

Copyright

Review of the
WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO)

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Contents

	Page
WORLD INTELLECTUAL PROPERTY ORGANIZATION	
— Agreement between the United Nations Educational, Scientific and Cultural Organization and the World Intellectual Property Organization	63
— Norway. Ratification of the WIPO Convention	65
BERNE UNION	
— Norway. Ratification of the Paris Act (1971) of the Berne Convention	65
NATIONAL LEGISLATION	
— Hong Kong. Copyright Ordinance, 1973 (No. 5 of 1973)	66
— Israel. Copyright Ordinance (Bringing into Force and Amendment No. 3) Law (5731 — 1971)	69
— Pakistan. Copyright (Amendment) Ordinance, 1972 (No. LVI of 1972)	69
GENERAL STUDIES	
— The draft convention adopted at Nairobi relating to the distribution of programme-carrying signals transmitted by satellite seen from the angle of the protection of authors' rights (György Boytha)	70
CORRESPONDENCE	
— Letter from Hungary (István Timár)	75
BOOK REVIEWS	
— A szerzői jog kézikönyve (Aurél Benárd and István Timár)	82
— Le droit de la photographie (Pierre Frémond)	82
CALENDAR	
— WIPO Meetings	82
— UPOV Meetings	83
— Meetings of Other International Organizations concerned with Intellectual Property	83

of its draft program and budget, or any subsequent draft change thereto, concerning activities in fields of mutual interest.

ARTICLE 4

Reciprocal Representation

1. Representatives of each Organization will be invited to attend the sessions of the competent bodies of the other Organization and of any conventions administered by it in the field of copyright, neighboring rights or related fields, and to participate, without vote, in their deliberations with respect to items on their agendas concerning matters in fields of mutual interest.

2. Representatives of each Organization will be invited to attend all other meetings organized by the other Organization where such meetings deal with matters concerning fields of mutual interest.

ARTICLE 5

Exchange of Information and Documents

Full and prompt exchange of information and documents will be made between Unesco and WIPO concerning matters in fields of mutual interest.

ARTICLE 6

Implementation of the Agreement

1. The Directors General may enter into such arrangements for the implementation of this Agreement as may be found desirable.

2. In the event that WIPO becomes a specialized agency within the United Nations system, this Agreement will be regarded as an agreement concluded between two specialized agencies within the general framework of coordination established under the Charter of the United Nations.

ARTICLE 7

Revision and Termination

1. This Agreement may be amended or revised by agreement between Unesco and WIPO, and any such amendment or revision shall enter into force on approval by the Executive Board of Unesco and by the Coordination Committee of WIPO.

2. This Agreement may be terminated by either Organization on 31 December of any year, by notice given to the other Organization not later than 30 September of that year.

ARTICLE 8

Replacement of Earlier Agreement

This Agreement replaces the agreement concluded by exchange of letters, dated 13 July 1950 and 18 July 1950, between the Director-General of Unesco and the Director of the International Bureau for the Protection of Literary and Artistic Works.

ARTICLE 9

Entry into Force

This Agreement shall enter into force on its approval by the Executive Board of Unesco and the Coordination Committee of WIPO.

* * *

This Agreement was approved by the Executive Board of the United Nations Educational, Scientific and Cultural Organization on 11 October 1973 and by the Coordination Committee of the World Intellectual Property Organization on 27 November 1973 and thus, in accordance with the terms of Article 9, entered into force on 27 November 1973.

IN WITNESS WHEREOF, the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director General of the World Intellectual Property Organization have affixed their signatures to four originals of this Agreement, two in the English language and two in the French language, the texts in English and French being equally authentic.

For the United Nations Educational, Scientific and Cultural Organization For the World Intellectual Property Organization

René MAHEU

Arpad BOGSCH

Paris, 12 March 1974

NORWAY

Ratification of the WIPO Convention

The Director General of the World Intellectual Property Organization has notified the Governments of the countries invited to the Stockholm Conference that the Government of the Kingdom of Norway deposited, on March 8, 1974, its instrument of ratification of the Convention Establishing the World Intellectual Property Organization (WIPO).

The Kingdom of Norway 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 Paris Act (1971) of the Berne Convention,

as provided for in Article 29^{bis} of the said Act and with the declaration provided for in Article 28(1)(b) to the effect that the ratification shall not apply to Articles 1 to 21 and the Appendix.

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization (WIPO) will enter into force, with respect to the Kingdom of Norway, three months after the date of deposit of the instrument of ratification, that is, on June 8, 1974.

