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Berne Union

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

Twelfth Session (4th extraordinary)
(Paris, November 28 to December 6, 1977)

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 Unesco headquarters in Paris from November 28 to December 6, 1977.

2. Fifteen out of the seventeen States members of the Committee were represented: Argentina, Australia, Austria, Belgium, Canada, Hungary, India, Italy, Ivory Coast, Mexico, Morocco, Poland, Spain, Switzerland, Tunisia.

3. The following States members of the Berne Union were represented in an observer capacity: Brazil, Cameroon, Central African Empire, Chad, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Holy See, Israel, Japan, Lebanon, Mauritania, Netherlands, Norway, Pakistan,

Portugal, Romania, Senegal, Surinam, Sweden, Thailand, Togo, United Kingdom, Zaire (30).

4. Since the Committee held some of its meetings jointly with the Intergovernmental Copyright Committee established under the Universal Copyright Convention, the representatives of Algeria, Andorra, Cuba, Ecuador, Ghana, Guatemala, Iran, Iraq, Nigeria, Panama, Soviet Union, United States of America (12), who participated in the current session of the said Intergovernmental Copyright Committee, also attended the meetings of the Committee.

5. Four intergovernmental organizations and 22 international non-governmental organizations were represented by observers.

6. The list of participants is annexed to this report.

7. In the absence of the Chairman, Miss Liliane Marie-Laure Boa (Ivory Coast), on the first day, the session was opened by the Vice-Chairman, Mr. Felipe Remolina Roqueñi (Mexico). The Chairman, Miss Boa, however, presided over the proceedings from the day following the opening.

Part I: Items concerning the Committee alone

Adoption of the Agenda

8. The Committee adopted the agenda proposed in document B/EC/XII/1.

Developments Regarding the Paris Act (1971) of the Berne Convention

9. The Secretariat informed the Committee that in addition to the 37 States indicated in document B/EC/XII/2 as having deposited instruments of ratification or accession to the Paris Act, Malta had on September 12, 1977, notified its accession effective from December 12, 1977; and the German Democratic Republic had notified on November 18, 1977,

of its accession which would become effective on February 18, 1978. The delegation of Australia announced it had deposited its instrument of adherence to the Paris Act with the Director General of WIPO on November 28, 1977. The number of States having ratified or acceded to the Paris Act has therefore risen to 40.

Legal and Technical Assistance to States

10. The Committee noted the information concerning the activities of the International Bureau of WIPO in connection with legal and technical assistance to States (document B/EC/XII/3).

11. The Deputy Director General of WIPO particularly pointed out that the WIPO Conference, upon the advice of the Assembly and the Conference of Representatives of the Berne Union, had established, at its session in September/October 1976, the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights, and set up a Permanent Committee (Copyright), to plan and review the Permanent Program. Since the circulation of the document B/EC/XII/3, two more States, Egypt and the German Democratic Republic, had informed the Director General of their desire to be members of this Permanent Committee. The number of States members of this Committee had thus increased to 37.

12. The Deputy Director General of WIPO recalled that special importance was being given to the training component of the assistance program. The number of fellowships granted in the field of copyright and neighboring rights had been increased in 1977 to 12, one each from Bolivia, Costa Rica, Ghana, India, Mali, Mexico, Morocco, Rwanda, Senegal, Syria, Zaire, and one from the Palestine Liberation Organization (PLO). For the purpose of evaluation each trainee had to write a report at the end of the training course. The International Bureau will send each trainee the review *Copyright* for at least one year, in order that trainees may keep abreast of international activities in the field.

13. The Deputy Director General of WIPO also mentioned that the training program had been enlarged in 1977. Representatives of the European Broadcasting Union (EBU), the International Confederation of Societies of Authors and Composers (CISAC), the International Federation of Producers of Phonograms and Videograms (IFPI), and the International Publishers Association (IPA) had participated and kindly delivered lectures at the trainee symposium held in Geneva in November 1977. The Deputy Director General of WIPO thanked them for their unstinted cooperation, as also the offices, institutes and institutions concerned in Hungary, Mexico, Switzerland, the United Kingdom and the United States of America, which had indicated their willingness to receive the trainees. The Secretariat further pointed out that through their kind cooperation the Governments of Hungary, Mexico and the United Kingdom had contributed by the grant of a subsistence allowance to the copyright trainees they received; and that the Max-Planck Institute for Foreign and International Patent, Copyright, and Competition Law (Munich) has offered to undertake training of scientists from developing countries in the field of copyright.

14. The Deputy Director General of WIPO also thanked the Government of Morocco for the assistance which enabled holding of a regional seminar on copyright for Arab States in Rabat in May 1977; mentioned the important meeting on copyright organized at São Paulo in June 1977 by the Inter-American Copyright Institute (IIDA) with the assistance and help of the World Intellectual Property Organization (WIPO), and which was attended by over 100 specialists from Latin American countries and the United States of America; as also the assistance given by the International Bureau of WIPO to the African Intellectual Property Organization (OAPI) in drafting a regional convention on copyright based on the Model Law adopted at Tunis and which is now appended to the revised text of the Libreville Agreement.

15. Finally the Deputy Director General of WIPO referred to the Guide to the Berne Convention prepared, at the suggestion made by the delegation of India at the last extraordinary session of the Executive Committee of the Berne Union, by Mr. Claude Masouyé, Director of the Department of Copyright and Public Information of the International Bureau of WIPO (document B/EC/XII/15) which has been submitted to the Committee for information, and indicated that the Director General of WIPO proposed to publish this after getting the opinion of some consultants. As regards the preparation of a Glossary it was indicated that this is under way.

16. A number of delegations expressed satisfaction with, and appreciation of the steps taken by the International Bureau of WIPO in the field of technical assistance.

17. The delegations of India and Morocco, and the observers from Algeria and Ghana thanked the International Bureau of WIPO for the assistance they had received in the matter of training of their personnel; the delegation of Morocco and the observer from Algeria also thanked the authors' associations which had helped in providing the necessary training.

18. The delegation of India further indicated that their trainees had benefited greatly from the training programs; it also thanked WIPO for the offer of a fellowship to a university professor for studying course and curriculum content in order to enable commencing a course on copyright law in the law faculty of an Indian university; it expressed the view that provision of opportunities of this nature to nationals of various countries was a thoughtful and far-sighted step on the part of the International Bureau of WIPO, and helped to broaden the avenues of co-operation; it indicated its willingness to consider receiving WIPO trainees in copyright if and when any such sponsorship was made.

19. The Deputy Director General of WIPO thanked the delegation of India for the offer to receive WIPO trainees.

20. The observer from Cameroon congratulated the International Bureau of WIPO for help given to developing countries through fellowships and technical assistance in the matter of commencement of courses at university level in the field of copyright law.

21. The observer from the United States of America considered the training program as a most valuable effort. It helped both the recipient as also those who came in contact with them during the course of imparting training; she offered assistance in expanding this program, and suggested that while secondment of trainees so far had been on a linguistic basis, it might be as useful to send them for training to countries outside the normal linguistic fold.

22. The observer from France felt that it was necessary to carefully select trainees; that if the trainees were sent to other language areas than their own, while this might be useful in imbibing ideas from other systems, mastery of another language would be necessary.

23. The delegation of Morocco felt that interpreters were available and that interlingual diversification of training should be useful. It, however, stressed the need for assistance in creating and strengthening infrastructural facilities in developing countries for copyright protection.

24. The observer from the Federal Republic of Germany felt that one possible way to assist trainees seconded to areas beyond their linguistic regions, which would present linguistic difficulties, was to look for training institutions with multilingual personnel where lectures could perhaps be given in the language of the trainee.

25. The observer from Nigeria felt that while diversification of the training program might be of some advantage, it will increase costs through utilization of interpreters; the whole matter should therefore be carefully examined in all its ramifications before departing from the existing criterion of secondment of trainees to various institutions on a linguistic basis.

26. The observer from the International Federation of Producers of Phonograms and Videograms (IFPI) stated that it had received a number of trainees from developing countries. It had also learnt in the process and would be willing to subscribe financially to this program. In view of the suggestion for crossfertilization of systems, he would suggest, for example, that trainees from English-speaking countries be seconded to their regional set-up in, for instance, a Spanish-speaking area.

27. The observers from France, Germany (Federal Republic of) and Israel expressed satisfaction at the creation of the WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights, and felt this was an important development.

28. The observer from Czechoslovakia announced the desire of his country to be a member of the Permanent Committee (Copyright and Neighboring Rights).

29. The delegation of India expressed its gratitude that arising out of the suggestion of its delegate at the last meeting, WIPO had prepared a Guide to the Berne Convention, which would be of much assistance to developing countries.

30. The observers from France, Germany (Federal Republic of) and Israel expressed satisfaction at WIPO's efforts in compiling this Guide, which they felt would be a very useful publication; the observer from the Federal Republic of Germany wanted to express her appreciation also to Mr. William Wallace who, as consultant, had helped in establishing the English translation of this Guide.

31. The delegation of Mexico inquired if this Guide would be published in Spanish. The Secretariat informed the Committee that the Guide will be available in 1978 in English and in French. Its publication in other languages would be taken up in due course.

32. The observer from Portugal expressed the hope that the Portuguese version of the Tunis Model Law would be published soon. He also stated that Portugal wished to organize a seminar on copyright for Portuguese-speaking countries.

33. The observer from the International Confederation of Societies of Authors and Composers (CISAC) felt that the program of legal and technical assistance to developing countries was an important one; he stressed the need for the respective infrastructural facilities in order to ensure effective copyright protection.

34. The observer from the International Publishers Association (IPA) expressed pleasure in collaborating in the legal and technical assistance program of the Organization; he felt that one often spoke of a new economic order, and that this should manifest itself at the practical level; in exchanges between developing and developed countries it was no more a question of finalizing a contract, but of assisting in contacts being easily established, and through these in assisting the new countries in setting up the necessary structures, as these are lacking.

35. The Deputy Director General of WIPO expressed satisfaction at the considerable interest expressed by the Committee in these activities of the Organization and the particular stress by some delegates and observers on the improvement and strengthening of the infrastructural facilities, and wished to point out that WIPO's program and budget for 1978 provided for assistance and support to national authors, by undertaking a study of the arrangements which exist in the field of copyright and neighboring rights for national authors of literary and artistic (including musical) works. This program also called

for updating of the model statute of authors drawn up in 1969 to meet the needs of African countries and broad-basing it so as to provide a universal model. The Deputy Director General of WIPO further stated that WIPO had requested Unesco to cooperate and coordinate with it in this program, which is expected to get under way by the beginning of December 1977, and hoped that with its cooperation and response at the national level, it should be possible to set up and/or strengthen the necessary infrastructure for the purpose.

