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Copyright

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World Intellectual Property Organization

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World Intellectual Property Organization

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

MEXICO

Ratification of the Convention

The Secretary-General of the United Nations notified the Director General of the World Intellectual Property Organization, on March 30, 1976, that the Government of Mexico deposited, on March

18, 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.

Bilateral Agreements

CZECHOSLOVAKIA—U. S. S. R.

Agreement between the Union of Soviet Socialist Republics and the Czechoslovak Socialist Republic concerning the reciprocal protection of copyrights in literary, scientific and artistic works *

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the President of the Czechoslovak Socialist Republic,

Guided by a desire to extend still further their mutual cooperation in the field of the exchange of cultural values, in accordance with the Agreement on cooperation in science and culture concluded between the Union of Soviet Socialist Republics and the Czechoslovak Socialist Republic on February 28, 1972,

Recognizing the necessity of establishing a system of reciprocal protection of copyrights in literary, scientific and artistic works likely to promote a wider dissemination of cultural values,

Whereas the Union of Soviet Socialist Republics and the Czechoslovak Socialist Republic have acceded to the Universal Copyright Convention of September 6, 1952,

Have decided to conclude the present Agreement.

Article 1

Each Contracting Party shall promote on its territory the dissemination of literary, scientific and artistic works created by the citizens of the other Contracting Party, and in particular the publication of literary, dramatico-musical and musical works and works of the fine arts, the inclusion of dramatic, dramatico-musical, choreographic, pantomimic and musical works in the repertoires of its theaters,

* WIPO translation.

orchestras, musical ensembles and soloists, the television and radio broadcasts and the showing of films.

Article 2

Each Contracting Party shall recognize the copyrights of the citizens of the other Contracting Party in respect of literary, scientific and artistic works and shall ensure on its territory the protection of such rights under the same conditions as those established by its legislation with regard to its own citizens.

Article 3

This Agreement shall apply to the use, after its coming into force, of works mentioned in Article 2 for which the terms of protection provided for in Article 4, paragraph (1), have not expired when they are so used.

Article 4

(1) The term of copyright shall be fixed in accordance with the legislation of the Contracting Party that is granting protection; but the said Party shall not be obliged to ensure protection for a term longer than that provided for in the legislation of the other Contracting Party.

(2) The name of the author and the inviolability of the work concerned shall be protected without limitation of time.

Article 5

(1) The copyright royalties shall be reckoned in the currency of the Contracting Party on whose territory the work has been used. The royalties due shall be transferred in accordance with the agreement on the settlement of non-commercial payments in force between the Contracting Parties at the moment of the transfer.

(2) Taxes on the royalties payable under this Agreement shall be levied only in the country in which the author is permanently domiciled.

Article 6

(1) Each Contracting Party shall ensure the observance, by those of its organizations that use the works mentioned in Article 2, of the legislation of the other Contracting Party relating to the implementation of this Agreement. The Contracting Parties reciprocally recognize the exclusive right of the respective organizations for copyright protection to

act as intermediaries in mutual contacts arising from the use of literary, scientific and artistic works.

(2) The Contracting Parties shall take steps to ensure that, on the basis of this Agreement, their respective copyright protection organizations shall conclude working agreements which will in particular define the procedure for concluding contracts on the use of works and the payment of royalties, a system for mutual settlement of accounts and the transfer of royalties, and also the procedure for providing legal assistance in regard to the levying of taxes and the protection of the copyrights of citizens of the other Contracting Party.

Article 7

This Agreement shall not affect rights and obligations of the Contracting Parties arising from other international agreements.

Article 8

(1) This Agreement shall be subject to ratification and shall come into force on the day on which the instruments of ratification are exchanged. The exchange shall take place in Moscow.

This Agreement shall become temporarily applicable on the day of its signature.

(2) This Agreement is concluded for a period of three years and shall be extended automatically every three years unless notice of its termination is given by one of the Contracting Parties at least six months before the expiration of the corresponding three-year period.

