

Copyright

Review of the
WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO)

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WORLD INTELLECTUAL PROPERTY ORGANIZATION

GREECE

Ratification of the WIPO Convention

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of the countries invited to the Stockholm Conference that the Government of the Hellenic Republic deposited, on December 4, 1975, its instrument of ratification of the Convention Establishing the World Intellectual Property Organization (WIPO).

The Hellenic Republic has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently ac-

ceding to the Paris Act (1971) of the Berne Convention as provided for in Article 29^{bis} of that Act.

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization will enter into force, with respect to the Hellenic Republic, three months after the date of deposit of the instrument of ratification, that is, on March 4, 1976.

WIPO Notification No. 85, of December 8, 1975.

BERNE UNION

GREECE

Accession to 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 Hellenic Republic deposited, on December 4, 1975, its instrument of accession to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971.

Pursuant to the provisions of Article 28(2)(c) and (3), the Paris Act (1971) of the Convention will enter into force, with respect to the Hellenic Republic, three months after the date of this notification, that is, on March 8, 1976.

Berne Notification No. 78, of December 8, 1975.

NATIONAL LEGISLATION

SOUTH AFRICA

I

Copyright Amendment Act, 1972

Act to amend the provisions of the Copyright Act, 1965, relating to copyright in cinematograph films and the onus of proof in actions in respect of copyright in cinematograph films; and to provide for incidental matters

(No. 75 of 1972) *

Amendment of section 14 of Act 63 of 1965

1. Section 14 of the Copyright Act, 1965 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Copyright shall subsist, subject to the provisions of this Act, in every cinematograph film, whether published or unpublished, of which the maker was a qualified person for the whole or a substantial part of the period during which the film was made, or in every cinematograph film which has been published and of which the first publication took place in the Republic.”

* This Act was published in the *Government Gazette* of June 21, 1972, and came into operation on July 28, 1972 (No. R. 188, 1972).

Amendment of section 21 of Act 63 of 1965

2. Section 21 of the principal Act is hereby amended by the addition of the following subsection:

“(7) Where in an action brought by virtue of this Chapter with respect to copyright in a cinematograph film it is proved that the name purporting to be the name of the maker of that film appears thereon in the manner which the Minister may prescribe from time to time, the person whose name so appears shall be presumed to be the maker of that film, unless the contrary is proved.”

Short title and commencement

3. This Act shall be called the Copyright Amendment Act, 1972, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

II

Copyright (Makers of Cinematographic Films) Regulations, 1972

(No. R. 1289, of July 28, 1972) *

The Deputy Minister of Economic Affairs has, in terms of section 21(7) of the Copyright Act, 1965 (Act 63 of 1965), made the following regulations on behalf of the Minister of Economic Affairs:

1. The name of the maker of a cinematographic film may appear in any sequence or in any frame of the film, whether the name is visible or not when the film is shown as a moving picture: Provided that such name shall be preceded or followed by the word “copyright”, or “outeursreg”, or “kopiereg”, or the symbol ©, or (k), or (o), or the words “all rights reserved” or “alle regte voorbehou”, or any other

obvious or ordinary symbol therefor or abbreviation thereof, either with or without letters or digits indicating a date.

2. For the purpose of regulation 1 the name of the maker may be indicated by—

(a) a trade mark of which the maker is the registered proprietor; or

(b) a trade mark of which the maker is a registered user:

Provided that such trade mark or registered user has been registered under the Trade Marks Act, 1963 (Act 62 of 1963).

3. These regulations may be cited as the Copyright (Makers of Cinematographic Films) Regulations, 1972.

* These Regulations were published in the *Government Gazette* of July 28, 1972.

