

(1) Any country party to this Convention undertakes to adopt, in accordance with its constitution, the measures necessary to ensure the application of this Convention.

(2) It is understood that, at the time a country becomes bound by this Convention, it will be in a position under its domestic law to give effect to the provisions of this Convention.

Article 37

(1) (a) This Act shall be signed in a single copy in the French and English languages and, subject to paragraph (2), shall be deposited with the Director General.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in the Arabic, German, Italian, Portuguese and Spanish languages, and such other languages as the Assembly may designate.

(c) In case of differences of opinion on the interpretation of the various texts, the French text shall prevail.

(2) This Act shall remain open for signature until January 31, 1972. Until that date, the copy referred to in paragraph (1)(a) shall be deposited with the Government of the French Republic.

(3) The Director General shall certify and transmit two copies of the signed text of this Act to the Governments of all countries of the Union and, on request, to the Government of any other country.

(4) The Director General shall register this Act with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries of the Union of signatures, deposits of instruments of ratification or accession and any declarations included in such instruments or made pursuant to Articles 28(1)(c), 30(2)(a) and (b), and 33(2), entry into force of any provisions of this Act, notifications of denunciation, and notifications pursuant to Articles 30(2)(c), 31(1) and (2), 33(3), and 38(1), as well as the Appendix.

Article 38

(1) Countries of the Union which have not ratified or acceded to this Act and which are not bound by Articles 22 to 26 of the Stockholm Act of this Convention may, until April 26, 1975, exercise, if they so desire, the rights provided under the said Articles as if they were bound by them. Any country desiring to exercise such rights shall give written notification to this effect to the Director General; this notification shall be effective on the date of its receipt. Such countries shall be deemed to be members of the Assembly until the said date.

(2) As long as all the countries of the Union have not become Members of the Organization, the International Bureau of the Organization shall also function as the Bureau of the Union, and the Director General as the Director of the said Bureau.

(3) Once all the countries of the Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of the Union shall devolve on the International Bureau of the Organization.

APPENDIX

Article I

(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 Appendix 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 depositing its instrument of ratification or accession or, subject to Article V(1)(c), at any time thereafter, declare that it will avail itself of the faculty provided for in Article II, or of the faculty provided for in Article III, or of both of those faculties. It may, instead of availing itself of the faculty provided for in Article II, make a declaration according to Article V(1)(a).

(2) (a) Any declaration under paragraph (1) notified before the expiration of the period of ten years from the entry into force of Articles 1 to 21 and this Appendix according to Article 28(2) shall be effective until the expiration of the said period. Any such declaration may be renewed in whole or in part for periods of ten years each by a notification deposited with the Director General not more than fifteen months and not less than three months before the expiration of the ten-year period then running.

(b) Any declaration under paragraph (1) notified after the expiration of the period of ten years from the entry into force of Articles 1 to 21 and this Appendix according to Article 28(2) shall be effective until the expiration of the ten-year period then running. Any such declaration may be renewed as provided for in the second sentence of subparagraph (a).

(3) Any country of the Union which has ceased to be regarded as a developing country as referred to in paragraph (1) shall no longer be entitled to renew its declaration as provided in paragraph (2), and, whether or not it formally withdraws its declaration, such country shall be precluded from availing itself of the faculties referred to in paragraph (1) from the expiration of the ten-year period then running or from the expiration of a period of three years after it has ceased to be regarded as a developing country, whichever period expires later.

(4) Where, at the time when the declaration made under paragraph (1) or (2) ceases to be effective, there are copies in stock which were made under a license granted by virtue of this Appendix, such copies may continue to be distributed until their stock is exhausted.

(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), may, in respect of such territory, make the declaration referred to in paragraph (1) and the notification of renewal referred to in paragraph (2). As long as such declaration or notification remains in effect, the provisions of this Appendix shall be applicable to the territory in respect of which it was made.

(6) (a) The fact that a country avails itself of any of the faculties referred to in paragraph (1) does not permit another country to give less protection to works of which the country of origin is the former country than it is obliged to grant under Articles 1 to 20.

(b) The right to apply reciprocal treatment provided for in Article 30(2)(b), second sentence, shall not, until the date on which the period applicable under Article I(3) expires, be exercised in respect of works the country of origin of which is a country which has made a declaration according to Article V(1)(a).

Article II

(1) Any country which has declared that it will avail itself of the faculty provided for in this Article shall be entitled, so far as works published in printed or analogous forms of reproduction are concerned, to substitute for the exclusive right of translation provided for in Article 8 a system of non-exclusive and non-transferable licenses, granted by the competent authority under the following conditions and subject to Article IV.

(2) (a) Subject to paragraph (3), if, after the expiration of a period of three years, or of any longer period determined by the national legislation of the said country, commencing on the date of the first publication of the work, a translation of such work has not been published in a language in general use in that country by the owner of the right of translation, or with his authorization, any national of such country may obtain a license to make a translation of the work in the said language and publish the translation in printed or analogous forms of reproduction.

(b) A license under the conditions provided for in this Article may also be granted if all the editions of the translation published in the language concerned are out of print.

(3)(a) In the case of translations into a language which is not in general use in one or more developed countries which are members of the Union, a period of one year shall be substituted for the period of three years referred to in paragraph (2)(a).

(b) Any country referred to in paragraph (1) may, with the unanimous agreement of the developed countries which are members of the Union and in which the same language is in general use, substitute, in the case of translations into that language, for the period of three years referred to in paragraph (2)(a) a shorter period as determined by such agreement but not less than one year. However, the provisions of the

foregoing sentence shall not apply where the language in question is English, French or Spanish. The Director General shall be notified of any such agreement by the Governments which have concluded it.

(4) (a) No license obtainable after three years shall be granted under this Article until a further period of six months has elapsed, and no license obtainable after one year shall be granted under this Article until a further period of nine months has elapsed

- (i) from the date on which the applicant complies with the requirements mentioned in Article IV(1), or
- (ii) where the identity or the address of the owner of the right of translation is unknown, from the date on which the applicant sends, as provided for in Article IV(2), copies of his application submitted to the authority competent to grant the license.

(b) If, during the said period of six or nine months, a translation in the language in respect of which the application was made is published by the owner of the right of translation or with his authorization, no license under this Article shall be granted.

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

(6) If a translation of a work is published by the owner of the right of translation or with his authorization at a price reasonably related to that normally charged in the country for comparable works, any license granted under this Article shall terminate if such translation is in the same language and with substantially the same content as the translation published under the license. Any copies already made before the license terminates may continue to be distributed until their stock is exhausted.

(7) For works which are composed mainly of illustrations, a license to make and publish a translation of the text and to reproduce and publish the illustrations may be granted only if the conditions of Article III are also fulfilled.

(8) No license shall be granted under this Article when the author has withdrawn from circulation all copies of his work.