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

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

36. The Committees noted the information concerning the development of the Rome Convention (document B/EC/XII/4-IGC(1971)/II/8). They were also informed by the Secretariats that with the kind cooperation of the Government of Thailand, an Asian/Pacific Seminar on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations had been convened in Bangkok by the Directors General of the three Organizations forming the Secretariat of the Rome Convention from October 25 to 28, 1977. Participants in the Seminar were experts nationals of nine Asian and Pacific countries. In addition, 21 observers from 10 States, as well as observers representing six international non-governmental organizations attended the Seminar. A document detailing the recommendations adopted at this Seminar was being presented to the Intergovernmental Committee of the Rome Convention at its meeting in Geneva scheduled for December 7 to 9, 1977.

37. The delegation of Belgium stated that its country's accession to the Rome Convention was being considered and that the procedure for this was under way.

38. The delegation of India mentioned that joining the Rome Convention had been under the consideration of its Government; recently this matter had been gone into in detail with the assistance of the World Intellectual Property Organization (WIPO), and of the International Federation of Producers of Phonograms and Videograms (IFPI), and the delegation thanked them for their help in this connection; it informed the Committee that steps were under way for amending the national copyright law to provide also for protection of the rights of performers, and as soon as this amendment was made the country would be in a position to join the Rome Convention.

39. The observer from Israel stated that in principle his Government had taken a decision to join the Rome Convention, but this had to await passing of the necessary amending legislation.

40. The observer from Norway also indicated that her Government was proposing the ratification of the Rome Convention during this parliamentary year.

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

41. The Committees noted with satisfaction the developments regarding the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms (Phonograms Convention).

42. The delegation of Belgium mentioned that action was being taken for its country's accession to the Phonograms Convention.

43. The observer from Israel announced that the Government of Israel had, on November 27, 1977, approved accession to the Phonograms Convention and that the relevant instruments to this effect would be deposited shortly.

44. The observer from Japan stated that his Government was taking preparatory action for adherence to the Phonograms Convention.

45. The observer from Norway indicated that Norway was also intending to join the Phonograms Convention during this parliamentary year.

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

46. The Committees noted the information in document B/EC/XII/6-IGC/(1971)/II/10 concerning the

development of the Convention, in particular the fact that, since its adoption, four States had deposited their instruments of ratification or accession and that the Convention would enter into force three months after the fifth instrument had been deposited.

47. The observer from the Federal Republic of Germany informed the Committees that the procedure for her country's ratification of the Convention was under way. The delegation of Italy stated that a number of legislative measures had already been taken with a view to ratifying the Convention. The delegation of Austria informed the Committees that its country's legislation had to be amended slightly in order to allow for the ratification of the Convention and that appropriate measures were being taken. The delegation of India stated that its Government was giving close attention to the question of accession to the Convention.

48. The observer from the United Kingdom stated that his Government was not contemplating accession to the Convention, as it considered that its field of application was covered in the main by the Rome Convention, to which the United Kingdom was already a party.

49. The Secretariats informed the Committees that in order to facilitate the application of the Convention and to promote accession to it, they were intending to convene in April 1978 a working group to prepare guidelines which would take into account the various ways and means whereby States could fulfill the undertaking provided for by the Convention (copyright, penal provisions, administrative provisions).

50. The delegation of Mexico raised the question of whether it might not be appropriate for the Intergovernmental Committee of the Rome Convention to make a statement on the compatibility of the provisions of that Convention with those of the Satellites Convention.

51. The observer from the International Labour Office (ILO) drew the Committees' attention to the fact that the provisional agenda of the next session of the Intergovernmental Committee responsible for administering the Rome Convention contained an item relating to the Satellites Convention.

52. The observer from the United States of America welcomed the Secretariats' move to convene a working group to establish guidelines for the application of the Convention, in which her Government was taking a close interest. The observers from Germany (Federal Republic of) and the United Kingdom, as well as the observer from the European Broadcasting Union (EBU), also expressed their keen appreciation of this initiative and supported the idea of a consulta-

tion with the Intergovernmental Committee of the Rome Convention. The delegation of Mexico and the observer from the Federal Republic of Germany, as well as the observer from the European Broadcasting Union (EBU) stated that they were convinced of the compatibility between the Rome Convention and the Satellites Convention.

Model Law on Copyright for Developing Countries

53. The Secretariats drew the attention of the Committees to the information concerning the Tunis Model Law on Copyright for Developing Countries (document B/EC/XII/7-IGC(1971)/II/11).

54. Mr. Rafik Saïd, delegate of Tunisia, who was Chairman of the Committee of Governmental Experts that met in Tunis from February 23 to March 2, 1976, to adopt the Model Law, mentioned by way of introduction, the basic features of this Model Law; its compatibility with the 1971 Paris texts of the Berne Convention and the Universal Copyright Convention; that the Model Law had taken into account various viewpoints; that it was a model which could be universally used by all countries who could adopt or adapt it in the light of their own national requirements.

55. The observer from Senegal stated that a certain number of countries had taken into account the Tunis Model Law while considering their legislations, so was the case with the African Intellectual Property Organization (OAPI) which had also adopted their copyright legislation based on the Tunis Model Law and the universal application of this Model Law had been more recently confirmed in the recommendation emerging out of the Seminar on Copyright for Arab Countries convened in Rabat in May 1977 by Unesco and WIPO in cooperation with the Arab Educational, Cultural and Scientific Organization (ALECSO), which expressed the view that the Tunis Model Law on Copyright constitutes a basic document of considerable value to national legislators.

56. The Deputy Director General of WIPO stated that the African Intellectual Property Organization (OAPI) had asked for the assistance of WIPO for the establishment of their copyright convention, which had been based, as the observer from Senegal said, on the Tunis Model Law.

57. The delegation of Mexico stated that on the occasion of the First Continental Conference on Copyright and First Brazilian Congress on Copyright organized in São Paulo in June 1977 by the Inter-American Copyright Institute (IIDA) with the assistance of WIPO, the Mexican delegation had proposed convening by Unesco and WIPO of a seminar consisting of Latin American experts, to consider, in the context of the circumstances of the

Latin American countries, the harmonization of the criteria of their copyright laws within the overall provisions of the Tunis Model Law. It had repeated this suggestion at the meetings of the Governing Bodies of WIPO in Geneva at the end of September 1977, and had offered to host this meeting of experts in Mexico in 1978; the Director General of WIPO had welcomed this proposal and stated that since this meeting would be jointly organized with Unesco, a final decision would have to await Unesco's attitude on the matter. The delegation of Mexico, therefore, now wished to take this opportunity of the meeting of the Intergovernmental Copyright Committee to make the same proposal for the consideration of the Secretariat of Unesco.

58. The Deputy Director General of WIPO stated that the Director General of WIPO has already accepted the proposition of Mexico to have such a meeting of experts, and would convene, jointly with Unesco if that Organization so agreed, this meeting to study a possible harmonization of laws in the context of the Latin American situation, on the basis of the provisions of the Tunis Model Law.

59. The representative of the Director-General of Unesco indicated that the latter was considering in the framework of preparation of the programme and budget of Unesco for 1979-1980 the necessary measures in order to convene this meeting jointly with WIPO; and while this is agreed to in principle it will have to be submitted to the General Conference of Unesco which will meet in 1978.

60. The observer from the International Confederation of Societies of Authors and Composers (CISAC) wanted a clarification from the Secretariats of Unesco and WIPO on the possible follow-up action they proposed if and when a request is made to them, on the basis of the recommendation of the Union of National Radio and Television Organizations of Africa (URTNA), adopted at its General Assembly in Dakar in January 1977, which envisaged the Tunis Model Law on Copyright being reexamined at a seminar to be organized by WIPO and Unesco with a view to its adaptation to the realities of Africa.

61. The Deputy Director General of WIPO stated that the Director General of that Organization had received a communication of the decision of URTNA, and indicated that if a member Government submitted a request to the International Bureau of WIPO for the convocation of such a seminar, the Governing Bodies of WIPO and the Committees would be informed of it, and action would be taken as indicated by them. So far, however, WIPO had received no such request.

62. The representative of the Director-General of Unesco expressed the view that the first question to

consider if a revision of the Model Law was proposed was as to how it was possible for a text adopted by a committee of governmental experts who were not there in a personal capacity but as representatives of government to be revised by a group meeting at a seminar and giving advice in a personal capacity.

63. The Deputy Director General of WIPO stated that as already indicated it was difficult to anticipate what form such a request would take, and if and when at all such a request is made as to whether it would lead to the convening of a seminar or a committee of governmental experts or a working group, or just a meeting for providing information and clarification about the Model Law. However, if and when such a request was received, the Governing Bodies and the Committees would be informed of it.

64. The Chairman stated that the committee of experts had, with a great deal of effort, reached an agreement at Tunis, and the fair balance of interests kept in the Model Law should not be disturbed.

65. The delegation of Morocco and the observers from Cameroon and Israel, felt that a Model Law adopted after much debate by a committee of governmental experts with the necessary powers should not be considered for a revision. The delegation of Morocco felt that it would be understandable to convene a meeting or seminar to provide information on the Model Law but that its revision could not be envisaged at the mere request of a non-governmental organization or even of a State. The Model Law had already been discussed at seminars, for instance at Rabat, and accepted as a good basis for elaboration of a new national law or for amending an existing one; the Model Law provided the minimum protection necessary for the authors.

66. The observer from Senegal felt that for the sake of clarity, and before the Committees took a stand on this matter, it would be advisable to invite the representative of URTNA to explain its point of view.

67. The observer from URTNA explained that since its organization in 1962 it had never adopted any resolution or recommendation that would go against the interests of authors. The situation in Africa in particular is that the interests of authors and those of broadcasting organizations are not mutually contrary; indeed they are complementary. To give concrete examples, in Tunisia and Algeria the cooperation and collaboration between broadcasting organizations, which are State-owned, and the society of authors, is perfect. In the circumstances, the observer from URTNA said he felt concerned at the direction the discussions on this matter were taking after hearing the statement of the observer from CISAC, as though there was an opposition between the

interests of the broadcasting organizations and the societies of authors in Africa. If there is such opposition, it is not in Africa, but may be in developed countries. Before coming to the present meeting, the observer from URTNA explained that he had spoken to the Secretary General of URTNA, and explained that at their last General Assembly in Dakar they did talk about the Tunis Model Law, and would like to congratulate the experts who framed this Model Law, providing for a balancing of interests. During the General Assembly in Dakar there was not a very good understanding of this Model Law; a wish was expressed that the two Organizations, Unesco and WIPO, convene for the broadcasting organizations, members of URTNA, a seminar during which some lectures could be delivered on certain points of concern for the broadcasting organizations. URTNA has never stated that the interests of African countries have not been protected, nor was it within its competence, directly or through a national authority, to ask for the convening of a meeting for the revision of the Tunis Model Law; besides, the governmental experts are not likely to say something different from what was stated earlier by them. Nevertheless the broadcasting organizations had some reservations in respect of the Model Law, but as the Legal Counsel of URTNA, the observer stated that in his opinion the Model Law being a model, each country was free to adapt it to its own specific requirements.