WIPO Notification No. 52, of March 13, 1974.


BERNE UNION

NORWAY

Ratification of the Paris Act (1971) 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 Kingdom of Norway deposited, on March 8, 1974, its instrument of ratification of the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971, with the declaration provided for in Article 28(1)(b) of the said Act to the effect that this ratification shall not apply to Articles 1 to 21 and the Appendix.

Pursuant to the provisions of Article 28(3) of the Paris Act (1971) of the said Convention, Articles 22 to 38 will enter into force, with respect to the Kingdom of Norway, three months after the date of this notification, that is, on June 13, 1974.

A separate notification will be made of the entry into force of Articles 1 to 21 and the Appendix, when the conditions provided for in Article 28(2)(a) are fulfilled.

On the other hand, the Government of the Kingdom of Norway, referring to Article VI(1)(ii) of the Appendix to the said Act, has declared that it admits the application of the Appendix to works of which it is the country of origin by countries which have made a declaration under Article VI(1)(i) of the Appendix or a notification under Article I of the Appendix.

Pursuant to the provisions of Article VI(2) of the said Appendix, this declaration, made in writing, became effective from the date of its deposit, that is, from March 8, 1974.

Berne Notification No. 54, of March 13, 1974.

NATIONAL LEGISLATION

HONG KONG

Copyright Ordinance, 1973

(No. 5 of 1973) *

An Ordinance to modify the Copyright Act 1956 as amended by the Design Copyright Act 1968, in its application to Hong Kong and to make further provision with respect to copyright law in Hong Kong.

Short title and commencement

1. — This Ordinance may be cited as the Copyright Ordinance 1973, and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Interpretation

2. — (1) In this Ordinance, unless the context otherwise requires —

“Act” means the Copyright Act 1956 as amended by the Design Copyright Act 1968;

“authorized officer” means any public officer authorized in writing by the Director to exercise any of the powers and perform any of the duties conferred or imposed on an authorized officer under this Ordinance;

“Director” means the Director of Commerce and Industry, the Deputy Director and any Assistant Director of Commerce and Industry;

“plate” has the meaning assigned by the Act and also includes any machine, device or equipment.

(2) Subject to the provisions of this Ordinance, any word or expression used herein to which a meaning is assigned by the Act shall have in or for the purpose of this Ordinance the meaning that it has in or for the purposes of the Act.

Acts restricted by copyright in television and sound broadcasts by Hong Kong organizations

3. — The Act as extended to Hong Kong shall apply in Hong Kong to every television broadcast and every sound broadcast made by any organization specified in the Schedule from a place in Hong Kong as it applies to every television broadcast and every sound broadcast made by the British Broadcasting Corporation or the Independent Television Authority from a place in the United Kingdom.

Transmission of authorized broadcasts by a diffusion service

4. — (1) Where a television broadcast or sound broadcast is made by any organization specified in the Schedule

from a place in Hong Kong, and the broadcast is an authorized broadcast within the meaning of section 40 of the Act, any person who, by the reception of the broadcast, causes a programme to be transmitted to subscribers to a diffusion service, being a programme comprising a literary, dramatic or musical work, or an adaptation of such a work, or an artistic work, or a cinematograph film, shall be in the like position, in any proceedings for infringement of the copyright (if any) in the work or film, as if he had been the holder of a licence granted by the owner of that copyright to include the work, adaptation or film in any programme caused to be transmitted by him to subscribers to that service by the reception of the broadcast.

(2) For the purposes of this section, a broadcast shall be taken, in relation to a work or cinematograph film, to be an authorized broadcast if, but only if, it is made by, or with the licence of, the owner of the copyright in the work or film.

Offences of possession of infringing copy of a protected work

5. — (1) Without prejudice to section 21 of the Act, any person who, at a time when copyright subsists in a work or other subject matter under the Act or this Ordinance, has in his possession for the purposes of trade or business —

(a) any article that is an infringing copy of such a work or other subject matter; or

(b) any plate used or intended to be used for making infringing copies of such a work or other subject matter, shall, unless he proves to the satisfaction of the court that he did not know and that he had no reason to believe that the article was an infringing copy of such a work or other subject matter or that the plate was used or intended to be used for making an infringing copy of such a work or other subject matter, be guilty of an offence and shall be liable on conviction —

(i) if it is his first conviction of an offence under this section, to a fine not exceeding five hundred dollars for each article to which the offence relates; and

(ii) on any second or subsequent conviction of an offence under this section, to such a fine and to imprisonment for twelve months:

* This Ordinance was enacted on February 1, 1973, and published in the *Legal Supplement No. 1 to Government Gazette* of February 2, 1973.