Done at Prague, on March 18, 1975, in two copies, each in the Czech and Russian languages, both texts being equally authentic.

Under the authority of the
Presidium of the Supreme
Soviet of the Union of
Soviet Socialist Republics
B. PANKIN

Under the authority of the
President of the
Czechoslovak
Socialist Republic
M. KLUSAK

Ratified by the Presidium of the Supreme Soviet of the USSR on September 3, 1975, and by the President of the Czechoslovak Socialist Republic on June 19, 1975.

The instruments of ratification were exchanged in Moscow on September 23, 1975.

National Legislation

UNITED KINGDOM

The Copyright (International Conventions) (Amendment No. 3) Order 1975

(No. 2193, of December 19, 1975, coming into force on January 24, 1976)

1. — (1) This Order may be cited as the Copyright (International Conventions) (Amendment No. 3) Order 1975, and shall come into operation on 24th January 1976.

(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:

In Schedule 1 (which names the countries of the Berne Copyright Union) there shall be included a reference to Upper Volta.

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

¹ See *Copyright*, 1972, p. 180.

² *Ibid.*, 1973, pp. 78, 109, 110, 218 and 250, 1974, p. 235, 1975, p. 177, and 1976, p. 56.

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 Upper Volta to the Berne Copyright Convention.

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

Correspondence

Letter from the U. S. S. R.

E. P. GAVRILOV *

Conventions Not Administered by WIPO

Universal Copyright Convention (1952)

Intergovernmental Copyright Committee

Thirteenth Ordinary Session

(Geneva, December 10, 1975)

Report

submitted by the Secretariat and adopted by the Committee

Introduction

1. The Intergovernmental Copyright Committee established under Article XI of the Universal Copyright Convention adopted at Geneva in 1952, held its thirteenth ordinary session at Geneva on December 10, 1975.

2. The twelve Member States of the 1952 Committee (Argentina, Brazil, France, Germany (Federal Republic of), Ghana, India, Israel, Italy, Spain, Tunisia, the United Kingdom and the United States of America) were represented at this session.

3. The following States party to the Universal Copyright Convention but not members of the 1952 Committee were represented by observers: Algeria, Australia, Austria, Belgium, Cameroon, Canada, Chile, Cuba, Czechoslovakia, Denmark, Finland, German Democratic Republic, Guatemala, Holy See, Hungary, Japan, Mexico, Morocco, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Senegal, Sweden, Switzerland, Soviet Union, Yugoslavia, Zambia.

4. Nine States not party to the 1952 Universal Copyright Convention sent observers: Colombia,

Congo, Egypt, Iran, Libyan Arab Republic, Mongolia, Poland, Thailand and Zaire.

5. Ms. Marie-Claude Dock, Director, Copyright Division, representative of the Director-General of Unesco, Mrs. K.-L. Liguier-Laubhouet, Deputy Director General of WIPO, Mr. Murray Haddrick, Counsellor, Head of the Copyright Division of WIPO, and Mr. Hans-Jürgen Bartsch, Administrator, Directorate of Legal Affairs of the Council of Europe, attended the session of the 1952 Committee in an advisory capacity.

6. The representatives of four intergovernmental organizations and sixteen international non-governmental organizations followed the work of the 1952 Committee as observers.

7. The list of participants is annexed to this report ¹.

¹ The persons included in the list of participants of the Intergovernmental Copyright Committee are the same as those who participated in the Executive Committee of the Berne Union (see the February 1976 issue of this review, p. 54), depending, however, as regards the States, on the membership of the two Committees and, as regards the organizations, on whether they had been admitted as observers to one or the other of the two Committees.

Adoption of agenda

8. When adopting the agenda reproduced in document IGC/XIII(1952)/1, the 1952 Committee noted that it contained a single item concerning the future work of the 1952 Committee.