III

Copyright Amendment Act, 1975

Act to amend the Copyright Act, 1965, so as to further provide for the calculation of the period of copyright in any cinematograph film; to provide for a presumption of knowledge in connection with infringing copies; to increase the penalties for certain offences; to extend the provisions relating to the prohibition of the importation of certain copies in certain circumstances, to copies of cinematograph films and sound recordings; and to provide for incidental matters

(No. 64 of 1975) *

*Amendment of section 14 of Act 63 of 1965, as amended
by section 1 of Act 75 of 1972*

1. Section 14 of the Copyright Act, 1965 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) in the case of a film which has been approved by the Board of Censors under the provisions of the Entertainments (Censorship) Act, 1931 (Act No. 28 of 1931), or by the Publications Control Board under the provisions of the Publications and Entertainments Act, 1963 (Act No. 26 of 1963), or by any committee under the Publications Act, 1974 (Act No. 42 of 1974), shall continue to subsist from the date of such approval and thereafter until the end of the period of fifty years from the end of the calendar year in which it was so approved;”.

*Amendment of section 21 of Act 63 of 1965, as amended
by section 2 of Act 75 of 1972*

2. Section 21 of the principal Act is hereby amended by the addition of the following subsections:

“(8) If in any action brought by virtue of this Chapter it is proved that a particular article is an infringing copy and that it was in the possession or under the control of a particular person at any time, that person shall be presumed to have known at the time in question that such article was an infringing copy, unless the contrary is proved.

(9) In this Chapter, unless inconsistent with the context, ‘action’ includes a prosecution for an offence in terms of section 22.”.

Amendment of section 22 of Act 63 of 1965

3. Section 22 of the principal Act is hereby amended—
(a) by the substitution for subsection (6) of the following subsection:

“(6) A person convicted of an offence under subsection (1) or under that subsection as applied by subsection (3) shall be liable—

(a) in the case of a first conviction, to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment, for each article to which the offence relates;

(b) in any other case, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment, for each article to which the offence relates:

Provided that the total fine or the total period of imprisonment imposed by virtue of this subsection shall not exceed ten thousand rand or ten years, as the case may be, in respect of articles comprised in the same transaction.”; and

(b) by the substitution for subsection (7) of the following subsection:

“(7) A person convicted of an offence under subsection (2), including that subsection as applied by subsection (3), or under subsection (4) or (5), shall be liable—

(a) in the case of a first conviction, to a fine not exceeding one thousand rand;

(b) in any other case, to such a fine or to imprisonment for a period not exceeding one year.”.

Amendment of section 23 of Act 63 of 1965

4. Section 23 of the principal Act is hereby amended—
(a) by the substitution for subsection (1) of the following subsection:

“(1) The owner of the copyright in any published literary, dramatic or musical work or any published cinematograph film or any sound or video recording may give notice in writing to the Secretary for Customs and Excise (in this section referred to as ‘the Secretary’)—

(a) that he is the owner of the copyright in the work, cinematograph film or sound or video recording; and

(b) that he requests the Secretary to treat as prohibited goods, during a period specified in the notice, copies of the work, cinematograph film or sound or video recording to which this section applies:

Provided that the period specified in a notice under this subsection shall not extend beyond the end of the period for which the copyright is to subsist: Provided further that the Secretary shall not be bound to act in terms of any such notice unless the owner of the copyright furnishes him with security in such form and for such amount as he may require to secure the fulfilment of any liability and the payment of any expense which

* This Act was published in the *Government Gazette* of July 23, 1975.

he may incur by reason of the detention by him of any copy of the work, cinematograph film or sound or video recording to which the notice relates or as a result of anything done by him in relation to a copy so detained.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) This section shall apply to any printed copy of the work, cinematograph film or sound or video recording in question made outside the Republic which if it had been made in the Republic would be an infringing copy of the work, cinematograph film or sound or video recording.”; and

(c) by the substitution in subsection (3) for the words preceding the proviso of the following words:

“(3) Where a notice has been given under this section in respect of a work, cinematograph film or sound or video recording and has not been withdrawn, the importation into the Republic at a time before the end of the period specified in the notice of any copy of the work, cinematograph film or sound or video recording to which this section applies shall be prohibited:”.

