

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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Ratification of the WIPO Convention

The Principality of Liechtenstein has fulfilled the conditions set forth in Article 14(2) of the Convention by concurrently ratifying the Stockholm Act of the Paris Convention in its entirety and the Stockholm Act of the Berne Convention

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization (WIPO) will enter into force, in respect to the Principality of Liechtenstein, three months after the date of the deposit of the instrument of ratification, that is, on May 21, 1972.

WIPO Notification N° 36, of February 25, 1972.

BERNE UNION

Ratification of the Stockholm Act of the Berne Convention

(with the exception of Articles 1 to 21 and of the Protocol Regarding Developing Countries)

Pursuant to the provisions of Article 28(2)(c) of the Stockholm Act of the said Convention, Articles 22 to 38 will enter into force, with respect to the Principality of Liechtenstein, three months after the date of this notification, that is, on May 25, 1972.

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

Berne Notification N° 35, of February 25, 1972.

NATIONAL LEGISLATION

NIGERIA

Copyright Decree 1970

(No. 61) *

ARRANGEMENT OF SECTIONS

Section

1. Works eligible for copyright.
2. Copyright by virtue of nationality or domicile.
3. Copyright by reference to country of origin.
4. Copyright in works of Government, State Authorities and international bodies.
5. Nature of copyright in literary, musical and artistic works and cinematograph films.
6. Broadcasting of works incorporated in a cinematograph film.
7. Nature of copyright in sound recording.
8. Nature of copyright in broadcasts.
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10. Assignments and licences.
11. Infringements.
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14. Reciprocal extension of protection.
15. Restriction on importation of printed copies.
16. Abrogation of common law rights.
17. Regulations.
18. Repeals, and transitional and saving provisions.
19. Interpretation.
20. Citation and extent.

Schedules

- Schedule 1 — Term of Copyright.
 Schedule 2 — Exceptions from Copyright Control.
 Schedule 3 — Transitional and Saving Provisions.

Works eligible for copyright

1. — (1) Subject to this section, the following works shall be eligible for copyright—

- (a) literary works,
- (b) musical works,
- (c) artistic works,
- (d) cinematograph films,
- (e) sound recordings, and
- (f) broadcasts.

(2) A literary, musical or artistic work shall not be eligible for copyright unless—

- (a) sufficient effort has been expended on making the work to give it an original character, and
- (b) the work has been written down, recorded or otherwise reduced to material form whether with or without consent.

(3) An artistic work shall not be eligible for copyright if, at the time when the work is made, it is intended by the

author to be used as a model or pattern to be multiplied by any industrial process.

(4) A work shall not be ineligible for copyright by reason only that the making of the work or the doing of any act in relation to the work involved an infringement of copyright in some other work.

Copyright by virtue of nationality or domicile

2. — (1) Copyright shall be conferred by this section on every work eligible for copyright of which the author or, in the case of a work of joint authorship, any of the authors is at the time when the work is made a qualified person, that is to say—

- (a) an individual who is a citizen of, or is domiciled in, Nigeria, or
- (b) a body corporate incorporated by or under the laws of Nigeria.

(2) The terms of copyright conferred by this section shall be calculated according to the table set out in Schedule 1 to this Decree.

(3) In the case of anonymous or pseudonymous literary, musical or artistic works the copyright therein shall subsist until the end of the expiration of twenty-five years from the end of the year in which the work was first published:

Provided that, in the event of the identity of the author becoming known, the terms of copyright shall be calculated in accordance with paragraph 1 of the said Schedule 1.

(4) In the case of a work of joint authorship, a reference in the said Schedule 1 to the death of the author shall be taken to refer to the author who dies last, whether or not he is a qualified person within subsection (1) above.

Copyright by reference to country of origin

3. — (1) Copyright shall be conferred by this section on every work, other than a broadcast, which is eligible for copyright and which—

- (a) being a literary, musical or artistic work or a cinematograph film, is first published in Nigeria, or
- (b) being a sound recording, is made in Nigeria, and which has not been the subject of copyright conferred by section 2 of this Decree.

(2) Copyright conferred on a work by this section shall have the same duration as is provided by section 2 of this Decree in relation to the same type of work.

* This Decree came into force on December 24, 1970.

Copyright in works of Government, State Authorities and international bodies

4. — (1) Copyright shall be conferred by this section on every work which is eligible for copyright and is made by or under the direction or control of the Government, a State Authority or a prescribed international body.