68. The observer from Senegal expressed satisfaction at this clarification, and desired it be reflected in detail in the report.

69. The Deputy Director General of WIPO thanked the observer from URTNA for his statement, and reiterated that from the beginning WIPO's stand on this matter had been quite clear in that any request if and when received from a Government or Governments would, as in fact is customary, be submitted to its Governing Bodies and Committees; and that meanwhile it was impossible for it to take any position. However, with the further clarification of the observer from URTNA the debate might be considered as closed.

70. The Chairman in conclusion stated that before deciding on requests when received pertaining to documents such as the Model Law on Copyright, he would request Unesco and WIPO to get the opinion of the Copyright Committees before a final decision.

71. The delegation of the Ivory Coast recalled during the adoption of this report that it was not present during the discussion on this item of the agenda. It did not take part in the discussion provoked by the observer from CISAC during which the Committees gave their opinion on a resolution adopted by the General Assembly of URTNA, an African non-governmental organization whose mem-

bers are all governmental bodies, which resolution had erroneously been interpreted as a request for a revision of the Tunis Model Law. The delegation of the Ivory Coast was thus not able to make known the position of its Government, as was done by certain delegates and observers during this discussion, and has consequently requested that this statement be included in this report.

**Implementation of the Revised Paris Texts of 1971
of the Berne Convention and of the Universal
Copyright Convention in Respect
of their Application to Developing Countries**

72. The Secretariats reported on the results of the survey which, at the request of the Committees, following a memorandum submitted by the delegation of Mexico at the 1975 sessions, they had conducted among the States party to the Berne Convention and to the Universal Copyright Convention, concerning the implementation of the revised Paris texts of 1971 of the two Conventions in respect of their application to developing countries (document B/EC/XII/8-IGC (1971)/II/12).

73. The delegation of Mexico recalled its position at the previous sessions of the Committees, namely, that the revised Paris texts of 1971 of the Copyright Conventions did not meet the needs of developing countries such as Mexico which had a fairly large publishing infrastructure and also carried out considerable activities in the field of education. In its view, the license systems envisaged in those two Conventions for the benefit of developing countries were meeting with an increasing number of obstacles. In Mexico, for instance, the competent authorities had only been able to grant licenses in a limited number of cases. Moreover, the spirit which had prevailed over the 1971 revision of the Conventions and which had inspired all the developed countries represented at the Paris Conferences had not yet been followed by practical measures. The developing countries were encountering much difficulty in obtaining licenses for the translation and reproduction of the works which they required, particularly in the field of education, and the delegation of Mexico quoted a whole series of examples of requests which had remained unanswered. Moreover, the developing countries were not yet benefiting from services providing systematic information on works which could be useful to them, and the International Copyright Information Centre was having difficulty in collecting the necessary information from the industrialized countries. The delegation of Mexico regretted that the industrialized countries for the most part had considered that they did not need to reply to the questionnaire sent to them by the Secretariats and that the questionnaire had not included questions on the measures taken by those countries to facilitate, in accordance with the spirit of the revised

Conventions, access by developing countries to the works which they required (establishment of information systems, rapid granting of licenses). The delegation of Mexico concluded by drawing the attention of the Committees to the risk that the developing countries might lose interest in the revised texts of the Conventions if they were not more effectively applied.

74. The delegation of India, while appreciating the interest shown by the Committees and the Secretariats in the examination of the question and while considering that the 1971 revisions of the texts represented an undeniable step forward, stated that it shared the views of the Mexican delegation concerning the obstacles encountered by developing countries who were seeking to derive practical benefit from the advantages offered by the revised texts and to gain access to works, in accordance with the spirit in which the texts had been revised. It considered that the questionnaire sent out to States did not bring out the difficulties arising in developing countries and expressed the hope that the study which should continue would deal with the question as a whole, particularly the administrative, financial and legislative measures which should be taken to make the facilities offered operational. The delegation of India pointed out that the law on copyright in its country had not yet been amended to include the provisions concerning compulsory licenses and it stressed once again the urgent need for further study of the problem as a whole.

75. The observers from Germany (Federal Republic of), the Netherlands, the United Kingdom and the United States of America stated that their Governments had, in fact, considered that the questionnaire sent out by the Secretariats concerned only problems encountered by the developing countries and accordingly had not replied to it.

76. The observer from France referred to the reply of his Government to the questionnaire whereby, according to the French constitutional system, the developing countries availing themselves of the provisions of the revised texts could apply the license systems provided for therein with regard to works by French nationals.

77. The observer from the Federal Republic of Germany stated that, following the memorandum submitted by the delegation of Mexico during previous sessions of the Committees, it had carried out a survey, addressed particularly to its country's national copyright information center, from which it transpired that as far as works originating in that country were concerned, none of the problems raised by the delegation of Mexico had arisen, the national center never having received any request for information from the developing countries concerning works

available in a given field or any request concerning a specific work. The observer would in any case like to know of any instances in which any request had not been dealt with and added that the results of the aforementioned survey did not mean that there could not be some difficulties with publishers having a wide range of work going beyond their own frontiers.

78. The delegation of Italy stated that as soon as the revised Conventions had been ratified by its country — a process already under way — information would be transmitted to the appropriate quarters concerning the application of those Conventions. It recalled that a national copyright information center had been set up in Italy, for the purpose of ensuring the practical application of the Conventions' provisions in accordance with the spirit of the Conventions. It suggested that a fuller questionnaire should be prepared and sent to States in order to obtain a precise picture of the issues involved.

79. The observer from the United Kingdom welcomed the fact that the delegation of Mexico had given examples of the difficulties encountered with British publishers and offered to examine the specific problems that had arisen. He recalled that the United Kingdom had been one of the first countries to ratify the revised texts and it was anxious that they should be effectively applied. He stated that during the last three years many contracts had been concluded with publishers in the developing countries, particularly India and Mexico, but problems that still existed should be carefully studied.

80. The observer from the Soviet Union stressed the importance of the problem raised by the delegation of Mexico, and in order that the practical effectiveness for the developing countries of the provisions included in the revised Conventions for their benefit might be assessed, asked that the studies concerning this question be pursued. He stated that Soviet legislation provided the developing countries with particularly favorable conditions for the translation and reproduction of Soviet works and that the Soviet Union had concluded bilateral cooperation agreements with some of those countries. Provisions in those agreements included the obligation for the Soviet Union to provide full information concerning its publications. He pointed out, lastly, that the Soviet Union was in the process of examining formal recognition of the application of the provisions of the Universal Copyright Convention as revised in 1971, in accordance with its Article IX, paragraph 4.

81. The observer from the United States of America considered that problems of application of the revised Conventions had arisen for the authorities in the developing countries and that that situation should be remedied. It was, indeed, for that reason that the

International Copyright Information Centre had been set up, and the Centre had proved itself extremely useful in that connection. She stated that a copyright information center had been set up in the United States for the private sector, and, as regards the public sector, the United States Congress had just established a Book Center in the Library of Congress. The observer from the United States of America supported the suggestion that a new questionnaire should be prepared which would seek to highlight the problems involved both in the developed and in the developing countries. It was, indeed, not clear to whom potential users of works in the developing countries should apply to obtain the information and licenses they needed: should they contact the International Copyright Information Centre at Unesco, the publishing house directly, or the national information centers? In addition to this new questionnaire, the observer from the United States of America proposed that a working group be convened exclusively to study these problems.

82. The delegation of Hungary recalled that it had expressed doubts at the Committees' 1975 sessions concerning the efficacy of the revised texts of the Copyright Conventions as regards the developing countries and suggested that a survey be carried out into the experience of those countries as a whole in that respect. It had also proposed the establishment of a fund for the remuneration of copyright holders when works were used by the developing countries, for it considered that the problems encountered were also of an economic kind. This delegation reiterated its proposal and supported the statement by the delegation of Mexico concerning the responsibilities of the developed countries in that field.

83. The observer from Israel considered that many developed and developing countries were not properly informed of the possibilities offered by the revised texts or of their implications, despite the work carried out by the Secretariats for that purpose. He, therefore, supported the proposal of the observer from the United States of America for the convening of a working group to study the problems of application raised by the texts, particularly those of an economic nature.

84. The observers from Algeria, Germany (Federal Republic of), the Netherlands and Senegal also supported the proposal of the observer from the United States of America for the convening of a working group.

85. The observer from the Netherlands, while granting that there might be problems in the practical application of the Conventions, stated there was not, as yet, a national copyright information center in the Netherlands as the need for one had not been felt.

86. The observer from Senegal stated that his country had not availed itself of the specific provisions

included in the Conventions for the benefit of the developing countries because of scepticism as to the practical effectiveness of these provisions. He stressed the particularly important role that the Unesco International Copyright Information Centre and the national centers in the developed and the developing countries should play in that connection.

87. The observer from Algeria considered that in many cases the problems facing the developing countries in this field were of a material kind (absence of infrastructures for printing and publishing, amount of royalties demanded by copyright holders). He, therefore, supported the proposal by the delegation of Hungary for the creation of an international fund for payment of copyright fees owed by the developing countries.

88. The observer from Cameroon considered that the problems encountered by the developing countries concerned, in the main, the technical facilities for the reproduction in their own countries of the works they needed.

89. The observer from the International Publishers Association (IPA) said that every year, thousands of contracts were concluded between publishers in industrialized and developing countries, and the publishers concerned were endeavoring to adapt their organizational framework to the many demands made upon them. He felt that the International Copyright Information Centre had an essential role to play in this field and would have to deal with an increasingly large number of requests. He suggested that the Centre should have an information bureau at major book fairs. He told the Committees that some publishers were planning to computerize all information about the rights relating to titles to be published by them in the future, and he was of the opinion that the Centre should be associated with these programs or launch similar programs to assist developing countries.

90. In reply to various questions put to him by delegations and observers, the Chief of the International Copyright Information Center explained to the Committees what the Centre was doing in a practical way to further access to protected works.

91. The Deputy Director General of WIPO, recalling that the International Bureau of WIPO had shared the preoccupations expressed by the delegation of Mexico at the 1975 sessions and that it had reached the conclusion that an overall study should be made of the problems facing developing countries in respect of access to protected works, said that WIPO's program and budget for 1978 consequently made provision for such a study and for the convening of a working group for the purpose, in accordance with the proposals of several delegations. The study to be carried out should not only

take account of the efforts to be made in order to ensure that the revised texts of 1971 were actually applied, but also cover the practical problems encountered by developing countries and devise realistic solutions to them. She pointed out how difficult it was in that respect to lay down clear and precise limits between the legal aspect and what was of a purely practical nature. She said that Unesco had to date agreed to act jointly with WIPO only with regard to the convening of the working group to examine the legal difficulties raised by access to protected works. Regarding the practical difficulties, Unesco considered that that part of the study would overlap with the activities of the International Copyright Information Centre. WIPO thereupon proposed to Unesco that the two Organizations pool their efforts in that area and in future administer the Centre jointly. Negotiations on this subject are continuing.