Short title

5. This Act shall be called the Copyright Amendment Act, 1975.

IV

Extension of Copyright to the United States of America

Proclamation by the State President of the Republic of South Africa

(No. R. 231, of September 24, 1973) *

Whereas I am satisfied that the United States of America has made or will make provision under its laws for the adequate protection in the United States of America for owners of copyright under the Copyright Act, 1965 (Act 63 of 1965);

And whereas it is desirable to provide protection within the Republic of South Africa for owners of copyright in the United States;

Now, therefore, under and by virtue of the powers vested in me by section 32 of the said Copyright Act, 1965, I hereby declare that Proclamation 73 of 1966 shall apply to the United States of America in the same manner as it applies to those countries enumerated in the First Schedule to that Proclamation: Provided that—

(a) the term of copyright within the Republic of South Africa shall not exceed that conferred by the law of the United States of America;

(b) “published simultaneously”, for the purpose of this Proclamation, shall be deemed to mean:

(i) in the case of publication occurring before the commencement of this Proclamation, published within a period of 60 days;

(ii) in any other case, published within a period of 30 days; and

(c) the provisions of the Second Schedule to that Proclamation shall not apply as far as the United States of America is concerned.

Proclamation 118 of 1924 is hereby repealed.

* This Proclamation was published in the *Government Gazette* of October 5, 1973.

GENERAL STUDIES

**Automatic and, in particular, computerized information and documentation systems
and the copyright law**

Eugen ULMER *



CORRESPONDENCE



Letter from Switzerland

Revision of the Swiss Copyright Law

Mario M. PEDRAZZINI *

INTERNATIONAL ACTIVITIES

Nordic Copyright Symposium

(Helsinki, June 9 to 11, 1975)

The Finnish Copyright Society, in cooperation with the corresponding Danish, Norwegian and Swedish societies (national groups of ALAI), held the first Nordic Copyright Symposium in the new Swedish-Finnish Cultural Center of Hanasaari (near Helsinki) from June 9 to 11, 1975. Support for the Symposium was provided by the Nordic Cultural Fund.

The Symposium was attended by about 100 participants from Denmark, Finland, Iceland, Norway and Sweden. The success of the Symposium was underlined by the announcement on the final day of the Symposium that a second Nordic copyright symposium would be held in Sweden, probably early in 1978. The World Intellectual Property Organization (WIPO) was represented by Mr. Claude Masouyé, Director, Office of the Director General, and Mr. Murray Haddrick, Counsellor, Head of the Copyright Division.

The purpose of the Symposium was to review the present situation in the copyright field in the Nordic countries where a review of the present copyright legislation is being undertaken in the light of modern technological developments. The proceedings took place in a lively atmosphere in which discussion of new guidelines for the revision work on the Nordic copyright laws, which had just been adopted by the Council of Nordic Ministers, was a significant feature.

On the first day of the Symposium, attention was directed to the international scene in relation to copyright and neighboring rights. A paper reviewing the present international situation prepared by Dr. Arpad Bogsch, Director General of WIPO, was presented by Mr. Claude Masouyé when, at the last moment, Dr. Bogsch was unable to attend the Symposium. Other papers relating to the international copyright situation were delivered by Ms. Barbara Ringer, Register of Copyrights of the United States of America, and Mr. E. P. Gavrilov, Chief of the Treaty and Legal Department of the All-Union Copyright Agency of the Soviet Union (VAAP). Discussion on questions in the field of neighboring rights followed papers delivered by Mr. Jukka Liedes (Finland), Mr. Ejnar Jensen (Denmark), Mr. Rolf Rembe (Sweden) and Dr. Birger Stuevold-Lassen (Norway).

