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# Copyright

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# World Intellectual Property Organization

## WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights

### Permanent Committee

#### Third Session

(Dakar, March 12 to 16, 1979)

### Report

submitted by the Secretariat and adopted by the Committee

1. The WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (hereinafter referred to as "the Permanent Committee") held its third session in Dakar from March 12 to 16, 1979.

2. The following States members of the Permanent Committee were represented at the session: Austria, Benin, Brazil, Cameroon, Canada, Czechoslovakia, Denmark, Egypt, Finland, France, Germany (Federal Republic of), Hungary, India, Italy, Ivory Coast, Kenya, Mali, Mexico, Morocco, Netherlands, Niger, Norway, Pakistan, Poland, Portugal, Senegal, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America, Upper Volta (33).

3. The following States were represented by observers: Algeria, Belgium, Colombia, Ecuador, Gabon, Guinea-Bissau, Iraq, Japan, Madagascar, Nigeria, Republic of Korea, Tunisia, Turkey, Uganda, Zaire, Zambia (16).

4. The following organizations were represented by observers:

- (i) United Nations organizations: United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Development Program (UNDP) (2);
- (ii) other intergovernmental organizations: African Intellectual Property Organization (OAPI) (1);
- (iii) international non-governmental organizations: International Association of Conference Interpreters (AIIC), International Bureau of the Societies Administering the Rights of Mecha-

nical Recording and Reproduction (BIEM), International Confederation of Societies of Authors and Composers (CISAC), International Federation of Producers of Phonograms and Videograms (IFPI), International Literary and Artistic Association (ALAI), International Writers Guild (IWG), Union of National Radio and Television Organizations of Africa (URTNA) (7).

5. A list of participants is annexed to this report.

### Opening of the session

6. The Director General of WIPO, Dr. Arpad Bogsch, opened the session and welcomed the participants.

7. His Excellency Mr. Cheikh Hamidou Kane, Minister for Industrial Development of Senegal, then addressed the session, welcoming the participants on behalf of the President and Government of Senegal to the first meeting of the WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights to be held in a developing country. He stressed the importance of the Permanent Committee for the developing countries.

8. The Director General of WIPO expressed the gratitude of WIPO to the Government of Senegal for hosting the meeting. He recalled the particular interest of the President of the Republic, His Excellency Mr. Léopold Sédar Senghor as a writer and poet, in the subject matter of the deliberations of the Per-

manent Committee. He expressed his gratitude for the hospitality of the Government of Senegal, and for the honor that was done to the Permanent Committee by the fact that its session in Dakar was opened by Mr. Kane.

#### **Adoption of the agenda**

9. The provisional agenda contained in document CP/DA/III/1 Rev. was adopted by the Permanent Committee.

#### **Election of officers**

10. In the absence of the previous Chairman (from India) and on the proposal of the outgoing Chairman of the Permanent Committee for Development Co-operation Related to Industrial Property, Mr. Yousif Al-Khanati of Iraq, the Permanent Committee unanimously elected the following officers: Mr. Ndéné Ndiaye (Senegal) Chairman, Mr. Agne H. Olsson (Sweden) and Mr. Yuri Rudakov (Soviet Union) Vice-Chairmen. Mr. Shahid Alikhan (Director, Copyright Division, WIPO) acted as Secretary of the Permanent Committee.

#### **Present membership of the Permanent Committee**

11. It was noted that, in addition to the list of members shown in document CP/DA/III/2, three States, namely: Malawi, Soviet Union and Yemen, had recently become members of the Permanent Committee, bringing its total membership to 47.

#### **Regional meetings and seminars**

12. Discussions were based on document CP/DA/III/2, Chapter (viii).

13. In the course of the debate, several delegations expressed the wish that the regional seminars be held. A seminar for Portuguese-speaking African countries and Portugal's readiness to contribute to such a seminar, as well as a seminar on neighboring rights for African countries, were specially mentioned.

14. The Secretariat mentioned that these wishes would be duly kept in view while planning for future regional meetings, but that one of the conditions of holding any meeting required in any country was that that country expressly agree to the holding of such meeting.

15. The Permanent Committee noted with satisfaction the information contained in document CP/DA/III/2, Chapter (viii), and the statement of the Secretariat.

#### **Training**

16. Discussions were based on document CP/DA/III/3.

17. The Permanent Committee thanked all countries and all organizations which, during 1978, had received WIPO trainees in the field of copyright and neighboring rights.

18. A number of delegations of both developed and developing countries offered to continue their co-operation in this field and to receive trainees in copyright and neighboring rights. These declarations were noted with appreciation by the Permanent Committee.

19. Several delegations made detailed suggestions as to possible measures for improving the training program. One of these measures mentioned was a clear distinction between teaching the theory of copyright and neighboring rights and training in the practical application of copyright and neighboring rights laws. Another one was the need for more information to be given by the International Bureau to the national authorities which received trainees, on the impressions of the trainees and the practical use to which trainees put their training in their home country. Yet another suggestion was that WIPO should consider assisting in establishing Chairs in Universities in developing countries for the teaching of copyright law and industrial property law.

20. The Secretariat stated that it would take into account all the suggestions made in the course of the discussion in planning its future activities in the field of training.

21. The Permanent Committee noted with appreciation and approved the activities of the International Bureau as contained in document CP/DA/III/3, as well as the above declaration of the Secretariat.

#### **Cooperation among developing countries**

22. Discussions were based on document CP/DA/III/4.

23. The Permanent Committee took note of the activities of the International Bureau in this field and appreciated the steps taken in support of cooperation among developing countries.

#### **Advice and assistance in legislation, institutions and related matters**

24. Discussions were based on document CP/DA/III/2, Chapter (i).

25. In reply to a suggestion made by one of the delegations, the Secretariat stated that, although the recommendations of the recent meeting of the Subcommittee of the Intergovernmental Committee of the Rome Convention still required endorsement by the Intergovernmental Committee, they would be published, as requested by the said Subcommittee, in WIPO periodicals. Consequently, governments for

which the matter was urgent, could already find inspiration therefrom for their domestic measures in the field of establishing infrastructures for neighboring rights.

26. The Permanent Committee noted with approval the contents of document CP/DA/III/2, Chapter (i), and took note of the above statement by the Secretariat.

#### **Support of national authors and performers**

27. Discussions were based on document CP/DA/III/2, Chapter (ii).

28. During the discussions, several references were made to the preliminary draft program of WIPO for the triennium 1980-1982, which was examined in February 1979 by the Executive Committee of the Berne Union. It was also noted that that draft program provided for cooperation through consultation between persons designated by the government of the developing country and staff or outside experts of the International Bureau and through cooperative programs with the International Confederation of Societies of Authors and Composers (CISAC) and other entities having vast practical experience in these matters.

29. The Permanent Committee noted with satisfaction the contents of document CP/DA/III/2, Chapter (ii), and the observation indicated above.

#### **Access to and dissemination of works and performances of foreign origin protected by copyright and neighboring rights**

30. Discussions were based on document CP/DA/iii/2, Chapter (iii).

31. During the discussion, several delegations indicated that they still planned to reply to the joint questionnaire of WIPO and Unesco on this matter. As to the composition of the Working Group which will be convened jointly by WIPO and Unesco and will be held in Paris from July 2 to 6, 1979, the Secretariat said that it would be a matter for joint decision by the two Secretariats, and that they would naturally take into consideration the degree of interest that the various countries manifested by replying to the said questionnaire.

32. The Director General informed the Permanent Committee that, as agreed during the February 1979 session of the Executive Committee of the Berne Union, he had made, shortly after that session, concrete suggestions to Unesco through a letter dated February 16, 1979, for the joint administration by Unesco and WIPO of what is today Unesco's International Copyright Information Centre; these suggestions also relate to a division of work between the

two Secretariats. Since, however, he would perfectly understand it if, because of the paucity of time, Unesco would not be able to reply before WIPO's draft program for the forthcoming triennium would have to be published, that draft program would contain two alternatives: one would be based on the assumption that the two Secretariats could agree on the joint administration of the said Centre and the other, that the said Centre would remain under the sole administration of Unesco.

33. The Permanent Committee took note of the information contained in document CP/DA/III/2, Chapter (iii), and the above declaration of the Director General.

#### **Protection of folklore**

34. Discussions were based on document CP/DA/III/5.

35. During the discussions, several delegates expressed the desire that work on the draft provisions for the protection of folklore at the national level should continue at accelerated speed, and that the Working Group provided for in WIPO's program should be convened as soon as possible. Several delegations mentioned also the desirability that the Working Group should consider also the protection of folklore at the international level and should propose also draft model provisions for protection on that level as well as on the national level.

36. The Secretariat stated that the timetable for this activity depended in part on the progress made in Unesco in respect of the overall study of folklore problems that Unesco was currently working on. In particular it seemed that Unesco wished itself to formulate a draft definition of the concept of folklore before embarking on a study of the protection of folklore.

37. The Permanent Committee noted with appreciation the fact that the International Bureau had prepared a draft text for provisions on the protection of folklore which, among other things, contained a definition of the concept of folklore, and recommended that a joint WIPO/Unesco Working Group should be convened as soon as possible and should preferably deal not only with the domestic aspects, but also with the international aspects of the legal protection of folklore creations.

#### **Copyright Model Law for developing countries**

38. Discussions were based on document CP/DA/III/2, Chapter (v).

39. The Permanent Committee took note of the information contained in the above-mentioned document.

### Copyright Glossary for developing countries

40. Discussions were based on document CP/DA/III/6.

41. Since the rather voluminous draft of the Glossary was only distributed to the participants at the commencement of this session of the Permanent Committee, several delegations said that they would need some time to study it.

42. The Secretariat stated that it would welcome suggestions for improving the Glossary and that it could and would take these suggestions into account in preparing the final edition, a matter which would require most of the remainder of 1979. The Secretariat also stated that it was studying the possibilities of adding Russian to the five languages (English, French, Spanish, Arabic, Portuguese) in which the present draft exists.