92. The Deputy Director General of WIPO concluded by stating that the Committees were required to decide on the nature of the study to be carried out and on the terms of reference of the working group to be set up, with due regard for the practical proposals submitted by the delegations of India, Italy and Mexico and the observers from Germany (Federal Republic of) and the United States of America, namely, that an overall study should be undertaken of the problems posed for the developing countries by access to protected works, dealing with the application of the revised texts of 1971 and with practical arrangements which would assist such application. For this purpose, a more detailed questionnaire should be drawn up, and the working group should be convened as soon as possible, WIPO being ready for its part to implement the recommendations of the Committees.

93. The observers from Algeria, France, Germany (Federal Republic of) and Senegal approved those conclusions. The observer from France also expressed the hope that the initiation of such a survey would not be subject to the settlement of administrative questions, but that the work would be undertaken as rapidly as possible so as not to disappoint the expectations of the developing countries. The observer from Algeria added that the terms of reference of the working group should include an in-depth examination of the machinery for access to protected works and the search for solutions of an essentially practical nature. The observer from the Federal Republic of Germany, referring to the membership of the working group, suggested that it should be composed not only of copyright experts but also of persons responsible for the national copyright information centers and other specialists who could give the working group the benefit of their practical experience.

94. At the suggestion of the Chairman of the Berne Union Executive Committee, who had presided over the discussions on this item of the agenda, the Committees then adopted these conclusions, in particular as concerns the nature of the study to be carried out and the terms of reference of the working group.

95. During the discussions held later on the national copyright information centers, over which the Chairman of the Intergovernmental Copyright Committee had presided, the representative of the Director-General of Unesco, replying to questions raised by the observers from Germany (Federal Republic of) and from the United States of America, concerning the membership and the terms of reference of the working group respectively, said that in the case of a meeting convened jointly by the Directors General of Unesco and WIPO, its membership would be jointly agreed on by the two Secretariats. Insofar as the terms of reference of the working group related to the application of the revised texts of 1971 of the Universal and Berne Conventions, it was the opinion of the Secretariat of Unesco that persons responsible for copyright matters in their respective countries should be invited to participate. Nevertheless, national copyright information centers which might provide the working group with information on certain practical aspects could be invited to participate in accordance with a suitable procedure still to be determined. He said that Unesco and WIPO would examine jointly the implementation of any recommendations made by the working group concerning application of the revised Conventions, i. e., concerning the legal aspects of access to protected works by developing countries. Other recommendations made by this working group which might relate to the fields of competence of the International Copyright Information Centre, i. e., the practical aspects raised by access to those works, such as the exchange of information, should, of course, be made to the Centre itself. The Centre would then consider the possibility of taking joint action with WIPO on such recommendations as might fall within the competence of the two Organizations.

96. The Chairman (of the Intergovernmental Copyright Committee) thanked the Secretariat of Unesco for its clarifications, which dispelled any doubts concerning appropriate procedures to be followed by the joint Secretariats and invited the Secretariats to make the initial preparations for the meeting of the working group scheduled, according to its indications, for 1978.

97. In the course of the adoption of this report, the Chairman of the Berne Union Committee drew attention to a possible confusion that, in her view, might exist between the texts of paragraph 94, on the

one hand, and paragraphs 95 and 96, on the other hand. During the discussion on this matter, the delegation of India, the observers from Algeria, France, Nigeria, Senegal and the United States of America and the representatives of Unesco and WIPO made statements. At the close of their deliberations on this subject, the Committees maintained the text of paragraph 94 and decided to take note of the statements of the representative of the Director-General of Unesco and the Chairman of the Intergovernmental Copyright Committee.

Problems Arising from the Use of Electronic Computers

98. The discussion of this item was on the basis of two documents, namely, document B/EC/XII/9-IGC (1971)/II/13 on storage and retrieval of protected works, to which was annexed a report by Professor Eugen Ulmer, and document B/EC/XII/10-IGC (1971)/II/14 on the role of computers in the creation of works, together with its annexure consisting of a paper contributed by the National Commission on New Technological Uses of Copyrighted Works (CONTU) of the United States of America, on its activities in the field.

99. Concerning the storage and retrieval of protected works and problems arising from the use of electronic computers, the Secretariats drew the attention of the Committees to the fact that at their sessions in 1975, they had decided to maintain this item on the agenda for their next sessions to which they wished a report to be submitted that would take note of the developments during the intervening period. Professor Ulmer had at the request of the Secretariat of Unesco and the International Bureau of WIPO now prepared a report bringing up to date the studies submitted in this connection to the Committees at their last sessions.

100. The Secretariats further pointed out that it was brought to the notice of the Committees at the 1975 sessions that CONTU was undertaking a study concerning problems arising from the use of electronic computers. The Secretariat of Unesco and the International Bureau of WIPO had, therefore, requested CONTU to contribute a paper on its activities in the field, including computer uses and computer-assisted creation of copyrighted works.

101. The Secretariats thanked Professor Ulmer for his report, as also Mr. Arthur Levine, Executive Director of CONTU, who was present at the current sessions, for the paper contributed, at his instance, by Mr. Christopher A. Meyer, Staff Attorney of CONTU, and looked forward to their continued cooperation in the furtherance of the study of copyright problems arising from the use of electronic computers and related facilities for access to or creation of works.

102. The Secretariats stated that on the question of storage and retrieval of protected works, Professor Ulmer had concluded that it would be advisable to await further the result of discussion of the presently existing proposals for legislative action in different countries, as indicated in the final remarks of his report.

103. The Secretariats also drew attention to paragraphs 47 to 50 of the CONTU report which dealt with works created with computer assistance.

104. In view of the complexity of the matter and since various studies were still under way, the Secretariats pointed out that all the relevant and further updated information would be compiled beginning early 1979 to enable convening of a working group during that year to go into the various ramifications of the problems arising from the use of the computer. The findings of the working group would be submitted to the 1979 sessions of the Committees.

105. Mr. Arthur Levine, member of the observer delegation of the United States of America and Executive Director of CONTU, stated that they would welcome the continued study by the Secretariats of the problems arising from the use of electronic computers. He stated that in the United States of America, the National Commission on New Technological Uses of Copyrighted Works (CONTU) had been engaged in a study of these matters since October 1975, and their report was expected to be completed by the middle of 1978. For their study, the computer-related issues had been divided into four groups for purposes of planning, research, and making recommendations about changes in copyright law and procedures, namely, (i) computer programs; (ii) computer data bases; (iii) new works of authorship created by the application or intervention of computer systems; and (iv) input of conventional copyright works into computer systems. Mr. Levine felt that this breakdown into categories might also be of assistance in guiding further activity and study on the international aspects of such use. He discussed each of these topics in turn. In regard to the input of copyrighted works, he pointed out that as indicated by Professor Ulmer in his latest study, the earlier anticipated problems in this area had largely not arisen, since most computer information systems do not employ full-text data files. This is not to say that there are no copyright consequences attendant upon the input of any copyright works into computer systems. The problems, according to him, however, arise due to uses to which works already existing in computer media may be put. He further stated that the new Copyright Law of the United States of America with its recognition that a copy of a work may exist in any medium from which a human readable version may be reproduced with the aid of a machine or device, will remove a long perceived

impediment to the protection of these works under copyright. Finally, he mentioned that in all the substantive areas, computer systems may communicate across national boundaries, and suggested that the Committees invite the Secretariats to study the application of the Berne and Universal Copyright Conventions, as well as the Florence Agreement on the Importation of Educational, Scientific and Cultural Materials, to the transmission of, and reproduction of copyrighted works across national boundaries by means of computer systems.

106. The delegations of Austria, Hungary, India and Italy, as well as the observers from Algeria, France, Germany (Federal Republic of), Ghana, Israel and the United Kingdom congratulated Professor Ulmer, as well as CONTU, for presentation of clear, concise and interesting reports on a complex subject and supported the idea that further studies should be undertaken and a working group be convened at an appropriate stage of the study.

107. The delegation of India felt that the study should bear in mind the possibility that with the pace of relentless technological advancement in developed countries, knowledge disseminated presently in the form of books may be increasingly stored in some other form to which there may be no access without sophisticated equipment or gadgetry. The developing countries could hardly be expected to afford such increasingly sophisticated equipment, and in that event flow of knowledge from developed countries, particularly for research and educational purposes, will tend to get restricted. Whatever use is made of copyright works as inputs in computers it is limited to only educational and research purposes. The delegation of India would, therefore, suggest to the Committees to take a liberal view of fair use and not think of any measures which would have the effect of restricting the use of protected works in computer systems.

108. The observer from the Federal Republic of Germany, supported by the delegation of Austria and by the observers from France, Ghana and Israel, proposed that the reports submitted by Professor Ulmer and by CONTU should be widely circulated among the national authorities concerned in States party to the Berne Convention and the Universal Copyright Convention.

109. Replying to the suggestion made by the observer from France, the Secretariats indicated that a publication could be issued jointly by them, containing the three reports of Professor Ulmer submitted in 1971, 1975 and 1977, as well as the CONTU paper. Further, in order to be able to furnish fuller information to the working group scheduled for 1979, this joint publication will be circulated to all States members of the Berne and Universal Copyright Con-

ventions requesting them for comments in the light of the position obtaining in their respective countries.

110. The observers from the International Confederation of Societies of Authors and Composers (CISAC), the International Federation for Documentation (FID) and the International Literary and Artistic Association (ALAI) underlined the importance of this matter in view of the increasing use of computers, and pointed to the need for obtaining in the studies scheduled the advice of professional specialists. The International Federation for Documentation (FID) stressed the importance of computer use particularly in the field of documentation.

111. The delegation of Hungary suggested that the question of protection of computer software be included in the study which will be placed before the working group.

112. The representative of the Director-General of Unesco stated that since this matter was being considered from the industrial property point of view so far, Unesco was not involved. However, Unesco would be prepared to participate in the consideration of this aspect of the matter if copyright questions arose.

113. The Deputy Director General of WIPO stated that this subject was being considered from the angle of industrial property in the framework of activities of WIPO, and referring to the work done by WIPO on the question of protection of computer software, stated that its work so far had led to the preparation and publication of model provisions for a national law on the protection of computer software. A group of experts will be convened by WIPO in 1978 to study the possibilities offered by an international treaty providing, in particular, for the international deposit of computer software.

Problems Arising from the Use of Audiovisual Cassettes and Discs

114. The discussions on this item were based on document B/EC/XII/11-IGC(1971)/II/15. In presenting this document, the Secretariats recalled that, in accordance with the decisions adopted by the Committees at their 1975 sessions, they had asked the States party to one or other of the multilateral conventions on copyright and the international non-governmental organizations concerned to inform them of any comments they had to make on Professor Franca Klaver's study of the subject. Afterwards a restricted working group of specialists invited in a personal capacity by the Directors General of Unesco and WIPO was convened at Geneva from February 21 to 25, 1977. The purpose of the above-mentioned document was to submit to the Committees the report adopted by this working group. The Secretariats also pointed out that the Committees

would have to decide whether or not examination of this question should be continued, and, if so, what procedure should be adopted.

