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World Intellectual Property Organization

TURKEY

Accession to 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 Republic of Turkey deposited, on February 12, 1976, its instrument of accession to the Convention Establishing the World Intellectual Property Organization (WIPO).

The Republic of Turkey has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently acceding to the Stockholm Act (1967)

of the Paris Convention, with the limitation provided for in Article 20(1)(b)(i) of the said Act to the effect that the accession shall not apply to Articles 1 to 12.

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization will enter into force, with respect to the Republic of Turkey, three months after the date of deposit of the instrument of accession, that is, on May 12, 1976.

WIPO Notification No. 86, of February 16, 1976.

Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite

KENYA

Ratification of the Convention

The Secretary-General of the United Nations notified the Director General of the World Intellectual Property Organization, on January 27, 1976, that the Government of Kenya deposited, on January 6, 1976, its instrument of ratification of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, adopted at Brussels on May 21, 1974.

A separate notification will be made on the entry into force of the Convention when the required number of ratifications or accessions is reached.

NICARAGUA

Accession to the Convention

The Secretary-General of the United Nations notified the Director General of the World Intellectual Property Organization, on December 12, 1975, that the Government of Nicaragua deposited, on December 1, 1975, its instrument of accession to the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, adopted at Brussels on May 21, 1974.

A separate notification will be made on the entry into force of the Convention when the required number of ratifications or accessions is reached.

Berne Union

Executive Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union)

Ninth Session (3rd extraordinary)

(Geneva, December 10 to 16, 1975)

Report

submitted by the Secretariat and adopted by the Committee

Introduction

Opening of the Session

1. The Executive Committee of the Berne Union ("the Committee"), having been convened by the Director General of the World Intellectual Property Organization (WIPO), met in extraordinary session at the *Palais des Nations*, Geneva, from December 10 to 16, 1975.
2. The sixteen States members of the Committee were all represented: *Ordinary Members*: Canada, France, Germany (Federal Republic of), Hungary, India, Israel, Morocco, Senegal, Spain, Switzerland, United Kingdom, Yugoslavia (12); *Associate Members*: Argentina, Italy, Philippines, Poland (4).
3. The following States members of the Berne Union were represented in an observer capacity: Australia, Austria, Belgium, Brazil, Cameroon, Chile, Congo, Czechoslovakia, Denmark, Finland, German Democratic Republic, Holy See, Japan, Mexico, Netherlands, Norway, Pakistan, Portugal, Sweden, Thailand, Tunisia, Zaire (22).
4. Since the Committee held some of its sessions jointly with the Intergovernmental Copyright Committee, the following States were also present in an observer capacity: Algeria, Colombia, Cuba, Egypt, Ghana, Iran, Libyan Arab Republic, Mongolia, Nigeria, Panama, Peru, Soviet Union, United States of America, Zambia (14).
5. Five intergovernmental organizations and 18 international non-governmental organizations were represented by observers.
6. The list of participants is annexed to this Report.
7. The session was opened by the Chairman of the Committee, Mr. Shahid Alikhan (India), who, in a

brief address, observed that a new era was beginning in which a more pragmatic approach to the concept of exclusive rights was called for. He recalled the creation of the Berne Union almost a hundred years previously, and pointed out that the development of social and economic concepts and the need to enrich the cultural life of peoples had brought about periodic revisions of the Convention. He stressed the need for an article-by-article commentary on the Convention which would give a better idea of the reasons for the periodic amendments when they were made. He mentioned in this regard the existence of the Guide to the Application of the Paris Convention, written by the former Director General of WIPO, and of the Commentary on the Universal Copyright Convention, written by the present Director General of WIPO. He was certain that the Director General would agree to make a similar study on the Berne Union, with the collaboration of consultants, if necessary. Finally, he emphasized the usefulness of the fellowships awarded by the Secretariat to assist those responsible for copyright in various countries in keeping pace with developments in the copyright field.

8. He concluded by thanking the Secretariat, on behalf of the Committee, for the high quality of the documentation prepared for the current session.

9. The representative of the Director General of WIPO assured the Chairman that the Director General would not omit to give a positive reply to his suggestion that a guide to the Berne Convention should be prepared. The representative then asked for a period of silence to be observed in memory of the late T. S. Krishnamurti, the former Head of the Copyright Division of the International Bureau, who died in November 1974.

Part I: Items concerning the Committee alone

Adoption of the Agenda

10. The Committee adopted the agenda proposed in document B/EC/IX/1; at the request of the Chairman, it was accepted that the items on the agenda that concerned also the Intergovernmental Copyright Committee would not be dealt with in the order indicated, so that the chairmanship of the two Committees might alternate in a practical way.

Implementation of the Paris Act (1971) of the Berne Convention

11. The Secretariat informed the Committee of the deposit by Greece, on December 4, 1975, of its instrument of ratification of the Paris Act (1971) of the Berne Convention. This ratification was to come into effect on March 8, 1976. The number of States having ratified or acceded to the Paris Act had therefore risen to 30, thus modifying the information contained in document B/EC/IX/2 concerning this item on the agenda.

12. The observer from Mexico recalled that, at the eighth session (6th ordinary) of the Executive Committee, held in the previous September, Mexico had brought to the notice of the delegates the difficulties it was encountering in the implementation of the special provisions in favor of developing countries contained in the Appendix to the Paris Act (1971) of the Berne Convention. At that time, it had undertaken to submit a memorandum on the problem to the present session of the Committee, and the document had been conveyed to the Secretariat. In view of the fact that the same provisions in favor of developing countries were incorporated in the Paris (1971) text of the Universal Copyright Convention, he thought that the matter might be taken up after the discussion of matters common to the two Committees. At the suggestion of the Chairman, the Committee endorsed this proposal.

Legal and Technical Assistance to States

13. The Secretariat summarized the activities of the International Bureau of WIPO in connection with legal-technical assistance to developing countries. In the course of recent years, those activities had been as follows:

- (i) five fellowships awarded to officials of India, Mexico, Pakistan, Senegal and Sri Lanka, who had undergone their training in the United States of America, The United Kingdom, Switzerland or France;
- (ii) advice and a mission of experts to the Government of Sri Lanka in connection with the revision of its national legislation;
- (iii) discussions between the Director General and representatives of the Government of the Ivory

Coast in response to that State's request for assistance in its project for the creation of a Copyright Office;

- (iv) exchanges of views in the course of visits, by the Director General and other officials of WIPO, to government authorities of 24 countries in Africa, Asia and Latin America;
- (v) information and guidance given to the authorities of certain developing countries on the advantages for them of ratification of, or accession to, the Paris Act of the Berne Convention; thus it was that, during the previous two years, 14 developing countries had ratified, or acceded to, the Berne Convention.

The Secretariat also mentioned contacts made with certain countries having recently gained independence with a view to advising their governments concerning the legal position at the international level in the field of copyright.

Finally, it mentioned cooperation with the African and Malagasy Industrial Property Office (OAMPI): observations had been made by the Secretariat on the draft regional convention on the uniform protection of copyright, which observations took into account, in particular, the provisions of the Paris Act (1971) of the Berne Convention.

14. While it considered the results achieved so far to be encouraging, the Secretariat affirmed that the International Bureau of WIPO, being aware of the role that copyright could play in development, from both the cultural and the economic standpoint, wished to intensify its assistance to developing countries and that, to do so, it had to receive more requests from States and also information on the specific aspects of copyright that interested them and on the problems they encountered.

15. On a proposal by the Delegation of the Federal Republic of Germany, the Committee decided that a mention should be made in the report of its satisfaction with, and appreciation of, the action taken by the International Bureau of WIPO in the field of technical assistance, which was a very important factor in the promotion of the Berne Union.

16. Moreover, in the course of the review by the Intergovernmental Copyright Committee of its program of legal and technical assistance to States, the representatives of the following States and organizations also conveyed their congratulations to the International Bureau of WIPO: United States of America, India, Canada, Australia, Hungary, Congo, Soviet Union, International Confederation of Societies of Authors and Composers (CISAC), International Federation of Producers of Phonograms and Videograms (IFPI).

17. The observer from the Congo stressed that the two Secretariats should do all they could to train officials of developing countries in matters of copyright, and thanked the International Bureau in particular for its assistance to OAMPI.

18. The observer from the Soviet Union said that his country was willing to cooperate in the technical assistance program in order to facilitate the mutual exchange of information and knowledge between countries.

19. The observers from CISAC, IFPI and the International Writers Guild (IWG) stated that they were prepared to broaden their collaboration further. The observer from CISAC also emphasized the wish of his organization to be associated with projects for the establishment of societies of authors.

20. The observer from Mexico congratulated CISAC on the profitable collaboration in which it had always engaged with the countries of Latin America, and announced that, with a view to pro-

moting exchanges also between developing countries, the Government of Mexico was making two fellowships available each to Unesco and WIPO.

21. The Delegation of India and a number of other delegations drew attention to the necessity that the two Secretariats ensure better coordination of their activities in this field.

22. The representative of the Director General of WIPO thanked the delegations and the international non-governmental organizations for their kind words to the International Bureau and, after recalling the latter's intention to intensify its work in favor of developing countries, indicated that there were three trainees in the hall who were currently undergoing training courses. The representative noted the wish expressed by a number of delegations that there might be better coordination of activities, and stated that the International Bureau of WIPO was prepared to consider this matter under the agenda items that were common to both Committees.

Part II: Items concerning the Committee and also the Intergovernmental Copyright Committee

Reprographic Reproduction of Works Protected by Copyright

23. The Chairman recalled that the document before the Committees (document B/EC/IX/3-IGC/XR.1(1971)/7) contained the report adopted by the Sub-Committees on the reprographic reproduction of works protected by copyright which had met in Washington from June 16 to 21, 1975, at the gracious invitation of the Government of the United States of America¹.

24. After noting that all 18 States members of the Intergovernmental Copyright Committee and 15 of the 16 States members of the Executive Committee of the Berne Union had been represented at the meetings of the Sub-Committees, the Chairman proposed that the Committees should approve the resolution adopted respectively by the Sub-Committees, and annexed to the above-mentioned report, if there were no objection from the delegation of Poland which was the only State member of the Executive Committee of the Berne Union which had not participated in the work at Washington. The Delegation of Poland having confirmed that it did not have any objection to raise, it was decided accordingly.