(2) Copyright conferred by this section on a literary, musical or artistic work, other than a photograph, shall subsist until the expiration of fifty years from the end of the year in which the work is first published and shall then expire.

(3) Copyright conferred by this section on a film, photograph, sound recording or broadcast shall subsist until the expiration of fifty years from the end of the year in which the film or photograph was first published, the recording was made or the broadcast took place, as the case may be, and shall then expire.

(4) Sections 2 and 3 of this Decree shall not be taken to confer copyright on works to which this section applies.

Nature of copyright in literary, musical or artistic works and cinematograph films

5. — (1) Subject to the exceptions specified in Schedule 2 to this Decree, copyright in a literary, musical or artistic work or in a cinematograph film shall be the exclusive right to control the doing in Nigeria of any of the following acts, namely—

- (a) the reproduction in any material form,
- (b) the communication to the public, and
- (c) the broadcasting,

of the whole or a substantial part of the work either in its original form or in any form recognizably derived from the original.

(2) Copyright in a work of architecture shall also include the exclusive right to control the erection of any building which reproduces the whole or a substantial part of the work either in its original form or in any form recognizably derived from the original, but not the right to control the reconstruction, in the same style as the original, of a building to which the copyright relates.

Broadcasting of works incorporated in a cinematograph film

6. — (1) Where the owner of the copyright in any literary, musical or artistic work authorizes a person to incorporate the work in a cinematograph film and a broadcasting authority broadcasts the film, the owner of the copyright shall, in the absence of any express agreement to the contrary between the owner and that person, be deemed to have authorized the broadcast.

(2) Notwithstanding subsection (1) above, where a broadcasting authority broadcasts a cinematograph film in which a musical work is incorporated, the owner of the right to broadcast the musical work shall, subject to this Decree, be entitled to receive fair compensation from the broadcasting authority.

(3) In the absence of an agreement on the compensation payable under subsection (2) above, the amount of compensa-

tion shall be determined by the competent authority appointed under section 13 of this Decree.

Nature of copyright in sound recording

7. — Copyright in a sound recording shall be the exclusive right to control in Nigeria the direct or indirect reproduction of the whole or a substantial part of the recording either in its original form or in any form recognizably derived from the original:

Provided that the exceptions specified in paragraphs (a), (h), (k), (l) and (o) of Schedule 2 to this Decree shall apply to the copyright in a sound recording in like manner as they apply to copyright in a literary, musical or artistic work or in a cinematograph film.

Nature of copyright in broadcasts

8. — (1) Subject to this section, copyright in a broadcast shall be the exclusive right to control the doing in Nigeria of any of the following acts, namely—

- (a) the recording and the rebroadcasting of the whole or a substantial part of the broadcast, and
- (b) the communication to the public, in places where an admission fee is charged, of the whole or a substantial part of a television broadcast,

either in its original form or in any form recognizably derived from the original.

(2) The exceptions specified in paragraphs (a), (h), (k) and (o) of Schedule 2 to this Decree shall apply to the copyright in a broadcast in like manner as they apply to copyright in a literary, musical or artistic work or a cinematograph film.

(3) The copyright in a television broadcast shall include the right to control the taking of still photographs from the broadcast.

First ownership of copyright

9. — (1) Copyright conferred by sections 2 and 3 of this Decree shall vest initially in the author:

Provided that, notwithstanding section 10(6) of this Decree, where a work—

- (a) is commissioned by a person who is not the author's employer under a contract of service or apprenticeship, or
- (b) not having been so commissioned, is made in the course of the author's employment,

the copyright shall be deemed to be transferred to the person who commissioned the work or the author's employer, as the case may be, subject to any agreement between the parties excluding or limiting such a transfer.

(2) Copyright conferred by section 4 of this Decree shall vest initially in the Government on behalf of the Federal Republic, in the State Authority on behalf of the State in question or in the international body in question, as the case may be, and not in the author.

(3) Subject to subsection (2) above—

- (a) the name on a work purporting to be the name of its author shall be presumed to be such, unless the contrary is proved, and

- (b) in the case of an anonymous or pseudonymous work, the publisher whose name is indicated in the work as such shall be presumed to be, unless the contrary is proved, the legal representative of the anonymous or pseudonymous author and shall be entitled to exercise and protect the rights belonging to the author under this Decree.

Assignments and licences

10. — (1) Subject to this section, copyright shall be transmissible by assignment, by testamentary disposition or by operation of law, as movable property.