115. The delegations of Austria and Italy and the observers from Algeria, France, Germany (Federal Republic of), Israel, Japan, Senegal, the United Kingdom and the United States of America expressed marked appreciation of the results of the working group's discussions and congratulated the experts who, as members of the group, had, under the chairmanship of Mr. André Kerever (France), conducted a detailed examination of the legal problems involved and had made some very important points. One of the conclusions reached by the working group — namely, that the advent of this new dissemination technique did not call for a revision either of the Berne Convention or of the Universal Copyright Convention, which already contained provisions that afforded copyright owners adequate protection, or for the establishment of a new international instrument, but that solutions should be sought at the level of national legislations — was fully supported by several of these delegations and observers, including the observer from Japan who indicated that his Government was in the process of studying problems raised by the private use of copyrighted works by means of audiovisual equipment. The observers from the International Confederation of Societies of Authors and Composers (CISAC), from the International Federation for Documentation (FID) and from the International Federation of Producers of Phonograms and Videograms (IFPI) also agreed with this conclusion, while at the same time stressing the importance of contractual negotiations in the implementation of the law, both for the production and for the use of videograms, and the desirability of drawing up model contracts on the basis of existing practice in this field and in the light of these organizations' experience of such negotiations.

116. Regarding the procedure to be followed for future work on the subject, the observer from France pointed out that the Committees had a choice between several means of procedure: they could either take note of the working group's report, adopting the general conclusion to which reference has just been made and consigning the report to the Committees' archives, or they could state the opinion that the views of the working group should be taken into consideration in the formulation of national solutions, and send the States copies of the report for that purpose, or they could recommend that another meeting be convened at governmental level. On the last point, the observer from France was of the opinion that there was a need for some kind of ruling applicable to the decisions of the Committees: if they considered that there was no need to revise existing conventions or to draw up new ones, there was no reason to con-

vene committees of governmental experts. However, referring to the precedent used for the study of problems involved in reprographic reproduction, he suggested that the same formula should be adopted, i. e., a meeting of the two Committees which had been formed as subcommittees, to be held in the interval between their two-yearly meetings.

117. The observer from the United States of America laid particular emphasis on the urgency of the need to find solutions to the problems arising from the use of audiovisual cassettes and discs. She stressed that knowledge of the technique of videocopying was spreading and that the increase in the amount and more widespread use of equipment sold on increasingly reasonable terms gave educational establishments and the public at large considerable opportunities in this field. She thought that the Klaver study and the conclusions of the working group were very important in establishing a legal framework for consideration of the problem, but that examination of the practical application of these legal principles should be continued as a matter of urgency. In particular, the extent of "fair use," "fair dealing" or other forms of exemptions to exclusive rights against off-the-air videotaping should be thoroughly explored. The observer felt that a working group or a subcommittee might be sufficient if convened in the near future. She felt, however, that the possibility of convening a meeting at the level of a committee of experts should not be ruled out. In view of the importance of the problem, she felt that there was no legal impediment to convening such a committee, even though no revision of the existing conventions is necessary and no new convention is contemplated.

118. The observer from the United Kingdom, supported by the observers from Germany (Federal Republic of) and Senegal, while recognizing the need to control by national legislation the consequences of the development of this new technique as soon as possible, expressed doubts regarding the possibility of taking action at international level on a wider scale than that of the study which had been conducted by the working group. In this connection the observer from the Federal Republic of Germany emphasized the great diversity of national legislations, particularly with respect to the scope of exceptions to the provisions on protection, and the great difficulty of any attempt to standardize them.

119. The delegation of Austria and the observer from the Netherlands, as well as the observer from the International Labour Office (ILO), pointed out that the problems should also be examined from the point of view of the protection of the rights of performers, producers of phonograms and broadcasting organizations. They said that Professor Franca Klaver had been asked to conduct a parallel study on

this point and that the question had been placed on the agenda of the next session (December 7 to 9, 1977) of the Intergovernmental Committee of the Rome Convention.

120. After an exchange of views on the various procedures which could be followed for future work, the Committees decided that the same formula should be used for the study of problems arising from the use of audiovisual cassettes and discs as was used for that of the problems arising from the transmission by cable of television programmes (see below) and pronounced in favor of convening them as separate subcommittees.

121. The Secretariats said that, in view of what had been said regarding the urgency of the matter, a meeting during the first half of 1978 might be considered to deal with the first of the two studies. At the request of the Secretariats, it was specified that membership of the subcommittees would be limited to member States of the Committees and to interested international non-governmental organizations (see also paragraph 132 below). On a proposal of the delegation of Belgium, it was also agreed that the Secretariats would consider the possibility of inviting to meetings of the subcommittees in a consultative capacity experts who had been members of the working group convened in February 1977. At the suggestion of the delegation of Switzerland, the Secretariats were asked to include in the preparatory documentation for the subcommittees all relevant information on existing collective agreements or general contracts which could be assembled with the cooperation of the organizations concerned.

Problems Arising from the Transmission by Cable of Television Programmes

122. Discussion of this item was based on document B/EC/XII/12-IGC(1971)/II/16. Presenting this document, the Secretariats stated that, in accordance with the decisions taken by the Committees at their sessions in 1975, they had carried out among the States party to the multilateral copyright conventions a survey of national legislation, jurisprudence, practices and experience regarding problems arising from the transmission by cable of television programmes. The findings of this survey and of that undertaken among international non-governmental organizations, together with an analysis of these findings, had been submitted to a small working group composed of specialists invited in a personal capacity by the Directors General of Unesco and WIPO. This working group met at Paris at Unesco headquarters from June 13 to 17, 1977, and the purpose of the above-mentioned document was to submit to the Committees the report adopted by the group. The Secretariats also stated that, as in the matter of prob-

lems arising from the use of audiovisual cassettes and discs, the Committees were required to decide on the procedure to be followed in the future.

123. The delegation of Austria and the observers from France, Germany (Federal Republic of) and the United Kingdom expressed their warm appreciation of the results achieved by the working group's deliberations and congratulated the experts comprising the group, who, under the chairmanship of Ms. Barbara Ringer (United States of America), undertook a thorough study of the legal problems involved and produced some most useful findings. The delegation and observers considered that the working group's report formed a very sound basis for further studies.

124. The observer from the United States of America agreed that the results of the working group had been very useful as a first step. Referring to the serious attention devoted to these problems in her own country, she mentioned the new American Copyright Law which, in this connection, provides for a system of compulsory licenses applicable to: (i) domestic programmes received and retransmitted within the borders of the United States; and (ii) certain Canadian and Mexican signals received in areas along the northern and southern borders of the United States. In dealing with international cable situations, the observer felt that border problems were a reality that had to be recognized and dealt with, and that assimilation of foreign to domestic programmes in border spillover situations could not be considered a violation of national treatment. On the other hand, the U.S. statute offers full copyright protection to all other foreign signals, and as the use of satellites increases it is important to have legislation that will prevent free or compulsorily licensed cable use of foreign signals except those received off-the-air by conventional means in border areas. For these reasons, the observer from the United States of America viewed with great concern proposals and arguments put forward in certain countries that would protect national programming in some manner (as by distribution of "equitable remuneration" from a fund of royalties paid by cable systems in the country) but would leave foreign signals without any protection against, or remuneration for, retransmission by cable within the country. She noted that these proposals derive from theories that, if the conventions do not expressly provide for a right deriving from use of new technology, or if the right can be called something other than copyright, a country is free to discriminate against foreign works. The observer from the United States of America considered that, in the case of cable retransmissions, implementation of any such proposals would be extremely unfair and discriminatory and, as a fundamental principle under the conventions, any such legal device could not be in compliance with the basic requirement for national

treatment or assimilation. She expressed the hope that, in the preparatory work done for the working group to be held on this subject, the Secretariats would make sure that these questions are analyzed in depth, and that working group itself will be able to express an opinion on them.

125. The observer from the United Kingdom indicated his Government's deep concern with this question since it understood that television broadcasts originating in the United Kingdom were being picked up and distributed commercially by cable in other European countries. Accordingly, he supported the views expressed by the observer from the United States of America. In particular, he supported the views expressed by that observer regarding the interpretation of the international conventions.

126. The observer from the Federal Republic of Germany, seconded by the delegation of Austria, was of the opinion that the studies envisaged should be concerned primarily with international transmissions. She suggested, that, whatever procedure was adopted, it would be desirable, in preparing the next meeting on the subject, to collect all the information available on the legislative courses of action adopted or planned in different countries and on current practice concerning contractual relations between the interested parties, and that a survey should be made for this purpose.

127. The observer from France also stressed the importance of the transnational aspects of the problems in question and drew attention in this connection to the work carried out within the Council of Europe by its Legal Committee on Broadcasting and Television and to the attention paid by American legislators to regulations for broadcasts originating in Canada or Mexico. So far as procedure was concerned, he concurred with the opinions expressed by several delegations and observers on the need to undertake in-depth studies. He suggested that the working group should perhaps be reconvened before the matter was passed on to government level — a suggestion which the observers from Algeria and Senegal supported. Without wishing to make an issue of the matter, he suggested that the procedure decided upon for the study of the problems arising from the use of audiovisual cassettes and discs should also be applied to future studies relating to the transmission by cable of television programmes.

128. The observers from the European Broadcasting Union (EBU), the International Federation for Documentation (FID), the International Federation of Musicians (FIM), and the International Writers Guild (IWG) drew the attention of the Committees to the urgent need to find realistic solutions to the increasingly acute problems facing all concerned. They were of the opinion that the principles estab-

lished by the working group should form a basis for such solutions. The observer from the IWG also expressed his satisfaction at the conclusions reached by the working group to the effect that the multilateral copyright conventions would not need to be revised, that recourse to a system of compulsory licenses would be reserved for exceptional circumstances and that the best solutions to the problems under discussion would be through the collective exercise of exclusive rights. The observer from EBU felt that transmission by cable of television programmes did not cover every situation and that a more thorough study should be made of all the possible cases that could arise in connection with programme distribution.

129. At the end of their discussions on the procedure to be followed, the Committees decided to recommend that the system previously advocated (see paragraph 120 above) should be applied *mutatis mutandis* to future studies, i. e., that each should be convened in the form of subcommittees. The Secretariats stated that these subcommittees would probably be convened towards the end of 1978, when a survey along the lines suggested by several delegations and observers had been made.

130. The delegation of Austria drew the Committees' attention to the possibility that the Intergovernmental Committee of the Rome Convention might set up a subsidiary body to discuss the problems arising from the use of audiovisual cassettes and discs, on the one hand, and the problems arising from the transmission by cable of television programmes, on the other, as they affected the protection of the rights of performers, producers of phonograms and broadcasting organizations. Accordingly, it requested that the Secretariats endeavor to coordinate such a task. That coordination might be achieved either through joint meetings, or through an invitation to attend as observers which would be sent to States that were not members of the Committees but were members of the Intergovernmental Committee of the Rome Convention.