25. The Head of the Delegation of the United Kingdom, in his capacity of Chairman of the Sub-Committees, expressed both the Sub-Committees' and his own warm thanks to the Government of the United States of America for its hospitality to the Sub-Committees.

26. The Delegation of Mexico endorsed the congratulations addressed to the Government of the United States of America and likewise congratulated the Head of the Delegation of the United Kingdom for the skill with which he had conducted the discussions.

27. The observer from the International Federation of Documentation (FID), who had been an observer at the meetings of the Sub-Committees, congratulated the participants on both the level and the quality of the discussions which had omitted no aspect of the problems raised by the reprographic reproduction of works protected by copyright. He added that the results of the discussions would without doubt facilitate the task of national legislators.

28. The observer from the International Publishers Association (IPA) drew the Committees' attention to the second principle set out in the resolution and expressed the hope that it would be recommended to the States party to the two Conventions that they examine the possibility of ensuring that owners of rights effectively receive royalties and thus promote the creativity of authors and permit a wider dissemination of their works. He emphasized that the setting up of collective systems should not mean the pooling of the sums received. He expressed the wish that the Secretariats should inquire of the governments as to the practices of each country as regards the individual distribution of royalties paid for reprographic reproduction.

¹ See *Copyright*, 1975, pp. 159 *et seq.*

29. The representative of the Director-General of Unesco recalled that the seventeenth session of the General Conference had decided that an international instrument concerning the reprographic reproduction of works protected by copyright was desirable and that it should take the form of a Recommendation to the member States, within the meaning of Article IV(4) of the Unesco Constitution. She informed the Committees that, after taking cognizance of the report submitted to its eighteenth session by the Director-General which took into account the recommendations adopted by the Committees at their sessions in 1973, the General Conference adopted Resolution 18 C/6.14 in which, after referring to its earlier decision, it:

Authorizes the Director-General to take account . . . of the views expressed by the above-mentioned committees . . . and to prepare, if feasible, a draft recommendation for submission to the General Conference at its nineteenth session;

Invites, moreover, the Director-General to inform the Executive Board of the results of the work of the sessions of the . . . committees which should be held in December 1975.

Authorizes the Executive Board, in the light of the information submitted to it, to make, within the framework of the Rules in force, the changes in the provisions of this resolution, as well as those of resolution 5.151, adopted by the General Conference at its seventeenth session, which it deems indispensable.

The representative of the Director-General of Unesco concluded by pointing out that the resolution in no way prejudged any conclusions which might be reached by the Committees, that it in no way modified the earlier decision of the General Conference since no new factor had arisen prior to the eighteenth session, but that it gave the Unesco Executive Board, to which the Director-General would report at its spring 1976 session on the outcome of the Sub-Committees' discussions and of the present sessions of the Committees, the possibility of making any modifications it deemed necessary to the provisions of resolutions 17 C/5.151 and 18 C/6.14.

30. The Director General of WIPO recalled that, having approved the resolution adopted in Washington, the Committees should decide on the procedure to adopt in following up the work of the Sub-Committees. He suggested that, since the resolution was based on facts which were unlikely to undergo any change in the near future, the Committees should decide not to pursue study of this matter for the present and he therefore expressed his view that it would be preferable for the governing bodies of Unesco and WIPO to abstain from taking a position on this question.

31. The Delegations of Brazil, Canada, France, Germany (Federal Republic of), Hungary, Italy, Spain, the United Kingdom and the United States of America supported this proposal.

32. The Delegation of Algeria found the proposal satisfactory but, together with the Delegations of Mexico, Senegal and Tunisia, questioned whether it was compatible with the procedure of the Unesco governing bodies.

33. The representative of the Director-General of Unesco stated that she had no objections to raise as regards the substance of the recommendations but that, as regards procedure, the Executive Board, to which the Director-General would report at its spring 1976 session, and the General Conference, at its nineteenth session, would decide on the future action to be taken in respect of this activity.

34. Following this discussion, the Delegation of Brazil proposed that the Committees should unanimously consider the resolution adopted in Washington as fully satisfactory and deem the subject to be exhausted for the present. The Delegation further proposed that the Committees express the view that it was preferable for the matter not to be reconsidered by the governing bodies of Unesco and WIPO.

35. The Committees agreed with this proposal.

36. At the time of the adoption of this report, the Delegation of Tunisia stated that it interpreted the view expressed by the Committees to mean that it was preferable for the matter not to be reconsidered by the governing bodies of Unesco and WIPO in the near future.

**Convention Relating to the Distribution
of Programme-Carrying Signals Transmitted by Satellite
(Satellites Convention)**

37. The Committees noted the information contained in document B/EC/IX/4-IGC/XR.1(1971)/8 concerning the International Conference of States on the Distribution of Programme-Carrying Signals Transmitted by Satellite and the basic provisions of the Convention signed at Brussels on May 21, 1974.

38. The observer from the European Broadcasting Union (EBU) informed the Committees that the procedure for the ratification of this Convention as well as the Phonograms Convention was in progress in Kenya.

**Convention for the Protection of Producers of Phonograms
(Phonograms Convention)**

39. The Committees noted with satisfaction the information concerning the development of the Phonograms Convention (document B/EC/IX/6-IGC/XR.1(1971)/10). They were also informed by the Secretariats that, since the publication of that document, Luxembourg had deposited its instrument of ratification. This ratification brought the number of countries having ratified or acceded to the Convention to 18.

40. The observer from the International Federation of Producers of Phonograms and Videograms (IFPI) underlined the speed with which the Convention had been ratified by a large number of countries and expressed the hope that further ratifications would take place in the near future. In this connection, it paid tribute to the International Bureau of WIPO for having, in particular, drawn the attention of States to the advantages of becoming party to this international instrument.

41. The Delegation of Mexico expressed pleasure at the progress that had been made and also congratulated the Secretariat of Unesco for its work in this field.

International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention)

42. The Committees noted the information concerning the development of the Rome Convention (document B/EC/IX/5-IGC/XR.1(1971)/9). They were also informed by the Secretariats that, since the publication of that document, Luxembourg had deposited its instrument of accession to the Convention. This accession brought the number of States having ratified or acceded to the Convention to 17.

43. The representative of the Council of Europe drew the Committees' attention to the entry into force on December 31, 1974, of the Additional Protocol to the Protocol to the European Agreement on the Protection of Television Broadcasts, which lays down that, with effect from January 1, 1985, no State may remain or become a party to the Agreement without also being party to the Rome Convention.

44. The observer from Austria, in his capacity as Chairman of the Intergovernmental Committee of the Rome Convention, announced that Committee's decision to ask the Executive Committee of the Berne Union and the Intergovernmental Copyright Committee to invite international non-governmental organizations to provide statistics on copyright royalties where they might help in the comparison and evaluation of statistics on royalties collected for rights deriving from the Rome Convention.

45. The Delegation of Brazil, supported by the Delegation of the Federal Republic of Germany, expressed the view that such a survey could be useful, as the interests of authors and those of the groups protected by the Rome Convention were complementary. It therefore proposed that a decision be taken to carry out the survey.

46. The Committees approved the proposal made by the Delegation of Brazil and decided to invite also all the States party to the Berne Convention and the Universal Copyright Convention to take part in the proposed survey.

47. The Director General of WIPO, the representative of the Director-General of Unesco and several delegations, as well as the observers from the European Broadcasting Union (EBU) and the International Federation of Producers of Phonograms and Videograms (IFPI), paid tribute to Mr. G. E. Larrea Richerand, Head of the Delegation of Mexico, for the success of the Latin American and Caribbean Seminar on the Rights of Performers, Producers of Phonograms and Broadcasting Organizations that was held in Oaxtepec (Mexico) from October 27 to 31, 1975.

Model Law on Copyright for Developing Countries

48. The Secretariats drew the attention of the Committees to the fact that the Draft Copyright Model Law (document B/EC/IX/7-IGC/XR.1(1971)/11) contained provisions relating to folklore (Articles 6 and 19) and reprographic reproduction (Article 7), which were covered by two items on the agenda of the current sessions.

49. The Chairman, after having indicated the usefulness of a model law for developing countries, indicated that the draft that had been prepared was the result of a considerable amount of work. He added that other matters, such as provisions for protecting the interests of authors and concerning other contractual relations between authors and publishers, could also be usefully considered for inclusion in the draft.

50. The Delegation of Tunisia informed the Committees that invitations to the meeting of a Committee of Governmental Experts for the preparation of a model law, which was to take place in Tunis from February 23 to March 2, 1976, had been sent by the Tunisian Government to the governments of all developing countries, whether or not they were party to either of the Conventions. Interested intergovernmental and international non-governmental organizations had also been invited. A technical mission had already been made by Unesco and WIPO to deal with the material arrangements for the meeting. The Delegation of Tunisia addressed an appeal to the interested countries to attend this meeting in large numbers.

51. The Chairman thanked the Tunisian Government, on behalf of the Committees, for the efforts that it had made to ensure the success of the work of the Committee of Experts.

52. The Delegations of Canada, France, Germany (Federal Republic of), Ghana, Mexico, Senegal and the United States of America, as well as the observers from the German Democratic Republic, Nigeria and Portugal, congratulated the Secretariat of Unesco and the International Bureau of WIPO on the work

done and emphasized the great interest that the project should have not only for developing but also for developed countries.

53. The Delegation of Brazil, supported by the Delegation of France, considered that it was still too early to make comments on the contents of the draft model law, in view of the fact that governments would have until the Tunis meeting the possibility to communicate their observations on the subject to the Secretariats. The Delegation of Brazil also expressed the opinion that the experts at the meeting in Tunis should take the report of the present joint session of the two Committees into account when they considered the problems arising from reprographic reproduction and the protection of folklore.

54. The Delegation of France also pointed out that a number of the provisions appearing in the model law (on the right of reproduction, folklore, the ownership of copyright, the control of the grant of licenses, and definitions, particularly the definition of broadcasting) called for very careful study.

55. The observer from Panama, while endorsing the opinions expressed on the importance of the model law, wondered whether a meeting of experts might not be held later in Latin America in order to examine, from the regional point of view, the possibilities for the use of the text drafted at Tunis.

56. The Director General of WIPO expressed his thanks to the Tunisian Government, and especially to Mr. A. Amri, for the efforts that were being made to ensure the success of the Tunis meeting. He added that, in his opinion, success would depend to a large extent on the number of participants and the interest they showed.

