

# 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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*INTERNATIONAL UNION*

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## I. Berne Convention

### ARGENTINA

#### Application of the transitional provisions (five-year privilege) of the Stockholm Act of the Berne Convention

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of member countries of the Berne Union of the notification deposited by the Government of the Argentine Republic in which that Government indicates its desire to avail itself of the provisions of Article 38(2) of the Stockholm Act of the Berne Convention.

That notification entered into force on the date of its receipt, that is, on July 23, 1971.

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

Berne Notification No. 29, dated July 26, 1971.

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### CHAD

#### Accession to the Stockholm Act of the Berne Convention

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of member countries of the Berne Union that the Government of the Republic of Chad deposited on August 4, 1971, its instrument of accession dated June 8, 1971, to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Stockholm on July 14, 1967.

The Republic of Chad indicated that, for the purposes of Articles 25(4)(b) of the Convention, it wished to belong to Class VII.

In accordance with the provisions of Article 29 of the Stockholm Act, the Republic of Chad will, three months after

the date of this notification, that is, November 25, 1971, be bound by:

- (a) Articles 1 to 20 of the Brussels Act of the Berne Convention pending the entry into force of Articles 1 to 21 of the Stockholm Act of the same Convention;
- (b) Articles 22 to 38 of the Stockholm Act of the Berne Convention.

A separate notification will be made on the entry into force of Articles 1 to 21 of the Stockholm Act when the required number of ratifications or accessions is reached.

Berne Notification No. 30, of August 25, 1971.

## II. Rome Convention

### COSTA RICA

#### Accession to the Rome Convention for the International Protection of Performers, Producers of Phonograms and Broadcasting Organizations

The Secretary-General of the United Nations informs us that the instrument of accession to the Convention by the Government of Costa Rica was deposited on June 9, 1971, in accordance with Article 24, paragraph 3.

Pursuant to Article 25, paragraph 2, the Convention comes into force for Costa Rica three months after the date of deposit of its instrument of accession, that is to say, on September 9, 1971.

# NATIONAL LEGISLATION

## MALTA

### I

## The Copyright (International Conventions) Regulations, 1970

(No. 1, of 1970)

In exercise of the powers conferred by section 16 of the Copyright Act, 1967, the Minister of Trade, Industry and Agriculture has made the following regulations:—

### *Citation*

1. — These regulations may be cited as the Copyright (International Conventions) Regulations, 1970.

### *Extension of application of the Copyright Act, 1967*

2. — The provisions of the Copyright Act, 1967, relating to literary works, musical works, artistic works, cinematograph films and sound recordings shall apply in the case of each of the countries mentioned in the Schedule hereto as follows:—

- (a) in relation to literary, musical or artistic works, or cinematograph films, first published, or sound recordings made, in that country as they apply in relation to such works or films first published, or sound recordings made, in Malta;
- (b) in relation to individuals who are citizens of, or are domiciled in, that country as they apply in relation to individuals who are citizens of or are domiciled in, Malta;
- (c) in relation to bodies of persons constituted and vested with legal personality under the laws of that country and established therein as they apply in relation to bodies of persons constituted and vested with legal personality under the laws of Malta and established in Malta;
- (d) in relation to commercial partnerships registered in that country in accordance with the law thereof as they apply in relation to commercial partnerships registered in Malta in accordance with the provisions of the Commercial Partnerships Ordinance, 1962.

### *Interpretation*

3. — The words and expressions used in these Regulations shall have the same meaning as is assigned to them in the Copyright Act, 1967.

*Note:* The official English text of these three Regulations was published in the *Supplement to the Government Gazette of Malta*, No 12,366, of January 2, 1970, which is the date of their entry into force. For the text of the Copyright Act, see *Copyright*, 1970, pp. 68 *et seq.*

## SCHEDULE (Regulation 2)

### PART I

#### *Countries of the Berne Copyright Union*

Argentina	Liechtenstein
Australia	Luxembourg
Austria	Madagascar
Belgium	Mali
Brazil	Mexico
Bulgaria	Monaco
Cameroon	Morocco
Canada	Netherlands
Ceylon	New Zealand
Congo (Brazzaville)	Niger
Congo (Kinshasa)	Norway
Cyprus	Pakistan
Czechoslovakia	Philippines
Dahomey	Poland
Denmark	Portugal
Finland	Roumania
France	Senegal
Gabon	South Africa
Germany (Federal Republic)	Spain
Greece	Sweden
Holy See (Vatican City)	Switzerland
Hungary	Thailand
Iceland	Tunisia
India	Turkey
Ireland	United Kingdom of Great Britain and Northern Ireland
Israel	Upper Volta
Italy	Uruguay
Ivory Coast	Yugoslavia
Japan	
Lebanon	