131. The observers from Denmark, Germany (Federal Republic of), the Netherlands and the United Kingdom stated that they considered such coordination to be eminently desirable, and supported the Austrian delegation's suggestion to admit certain States as observers to the scheduled meetings of the subcommittees. The observer from France, seconded by the delegation of Italy, nevertheless expressed a number of doubts about that procedure, saying that confusion might arise in the examination of the problems, which did not necessarily appear in the same light when considered from the point of view of copyright and when considered in relation to other rights.

132. Finally, on the assumption that in order to carry out such an examination the Intergovernmental Committee of the Rome Convention would also decide to set up a subcommittee, the Committees urged the Secretariats to make the necessary arrangements so that the member States of the Intergovernmental Committee which were not simultaneously members of the Committees might be invited as observers to the meetings of the subcommittees of the Copyright Committees planned in order to continue the investigation of videocassettes and cable television, and so that the meetings of those various bodies might be coordinated as effectively as possible. The Committees also expressed the hope that, conversely, their member States which were not simultaneously members of the Intergovernmental Committee of the Rome Convention might be invited to participate as observers in the work undertaken by the latter on the aforementioned subjects.

133. At the suggestion of the observer from Algeria, it was agreed that the invitation of the few States concerned to attend the meetings of the subcommittees as observers did not affect the terms of reference of those subcommittees, which should confine their discussions to copyright matters alone.

**Application of the Berne Convention
and of the Universal Copyright Convention to Equipment
Specially Designed for the Blind**

134. The observer from Brazil presented his proposal on the subject, contained in document B/EC/XII/16-IGC(1971)/II/19.

135. Having recalled the international copyright regulations, which constituted the greatest obstacle to the publication and international exchanges of the books and equipment needed by the visually handicapped, the observer from Brazil suggested that a working group be set up, under the aegis of the Committees, whose task would be to study suitable ways and means of facilitating the free flow of books and publications designed for the visually handicapped.

136. The observer from the World Council for the Welfare of the Blind (WCWB) thanked the Brazilian observer for his proposal; he went on to state that his organization was prepared to collaborate with such a working group, and that it would provide it with all the documentation and information at its disposal. He also gave a brief account of the techniques involved in publishing for the visually handicapped and launched an appeal to the developed countries to help such handicapped persons to overcome the obstacles of their disablement, especially in the developing countries.

137. The observer from the United States of America, having stressed her interest in the objectives of

the Council, pointed out that studies were being conducted on the issue in the United States of America. Furthermore, she welcomed the suggestion made by the Brazilian observer and considered it desirable that the working group extend its terms of reference to include examination of other problems encountered by the blind with respect to certain forms of broadcasting (and recording for broadcasting), and also the problems encountered by other categories of handicapped persons, including the deaf and hard of hearing.

138. The observer from the Federal Republic of Germany was in favor of such an extension, and, with regard to the method of work for carrying out such a task, stated her preference for a study to be undertaken by the Secretariats of Unesco and WIPO, with the assistance of all those who might make a worthwhile contribution to it, while a summary of national solutions might prove very useful and should not be neglected.

139. The delegation of Austria, having thanked the observer from Brazil, stated that it shared the view that the study should be undertaken by the Secretariats and should cover all categories of the handicapped.

140. The observer from Israel expressed his satisfaction with the initiative by the Brazilian observer on behalf of the blind. He also stated that his Government had already taken measures at the national level to help such handicapped persons. Finally, he expressed his country's support for the suggestion put forward by the observer from the Federal Republic of Germany.

141. The observer from the German Democratic Republic welcomed the initiatives taken to make culture more readily available to the handicapped and supported the establishment of a working group, with which it would consider it a duty to collaborate.

142. The observer from Japan said that Japanese legislation concerning copyright had already found a solution to the problem in that any reproduction in Braille of a work which had already been made public was legitimate. Furthermore, the Braille libraries had been authorized by the same legislation to record for the blind works which had already been made public.

143. The observer from France also congratulated the observer from Brazil on his proposal, and stated that he was in favor of any fresh move to make works of the creative imagination more readily accessible to the visually disabled and other handicapped persons.

144. The observer from the United Kingdom, having drawn attention to the possibility that difficulties might be encountered in recording works for the

blind, supported the suggestion that the study to be undertaken should be extended to other categories of handicapped persons.

145. The observer from Argentina echoed the congratulations addressed to the observer from Brazil and supported the suggestion by the observer from the United States of America that the study be broadened to include those with auditory handicaps.

146. The observer from Ghana also thanked the observer from Brazil and informed the Committees of the difficulties encountered in Ghana in producing publications for the visually handicapped. He hoped that the study to be undertaken would take the needs of all the handicapped into account.

147. The delegation of India supported the proposal by the observer from Brazil and congratulated the observer of WCWB on his account of the problems involved. It expressed its support for the establishment of a joint working group under the two Committees, which would be responsible for undertaking the study in question and extending it to the other categories of the handicapped.

148. The observer from Algeria also thanked the observer from Brazil and said that he had greatly appreciated the statement made by the observer of WCWB, which was working to enable the handicapped to enjoy the benefits of culture on a level with other people. With reference to questions of procedure, he suggested that WCWB, which was faced daily with the problems of the visually handicapped, be called upon initially to prepare a study which the Secretariats would supplement, if necessary with the help of a working group, before submitting it to the next sessions of the Committees.

149. The delegation of Australia said that it supported the initiative to carry out such a study and said that the issue had been examined at the national level with a view to facilitating access to the various processes which were conducive to the education of the blind. It supported the idea that the study should be extended to those with auditory handicaps.

150. The observer from Mauritania congratulated the observer from Brazil on his initiative and supported the suggestion of the observer from the United States of America that the study under consideration be made to cover the problems encountered by all the physically handicapped.

151. The observer from the International Publishers Association (IPA) stated that his organization kept closely abreast of the activities of WCWB and welcomed the proposals which had been put forward. He also expressed the hope that his organization might be associated in the work of the working group.

152. The observer from the International Literary and Artistic Association (ALAI), also speaking on behalf of the International Confederation of Societies of Authors and Composers (CISAC) and of the International Writers Guild (IWG), said that it was impossible to remain indifferent to the quest for ways of bringing a little happiness and joy to those who had been deprived of them as a result of a physical handicap. As a practical solution, the observer from ALAI hoped that before the working group met it might be acquainted with a file prepared by WCWB, which should contain an inventory of the problems arising in both the legal and the practical spheres, and he indicated that the three organizations on behalf of which he was speaking were prepared to contribute to the achievement of that objective.

153. The observer from Brazil thanked all the delegations which had spoken in favor of his proposal and said that he, too, was convinced of the desirability of extending the study in question to all categories of the handicapped. With regard to procedure, he was in agreement with the suggestions made by the observer from Algeria.

154. The Committees, at the suggestion of the Chairman, then decided to appoint WCWB, and if necessary other international organizations dealing with those suffering from auditory handicaps, to carry out a preliminary study for the Secretariats. That study would be supplemented by a brief account of the solutions which had emerged at the national level, and would be submitted, if the Secretariats considered it necessary, to a working group consisting of representatives of non-governmental organizations concerned. The outcome of those consultations would be made known at the next sessions of the Committees in 1979.

Protection of Folklore

155. Introducing document B/EC/XII/13-IGC/(1971)/II/17 regarding this item of the agenda, the Unesco Secretariat recalled that the Director-General of Unesco had received a request from the Government of Bolivia for an additional protocol to be added to the Universal Copyright Convention for the purpose of protecting folklore, and had referred that request to the Intergovernmental Copyright Committee at its 1973 session. The Committee had then instructed its secretariat to study the matter insofar as the protection of folklore might involve copyright and report to it and to the Executive Committee of the Berne Union at their 1975 sessions. After considering this report at their 1975 sessions and finding that the matter went far beyond the scope of copyright, the Committees had instructed Unesco's Cultural Sector to make a comprehensive study of the problems involved in the protection of folklore and to report to them at the present sessions. In order to carry out

this study the Director-General of Unesco had convened a Committee of Experts which had met in Tunis from July 11 to 15, 1977, at the invitation of the Government of Tunisia. It had become clear to this Committee, on consideration of the matter, that the problems involved in the protection of folklore were essentially of a cultural nature: defining that heritage, identifying it, conserving it, preserving it and the ways in which it was used. Consequently, such uses of folklore as might possibly be governed by intellectual property laws constituted but a minor aspect in comparison with all the problems involved and accordingly concerned Unesco's Copyright Division only to a very small extent, being otherwise the concern of the Culture and Communication Sector and the Bureau of Studies and Programming.

156. The responsible programme specialist in the above-mentioned Sector referred to the importance which Unesco attached to the protection of folklore as a factor in the preservation of the cultural identity of peoples, while not minimizing the difficulties which arose in delimiting folklore in all its complexity.

157. The Deputy Director General of WIPO said that the results of the study and the discussion which had just taken place proved that there was, when all was said and done, a link between copyright and the protection of folklore. She added that the Director General of WIPO had requested the Director-General of Unesco to arrange that future studies on the matter should be made jointly by the Unesco Secretariat and the International Bureau of WIPO insofar as copyright was concerned.

158. Mr. Salah El Mahdi, as Chairman of the Committee of Experts which met in Tunis, reported on the work done under his leadership concerning both the definition of folklore and its preservation, its promotion as a means of asserting cultural identity, its identification and its use.

159. The delegation of Australia and the observer from Israel said that great efforts were being made in their respective countries to ensure adequate protection for folklore. In Australia consideration was being given to protection of the copyright type. In Israel the possibility of protecting folklore along the lines of the regulations governing appellations of origin was also being studied. Consequently, the observer from Israel, supported in this by the delegations of Hungary and India and by the observer from the Federal Republic of Germany, suggested that studies in that connection should be made jointly with the International Bureau of WIPO.

160. The observer from the German Democratic Republic stated that his country supported Unesco's efforts to study the problems involved in the protec-

tion of folklore on a interdisciplinary basis. What was at stake was safeguarding the identity of folklore and promoting it as a cultural value which could be exchanged between peoples in the interests of better mutual knowledge. It seemed difficult under existing circumstances to find valid legal means of protecting and safeguarding that cultural heritage adequately. An instance was the difficulty merely of defining folklore, a *sine qua non* of any regulation. Copyright protected an author and his work. In the case of folklore no authors could be identified. The international copyright conventions could not suffice to ensure the protection of folklore and it was advisable not to attempt to contain folklore in a pre-existing legal framework.