43. The Permanent Committee noted with appreciation the contents of document CP/DA/III/6 and its Annex, and the above-mentioned declaration of the Secretariat.

### Guide to the Berne Convention

44. Discussions were based on document CP/DA/III/2, Chapter (vii).

45. On the proposal of one of the delegations, the Secretariat stated that it would be glad to send, in reasonable quantities, copies of its guides, handbooks and other relevant publications, free of charge, to various Government services in the States members of the Permanent Committee, provided that a corresponding request is made in writing to the International Bureau and such request indicated the exact names and addresses of the concerned services.

46. The Permanent Committee took note of the information contained in document CP/DA/III/2, Chapter (vii) and appreciated the above statement of the Secretariat.

### Adoption of the report

47. The Permanent Committee unanimously adopted this report.

### Closing of the session

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

### List of Participants \*

#### I. States

**Algeria** <sup>1</sup>: H. Bouhalila; K. Sahnouni. **Austria** <sup>1, 2</sup>: O. Leberl. **Belgium**: O. Gilles de Pelichy. **Benin** <sup>1, 2</sup>: A. Yoro; S. E. Ako. **Brazil** <sup>1, 2</sup>: G. R. Coaracy. **Cameroon** <sup>1, 2</sup>: D. Ekani. **Canada** <sup>1, 2</sup>: C. Boileau. **Colombia**: E. Villamizar. **Czechoslovakia** <sup>1, 2</sup>: J. Kubicek; Z. Veselý. **Denmark** <sup>1, 2</sup>: B. Linstow. **Ecuador**: M. Game Muñoz. **Egypt** <sup>1, 2</sup>: H. El Marassy. **Finland** <sup>1, 2</sup>: R. Meinander; A. Kurittu. **France** <sup>1, 2</sup>: P. Faure; M. M. Hiance; A. Bourdalé-Dufau. **Gabon** <sup>1</sup>: J. Kamaya. **Germany (Federal Republic of)** <sup>1, 2</sup>: E. Haeusser. **Guinea-Bissau**: J. Gomes Cardoso; U. B. d'Avila. **Hungary** <sup>1, 2</sup>: Z. Szilvássy; G. Pusztai. **India** <sup>1, 2</sup>: S. Singh. **Iraq** <sup>1</sup>: Y. Al-Khanati; H. Al-Shemeri. **Italy** <sup>1, 2</sup>: M. L. Polastro. **Ivory Coast** <sup>1, 2</sup>: T. B. Aka; G. Sissoko. **Japan** <sup>1</sup>: H. Uchiyama; K. Kitaban. **Kenya** <sup>1, 2</sup>: J. King'Arui. **Madagascar**: L. D. Ralaisaholimanana. **Mali** <sup>2</sup>: C. O. Sare; D. Traore. **Mexico** <sup>1, 2</sup>: A. Villalva; J. M. Teran-Contreras; V. Ramirez Lugo. **Morocco** <sup>1, 2</sup>: A. R. Kandil. **Netherlands** <sup>1, 2</sup>: W. Neervoort; F. Klaver; A. C. Brouwer. **Niger** <sup>1, 2</sup>: A. Mahaman Toumani; A. Bonkaney; I. Foukori. **Nigeria**: O. Adeniji. **Norway** <sup>1, 2</sup>: T. Hansen. **Pakistan** <sup>1, 2</sup>: I. Bukhari. **Poland** <sup>1, 2</sup>: M. Stradowski. **Portugal** <sup>1, 2</sup>: J. Van Zeller Garin; J. Mota Maia; A. M. Pereira. **Republic of Korea** <sup>1</sup>: H. T. Kim; M. K. Kang. **Senegal** <sup>1, 2</sup>: A. Sene; S. L. Ba; A. Diarra; N. Ndiaye; J. P. Crespin; L. Sene; B. M. Dia; C. Kane. **Soviet Union** <sup>1, 2</sup>: V. Ilyin; Y. Rudakov; V. Tchernychov. **Spain** <sup>1, 2</sup>: A. Villalpando; A. Ortega Lechuga. **Sweden** <sup>1, 2</sup>: M. Jonason; S. Norberg; A. H. Olsson. **Switzerland** <sup>1, 2</sup>: R. Kämpf; J.-M. Salamolard; J. Nicolet. **Tunisia** <sup>1</sup>: B. Fathallah. **Turkey** <sup>1</sup>: A. Yakital. **Uganda** <sup>1</sup>: A. G. Ndagije Mugarura. **United Kingdom** <sup>1, 2</sup>: V. Tarnofsky. **United States of America** <sup>1, 2</sup>: H. J. Winter; L. Schroeder; M. S. Keplinger; J. M. Lightman. **Upper Volta** <sup>1, 2</sup>: H. E. Lingani. **Zaire** <sup>1</sup>: K. Luanda. **Zambia** <sup>1</sup>: A. R. Zikonda.

\* The session of the Permanent Committee was held at the same time and place as the session of the WIPO Permanent Committee for Development Cooperation Related to Industrial Property. This list of participants is therefore a common list for both Committees.

#### References

<sup>1</sup> State member of the WIPO Permanent Committee for Development Cooperation Related to Industrial Property.

<sup>2</sup> State member of the WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights.

No reference is given in the case of Observer States and Organizations.

## II. United Nations Organizations

United Nations Educational, Scientific and Cultural Organization (UNESCO): A. Amri. United Nations Development Programme (UNDP): P. A. Coppini; D. Landey.

## III. Other Intergovernmental Organizations

African Intellectual Property Organization (OAPI): D. Ekani. European Patent Office (EPO): J. C. A. Staehelin; J.-F. Mezières.

## IV. International Non-Governmental Organizations

International Association of Conference Interpreters (AIIC): L. Moutou; H. Ward. International Bureau of the Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM): J.-A. Ziegler. International Confederation of Societies of Authors and Composers (CISAC): J.-A. Ziegler. International Federation of Inventors' Associations (IFIA): L. B. Knutrud. International Federation of Patent Agents (FICPI): M. F. Sevant. International Federation of Producers of Phonograms and Videograms (IFPI): E. Thompson. International Literary and Artistic Association

(ALAI): J.-A. Ziegler. International Writers Guild (IWG): J.-A. Ziegler. Union of National Radio and Television Organizations of Africa (URTNA): S. Ngom.

## V. International Bureau of WIPO

A. Bogisch (*Director General*); K.-L. Liguier-Laubhouet (*Deputy Director General*); S. Alikhan (*Director, Copyright Division*); F. Moussa (*Head, External Relations Section*); I. Thiam (*Head, Development Cooperation Section*); G. Boytha (*Head, Section for Copyright Development Cooperation Projects*); M. Qayoom (*Head, Conferences and Common Services Section*); H. Rossier (*Head, Mail and Documents Section*); G. Eckstein (*Program Officer, Development Cooperation Section*).

## VI. Officers

**Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights**

*Chairman*: N. Ndiaye (Senegal); *Vice-Chairmen*: H. A. Olsson (Sweden); Y. Rudakov (Soviet Union); *Secretary*: S. Alikhan (WIPO).

## Berne Union

### DENMARK

#### **Ratification of the Paris Act (1971) of the Berne Convention**

The Government of the Kingdom of Denmark deposited, on March 30, 1979, its instrument of ratification of the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971.

The Paris Act of the Convention will enter into force, with respect to the Kingdom of Denmark, three months after the date of this notification, that is, on June 30, 1979.

Berne Notification No. 94, of March 30, 1979.

## Conventions Administered by WIPO

### **International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations**

#### EL SALVADOR

#### **Accession to the Convention**

The Secretary-General of the United Nations, in a letter dated April 13, 1979, informed the Director General of the World Intellectual Property Organization that the Government of the Republic of El Salvador deposited, on March 29, 1979, its instrument of accession to the International Convention for the Protection of Performers, Producers of Phonograms

and Broadcasting Organizations, done at Rome on October 26, 1961.

Pursuant to Article 25(2), the Convention will enter into force, for the Republic of El Salvador, three months after the date of deposit of the instrument of accession, that is, on June 29, 1979.

## Conventions Not Administered by WIPO

### Agreement

#### Relating to the Creation of an African Intellectual Property Organization, Constituting a Revision of the Agreement Relating to the Creation of an African and Malagasy Office of Industrial Property

(Bangui (Central African Empire), March 2, 1977)\*

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The Government of the Central African Empire,  
 The Government of the Gabonese Republic,  
 The Government of the Islamic Republic of Mauritania,  
 The Government of the People's Republic of Benin,  
 The Government of the People's Republic of the Congo,  
 The Government of the Republic of Chad,  
 The Government of the Republic of the Ivory Coast,  
 The Government of the Republic of the Niger,  
 The Government of the Republic of Senegal,  
 The Government of the Republic of Upper Volta,  
 The Government of the Togolese Republic,  
 The Government of the United Republic of Cameroon,

*Moved* by the desire to protect intellectual property rights upon their territories in as effective and uniform a manner as possible;

\* *Official French title*: Accord relatif à la création d'une Organisation Africaine de la Propriété Intellectuelle, constituant révision de l'Accord relatif à la création d'un Office Africain et Malgache de la Propriété Industrielle.

*Entry into force*: This Agreement has not yet entered into force.

*Source*: Communication from OAPI.

\*\* This Table of Contents has been added by WIPO for the convenience of the reader (Editor's note).