(9) (a) A license to make a translation of a work which has been published in printed or analogous forms of reproduction may also be granted to any broadcasting organization having its headquarters in a country referred to in paragraph (1), upon an application made to the competent authority of that country by the said organization, provided that all of the following conditions are met:

- (i) the translation is made from a copy made and acquired in accordance with the laws of the said country;
- (ii) the translation is only for use in broadcasts intended exclusively for teaching or for the dissemination of the results of specialized technical or scientific research to experts in a particular profession;
- (iii) the translation is used exclusively for the purposes referred to in condition (ii) through broadcasts made lawfully and intended for recipients on the territory of the said country, including broadcasts made through

the medium of sound or visual recordings lawfully and exclusively made for the purpose of such broadcasts;

(iv) all uses made of the translation are without any commercial purpose.

(b) Sound or visual recordings of a translation which was made by a broadcasting organization under a license granted by virtue of this paragraph may, for the purposes and subject to the conditions referred to in subparagraph (a) and with the agreement of that organization, also be used by any other broadcasting organization having its headquarters in the country whose competent authority granted the license in question.

(c) Provided that all of the criteria and conditions set out in subparagraph (a) are met, a license may also be granted to a broadcasting organization to translate any text incorporated in an audio-visual fixation where such fixation was itself prepared and published for the sole purpose of being used in connection with systematic instructional activities.

(d) Subject to subparagraphs (a) to (c), the provisions of the preceding paragraphs shall apply to the grant and exercise of any license granted under this paragraph.

Article III

(1) Any country which has declared that it will avail itself of the faculty provided for in this Article shall be entitled to substitute for the exclusive right of reproduction provided for in Article 9 a system of non-exclusive and non-transferable licenses, granted by the competent authority under the following conditions and subject to Article IV.

(2) (a) If, in relation to a work to which this Article applies by virtue of paragraph (7), after the expiration of

- (i) the relevant period specified in paragraph (3), commencing on the date of first publication of a particular edition of the work, or
- (ii) any longer period determined by national legislation of the country referred to in paragraph (1), commencing on the same date,

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

(b) A license to reproduce and publish an edition which has been distributed as described in subparagraph (a) may also be granted under the conditions provided for in this Article if, after the expiration of the applicable period, no authorized copies of that edition have been on sale for a period of six months in the country concerned 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.

(3) The period referred to in paragraph (2)(a)(i) 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) (a) No license obtainable after three years shall be granted under this Article until a period of six months has elapsed

- (i) from the date on which the applicant complies with the requirements mentioned in Article IV(1), or
- (ii) where the identity or the address of the owner of the right of reproduction is unknown, from the date on which the applicant sends, as provided for in Article IV(2), copies of his application submitted to the authority competent to grant the license.

(b) Where licenses are obtainable after other periods and Article IV(2) is applicable, no license shall be granted until a period of three months has elapsed from the date of the dispatch of the copies of the application.

(c) If, during the period of six or three months referred to in subparagraphs (a) and (b), a distribution as described in paragraph (2)(a) has taken place, no license shall be granted under this Article.

(d) No license shall be granted if the author has withdrawn from circulation all copies of the edition for the reproduction and publication of which the license has been applied for.

(5) A license 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 of translation or with his authorization, or
- (ii) where the translation is not in a language in general use in the country in which the license is applied for.

(6) If copies of an edition of a work are distributed in the country referred to in paragraph (1) to the general public or in connection with systematic instructional activities, by the owner of the right of reproduction or with his authorization, at a price reasonably related to that normally charged in the country for comparable works, any license granted under this Article shall terminate if such edition is in the same language and with substantially the same content as the edition which was published under the said license. Any copies already made before the license terminates may continue to be distributed until their stock is exhausted.

(7) (a) Subject to subparagraph (b), the works to which this Article applies shall be limited to works published in printed or analogous forms of reproduction.

(b) This Article shall also apply to the reproduction in audio-visual form of lawfully made audio-visual fixations including any protected works incorporated therein and to the translation of any incorporated text into a language in general use in the country in which the license is applied for, always provided that the audio-visual fixations in question were prepared and published for the sole purpose of being used in connection with systematic instructional activities.

Article IV

(1) A license under Article II or Article III 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 owner of the right to make and publish the translation or to reproduce and publish 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. At the same time as making the request, the applicant shall inform any national or international information center referred to in paragraph (2).

(2) If the owner of the right cannot be found, the applicant for a license shall send, by registered airmail, copies of his application, submitted to the authority competent to grant the license, to the publisher whose name appears on the work and to any national or international information center which may have been designated, in a notification to that effect deposited with the Director General, by the Government of the country in which the publisher is believed to have his principal place of business.

(3) The name of the author shall be indicated on all copies of the translation or reproduction published under a license granted under Article II or Article III. The title of the work shall appear on all such copies. In the case of a translation, the original title of the work shall appear in any case on all the said copies.

(4) (a) No license granted under Article II or Article III shall extend to the export of copies, and any such license shall be valid only for publication of the translation or of the reproduction, as the case may be, in the territory of the country in which it has been applied for.

(b) For the purposes of subparagraph (a), the notion of export shall include the sending of copies from any territory to the country which, in respect of that territory, has made a declaration under Article I(5).

(c) Where a governmental or other public entity of a country which has granted a license to make a translation under Article II into a language other than English, French or Spanish sends copies of a translation published under such license to another country, such sending of copies shall not, for the purposes of subparagraph (a), be considered to constitute export if all of the following conditions are met:

- (i) the recipients are individuals who are nationals of the country whose competent authority has granted the license, or organizations grouping such individuals;
- (ii) the copies are to be used only for the purpose of teaching, scholarship or research;
- (iii) the sending of the copies and their subsequent distribution to recipients is without any commercial purpose; and
- (iv) the country to which the copies have been sent has agreed with the country whose competent authority has granted the license to allow the receipt, or distribution, or both, and the Director General has been notified of the agreement by the Government of the country in which the license has been granted.

(5) All copies published under a license granted by virtue of Article II or Article III shall bear a notice in the appropriate language stating that the copies are available for distribution only in the country or territory to which the said license applies.

(6) (a) Due provision shall be made at the national level to ensure

- (i) that the license 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 licenses freely negotiated between persons in the two countries concerned, and
- (ii) 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.

(b) Due provision shall be made by national legislation to ensure a correct translation of the work, or an accurate reproduction of the particular edition, as the case may be.

Article V

(1) (a) Any country entitled to make a declaration that it will avail itself of the faculty provided for in Article II may, instead, at the time of ratifying or acceding to this Act:

- (i) if it is a country to which Article 30(2)(a) applies, make a declaration under that provision as far as the right of translation is concerned;
- (ii) if it is a country to which Article 30(2)(a) does not apply, and even if it is not a country outside the Union, make a declaration as provided for in Article 30(2)(b), first sentence.

(b) In the case of a country which ceases to be regarded as a developing country as referred to in Article I(1), a declaration made according to this paragraph shall be effective until the date on which the period applicable under Article I(3) expires.

(c) Any country which has made a declaration according to this paragraph may not subsequently avail itself of the faculty provided for in Article II even if it withdraws the said declaration.

(2) Subject to paragraph (3), any country which has availed itself of the faculty provided for in Article II may

not subsequently make a declaration according to paragraph (1).