(2) An assignment or testamentary disposition of copyright may be limited so as to apply to some only of the acts which the owner of the copyright has the exclusive right to control, or to a part only of the period of the copyright, or to a specified country or other geographical area.

(3) No assignment of copyright and no exclusive licence to do an act the doing of which is controlled by copyright shall have effect unless it is in writing.

(4) A non-exclusive licence to do an act the doing of which is controlled by copyright may be written or oral, or may be inferred from conduct.

(5) An assignment or licence granted by one copyright owner shall have effect as if granted by his co-owners also, and, subject to any contract between them, fees received by the grantors shall be divided equitably between all the co-owners.

For the purposes of this subsection, persons shall be deemed to be co-owners —

- (a) if they share a joint interest in the whole or any part of a copyright, or
- (b) if they have interests in the various copyrights in a composite production, that is to say, a production consisting of two or more works.

(6) An assignment, licence or testamentary disposition may be effectively granted or made in respect of a future work or an existing work in which copyright does not yet subsist; and the prospective copyright in any such work shall be transmissible by operation of law as movable property.

(7) A testamentary disposition of material on which a work is first written or otherwise recorded shall, in the absence of any contrary indication, be presumed to include any copyright or prospective copyright in the work which is vested in the deceased.

Infringements

11. — (1) Copyright is infringed by any person who, without the licence of the owner of the copyright —

- (a) does, or causes any other person to do, an act the doing of which is controlled by copyright, or
- (b) imports into Nigeria, otherwise than for his private and domestic use, or distributes therein by way of trade, hire or otherwise, or by way of trade exhibits in public, any article in respect of which copyright is infringed under paragraph (a) above.

(2) Notwithstanding subsection (1) above or any other provision of this Decree, where any work in which copyright

subsists, or a reproduction of any such work, is comprised in —

- (a) the archives stored in the National Archives established under the Public Archives Act, or
- (b) the public records of a State, being records for the storage or custody of which provision is made by law, the copyright in the work is not infringed by the making, or the supplying to any person, of any reproduction of the work in pursuance of that Act or law.

Actions for infringement

12. — (1) Subject to this Decree, infringements of copyright shall be actionable at the suit of the owner of the copyright in the High Court exercising jurisdiction in the place where the infringement occurred; and in any action for such an infringement, all such relief by way of damages, injunction, accounts or otherwise shall be available to the plaintiff as is available in any corresponding proceedings in respect of infringement of other proprietary rights.

(2) Where in an action for infringement of copyright it is proved or admitted —

- (a) that an infringement was committed, but
- (b) that at the time of the infringement the defendant was not aware, and had no reasonable grounds for suspecting that copyright subsisted in the work to which the action relates,

the plaintiff shall not be entitled under this section to any damages against the defendant in respect of the infringement, but shall be entitled to an account of profits in respect of the infringement, whether or not any other relief is granted under this section.

(3) Where in an action under this section an infringement of copyright is proved or admitted, and the court in which the action is brought, having regard (apart from all other material considerations) to —

- (a) the flagrancy of the infringement, and
- (b) any benefit shown to have accrued to the defendant by reason of the infringement,

is satisfied that effective relief would not otherwise be available to the plaintiff, the court, in assessing damages for the infringement, shall have power to award such additional damages by virtue of this subsection as the court may consider appropriate in the circumstances.

(4) No injunction shall be issued in proceedings for infringement of copyright which requires a completed or partly built building to be demolished or prevents the completion of a partly built building.

(5) In this section “action” includes a counter-claim, and references to the plaintiff and to the defendant in an action shall be construed accordingly.

Appointment and powers of competent authority

13. — (1) Three persons shall be appointed by the Commissioner to constitute the competent authority for the purposes of this section.

(2) In any case where it appears to the competent authority that a licensing body —

- (a) is unreasonably refusing to grant licences in respect of copyright, or
- (b) is imposing unreasonable terms or conditions on the granting of such licences,

the competent authority may direct that, as respects the doing of any act in relation to a work with which the licensing body is concerned, a licence shall be deemed to have been granted by the licensing body at the time the act is done if the appropriate fees fixed by the competent authority or prescribed under subsection (5) below are paid or tendered before the expiration of such period or periods as the competent authority may determine.

In this subsection "licensing body" means a society, firm or other organization which has as its main object, or one of its main objects, the negotiation or granting of licences in respect of copyright works, and includes an individual carrying on the same activity.