161. The observer from the Federal Republic of Germany agreed that the study of folklore demanded a multidisciplinary approach and that the same applied to the question of studying means of ensuring its legal protection. In the view of that observer several legal disciplines should be explored at national level — at which level measures besides legislation proper could be envisaged — and at international level (appellation of origin, unfair competition, copyright and even neighboring rights). The observer from the Federal Republic of Germany recalled, however, that the competence of the Committees was limited to matters of copyright.

162. The observer from France, while dwelling on the fact that the protection of folklore demanded a multidisciplinary study not limited to legal aspects alone, emphasized nevertheless that following some national laws on copyright and the Tunis Model Law, which already contained provisions concerning folklore, an attempt should be made at international level to explore also the possibility of protecting it as literary and artistic property, even if existing international copyright conventions did not seem to be suitable for the purpose.

163. The delegation of India, after noting that despite unanimous agreement concerning the necessity of protecting folklore few steps had as yet been taken for that purpose and thanking the Unesco Secretariat for the study which it had undertaken on the subject, stressed the urgency of laying down legal norms for the protection of folklore, without which its commercial exploitation would be intensified and it would die out. Although the developing countries did not possess the infrastructure required for effective application of the norms in question (identification, cataloguing), the delegation of India stated that such norms should be worked out as a matter of urgency regardless of the problems involved in defining folklore, which could be left to the national legislators. In view of the intellectual property aspects involved, the delegation of India urged the Secre-

tariats of Unesco and WIPO to address themselves immediately to the task of formulating legal norms for the protection of folklore, taking into consideration the work already done in that connection in certain countries and closely associating the developing countries in their efforts.

164. The observer from Cameroon pointed out that folklore was not peculiar to the developing countries and that it was more appropriate to refer to cultural heritage. He also drew the attention of the Committees to the danger of arresting the development of that heritage by encasing it in a strict legal framework in order to protect it.

165. The observer from Algeria mentioned that his country was applying an active policy aimed at identifying, cataloguing and preserving folklore, which was afforded protection under the national copyright law, although the regulations governing such protection were not exactly the same as those governing the works of identified authors. It was a matter of preventing folklore works from being used for commercial purposes, and the law made the State responsible for controlling their use. The legal principles of copyright did not seem appropriate for such protection and it would be advisable not to explore that avenue alone. The observer from Algeria concluded by saying that only a comprehensive study of the problem could show in which direction adequate legal protection for folklore might be sought.

166. The observer from Senegal, endorsing the remarks of the observer from Algeria, said that the protection of folklore under copyright was only a stopgap where it existed and that protection demanded many other measures. It considered that the competence of the Committees was much too limited for them to tackle all the problems which arose and which required an interdisciplinary approach for their study.

167. The Committees, while recognizing that their competence was limited, decided that insofar as copyright could enter into the solution of the problems they should continue to consider them. They also decided that studies on this subject should be pursued by the Unesco Secretariat on an interdisciplinary basis within the framework of an overall approach, but that WIPO should be associated in the examination of any copyright aspects involved. Moreover, WIPO should inquire into the extent to which regulations governing industrial property (unfair competition, appellation of origin, etc.) might be used.

Creation of National Copyright Information Centers

168. The Committees took note of the report prepared on this subject by the Secretariat of Unesco (document B/EC/XII/14-IGC(1971)/II/18).

169. In presenting this document, the Secretariat of Unesco called attention to the work plan relating to resolution 6.122 adopted by the General Conference of Unesco at its nineteenth session (Nairobi, October/November 1976), which provides that the International Copyright Information Centre "will encourage the establishment, in States and at regional level, of national or regional copyright information centers or committees for liaison with the International Centre where these do not already exist." The Secretariat of Unesco also renewed its assurance of the full cooperation, both intellectual and technical, of the International Copyright Information Centre, either in establishing national centers where none exist, or in reorganizing certain national institutions for the promotion and development of books, so that such institutions might discharge the duties incumbent on a national center.

170. The observer from the United States of America strongly endorsed the work of the Secretariat of Unesco in the activities of the International Copyright Information Centre. She recalled her earlier statement concerning activities in providing clearances and information in the United States of America (see paragraph 81), and expressed the hope that corresponding centers could be established in as many countries as possible.

171. The delegation of Poland and the observers from Brazil, Czechoslovakia, Ghana and Israel, after stressing the importance of the work accomplished by the Secretariat of Unesco, stated the views of their Governments and said that draft texts regarding the establishment of national copyright information centers were being studied by their respective States.

172. The delegation of India emphasized the need to set up a national copyright information center in order to facilitate the transfer of authorizations to translate, adapt and reproduce printed material.

173. The observer from Cameroon, after congratulating the Secretariat of Unesco on the work it had accomplished, expressed the view that the guidelines for the creation of national and regional copyright information centers should have a number of goals the attainment of which might have appreciable financial implications for the developing countries. The observer from Cameroon further suggested that encouragement should be given to the establishment of centers with special responsibility for providing basic information on copyright for the users of works as well as for authors.

174. The observer from Nigeria expressed the gratitude of her country to Unesco for the consideration that is being given to the request for the setting up of a copyright information center in Nigeria in its 1977/78 programme. The document concerning the guide-

lines for the setting up of national centers has been studied and the observer from Nigeria expressed her thanks to Unesco for the comprehensive document. In its efforts to set up a center for Nigeria, Unesco should take into account the libraries and existing institutions in the country. The National Library of Nigeria is the nation's legal depository. Can this Library be made to perform the functions of the proposed center? This task entrusted to such an existing institution could be a possibility. The observer from Nigeria asked Unesco to request competent organizations to help her country in setting up such a body and having noted the existence of a considerable degree of cooperation between WIPO and Unesco, expressed the opinion that Unesco should not fail to associate WIPO with that operation. Lastly, Unesco's assistance should provide for the continuity of the center after its creation. Experts will be needed to make the center function. The observer from Nigeria hoped that the necessary staff training would be provided, and believed that Unesco and WIPO would look into all the details of the proposed center in order for it to assume the responsibility of protecting Nigerian authors.

175. The observer from the Netherlands said that the fact that no provision had been made for a national copyright information center in the Netherlands was due entirely to reasons connected with the way in which publishing was organized in that country. He, nevertheless, indicated that in the meantime the Netherlands National Commission for Unesco was the competent body in this field.

176. The observer from the United Kingdom welcomed the initial results obtained and expressed the hope that centers would be established in as many countries as possible. The observer was sure that publishers in the United Kingdom would be prepared to offer their assistance for this purpose.

177. The observer from Algeria emphasized the importance of establishing and developing the activities of national centers. He also pointed out that, because of the administrative structure in Algeria, the Ministry for Culture centralized all information concerning copyright entitlement. In the context of a new approach to the problem, however, that activity would be undertaken by the National Copyright Office, which was to become the correspondent of the International Copyright Information Centre.

178. The observer from Ghana informed the Committees that the question of establishing a national center on the basis of the guidelines put forward by

the Unesco Secretariat was being studied. He also emphasized that the developing countries were in great need of special assistance in establishing such a center.

179. The observer from the Soviet Union, after thanking the Secretariat of Unesco for the document which it had presented, expressed his pleasure that the number of countries in which national copyright information centers had been established had increased. He pointed out that the Soviet Union had a national center which centralized all information concerning Soviet literary and artistic production and dealt with all matters concerning the transfer of copyright and neighboring rights. He also stated that the national Copyright Agency regularly published a catalogue in several languages containing information about Soviet works produced. Copies of that catalogue would be sent to any organization requesting them.

180. The observer from France, after thanking the Secretariat of Unesco, stated that its Government was making every effort to see that the French copyright information center operated within the limits of its administrative competence.

181. The observer from the International Publishers Association (IPA) welcomed the establishment of national copyright information centers. In his capacity as head of the French copyright information center, he gave a detailed account of the mission of that organization and the goals it pursued. He stated that he had noted the concrete examples given by the Mexican delegation concerning the acquisition of certain copyrights held by French publishers. Finally, the observer from IPA stressed the role that a national center in a developed country should play with respect to requests made by developing countries for the transfer of copyright.

182. The observer from the International Federation for Documentation (FID) pointed out that a list of national centers for the transmission of information had just been published by the United Nations in Geneva. The observer from FID stressed that national copyright information centers should be provided with the means available to centers for the transmission of information in order to solve their problems relating to the compilation of bibliographies.

183. The Committees took note of the information supplied to them concerning the establishment of national copyright information centers or prospects for their establishment.

Part III: Other Items concerning the Committee alone

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

184. The Deputy Director General of WIPO recalled that in the absence of a formal invitation from any State, the Executive Committee of the Berne Union, as well as the Intergovernmental Copyright Committee held their sessions alternately at the headquarters of their respective Secretariats. Consequently, she suggested on behalf of the Director General of WIPO that the next sessions of the said Committees should be held at the headquarters of WIPO in Geneva in the second half of 1979.

185. At the proposal of the Chairman, the Committee then accepted the suggestion.

Adoption of the Report

186. The Committee unanimously adopted the report.

Closing of the Session

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

List of Participants

I. States Members of the Committee

(a) Ordinary Members

Australia: F. J. Smith; B. Barry De Longchamp (Mrs.); J. Lahore; R. Gelski. **Austria:** R. Dittrich. **Belgium:** G.-L. de San; F. Van Isacker. **Canada:** C. Robertshaw (Miss). **Hungary:** M. Ficsor. **India:** G. S. Edwin. **Ivory Coast:** M.-L. Boa (Miss). **Morocco:** A. Zerrad. **Mexico:** F. Remolina Roqueñi; J. Muñoz Domínguez; S. Gallegos López; J. L. Caballero Cardenas; E. Cobo Peña; G. E. Larrea Richerand (for Intergovernmental Copyright Committee only). **Spain:** R. Pérez-Hernández; M. del Corral Beltrán (Mrs.). **Switzerland:** P. Braendli; J.-L. Marro. **Tunisia:** R. Saïd; M. Naboultane; S. El Mahdi (for Intergovernmental Copyright Committee only).

(b) Associate Members

Argentina: J. C. Gimenez-Melo; A. Corti. **Italy:** I. Papini; N. F. Dattilo; G. Catalini; M. Vitali (Mrs.); M. Monetti (Mrs.); M. Fabiani. **Poland:** E. Szelchaz (Mrs.).