(3) Any country which has ceased to be regarded as a developing country as referred to in Article I(1) may, not later than two years prior to the expiration of the period applicable under Article I(3), make a declaration to the effect provided for in Article 30(2)(b), first sentence, notwithstanding the fact that it is not a country outside the Union. Such declaration shall take effect at the date on which the period applicable under Article I(3) expires.

Article VI

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

- (i) if it is a country which, were it bound by Articles 1 to 21 and this Appendix, would be entitled to avail itself of the faculties referred to in Article I(1), that it will apply the provisions of Article II or of Article III or of both to works whose country of origin is a country which, pursuant to (ii) below, admits the application of those Articles to such works, or which is bound by Articles 1 to 21 and this Appendix; such declaration may, instead of referring to Article II, refer to Article V;
- (ii) that it admits the application of this Appendix to works of which it is the country of origin by countries which have made a declaration under (i) above or a notification under Article I.

(2) Any declaration made under paragraph (1) shall be in writing and shall be deposited with the Director General. The declaration shall become effective from the date of its deposit.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Act.*

DONE at Paris on July 24, 1971.

* On July 24, 1971, the Act was signed by the Plenipotentiaries of the 28 following countries: Brazil, Cameroon, Ceylon, Cyprus, Denmark, France, Germany (Federal Republic), Holy See, Hungary, India, Israel, Italy, Ivory Coast, Lebanon, Liechtenstein, Luxembourg, Mexico, Monaco, Morocco, Netherlands, People's Republic of the Congo, Senegal, Spain, Sweden, Switzerland, Tunisia, United Kingdom, Yugoslavia.

In accordance with Article 37, the Convention will remain open for signature until January 31, 1972.

II. General Report on the Conference

presented by Mr. Ousmane GOUNDIAM, General Rapporteur,
and unanimously adopted on July 22, 1971, by the Plenary Conference

I. Convening, purpose and composition of the Conference

1. In accordance with the decisions of the competent bodies of the Berne Union, the Director General of the World Intellectual Property Organization (WIPO) convened a Diplomatic Conference (hereinafter called "the Conference") for the revision of the Berne Convention for the Protection of Literary and Artistic Works (hereinafter called "the Convention"). This was held at Paris from July 5 to 24, 1971. The Universal Copyright Convention was also revised at the same place and dates.*

2. The purpose of the Conference was on the one hand to revise the provisions relating to the developing countries contained in the Stockholm Act (1967) of the Convention, and on the other hand to introduce in the final clauses of the said Act the modifications consequent upon that revision.

3. Delegations of the following 48 countries, members of the Berne Union, participated in the work of the Conference: Argentina, Australia, Austria, Belgium, Brazil, Cameroon, Canada, Ceylon, Chile, Congo, Cyprus, Czechoslovakia, Denmark, Finland, France, Gabon, Germany (Federal Republic), Greece, Holy See, Hungary, India, Ireland, Israel, Italy, Ivory Coast, Japan, Lebanon, Liechtenstein, Luxembourg, Morocco, Mexico, Monaco, Netherlands, Niger, Norway, Pakistan, People's Republic of the Congo, Portugal, Senegal, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, United Kingdom, Uruguay, Yugoslavia.

4. The Delegations of Czechoslovakia and Hungary protested against the fact that the German Democratic Republic had not been invited to take part in the Conference. The Delegation of Chile made the same protest, and also declared that it did not consider the observers of the Republic of China as empowered to represent the people of China. The Delegation of India associated itself with this latter declaration.

5. Delegations of the following 27 States, members of the United Nations or of one or more organizations of the United Nations system but not members of the Berne Union, participated in the work of the Conference as observers: Algeria, Bolivia, Central African Republic, Chad, China (Republic of), Costa Rica, Dominican Republic, Ecuador, Guatemala, Iran, Iraq, Kenya, Khmer Republic, Laos, Liberia, Malawi, Malaysia, Mauritania, Nicaragua, Republic of Viet-Nam, Rwanda, Sudan, Syria, Tanzania, Togo, United Arab Republic, United States of America.

6. WIPO was represented by its Director General, Professor G. H. C. Bodenhausen, and subsequently by its First Deputy Director General, Dr. Arpad Bogsch.

7. Four intergovernmental organizations (the International Labour Organisation (ILO), the United Nations Educational,

Scientific and Cultural Organization (Unesco), the Council of Europe and the African and Malagasy Industrial Property Office (OAMPI)), and nineteen international non-governmental organizations were represented by observers.

8. In total, nearly three hundred persons were present.

9. On the proposal of the Delegation of the United Kingdom, supported by the Delegations of Italy, Germany (Federal Republic), Spain and the Ivory Coast, His Excellency Ambassador Pierre Charpentier, Head of the Delegation of France, was elected President of the Conference by acclamation.

10. The Conference adopted the provisional Agenda submitted to it in document B/DC/1.

11. After introducing some modifications, the Conference adopted the draft Rules of Procedure prepared by the Permanent Committee of the Berne Union at its extraordinary session in September 1970 (document B/DC/2). The final text of the Rules of Procedure of the Conference is contained in document B/DC/8, modified by the substitution of the word "nine" for the word "eight" in Rule 10.

12. The following nine persons were elected Vice-Presidents of the Conference: Mr. J. P. Harkins (Australia), His Excellency Ambassador Everaldo Dayrell de Lima (Brazil), Mr. P. M. D. Fernando (Ceylon), Mr. Léopold Lutété (Congo), Mr. István Timár (Hungary), Mr. Abderrazak Zerrad (Morocco), Mr. Ulf Nordenson (Sweden), Professor Mario M. Pedrazzini (Switzerland), His Excellency Mr. Aleksandar Jelić (Yugoslavia).

13. The post of General Rapporteur was assigned to the Head of the Delegation of Senegal.

14. On the proposal of the Delegation of India, supported by the Delegations of the Netherlands, Canada, Italy and France, Professor Eugen Ulmer (Germany (Federal Republic)) was elected Chairman of the Main Commission. On the proposal of the Delegation of Spain, supported by the Delegation of the United Kingdom, His Excellency Ambassador Francisco Cuevas-Cancino (Mexico) and Mr. Abderrazak Zerrad (Morocco) were elected Vice-Chairmen of the Main Commission.

15. The Conference, on the proposal of the President, elected the representatives of the following countries as members of the Credentials Committee: Czechoslovakia, Germany (Federal Republic), Italy, Ivory Coast, Japan, Spain, Uruguay. During the Conference the Credentials Committee met on several occasions under the chairmanship of His Excellency Ambassador Yoshihiro Nakayama (Japan), its Chairman, or of Mr. Bernard Dadié (Ivory Coast), its Vice-Chairman. It examined the credentials of delegations and reported on its work to the Conference (documents B/DC/14 and 30).

16. The Conference, on the proposal of the President, elected the representatives of the following countries as members of

* The revised text of the Universal Copyright Convention will be published later for information.

the Drafting Committee: Argentina, Canada, France, India, Japan, Netherlands, Sweden, Tunisia, United Kingdom. The Drafting Committee elected Mr. William Wallace (United Kingdom) and Mr. Werner Ludwig Haardt (Netherlands) as its Chairman and Vice-Chairman respectively. The Drafting Committee held several meetings in order to put the revised text of the Convention into final form. Documents B/DC/24, 27 and 28 reflect the results of its work.