(3) No person shall be appointed under this section, nor shall any person so appointed act, as a member of the competent authority if he, his partner, his employer or any body (whether statutory or not) of which he is a member has any pecuniary interest in any matter which requires to be determined by the competent authority.

(4) Any person aggrieved by a decision of the competent authority may appeal to the Commissioner, who may refer the case for advice to any person or persons appearing to him to be suitable, and whose decision shall be final.

(5) The Commissioner may make regulations —

- (a) prescribing the manner in which any matter may be referred to the competent authority,
- (b) prescribing the procedure to be adopted by the competent authority, the records to be kept by the competent authority and the member of the competent authority who shall preside at its sittings,
- (c) prescribing the manner in which the competent authority shall be convened and the place where it shall hold its sittings,
- (d) prescribing a scale of costs and fees, and
- (e) providing generally for the better carrying out of the functions assigned to the competent authority by this Decree.

Reciprocal extension of protection

14. — Where any country is a party to a treaty or other international agreement to which Nigeria is also a party and the Commissioner is satisfied that the country in question provides for protection of copyright in works which are protected under this Decree, the Commissioner may by order in the Federal Gazette extend the application of this Decree in respect of any or all of the works referred to in section 1(1) of this Decree —

- (a) to individuals who are citizens of or domiciled in that country,
- (b) to bodies corporate established by or under the laws of that country,
- (c) to works, other than sound recordings and broadcasts, first published in that country, and
- (d) to sound recordings made in that country.

Restriction on importation of printed copies

15. — (1) The owner of the copyright in any published literary, dramatic or musical work may give notice in writing to the Board of Customs and Excise (in this section referred to as "the Board") —

- (a) that he is the owner of the copyright in the work, and
- (b) that he requests the Board, during a period specified in the notice, to treat as prohibited goods copies of the work to which this section applies:

Provided that the period specified in a notice under this subsection shall not exceed five years and shall not extend beyond the end of the period for which the copyright is to subsist.

(2) This section applies, in the case of a work, to any printed copy made outside Nigeria which if it had been made in Nigeria, would be an infringing copy of the work.

(3) Where a notice has been given under this section in respect of a work, and has not been withdrawn, the importation into Nigeria, at a time before the end of the period specified in the notice, of any copy of the work to which this section applies shall, subject to the following provisions of this section, be prohibited:

Provided that this subsection shall not apply to the importation of any article by a person for his private and domestic use.

(4) Where a notice is given under subsection (1) above in respect of a work, neither the Board nor any member, officer, servant or agent of the Board shall be liable to the owner of the work or to any other person for any act or omission by the Board or its servants or agents in relation to the notice:

Provided that, where the owner has suffered loss as a result of any such act or omission and a fee has been paid or is payable to the Board in respect of the notice, an amount equal to the loss or to the amount of the fee for one year, whichever is less, shall be repaid by the Board to the owner or, if the fee has not been paid, shall be waived.

(5) The Federal Commissioner for Finance may make regulations prescribing the form in which notices are to be given under this section, and requiring a person giving such a notice, either at the time of giving the notice or at the time when the goods in question are imported, or at both those times, to furnish the Board with such evidence, and to comply with such other conditions (if any), as may be specified in the regulations; and any such regulations may include such incidental and supplementary provisions as the Federal Commissioner for Finance considers expedient for the purposes of this section.

(6) Without prejudice to the generality of subsection (5) above, regulations made under that subsection may include provision for requiring a person who has given a notice purporting to be a notice under this section to pay such fees in respect of the notice as may be prescribed by the regulations.

(7) For the purposes of the Customs and Excise Management Act 1958, any fees paid in pursuance of regulations made under this section shall be treated as money collected on account of customs.

(8) Notwithstanding anything in the Customs and Excise Management Act 1958, a person shall not be liable to any penalty under that Act (other than forfeiture of the goods) by reason that any goods are treated as prohibited goods by virtue of this section.

(9) This section shall have effect as if it formed part of the Customs and Excise Management Act 1958.

Abrogation of common law rights

16. — No copyright, or right in the nature of copyright, shall subsist otherwise than by virtue of this Decree or of some other enactment in that behalf.

Regulations

17. — (1) Where no other provision is made in that behalf, the Commissioner may make regulations prescribing anything required to be prescribed for the purposes of this Decree.

(2) Regulations may be made —

- (a) in the case of works the copyright in which is vested in the Government, by the Commissioner with the prior consent of the Federal Executive Council, and
- (b) in the case of works the copyright in which is vested in a State Authority, by the State Authority or a person designated by the State Authority,

prescribing the public officer or other authority by whom licences may be granted for the reproduction of the works in question and a scale of fees to be charged in respect of any such licence.