57. The representative of the Director-General of Unesco, on behalf of her Organization, also thanked the Tunisian Government and Mr. A. Amri as Secretary of the Organizing Committee of the Tunis meeting.

58. Referring to the suggestion made by the Chairman on the subject of contractual relations between authors and publishers, the Delegation of the Federal Republic of Germany drew the attention of the Committees to the work performed in this field by the International Copyright Information Centre. The representative of the Director-General informed the Committees that guidelines for the drafting of contracts and model contracts for the publication of the translation or reproduction of a work had already been drawn up, and that other models were in preparation.

Problems Arising from the Use of Electronic Computers and Other Technological Equipment

59. The discussion of this item took place on the basis of document B/EC/IX/8-IGC/XR.1(1971)/12

to which was annexed a report prepared by Professor Eugen Ulmer. The Secretariats noted that Professor Ulmer's report was supplementary to his earlier report, entitled "Copyright problems arising from the computer storage and retrieval of protected works"², which was considered by the Committees at their sessions in 1971. The second report had been prepared at the request of the Secretariats in pursuance of the decision of the Committees at that time to maintain the question on their agendas for further consideration at a later stage. The attention of the Committees was drawn to the fact that Professor Ulmer had prepared the second report under the title "Automatic and, in particular, computerized information and documentation systems and the copyright law"³ having regard to technological and systematic developments, especially in relation to the use of microforms (microfilm and microfiche) in conjunction with computers.

60. The Delegation of Brazil, supported by the Delegations of Argentina, Australia, France, Italy and the United States of America and the observer of Japan, proposed that Professor Ulmer be warmly congratulated by the Committees on his further outstanding study. The observer of Japan made special reference to the usefulness of Professor Ulmer's previous study in the preparation of an official report on computers in 1973.

61. The Delegations of Argentina, Australia, Brazil, France and Italy affirmed the view expressed in the final paragraph of the report that the time did not appear ripe for the formulation of solutions for a legal settlement at the international level since development concerned with the use of computers in relation to copyright works was still in a state of flux.

62. Recalling the suggestion made in the report that the Committees consider the possibility of requesting States to inform the Secretariats of measures adopted by them from a copyright standpoint regarding information and documentation systems in the light of the proposal for action along these lines in the field of reprographic reproduction made by the Sub-Committees on Reprographic Reproduction which met at Washington in June, 1975, the Delegations of Brazil and Italy recommended that this be done. The Delegation of Italy referred in particular to information and documentation that it could provide. The Delegations of Australia, France and the United States of America, noting that the situation regarding the utilization of computers was still evolving, thought it would be premature to take a decision.

63. The Delegation of Italy recalled that Article 9 of the Paris Act of the Berne Convention allowed

² *Ibid.*, 1972, pp. 37 *et seq.*

³ *Ibid.*, 1975, pp. 239 *et seq.*

States to provide for special cases while not discarding the general principle of the exclusive right of the author. Article 9 and also Article IV^{bis} of the revised Universal Copyright Convention, which was more general, thus permitted States to adopt provisions which limited the author's exclusive right, but in such cases a right to equitable remuneration could be given.

64. The Delegation of France expressed the opinion that, when copyright works are put into the memories of computers or on microforms, the right of reproduction, at least in terms of Article 9 of the Paris Act of the Berne Convention, is invoked. The Delegation noted that Article 9 restricted copyright since in "certain special cases" the author might be deprived of an exclusive right but, at the same time, the Article could be said to extend authors' rights in the sense that a right to compensation could be given under the general rules of responsibility.

65. The Delegation of Australia, after referring to the point of view according to which input into automatic data processing systems by means of magnetic tapes or microfilms invokes Article 9 and observing that, in practice, it might be a matter of convenience whether microfilms, magnetic tapes or other means were used, said that it did not wish to question the application of the Article as regards microforms but would, however, reserve its position in the case of magnetic tapes.

66. The Delegation of Australia and the United States of America drew the attention of the Committees to the future importance of data which is the by-product of other technologies and especially automated type-composing systems which produce machine accessible or readable data which can be used in computers.

67. The Delegation of the United States of America referred also to the potential of cable systems and satellite transmission systems for use in conjunction with computers and other technological equipment. Cable systems, which had already given rise to copyright problems in relation to television broadcasts, could equally be used to carry computerized data as well as images, including microforms. It was possible that in the near future cable and satellite communication technologies would come together with computer technology thus giving rise to the capacity to transmit data readily and in high volume, and even on an international scale. In the United States of America, the National Commission on New Technological Uses of Copyrighted Works, which had a charter to recommend legislation on reprographic reproduction and the computer use of copyrighted works, was expected to make its report on reprographic reproduction in the latter part of 1976 and would be in the course of preparing its report relating to the com-

puter use of works by the time the Committees next met together in two years.

68. In the light of the comments made by the delegations, the Committees decided to warmly thank Professor Ulmer for his study and to take note of the last paragraph concerning possible action. Believing that further time should be allowed before countries were asked to report on measures they were adopting from a copyright viewpoint in relation to information and documentation systems, the Committees decided to maintain the item on their agendas for their next sessions sitting together to which the Secretariats should submit a report. The report should take note of developments in the intervening period and keep in mind the study being undertaken by the National Commission on New Technological Uses of Copyrighted Works. It was decided, however, that an inquiry to States was not necessary for the present.

Problems Arising from the Use of Audiovisual Cassettes and Discs

69. During the discussion on this subject, the Committees had before them a study prepared by Professor Franca Klaver entitled "The legal problems of video-cassettes and audiovisual discs" (document B/EC/IX/9-IGC/XR.1(1971)/13). While commending Professor Klaver for her comprehensive analysis of the problems arising from the use of audiovisual cassettes and discs, the Delegation of the United States of America, supported by the Delegations of Australia, Brazil, Canada, France, Germany (Federal Republic of), India and the United Kingdom and the observer from Austria, suggested that it would be useful for States party to the Berne Convention and the Universal Copyright Convention to have time to examine this study further, particularly in consultation with the private interests concerned. It was generally felt that it was premature at the present time for States to assess fully the impact on copyright owners of this new technological development. The Delegations of Australia and the Federal Republic of Germany, and the observer from Austria, also thought it desirable for the Committees to express the wish that the Intergovernmental Committee of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention) consider the problems arising in this area in relation to the rights protected under the Convention.

70. The Delegation of Canada informed the Committees that, in its country, studies undertaken on this subject were leading to the view that audiovisual cassettes and discs should be assimilated to cinematographic works. In this respect, the observer from the European Broadcasting Union (EBU) noted that videograms, including both cassettes and discs, were, in his opinion, cinematographic works in the classic

sense of the term and were therefore subject to protection under the Berne and Universal Conventions. He also expressed the view that the rights of performers and producers of phonograms were fully protected under the Rome Convention in connection with the use of their works on videograms. With respect to future study in this area, he felt it would be helpful to consider the technical as well as the legal aspects of the question since the development of videograms was often hampered by a lack of standardization on a technical level. The observer from the EBU also suggested that the non-governmental organizations directly concerned should be consulted by the Secretariats when preparing any studies relating to audiovisual cassettes or discs.

71. The observers from the International Federation of Producers of Phonograms and Videograms (IFPI), the International Federation of Film Producers Associations (FIAPF), the International Federation of Musicians (FIM), the International Confederation of Societies of Authors and Composers (CISAC) and the International Federation of Actors (FIA) shared the view expressed by the observer from the EBU that the interested non-governmental organizations be associated closely with the further consideration of this subject. The observers from the FIA and FIM expressed the hope that, as the subject was closely related to the problem of technological unemployment, the development of which was one of the reasons for the existence of the Rome Convention, the Intergovernmental Committee set up by that Convention would be involved in the further consideration proposed.

72. At the close of their discussion on this item, the Committees unanimously agreed to request the Secretariats to convey their congratulations to Professor Klaver for her work.

73. The Director General of WIPO then proposed details of the procedure that the Committees could adopt for the continuation of work in this field. The States party to the two copyright Conventions and interested international non-governmental organizations would be invited by the Secretariats, at the beginning of 1976, to submit any comments they might wish to make on Professor Klaver's study. The replies received, and an analysis made by the Secretariats, assisted if necessary by one or more consultants, would be submitted to a restricted working group composed of specialists who would be selected by the Directors General of Unesco and WIPO for their competence in the field and who would work in a personal capacity. This working group would meet at the beginning of 1977 and analyse the situation. On the basis of its deliberations, the Secretariats would then prepare a report for submission to the Committees at their 1977 sessions and, on the basis

of the outcome of those sessions, a committee of governmental experts could be convened in 1978 or 1979, under the joint auspices of WIPO and Unesco, to proceed with the study of this question.

74. The representative of the Director-General of Unesco said that, subject to approval by the governing bodies of her Organization, she considered this procedure acceptable.

75. The Committees therefore unanimously decided to adopt the procedure thus proposed.

Problems Arising from the Transmission by Cable of Television Programs

76. The Secretariats recalled that they had been requested, pursuant to the decisions taken by the governing bodies of Unesco and WIPO, to undertake a study of the problems in the field of copyright and so-called neighboring rights raised by the distribution of television programs by cable. To this end, the Secretariats consulted the international non-governmental organizations concerned and submitted to the Committees the comments received from a number of them (document B/EC/IX/10-IGC/XR.1(1971)/14 and Add. 1).

77. With a view to formulating appropriate recommendations, the Committees held a wide-ranging discussion on this subject, during which most delegations stressed the complexity of the questions involved and the need to find solutions. Of the solutions, the idea of revising the international conventions was rejected by a number of delegations whereas others refused to envisage drawing up a new multilateral instrument.

78. At the start of the discussion, the Delegation of Brazil proposed that these questions be examined using the same procedure as that adopted by the Committees in respect of the use of videograms. This delegation felt that, from the point of view of copyright proper, cable television created no situations which could not be resolved by applying the Berne Convention and the Universal Copyright Convention but that, as regards neighboring rights, there were problems to which solutions would have to be sought. The procedure adopted by the Committees for examining the problems arising from the use of videograms therefore seemed appropriate, apart from the lack of a basic document which meant that an analysis of the various positions on this subject would have to be prepared.