17. Mr. Claude Masouyé (WIPO) and Mr. Mihailo Stojanović (WIPO) acted as Secretary General of the Conference and Assistant Secretary General respectively.

II. Consideration of the draft text of the Convention

18. The Conference started its work in a plenary meeting in which general declarations were made. The same meeting decided that the instrument to be adopted should contain both the provisions which were and those which were not the subject of the Conference. Thus the new instrument is an "Act" to be known as "the Paris Act," rather than an Act "additional to the Stockholm Act." (The International Bureau had, before the Conference, prepared drafts of both a self-contained and an additional Act.)

19. (a) The provisions which have not been the subject of the Conference and thus are incorporated in the Paris Act with exactly the same content and in exactly the same form as they appear in the 1967 Stockholm Act are the general substantive provisions (Articles I to 20) and the administrative provisions (Articles 22 to 26). This fact, in itself, proves that the Stockholm Conference had achieved success on most important points.

(b) Although the present Conference revised the special substantive provisions adopted at the Stockholm Conference concerning developing countries (and made consequential changes in the final clauses), it was generally recognized not only that the work of the Stockholm Conference was very important also as far as the questions concerning developing countries were concerned, but that, without that work, the present Conference could not have achieved the unanimous agreement which it had achieved in respect of those questions.

20. In order to underline the merits of the work accomplished at Stockholm, the Conference decided to express, in the preamble of the Paris Act, recognition of the importance of that work and to recall that the Articles referred to above were the result of the Stockholm, rather than the present, Conference.

21. Most of the rest of the discussions of the Conference took place in its Main Commission in which all the countries and all the organizations represented in the Conference had the right to participate and in which they all participated. The delegations representing developing countries held several meetings among themselves. These proved to be particularly useful in arriving at common positions among such countries on some of the more difficult issues.

22. The discussions were based (i) on the draft text prepared by the Permanent Committee of the Berne Union in 1970 (document B/DC/4) as slightly modified, on purely formal

points, by the International Bureau of WIPO (document B/DC/5), (ii) on the observations made before the Conference by governments and by interested organizations (documents B/DC/6 and 7), and (iii) on a number of amendments presented during the Conference by several delegations and working groups (documents B/DC/9 to 13, B/DC/15 to 23, B/DC/25 and 26 and B/DC/31 to 35). It is recalled that the text prepared by the Permanent Committee was, in turn, based on the work of several preparatory meetings, particularly those held in Washington in 1969 and in Geneva in May and September 1970 (see documents B/DC/3 and 4).

23. The discussions in the Plenary and in the Main Commission are reflected in the summary minutes. Consequently, this Report mainly mentions only those points which may be important for understanding the intentions of the Conference in adopting certain provisions and which the Conference agreed should be mentioned in this Report.

24. It is to be noted that several provisions in the Paris Act are similar to corresponding provisions in the Universal Copyright Convention as revised. Discussions on these provisions usually took place in the Revision Conference of that Convention only days before they were discussed in the present Conference, among participants who were to a great extent identical in the two Conferences. Arguments for and against and understandings on such provisions were, in many cases, not repeated in the present Conference. These facts explain the relative brevity of the following passages of this Report. The points referred to in the previous paragraph are considered in the order in which they appear in the Paris Act.

Article 29^{bis}

25. The Conference noted a declaration of the Director General of WIPO to the effect that he would call the attention of the competent bodies of WIPO to this Article and would invite them to note it for the purposes of the application of Article 14(2) of the Convention Establishing the World Intellectual Property Organization.

Article 36

26. It was understood that in countries according to the constitution of which treaties were self-executing no separate legislation was necessary to implement those provisions of the Convention which, by their nature, were susceptible of direct application.

APPENDIX

Article I(1)

27. It was understood that the expression "country regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations" did not allow for the drawing up of a list of such countries which would not be susceptible to changes in the future, not only because the stage of development of particular countries may change but also because the practice of the General Assembly may undergo changes in the sense that the criteria on which such practice is based may undergo changes. Whether any

country is at any given time a developing country for the purposes of the Appendix would have to be decided on the basis of the practice of the General Assembly prevailing at the time relevant for deciding the question.

Article I(6)(a)

28. It was understood that this subparagraph did not modify the right of any country to apply the so-called "comparison of terms" clause contained in Article 7(8).

Article II(2)

29. It was understood that the term "national of such country" also covered legal entities, including the State itself, its national or local authorities, and enterprises owned by the State or such authorities.

30. (a) Furthermore, it was understood that the notion of "a language in general use" in a country included languages in general use by less than the totality of the country's population. Thus, such a language could be a language in general use in a given geographic region of the country, the language of an ethnic group of the population, or a language generally used for particular purposes, such as government administration or education.

(b) It is to be noted that the expression in question also appears in other provisions of the Paris Act. It should be understood in the above sense in all such provisions also.

Article II(4)

31. Although the Delegation of India said that it interpreted the first sentence of this paragraph as meaning that the six or nine months period could start running before the expiration of the three or one year period (and thus the two kinds of periods could run concurrently), it was generally agreed that the six or nine months periods could not run concurrently with the three or one year periods since an application for a license for translation could validly be presented only after the expiration of the three or one year period and because the sense of the word "further" was to bring out clearly that the six or nine months period is necessarily subsequent to the three or one year period.

Article II(6)

32. (a) This paragraph provides that the license to translate terminates if the owner of the right to translate himself publishes a translation satisfying certain conditions. One of them is that the said translation must have "substantially the same content" as the translation which was published under the license. It was understood that this condition would be satisfied not only when the content of the translation of the owner was identical or almost so to the content of the translation made under a license but also when the former contained certain improvements, as would be the case, for example, when the content of a school book is updated.

(b) It was further understood that the licensee should be given reasonable notice by the owner of the right of translation, of the publication of a translation authorized by him, if the owner of the right is aware of the license.

Article II(9)(a) and (b)

33. It was understood that these subparagraphs do not affect or modify in any respect Article 11^{bis} of the Convention.

34. It was understood that the words "made and acquired in accordance with the laws of the said country" in paragraph (9)(a)(i) mean that the copy must not be an infringing copy according to the laws of that country.

Article III(3)(ii)

35. It was noted that the English text uses the expression "works of fiction, poetry, drama and music" and the French text "*œuvres qui appartiennent au domaine de l'imagination, telles que romans, les œuvres poétiques, dramatiques et musicales,*" but that the difference was merely one of form (unavoidable, because "works of fiction" had no exactly corresponding expression in French, and "*œuvres qui appartiennent au domaine de l'imagination*" had no exactly corresponding expression in English) whereas in substance they meant the same, and, in particular, the absence of the word "roman" in English did not mean that novels were not included, and that the use of the word "roman" in French did not mean that works of fiction shorter than novels were excluded.