(3) Regulations made under subsection (2) above shall be additional to and not in derogation of any enactment or other law regulating the custody of the National Archives of Nigeria or the public records of a State, and shall be without prejudice to the operation of section 11(2) of this Decree.

Repeals, and transitional and saving provisions

18. — (1) The Copyright Act 1911 of the United Kingdom (in so far as it has effect in Nigeria) and the Copyright Act are hereby repealed.

(2) The transitional and saving provisions in Schedule 3 to this Decree shall have effect notwithstanding subsection (1) above or any other provisions of this Decree.

Interpretation

19. — (1) In this Decree, unless the context otherwise requires —

“artistic work” includes, irrespective of artistic quality, any of the following works or works similar thereto —

- (a) paintings, drawings, etchings, lithographs, woodcuts, engravings and prints,
- (b) maps, plans and diagrams,
- (c) works of sculpture,
- (d) photographs not comprised in a cinematograph film,
- (e) works of architecture in the form of buildings or models, and
- (f) works of artistic craftsmanship and also (subject to section 1(3) of this Decree) pictorial woven tissues and articles of applied handicraft and industrial art;

“author”, in the case of a cinematograph film or sound recording, means the person by whom the arrangements for the making of the film or recording were undertaken, or in the case of a broadcast transmitted from within any country, means the person by whom the arrangements for the making of the transmission from within that country were undertaken;

“broadcast” means sound or television broadcast by wireless telegraphy or wire or both, and includes rebroadcast;

“broadcasting authority” means any authority established under any law in Nigeria or elsewhere providing broadcasting services for public reception, and includes a broadcasting contractor operating in Nigeria;

“building” includes any structure;

“cinematograph film” includes the first fixation of a sequence of visual images capable of being shown as a moving picture and of being the subject of reproduction, and includes the recording of a sound track associated with the cinematograph film;

“Commissioner” means the Federal Commissioner for Trade;

“communication to the public” includes, in addition to any live performance or delivery, any mode of visual or acoustic presentation, but does not include a broadcast or rebroadcast;

“copy” means a reproduction in written form, in the form of a recording or cinematograph film, or in any other material form, so however that an object shall not be taken to be a copy of an architectural work unless the object is a building or model;

“copyright” means copyright under this Decree;

“Government” means the Federal Military Government;

“licence” means a lawfully granted licence permitting the doing of an act controlled by copyright;

“literary work” includes, irrespective of literary quality, any of the following works or works similar thereto —

- (a) novels, stories and poetical works,
- (b) plays, stage directions, film scenarios and broadcasting scripts,
- (c) text-books, treatises, histories, biographies, essays and articles,
- (d) encyclopaedias, dictionaries, directories and anthologies,
- (e) letters, reports and memoranda,
- (f) lectures, addresses and sermons,
- (g) law reports and enactments or other written laws, and
- (h) written tables or compilations;

“musical work” means any musical work, irrespective of musical quality, and includes works composed for musical accompaniment;

“rebroadcast” means a simultaneous or subsequent broadcast by one broadcasting authority of the broadcast of another broadcasting authority;

“reproduction” means the making of one or more copies of a literary, musical or artistic work, cinematograph film or sound recording;

“sound recording” means the first fixation of a sequence of sound capable of being perceived aurally and of being reproduced, but does not include a sound track associated with a cinematograph film;

“State” means a State of the Federation;

“State Authority”, in relation to a State, means the Military Governor, Administrator or other governmental authority;

“work” includes translations, adaptations, new versions or arrangements of pre-existing works, and anthologies or collections of works which, by reason of the selection and arrangement of their content, present an original character;

“work of joint authorship” means a work produced by the collaboration of two or more authors in which the contribution of each author is inseparable from the contribution of the other author or authors;

“year” means —

- (a) in section 15 of this Decree and paragraph 5 of Schedule 3 to this Decree, a period of twelve months, and
- (b) elsewhere in this Decree, a calendar year, that is to say, a period of twelve months beginning on 1st January and ending on 31st December.

(2) The following provisions shall apply with respect to publication, that is to say —

- (a) a work shall be deemed to have been published if copies of it have been made available in a manner sufficient to render the work accessible to the public;
- (b) where in the first instance a part only of a work is published, that part shall be treated for the purposes of this Decree as a separate work;
- (c) a publication in any country shall not be treated as being other than the first publication by reason only of an earlier publication elsewhere if the two publications took place within a period of not more than thirty days.