Procedural decision on the future work of the Committee

9. The Chairman of the 1952 Committee, Ms. Elisabeth Steup, in her opening statement, recalled that a reference to future relations between the 1952 Committee and the Committee established under Article XI of the Universal Copyright Convention as revised at Paris on July 24, 1971, had been made in the report of the Conference for the revision of the Universal Copyright Convention. In paragraph 131 of the report, that was adopted unanimously by the revision Conference, it was observed: "The result appears to be that, after the coming into force of the 1971 Convention, the Intergovernmental Copyright Committee will, in strict legal terms, consist of two committees merged into one. However, the sittings and work will be done together, and the decisions will be taken in the name of the Intergovernmental Copyright Committee as a single body."

10. In the discussion that ensued, two divergent opinions emerged concerning the future work of the 1952 Committee. From the legal point of view, the Delegations of Argentina, France, Spain, the United

Kingdom and the United States of America, as well as the observers from Australia and Canada, felt that, although both the 1952 and 1971 Committees should continue to exist, as a practical matter, it could be decided that henceforth decisions concerning both Committees would be taken by the two Committees sitting together. The observer from Senegal was also of the opinion that the question should be decided along legal lines, but did not think it was outside the competence of the 1952 Committee to decide to transfer its functions to the 1971 Committee.

11. The Delegations of Brazil and Germany (Federal Republic of), and the observers from Algeria, Mexico, Belgium and Congo, considered that, for purely practical reasons, it was desirable for the 1952 Committee to cease to function as an independent body and to merge with the 1971 Committee.

12. In view of the fact that there was wide support for the idea of one Committee, the 1952 Committee, on the proposal of the Delegation of Brazil, decided to adjourn its meetings *sine die* and, in the meantime, to transfer its functions to the 1971 Committee.

Adoption of report

13. The Committee unanimously adopted this report.

Close of session

14. The Chairman then declared the meeting closed.

Universal Copyright Convention (1971)

Intergovernmental Copyright Committee

First Extraordinary Session

(Geneva, December 10 to 16, 1975)

Report

submitted by the Secretariat and adopted by the Committee

Introduction

1. The Intergovernmental Copyright Committee (hereinafter called "the Committee") established under Article XI of the Universal Copyright Convention as revised at Paris on July 24, 1971, met in extraordinary session at the Headquarters of the United Nations Office in Geneva from December 10 to 16, 1975.

2. The eighteen States Members of the Committee (Algeria, Argentina, Australia, Brazil, France, Germany (Federal Republic of), Ghana, India, Israel,

Italy, Japan, Mexico, Senegal, Spain, Tunisia, United Kingdom, United States of America and Yugoslavia) were represented at this session.

3. The following States party to the Universal Copyright Convention but not members of the Intergovernmental Committee sent observers: Austria, Belgium, Cameroon, Canada, Chile, Cuba, Czechoslovakia, Denmark, Finland, German Democratic Republic, Guatemala, Holy See, Hungary, Morocco, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Sweden, Switzerland, Soviet Union, Zambia.

4. The following States not party to the Universal Copyright Convention were also represented: Colombia, Congo, Egypt, Iran, Libyan Arab Republic, Mongolia, Poland, Thailand and Zaire.

5. Ms. Marie-Claude Dock, Director of the Copyright Division, representative of the Director-General of Unesco, Mrs. K-L. Liguier-Laubhouet, Deputy Director General of WIPO, Mr. Murray Haddrick, Counsellor, Head of the Copyright Division of WIPO, Mr. Hans-Jürgen Bartsch, Administrator of the Directorate of Legal Affairs of the Council of Europe, Mr. Daniel Séhoulia, Deputy Executive Secretary of the Permanent Delegation of OAU in Geneva, Mr. A. F. Sorour, Permanent Delegate of ALECSO to Unesco, attended the Committee's session in an advisory capacity.