Article III(7)(b)

36. This subparagraph applies when the reproduction is in audio-visual form — that is, a fixation containing both pictures and sound — and whether the audio-visual fixation constitutes itself a protected work or contains a protected work. It allows for the distribution of the reproductions of the fixation for the purposes and under the conditions provided for in the other provisions of Article III and the relevant provisions of Article IV.

Article IV(1)

37. It was understood that the request for authorization addressed to the owner of the right must indicate that, if such authorization is denied, the denial might serve as a basis for applying for a license under the Appendix.

38. Furthermore, it was understood that licenses under the Appendix may validly be applied for only when the applicable period under Article II(2)(a) or (3), or under Article III(3), has expired.

Article IV(2)

39. It was understood that where a license under Articles II or III is to be granted, the competent authority should take reasonable steps to ensure that the owner of the right has an opportunity to be aware of the application and to take such measures as may seem to him appropriate.

Article IV(4)(a)

40. It follows from the provisions of Article IV(4)(a), prohibiting the export of copies and prescribing that the license shall be valid only for publication in the territory of the country where it has been applied for, that these provisions are considered as prohibiting a licensee from having copies

reproduced outside the territory of the country granting the license. However, it was understood that this prohibition does not apply under the following conditions:

- (a) the country granting the license has, within its territory, no printing or reproduction facilities, or such facilities exist but are incapable for economic or practical reasons of reproducing the copies;
- (b) the country where the work of reproduction is done is a member of the Berne Union or a party to the Universal Copyright Convention;
- (c) all copies reproduced are sent, in one or more bulk shipments, to the licensee for distribution exclusively in the licensee's country and the contract between the licensee and the establishment doing the work of reproduction so requires and provides further that the establishment guarantees that the work of reproduction is lawful in the country where it is done;
- (d) the licensee does not entrust the work of reproduction to an establishment specially created for the purpose of having copies reproduced of works for which a license has been granted under Article II or Article III; and
- (e) all copies reproduced bear a notice in accordance with Article IV(5).

41. (a) It was also understood that the foregoing conditions only apply to works published in printed or analogous forms of reproduction and to the incorporation in audio-visual fixations of translated texts.

(b) It was further understood that these provisions do not require any country in which the copies are reproduced to permit what would otherwise be an infringement of copyright under its law.

42. It was generally accepted that nothing in Articles II, III and IV prohibited a compulsory licensee from employing a translator in another country, or other compulsory licensees, licensed to publish a translation in the same language in other countries, from using the same translation, assuming, of course, that the translation has not already been published. The same interpretation applies with respect to persons entrusted with doing the preparatory editorial work.

Article IV(4)(c)(iii)

43. It was understood that the expression "without commercial purpose" did not mean that the public entity could not charge a price for each copy; what it meant was that the price, if any, could not include any profit or financial gain for the entity, but could merely enable it to recover its costs.

III. List of Participants *

I. States Members of the Berne Union

ARGENTINA

Head of the Delegation

José M. G. Alvarez de Toledo, Ambassadeur, Délégué permanent auprès de l'Unesco.

Delegates

Teresa H. I. Flouret (Miss), Conseiller d'Ambassade, Délégation permanente auprès de l'Unesco.

José Pico, Secrétaire d'Ambassade, Délégation permanente auprès de l'Unesco.

Experts

Delia Lipszyc (Mrs.), Abogada.
Carlos Mouchet, Abogado.

AUSTRALIA

Head of the Delegation

Joseph Patrick Harkins, Senior Assistant Secretary, Attorney-General's Department.

Delegates

Clinton Bryan Fernando, Senior Legal Officer, Attorney-General's Department.
Gardner Davies, Permanent Delegate to Unesco.

AUSTRIA

Head of the Delegation

Robert Dittrich, Directeur de service, Ministère fédéral de la Justice.

Delegate

Winfried Lang, Secrétaire d'Ambassade, Ambassade d'Autriche, Paris.

Expert

Otto Auracher, Secretary to the Austrian Chamber of Labour.

BELGIUM

Head of the Delegation

Jean Papeians de Morchoven, Ambassadeur, Délégué permanent auprès de l'Unesco.

Deputy Head of the Delegation

Gérard-L. de San, Directeur général, Ministère de l'Education nationale et de la Culture.

Delegates

Frans van Isacker, Professeur à l'Université de Gand.
Jacques L. L. Bocqué, Conseiller adjoint au Ministère des Affaires étrangères.
Albert C. J. G. Namurois, Directeur d'administration, Radiodiffusion-Télévision belge.

Adviser

Jan Vermeire, Chef de service, Radiodiffusion-Télévision belge.

Secretary of the Delegation

Arsène van den Driessche, Membre de la Délégation permanente auprès de l'Unesco.

BRAZIL

Head of the Delegation

Everaldo Dayrell de Lima, Ambassadeur, Délégué permanent auprès de l'Unesco.

Delegates

Maria de Lourdes Castro e Silva de Vicenzi (Mrs.), Délégué permanent adjoint, Délégation permanente auprès de l'Unesco.

José Carlos Moreira Alves, Professeur, Président de la Commission de revision du Code du droit d'auteur.

Daniel da Silva Rocha, Directeur de la Société brésilienne des auteurs de théâtre.

João Frank da Costa, Chef de la coopération intellectuelle du Ministère des Relations extérieures.

Advisers

Luis Filipe de Macedo Soares Guimarães, Secrétaire d'Ambassade, Délégation permanente auprès de l'Unesco.

Augusto Cesar de Vasconcellos Gonçalves, Secrétaire d'Ambassade.
Ana-Lúcia Lyra Tavares (Miss), Avocat.

Observers

Propicio Machado Alves, Représentant du Syndicat national des éditeurs.

Claudio de Souza Amaral, Avocat.

CAMEROON

Head of the Delegation

Jean-Albert Ndongo, Conseiller culturel, Ambassade du Cameroun, Paris.

Deputy Head of the Delegation

François Moudourou, Attaché culturel, Ambassade du Cameroun, Paris.

Delegate

Jean Calvin Bahoken, Professeur de Sciences sociales.

CANADA

Head of the Delegation

René Garneau, Ambassadeur auprès de l'Unesco.

Deputy Head of the Delegation

Finlay William Simons, Assistant Commissioner of Patents, Patent Office, Ottawa.

Delegate and Secretary of the Delegation

Robert G. Blackburn, Cultural Affairs Division, Department of External Affairs.

Delegates

Marcel Denis Bélanger, Economiste, Ministère de l'Industrie et du Commerce.

Yvon DesRochers, Secrétaire d'Etat.

Naim Kattan, Directeur, Service des Lettres, Conseil des Arts.

Andrew A. Keyes, Copyright Consultant, Department of Consumer and Corporate Affairs.

Julian Harris Porter, Counsel of Canadian Conference of the Arts.

CEYLON

Head of the Delegation

P. M. D. Fernando, First Secretary, Ceylon Embassy, Paris.

* Names and titles in this list are reproduced as banded in to the Secretariat of the Conference.

CHILE*Head of the Delegation*

Jorge Huneeus, Chargé d'Affaires du Chili, Délégation permanente auprès de l'Unesco.