*Undertaking*, for this purpose, to accede to:

- (i) the Paris Convention for the Protection of Industrial Property, of March 20, 1883, as last revised at Stockholm on July 14, 1967,
- (ii) the Berne Convention for the Protection of Literary and Artistic Works, of September 9, 1886, as last revised at Paris on July 24, 1971, and/or the Universal Copyright Convention as revised at Paris on July 24, 1971,
- (iii) the Hague Agreement Concerning the International Deposit of Industrial Designs, of November 6, 1925, as revised at The Hague on November 28, 1960, and at Stockholm on July 14, 1967,
- (iv) the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, of October 31, 1958, as revised at Stockholm on July 14, 1967,
- (v) the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967,
- (vi) the Patent Cooperation Treaty, done at Washington on June 19, 1970,
- (vii) the Trademark Registration Treaty, done at Vienna on June 12, 1973;

*Having considered* Article 4(iv) of the aforementioned Convention Establishing the World Intellec-

tual Property Organization, which provides that this Organization: “shall encourage the conclusion of international agreements designed to promote the protection of intellectual property”;

*Having considered* Article 19 of the Paris Convention for the Protection of Industrial Property, which provides that: “. . . the countries of the Union reserve the right to make separately between themselves special agreements for the protection of industrial property, insofar as these agreements do not contravene the provisions of this Convention,” and Article 4A(2), which provides that: “Any filing that is equivalent to a regular national filing under the domestic legislation of any country of the Union or under bilateral or multilateral treaties concluded between countries of the Union shall be recognized as giving rise to the right of priority”;

*Having considered* Article 20 of the Berne Convention for the Protection of Literary and Artistic Works, which provides that: “The Governments of the countries of the Union reserve the right to enter into special agreements among themselves, insofar as such agreements grant to authors more extensive rights than those granted by the Convention, or contain other provisions not contrary to this Convention”;

*Having considered* Article XIX of the Universal Copyright Convention, as revised at Paris on July 24, 1971, which provides that: “This Convention shall not abrogate multilateral or bilateral conventions or arrangements in effect between two or more Contracting States”;

*Having considered* Article 14(2)(a) of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, which provides that: “Any country outside the Special Union which is party to the Paris Convention for the Protection of Industrial Property may accede to this Act and thereby become a member of the Special Union”;

*Having considered* Article 3(1) of the Patent Cooperation Treaty, which provides that: “Applications for the protection of inventions in any of the Contracting States may be filed as international applications under this Treaty,” as well as Article 45(1), which provides that: “Any treaty providing for the grant of regional patents (‘regional patent treaty’) and giving to all persons who, according to Article 9, are entitled to file international applications the right to file applications for such patents, may provide that international applications designating or electing a State party to both

the regional patent treaty and the present Treaty may be filed as applications for such patents”;

*Having considered* Article 25 of the Trademark Registration Treaty, which provides that: “Where the residents or nationals of all Contracting States are given the right under a treaty providing for the registration of regional marks (‘regional treaty’) to file applications and obtain registrations under such regional treaty by way of this Treaty, any Contracting State party to such regional treaty may declare, as provided in the Regulations, that its designation under this Treaty shall have the same effect as if the mark had been applied for as a regional mark effective in that State”;

*Having considered* Article 27 of the Agreement relating to the Creation of an African and Malagasy Office of Industrial Property, done at Libreville on September 13, 1962, which provides that the said Agreement: “. . . shall be submitted to periodic revisions, particularly with the object of introducing into it modifications of a nature to improve the services rendered by . . .” the African and Malagasy Office of Industrial Property;

*Considering* the advantages of establishing a uniform system for the protection of literary, artistic and industrial property, in particular, in the latter field, a system for the single deposit of applications for patents, registration of utility models, trademarks, service marks, industrial designs, trade names and appellations of origin, on the one hand, and a common system of protection against unfair competition, on the other hand, in order to facilitate recognition of the rights provided for in the laws of their countries;

*Considering* the advantages of creating a body responsible for applying the common administrative procedures deriving from a uniform system of protection of intellectual property,

*Have resolved* to conclude an Agreement establishing an African Intellectual Property Organization and have designated for this purpose plenipotentiaries, who have agreed upon the following provisions:

#### *Article I*

(1) An African Intellectual Property Organization (hereinafter called “the Organization”) is hereby established, which replaces the African and Malagasy Office of Industrial Property.

(2) The Organization shall be responsible for:

(a) implementing and applying the common administrative procedures deriving from a uniform

system for the protection of industrial property, as well as the provisions of international agreements in this field to which the member States of the Organization (hereinafter called "the member States") have acceded, and providing services related to industrial property;

(b) contributing to the promotion of the protection of literary and artistic property and to the recognition of the cultural and social values of artistic and literary property;

(c) encouraging the creation of national associations of authors in those member States where such bodies do not already exist;

(d) centralizing and coordinating information of all kinds relating to the protection of literary and artistic property and communicating this information to any member State requesting it.

(3) For each of the member States, the Organization shall serve both as the national industrial property service within the meaning of Article 12 of the aforementioned Paris Convention and as the central patent documentation and information body.

(4) For each of the member States also party to the Patent Cooperation Treaty, the Organization shall serve as the "national Office," the "designated Office," the "elected Office" or the "receiving Office" within the meaning of Article 2(xii), (xiii), (xiv) and (xv) of the aforementioned Treaty.

(5) For each of the member States also party to the Trademark Registration Treaty, the Organization shall serve as the "national Office" within the meaning of Article 2(xiii) and as the "designated Office" within the meaning of Article 2(xv) of the aforementioned Treaty.

### *Article 2*

(1) Rights relating to the fields of intellectual property, as provided for in the Annexes to the present Agreement, shall be independent national rights subject to the legislation of each of the member States in which they have effect.

(2) Nationals may claim application for their benefit of the provisions of the Paris Convention for the Protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Works and/or the Universal Copyright Convention, as well as the agreements, additional acts and closing protocols which have amended or will amend these Conventions, in cases where such provisions are more

favorable than those of the present Agreement and its Annexes in protecting intellectual property rights.

### *Article 3*

(1) The Annexes to the present Agreement shall contain, respectively, the provisions to be applied in member States concerning patents (Annex I), utility models (Annex II), trademarks and service marks (Annex III), industrial designs (Annex IV), trade names and unfair competition (Annex V), appellations of origin (Annex VI), literary and artistic property (Annex VII), the organization of a central body for patent documentation and information (Annex VIII), the options offered to member States (Annex IX).

(2) Each member State shall be entitled, either at the moment of its ratification or accession, or subsequently, to give effect upon its territory to the amendments envisaged in Annex IX, to the exclusion of all others.

(3) Such amendments, as well as the date of their entry into force, shall be notified by each member State to the Director General of the Organization.

(4) Annexes I to IX, inclusive, constitute an integral part of the present Agreement.

### *Article 4*

On decision by the Administrative Council, referred to in Article 18 of the present Agreement, the Organization may take all measures necessary for the application of the administrative procedures arising from implementation of the international conventions concerning intellectual property to which the member States have acceded.

### *Article 5*

(1) Where applicants are domiciled in the territory of one of the member States, applications for patents and for the registration of utility models, trademarks, service marks or industrial designs shall be filed either with the national Authority or with the Organization, according to the legal provisions in force in the member State.

(2) Applicants domiciled outside the territories of the member States shall file the applications provided

for above directly with the Organization through an agent in one of the member States.

(3) Applications filed with the Organization may be transmitted by post.

(4) International patent applications by applicants domiciled on the territory of one of the member States shall be filed, under the provisions of the Patent Cooperation Treaty, with the Organization.

#### *Article 6*

(1) Subject to the provisions of paragraphs (2) to (4), below, any filing effected with the Authority of one of the member States, in accordance with the legislation of such State, or with the Organization, shall be equivalent to a national filing in each member State.

(2) Any filing of an international patent application which includes the designation of at least one member State shall be equivalent to a national filing in each member State which is also party to the Patent Cooperation Treaty.

(3) Any international trademark registration effected under the provisions of the Trademark Registration Treaty and including the designation of at least one member State shall have the effect of a national filing in each member State which is also party to the aforesaid Treaty.

(4) Any international deposit of an industrial design effected under the provisions of the Hague Agreement Concerning the International Deposit of Industrial Designs shall have the effect of a national deposit in each member State which is also party to the aforesaid Agreement.

#### *Article 7*

(1) The Organization shall undertake the administrative examination of patent and utility model applications in accordance with the common procedure prescribed by the laws of the member States.

(2) It shall grant patents, register utility models and assure their publication.

(3) The procedure before the Organization with regard to international applications filed in conformity with the rules of the Patent Cooperation Treaty shall be subject to the provisions of the aforesaid Treaty, as well as to the terms of the present Agreement and its Annex I.

(4) In each member State, utility models and, subject to the provisions of paragraph (5), hereafter, patents shall produce the effects provided for in the legislation in the said State.

(5) Patents granted in pursuance of international applications filed in accordance with the provisions of the Patent Cooperation Treaty shall produce their effects in those member States which are also party to the aforementioned Treaty.

#### *Article 8*

(1) The Organization shall undertake the administrative examination, registration and publication of trademarks or service marks in accordance with the common procedure provided for in the laws of the member States.

(2) In each of the member States, registered and published trademarks shall produce their effects in accordance with the national law of each State, subject to the provisions of paragraph (3), hereafter.

(3) The international registration of a trademark effected under the provisions of the Trademark Registration Treaty and having effect in at least one member State shall produce the same effects in each of the States party to the present Agreement and to the Trademark Registration Treaty as if the trademark had been registered with the Organization.

#### *Article 9*

(1) The Organization shall assure the registration, maintenance and publication of industrial designs in accordance with the common procedure prescribed by the laws of the member States.

(2) In each of the member States, registered and published industrial designs shall produce their effects in accordance with the national law of each State, subject to the provisions of paragraph (3), hereafter.

(3) The international deposit of an industrial design effected under the provisions of the Hague Agreement Concerning the International Deposit of Industrial Designs and having effect in at least one member State shall produce the same effects in each of the States party to the present Agreement and to the Hague Agreement as if the industrial design had been deposited with the Organization.

*Article 10*

(1) The Organization shall assure the registration, maintenance and publication of trade names in accordance with the common procedure prescribed by the laws of the member States.

(2) In each of the member States, registered and published trade names shall produce their effects in accordance with the national law of each State.

*Article 11*

(1) The Organization shall assure the registration and publication of registered appellations of origin in accordance with the common procedure prescribed by the laws of the member States.

(2) In each of the member States, registered and published appellations of origin shall produce their effects in accordance with the national law of each State, subject to the provisions of paragraph (3), hereafter.