Provided that a fine imposed by virtue of this subsection shall not exceed fifty thousand dollars.

(2) The court before which a person is charged with an offence under this section may, whether he is convicted of the offence or not, order that any article in his possession which appears to the court to be an infringing copy of a work or other subject matter in which copyright subsists under the Act or this Ordinance or a plate used or intended to be used for making infringing copies of such a work or other subject matter shall be destroyed or delivered up to the owner of the copyright in question or otherwise dealt with as the court may think fit.

(3) Where an article is seized by a police officer or an authorized officer in connexion with a suspected offence under the Act or this Ordinance a court, on the application of the Attorney General or the Director, may, if it is satisfied that the article is —

- (a) an infringing copy of a work or other subject matter in which copyright subsists under the Act or this Ordinance; or
 - (b) a plate used or intended to be used for making infringing copies of any such work or other subject matter,
- order that the article be destroyed or delivered up to the owner of the copyright in question or otherwise dealt with as the court may think fit, notwithstanding that no person has been charged with the suspected offence.

Powers of investigating officers

6. — (1) Any police officer not below the rank of Inspector or any authorized officer may —

- (a) (i) subject to section 7, enter and search any premises or place;
 - (ii) stop, board and search any vessel (other than a ship of war) or any aircraft (other than a military aircraft); or
 - (iii) stop and search any vehicle,
- in which he reasonably suspects that there is an infringing copy of a work or other subject matter in which copyright subsists under the Act or this Ordinance or a plate used or intended to be used for making infringing copies of any such work or other subject matter; and
- (b) seize, remove or detain —
 - (i) any article which appears to him to be an infringing copy of a work or other subject matter in which copyright subsists under the Act or this Ordinance or any plate which appears to him to be intended for use for making infringing copies of any such work or other subject matter; and
 - (ii) anything which appears to him to be or to contain, or to be likely to be or to contain, evidence of an offence under the Act or this Ordinance.

(2) Any police officer not below the rank of Inspector or any authorized officer may —

- (a) break open any outer or inner door of any place which he is empowered or authorized by this Ordinance to enter and search;

- (b) forcibly board any vessel, aircraft or vehicle which he is empowered by this Ordinance to stop, board and search;
- (c) remove by force any person or thing obstructing him in the exercise of any power conferred on him by this Ordinance;
- (d) detain any person found in any place which he is empowered or authorized by this Ordinance to search until such place has been searched;
- (e) detain any vessel or aircraft which he is empowered by this Ordinance to stop, board and search, and prevent any person from approaching or boarding such vessel or aircraft until it has been searched;
- (f) detain any vehicle which he is empowered by this Ordinance to stop and search until it has been searched.

Restrictions on the entry and search of domestic premises

7. — (1) No domestic premises shall be entered and searched by a police officer or an authorized officer unless —

- (a) a magistrate has issued a warrant under subsection (2); or
- (b) the Director has given an authorization under subsection (3).

(2) A magistrate may, if he is satisfied by information on oath that there is reasonable ground for suspecting that there is in any domestic premises any article which may be seized, removed or detained under section 6(1)(b), issue a warrant authorizing a police officer not below the rank of Inspector or an authorized officer to enter and search the premises.

(3) The Director may, if he is satisfied that there is reasonable ground for suspecting —

- (a) that there is in any domestic premises any article which may be seized, removed or detained under section 6(1)(b); and
- (b) that unless the premises are entered and searched immediately such thing is likely to be removed from the premises,

authorize in writing a police officer not below the rank of Inspector or an authorized officer to enter and search the premises.

(4) A police officer not below the rank of Inspector or an authorized officer authorized under subsection (2) or (3) to enter and search any domestic premises may call upon any police officer or any authorized officer to assist him in entering and searching the premises.

Obstruction of investigating officers

8. — (1) Without prejudice to any other Ordinance, any person who —

- (a) wilfully obstructs a police officer or an authorized officer in the exercise of his powers or the performance of his duties under the Act or this Ordinance;
- (b) wilfully fails to comply with any requirement properly made to him by any such police officer or authorized officer; or

(c) without reasonable excuse, fails to give such police officer or authorized officer any other assistance which he may reasonably require to be given for the purpose of exercising his powers or performing his duties under the Act or this Ordinance,

shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and to imprisonment for three months.

(2) Any person who, when required to give information to a police officer or to an authorized officer in the exercise of his powers or the performance of his duties under the Act or this Ordinance, knowingly gives false or misleading information to any such police officer or authorized officer shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and to imprisonment for three months.