### PART II

#### *Parties to the Universal Copyright Convention*

Andorra	India
Argentina	Ireland
Australia	Israel
Austria	Italy
Belgium	Japan
Brazil	Kenya
Cambodia	Laos
Canada	Lebanon
Chile	Liberia
Costa Rica	Liechtenstein
Cuba	Luxembourg
Czechoslovakia	Malawi
Denmark	Mexico
Ecuador	Monaco
Finland	Netherlands
France	New Zealand
Germany (Federal Republic)	Nicaragua
Ghana	Nigeria
Greece	Norway
Guatemala	Pakistan
Haiti	Panama
Holy See	Paraguay
Iceland	Peru

Philippines  
Portugal  
Spain

Sweden  
Switzerland  
Tunisia

United Kingdom of Great Britain  
and Northern Ireland  
United States of America

Venezuela  
Yugoslavia  
Zambia

## II

### The Copyright Board Proceedings Regulations, 1970

(No. 2, of 1970)

In exercise of the powers conferred by section 17 of the Copyright Act, 1967, the Minister of Trade, Industry and Agriculture, with the concurrence of the Minister of Finance, Customs and Port, has made the following regulations:—

#### *Citation*

1. — These regulations may be cited as the Copyright Board Proceeding Regulations, 1970.

#### *Interpretation*

2. — In these regulations, unless the context otherwise requires:—

“Act” means the Copyright Act, 1967;

“Board” means the Copyright Board established under section 17 of the Act.

#### *Application to the Board*

3. — (1) Any matter which is due to be dealt with by the Board under any of the provisions of the Act shall be referred to the Board by application filed in the Registry of the Board.

(2) The application shall be signed and filed by the applicant or by an advocate or legal procurator on his behalf.

(3) The Board may, at any time, allow any amendment to be made in the application for the purpose of making it clearer.

#### *Service of application*

4. — The application shall be filed with as many copies as are required to be served on the parties with whom there is contestation and a copy, with an indication therein of the date and time of the first hearing of the application, shall be served on each such party at least fifteen working days before such date.

#### *Notice to applicant on first hearing of application*

5. — The date and time of the first hearing of an application shall be communicated to the applicant by notice served upon him at least seven working days before such date.

#### *Registry fee and costs of services*

6. — An applicant shall, on filing the application, pay the cost of service of the copies and of the notice respectively referred to in regulations 4 and 5, and shall in addition pay a Registry fee of five pounds.

#### *Registry fee if application is withdrawn*

7. — Where the application is withdrawn, the applicant shall be entitled to a refund of three pounds, two pounds or

one pound of the Registry fee paid under the last preceding regulation if the application is withdrawn respectively before the date fixed for its hearing, after the date fixed for its hearing but before it is adjourned for judgement, or after that it has been adjourned for judgement.

#### *Advocate's or legal procurator's fee*

8. — Where any party to proceedings before the Board is assisted by an advocate or legal procurator, there shall be payable to him a fee of from three to five pounds for each sitting of the Board at which he attends, as the Board having regard to the duration of the sitting and to the difficulties inherent in the matter to be decided shall fix:

Provided that where the duration of any sitting is of less than thirty minutes the Board may fix for attendance at such sitting a fee lesser than three pounds but in any case not less than one pound.

#### *Record of proceedings*

9. — There shall be kept a record of all the proceedings of the Board and all evidence shall be taken in writing.

#### *Service of the acts of the Board*

10. — Save where otherwise expressly provided in the Act or in any regulations thereunder, the service of all warrants, orders or other acts of the Board shall be carried out in accordance with the provisions of the Code of Organization and Civil Procedure and those provisions shall, as far as possible apply to proceedings before the Board.

#### *Other costs and fees*

11. — Except where otherwise provided, the costs of the proceedings before the Board and the Registry fees chargeable for acts filed in connection with such proceedings shall be assessed in accordance with the tariffs annexed to the said Code.