(3) The international registration of an appellation of origin effected under the provisions of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and having effect in at least one member State shall produce the same effects in each of the States party to the present Agreement and to the Lisbon Agreement as if the appellation of origin had been registered with the Organization.

*Article 12*

Any publication of the Organization shall be addressed to the Authority of each of the member States responsible, respectively, for industrial property or literary and artistic property.

*Article 13*

The Organization shall maintain for all the member States a special register of patents, a special register of utility models, a special register of trademarks or service marks, a special register of industrial designs, a special register of trade names and a special register of appellations of origin, in which the entries specified by the national laws shall be made.

*Article 14*

In the case of discrepancies between the provisions of the present Agreement and its Annexes and those of the international conventions to which the member States are party and which are administered by the International Bureau of the World Intellectual Property Organization, the latter shall prevail.

*Article 15*

Final legal decisions rendered in one member State in accordance with the provisions of Annexes I to IX of the present Agreement shall be binding on all other member States.

*Article 16*

(1) Any decision taken by the Organization rejecting the filing of an application for a title of protection concerning industrial property shall be subject to appeal to the High Commission of Appeals of the Organization.

(2) This Commission which shall, if necessary, hold one session per year, shall be composed of three members selected by drawing lots from a list of representatives from each of the member States, the first name drawn being that of the Chairman.

(3) Each member State shall designate its representatives for a two-year period and the mandate may be renewed.

(4) The appeals procedure shall be established in accordance with the rules provided for in Article 19.

*Article 17*

Any other action relating to the application of the laws of intellectual property may be entrusted to the Organization by unanimous decision of the Administrative Council provided for in Article 18.

*Article 18*

(1) The Organization shall be administered by an Administrative Council (hereinafter called "the Administrative Council") composed of representatives of member States on the basis of one representative per State.

(2) Any member State may, when necessary, entrust its representation on the Council to the representative of another member State. No member of the Council may represent more than two States.

(3) The Council shall adopt its rules of procedure and nominate annually its Chairman. It shall be convened on the initiative of its Chairman, of one-third of its members or, in an emergency, of the Director General of the Organization.

#### Article 19

In addition to performing the functions arising from other provisions of the present Agreement, the Administrative Council shall determine the general policy of the Organization and shall regulate and control the latter's activities and, in particular, shall:

(a) draw up the regulations necessary for the application of the present Agreement and its Annexes;

(b) establish the financial regulations, the regulations relating to fees, to the High Commission of Appeals and to the personnel;

(c) supervise the implementation of the regulations referred to in (a) and (b), above;

(d) vote the annual budget and, when necessary, any amended or additional budgets and control their implementation;

(e) examine and approve the annual accounts and inventory;

(f) approve the annual report on the activities of the Organization;

(g) nominate the Director General and the Deputy Director General, the Controller of Finance and the Auditors;

(h) determine the working language or languages of the Organization.

#### Article 20

(1) For decisions of the Administrative Council, the representative of each member State shall have one vote.

(2) Subject to the provisions of Article 17, above, decisions of the Administrative Council shall be taken by majority vote. In the event of a tied vote, the Chairman shall have the casting vote.

#### Article 21

In addition to the functions enumerated in Article 19 of the present Agreement and, where appropriate, according to the provisions of Article 18, above, the members of the Administrative Council representing States party to the present Agreement and to the Patent Cooperation Treaty, the Trademark Registration Treaty, the Hague Agreement Concerning the International Deposit of Industrial Designs or the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration shall, where necessary, draw up the appropriate regulations deriving from the implementation of the four aforementioned Treaties or Agreements, in view of their application on their respective national territories.

#### Article 22

The Director General shall be responsible for the administration of the Organization, in accordance with the provisions of the present Agreement and its Annexes, and with the regulations and guidelines drawn up by the Administrative Council.

#### Article 23

(1) The Organization shall have juridical status. In each of the member States it shall enjoy the widest legal entitlement recognized to legal persons by the national legislation.

(2) The Organization shall be responsible for the application of the uniform laws contained in Annexes I to VI, VIII and IX of the present Agreement, as well as their relevant regulations.

#### Article 24

The member States shall make an initial contribution, the amount of which shall be fixed by the Administrative Council and divided equally between the Contracting Parties.

#### Article 25

(1) The annual expenditure of the Organization shall be covered by:

(a) proceeds from fees provided for in the regulations of the Organization and in the laws of the member States;

(b) receipts in payment for services rendered;

(c) any other receipts, in particular, those deriving from property of the Organization.

(2) A special contribution by member States to the Organization shall be assured in cases where this may be necessary in order to balance the budget.

(3) Such a contribution shall be recorded in the budget of the Organization and divided equally between the Contracting Parties.

#### *Article 26*

The Administrative Council shall lay down the fees and receipts necessary for the functioning of the Organization and shall fix their amounts and the methods of payment.

#### *Article 27*

(1) On a decision by the Administrative Council, when appropriate, the Organization shall pay to each member State the budgetary surplus accruing to it, after deduction, where necessary, of its special contribution.

(2) Budgetary surpluses shall be fixed after making provision for the reserve funds and the special funds established by the financial regulations.

(3) Such surpluses shall be divided equally among the member States.

#### *Article 28*

The headquarters of the Organization shall be at Yaoundé (United Republic of Cameroon). The Organization shall be placed under the protection of the Government of the United Republic of Cameroon.

#### *Article 29*

The regulations drawn up by the Administrative Council under Article 19 for the application of the present Agreement and its Annexes shall, at the request of the Organization, be made applicable on the territory of each member State.

#### *Article 30*

Any State signatory to the present Agreement may ratify it and the instruments of ratification shall be deposited with the Director General of the Organization.

#### *Article 31*

(1) As from the date of entry into force of the present Agreement, the Libreville Agreement shall be closed to any new accession.

(2) The present Agreement shall replace in the relations between States party to it and, where it so applies, the Libreville Agreement.

(3) With respect to States which are not party to the present Agreement but which are party to the Libreville Agreement, the latter shall remain in force in its entirety.

(4) States party to the Libreville Agreement must take the necessary steps to become party to the present Agreement within a period of five years from signature of the present Agreement.

#### *Article 32*

(1) The present Agreement shall enter into force two months after the deposit of the instruments of ratification by at least two thirds of the signatory States.

(2) The date of entry into force of the Annexes to the present Agreement shall be fixed by the Organization.

#### *Article 33*

(1) Any African State which is not signatory to the present Agreement but which is party to the Convention Establishing the World Intellectual Property Organization, to the Paris Convention for the Protection of Industrial Property and to the Berne Convention for the Protection of Literary and Artistic Works and/or the Universal Copyright Convention may apply to accede to the present Agreement. The application shall be addressed to the Administrative Council, which shall take a decision by majority vote. Notwithstanding the provisions of Article 20(2) of the present Agreement, a tied vote shall be equivalent to rejection.

(2) The instruments of accession shall be deposited with the Director General of the Organization.

(3) Accession shall take effect two months after deposit unless a later date is specified in the instrument of accession.

#### Article 34

(1) Any State not party to the present Agreement may become an associated member by making an appropriate application to the Administrative Council.

(2) The Administrative Council shall decide on such application in the same way as that specified under Article 33(1).

(3) The capacity of associated member shall bestow upon the State possessing it, to the exclusion of any other, the right to benefit, under the conditions set out in Annex VIII to the present Agreement, from the services afforded by the central patent documentation and information body.

#### Article 35

(1) Any State party to the present Agreement may denounce it by notification in writing addressed to the Director General of the Organization.

(2) The denunciation shall take effect on December 31 of the second year following that in which the Director General of the Organization received the notification.

(3) Any member State which denounces one of the Conventions listed in Article 33(1), above, shall be deemed to have denounced the present Agreement and its Annexes.

#### Article 36

(1) The present Agreement may be revised from time to time, in particular, with a view to introducing amendments liable to improve the services rendered by the Organization.

(2) Should the present Agreement be revised as provided for in paragraph (1), above, the entry into force of the revised agreement shall *ipso facto* terminate the present Agreement and no State may thereafter accede to it.

#### Article 37

The Director General of the Organization shall inform the signatory or acceding States of:

- (a) the deposit of instruments of ratification;
- (b) the deposit of instruments of accession and the date upon which such accessions take effect;
- (c) where appropriate, under the provisions of Article 3(2), the amendments made by member States to the laws contained in Annexes I to IX and the date upon which such amendments take effect;
- (d) the date upon which the present Agreement enters into force, according to the provisions of Article 30;
- (e) denunciations made under the terms of Article 35 and the date upon which they take effect.

In witness thereof, the undersigned Plenipotentiaries, having presented their full powers, recognized as being in good and due form, have signed the present Agreement.

Done at Bangui on March 2, 1977, in a single copy in the French language which shall be deposited with the Director General of the African Intellectual Property Organization. The latter shall send a true certified copy by diplomatic channels to the Governments of each signatory or acceding State.

*[Annexes I to VI, VIII and IX have been reproduced in the March and April 1979 issues of Industrial Property]*

## Annex VII

### Copyright and the Cultural Heritage

#### *Article 1*

The common rules provided for in the present Annex shall cover:

- (1) the protection of copyright;
- (2) the protection and promotion of the cultural heritage.

#### PART I

#### Copyright

#### CHAPTER I

#### Protection of Copyright

#### *Article 2*

(1) The author of any original intellectual work, literary, artistic or scientific, shall, by the mere fact of its creation, enjoy an exclusive incorporeal property right in the work which shall be exclusive and enforceable against all persons. This right includes attributes of an intellectual and moral nature, as well as attributes of a patrimonial nature, as determined by the present Annex.

(2) The existence or the conclusion by the author of an intellectual work of a contract to perform a certain work or service shall not in any way derogate from enjoyment of the right recognized in Article 1, above.