Citation and extent

20. — This Decree may be cited as the Copyright Decree 1970 and shall apply throughout the Federation.

SCHEDULES

SCHEDULE 1

Section 2

Term of Copyright

<i>Type of Work</i>	<i>Date of Expiration of Copyright</i>
1. Literary, musical or artistic works other than photographs	Twenty-five years after the end of the year in which the author dies.
2. Cinematograph films and photographs . . .	Twenty-five years after the end of the year in which the work was first published.
3. Sound recordings . . .	Twenty years after the end of the year in which the recording was made.
4. Broadcasts	Twenty years after the end of the year in which the broadcast took place.

SCHEDULE 2

Section 5

Exceptions from Copyright Control

The right conferred in respect of a work by section 5(1) of this Decree does not include the right to control —

- (a) the doing of any of the acts mentioned in the said section 5(1) by way of fair dealing for purposes of research, private use, criticism or review or the reporting of current events, subject to the condition that, if the use is public, it shall be accompanied by an acknowledgement of the title of the work and its authorship except where the work is incidentally included in a broadcast;
- (b) the doing of any of the aforesaid acts by way of parody, pastiche or caricature;
- (c) the inclusion in a film or a broadcast of an artistic work situated in a place where it can be viewed by the public;
- (d) the reproduction and distribution of copies of any artistic work permanently situated in a place where it can be viewed by the public;
- (e) the incidental inclusion of an artistic work in a film or broadcast;
- (f) the inclusion in a collection of literary or musical works which includes not more than two excerpts from the work, if the collection bears a statement that it is designed for educational use and includes an acknowledgement of the title and authorship of the work;
- (g) the broadcasting of a work if the broadcast is approved by the broadcasting authority as an educational broadcast;
- (h) any use made of a work in a prescribed educational institution for the educational purpose of that institution, subject to the condition that, if a reproduction is made for any such purpose, it shall be destroyed before the end of the prescribed period or, if there is no prescribed period, before the end of the period of twelve months after it was made;
- (i) the making of a sound recording of a literary or musical work, and the reproduction of such a sound recording by the maker or under licence from him, where the copies thereof are intended for retail sale in Nigeria and the work has already been previously recorded under licence from the owner of the relevant part of the copyright, whether in Nigeria or abroad, subject to such conditions and to the payment of such compensation as may be prescribed;
- (j) the reading or recitation in public or in a broadcast by any person of any reasonable extract from a published literary work if accompanied by a sufficient acknowledgement;
- (k) any use made of a work by or under the direction or control of the Government, or by such public libraries, non-commercial documentation centres and scientific or other institutions as may be prescribed, where the use is in the public interest, no revenue is derived therefrom and no admission fee is charged for the communication, if any, to the public of the work so used;
- (l) the reproduction of a work by or under the direction or control of a broadcasting authority where the reproduction or any copies thereof are intended exclusively for a lawful broadcast and are destroyed before the end of the period of six months immediately following the making of the reproduction or such longer period as may be agreed between the broadcasting authority and the owner of the relevant part of the copyright in the work, so however that any reproduction of a work made under this paragraph —
 - (i) may, if it is of an exceptional documentary character, be preserved in the archives of the broadcasting authority (which shall for the purpose of this paragraph be deemed to be part of the National Archives established under the Public Archives Act), but
 - (ii) subject to this Decree, shall not be used for broadcasting or for any other purpose without the consent of the owner of the relevant part of the copyright in the work;
- (m) the broadcasting of a work already lawfully made accessible to the public with which no licensing body of the kind mentioned in section 13 of this Decree is concerned, subject (without prejudice to the other provisions of this Schedule) to the condition that the

owner of the broadcasting right in the work shall receive a fair compensation determined, in the absence of agreement, by the competent authority appointed under the said section 13;

- (n) the communication to the public of a work, in a place where no admission fee is charged in respect of the communication, by any club whose aim is not profit making;
- (o) any use made of a work for the purpose of a judicial proceeding or of any report of any such proceeding.

SCHEDULE 3

Section 18

Transitional and Saving Provisions

1. Subject to this Schedule, this Decree applies in relation to works made before the commencement of this Decree as it applies in relation to works made after the commencement of this Decree.

2. If immediately before the commencement of this Decree copyright in a work subsisted for a longer period than is provided in respect of that work by this Decree, then, so far as that work is concerned, this Decree shall have effect as if it provided for that longer period to be applicable.