CONGO*Head of the Delegation*

Léopold Lutété, Directeur de Cabinet adjoint au Ministère des Affaires étrangères.

Delegate

José-Baudouin Emany, Directeur général de la Société nationale des éditeurs, compositeurs et auteurs.

CYPRUS*Head of the Delegation*

Criton G. Tornaritis, Attorney-General.

Delegates

Takis L. Christodoulides, Official Receiver and Registrar.
Andreas Christofides, Director-General, Cyprus Broadcasting Corporation.

Adviser

Georges Straschnov, Directeur du Service des Affaires juridiques de l'Union européenne de radiodiffusion.

CZECHOSLOVAKIA*Head of the Delegation*

Václav Tylner, Conseiller d'Ambassade.

Delegate

Milan Reiniš, Legal Counsellor, Ministry of Culture.

DENMARK*Head of the Delegation*

Wilhelm Axel Weincke, Head of Department, Ministry of Cultural Affairs.

Delegates

William Friis-Møller, Secretary of Embassy.
Hans Jacob Kjaer, Secretary, Ministry of Cultural Affairs.
Jørgen Nørup-Nielsen, Secretary, Ministry of Cultural Affairs.

FINLAND*Head of the Delegation*

Ragnar Meinander, Governmental Counsellor, Ministry of Education.

Deputy Head of the Delegation

Osmo Lares, Deputy Director of Legal Affairs, Ministry of Foreign Affairs.

Delegate

Berndt Godenhjelm, Professeur à la Faculté de droit d'Helsinki.

FRANCE*Head of the Delegation*

Pierre Charpentier, Ambassadeur de France, Ministère des Affaires étrangères.

Deputy Head of the Delegation

André Saint-Mieux, Ministre plénipotentiaire, Chef des Services de diffusion et d'échanges culturels, Ministère des Affaires étrangères.

Delegates

André Kerever, Maître des Requêtes au Conseil d'Etat.
Marcel Boutet, Avocat à la Cour, Vice-Président de la Commission de la propriété intellectuelle près le Ministère des Affaires culturelles.
Henri Desbois, Professeur à l'Université de droit, d'économie et de sciences sociales de Paris.
Paul Bernard Nollet, Inspecteur général, Ministère du Développement industriel et scientifique.
Jean Buffin, Chef du Bureau du droit d'auteur, Ministère des Affaires culturelles.
Jean-Loup Tournier, Membre de la Commission de la propriété intellectuelle près le Ministère des Affaires culturelles.
Pierre Roger Lunet, Conseiller des Affaires étrangères, Ministère des Affaires étrangères.

Experts

Jean Albert-Sorel, Ancien Président de la Société des Gens de Lettres.
Daniel Avram, Conseiller juridique, Ministère des Affaires étrangères.
Pierre Béarn, Président du Syndicat des écrivains.
Henri Calef, Président de l'Association des auteurs de films.
Marcel Cazé, Directeur à l'Office de Radiodiffusion-Télévision française.
Pierre Louis Chesnais, Secrétaire général du Syndicat national des industries et commerces de publications sonores et audio-visuelles.
Jacques-Louis Duchemin, Secrétaire général de la Société de la propriété artistique des dessins et modèles.
Jacques Duron, Professeur à l'Université, Chef du Service des lettres, Ministère des Affaires culturelles.
Jean Ferraton, Directeur général de la Société pour l'administration du droit de reproduction mécanique des auteurs, compositeurs et éditeurs.
André Françon, Professeur à l'Université de Paris X.
André Géranton, Chef du Service juridique du Syndicat national des éditeurs.
Jean Matthyssens, Délégué général de la Société des auteurs et compositeurs dramatiques.
Françoise Ramoff (Mrs.), Magistrat.
André Schaffhauser, Conseiller des Affaires étrangères, Ministère des Affaires étrangères.

GABON*Observer*

Simon Augé, Réalisateur de télévision.

GERMANY (Federal Republic)*Head of the Delegation*

Horst Groepper, Ambassadeur, Ministère fédéral des Affaires étrangères.

Head of the Delegation from July 16

Rupprecht von Keller, Ambassadeur, Ministère fédéral des Affaires étrangères.

Deputy Head of the Delegation

Eugen Ulmer, Professeur à l'Université de Munich, Directeur du Max-Planck-Institut für ausländisches und internationales Patent-, Urheber- und Wettbewerbsrecht.

Delegates

Elisabeth Steup (Mrs.), Ministerialrätin, Ministère fédéral de la Justice.
 Manfred Günther, Legationsrat I. Klasse, Ministère fédéral des Affaires étrangères.
 Eberhard von Puttkamer, Premier Secrétaire, Ministère fédéral des Affaires étrangères.
 Erhard Bungereth, Staatsanwalt, Ministère fédéral de la Justice.
 Erich Feldweg.

Secretary of the Delegation

Elisabeth Elter (Miss), Secrétaire, Ministère fédéral des Affaires étrangères.

GREECE*Head of the Delegation*

Georges D. Papoulias, Délégué permanent a. i. auprès de l'Unesco.

HOLY SEE*Head of the Delegation*

Edoardo Rovida, Observateur permanent auprès de l'Unesco.

Delegates

Louis Rousseau, Avocat au Conseil d'Etat et à la Cour de Cassation.
 Marie-Simone de Chalus (Mrs.), Secrétaire, Bureau de l'Observateur permanent auprès de l'Unesco.

HUNGARY*Head of the Delegation*

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Deputy Head of the Delegation

Gyula Jelenik, Directeur adjoint du Département du droit international, Ministère des Affaires étrangères.

Members

Andor Juhász, Chef du Département juridique, Ministère des Affaires culturelles.
 Aurél Benárd, Head of Section, Ministry of Justice.
 János Zakár, Conseiller juridique, Bureau hongrois pour la protection des droits d'auteur.
 Gábor Bánrévy, Head of Legal Department, Ministry of Foreign Trade.

INDIA*Head of the Delegation*

Kanti Chaudhuri, Joint Secretary to the Government of India, Ministry of Education and Social Welfare.

Delegates

Subramanya Iyer Balakrishnan, Joint Secretary to the Government of India, Ministry of Home Affairs.
 Dattatray Kulkarni, Joint Secretary and Member Law Commission to the Government of India, Ministry of Law.

IRELAND*Head of the Delegation*

Michael Joseph Quinn, Controller of Patents, Designs and Trade Marks, Patents Office.

Adviser

Fachtna O'Hannracháin, Legal Adviser, Radio Telefís Éireann.

ISRAEL*Head of the Delegation*

Mayer Gabay, Commissioner of Patents, Designs and Trade Marks, Ministry of Justice.

ITALY*Head of the Delegation*

Pio Archi, Ambassadeur.

Delegates

Gino Galtieri, Inspecteur général, Chef du Bureau de la propriété littéraire, artistique et scientifique à la Présidence du Conseil des Ministres.
 Giuseppe Trotta, Magistrat, Conseiller juridique, Ministère des Affaires étrangères.
 Antonio Ciampi, Président de la Société italienne des auteurs et éditeurs, Membre du Comité consultatif permanent du droit d'auteur.
 Valerio De Sanctis, Avocat, Membre du Comité consultatif permanent du droit d'auteur.