(3) The following shall, in particular, be considered as intellectual works within the meaning of the present Annex:

- (i) books, pamphlets and other writings;
- (ii) lectures, addresses, sermons and other works of such nature;
- (iii) works created for the stage, including both dramatic and dramatico-musical works and choreographic and mimed works, the acting form of which is fixed in writing or otherwise;
- (iv) musical works whether or not in a written form and with or without words;

- (v) pictorial works and drawings, lithographs, etchings, wood engravings and other works of the same nature;
- (vi) sculptures, bas-reliefs and mosaics of all kinds;
- (vii) architectural works, including both plans and models and the construction itself;
- (viii) tapestries and objects created by artistic professions and by the applied arts, including both drawings and models, as well as the works themselves, whether produced as handicrafts or by industrial processes;
- (ix) maps, graphic and three-dimensional reproductions of a scientific or technical nature;
- (x) cinematographic, broadcasting and audio-visual works;
- (xi) photographic works of artistic or documentary character, to which are assimilated, for the purposes of the present Annex, works expressed by a process analogous to photography;
- (xii) translations, arrangements or adaptations of the above-mentioned works;
- (xiii) folklore and works derived from folklore, subject to the provisions of Part II concerning protection of the cultural heritage.

(4) The title of a work shall enjoy the same protection as the work itself insofar as it is original in character. Even if the work is no longer protected, this title may not be used to distinguish a work of the same kind if such use is liable to create confusion in the public mind.

- (5) Protection shall not extend to:
- (i) laws, legal and administrative decisions, as well as to the official translations of such texts, and
  - (ii) the daily news published, broadcast or communicated to the public.

#### *Article 3*

(1) Copyright shall include the exclusive right to undertake or authorize the undertaking of any one of the following acts:

- (i) the reproduction of the work in any material form, including thereby cinematographic

films and sound recordings, or by magnetic processes or by the repeated carrying out of a plan or model plan;

- (ii) the communication of the work to the public by display, performance, broadcasting or television;
- (iii) the communication of the broadcast or televised work to the public by wire, loudspeaker, or by any other instrument which transmits signs, sounds or images;
- (iv) the making of any translation or adaptation of the work;
- (v) the doing of any of the acts specified in subparagraphs (i), (ii) and (iii), above, in relation to a translation or adaptation of the work.

(2) For the purposes of the present Article, the work shall mean both the work in its original form and in a form derived from the original.

#### Article 4

(1) Notwithstanding any assignment of the original work, the authors of graphic and three-dimensional works and manuscripts shall have an inalienable right to a share in the proceeds of any sale of that work or manuscript by public auction or through a dealer, whatever the methods used by the latter to carry out the operation.

(2) The foregoing provision shall not apply to architectural work or works of applied art.

(3) The conditions for the exercise of this right, as well as to the proportion of participation in the proceeds of sales, shall be determined by a rule to be published by the competent national authority.

#### Article 5

(1) The author of a work is the person who has created it. Authorship shall belong, in the absence of proof to the contrary, to the person or persons under whose name or names the work is disclosed.

(2) Where the work is created by an author for a natural or legal person, private or public, within the framework of an author's employment contract, or where the work is commissioned from the author by such a person, the copyright shall be owned in the first instance by the author, unless otherwise stipulated in writing in the contract.

#### Article 6

(1) "Work of joint authorship" means a work created jointly by two or more authors insofar as the contribution of one author is separable from that of the other author or authors.

(2) "Composite work" means a new work in which a pre-existing work is incorporated without the collaboration of the author of the latter.

(3) "Collective work" means a work created on the initiative of a natural or legal person who or which discloses it under his or its direction and name and in which the individual contributions of the various authors participating in its creation merge in the whole for which it was created so that it is impossible to attribute to each author a separate right in the whole work once completed.

#### Article 7

(1) The authors of translations and arrangements or adaptations of literary, artistic or scientific works shall enjoy the protection provided by the present Annex, without prejudice to the rights of the author of the original work as defined in Article 3, above.

(2) The foregoing shall apply to authors of encyclopedias, anthologies or collections of various works which, by reason of the selection and arrangement of their contents, constitute intellectual creations.

#### Article 8

(1) Folklore belongs, in the first instance, to the cultural heritage.

(2) Without prejudice to the provisions of Article 46, hereafter, for the purposes of Part I, folklore shall mean literary, artistic or scientific works as a whole created by the national ethnic communities of the member States, which are passed from generation to generation and which constitute one of the basic elements of the African cultural heritage.

(3) "Work inspired by folklore" means any work composed with the help of elements borrowed from the traditional African cultural heritage.

(4) The adaptation of folklore or the utilization of elements borrowed from folklore shall be notified to the body provided for in Article 44, hereafter.

(5) The proceeds from royalties deriving from exploitation of the works referred to in the present Article shall be used for cultural and social purposes. The conditions under which such royalties are shared shall be fixed in a rule to be promulgated by the competent national authority.

#### *Article 9*

(1) The author shall have the right to claim ownership of his work. His name shall be indicated, to the extent and in the form compatible with customary practices, on any copy of his work and whenever his work is made available to the public, except where the work is incidentally or accidentally included in the reporting of current events by means of broadcasting or television.

(2) The author shall have the right to enforce against any distortion, mutilation or other modification of his work and to any other action derogatory to it, where such action is or might be prejudicial to his honor or reputation and he shall have the right to seek compensation.

(3) The rights granted to the author under the preceding paragraphs shall be perpetual, inalienable and indefeasible.

### CHAPTER II

#### Limitations on Copyright

##### SECTION I

#### Permanent Limitations

#### *Article 10*

Where the work has lawfully been made available to the public, the following shall be lawful:

- (1) Communications such as performance, broadcasting, television:
  - (i) if they are private, take place exclusively within a family circle and do not give rise to receipts of any kind;
  - (ii) if they take place free of charge for strictly educational or scholastic purposes or in the

course of a religious service in premises reserved to this end.

Nevertheless, the organizers of such communications shall notify in advance either the author or the persons entitled, or the National Copyright Office or the National Society of Authors and Composers as specified in Article 44, hereafter.

(2) Reproduction, translation and adaptation for strictly personal and private use, subject to clear mention of the source, that is to say the title of the work and the name of the author if his name figures in the source.

#### *Article 11*

(1) Quotations and references from works already lawfully available to the public, provided that this is compatible with fair practice and justified by scientific, critical, educational or informative objectives, including quotations and references from newspaper articles and periodicals in the form of press reviews.

(2) Such quotations and references may be used in the original language or in translation and shall mention the source and the name of the author of the said work.

#### *Article 12*

Unless the right to reproduction has been specifically reserved, articles concerning political, social, economic or religious news, political addresses, speeches made during legal debates, sermons, lectures, talks and other works of such nature may be reproduced in the press or broadcast in the original language or in translation. However, the source must always be clearly indicated.

#### *Article 13*

In reporting a current event by means of photography, cinematography, broadcasting or television, the reproduction and public communication of literary, artistic or scientific works which may be seen or heard in the course of the said event shall be lawful, to the extent justified by the objective of obtaining information.

*Article 14*

The reproduction, for the purposes of cinematography, broadcasting or television, and the public communication of works of art and of architecture permanently located in a public place or whose inclusion in a film or program is purely secondary and incidental to the main subject shall be lawful.

*Article 15*

Notwithstanding the provisions of Article 3, above, any broadcasting organ may, without the permission of the author or the owner of the right of reproduction of the work in question, make, for the purposes of its own broadcasts and by means of its own facilities, an ephemeral recording, in one or several copies, of any work which it is authorized to broadcast. All the copies shall be destroyed within six months of their recording or within any longer term agreed to by the author; however, where such recording has an exceptional documentary character, one copy may be preserved in the official archives.

*Article 16*

Public libraries, non-commercial documentation centers, scientific institutions and educational establishments may lawfully translate and/or reproduce works of any sort which have already been lawfully made available to the public, in the number of copies necessary for their activities, provided that such a translation and/or reproduction does not harm the normal exploitation of the work or cause unreasonable prejudice to the legitimate interests of the author.

*Article 17*

The utilization of works under the conditions specified in the present Section shall not give rise to any royalties for the authors or the persons entitled. Nevertheless, in all cases of reservation, the provisions of Article 9, above, shall remain applicable.

## SECTION II

## Exceptional Limitations

*Article 18*

(1) Subject to the reservations and under the conditions laid down in the Annex to the Paris Act (1971) of the Berne Convention for the Protection of

Literary and Artistic Works or similar provisions in the Universal Copyright Convention, licenses may be granted by the competent administrative authority to any natural or legal person national of a member State, with a view to:

- (i) translating foreign works already made available to the public and to publish in printed form or in any similar form of reproduction, on the territory of the said State, the works so translated;
- (ii) reproducing and publishing in printed form or in any similar form of reproduction, on the territory of the said State, foreign works already made available to the public.

(2) However, such licenses shall not be granted for the publication of literary or scientific works of which a French-language edition is available abroad unless such publication on the national territory has considerable advantages for the distribution desired.

*Article 19*

In the cases specified in the present Section, the rights of the author as recognized in Article 9, above, may not be prejudiced. In addition, the author shall have the right to an equitable fixed remuneration, which, in the absence of agreement, shall be fixed by the competent administrative authority, whose decision may be referred to the competent court in accordance with Article 37, hereafter.

## CHAPTER III

## Transfer of Copyright

*Article 20*

(1) Copyright shall be transferable. It may be passed on to the heirs of the author or to the persons entitled. It may be assigned in whole or in part.

(2) However, the total assignment of future works shall be null and void.

(3) Transfer of any one of the rights referred to in Article 3, above, must be in writing.

(4) Where the transfer of copyright is to the benefit of the State, through succession, the copyright shall be extinguished without prejudice to the rights of creditors and to the execution of such assignment

contracts as may have been entered into by the author or the persons entitled.

#### *Article 21*

(1) Assignment of the right to communicate the work to the public shall not imply the right to reproduce it.

(2) Assignment of the right to reproduce the work shall not imply the right to communicate it to the public.

(3) Where a contract entails total assignment of one of the two rights specified in the present Article, the scope of that assignment shall be limited to the methods of exploitation provided for in the contract.

#### *Article 22*

The transfer of the sole copy or of one or several copies of a work shall not imply the transfer of the copyright.