The discussion on the second day took place around the theme of copyright and the technological explosion. Papers were delivered by Mr. W. Weincke (Denmark), Mr. Gorm Baekkelund (Norway), Mr. Jan Gehlin (Sweden) and Professor Osmo A. Wiio (Finland). The third and final day was devoted to a consideration of the function of copyright in modern society. Lively discussion followed papers delivered by Professor Seve Ljungman (Sweden), Mr. Tom Grönberg (Finland), Professor Mogens Koktvedgaard (Denmark) and Mr. Sigurdur R. Petursson (Iceland).

CONVENTIONS NOT ADMINISTERED BY WIPO

Universal Copyright Convention

BRAZIL

Ratification of the Convention as revised at Paris in 1971

The Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) has informed the International Bureau of WIPO that the instrument of ratification by Brazil of the Convention as revised at Paris on July 24, 1971, and Protocols 1 and 2 annexed thereto was deposited with that Organization on September 11, 1975.

In accordance with the provisions of its Article IX(2), the Convention came into force in respect of Brazil three months after the deposit of its instrument of accession.

With regard to the Protocols, in conformity with their respective paragraphs 2(b), they entered into force in respect of Brazil on the same day as the Convention.

January 19 to 23, 1976 (Geneva) — International Patent Classification (IPC) — Steering Committee

January 26 to 30, 1976 (Geneva) — International Patent Classification (IPC) — Committee of Experts

February 2 to 4, 1976 (Geneva) — ICIREPAT — Plenary Committee (PLC)

February 2 to 10, 1976 (Geneva) — Nice Union — Temporary Working Group

February 16 to 20, 1976 (Geneva) — Hague Union — Regulations — Working Group

February 16 to 27, 1976 (London) — International Patent Classification (IPC) — Working Group IV

February 23 to March 2, 1976 (Tunis) — Committee of Governmental Experts for the Preparation of a Model Law on Copyright for Developing Countries
(Meeting convened by the Government of Tunisia in cooperation with WIPO and Unesco)

March 1 to 5, 1976 (Geneva) — Nice Union — Revision of the Nice Agreement — Committee of Experts

March 9 to 12, 1976 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Working Group on the Use of the International Patent Classification

March 15 to 19, 1976 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Permanent Committee (3rd session)

March 22 to April 2, 1976 (Munich) — International Patent Classification (IPC) — Working Group I

March 29 to 31, 1976 (Geneva) — Paris Union — Ad hoc Coordinating Committee for Technical Activities

April 26 to 30, 1976 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)

April 26 to 30, 1976 (Geneva) — Paris Union — Committee of Experts on the Deposit of Microorganisms for the Purposes of Patent Procedure

May 3 to 7, 1976 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)

May 3 to 7, 1976 (Geneva) — Paris and Madrid Unions — Working Group on the Use of Computers in Trademarks Operations

May 10 to 15, 1976 (Geneva) — Paris and Berne Unions — Committee of Experts on Scientific Discoveries

May 17 to 21, 1976 (Geneva) — International Patent Classification (IPC) — Working Group V

May 17 to 21, 1976 (Geneva) — Paris Union — Computer Programs — Committee of Experts

May 24 to 31, 1976 (Geneva) — Nice Union — Temporary Working Group

June 8 to 14, 1976 (Geneva) — Paris Union — Group of Governmental Experts for the Revision of the Paris Convention

June 14 to 18, 1976 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Working Group on the Model Law for Developing Countries on Inventions and Know-How

June 21 to 25, 1976 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Working Group on Licensing Guidelines

September 6 to 17, 1976 (Washington) — International Patent Classification (IPC) — Working Group III

September 21 to 24, 1976 (Geneva) — ICIREPAT — Plenary Committee (PLC)

September 27 to October 5, 1976 (Geneva) — WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Nice, Lisbon, Locarno, IPC and Berne Unions; Conferences of Representatives of the Paris, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Council of the Lisbon Union — Ordinary Sessions

September 27 to October 8, 1976 (Rijswijk) — International Patent Classification (IPC) — Working Group II

October 6 to 8, 1976 (Geneva) — Trademark Registration Treaty (TRT) — Interim Advisory Committee