II. Observer States Members of the Berne Union

Brazil: J. I. MacDowell; I. De Freitas. **Cameroon:** J.-M. Abanda Ndengue; R. Sanding Beng. **Central African Empire:** A. Jonas. **Chad:** T. Altoubam. **Czechoslovakia:** G. Kanka; J. Kordac. **Cyprus:** G. Lycourgos. **Denmark:** W. Weincke; J. Nørup-Nielsen. **Egypt:** S. M. El-Sheneti; M. S. Al-Ashmawy (for Intergovernmental Copyright Committee only). **Finland:** R. Meinander. **France:** A. Kerever; J. Buffin; H. Vial; F. Briquet. **Gabon:** A. Ze Mezui. **German Democratic Republic:** B. Haid; K. Götz (Mrs.). **Germany (Federal Republic of):** E. Steup (Mrs.). **Holy See:** L. Rousseau; M.-S. De Chalus (Mrs.). **Israel:** M. Gabay; M. Joffe. **Japan:** T. Inumaru; C. Hiraoka; T. Koyama; Y. Oyama; H. Gyoda. **Lebanon:** A. Naaman. **Mauritania:** Y. Gueye. **Netherlands:** E. Lukacs; M. Reinsma (Mrs.); F. Klaver (Mrs.); J. M. Felkers; M. B. Van Meerten. **Norway:** A. M. Lund (Mrs.). **Pakistan:** T. K. Afridi. **Portugal:** A. M. Pereira. **Romania:** P. Sararu. **Senegal:** N. NDiaye. **Surinam:** P. J. Boerleider. **Sweden:** A. H. Olsson. **Thailand:** D. Savanananda. **Togo:** L. Aithnard; C. A. Johnson. **United Kingdom:** A. Holt; A. J. Needs. **Zaire:** B. Ntaki; K. M. Ngindu; E. Mata Likambe.

III. Other States

Algeria: S. Abada; R. Hamimi. **Andorra:** M.-A. Canturri i Montanya. **Cuba:** G. M. Heredia (Mrs.). **Ecuador:** H. Guarderas. **Ghana:** J. D. Essuman; E. B. Odoi-Anim; B. Atepor. **Guatemala:** O. B. Bertholin y Galvez; A. B. Quinonez Lopez de Galvez (Mrs.). **Iran:** A. Moghaddam; P. Porkar. **Iraq:** S. Mahdi; A. K. Alsudani. **Nigeria:** S. O. Abimbola (Mrs.). **Panama:** R. Decerega (Miss). **Soviet Union:** B. Pankine; N. Voschinin; R. Gorelik (Mrs.); V. Pogouliaev. **United States of America:** B. Ringer (Ms.); H. J. Winter; G. Danielson; T. Railsback; B. Lehman; T. E. Mooney; A. Levine; P. A. Lyons (Ms.).

IV. Intergovernmental Organizations (Observers)

International Labour Office (ILO): I. Chambers. **United Nations Educational, Scientific and Cultural Organization (UNESCO):** C. Lussier; M.-C. Dock (Miss). **Arab 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): M. Cazé. **International Alliance for Diffusion by Wire (AID):** G. Moreau. **International Association for the Protection of Industrial Property (AIPPI):** G. Gaultier. **International Bureau of the Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM):** J. Elissabide; J.-A. Ziegler. **International Confederation of Professional and Intellectual Workers (CITI):** G. Poulle. **International Confederation of Societies of Authors and Composers (CISAC):** J.-L. Tournier; J.-A. Ziegler. **International Copyright Society (INTERGU):** G. Halla. **International Federation of Actors (FIA):** G. Croasdell. **International Federation for Documentation (FID):** H. Arntz. **International Federation of Associations of Film Distributors (FIAD):** G. Grégoire. **International Federation of Film Producers' Associations (FIAPF):** A. Brisson. **International Federation of Musicians (FIM):** R. Leuzinger; S. Pi-

raccini. **International Federation of Producers of Phonograms and Videograms (IFPI):** S. M. Stewart; G. Davies (Miss); E. Thompson; H. von Rauscher auf Weeg. **International Group of Scientific, Technical and Medical Publishers (STM):** P. N. Asser. **International Hotel Association (IHA):** J. Connan (Miss). **International Institute of Communications (IIC):** A. Weil (Mrs.). **International Literary and Artistic Association (ALAI):** H. Desbois; A. Françon; D. Catterns. **International Publishers Association (IPA):** J. A. Koutchoumow; C. Bradley; A. Géranton. **International Union of Cinematograph Exhibitors (UIEC):** J. Handl. **International Writers Guild (IWG):** R. Fernay; E. Le Bris. **Union of National Radio and Television Organizations of Africa (URTNA):** R. Hamimi. **World Council for the Welfare of the Blind (WCWB):** D. De Gouvea Nowill (Mrs.); E. H. A. Nowill.

VI. World Intellectual Property Organization (WIPO)

K.-L. Liguier-Laubhouet (Mrs.) (*Deputy Director General*); C. Masouyé (*Director, Copyright and Public Information Department*); S. Alikhan (*Director, Copyright Division*).

Copyright Trainees:

G. K. Abankwah (*Ghana*); N. N. Maggu (*India*); B. Touré (*Mali*); N. Pizarro Macias (*Mexico*); N. Balibutsa (*Rwanda*); M. Wa Biuna (*Zaire*).

VII. Officers

Chairman: M.-L. Boa (Miss) (*Ivory Coast*). *Vice-Chairmen:* F. Remolina Roqueñi (*Mexico*); I. Papini (*Italy*). *Secretary:* S. Alikhan.

COSTA RICA

Accession to the Paris Act (1971) of the Berne Convention

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of member countries of the Berne Union that the Government of the Republic of Costa Rica deposited, on March 3, 1978, its instrument of accession to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971.

The said Convention will enter force, with respect to the Republic of Costa Rica, three months after the date of this notification, that is, on June 10, 1978.

Berne Notification No. 90, of March 10, 1978.

NIGER

Notification concerning Articles II and III of the Appendix to the Paris Act (1971)

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of member countries of the Berne Union of the deposit by the Government of the Republic of the Niger, on March 14, 1978, of a notification by which it refers to the deposit on February 18, 1975, of its instrument of accession to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971, and declares that it will avail itself, subject to the provisions of Arti-

cle IV of the Appendix to the Paris Act of the said Convention, of the faculties provided for in Articles II and III of that Appendix.

The declaration of the Republic of the Niger is effective until the expiration of a period of ten years from the entry into force, on October 10, 1974, of Articles 1 to 21 of the Paris Act and the said Appendix, that is, until October 10, 1984.

Berne Notification No. 91, of March 17, 1978.

General Studies

The Role of ALAI in the Development of International Copyright Law

Claude MASOUYÉ *

Calendar

WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible changes.)

1978

May 3 to 5 (Geneva) — WIPO — Budget Committee

May 7 to 10 (Cairo) — Development Cooperation (Industrial Property) — Meeting of Arab States on Technical Information

May 22 to 26 (Geneva) — Locarno Union — Committee of Experts

May 22 to 26 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Inventions and Know-How

June 5 to 7 (Geneva) — Berne Union — Group of Consultants on New Copyright Laws

June 12 to 16 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names

June 19 to 30 (Paris) — Berne Union — Committee of Governmental Experts on Double Taxation of Copyright Royalties (convened jointly with Unesco)

June 19 to 23 (Geneva) — Revision of the Paris Convention — Working Group on Questions of Special Interest to Developing Countries

June 19 to 23 (Geneva) — Revision of the Paris Convention — Working Group on Inventors' Certificates

June 26 to 30 (Geneva) — Revision of the Paris Convention — Preparatory Intergovernmental Committee

June 26 to July 7 (Tokyo) — International Patent Classification (IPC) — Steering Committee

July 3 to 11 (Geneva) — Berne Union, Universal Convention and Rome Convention — Subcommittees of the Intergovernmental Committees on Cable Television (convened jointly with ILO and Unesco)

July 19 to 21 (Geneva) — Development Cooperation (Industrial Property) — Working Group on Promotion of Domestic Inventive and Innovative Capacity

September 4 to 8 (Geneva) — International Patent Classification (IPC) — Committee of Experts

September 13 to 15 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning

September 13 to 22 (Paris) — Berne Union, Universal Convention and Rome Convention — Subcommittees of the Intergovernmental Committees on Videocassettes (convened jointly with ILO and Unesco)

September 18 and 19 (Geneva) — ICIREPAT — Plenary Committee

September 19 to 22 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation

September 25 to October 3 (Geneva) — Governing Bodies (WIPO Coordination Committee, Executive Committees of the Paris and Berne Unions, Assembly and Conference of Representatives of the Hague Union and Assembly of the International Union PCT)

September 27 to 29 (Geneva) — International Patent Classification (IPC) — Ad Hoc Working Group on the Revision of the Guide

October 2 to 6 (Geneva) — International Patent Classification (IPC) — Working Group I

October 23 to 27 (Hull, Canada) — ICIREPAT — Technical Committee for Standardization (TCST)

October 23 to 27 (Geneva) — Nice Union — Preparatory Working Group on International Classification

October 23 to 27 (Geneva) — International Patent Classification (IPC) — Working Group IV

November 13 to 17 (Geneva) — International Patent Classification (IPC) — Working Group II

December 4 to 8 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names

December 4 to 8 (Geneva) — International Patent Classification (IPC) — Working Group III

December 4 to 8 (Paris) — Berne Union and Universal Convention — Working Group on questions concerning access to protected works for developing countries, including the implementation of the 1971 revised texts of the Berne Convention and of the Universal Convention (tentative title) (convened jointly with Unesco)

December 17 to 22 (New Delhi) — Development Cooperation (Copyright) — Copyright Seminar (convened jointly with Unesco)

1979

January 8 to 12 (Geneva) — International Patent Classification (IPC) — Committee of Experts

January 29 to February 2 (Geneva) — Rome Convention — Subcommittee of the Intergovernmental Committee on the Administration of Rights under the Rome Convention (convened jointly with ILO and Unesco)

September 24 to October 2 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lishon, Locarno, IPC, PCT 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 Lishon Union)

UPOV Meetings

1978

May 23 to 25 (Zurich-Reckenholz) — Technical Working Party for Agricultural Crops

June 6 to 8 (Hanover) — Technical Working Party for Vegetables

June 20 to 22 (Paris) — Technical Working Party for Ornamental Plants

September 5 to 7 (Florence) — Technical Working Party for Fruit Crops

September 11 to 15 (Geneva) — Ad Hoc Committee on the Revision of the UPOV Convention

September 19 to 21 (Melle, Belgium) — Technical Working Party for Forest Trees

October 9 to 23 (Geneva) — Diplomatic Conference on the Revision of the UPOV Convention

November 13 to 15 (Geneva) — Technical Committee

November 16 and 17 (Geneva) — Administrative and Legal Committee

December 5 and 8 (Geneva) — Consultative Committee

December 6 to 8 (Geneva) — Council

Other Meetings in the Field of Copyright and/or Neighboring Rights

1978

Non-Governmental Organizations

International Confederation of Societies of Authors and Composers (CISAC)

Legal and Legislation Committee — June 28 and 29 (Copenhagen)
Congress — September 25 to 29 (Toronto and Montreal)

International Copyright Society (INTERGU)

Congress — May 16 to 19 (Athens)

International Literary and Artistic Association (ALAI)

Congress — May 29 to June 3 (Paris)

International Writers Guild (IWG)

Congress — October 10 to 13 (Mannheim)

1979

International Federation of Musicians (FIM)

Symposium on the International Protection of Performers and of their Rights — January 10 to 12 (Geneva)