#### *Article 23*

Unless otherwise provided, authorization to broadcast the work shall cover all gratuitous communications made, by its own means and under its own responsibility, by the broadcasting or television organ. In accordance with Article 3, above, this authorization shall not extend to communications of programs in places open to the public nor to any transmissions by wire or wireless made by third parties.

### CHAPTER IV

#### Cinematographic Works

#### *Article 24*

(1) Copyright of a cinematographic work belongs in the first instance to the intellectual creators of the work.

(2) The natural or legal person taking the initiative for making, and the financial responsibility for exploiting, the work, called the producer, shall be obliged, before undertaking the making of the cinematographic work, to enter into contracts with all those whose works are to be used for the production of the film.

(3) These contracts, with the exception of those concluded with the authors of pre-existing works utilized in making the cinematographic work and of those concluded with the authors of musical compositions, with or without words, shall, in the absence of a clause to the contrary, imply the assignment to the producer of the rights necessary for the cinematographic exploitation of the work; they shall be made in writing.

#### *Article 25*

(1) The director of a cinematographic work is the natural person who assumes the direction of, and the artistic responsibility for, the transformation into pictures and sound and the cutting of the cinematographic work, as well as the final editing.

(2) The cinematographic work shall be considered completed as soon as the first "master print" has been established by common consent between the director and the producer.

#### *Article 26*

(1) If one of the collaborators in the cinematographic work refuses to complete his contribution to the work, or is unable to complete it due to circumstances beyond his control, he may not object to the use of the part of his contribution already in existence for the purpose of the completion of the work.

(2) In the absence of an agreement to the contrary, the collaborators in a cinematographic work may dispose freely of their personal contributions with a view to their exploitation in a different *genre*, provided that this does not prejudice the exploitation of the work to which they have contributed.

### CHAPTER V

#### Publishing Contracts

#### *Article 27*

(1) The publishing contract is that under which the author of the work or the persons entitled assign to the publisher, under specified conditions, the right to manufacture or have manufactured sufficient copies of the work, on condition that he ensures publication and dissemination thereof.

(2) A publishing contract must be in writing. The form and mode of expression, the terms of execution of the publication and, where applicable, the cancellation clauses shall be specified in the contract.

(3) A publishing contract shall be subject to the provisions of the national code governing civil and commercial obligations.

#### Article 28

(1) A contract for publication at the author's expense ("*à compte d'auteur*") shall not constitute a publishing contract within the meaning of Article 27, above.

(2) Under such a contract, the author or the persons entitled remit an agreed sum to the publisher, on condition that the latter manufacture copies of the work in the quantity, form and according to the modes of expression specified in the contract, and ensure its publication and dissemination.

(3) Such a contract shall constitute a business contract governed by the present Annex, practice and the provisions of the national code on civil and commercial obligations.

#### Article 29

(1) A shares contract ("*compte à demi*") shall not constitute a publishing contract within the meaning of Article 27, above.

(2) Under such a contract, the author or the persons entitled commission a publisher to manufacture, at his expense and in quantity, copies of the work in the form and according to the modes of expression specified in the contract, and to ensure their publication and dissemination, subject to a reciprocally contracted agreement to share the profits and losses of exploitation in the proportion specified.

(3) Such a contract constitutes a joint undertaking.

#### Article 30

The publisher shall be required to provide the author with all appropriate proof to establish the

accuracy of his accounts; should he fail to do so, he may be so compelled by the competent court.

### CHAPTER VI

#### Performance Contracts

#### Article 31

(1) A performance contract is that under which an author or a professional body of authors grant to a natural or legal person or an entertainment promoter the right to perform the work or works constituting the repertoire of the said body under conditions which it shall determine.

(2) A contract under which a professional body of authors confers on an entertainment promoter the right to perform, for the duration of the contract, the existing or future works constituting the repertoire of the said body, under conditions determined by the author or the persons entitled, shall be described as a general performance contract. In this case, an exception may be made to the provisions of Article 20(2).

#### Article 32

(1) The right to perform may be assigned gratuitously or subject to payment.

(2) A performance contract must be in writing and shall be concluded for a limited period or for a specified number of communications to the public. The rights of exclusivity, the terms of execution and, where applicable, the cancellation clauses shall be specified in the contract.

#### Article 33

(1) The entertainment promoter shall be required to inform the author or his representatives of the exact program of public performances and to provide them with a documented statement of his receipts.

(2) The entertainment promoter must ensure that public performance takes place under the technical conditions which guarantee the author's intellectual and moral rights.

## CHAPTER VII

## Duration of Protection

*Article 34*

(1) Copyright shall subsist during the lifetime of the author and 50 calendar years from the end of the year of his death, with the exception of:

- (i) cinematographic, radiophonic or audiovisual works, whose duration of protection shall expire 50 years after the work is made available to the public with the consent of the author. If this does not take place within 50 years from the date of the making of the work, it shall expire 50 years after such making;
- (ii) photographic works or works of applied arts, whose duration of protection shall expire 25 years from the making of such a work.

(2) In the case of works of joint authorship, the calculation of the duration of protection shall only be considered from the date of the death of the last living joint author.

*Article 35*

Copyright shall expire 50 calendar years from the end of the year in which the work was lawfully made accessible to the public:

- (i) in the case where the copyright belongs in the first instance to a legal person, with the exception of the right of the State regarding folklore, which is indefeasible;
- (ii) in the case of anonymous or pseudonymous works, for as long as the author remains unknown;
- (iii) in the case of posthumous works.

*Article 36*

(1) On expiration of the terms of protection referred to in Articles 34 and 35, above, during which a recognized exclusive right belongs to the authors, their heirs or the persons entitled, the exploitation of works of folklore or works falling into the public domain shall be subject to the agreement by the person exploiting them to pay to the national authority a royalty calculated on the basis of the gross profit of the exploitation.

(2) Such royalty shall be equal to one half of the rate of remuneration usually granted to authors of protected works according to the contracts or practice in force.

(3) The proceeds from royalties thus made under the provisions of the present Article shall be used for cultural and social purposes.

## CHAPTER VIII

## Procedure and Sanctions

*Article 37*

(1) Without prejudice to the right of the injured party to institute legal action, all disputes relative to the application of the present Annex shall be within the competence of the civil courts dealing with the matter according to the normal procedure. However, where the subject of the action concerns solely payment of royalties to the State, administrative procedures shall be applied.

(2) The National Copyright Office or the National Society of Authors and Composers may institute legal proceedings with a view to defending the economic rights of authors which it is authorized to recover. Its intervention in the proceedings is compulsory in cases of direct actions by the owners of rights.

(3) Professional associations of authors duly constituted shall only be able to act in defense of the collective interests of their members.

(4) In cases of attachment with regard to the rights of exploitation, an author with no other resources may obtain a daily allowance for necessities, consisting of a specified share of the sums seized, from the president of the competent court.

*Article 38*

(1) Any publication, reproduction, performance or distribution by any means whatsoever, or the importation on to the national territory of a work protected by the present Annex in violation of the copyright, shall constitute the offense of infringement as specified and shall be punished by the provisions of the national penal code.

(2) Any person exploiting a work of folklore or a work in the public domain who fails to make a prior declaration to the national authority shall be punishable by a fine whose minimum amount shall be fixed by the said authority and which, where appropriate, may be equivalent to twice the amount of the royalties not paid.

#### *Article 39*

(1) At the request of any author of a work protected by the present Annex, of the persons entitled, of the National Copyright Office or of the National Society of Authors and Composers, the competent examining magistrate, taking cognizance of the infringement, or the competent president of the court, may, in all cases, including those where the copyright is threatened with immediate infringement, and upon the provision of security where necessary, order the seizure, in any place and even at times other than those specified in the national code of civil procedure, of copies manufactured or in the course of manufacture of an unlawfully produced work, of unlawfully used copies and of receipts from the infringement of a protected work; he may also order the suspension of any manufacture, public performance in progress or announced, which constitutes an infringement or an act preparatory to infringement.

(2) The provisions of the preceding paragraph shall also be applicable to unauthorized exploitation of a work of folklore or a work falling into the public domain.

#### *Article 40*

(1) The measures ordered by the competent examining magistrate under Article 39, above, shall be lifted automatically in the event of a nonsuit or order of *nolle prosequi*.

(2) They may be lifted at any time by the examining magistrate or by the criminal court subject, if appropriate, to the provision of security or the designation of an administrator-receiver responsible for the resumption of the manufacture or the public performances and for holding the proceeds from the exploitation of the work on behalf of the person to whom the work belongs.

(3) The measures ordered by the president of the competent court shall be lifted automatically on the thirtieth day following the decision where the plaintiff has failed to refer the matter to the competent civil court, unless criminal proceedings are in progress; they may also be lifted at any time by the president of the court in a summary proceeding, or by the civil court hearing the main issue, as appropriate, under the conditions prescribed by paragraph (2) of the present Article.

#### *Article 41*

Material proof of an act constituting an infringement as specified in Article 38, above, or an act preparatory to infringement of a protected work, may derive either from the reports of officers or agents of the judicial police or from statements by sworn agents of the National Copyright Office or the National Society of Authors and Composers.

### CHAPTER IX

#### Field of Application of Part I

#### *Article 42*

(1) The provisions of Part I shall apply to all works which, at the time the present Annex enters into force, have not fallen into the public domain.

(2) Contracts concluded before such date shall, subsequent to the entry into force, be governed by these provisions.

#### *Article 43*

(1) The provisions of the present Part shall apply to:

- (i) all works for which the original owner of the copyright at the time of completion of the work:
  - (a) is a national of one of the member States of the Organization or has his customary

residence there, where natural persons are concerned;

- (b) is subject to the jurisdiction of one of the member States, where legal persons are concerned;
- (ii) works published for the first time on the territory of one of the member States, or published on such territory within 30 days of the first publication in a foreign country;
- (iii) works of architecture built on the territory of one of the member States and any work of art incorporated in a building on the territory of any one of these States.