79. All the delegations which subsequently spoke in the debate endorsed the idea of obtaining the opinions of the States and organizations concerned and, on the basis of this consultation, drawing up an overall study of the problems arising from the transmission by cable of television programs. When

approving this procedure, the delegations put forward a number of considerations of substance.

80. The observer from Austria stated that the problems in the field of cable television were highly complex, and emphasized the urgency of resolving them. He pointed to the special situation of his own country where this method of communicating works was widely used and referred to the decision given in June 1974 by the Austrian Supreme Court. He also recalled the work carried out within the Council of Europe's Legal Committee on Broadcasting and Television. Since he felt the situation to be far from clear, the Austrian observer fully supported the suggestion that an in-depth study should be carried out after consultation with the States and organizations.

81. The Delegations of Canada, Germany (Federal Republic of), Ghana, India and the United States of America, and the observer from Denmark, also endorsed the need for such a study. Keeping in mind the provisions of Articles 11 and 11^{bis} of the Berne Convention and the corresponding provisions of the UCC, the Delegation of India suggested that broadcasts be defined in national laws as meaning communication to the public by any means of radiodiffusion or wire or both, whether in the form of sounds or visual images or both, or in any other form, and including rebroadcasts. The Delegation commented that, in the case of theft or illicit reception of broadcasts, penal sanctions would have to be provided. Where it was solely a matter of improving the quality of reception, however, the questions were primarily of an economic nature.

82. The observer from Denmark informed the Committee of plans for more extensive cooperation between the Nordic countries in the field of television which were at present being considered by the governments. If the decision were taken to carry out those plans, it would probably be necessary to amend the copyright laws at the same time in order to clarify the legal situation with regard to cable distribution of broadcast works or performances. In this connection, the question had been raised whether it would be possible to exclude protection against the simultaneous distribution by cable of televised programs within the so-called direct reception zone. The observer from Denmark was aware that, according to a widespread opinion, such a solution would not be consistent with Article 11^{bis} of the Berne Convention. He felt however that it might perhaps be possible to interpret this Article in a less restricted manner, taking into account the technical developments that had taken place since Article 11^{bis} had been drawn up in 1948.

83. The Delegation of Canada referred to the importance assumed by cable television in its country

and stressed the need to distinguish between programs of purely national origin and others. In its opinion, care should be taken in extending the direct reception zone in view of the commercial interests involved. The Delegation of Canada added that it would be useful for the envisaged inquiry to take into consideration the results of work done within the Council of Europe.

84. Commenting on the legal and legislative situation in its country, the Delegation of the United States of America informed the Committees that the United States Supreme Court had ruled on the question of copyright liability in relation to cable television on two occasions. The first case before the Court concerned the retransmission of a signal over a distance of 75 miles. In deciding the case, the Court applied a simple functional test, that is, whether or not a retransmission by the cable system was a performance of a work. The Court held that the system was merely engaged in enhancing a signal already available and thus was not "performing" within the meaning of the 1909 Copyright Statute. The second case considered by the Court involved the retransmission of a signal through microwave links over a distance of 600 miles, in one instance. The Court also found that this activity of the cable system did not constitute performance under the 1909 Statute and urged that legislative consideration be given to this subject. The Delegation noted that both decisions were based on the public performance provisions of the 1909 law and that the bill to revise this law presently before the United States Congress contained specific provisions on cable television. The pending bill would impose liability for the secondary transmission of copyrighted works through a system of compulsory licenses and set royalty rates at a graduated percentage of the subscriber revenues of cable systems. The bill also provides for the creation of a Copyright Royalty Tribunal to determine the distribution of royalties in case of dispute and to review statutory royalty rates. Although some of the provisions might be changed, the Delegation was confident that the principle of remuneration to copyright holders would be retained. The Delegation was also hopeful that the new law would be enacted before the end of 1976. As for cases where cable systems originate programs, the Delegation stressed that such activities were covered in both the 1909 Statute and the revision bill.

85. The Delegation of the Federal Republic of Germany felt it premature to take any decision in this field and that great caution should be shown in interpreting the Conventions. The Delegation observed that it was not possible to define precisely the direct reception zone of broadcasts and recalled that, at the 1948 revision of the Berne Convention in Brussels, the criterion of the extension of the audience able to

receive broadcasts had not been chosen when drafting Article 11^{bis}. Stressing the potential prejudice to owners of copyright and so-called neighboring rights, the Delegation felt that the problems arising out of cable transmission called for very intensive study.

86. The Delegation of France, noting that unanimity on the possible interpretations of the various legislative texts was far from being reached, considered, however, that the criterion contained in Article 11^{bis} of the Berne Convention was very clear since it concerned communication made by any organization other than the originating one. The Delegation pointed out that in reality the differences of view basically concerned the interpretation of the term "communication to the public". It felt that a communication should be considered as public when the body organizing the communication was addressing itself to an undefined number of persons, whether or not assembled in a public place. The Delegation of France observed that, while Article IV^{bis} of the Universal Convention contained no provisions as specific as those of the Berne Convention, reference could be made to the latter in applying the concept of adequate and effective protection of copyright. Article 11^{bis} of the Berne Convention set out principles but at the same time afforded national legislators a certain amount of freedom in applying them. The Delegation further commented that, as far as the so-called neighboring rights were concerned, the Rome Convention provided no legal security for solving the problems posed by cable television. Finally, referring to the opinion expressed by the International Alliance for Distribution by Wire (AID), the Delegation of France stated its unwillingness to accept the notion of the exclusive right of authors being a barrier to the free circulation of information, ideas and cultural materials.

87. The Delegation of Italy considered that Articles 11 and 11^{bis} of the Berne Convention had already set out in 1948 the general principles enabling problems arising from cable transmissions to be solved and that those principles had not been modified in either 1967 or 1971. Interpretation of the texts should therefore be left to the laws and courts of each State. The Delegation of Italy pointed out that each State was free to legislate in accordance with its established practices and taking into account its own political, social and economic structures. The Delegation further opposed the idea of multiplying international instruments since the solution to the problems in question was to be sought on the basis of the existing Conventions, including the Rome Convention.

88. The representative of the Council of Europe pointed out that the Legal Committee on Broadcasting and Television set up within the Council of

Europe was to continue, at its next meeting in February, its study of the problems arising from the transmission of television programs by cable.

89. The observer from the European Broadcasting Union (EBU) drew the attention of the Committees to the dimensions attained by this mode of communication of works to the public and emphasized that there were now millions of television receivers throughout the world linked to cable distribution systems. It was necessary to make a distinction according to the type of program distributed. Firstly, this could be the distribution of programs produced by the distribution organizations themselves. In such cases, Article 11 of the Berne Convention was applicable. It was, nevertheless, necessary to define what was meant by a transmission and to specify the extent to which it was public. He mentioned the judgment given by the Supreme Court of the United States of America which had held cable distribution to be reception and not a "performance". Referring also to the ever-increasing measures taken to limit or prohibit growth in the number of individual antennas, he suggested that the extent to which transmission was to be regarded as public or private in the case of community antennas would have to be studied. Secondly, in the case of cable distribution of programs which had already been televised via radio waves, other problems arose, including that of the direct reception zone in which the distributor carried out his own distribution. The limits of such a zone varied depending on the criteria chosen and in some cases the sophistication of the receiving equipment could influence the size of the zone. The EBU observer considered that all these questions needed to be answered before the provisions of the international Conventions were applied. Secondly, he drew the Committees' attention to the dire consequences for the originating organizations which would have to meet the claims of all co-contracting parties in the programs should cable distribution go beyond a specific zone, in excess of the service zone where spillover was technically unavoidable. He also stressed that sales of television programs could be impaired due to the competition possible in some cases from cable distribution organizations. The EBU observer felt that it was urgent to devote attention to all these problems since, as things stood, television programs were subject to acts of piracy.

90. The observer from the International Federation of Film Producers Associations (FIAPF), after referring to a recent judgement in Belgium, stated that the new means of communication of works to the public represented by cable television made it necessary for the principles contained in the existing international Conventions to be reaffirmed most clearly and that their application should enable the difficulties to be resolved.

91. The observers from the International Confederation of Societies of Authors and Composers (CISAC) and the International Writers Guild (IWG) underlined the concern of authors and deplored the initial reaction in certain quarters which had been to question copyright. They felt it was an error to maintain that the present international Conventions were obsolete. It sufficed, for example, to refer to the Acts of the Brussels Conference of 1948, which had revised the Berne Convention, to discover that provision had already been made for the problems of distribution by cable. The observer from CISAC considered that the question was one of creating rules for the subsequent or secondary use of original broadcasts. As to whether communication was to be regarded as public or not, he maintained that, to be public, a communication required to have been made for a public and not necessarily in public. He was opposed to the idea of introducing the concept of the direct reception zone into the solution of the problems in question since the future use of direct broadcasting satellites would mean accepting the fact that such a zone could embrace an entire continent. Finally, the CISAC observer rejected categorically the conclusions put forward by the International Alliance for Distribution by Wire (AID).

92. The observer from the International Union of Cinematograph Exhibitors (UIEC) asked how the proprietors of cinemas were to react if the lack of a solution to the problem of cable television led to a free distribution of films. He also endorsed the comments of the observer from FIAPF.

93. The observers from the International Federation of Actors (FIA) and the International Federation of Musicians (FIM) drew the attention of the Committees to the urgent need to take measures and to the particularly serious situation of the performers whose interests were disregarded in the cable transmission of television programs. They considered that a revision of the Rome Convention would in the long run have to be envisaged to take account of the developments of modern technology and to regulate cable distribution, but the urgency was such that some steps had to be taken in the intervening period, perhaps by way of bilateral agreements. As the development of cable transmission represented a grave danger of accelerated technological unemployment for performers, the observers from the FIA and FIM hoped that the ILO would be associated with all future discussions of this problem.