(3) Nothing in this section shall be construed as requiring any person to give any information which may incriminate him.

Affidavit evidence

9. — (1) An affidavit which —

(a) purports to have been made by or on behalf of the owner of a work or other subject matter in which copyright subsists under the Act; and

(b) states that —

- (i) at a time specified therein copyright subsisted in the work or other subject matter;
- (ii) the person named therein is the owner of the copyright in the work or other subject matter; and
- (iii) a copy of the work or other subject matter exhibited to the affidavit is a true copy of the work or other subject matter,

shall, if it complies with subsection (3), be admitted without further proof in any proceedings under the Act or this Ordinance.

(2) The court before whom an affidavit is produced under subsection (1) shall presume, until the contrary is proved —

(a) that the statements made therein are true; and

(b) that it was made and authenticated in accordance with subsection (3).

(3) An affidavit for the purposes of this section shall be —

(a) made on oath —

(i) before a magistrate or a notary public if it is made at any place within the Commonwealth; or

(ii) before a consular officer of Her Majesty's Government in the United Kingdom or a notary public if it is made at any place outside the Commonwealth; and

(b) authenticated, so far as relates to the making thereof, by the signature of the magistrate, notary public or consular officer before whom it is made.

Time limit for prosecutions

10. — No prosecution for an offence under the Act or this Ordinance shall be commenced after the expiration of three years after the commission of the offence or one year after the discovery thereof, whichever date last occurs.

Governor's power to amend the Schedule

11. — The Governor may, by notice in the *Gazette*, amend the Schedule.

Repeal

12. — (1) The Copyright Ordinance and the Fine Arts Copyright Ordinance are repealed.

(2) The Copyright (Application of the Copyright Act) Regulations are revoked.

SCHEDULE

Broadcasting Organizations

1. Radio Hong Kong.
2. Hong Kong Commercial Broadcasting Company Limited.
3. Television Broadcasts Limited.

ISRAEL

**Copyright Ordinance (Bringing into Force and Amendment No. 3) Law
5731 — 1971 ***

Amendment of section 5 of the Ordinance

1. — In section 5 of the Copyright Ordinance¹ —

(1) in the first subsection, the words “fifty years” shall be replaced by the words “seventy years” and the words “as adapted in this Law” shall be replaced by the words “as modified by this Ordinance”.

(2) the following subsection shall be inserted after subsection (3):

“ (4) Notwithstanding anything provided in section 3 of the Copyright Act, 1911², and subject to the other

* Passed by the Knesset on the 4th Av, 5731 (26th July, 1971) and published in *Sefer Ha-Chukkim* No. 623 of the 14th Av, 5731 (5th August, 1971), p. 165; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 927 of 5731, p. 143.

¹ *Laws of Palestine* vol. I, chap. 25, p. 389 (English Edition); *Sefer Ha-Chukkim* of 5713, p. 38 — *Laws of the State of Israel* vol. VII, p. 30; *Sefer Ha-Chukkim* of 5728, p. 57 — *Laws of the State of Israel* vol. XXII, p. 56.

express provisions of that Act, the term of protection subsequent to the death of the author shall be seventy years from the date specified in subsection (3).”

Bringing into force

2. — Section 7A of the Copyright Ordinance shall come into force on the date of the coming into force of this Law and shall continue in force until the 8th Nisan, 5734 (31st March, 1974).

Transitional provision

3. — Nothing in this Law confers copyright in any work in which copyright no longer exists in Israel.

² *Laws of Palestine* vol. III, p. 2475 (English Edition).

Editor's Note: As for Article 7A, see “Letter from Israel”, in *Copyright*, 1972, p. 156.

PAKISTAN

Copyright (Amendment) Ordinance, 1972

(No. LVI of 1972)

An Ordinance to amend the Copyright Ordinance, 1962

Short title and commencement

1. — (1) This Ordinance may be called the Copyright (Amendment) Ordinance, 1972.

(2) It shall come into force at once.

Amendment of section 10, Ordinance XXXIV of 1962¹

2. — In the Copyright Ordinance, 1962 (XXXIV of 1962), hereinafter referred to as the said Ordinance, in section 10 after sub-section (2), the following new sub-section shall be inserted, namely:—

“ (2A) Copyright shall not subsist in any work referred to in sub-section (2) as respects its reprint, translation, adaptation or publication, by or under the authority of the Federal Government, as text-book for the purposes of teaching, study or research in educational institutions.”