(2) In the case of a work of joint authorship, it shall be sufficient, for the provisions of Part I to apply, for only one of the joint authors to fulfill the conditions laid down in sub-paragraph (1) (i), above.

(3) Works not falling into one of the categories referred to above shall only enjoy the protection provided by the present Annex on condition that the State of which the original copyright owner is a national, or in which he has his customary residence, grants equivalent protection to the works of nationals of member States of the Organization. States for which this condition is deemed to be fulfilled shall be decided upon by the competent national authority.

(4) The provisions of international treaties shall remain reserved.

#### *Article 44*

(1) The administration of the rights referred to in Article 3, above, as well as the defense of the moral interests referred to in Article 9, above, shall be entrusted to a National Copyright Office and/or a National Society of Authors and Composers, set up in each member State by virtue of the present Annex and which shall be empowered to act as agent for the issue of authorizations and for the collection of royalties deriving therefrom.

(2) The structure and operation of the said body shall be fixed by the competent national authority.

(3) The Organization shall be responsible for centralizing and coordinating all information relating to the protection of literary and artistic property and for communicating such information to any member State which so requests.

## PART II

### Protection and Promotion of the Cultural Heritage

#### CHAPTER I

#### Definitions

#### *Article 45*

For the purposes of Part II, in addition to folklore, the following shall be considered as belonging to the cultural heritage of the nation: sites and monuments, property which, on religious or secular grounds, is deemed by the State to be of importance for archaeology, prehistory, history, literature, art or science and which belongs to the following categories:

- (i) collections and rare zoological, botanical, mineralogical and anatomical specimens; objects of prehistoric interest;
- (ii) property concerning history, including scientific, technical, military and social history and the lives of national leaders, thinkers, scholars and artists, and important national events;
- (iii) the results of archaeological excavations, both authorized and clandestine, as well as archaeological discoveries;
- (iv) objects coming from an artistic or historic monument or an archaeological site;
- (v) objects of antiquity more than 25 years old, such as inscriptions, coins, carved seals, weights and measures, etc.;
- (vi) ethnographic material, such as ornaments and jewellery, religious objects, musical instruments, furniture, languages and dialects, products of the pharmacopoeia, traditional medicine and psychotherapy, culinary and clothing traditions;
- (vii) property of artistic interest such as:
  - (a) pictures, paintings and drawings entirely done by hand, on any backing and in any material (with the exception of industrial drawings and manufactured objects decorated by hand);
  - (b) original statues and sculptures in any material;
  - (c) original engravings, prints and lithographs;

- (d) original tapestries, weaving, combinations and settings in any material;
- (viii) rare manuscripts and incunabula, old books, documents and publications of special interest (historic, artistic, scientific, literary, etc.), alone or in collections;
- (ix) postage stamps, revenue stamps and similar, alone or in collections;
- (x) archives, including photographic, phonographic and cinematographic archives.

#### *Article 46*

(1) For the purposes of Part II, "folklore" means the literary, artistic, religious, scientific, technological and other traditions and products as a whole, created by African communities and handed down from generation to generation and which constitute the bases of the African cultural heritage.

(2) The following shall be included in this definition:

- (a) literary works of any kind, in oral or written form, stories, legends, proverbs, epics, chronicles, myths;
- (b) artistic styles and productions:
  - (i) dances;
  - (ii) musical works of any sort;
  - (iii) dramatic, dramatico-musical, choreographic and pantomimic productions;
  - (iv) works and styles of the plastic and decorative arts by any process;
  - (v) architectural styles;
- (c) religious traditions and celebrations:
  - (i) rites and rituals;
  - (ii) objects, vestments and places of worship;
- (d) educational traditions: initiations, sports, games, codes of manners and social conventions;
- (e) scientific knowledge and works:
  - (i) practices and products of medicine and the pharmacopoeia;
  - (ii) theoretical and practical attainments in the fields of the natural sciences, physics, mathematics and astronomy;
- (f) technological knowledge and works:
  - (i) metallurgical and textile industries;
  - (ii) agricultural techniques;
  - (iii) hunting and fishing techniques.

#### *Article 47*

For the purposes of Part II, the following shall be deemed to be sites and monuments: movable property

and real estate, public or private, including natural monuments, places, resorts and sites whose preservation and conservation are of historical, artistic, scientific, legendary or picturesque interest.

## CHAPTER II

### Protection

#### SECTION I

#### General Provisions

#### *Article 48*

The protection, safeguarding and promotion of the cultural heritage as defined in Articles 45, 46 and 47, above, shall be assured by the State.

#### *Article 49*

In order to assure such protection, safeguarding and promotion, the State shall undertake the listing, assessment, classification, security and illustration of the constituent elements of the cultural heritage.

#### *Article 50*

(1) It shall be forbidden to unlawfully denature, destroy, export, sell, alienate or transfer, in whole or in part, any of the constituent elements of the cultural heritage.

(2) In the absence of a special authorization issued by the designated competent authority, it shall remain forbidden to make a reproduction for gain, by any process whatsoever, including photographic reproduction, of any unclassified cultural property, listed or not, ancient or modern, and considered as a constituent of the national cultural heritage within the meaning of the present Annex.

#### *Article 51*

In order to prevent its looting, loss or deterioration, the State shall assure the control of exportation,

distribution, alienation and sale of unclassified cultural property, listed or not, ancient or modern.

#### Article 52

The State shall enjoy the right of preemption with regard to any property liable to enrich the cultural heritage of the nation.

### SECTION II

#### Listing and Classification Procedures

#### Article 53

The listing of a cultural property shall be notified to the owner, the holder or the occupant.

#### Article 54

(1) Where the listing is not followed within six months by a decision to classify the property, the listing shall become null and void.

(2) Where necessary, the listing may be prolonged, but, in any event, it shall not exceed 18 months.

#### Article 55

The classification shall be notified to the proprietor, the holder or the occupant by the administrative authority of the place where the cultural property is situated or held.

### SECTION III

#### Effects of Listing and Classification

#### Article 56

Listing shall imply for the proprietor, the holder or the occupant the obligation to give three months' notice to the competent authority before making any

changes in the place or object, or undertaking any work other than that of normal maintenance or everyday exploitation.

#### Article 57

(1) In addition, listing shall empower the administrative authority to oppose:

- (i) any works liable to injure the integrity of the cultural property;
- (ii) the exportation or transfer of listed movable objects.

(2) Such opposition shall prohibit the work until expiration of the total period of listing.

#### Article 58

The classification shall follow the cultural property itself regardless of to whom the property shall pass.

#### Article 59

Any person who alienates a classified property by sale or otherwise shall, on pain of it being declared null and void, before concluding the act of alienation:

- (a) inform the beneficiary of the status of the property;
- (b) inform the competent authority of the act of alienation of the said property within a period of 15 days.

#### Article 60

Any classified property belonging to a legal person under public law may not be alienated without the specific authorization of the competent administrative authority.

#### Article 61

The State shall have the right to undertake, at its own expense, the work necessary for the restoration or preservation of classified property which it does not own. To this end, it may, *ex officio*, take possession of the said property during the period required to complete the work.

*Article 62*

The owners, holders or occupants may, where appropriate, claim the payment of an indemnity for loss of possession. Such payment shall be fixed in accordance with the provisions in force regarding such matters.

*Article 63*

Having regard to the expenditure to be thus borne by the State and where the listed property is in a position to be opened to the public or viewed by it, a fee for visits may be fixed, whose amount shall be determined by the competent authority and which shall be paid into the special fund specified under Article 72(ii).

*Article 64*

Where work as referred to in Article 57, above, is undertaken without statutory approval, upon the competent administrative authority's becoming aware of the fact, it shall order the immediate suspension of the work and the return to the *status quo ante*, at the expense of the offenders, of the cultural property for which it is responsible or which it supervises, until the property recovers its integral identity.

*Article 65*

The alienation of materials or parts unlawfully detached from classified or listed cultural property, as well as any act having the effect of transferring the possession of such materials or parts to third parties, shall be null and void. The third parties, jointly responsible with the owners for the return of such materials or parts, may not claim any indemnity from the State.

*Article 66*

(1) No building may be erected on a classified site or against a classified property and no common easement may be undertaken on a classified property, without the authorization of the competent administrative authority.

(2) Lawful easements liable to degrade property shall not apply to listed or classified property.

(3) Any classified site within a town planning zone shall constitute an area *non aedificandi*.

(4) Subject to the penal and administrative sanctions provided for in such matters, the posting of bills and the setting up of extraneous publicity devices shall be prohibited on classified monuments and, where appropriate, in the vicinity, determined, in each case, in the prescribed manner.

*Article 67*

(1) The classification of property may give rise to payment of an indemnity in reparation for the prejudice which may result.

(2) Administrative acts of classification shall establish the conditions for classification by mutual agreement.

(3) In the absence of consent by the proprietor, classification shall be made *ex officio*. Claims for indemnity shall be submitted to the administration within six months of notification of *ex officio* classification, on pain of foreclosure. Disputes concerning the principle or the amount of the indemnity shall be brought before the jurisdiction within whose competence the property classified *ex officio* is situated or held.

*Article 68*

(1) The State may expropriate owners of their classified or listed property according to the procedure established in the legislation concerning expropriation in the public interest, as well as owners whose property is necessary in order to isolate, open up or improve the classified property.

(2) The declaration of public interest shall automatically entail the classification of the listed property.

(3) The indemnity to be paid under Article 67(1), above, may not be claimed or paid if, during the year following the date of declaration, the statement of mutual agreement on the indemnity for expropriation or the legal decision on expropriation has not yet been made.

*Article 69*

No listed or classified property may be included in an inquiry for the purposes of expropriation in the public interest or in a special zone of real estate planning, unless it is previously declassified or unless the listing is annulled owing to the legitimate priority of the real estate plan proposed over considerations of a cultural nature; an exception shall only be made where the said plan is not prejudicial to the conservation and preservation of the classified property.

## CHAPTER III

## Safeguards

*Article 70*

The safeguarding of the cultural heritage shall, in particular, be assured by:

- (a) the creation and promotion of museums, collections of any sort, sites and monuments;
- (b) the preservation by image and sound of the traditional culture of the nation;
- (c) the setting up of written, visual and sound archives.