94. The Chairman noted that the debate was both interesting and complex. The Director General of WIPO then proposed details of the procedure which the Committees could adopt. The States party to both copyright Conventions would be invited by the Secretariats early in 1976 to communicate to them full information on their legislation, court decisions,

practice and experience in relation to the problems arising from the transmission by cable of television programs, together with any suggestions for solving them. The replies, the existing comments received from the international non-governmental organizations, together with any additional observations, and an analysis prepared by the Secretariats, possibly assisted by one or more consultants, would be submitted to a small working group consisting of specialists chosen by the Directors General of Unesco and WIPO on the basis of their knowledge of the subject matter and acting in their personal capacity. This working group would meet early in 1977 to analyze the situation. On the basis of the working group's deliberations, the Secretariats would prepare a report for submission to the Committees at their 1977 sessions at which they would decide whether to convene, under the joint auspices of WIPO and Unesco, a Committee of Experts in 1978 or 1979. The Director General of WIPO underlined his view that the studies should not be made with a revision of the existing international Conventions in mind but that their aim should be to seek possible solutions at the national level after having defined the problems. In the case of the so-called neighboring rights, it was for the Intergovernmental Committee of the Rome Convention to decide on the adoption of a parallel procedure.

95. The representative of the Director-General of Unesco stated that, subject to approval by the governing bodies of that Organization, she felt that such a procedure was acceptable and would undoubtedly lead to satisfactory results.

96. The Committees consequently decided unanimously to adopt the proposed procedure.

**Consideration of the Possibility of Establishing
an International Instrument for the Protection of Folklore**

97. The Committees noted the study drawn up on the subject by the Secretariat of Unesco with the assistance of the African Laboratory for the Coordination of Research and Interdisciplinary Studies and Mr. Alain Gobain (document B/EC/IX/11-IGC/XR.1(1971)/15).

98. The representative of the Director-General of Unesco drew the attention of the Committees to the fact that the first stages in devising a system for the protection of folklore were on the one hand the examination in depth of the actual concept of folklore, in order that a definition might be devised of that part of the cultural heritage of nations, and on the other hand the identification of the characteristic elements constituting each of the categories of expression that came under the heading of folklore. As for the protection itself, a distinction should be made between the material protection of this cultural

heritage, in other words its preservation, and the legal protection to be afforded to it. As far as legal protection was concerned, the Committees were invited to express their views on the question whether copyright was the right framework for such protection.

99. The Delegations of Australia, Brazil, France, India and Senegal, as well as the observer from Panama, stressed the need to define folklore in such a way that protection might be afforded to all its components, which included not only music, but also dances, plastic arts, tales and legends passed on by "griots", etc. In this connection, the Delegation of Senegal pointed to the difficulties that would be encountered in devising a definition if, at the international level, it was to cover other fields in addition to music.

100. The Delegation of Italy and the United States of America expressed the view that the question was one that concerned all countries and not solely developing countries.

101. With regard to the question whether folklore should be protected, all the delegations that spoke were unanimous in acknowledging that such protection was indeed necessary. In this connection, the Delegations of Australia and Brazil pointed out that folklore deteriorated when it was used outside the community that had produced it. In addition, the Delegations of Algeria and India, the representative of the Arab Educational, Cultural and Scientific Organization (ALECSO) and the observer from the International Publishers Association (IPA) emphasized the urgency of the need to adopt measures designed to ensure the protection of folklore. For its part, the Delegation of India asked that a list be made of the types of corruption from which folklore suffered.

102. Several opinions were expressed as to the most suitable framework for folklore protection.

103. The Delegations of Algeria, Brazil, Germany (Federal Republic of), Ghana, India, Mexico, Spain, Tunisia, the United Kingdom and the United States of America, the observers from Austria, Panama and Portugal and the representative of ALECSO considered that the problem was essentially a cultural one which went beyond the bounds of copyright proper and thus also the competence of the Committees. The Delegations of Brazil, Germany (Federal Republic of), Ghana, India, Mexico and the United States of America, the observer from Portugal, the representative of ALECSO and the observer from the IPA spoke in favor of referring the entire problem to the Unesco Cultural Sector.

104. The Delegations of Algeria, Ghana, Senegal and Tunisia, referring to their national laws, in force

or in preparation, and the observer from the European Broadcasting Union (EBU), nevertheless emphasized the links that existed between the protection of folklore and copyright. The observer from the EBU, recalling that the draft model law on copyright for developing countries, which was to be examined in February 1976 by the Committee of Governmental Experts at Tunis, contained a specific provision on the protection of folklore and gave a definition of the concept, expressed the view that the Committees should await the final text of the model law before taking a decision. He also indicated that the new copyright law of Kenya afforded protection to folklore.

105. The Delegations of Italy and Mexico mentioned the existence in their countries of a *domaine public payant*, which could be used as a framework for the protection sought.

106. The Delegation of France, for its part, mentioned the concept of unjust enrichment. It also referred to provisions on moral rights that could be exercised by the State, on the understanding that the State on which such rights were conferred should be susceptible of clear definition. It also raised the question of respecting acquired rights in the event of a specific instrument for the protection of folklore being adopted.

107. The Delegation of Italy expressed misgivings as to the possibility of solving the problem at the international level, or at least of solving it more precisely than did Article 15(4) of the Berne Convention, as adopted at Stockholm in 1967 and confirmed at Paris in 1971.

108. The Delegation of Australia, for its part, considered it too early to decide on the possibility of dealing with the question internationally.

109. The Delegation of the United Kingdom said that the protection of folklore was essentially a national problem and it doubted whether international protection was realistic. Certainly it would be impossible for a country whose cultural origins were as complex as those of the United Kingdom.

110. The Delegations of Australia, France and India and the observer from Panama also expressed the opinion that, whatever the framework within which folklore was to be protected, preliminary questions such as that of the identification and establishment of the rules for the preservation of folklore should be examined. The Delegation of India pointed out that, in any event, protection in legal terms alone would not solve the problem.

111. The Delegation of Tunisia said that in its opinion the problem of the identification of folklore was

not insoluble, as there were specialists in the countries concerned who were able to determine which works belonged to the folklore heritage. As for the question who could be the beneficiary of the rights deriving from the use of folklore, it considered that the State could be authorized to collect royalties in the capacity of assignee, in the same way as, for instance, publishers to whom the author's rights in copyright works were assigned.

112. After the representative of the Director-General of Unesco had summarized the discussions on the subject, the Committees decided to refer the whole problem to the Cultural Sector of Unesco, in order that it might undertake an exhaustive study of all the questions inherent in the protection of folklore. However, in view of the links that such protection could have with copyright, the Committees also decided to include the matter on the agenda of their next sessions, to which a report on the results of the work thus undertaken would be submitted. In the light of that report, and taking account of the texts that would appear in the model law for developing countries, the Committees would then re-examine the question.

113. The representative of the Director-General of Unesco finally indicated that, if the protection of folklore was to be provided for in a specific instrument adopted by the General Conference of Unesco, the question of the desirability of drafting such an instrument could be submitted to the General Conference at its twentieth session (1978), and the instrument itself could perhaps be adopted at its twenty-first session (1980).

Memorandum Submitted by the Mexican Delegation Concerning the Special Provisions of the Berne and Universal Conventions in Favor of Developing Countries and Experience in Mexico

114. When introducing its memorandum (document B/EC/IX/12-IGC/XR.1(1971)/16), the Delegation of Mexico stressed the concrete problems encountered by the Mexican authorities in connection with the implementation of the preferential licensing systems introduced in the Berne and Universal Conventions in 1971. The Government of Mexico had set up a national copyright information center in Mexico to facilitate the obtaining of permissions needed to satisfy the requirements of educational establishments and research centers. The Mexican center was now operational and maintained close contacts with information centers in other countries as well as with the International Copyright Information Centre at Unesco. Although contacts with other national centers were often fruitful, the Mexican center had received several negative replies. The latter could be attributed in part to the fact that some publishers in developed countries were awaiting

the expiry of the time limits set in the Paris revisions of 1971 before taking action on requests received. The Delegation of Mexico observed that its Government considered that a concerted effort should be made by all States party to the Berne or Universal Conventions to encourage adherence not merely to the letter but to the spirit of the Paris revisions. The Delegation of Mexico concluded that, if the difficulties experienced by Mexico were not resolved, the Government of Mexico would then urge that consideration be given to a further revision of the Berne and Universal Conventions.

115. The Delegations of France, Germany (Federal Republic of), Italy, the United States of America and the United Kingdom and the observer from Belgium noted with great interest the concern expressed by the Delegation of Mexico but asked whether it was not too early to pass judgement on the effectiveness of the 1971 texts. As for the practical problems faced by developing countries, it was observed that many national centers in developed countries had only recently been established and that these centers as well as the International Centre would welcome any suggestions to simplify procedures and to ensure that the system functioned efficiently.

116. The Delegation of Hungary thought that it would be useful to learn of the experiences of other developing countries in this field. He recalled that Hungary had already expressed doubts in 1971 as to the effectiveness of the revised Conventions and had proposed the establishment of an international fund to compensate copyright owners in developed countries in cases where developing countries experienced foreign exchange problems. The Delegation of Hungary was of the opinion that the problems involved went beyond copyright and were essentially of an economic and political nature. It considered that practical means should be found to accelerate the implementation of the revised Conventions and in this respect proposed that the International Copyright Information Centre should examine the problems encountered by developing countries in relation to the new provisions of 1971; the Centre could then prepare a report on these studies for submission to the Committees at their sessions in 1977. Once the facts were known, it would be possible for the Committees to decide whether or not it was timely to consider revising the Conventions. In its opinion, however, it should not be necessary to modify the Conventions and it suggested that the Committees request the Secretariat of Unesco in cooperation with the International Bureau of WIPO to find practical ways of promoting assistance to developing countries in this field. The Delegations of Algeria, France and India and the observer from the Soviet Union expressed support for the suggestion of the Delegation of Hungary.

117. The Delegations of Algeria, Brazil, Ghana and India and the observer from Zaire stressed the importance of the difficulties brought to the attention of the Committees by the Delegation of Mexico. It was felt that if publishers were not prepared to cooperate with developing countries, and concrete steps were not taken to facilitate access to works protected by copyright, then developing countries might choose to introduce in their domestic laws measures similar to those referred to in the memorandum of Mexico.

118. The Delegation of France offered to send a copy of the memorandum to all the publishers in its country, urging them to comply to the extent possible with the spirit of the Paris revisions of the Berne and Universal Conventions. It assured the Committees that any difficulties in connection with the implementation of the revised Conventions that were brought to its attention would be carefully considered.

119. The Delegation of the United Kingdom said it regretted to hear that the mechanism set up by the Paris revisions was not working smoothly, and it would certainly send a copy of the memorandum to the United Kingdom Publishers Association. It pointed out, however, that the memorandum was very general, and that it would like to hear of specific cases which were giving trouble and which it could refer to British publishers.