#### *Registry of the Board and place where sittings are held*

12. — The Board shall hold its sittings in the Superior Courts of Malta and the Registry of those Courts shall be the Registry of the Board.

#### *Registrar of the Board*

13. — The Registrar of the Superior Courts or any person acting in his stead or on his behalf in accordance with the provisions of the Code of Organization and Civil Procedure (in these Regulations referred to as “the Registrar”) shall be the Registrar of the Board.

*Duties and powers of officials assigned to the Board*

14. — The Registrar shall provide the necessary personnel for the holding of sittings and for the execution of the orders of the Board: the officials so designated shall, in the execution

of their duties, enjoy and exercise all such powers as are vested by the Code of Organization and Civil Procedure in officials performing similar duties.

## III

**The Copyright (Sound recordings) Regulations, 1970**

(No. 3, of 1970)

In exercise of the powers conferred by section 16 of the Copyright Act, 1967, the Minister of Trade, Industry and Agriculture has made the following regulations: —

*Citation*

1. — These regulations may be cited as the Copyright (Sound recordings) Regulations, 1970.

*Notice to be given by manufacturer*

2. — Any person (hereinafter referred to as “the manufacturer”) who intends to make a sound recording (hereinafter also referred to as “record”) of a literary or musical work, or to reproduce such sound recording, in accordance with paragraph (i) of the proviso to subsection (1) of section 7 of the Copyright Act, 1967 (hereinafter referred to as “the Act”), shall, not less than forty days before any record on which the work is reproduced is delivered to a purchaser or otherwise supplied for the purpose of retail sale, give notice of his intention as follows: —

- (a) if the name and address in Malta of the owner of the copyright in such work, or of his lawful representative, are known to or can by reasonable inquiry be ascertained by the manufacturer, the notice shall be sent by registered post to such owner or representative at such address;
- (b) if such name and address are not known and cannot by reasonable inquiry be ascertained by the manufacturer, an advertisement shall be inserted in the Government Gazette through the Comptroller of Industrial Property, giving the particulars specified in paragraphs (a), (b), (c) and (d) of the next following regulation and stating an address from which the particulars specified in paragraphs (e), (f) and (g) may be obtained.

*Contents of notice to be sent to owner of copyright*

3. — (1) The notice referred to in paragraph (a) of the last preceding regulation shall contain the following particulars: —

- (a) the name and address of the manufacturer;
- (b) the name of the work to which the notice refers (hereinafter referred to as “the work”), a description sufficient to identify it and the name of the author or publisher;

- (c) a statement that the manufacturer intends to make records of the work and the address at which he intends to make such records;
  - (d) sufficient particulars to identify a record of the work made in Malta or abroad in such circumstances that paragraph (i) of the proviso to subsection (1) of section 7 of the Act applies to the records which the manufacturer intends to make;
  - (e) the type or types of records on which it is intended to reproduce the work and an estimate of the number of records of each type initially intended to be sold or otherwise supplied for the purpose of retail sale;
  - (f) the ordinary retail selling price (as hereinafter defined) of the records or, where it is intended to reproduce the work on more than one type of record, the ordinary retail selling price of each type of record the manufacturer intends to make and the royalty payable on each record;
  - (g) the earliest at which any of the records will be delivered to a purchaser or otherwise supplied as aforesaid.
- (2) Where two or more works are to be reproduced on the same record, the particulars mentioned in sub-paragraphs (b), (c) and (d) of the last preceding paragraph shall be given in respect of each such work.

*Payment of royalties*

4. — (1) Royalties may be paid in such manner and at such times as are specified in any agreement which may be made between the manufacturer and the owner of copyright or his lawful representative if empowered to that effect.

(2) In the absence of any agreement to the contrary, the following provisions of this regulation shall apply to the manner in and time at which royalties shall be paid and the steps to be taken to ensure the receipt of royalties by the owner of copyright.

(3) (a) If within fifteen days of notice prescribed in regulation 2 the owner of copyright or his lawful representative intimates to the manufacturer, by notice in writing sent by registered post, some convenient place in Malta from which adhesive labels can be obtained, the manufacturer shall by notice in writing sent by registered post specify the number and denomination of the labels he requires and at the same time tender a sum equivalent to the amount of royalty represented by the labels required.