Amendment of section 30, Ordinance XXXIV of 1962²

3. — In the said Ordinance, in section 30, after the words “declared that”, the commas, words, brackets, figures and

letter “,” subject to the provisions of sub-section (2A) of section 10,” shall be inserted.

Amendment of section 53, Ordinance XXXIV of 1962³

4. — In the said Ordinance, in section 53, in sub-section (2), after the word “Pakistan” at the end, the following shall be added, namely:—

“, except as respects its reprint, translation, adaptation or publication, by or under the authority of the Federal Government, as text-book for the purposes of teaching, study or research in educational institutions”.

General amendment, Ordinance XXXIV of 1962

5. — In the said Ordinance, for the words “Central Government”, whether occurring, the words “Federal Government” shall be substituted.

³ *Ibid.*, p. 115.

¹ See *Copyright*, 1967, p. 94.

² *Ibid.*, p. 96.



GENERAL STUDIES



**The draft convention adopted at Nairobi
relating to the distribution of programme-carrying signals transmitted by satellite
seen from the angle of the protection of authors' rights**

György BOYTHA *



CORRESPONDENCE



Letter from Hungary

István TÍMÁR

- June 17 to 21, 1974 (Geneva) — Madrid Union — Assembly and Committee of Directors (Extraordinary Session)
- June 25 to July 1, 1974 (Geneva) — WIPO Coordination Committee (Extraordinary Session)
- June 26 to 28, 1974 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)
- July 1 to 5, 1974 (Geneva) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee
- July 8 to 10, 1974 (Geneva) — Industrial Property Statistics — Working Group
- September 2 to 6, 1974 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee
- September 9 to 13, 1974 (Geneva) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee
- September 9 to 13, 1974 (Geneva) — PCT Interim Advisory Committee for Administrative Questions — Working Group on Forms
- September 18 to 20, 1974 (Geneva) — ICIREPAT — Plenary Committee
- September 24 to October 1, 1974 (Geneva) — Session of certain Administrative Bodies of WIPO and of certain Unions administered by WIPO
- September 30 to October 4, 1974 (Geneva) — International Patent Classification (IPC) — Working Group I of the Joint ad hoc Committee
- October 2 to 4, 1974 (Geneva) — Scientific Discoveries — Working Group
- October 7 to 11, 1974 (Moscow) — Symposium on the Role of Patent Information in Research and Development
Participation open to all interested persons subject to a registration fee — *Note:* Meeting organized in cooperation with the State Committee for Inventions and Discoveries of the Council of Ministers of the USSR
- October 21 to 25, 1974 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)
- October 28 to November 1, 1974 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)
- November 4 to 8, 1974 (Geneva) — International Protection of Appellations of Origin — Committee of Experts
- November 4 to 8, 1974 (Geneva) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee
- November 12 to 19, 1974 (Geneva) — PCT Interim Committees — Annual Sessions
- December 2 to 6, 1974 (Yaoundé) — Intellectual Property African Seminar
- December 9 to 13, 1974 (Geneva) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee
- December 16 to 18, 1974 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)
- February 17 to 28, 1975 (Munich) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee
- April 14 to 25, 1975 (Rijswijk) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee
- May 12 to 23, 1975 (Washington) — International Patent Classification (IPC) — Working Group I of the Joint ad hoc Committee
- June 9 to 13, 1975 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee
- September 15 to 26 (Rijswijk) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee
- September 23 to 30, 1975 (Geneva) — Sessions of the Administrative Bodies of WIPO and the Unions administered by WIPO
- November 3 to 14, 1975 (Berne) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee
- December 1 to 12, 1975 (Munich) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee

UPOV Meetings

- April 2 to 4, 1974 (Geneva) — Consultative Working Committee
- October 21 to 25, 1974 (Geneva) — Council

Meetings of Other International Organizations concerned with Intellectual Property

- May 6 to 9, 1974 (Rijswijk) — International Patent Institute — Training Seminar
- May 6 to 30, 1974 (Luxembourg) — Conference of the Member States of the European Communities concerning the Convention on the European Patent for the Common Market
- June 19 to 21, 1974 (Rijswijk) — International Patent Institute — Administrative Board
- July 2 to 5, 1974 (Monte Carlo) — International Writers Guild — Congress
- October 6 to 10, 1974 (Rome) — International League Against Unfair Competition — Congress
- November 11 to 15, 1974 (Santiago) — Inter-American Association of Industrial Property — Congress
- May 3 to 10, 1975 (San Francisco) — International Association for the Protection of Industrial Property — Congress