120. The observer from the International Publishers Association (IPA), recalling that his Association had been closely associated from the outset with the work of the International Copyright Information Centre, indicated that, at the meeting of national centers held in June 1975, the representative of the center of the United States of America had reported the

receipt, in a year, of only one request for authorization from a developing country; furthermore, the French center had not received many requests and, apparently, the United Kingdom center had had to deal with some two hundred requests in four years. On the subject of the Mexican proposal, he pointed out that, while it could be that educational establishments urgently required a reproduction or translation of a foreign work, it would nevertheless be dangerous for the printing and publishing industry of the country concerned, especially that of a developing country, to grant authorizations too promptly to those establishments. The observer further informed the Committees that the IPA was encouraging developing countries to accede to the 1971 revision texts and to avail themselves of the advantages that those texts accorded them. He concluded by stating that, if experience were to show that those texts were insufficient to meet the needs of developing countries, his Association would be prepared to support a proposal to revise them.

121. At the close of the discussion on this subject, the Committees decided as follows:

- (i) to urge all countries to create or designate national copyright information centers which would be coordinated by the International Copyright Information Centre; the Secretariat concerned would submit a report to the next sessions in 1977;
- (ii) the two Secretariats would study the implementation of the revised Paris texts of 1971 of the Universal and Berne Conventions in respect of their application to developing countries. The Secretariats would then submit the results of their studies to the next sessions in 1977.

Part III: Other Items concerning the Committee alone

Date and Place of the Next Joint Session with the Intergovernmental Copyright Committee

122. The Chairman indicated that in the Intergovernmental Copyright Committee the representative of the Director-General of Unesco had recalled that in the absence of a formal invitation from any State the said Committee and the Executive Committee of the Berne Union held their joint sessions alternatively at the headquarters of their respective Secretariats. Consequently, the representative of the Director-General of Unesco had suggested that the next joint

sessions should be held at the headquarters of Unesco in Paris, preferably at the end of 1977.

123. At the proposal of the Chairman, the Committee then accepted this suggestion.

Adoption of the Report

124. The Committee unanimously adopted this Report.

Closing of the Session

125. After the usual thanks, the Chairman declared the session closed.

List of Participants

I. States Members of the Committee

(a) Ordinary Members

Canada: A. A. Keyes; C. Brunet. **France:** A. Kerever; J. Buffin; F. Guillaume (Miss); S. Balous (Mrs.). **Germany (Federal Republic of):** E. Steup (Mrs.); E. Bungereoth. **Hungary:** I. Timár. **India:** S. Alikhan; S. I. Balakrishnan; H. Sukhdev. **Israel:** M. Gabay; R. Raeli (Mrs.). **Morocco:** S. M. Rahhali. **Senegal:** N'D. N'Diaye; D. Diéne. **Spain:** I. Fonseca-Ruiz (Mrs.); J. M. Segovia. **Switzerland:** J.-L. Marro. **United Kingdom:** I. J. G. Davis; V. Tarnofsky. **Yugoslavia:** V. Spaić.

(b) Associate Members

Argentina: C. A. Passalacqua. **Italy:** N. Faiel Dattilo; V. De Sanctis; M. Tomajuoli. **Philippines:** C. V. Espejo. **Poland:** E. M. Szelchauz (Mrs.); M. Paszkowski.

II. Observer States Members of the Berne Union

Australia: L. J. Curtis. **Austria:** R. Dittrich. **Belgium:** G.-L. de San; J. L. L. Bocqué. **Brazil:** J. F. da Costa; C. de Souza Amaral; D. da Silva Rocha. **Cameroon:** B. Yaya Garga. **Chile:** J. Lagos. **Congo:** A. Letembet-Ambily. **Czechoslovakia:** M. Reiniš. **Denmark:** W. Weincke; N. Thye. **Finland:** R. Meinander. **German Democratic Republic:** H. Püschel. **Holy See:** O. Rouillet (Mrs.); R. Roch. **Japan:** M. Kokubun; Y. Oyama. **Mexico:** G. E. Larrea Richerand; A. Cué Bolaños (Miss); C. E. Lizalde; L. Gimeno; V. Blanco Labra. **Netherlands:** M. Holleman-Bartels (Mrs.); W. Blackstone. **Norway:** T. Saebø (Miss). **Pakistan:** I. Bukhari. **Portugal:** A. M. Pereira; A. J. Melo e Sousa. **Sweden:** A. H. Olsson. **Thailand:** S. Plangprayoon. **Tunisia:** A. Amri; S. Ben Rejeb. **Zaire:** N. Biabungana; L. Elebe.

III. Other Observer States

Algeria: S. Abada. **Colombia:** A. Morales; C. Osorio. **Cuba:** W. Argüelles Mariño. **Egypt:** S. A. Abou-Ali. **Ghana:** J. A. Mensah; E. B. Odoi Anim. **Iran:** P. Porkar. **Lihyan Arab Republic:** M. O'Kaal. **Mongolia:** L. Bayarte. **Nigeria:** Z. S. Ali. **Panama:** J. M. Espino-Gonzalez. **Pern:** L. Chavez-Godoy. **Soviet Union:** B. Pankin; R. Gorelik (Mrs.); V. Pogoulylev. **United States of America:** H. J. Winter; L. C. Hamilton; D. Schrader (Ms.); I. A. Williamson. **Zambia:** C. L. Mubanga-Chipoya.

IV. Intergovernmental Organizations (Observers)

United Nations (UN): H. J. Lassen. **International Labour Office (ILO):** B. Knapp. **United Nations Educational, Scien-**

tific and Cultural Organization (UNESCO): M.-C. Dock (Ms.); P. Lyons (Ms.). **Arah Educational, Cultural and Scientific Organization (ALECSO):** A. F. Sorour. **Council of Europe:** H.-J. Bartsch; F. Melichar.

V. International Non-Governmental Organizations (Observers)

European Broadcasting Union (EBU): G. Straschnov. **International Alliance for Distribution by Wire (AID):** G. Moreau. **International Bureau of the Societies Administering the Rights of Mechanical Recordings and Reproduction (BIEM):** J.-A. Ziegler. **International Confederation of Societies of Authors and Composers (CISAC):** J.-A. Ziegler. **International Council for Reprography (ICR):** H. Arntz. **International Federation of Actors (FIA):** G. Croasdell. **International Federation of Documentation (FID):** H. Arntz. **International Federation of Associations of Film Distributors (FIAD):** G. Grégoire. **International Federation of Film Producers Associations (FIAPF):** A. Brisson; M. Ferrara-Santamaria; S. F. Gronich. **International Federation of Musicians (FIM):** J. Morton; R. Leuzinger. **International Federation of Producers of Phonograms and Videograms (IFPI):** S. M. Stewart; G. Davies (Miss). **International Federation of Variety Artists (IFVA):** G. Croasdell. **Internationale Gesellschaft für Urheberrecht (INTERGU) (International Copyright Society):** G. Halla. **International Group of Scientific, Technical & Medical Publishers (STM):** J. A. Koutchoumow. **International Literary and Artistic Association (ALAI):** R. Fernay; D. Catterns. **International Publishers Association (IPA):** J. Koutchoumow. **International Union of Cinematograph Exhibitors (UIEC):** J. Handl. **International Writers Guild (IWG):** R. Fernay.

VI. World Intellectual Property Organization (WIPO)

A. Bogsch (*Director General*); K.-L. Liguier-Laubhouet (Mrs.) (*Deputy Director General*); C. Masouyé (*Director, Office of the Director General*); M. Haddrick (*Counsellor, Head, Copyright Division*); M. Stojanović (*Counsellor, Copyright Division*).

VII. Officers

Chairman: S. Alikhan (India). *Vice-Chairmen:* I. Fonseca-Ruiz (Mrs.) (Spain); C. A. Passalacqua (Argentina). *Secretary:* M. Haddrick.

Conventions Administered by WIPO

Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms

KENYA

Ratification of the Convention

The Director General of the World Intellectual Property Organization (WIPO) has informed the Governments of the States invited to the Diplomatic Conference on the Protection of Phonograms * that, according to the notification received from the Secretary-General of the United Nations, the Government of the Republic of Kenya deposited, on January 6, 1976, its instrument of ratification of the Convention for the Protection of Producers of Phonograms

Against Unauthorized Duplication of Their Phonograms.

Pursuant to the provisions of Article 11(2), the Convention will enter into force, with respect to the Republic of Kenya, three months after the date of the notification given by the Director General of WIPO, that is, on April 21, 1976.

* Phonograms Notification No. 23, of January 21, 1976.

National Legislation

UNITED KINGDOM

The Copyright (International Conventions) (Amendment No. 2) Order 1975

(No. 1837, of November 12, 1975, coming into force on December 12, 1975)

1. — (1) This Order may be cited as the Copyright (International Conventions) (Amendment No. 2) Order 1975, and shall come into operation on 12th December 1975.

(2) The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. — The Copyright (International Conventions) Order 1972¹, as amended², shall be further amended as follows:—

(a) in Schedule 1 (which names the countries of the Berne Copyright Union) Bulgaria shall be indicated with an asterisk denoting that it is also a party to the Universal Copyright Convention; and

(b) in Schedule 2 (which names the countries party to the Universal Copyright Convention but not members of the Berne Union) there

shall be included a reference to Bangladesh and a related reference to 5th August 1975.

3. — This Order shall extend to all the countries mentioned in the Schedule hereto.

SCHEDULE

Countries to which this Order extends

Bermuda	Hong Kong
Belize	Isle of Man
British Virgin Islands	Montserrat
Cayman Islands	Seychelles
Falkland Islands	St. Helena
and Dependencies	and its Dependencies
Gibraltar	

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order further amends the Copyright (International Conventions) Order 1972. It takes account of the accession of Bangladesh and Bulgaria to the Universal Copyright Convention.

The Order extends to dependent countries of the Commonwealth to which the 1972 Order extends.

¹ See *Copyright*, 1972, p. 180.

² *Ibid.*, 1973, pp. 78, 109, 110, 218 and 250, 1974, p. 235, and 1975, p. 177.