3. (1) Subject to this paragraph, proceedings under section 12 of this Decree for infringement of copyright may be taken notwithstanding that the alleged infringement occurred before the commencement of this Decree.

(2) Proceedings for infringement of copyright instituted and not disposed of before the commencement of this Decree shall be disposed of as if this Decree had not been made.

(3) Where an act done before the commencement of this Decree was then an infringement of copyright but is not an infringement of copyright under this Decree, proceeding in respect of the act may be taken as if this Decree had not been made.

(4) Nothing in this Decree shall render an act done before the commencement of this Decree an infringement of copyright if the act was not an infringement of copyright when it was done.

4. (1) Subject to sub-paragraph (2) below, contracts for the licensing of any act in respect of copyright which were effective immediately before the commencement of this Decree shall continue in force as if they related to the corresponding copyright under this Decree.

(2) If one of the parties to a contract of the kind mentioned in sub-paragraph (1) above is a licensing body within the meaning of section 13(2) of this Decree, any other party to the contract may refer the contract to the competent authority appointed under section 13(1) of this Decree; and if the competent authority is of the opinion that the contract is unreasonable in any material respect, it may direct as provided in the said section 13(2), and the contract shall be varied or determined accordingly.

5. A notice given under section 14 of the Copyright Act 1911 of the United Kingdom (as in force in Nigeria) and not withdrawn before the commencement of this Decree shall continue in force as if it had been given under section 15 of this Decree:

Provided that no such notice shall continue in force for more than five years from the date when it was first given or beyond the end of the period of copyright to which it relates.

6. The regulations appearing on pages 145 to 149, inclusive, of Volume VII of the Laws of the Federation of Nigeria and Lagos 1958 —

- (a) shall continue in force (with the necessary modifications) as if they had been made under section 15(5) of this Decree, and
- (b) may be added to, varied or revoked accordingly.

7. In this Schedule "copyright" means copyright under this Decree or under the law in force in Nigeria immediately before the commencement of this Decree.

CORRESPONDENCE

Letter from the Netherlands

S. GERBRANDY
Counsellor at the Amsterdam Court
of Appeal

Letter from Switzerland

Mario M. PEDRAZZINI
Professor at the School
of Higher Economic and Social Studies,
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CALENDAR