Advisers

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 Giulio Pasetti Bombardella, Professeur à la Faculté de droit et des sciences économiques de l'Université de Venise.
 Vincenzo Bagli, Inspecteur supérieur, Délégué permanent adjoint auprès de l'Unesco.
 Maurizio Meloni, Chef de Section, Bureau de la propriété littéraire, artistique et scientifique à la Présidence du Conseil des Ministres.
 Massimo Ferrara Santamaria, Professeur, Expert de l'Association des producteurs de cinéma.
 Guido Zirano, Représentant de l'Association italienne d'éditeurs.
 Carlo Zini Lamberti, Conseiller juridique de la RAI - Radiotelevisione Italiana, Membre du Comité consultatif permanent du droit d'auteur.

IVORY COAST*Head of the Delegation*

Bernard Dadié, Directeur des Affaires culturelles.

Delegates

Ketty-Lina Liguier-Laubhouet (Mrs.), Chef du Service des Bibliothèques et Publications, Directrice de la Bibliothèque nationale.
 Clément Meledje, Premier conseiller, Ambassade de Côte d'Ivoire, Paris.
 Félicien Djibo, Conseiller culturel, Ambassade de Côte d'Ivoire, Paris.

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Delegates

Kenji Adachi, Deputy Commissioner, Agency for Cultural Affairs.
 Yosuke Nakae, Permanent Representative to Unesco.
 Moriyuki Kato, Head, Copyright Division, Agency for Cultural Affairs.
 Kiyoshi Yamamoto, Deputy Permanent Representative to Unesco.

Adviser

Yoshio Nomura, Member, Copyright Council, Agency for Cultural Affairs.

Experts

Yukifusa Oyama, Secretary, Copyright Division, Agency for Cultural Affairs.

Takashi Kiya, Official, Ministry of Foreign Affairs (Specialized Agencies Division, United Nations Bureau).

LEBANON*Head of the Delegation*

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José R. Bustillos, Representante, Asociación Mexicana de Productores Fonográficos, A. C.

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Carlos Gómez Barrera, Director General de la Sociedad de Autores y Compositores de Música, S. de A.

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Franca Klaver (Miss), Juriste, Membre de la Commission consultative pour le droit d'auteur.

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Anthony Ivall Aust, Legal Advisers Department, Foreign and Commonwealth Office.

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Royce F. Whale, British Copyright Council.

J. P. H. Walton, Film Producers Association of Great Britain.

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Pavle Tipsarević, Secrétaire de la Commission juridique, Radio-télévision yougoslave.

Zvonko Urem, Chef du Département juridique, Radiotélévision de Zagreb.

II. Observer States**Algeria**

Bellahcène Zerrouki, Directeur, Administration générale, Radiodiffusion-Télévision algérienne.

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Djamel Benstaali, Délégué permanent adjoint, Délégation permanente auprès de l'Unesco.

Salah Abada, Administrateur civil.

Bolivia

Alberto Salamanca.
Adolfo Costa du Rels.

Central African Republic

Makombo Bamboté, Délégué permanent auprès de l'Unesco.

Chad

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China (Republic of)

Chi-ching Yao, Ambassador, Permanent Delegate to Unesco.

Dun-Seng Hsiung, Director, Department of Publications Administration, Ministry of Interior.

Costa Rica

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José-Luis Mercé, Secretario, Delegación Permanente ante la Unesco.

Ecuador

Alberto Coloma-Silva, Ambassadeur, Délégué permanent auprès de l'Unesco.

Gustavo Plaza, Troisième Secrétaire, Délégation permanente auprès de l'Unesco.

Guatemala

Rodolfo Ortiz, Abogado y Notario, Paris.

Iran

Masood Rajabnia, Chief of International Relations Office, Ministry of Culture and Arts.

Iraq

Aziz Ali Hider, Délégué permanent auprès de l'Unesco.

Kenya

David John Coward, C. M. G., Registrar General.

Khmer Republic

Sisowath Essaro, Ambassadeur, Délégué permanent auprès de l'Unesco.
Phan Buoy Hak, Conseiller culturel de l'Ambassade khmère, Paris.

Laos

Khamtanh Chanthala, Délégué permanent p. i. auprès de l'Unesco.

Liberia

Augustine D. Jallah, Director of Archives, Patents and Copyright, Department of State.

Malawi

Sam Mpasu, Commercial Secretary, Malawi Embassy, Bonn.

Malaysia

Dato M. M. Merican, Malaysian Trade Commissioner, Embassy of Malaysia, Paris.

Mauritania

Ould Bouna Ahmed Salem, Conseiller culturel, Ambassade de la République islamique de Mauritanie, Paris.

Nicaragua

Julio C. Quintana Villanueva, Ambassadeur extraordinaire et plénipotentiaire, Délégué permanent auprès de l'Unesco.

Republic of Viet-Nam

Nguyen Dinh Hung, Professeur, Délégué permanent adjoint auprès de l'Unesco.

Rwanda

Célestin Kabanda, Ambassadeur du Rwanda, Paris, Délégué permanent auprès de l'Unesco.

Sudan

Zakaria Ahmed Elhashim, Senior Legal Counsel.

Syria

Adib Khani, Attaché auprès de l'Ambassade de la République arabe syrienne, Paris.

Togo

Anani Ahiany-Akakpo, Directeur général de l'Institut national de la recherche scientifique.

Hermann Attignon, Secrétaire général du Ministère de l'Education nationale.

Emmanuel Boneté, Chargé de la propriété industrielle, Direction de l'Industrie.

United Arab Republic

Ismail Ghanem, Ambassador, Permanent Delegate to Unesco.

Ahmed Kosheiry, Cultural Counsellor, Embassy of the United Arab Republic, Paris.

United Republic of Tanzania

Anthony Michael Hokororo, Counsellor, Embassy of Tanzania, Paris.

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Bruce C. Ladd, Jr., Deputy Assistant Secretary, Department of State.

Alternate Delegates

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Harvey J. Winter, Chief, Business Practices Division, Bureau of Economic Affairs, Department of State.

Congressional Advisers

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Edward G. Biester, Jr., United States House of Representatives.

Abner J. Mikva, United States House of Representatives.

Advisers

Evelyn F. Burkey (Miss), Writers Guild of America.

Robert V. Evans, Vice President and General Counsel, Columbia Broadcasting System, Inc.

Herbert C. V. Feinstein, Professor, Copyright Lawyer.

Leonard Feist, Executive Vice President, National Music Publishers Association.

Herman Finkelstein, General Counsel, American Society of Composers, Authors and Publishers.

Robert W. Frase, Vice President, Association of American Publishers.

Robert D. Hadl, Legal Adviser, Copyright Office, Library of Congress.

Irwin Karp, Attorney, Authors' League of America.

Sydney M. Kaye, Chairman of Board, Broadcast Music, Inc.

Charles Lahiguera, Permanent Delegation to Unesco.

Joseph M. Lightman, International Economist, Department of Commerce.