(b) If, within seven days of the notice required by sub-paragraph (a) of this regulation to be given by the manufacturer, the owner of copyright or his lawful representative supplies the labels required, the manufacturer shall not deliver to a purchaser or otherwise supply for the purpose of its being sold by retail any record made by him to which the notice prescribed in regulation 2 refers unless there is attached thereto, or (if the type of the record is such that it is not reasonably practicable to attach an adhesive label thereto) to the container in which it is intended to be delivered to a retail purchaser, a label supplied as aforesaid and representing the amount of the royalty payable in respect of that record.

(4) (a) If the owner of copyright or his lawful representative does not take the steps specified in sub-paragraphs (a) and (b) of the last preceding paragraph within the times therein respectively specified, the manufacturer may deliver to a purchaser or otherwise supply for the purpose of retail sale any record to which the notice specified in regulation 2 hereof refers without complying with the requirements of the last preceding paragraph.

(b) The manufacturer shall keep an account of all records delivered by him to a purchaser or otherwise supplied as aforesaid in accordance with the last preceding sub-paragraph and the amount of royalties due to the owner of copyright in respect of such records, unless they have been already tendered and paid, shall be by the manufacturer set aside and paid to the owner of copyright or his lawful representative immediately he is requested to effect such payment.

(5) In the case of a record which comprises two or more works in which copyright subsists—

(a) if the lawful representative in Malta of all the owners of copyright in such works is the same person and if the manufacturer is aware or should, after reasonable inquiry, be aware of such fact, then the provisions of the foregoing regulations shall apply as if such representative were the sole owner of copyright in all such works and it shall be his responsibility to pay or credit to the owners of copyright in the different works included in the record their respective share of the royalties paid to him in respect of that record in such proportion as they may agree or, in default of such agreement, as the competent Court may decide;

(b) if all the owners of copyright in such works are not lawfully represented in Malta or are not so represented by the same person or if, although they are so represented, the manufacturer is not aware and could not, after reasonable inquiry, be aware of such fact, then the manufacturer shall only be required to comply with the provision of paragraph (b) of regulation 2 and to set aside the royalties due in respect of the works included in the record and to pay them to the owners of copyright of such works immediately he is requested by them, in such proportion as may be agreed between them or, in default of such agreement, as the competent Court may decide.

(6) If the manufacturer takes in relation to any records the steps specified in the foregoing regulations as the case may require, the taking of those steps shall be deemed to constitute the payment of royalties on those records in accordance with paragraph (i) of the proviso to subsection (1) of section 7 of the Act.

#### *Amount of royalty*

5. — The royalty mentioned in these Regulations shall be, irrespective of the number of works included in a record, of an amount equal to six and one-quarter per centum of the ordinary retail selling price of the record:

Provided that it shall be lawful for the manufacturer and the owner of copyright in a work or his lawful representative empowered to that effect, to agree upon a greater or lesser amount.

#### *Ordinary retail selling price*

6. — The ordinary retail selling price of any record shall be calculated at the marked or catalogued selling price of single records of the same type to the public or, if there is no such marked or catalogued selling price, at the highest price at which single records of the same type are ordinarily to be sold to the public.

#### *Adhesive label*

7. — The adhesive label supplied in terms of sub-paragraph (b) of paragraph (3) of regulation 4 shall—

- (a) be square in shape, the design to be entirely enclosed within a circle and the side of the label to be not greater than three-quarters of an inch in length;
- (b) not contain the effigy of any person or any word, mark or design such as to suggest that the label is issued by or under the authority of the Government for the purpose of denoting any duty payable to the Government or any purpose other than the purpose of these Regulations.

#### *Date from which terms for notice are to run.*

#### *Person includes body of persons*

8. — In these Regulations—

- (i) any term which is to commence to run from the receipt of a notice shall commence to run—
  - (a) where such notice is required to be advertised in the Government Gazette, from the date of publication of such advertisement;
  - (b) where such notice is required to be sent by registered post, from the date on which it is actually received by the person to whom the notice is directed, which date, in the absence of proof to the contrary, shall be deemed to be the date when the notice would in the ordinary course of post be delivered;
- (ii) “person” includes a body of persons.

*CORRESPONDENCE*

**Letter from France**













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A. FRANÇON  
Professor at the University of Paris X







## 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

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

April 24 to 28, 1972 (Dubrovnik) — idem — Council of Presidents

November 12 to 18, 1972 (Mexico) — idem — Congress

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

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