WIPO Meetings

- April 6 and 7, 1972 (Geneva) — Patent Cooperation Treaty (PCT) — Standing Subcommittee of the Interim Committee for Technical Cooperation
Members: Austria, Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Sweden, United Kingdom, United States of America, International Patent Institute — *Observer:* Brazil
- April 10 to 14, 1972 (Geneva) — ICIREPAT — Technical Committee for Standardization
- April 17 to 21, 1972 (Geneva) — ICIREPAT — Technical Committee for Shared Systems
- April 17 to 21, 1972 (Geneva) — ICIREPAT — Advisory Board for Cooperative Systems
- April 24 to 26, 1972 (Geneva) — ICIREPAT — Subcommittee on Organic Chemistry
- May 2 to 8, 1972 (Geneva) — Committee of Experts on the International Registration of Marks
Object: Preparation of draft texts for the Vienna Diplomatic Conference in 1973 (see below) — *Invitations:* Member countries of the Paris Union; organizations concerned
- May 9 to 17, 1972 (Paris) — Committee of Governmental Experts on Problems in the Field of Copyright and of the Protection of Performers, Producers of Phonograms and Broadcasting Organizations Raised by Transmission Via Space Satellites
Object: Study of the problems — *Invitations:* Member countries of the Berne Union, Member countries of the Paris Union and Member States of the United Nations or of a Specialized Agency — *Observers:* Intergovernmental and non-governmental organizations concerned — *Note:* Meeting convened jointly with Unesco
- May 16 to 18, 1972 (Geneva) — Mechanization of Trademark Anticipation Searches — Working Group
Invitations: Australia, Austria, Belgium, Colombia, France, Germany (Fed. Rep.), Ireland, Japan, Luxembourg, Netherlands, Soviet Union, Spain, Sweden, United Kingdom, United States of America
- May 29 to June 2, 1972 (The Hague) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee
- June 5 to 9, 1972 (The Hague) — International Patent Classification (IPC) — Joint ad hoc Committee
- June 26 to July 7, 1972 (The Hague) — International Patent Classification (IPC) — Working Group I of the Joint ad hoc Committee
- July 5 to 7, 1972 (Geneva) — ICIREPAT — Technical Coordination Committee
- July 10 to 14, 1972 (The Hague) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee
- September 4 to 8, 1972 (London) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee
- September 11 to 15, 1972 (London) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee
- September 20 to 22, 1972 (Geneva) — ICIREPAT — Plenary Committee
- September 25 to 29, 1972 (Berne) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee
- September 25 to 30, 1972 (Geneva) — Coordination Committee of WIPO; Executive Committees of the Paris and Berne Unions, Assemblies of the Madrid, Lisbon and Locarno Unions
- October 2 to 6, 1972 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Committees and Standing Subcommittee of the Interim Committee for Technical Cooperation
Members of the Interim Committees: Signatory States of the PCT — *Observers:* Intergovernmental organizations and international non-governmental organizations concerned; *Members of the Standing Subcommittee:* Austria, Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Sweden, United Kingdom, United States of America, International Patent Institute — *Observer:* Brazil
- October 9 to 13, 1972 (Geneva) — Committee of Experts on a Model Law for Developing Countries on Appellations of Origin
Object: To study a Draft Model Law — *Invitations:* Developing countries members of the United Nations — *Observers:* Intergovernmental and international non-governmental organizations concerned
- October 9 to 13, 1972 (Geneva) — ICIREPAT — Technical Committee for Standardization
- October 16 to 20, 1972 (Nairobi) — African Seminar on Intellectual Property
- October 16 to 20, 1972 (Geneva) — ICIREPAT — Technical Committee for Computerization
- October 23 to 27, 1972 (Geneva) — ICIREPAT — Technical Committee for Shared Systems
- October 23 to 27, 1972 (Geneva) — ICIREPAT — Advisory Board for Cooperative Systems
- November 20 to 24, 1972 (Geneva) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee
- November 27 to December 1, 1972 (Geneva) — International Patent Classification (IPC) — Joint ad hoc Committee
- December 13 to 15, 1972 (Geneva) — ICIREPAT — Technical Coordination Committee
- May 7 to June 2, 1973 (Vienna) — Diplomatic Conference on: (a) the International Registration of Marks, (b) the International Classification of the Figurative Elements of Marks, (c) the Protection of Type Faces
- September 24 to October 2, 1973 (Geneva) — Administrative Bodies of WIPO (General Assembly, Conference, Coordination Committee) and of the Paris, Berne, Nice and Lisbon Unions (Assemblies, Conferences of Representatives, Executive Committees)

UPOV Meetings

- April 13 and 14, 1972 (Geneva) — Consultative Working Committees
May 23 and 24, 1972 (Cambridge) — Technical Working Party for Cross-fertilized Agricultural Crops
May 25 and 26, 1972 (Antibes) — Technical Working Party for Ornamental Plants
September 13 and 14, 1972 (Geneva) — Working Group for Variety Denominations
November 7 and 10, 1972 (Geneva) — Diplomatic Conference
 Object: Amendment of the Convention
November 8 and 9, 1972 (Geneva) — Council
July 2 to 6, 1973 (London/Cambridge) — Symposium on Plant Breeders' Rights

Meetings of Other International Organizations concerned with Intellectual Property

- April 24 to 28, 1972 (Cannes) — International Association for the Protection of Industrial Property — Council of Presidents
April 26 to 28, 1972 (Helsinki) — International Writers Guild — Executive Council
May 15 to 19, 1972 (Paris) — International Publishers Association — Congress
May 21 to 25, 1972 (Geneva) — International League Against Unfair Competition — Congress
July 3 to 7, 1972 (Paris) — International Literary and Artistic Association — Working Session
July 4 to 6, 1972 (The Hague) — International Patent Institute — Administrative Council
October 16 to 21, 1972 (Mexico) — International Confederation of Societies of Authors and Composers — Congress
October 23 to 26, 1972 (The Hague) — International Patent Institute — Administrative Council
November 12 to 18, 1972 (Mexico) — International Association for the Protection of Industrial Property — Congress
December 11 to 15, 1972 (The Hague) — International Patent Institute — Administrative Council
May 20 to 26, 1973 (Rio de Janeiro) — International Chamber of Commerce — Congress
- Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents (Luxembourg):
 April 24 to 28, 1972 — Working Party II
 April 24 to 28, 1972 — Working Party III
 May 15 to 19, 1972 — Coordination Committee
 June 19 to 30, 1972 — Intergovernmental Conference
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