General Studies

The Role of Creative Activity in Development

His Excellency Mr. Habib BOURGUIBA
President of the Republic of Tunisia

Correspondence

Letter from Sweden

Stig STRÖMHOLM *

International Activities

International Literary and Artistic Association (ALAI)

Symposium (Berlin, October 1 and 2, 1975)

Executive Committee and General Assembly (Paris, January 16, 1976)

A symposium on freedom of contract in the field of copyright was organized in Berlin on October 1 and 2, 1975, by the ALAI with the assistance of the Deutsche Vereinigung für gewerblichen Rechtsschutz und Urheberrecht. Some fifty participants attended this event at which WIPO was represented by an observer, Mr. Mihailo Stojanovic, Counsellor, Copyright Division.

Following a number of reports presented to the participants, the symposium examined the legal situation in Belgium, Denmark, France, German Democratic Republic, Germany (Federal Republic of), Italy, Netherlands, Sweden, United Kingdom and Yugoslavia. A study on the conflicts of laws which could arise at international level when applying copyright contracts was also available to the symposium. Examination of these matters resulted in a simple exchange of views, without however leading to conclusions which could have been included in a resolution.

Subsequently, a meeting of the ALAI Executive Committee and the annual session of its General Assembly were held in Paris on January 16, 1976. WIPO was represented at these two meetings by

Mr. Claude Masouyé, Director, Copyright and Public Information Department. Delegates from the national ALAI groups of France, Germany (Federal Republic of), Greece, Netherlands, Sweden and Switzerland participated, together with observers from Unesco and various interested international non-governmental organizations.

Apart from administrative and internal matters, discussions were held on current problems of international copyright in the light of recent international meetings, particularly the Sub-Committees of the Executive Committee of the Berne Union and of the Intergovernmental Copyright Committee on Reprographic Reproduction, the Committee of Governmental Experts on the Double Taxation of Copyright Royalties and the meetings held at Geneva in December 1975 by the Executive Committee of the Berne Union and the Intergovernmental Copyright Committee.

The Executive Committee further drew up the program for the ALAI Congress to be held in Athens from May 23 to 29, 1976, with an agenda which will include the following items: evolution of copyright in Greece, reprographic reproduction, cable television, computer programs and *droit de suite*.

Calendar

WIPO Meetings

1976

- March 1 to 5 (Geneva) — Nice Union — Committee of Experts for the Revision of the Nice Agreement
- March 9 to 12 (Geneva) — Permanent Legal-Technical Program — Working Group on the Use of the International Patent Classification
- March 15 to 19 (Geneva) — Permanent Legal-Technical Program — Permanent Committee (3rd session)
- March 22 to April 2 (Mnich) — International Patent Classification (IPC) — Working Group I
- March 29 to 31 (Geneva) — Paris Union — Ad hoc Coordinating Committee for Technical Activities
- April 26 to 30 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)
- April 26 to 30 (Geneva) — Paris Union — Committee of Experts on the Deposit of Microorganisms for the Purposes of Patent Procedure
- May 3 to 7 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)
- May 10 to 15 (Geneva) — Paris and Berne Unions — Committee of Experts on Scientific Discoveries
- May 17 to 21 (Geneva) — International Patent Classification (IPC) — Working Group V
- May 17 to 21 (Geneva) — Paris Union — Computer Programs — Committee of Non-Governmental Experts
- May 24 to 31 (Geneva) — Nice Union — Temporary Working Group
- June 8 to 15 (Geneva) — Paris Union — Group of Governmental Experts for the Revision of the Paris Convention
- June 14 to 18 (Geneva) — Permanent Legal-Technical Program — Working Group on the Model Law for Developing Countries on Inventions and Know-How
- June 21 to 25 (Geneva) — Permanent Legal-Technical Program — Working Group on Licensing Guidelines
- June 28 to July 2 (Geneva) — International Classification of the Figurative Elements of Marks — Committee of Experts
- September 6 to 10 (Geneva) — Paris and Madrid Unions — Working Group on the Use of Computers in Trademarks Operations
- September 6 to 17 (Washington) — International Patent Classification (IPC) — Working Group III
- September 21 to 24 (Geneva) — ICIREPAT — Plenary Committee (PLC)
- September 27 to October 5 (Geneva) — WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lishon, Locarno, IPC and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union — Ordinary Sessions
- September 27 to October 8 (Rijswijk) — International Patent Classification (IPC) — Working Group II
- October 6 to 8 (Geneva) — Trademark Registration Treaty (TRT) — Interim Advisory Committee
- October 11 to 15 (Geneva) — International Patent Classification (IPC) — Steering Committee
- October 13 to 21 (Geneva) — Nice Union — Temporary Working Group
- October 18 to 22 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)
- October 18 to 22 (Geneva) — International Patent Classification (IPC) — Committee of Experts
- October 25 to 29 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)
- November 1 to 6 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Committees
- November 8 to 19 (Stockholm) — International Patent Classification (IPC) — Working Group IV
- November 22 to 26 [or 30] (Geneva) — Paris Union — Group of Governmental Experts for the Revision of the Paris Convention
- November 29 to December 3 (Geneva) — Permanent Legal-Technical Program — Working Group on the Model Law for Developing Countries on Inventions and Know-How
- November 29 to December 10 (Rijswijk) — International Patent Classification (IPC) — Working Group I
- December 13 to 17 (Geneva) — Nice Union — Committee of Experts

1977

March 14 to 18 (Geneva) — Permanent Legal-Technical Program — Permanent Committee (4th session)

September 26 to October 4 (Geneva) — WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions; Assemblies of the Madrid and Hague Unions; Conference of Representatives of the Hague Union; Committee of Directors of the Madrid Union

November 28 to December 5 (Paris) — Berne Union — Executive Committee — Extraordinary Session

December 6 to 8 (Geneva) — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations — Intergovernmental Committee — Ordinary Session (organized jointly with ILO and Unesco)

UPOV Meetings in 1976

Council: October 13 to 15

Consultative Committee: March 10 and 11; October 12 and 15

Technical Steering Committee: May 6 and 7; November 18 and 19

Working Group on Variety Denominations: in the course of the week from September 14 to 17

Committee of Experts on International Cooperation in Examination: May 5; November 15 to 17

Committee of Experts on the Interpretation and Revision of the Convention: September 14 to 17

Note: All these meetings will take place in Geneva at the headquarters of UPOV

Technical Working Party for Vegetables: March 23 to 25 (Wageningen - Netherlands)

Technical Working Party for Ornamental Plants: May 12 to 14 (Melle - Belgium)

Technical Working Party for Agricultural Crops: May 24 to 26 (Tystofte - Denmark)

Technical Working Party for Fruit Crops: June 16 to 18 (Hanover - Federal Republic of Germany)

Technical Working Party for Forest Trees: August 17 to 19 (Humlebak - Denmark)

Meetings of Other International Organizations concerned with Intellectual Property**1976**

April 6 to 8 (Rijswijk) — International Patent Institute — Administrative Board

May 9 to 13 (Munich) — International League Against Unfair Competition — Congress

May 11 and 12 (Jerusalem) — International Confederation of Societies of Authors and Composers — Legal and Legislative Commission

May 24 to 29 (Athens) — International Literary and Artistic Association — Congress

May 25 to June 1 (Tokyo) — International Publishers Association — Congress

June 22 to 24 (Rijswijk) — International Patent Institute — Administrative Board

July 5 to 9 (Bellagio) — International Broadcast Institute — Conference

August 30 to September 3 (Stockholm) — International Federation of Musicians — Congress

September 6 to 10 (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 (Montreux) — International Association for the Protection of Industrial Property — Executive Committee

September 27 to October 1 (Paris) — International Confederation of Societies of Authors and Composers — Congress

October 11 to 16 (Varna) — International Writers Guild — Congress

1977

November 28 to December 5 (Paris) — United Nations Educational, Scientific and Cultural Organization (UNESCO) — Intergovernmental Copyright Committee established by the Universal Copyright Convention (as revised at Paris in 1971)

WIPO



WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

304-280

ANNOUNCEMENT OF VACANCY

Competition No. 291*

HEAD, COPYRIGHT DIVISION
(Copyright and Public Information Department)

Category and grade: P.5

Principal duties:

Under the general supervision of the Director of the Copyright and Public Information Department, the incumbent will direct the Copyright Division of the International Bureau. His duties will be in particular the following:

- (a) formulation of proposals for the preparation and implementation of the WIPO Copyright and Neighbouring Rights program;
- (b) writing of legal studies; preparation of working papers for and reports on WIPO meetings concerning Copyright and Neighbouring Rights;
- (c) representing WIPO at meetings relating to Copyright and Neighbouring Rights;
- (d) acting as editor of "Copyright" and "Le Droit d'Auteur" periodicals;
- (e) directing the work of maintaining up to date a collection of Copyright and Neighbouring Rights legislation.

Qualifications required:

- (a) University degree in law or equivalent legal qualification.
- (b) Wide experience in the field of Copyright and Neighbouring Rights, including its international aspects.
- (c) Demonstrated ability to undertake legal studies involving thorough critical analysis and to draft legislative texts.
- (d) Ability to act as representative of WIPO in international meetings.
- (e) Excellent knowledge of either English or French, and at least a good knowledge of the other language. Ability to work in other major languages would be an advantage.

Nationality:

Candidates must be nationals of one of the member States of WIPO or of the Paris or Berne Unions. Qualifications being equal, preference will be given to candidates who are nationals of States of which no national is on the staff of WIPO.

Age limit applicable in the case of appointment for a probationary period:

The candidate designated must be less than 50 years of age at the date on which the appointment takes effect.

Date of entry on duty:

As soon as possible.

* Post subject to geographical distribution

Conditions of Employment:

The conditions governing employment are those applicable according to the Staff Regulations and Rules of the International Bureau of WIPO. They are in conformity with those of the United Nations "common system."*

- Type of appointment: fixed term appointment of two years, with possibility of renewal; or probationary period of two years, after satisfactory completion of which a permanent appointment will be offered.
- Medical examination: the appointment is subject to a satisfactory medical examination.
- Net annual salary:**
(present scale) from 55,442 Swiss francs (starting salary) to 66,829 Swiss francs (final step), by annual increments.

Annual increments are subject to satisfactory service. In exceptional cases and depending on the qualifications and experience of the candidate selected, a higher starting salary, in the same grade, may be granted.