6. Representatives of two intergovernmental organizations and sixteen international non-governmental organizations followed the work of the Committee as observers.

7. The list of participants is annexed to this report ¹.

Opening of the session

8. Opening the session of the Committee, its Chairman, Mr. Gabriel E. Larrea-Richerand (Mexico), stressed the need of the developing countries to have access on the best possible terms and with a minimum of restrictions to literary, scientific and technical works and works of cultural promotion. He therefore felt it indispensable that copyright should be looked at with reference to the educational and cultural needs of the international community.

Adoption of the agenda

9. When adopting the agenda reproduced in document IGC/XR.1(1971)/1, the Chairman replied to an intervention by the delegation of Czechoslovakia in respect of item I.6 (Communication by the Government of Argentina) by proposing that the Committee invite the two parties concerned to seek a satisfactory solution to the problem raised through bilateral measures and, consequently, that this matter should not be put on the agenda.

10. The Committee accepted this proposal.

11. The delegation of Argentina stated that, should it not prove possible to reach agreement under the arrangements referred to in paragraph 9 above, it

¹ The persons included in the list of participants of the Intergovernmental Copyright Committee are the same as those who participated in the Executive Committee of the Berne Union (see the February 1976 issue of this review, p. 54), depending, however, as regards the States, on the membership of the two Committees and, as regards the organizations, on whether they had been admitted as observers to one or the other of the two Committees.

reserved its country's right to raise the matter again in the Committee.

12. The agenda given in document IGC/XR.1(1971)/1 was adopted without further amendment.

Application and operation of the Universal Copyright Convention

13. The Committee took note of the information in document IGC/XR.1(1971)/2 in respect of adherences to the Convention adopted in 1952 since its twelfth session. Three new States (Bangladesh, Bulgaria and Senegal) had become party to the Convention as a result of their accession to the Convention as revised in 1971, under Article IX, paragraph 3, of that instrument.

14. The Committee also took note of documents IGC/XR.1(1971)/3 and 3 Add. 1 reporting on the ratifications of and accessions to the Convention as revised in 1971. Since the eleventh session of the Committee, eleven additional States (Bangladesh, Brazil, Bulgaria, Kenya, Mexico, Monaco, Morocco, Norway, Senegal, Spain, Tunisia) had deposited with the Director-General of Unesco their instruments of ratification or accession in respect of the Convention which entered into force on July 10, 1974.

15. Attention was drawn to the fact that developing countries wishing to avail themselves of any or all of the exceptions for their benefit provided for under Articles V^{ter} and V^{quater} of the Convention as revised in 1971 were required to address an appropriate notification to the Director-General of Unesco at the time of ratification, accession or acceptance, or at a later date.

Protection of translators

16. The Committee took cognizance of the report presented by the Secretariat on the protection of translators (document IGC/XR.1(1971)/4) and noted that the eighteenth session of the Unesco General Conference had considered it desirable that an international instrument on this subject be prepared and had decided that it should take the form of a recommendation to Member States within the meaning of Article IV, paragraph 4, of the Constitution. In this respect, the representative of the Director-General of Unesco stressed the advantages offered by the system of the recommendation, a flexible method that leaves States entirely free to apply its provisions in the way that best suits their particular situation. She also drew the attention of the Committee to the fact that the envisaged recommendation would set forth measures of an essentially practical nature to ameliorate the effective application of the principles contained in the international conventions and national laws on this subject.

17. The observer from Czechoslovakia welcomed this decision and emphasized the need to give a more precise definition to the term translator.