## CHAPTER IV

## Promotion

*Article 71*

The State shall recognize:

- (i) for all citizens, the right of access to the advantages of the cultural heritage;
- (ii) for craftsmen, artists and other creative persons, the right to assistance and encouragement.

*Article 72*

The State shall guarantee and assure exercise of such rights by:

- (i) information and education in any form, particularly the inclusion of the values of the cultural heritage in educational, teaching and training programs in public and private institutions at all levels;
- (ii) the creation of a special fund for cultural and social purposes, in particular:
  - (a) the upkeep, preservation and enrichment of the cultural heritage;
  - (b) the support and encouragement of:
    - (i) artists, craftsmen, authors and other creative persons;
    - (ii) cultural ventures and activities of any sort;
    - (iii) measures furthering the immediate integration in the national life of national or African works of any sort, whether individual or collective and, in particular, cinematographic works;
    - (iv) the allocation of at least five per cent of the cost of public buildings or buildings open to the public for the decoration and furnishing of such buildings by national or African artists or craftsmen.

## CHAPTER V

## Final Provisions

*Article 73*

Any offense against the provisions of Articles 56 and 57 of the present Annex shall be punished by a fine of from 12,000 to 200,000 francs CFA, without prejudice to any action for damages which the competent administrative authority may bring.

*Article 74*

Any person having knowingly transgressed the provisions of Article 50 of the present Annex shall be punished by a term of imprisonment of from one month to two years and by a fine of from 24,000 to 120,000 francs CFA, without prejudice to any damages.

*Article 75*

Any infraction of the provisions of Articles 59 and 65 of the present Annex shall be punished by a term of imprisonment of from six months to five years or by a fine of from 10,000,000 to 50,000,000 francs CFA, or to both penalties.

*Article 76*

Any person having transgressed the provisions of Article 69, above, shall be liable to a fine of from 50,000 to 2,500,000 francs CFA. Where the work specified in the above-mentioned Article has injured the integrity of the property, the offender shall be liable to the punishment provided for in Article 75, above.

## CHAPTER VI

## Other Provisions

*Article 77*

A High Commission for the National Cultural Heritage shall be established. It shall be consulted on any question concerning the protection, safeguarding and promotion of the cultural heritage.

*Article 78*

The means of application of the provisions of Articles 49, 51, 52, 63 and 77 of the present Annex shall be established by the regulations.

*Article 79*

Any prior provisions contrary to the provisions of the present Annex are hereby repealed.

## Book Reviews

**Copyright Law in the European Community**, by *Adolf Dietz*. A volume of XXI-312 pages. Sijthoff & Noordhoff, Alphen aan den Rijn (Netherlands), 1978.

This is the English version, now published in book form, of a comparative study prepared by Dr. Dietz, Scientific Consultant, Max Planck Institute for Foreign and International Patent, Copyright and Competition Law, Munich, at the request of the Commission of the European Communities. Its primary aim is to demonstrate common features and differences, and to recommend solutions which would be best adapted to the modern requirements of copyright. The study is not limited to an analysis of existing copyright laws, but also considers rules developed from national and international copyright theory and those expressed in the existing international copyright conventions.

The task of the author was not an easy one, since there are still some substantial differences in national legislation on copyright in the nine member countries of the European Economic Community, although they have all been members of the Berne Union for a long time and as such exposed to gradual pressure towards harmonization in that field.

In his detailed analysis, the author deals with various aspects of copyright protection, including its beginning and duration, protected works, ownership of copyright, moral and economic rights, limitations, copyright contracts and collecting societies.

One of the major controversial issues dealt with by the author is the dilemma between the exclusive right and the claim to compensation. He admits that the traditional method of granting exclusive exploitation rights is the basis

of copyright law in all EEC countries and may therefore be considered as a substantially undisputed common concept. However, he notes that the granting of such rights is not — either in theory or in practice — necessarily the only means of providing the author with the deserved return on his work and that lump-sum settlements and partial renunciation of individual distribution among authors are often no longer avoidable. There is the progressing “social dimension” concept of copyright, which in some cases justifies the use of exploitation revenue for the social security of authors.

In dealing with various categories of works, the author pays particular attention to the problem of cinematographic works. According to Dr. Dietz, standardization in this important field of modern culture appears to be really pressing.

The discussion of the limitations of copyright shows that there is little uniformity in detail among the nine EEC countries. In this connection, the author notes that an attempt at harmonization was already made at the Stockholm Revision Conference of 1967, the major efforts being made by the European participants in particular.

Duration of copyright protection is discussed at considerable length and it is recommended that the term of protection be standardized on the basis of either 70 year *post mortem auctoris* or 50 years plus a subsequent *domaine public payant* lasting for at least 20 years or of indefinite duration.

As for the law of copyright contracts, the author considers that there appears to be no hope, at least in the immediate future, of including all the related problems in a tentative harmonization of European copyright legislation.

He therefore suggests that a few basic mandatory rules for such contracts be introduced in favor of authors.

In his general conclusions on the harmonization program, the author expresses the opinion that there is no need to proceed by means of a special agreement in this field and that the course to choose is that of issuing directives in accordance with relevant provisions of the EEC Treaty. In this connection, it is interesting to note the author's belief that the lack, in most countries, of special arrangements at the national level in the fields of mass utilization of protected works (tape and video recorders, reprography, broadcasting, cable TV) would do much to facilitate European harmonization.

An Appendix to the book contains a selected bibliography of European copyright law. The long list of books and articles mentioned shows once more that the author has examined this problem in depth; it will also be a useful source of reference for all those who wish to make further studies along these lines.

This study, which was written in German \* and translated into French and English, has already been referred to in a

number of articles and also discussed at various meetings organized by the interested circles. Some doubts have been expressed as to the possibility of achieving a general harmonization because of the differences in the theoretical structure of copyright in various countries. A few remarks have been made concerning particular points discussed or specific recommendations made. It seems, however, to be generally agreed that Dr. Dietz's study is a valuable contribution to the effort made towards achieving at least a degree of regional harmonization of copyright legislation. Such harmonization, based on the broadly accepted principles and provisions of the Berne Convention, even if modest in scope, would certainly be an important step towards the difficult-to-attain ideal of uniform protection of authors throughout the world.

M. S.

\* *Das Urheberrecht in der Europäischen Gemeinschaft*, Nomos Verlagsgesellschaft, Baden-Baden, 1978. (Schriftenreihe Europäische Wirtschaft, 91)

## Calendar

### WIPO Meetings

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

#### 1979

- May 28 to June 1 (Geneva) — Berne Union — Working Group on Problems Arising from the Use of Electronic Computers**  
(convened jointly with Unesco)
- June 11 to 15 (Paris) — Satellites Convention — Committee of Experts on Model Provisions for the Implementation of the Convention** (convened jointly with Unesco)
- June 11 to 15 (Geneva) — Nice Union — Preparatory Working Group**
- June 11 to 15 (Washington) — Permanent Committee on Patent Information (PCPI) — Subgroup on IPC Class A 01, etc.**
- June 18 to 29 (Geneva) — Revision of the Paris Convention — Working Group on Conflict Between an Appellation of Origin and a Trademark**
- June 25 to 29 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on General Information, and ICIREPAT Technical Committee for Standardization (TCST)**
- July 2 to 6 (Paris) — Berne Union and Universal Copyright Convention — Working Group on the overall problems posed for developing countries concerning access to works protected under copyright conventions** (convened jointly with Unesco)
- July 2 to 6 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Search Information**
- September 11 to 14 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Patent Information for Developing Countries**
- September 17 to 21 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning**
- September 24 to October 2 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, 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 Lisbon Union)**
- October 15 to 26 (Geneva) — Nice Union — Committee of Experts**
- October 18 and 19 (Geneva) — ICIREPAT — Plenary Committee**

- October 22 to 26 (Geneva) — Permanent Committee on Patent Information (PCPI), and PCT Committee for Technical Cooperation (PCT/CTC)**
- October 22, 23 and 30 (Paris) — Rome Convention — Intergovernmental Committee** (convened jointly with ILO and Unesco)
- October 24 to 26 and 31 (Paris) — Berne Union — Executive Committee** (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)
- November 26 to December 13 (Madrid) — Diplomatic Conference on Double Taxation of Copyright Royalties** (convened jointly with Unesco)
- November 27 to 30 (Geneva) — Paris Union — Group of Experts on Computer Software**
- December 10 to 14 (Geneva) — International Patent Classification (IPC) — Committee of Experts**

## 1980

- February 4 to March 4 (Geneva) — Revision of the Paris Convention — Diplomatic Conference**

## UPOV Meetings

### 1979

- June 5 to 7 (Avignon) — Technical Working Party for Vegetables**
- July 17 to 19 (Hanover) — Technical Working Party for Ornamental Plants**
- September 18 and 19 (Geneva) — Administrative and Legal Committee**
- September 25 to 27 (Wageningen) — Technical Working Party for Forest Trees**
- October 16 and 19 (Geneva) — Consultative Committee**
- October 17 to 19 (Geneva) — Council**
- November 12 to 14 (Geneva) — Technical Committee**
- November 15 and 16 (Geneva) — Administrative and Legal Committee**

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

### 1979

#### Non-Governmental Organizations

##### European Broadcasting Union (EBU)

Legal Committee — September 25 to 28 (Bergen)

##### International Federation of Actors (FIA)

Congress — September 25 to 29 (Budapest)

##### International Federation of Library Associations (IFLA)

Congress — August 27 to September 1 (Copenhagen)

##### International Organization for Standardization (ISO)

General Assembly — September 17 to 21 (Geneva)

##### International Writers Guild (IWG)

Congress — June 21 to 25 (Helsinki)

### 1980

##### International Confederation of Societies of Authors and Composers (CISAC)

Congress — November 3 to 7 (Dakar)

##### International Publishers Association (IPA)

Congress — May 18 to 22 (Stockholm)