October 11 to 15, 1976 (Geneva) — Paris and Madrid Unions — Working Group on the Use of Computers in Trademarks Operations

October 11 to 15, 1976 (Geneva) — International Patent Classification (IPC) — Steering Committee

October 13 to 21, 1976 (Geneva) — Nice Union — Temporary Working Group

October 18 to 22, 1976 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)

October 18 to 22, 1976 (Geneva) — International Patent Classification (IPC) — Committee of Experts

October 25 to 29, 1976 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)

October 25 to 30, 1976 (Baghdad) — Regional Conference for Arab States on Industrial Property
(Meeting organized jointly with UNIDO and IDCAS)

November 1 to 6, 1976 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Committees

- November 8 to 19, 1976 (Stockholm) — International Patent Classification (IPC) — Working Group IV
- November 22 to 26 [or 30], 1976 (Geneva) — Paris Union — Group of Governmental Experts for the Revision of the Paris Convention
- November 29 to December 3, 1976 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Working Group on the Model Law for Developing Countries on Inventions and Know-How
- November 29 to December 10, 1976 (Rijswijk) — International Patent Classification (IPC) — Working Group I
- December 6 to 17, 1976 (Lusaka) — Conference on Industrial Property Laws of English-Speaking Africa
(convened jointly with the Economic Commission for Africa of the United Nations)
- December 13 to 17, 1976 (Geneva) — Nice Union — Committee of Experts
- March 14 to 18, 1977 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Permanent Committee (4th session)
- September 26 to October 4, 1977 (Geneva) — WIPO Coordination Committee and Executive Committees of the Paris and Berne Unions

UPOV Meetings

- Council: October 13 to 15, 1976
- Consultative Committee: March 10 and 11, 1976; October 12 and 15, 1976
- Technical Steering Committee: May 6 and 7, 1976; November 18 and 19, 1976
- Working Group on Variety Denominations: in the course of the week from September 14 to 17, 1976
- Committee of Experts on International Cooperation in Examination: May 5, 1976; November 15 to 17, 1976
- Committee of Experts on the Interpretation and Revision of the Convention: February 17 to 20, 1976; September 14 to 17, 1976
- Note: All these meetings will take place in Geneva at the headquarters of UPOV
- Technical Working Party for Vegetables: March 23 to 25, 1976 (Wageningen - Netherlands)
- Technical Working Party for Ornamental Plants: May 12 to 14, 1976 (Melle - Belgium)
- Technical Working Party for Agricultural Crops: May 24 to 26, 1976 (Tystofte - Denmark)
- Technical Working Party for Fruit Crops: June 16 to 18, 1976 (Hanover - Federal Republic of Germany)
- Technical Working Party for Forest Trees: August 17 to 19, 1976 (Humblehak - Denmark)

Meetings of Other International Organizations concerned with Intellectual Property

- January 16, 1976 (Paris) — International Literary and Artistic Association — Executive Committee and General Assembly
- February 2 to 6, 1976 (Strasbourg) — Council of Europe — Legal Committee on Broadcasting and Television
- May 9 to 13, 1976 (Munich) — International League Against Unfair Competition — Congress
- May 24 to 29, 1976 (Athens) — International Literary and Artistic Association — Congress
- May 25 to June 1, 1976 (Tokyo) — International Publishers Association — Congress
- August 30 to September 3, 1976 (Stockholm) — International Federation of Musicians — Congress
- September 6 to 10, 1976 (Budapest) — Hungarian Group of AIPPI and Hungarian Association for the Protection of Industrial Property —
Conference on the Significance of Protection of Industrial Property in International Industrial Cooperation
- September 26 to October 2, 1976 (Montrenx) — International Association for the Protection of Industrial Property — Executive Committee
- September 27 to October 1, 1976 (Paris) — International Confederation of Societies of Authors and Composers — Congress
- October 11 to 16, 1976 (Varna) — International Writers Guild — Congress