**Legal and technical assistance to States
in developing their national copyright legislation**

18. The Committee took note of the report presented to it by the Secretariat (document IGC/XR.1 (1971)/5) on this question which comes within the framework of the Programme of Participation in the Activities of Member States being carried out by the Unesco Secretariat. It noted that since its twelfth session the following programmes of assistance to developing countries had been realized or were being implemented to help them develop their national copyright legislation, establish administrative structures such as national copyright information centres, societies of authors, etc., or to train specialists in the subject: (i) award of three to six month fellowships to nationals of the Central African Republic, Dahomey, Ghana, India, Mauritania, Mauritius, Senegal, Sri Lanka and Trinidad and Tobago; (ii) dispatch of experts to Argentina, Cambodia, Dahomey, Ivory Coast and Mauritania.

19. The delegations of Australia, Germany (Federal Republic of), India and the United States of America, together with the observers from Canada, the Congo, Hungary and the Soviet Union congratulated Unesco on its implementation of this programme. They further addressed their thanks to the national copyright offices as well as to national and international organizations who were willing to collaborate with Unesco in this field by receiving scholarship holders.

20. The observer from the Congo mentioned that the competent authorities of its country had benefited from Unesco's assistance when drafting the national copyright legislation presently before Parliament.

21. The delegation of India requested that cooperation between Unesco and WIPO Secretariats in this field be strengthened.

22. The delegations of Australia and Mexico, together with the observers from Canada and the Soviet Union, whose Governments had not yet been associated with this programme, offered their cooperation.

23. The observers from the International Confederation of Societies of Authors and Composers

(CISAC) and the International Federation of Producers of Phonograms and Videograms (IFPI) stressed the importance attached by their organizations to this programme and hoped that existing collaboration in this field between themselves and Unesco could be extended.

Other business

24. The Committee took cognizance under this item of the communication from the Government of Austria, received by the Secretariat on August 7, 1975, requesting the Intergovernmental Committee to be so kind as to inform Governments of public sessions in good time.

[For paragraphs 25 to 123, see paragraphs 23 to 121 of the report on the ninth session (3rd extraordinary) of the Executive Committee of the Berne Union in the February 1976 issue of this review (pp. 42 to 53).]

Date and place of the next session

124. The representative of the Director-General of Unesco recalled that, in the absence of a formal invitation from a State, the Intergovernmental Copyright Committee and the Executive Committee of the Berne Union held their sessions alternately at the headquarters of their respective Secretariats. Consequently, she suggested that the next sessions be held at Unesco Headquarters in Paris, preferably at the end of 1977. This proposal was adopted unanimously.

Adoption of the report

125. In the absence of Mr. Larrea Richerand and Mr. Kerever, Chairman and Vice-Chairman of the Committee respectively, and since Mr. Spaić, also Vice-Chairman of the Committee, was unable to preside the session on Tuesday, December 16, the Committee, on the proposal of the Delegation of the United Kingdom, supported by the Delegations of Argentina and France, elected Mrs. Elisabeth Steup (Federal Republic of Germany) Chairman of the meeting.

126. The Committee unanimously adopted this report.

Closing of the session

127. The Chairman then declared the session closed.

Calendar

WIPO Meetings

1976

- 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 (Lausanne) — 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, Lisbon, 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 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 7 to 17 (Paris) — Berne Union — Committee of Governmental Experts on the Double Taxation of Copyright Royalties**
Note: Meeting convened jointly with Unesco
- December 13 to 17 (Geneva) — Nice Union — Committee of Experts**

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- 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: October 12 and 15

Technical Steering Committee: November 17 to 19

Committee of Experts on International Cooperation in Examination: November 16

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 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)

Technical Working Party for Vegetables: September 21 to 23 (Cambridge - United Kingdom)

Meetings of Other International Organizations concerned with Intellectual Property

1976

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

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

May 31 to June 2 (Vienna) — International Federation of Producers of Phonograms and Videograms — Ordinary General Meeting

June 14 and 15 (Paris) — Licensing Executives Society (LES) — Conference on new forms and new problems for international transfers of technology

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 13 to 17 (Vienna) — International Federation of Actors — Congress

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

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January 17 to 21 (Strasbourg) — Council of Europe — Legal Committee on Broadcasting and Television

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)