Bella L. Linden (Mrs.), American Guild of Authors and Composers.

Kelsey Martin Mott (Mrs.), Attorney Adviser, Office of the Register of Copyrights, Library of Congress.

Sylvia E. Nilsen (Miss), Deputy Assistant Legal Adviser for Treaty Affairs, Department of State.

Melville Bernard Nimmer, Professor, Law School, University of California, Los Angeles.

Dorothy M. Schrader (Miss), Senior Attorney for Examining, Copyright Office, Library of Congress.

Sidney A. Schreiber, Secretary and General Attorney, Motion Picture Association of America.

Herbert Fuchs, Member of the Staff of the Committee on the Judiciary, United States House of Representatives.

Secretary

Marilyn A. Vihel (Miss), Department of State.

III. Intergovernmental Organizations (Observers)*International Labour Organisation (ILO)*

J. J. Chevron, Paris Office.

Luce Espinasse (Mrs.), Documentation Officer.

United Nations Educational, Scientific and Cultural Organization (Unesco)

Claude Lussier, Director, Office of International Norms and Legal Affairs.

Marie-Claude Dock (Miss), Head, Copyright Division.

Council of Europe

Eugenio Papaleo, Head, Paris Office.

Marguerite Marie Baratte (Miss), Assistant Head, Paris Office.

African and Malagasy Industrial Property Office (OAMPI)

Jean François Anguilé-Ousmane, Directeur général adjoint.

IV. International Non-Governmental Organizations (Observers)*European Broadcasting Union (EBU)*

Gunnar Hansson, Legal Adviser.

International Alliance for Diffusion by Wire (AID)

Halden Evans, Secretary, Relay Services Association of Great Britain.

International Association for the Protection of Industrial Property (AIPPI)

Paul Mathély, General Rapporteur.

Geoffroy Gantier, Assistant General Rapporteur.

Renée Virginie Blanstein (Miss), Avocat à la Cour de Paris.

International Bureau of the Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM)

Jean Elissahide, Secretary General.

International Confederation of Societies of Authors and Composers (CISAC)

Georges Anric, Honorary President.

Marcel Poot, President.

Michael Freegard, Member of the Executive Bureau.

Carlos Mouchet, Member of the Legal Commission and Legal Counsellor of the Pan American Council.

Denis de Freitas, Member of the Legal Commission.

Jean-Alexis Ziegler, Secretary General.

International Federation of Actors (FIA)

Rudolf Leuzinger, Secretary General, International Federation of Musicians.

International Federation of Film Distributors' Associations (FIAD)

Gontrand Schwaller, Secretary General.

International Federation of Film Producers Associations (FIAPF)

Alphonse Brisson, Secretary General.

Massimo Ferrara Santamaria, Professor.

Roger Fournier, Technical Counsellor.

International Federation of Musicians (FIM)

Rudolf Leuzinger, Secretary General.

International Federation of the Phonographic Industry (IFPI)

Stephen M. Stewart, Director-General.

J. A. L. Sterling, Deputy Director-General.

Gillian Davies (Miss), Barrister.

International Federation of Translators (FIT)

René-François Caillé, President.
P. Malinverni, Member of the Executive Bureau.
Robert Dnpuy, Délégué administratif.

International Federation of Variety Artistes (IFVA)

Rndolf Leuzinger, Secretary General, International Federation of
Mnsicians.

Internationale Gesellschaft für Urheberrecht (INTERGU)
(International Copyright Society)

Henri Bonsigot, Président de Chambre à la Cour d'Appel, Member
of the Administrative Board of INTERGU for France.

International Hotel Association (IHA)

Renato Perego, Chairman of the Working Group on Copyrights.
Jacques E. David, Secretary General.

International Law Association (ILA)

André Françon, Professeur à l'Université de Paris X.

International Literary and Artistic Association (ALAI)

Renée Virginie Blaustein (Miss), Member of the Bureau of ALAI,
Avocat à la Cour de Paris.
Herman Cohen Jehoram, Professor, President of the Dutch Group
of ALAI.
Dietrich Reimer, Attorney, Munich.

International Publishers Association (IPA)

André Géranton, Head, Legal Department, Syndicat français des
éditeurs.
René Dommange, President of the Music Section.
Joseph Alexis Koutchoumow, Secretary General.

International Union of Cinematograph Exhibitors (UIEC)

Josef Handl, Legal Adviser.

International Writers Guild (IWG)

Roger Fernay, Executive Vice-President.
Wilhelm Nordemann, Legal Adviser, Vereinigung von Deutscher
Schriftsteller Verbände.
Kurt Haulrig, Legal Adviser, Danske Dramatikeres Forbund.
Alan Griffiths, Writers Guild of Great Britain.
Emile Le Bris, Délégué juridique.

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

Abdallah Chakroun, Président de la Commission administrative et
juridique.
Bailly Sylvain Zogbo, Directeur de la Radiodiffusion-Télévision
ivoirienne.

V. World Intellectual Property Organization (WIPO)

G. H. C. Bodenhausen, Director General.
Arpad Bogsch, First Deputy Director General.
Claude Masouyé, Senior Counsellor, Head, External and Public Relations
Division, Head a. i., Copyright Division.
Mihailo Stojanović, Counsellor, Copyright Division.
Roger Harben, Counsellor, Deputy Head, External and Public Relations
Division.
Samin Khan, Legal Assistant, Copyright Division.
Marino Porzio, External Relations Officer.
Henri Rossier, Head, Documents and Mail Service.

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Chairman of the Drafting Committee:	William Wallace (United Kingdom)
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Assistant Secretary General of the Conference:	Mihailo Stojanović (WIPO)

UPOV Meetings

September 22 and 23, 1971 (Geneva) — Working Group on Cross-Fertilized Plants

October 14 and 15, 1971 (Geneva) — Council

Meetings of Other International Organizations concerned with Intellectual Property

August 24 to September 17, 1971 (Geneva) — United Nations Conference on Trade and Development — Trade and Development Board

August 30 to September 4, 1971 (Geneva) — Industrial Development Centre for Arab States — Committee of Experts to Draft a Model Law on Patents for Arab States

September 9 and 10, 1971 (West Berlin) — International League Against Unfair Competition — Study Mission on German Restrictive Trade Practices Law

September 12 and 13, 1971 (Paris) — Union des fabricants — Study meetings

September 14 to 17, 1971 (Nice) — Union of European Patent Agents — General Assembly

September 20 to 22, 1971 (The Hague) — International Patent Institute — Administrative Council

October 4 to 9, 1971 (Paris) — Unesco — Conference on Scientific Information Systems

October 10 to 17, 1971 (Kuwait) — Industrial Development Centre for Arab States — Arab Symposium on Industrial Development

November 3 to 6, 1971 (Geneva) — Unesco — Intergovernmental Copyright Committee

December 13 to 16, 1971 (Brussels) — International Association for the Protection of Industrial Property — Council of Presidents

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

September 13 to 17, 1971 — Working Party I

October 11 to 22, 1971 — Working Party I

November 15 to 19, 1971 — Working Party I

November 29 to December 3, 1971 — Working Party II