The staff member's contribution to the pension fund represents approximately 12% of the above amounts.
- Annual post adjustment:
(present scale) from 33,346 Swiss francs (amount corresponding to the starting salary) to 38,266 Swiss francs, without dependants;

from 42,822 Swiss francs (amount corresponding to the starting salary) to 49,140 Swiss francs, with dependants.
- Dependency allowances:
(present amounts) 1,040 Swiss francs per year for dependent spouse; 1,170 Swiss francs per year for each dependent child; 520 Swiss francs for one dependent parent, brother or sister (where there is no dependent spouse), for whom the staff member contributes at least half the total support.
- Education grant:
(present amount) up to a maximum of 3,900 Swiss francs per scholastic year for each child under 21 years of age in full-time attendance at a school or non-Swiss university (75% of actual costs).
- Salary, post adjustment and allowances are not subject to Swiss taxes.
- Conditions also include: payment of travel and removal expenses; installation grant; five-day week; annual leave of 30 working days; home leave; pension scheme and medical benefit scheme.

Applications:

Persons wishing to apply should write to the Head of the Administrative Division, WIPO, 32 chemin des Colombettes, 1211 Geneva 20, Switzerland, for application forms. These forms, duly completed, should reach WIPO not later than May 31, 1976.

Geneva, February 27, 1976

* The amounts of salary and various allowances indicated are subject to modification arising from fluctuations in the rate of exchange between the US dollar and the Swiss franc (the applicable scales are based on those of the UN expressed in dollars).

** After deduction of internal taxation.

WIPO



WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

ANNOUNCEMENT OF VACANCY

307-280

Competition No. 294*

ASSISTANT or SENIOR OFFICER**

External Relations Section

(Development Cooperation and External Relations Division)

Category and grade: P.3/P.4, according to the qualifications and experience of the incumbent.

Principal duties:

The incumbent will participate in the formulation and implementation of policies and programs concerning relations between WIPO and other international organizations and governments, with particular reference to organizations of the United Nations system and governments of Latin American countries. In close cooperation with the other Divisions concerned he will assist and advise in the formulation of programs and the preparation and implementation of projects for development cooperation.

His duties will include in particular:

- (a) the study and drafting of working documents of special concern to Latin American countries;
- (b) correspondence and contacts with representatives of member and non-member countries;
- (c) participation in meetings;
- (d) collaboration in or supervision of translation and editing of documents in Spanish.

Qualifications:

- (a) University degree in law or in another relevant field (in particular, political science or public administration).
- (b) Professional experience in external and/or public relations work, preferably in the sphere of inter-governmental organizations or diplomatic service. Familiarity with the activities and procedures of the United Nations, its bodies and specialized agencies, would constitute an important advantage.
- (c) General knowledge of intellectual property (industrial property and/or copyright), including its international aspects.
- (d) Some experience in the editing of legal documents would be desirable.
- (e) Excellent knowledge of Spanish (mother tongue). A very good knowledge of either English or French and at least some working knowledge of the other language.

Age limit applicable to appointment for a probationary period:

Less than 50 years of age at the date on which the appointment takes effect.

Date of entry on duty: as soon as possible.

* Post subject to geographical distribution.

** The title "Senior Officer" applies to level P.4.

Conditions of employment:

The conditions of employment are those applicable according to the Staff Regulations and Rules of the International Bureau of WIPO. They are in conformity with those of the United Nations common system.*

- Type of appointment: fixed-term appointment of two years, with possibility of renewal; or probationary period of two years after satisfactory completion of which a permanent appointment will be offered.
- Medical examination: the appointment is subject to a satisfactory medical examination.
- Net annual salary:**
(present scale)
 - P.3 level: from 37,922 Swiss francs (starting salary) to 50,653 Swiss francs (final step), by annual increments.
 - P.4 level: from 45,583 Swiss francs (starting salary) to 58,707 Swiss francs (final step), by annual increments.

Annual increments are subject to satisfactory service.
The staff member's contribution to pension fund represents approximately 11.5% of the above amounts.
- Annual post adjustment:
(present scale)
 - P.3 level: from 23,397 Swiss francs (amount corresponding to the starting salary) to 30,612 Swiss francs, without dependants; from 30,046 Swiss francs (amount corresponding to the starting salary) to 39,312 Swiss francs, with dependants.
 - P.4 level: from 27,879 Swiss francs (amount corresponding to the starting salary) to 34,767 Swiss francs, without dependants; from 35,802 Swiss francs (amount corresponding to the starting salary) to 44,647 Swiss francs, with dependants.
- Dependency allowances:
(present amounts)
 - 1,040 Swiss francs per year for dependent spouse;
 - 1,170 Swiss francs per year for each dependent child;
 - 520 Swiss francs for one dependent parent, brother or sister (where there is no dependent spouse), for whom the staff member contributes at least half the total support.
- Education grant:
(present amount)
 - up to a maximum of 3,900 Swiss francs per scholastic year for each child under 21 years of age in full time attendance at a school, or non-Swiss university (75% of actual costs).
- Salary, post adjustment and allowances are not subject to Swiss taxes.
- Conditions also include: payment of travel and removal expenses; installation grant; five day week; annual leave of 30 working days; home leave; pension scheme and medical benefit scheme.

Applications:

Persons wishing to apply should write to the Head, Administrative Division, WIPO--32, chemin des Colombettes, 1211 Geneva 20, Switzerland--for application forms. These forms, duly completed, should reach WIPO not later than May 31, 1976.

Geneva, February 28, 1976

* The amounts of the salary and the various allowances and grants indicated below are subject to modification arising from fluctuations in the rate of exchange between the US dollar and the Swiss franc (the applicable scales are based on those of the UN expressed in dollars).

** After deduction of internal taxation.

WIPO



WORLD INTELLECTUAL PROPERTY ORGANIZATION

308-280

GENEVA

ANNOUNCEMENT OF VACANCY

Competition No. 295*

ASSISTANT

(Development Cooperation and External Relations Division)

Category and grade: P.1/P.2, according to the qualifications and experience of the selected candidate.

Principal duties:

The incumbent will assist the Head of the Development Cooperation Section and other senior staff members of the Development Cooperation and External Relations Division in work relating to the WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property, and in other tasks carried out by the Division, primarily in the field of relations with other international organizations and governments.

His duties will include, in particular:

- (a) search for and evaluation of information concerning policies and activities of the organizations of the United Nations system in fields in which WIPO is concerned; preparation of relevant working papers;
- (b) when required, preparation of preliminary drafts of documents and statements for WIPO meetings and other meetings in which WIPO is represented; in this connection, liaison with legal and technical services of the Organization;
- (c) contacts with delegations and permanent missions on specific questions relating to the implementation of WIPO's program or to the transmission of information concerning WIPO's recent or planned activities;
- (d) assistance in the administration of training schemes for government officials from developing countries;
- (e) administrative tasks connected with WIPO meetings (invitations, reminders, documentation, etc.);
- (f) attending meetings of other organizations;
- (g) drafting of correspondence relating to the abovementioned duties.

Qualifications required:

- (a) University degree in law or in another relevant field (such as political sciences or economics) or professional qualifications equivalent to such a degree.
- (b) Excellent knowledge of English or French and at least a good knowledge of the other language. Knowledge of Spanish would be an advantage.
- (c) Accuracy and facility in drafting correspondence and working documents. Ability to formulate proposals clearly. Ease and tact in personal contacts.
- (d) **Some years' professional experience within the framework of duties similar to those described above, in the sphere of international organizations (preferably of the UN family) or national authorities.

Nationality:

Candidates must be nationals of one of the member States of WIPO or of the Paris or Berne Unions. Qualifications being equal, preference will be given to candidates who are nationals of States of which no national is on the staff of WIPO.

Age limit applicable to appointment for a probationary period:

Less than 50 years of age at the date on which the appointment takes effect.

Date of entry on duty: as soon as possible.

* Post subject to geographical distribution.

** Not required at the level of grade P.1.

Conditions of employment:

The conditions of employment are those applicable according to the Staff Regulations and Rules of the International Bureau of WIPO. They are in conformity with those of the United Nations common system.*

- Type of appointment: fixed-term appointment of two years, with possibility of renewal; or probationary period of two years after satisfactory completion of which a permanent appointment will be offered.
- Medical examination: the appointment is subject to a satisfactory medical examination.
- Net annual salary:**
(present scale)
 - P.1 level: from 24,476 Swiss francs (starting salary) to 34,931 Swiss francs (final step), by annual increments.
 - P.2 level: from 31,265 Swiss francs (starting salary) to 40,593 Swiss francs (final step), by annual increments.
 Annual increments are subject to satisfactory service.
 The staff member's contribution to pension fund represents approximately 11% of the above amounts.
- Annual post adjustment:
(present scale)
 - P.1 level: from 15,306 Swiss francs (amount corresponding to the starting salary) to 21,757 Swiss francs, without dependants; and from 19,656 Swiss francs to 27,940 Swiss francs, with dependants.
 - P.2 level: from 19,461 Swiss francs (amount corresponding to the starting salary) to 24,927 Swiss francs, without dependants; and from 24,991 Swiss francs to 32,011 Swiss francs, with dependants.
- Dependency allowances:
(present amounts)
 - 1,040 Swiss francs per year for dependent spouse;
 - 1,170 Swiss francs per year for each dependent child;
 - 520 Swiss francs for one dependent parent, brother or sister (where there is no dependent spouse), for whom the staff member contributes at least half the total support.
- Education grant:
(present amount)
 - up to a maximum of 3,900 Swiss francs per scholastic year for each child under 21 years of age in full time attendance at a school, or non-Swiss university (75% of actual costs).
- Salary, post adjustment and allowances are not subject to Swiss taxes.
- Conditions also include: payment of travel and removal expenses; installation grant; five day week; annual leave of 30 working days; home leave; pension scheme and medical benefit scheme.

Applications:

Persons wishing to apply should write to the Head, Administrative Division, WIPO, 32 chemin des Colombettes, 1211 Geneva 20, Switzerland, for application forms. These forms, duly completed, should reach WIPO not later than May 31, 1976.

Geneva, February 27, 1976.

* The amounts of the salary and the various allowances and grants indicated below are subject to modification arising from fluctuations in the rate of exchange between the US dollar and the Swiss franc (the applicable scales are based on those of the UN expressed in dollars).

** After deduction of internal taxation.