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# World Intellectual Property Organization

## Committee of Experts to Draft Model Statutes for Institutions Administering Authors' Rights in Developing Countries

(Paris, June 9 to 13, 1980)

### Report

#### I. Introduction

1. Pursuant to paragraph 5028 of the work plan relating to resolution 5/9.2/1/I adopted by the General Conference of Unesco at its twentieth session (October/November 1978) and to the decision taken by the Governing Bodies of WIPO at their sessions in October 1979, the Secretariat of Unesco and the International Bureau of WIPO convened a Committee of Experts to draft model statutes for institutions administering authors' rights in developing countries with a view, in particular, to bringing up to date the "Draft Model Statute for Societies of Authors in African Countries" adopted at Abidjan in 1969 under the co-sponsorship of the two Organizations. This Committee of Experts met at Unesco Headquarters in Paris from June 9 to 13, 1980.

2. The participants were high officials of authors' societies, nationals of nine Member States of Unesco and WIPO as follows: Algeria, Argentina, Egypt, India, Mexico, Philippines, Senegal, United Republic of Cameroon, Venezuela. These experts were invited to participate in a personal capacity by the Directors General of Unesco and WIPO. Observers from four international non-governmental organizations also attended the meeting. The list of these participants is appended as an annex to this report (Annex 3).

#### II. Opening

3. The meeting of the Committee of Experts was opened, in the name of the Director-General of Unesco, by Miss Marie-Claude Dock, Director, Copyright Division, and, in the name of the Director General of WIPO, by Mr. Claude Masouyé, Director, Public Information and Copyright Department, who welcomed the participants.

#### III. Election of Chairman

4. The Committee of Experts unanimously elected Mr. Ndéné Ndiaye, Director General of the Senegalese Bureau for Authors' Rights, as its Chairman.

#### IV. Documentation

5. The Committee of Experts was provided with documents containing two drafts of Model Statutes for Institutions Administering Authors' Rights in Developing Countries, prepared by the Secretariats of Unesco and WIPO (document UNESCO/WIPO/SSA/2) and intended to govern public institutions and private societies, respectively, administering authors' rights. The Abidjan Model Statute was likewise put at its disposal (document UNESCO/WIPO/SSA/INF.2).

#### V. General observations

6. Before beginning work on drafting the model statutes, the Committee of Experts noted that developments during recent years in the field of authors' rights in general, and as regards organizing of authors in developing countries in order to ensure effective safeguard of their rights, made it necessary that the Abidjan Model Statute be revised with the aim of bringing it up to date and also extending it as regards its geographic applicability to the whole Third World. In fact, the existence of a national law on authors' rights in a given country is not enough to guarantee effective protection of these rights. It is also necessary that this law should be implemented, and in this respect an essential task rests with the authors' organizations. The observers representing various fields concerned associated themselves with this point of view and congratulated Unesco and WIPO for their initiative.

7. Having noted that the Model Statute of Abidjan was drafted along the lines of authors' societies constituted as civil or commercial societies and inasmuch as the experience of recent years had shown that several developing countries had indicated a preference for the creation of public copyright bureaux or offices, the Committee of Experts, recognizing both approaches, indicated its preference for the first type of organization. But it underscored the fact that in any case the texts resulting from these discussions were only general frameworks and that it was up to

the States to decide on the nature of the organizations that would be created in their territories, while organizations other than civil or commercial societies or copyright bureaux or offices, such as cooperative societies, societies of a mixed legal character or others, could also be established.

8. The Committee of Experts then proceeded to examine, article by article, the drafts which had been submitted by the Secretariats and to draw up the two texts of the Model Statutes which appear in Annexes 1 and 2 of this Report.

9. It also entrusted the Secretariat of Unesco and the International Bureau of WIPO with writing, subsequently, commentaries to accompany these texts. These commentaries must, among other things, take account of the many points that emerged in the course of the debates.

#### VI. Adoption of the report and closing of the meeting

10. After the adoption of this report and after the usuals thanks, the Chairman declared the meeting closed.

### ANNEX 1

#### Draft Model Statute for Public Institutions Administering Authors' Rights

##### Article 1

###### *Constitution — Name*

(1) An office, called (name and abbreviated name), is established in accordance with the provisions of the copyright legislation of (name of country).

(2) The office is a public, non-profit-making body of professional character, having legal personality and financial autonomy.

(3) It has its headquarters in (name of city); it may set up branch offices within the national territory.

(4) It is under the trusteeship of the Ministry (name of the Ministry).

##### Article 2

###### *Purpose*

The purpose of (abbreviated name) shall be:

- (i) to ensure the representation and defense of the professional, economic and moral interests of authors of literary and artistic works who are nationals or residents of (name of country) or their successors in title, within the country and abroad;
- (ii) to contribute to the promotion of national creativity by all appropriate means that are within its terms of reference.

##### Article 3

###### *Functions*

The functions of (abbreviated name) include:

- (i) administering, on an exclusive basis, within the country and abroad, where appropriate by means of reciprocity agreements, all rights relating to the

public performance, broadcasting, communication to the public by wire or wireless, graphic or mechanical reproduction, translation, adaptation and any other form of use of the protected works of nationals or residents of (name of country) [including the "droit de suite"]; acting to that end as exclusive intermediary for the conclusion of contracts between copyright owners and users of their works;

- (ii) administering the aforementioned rights on an exclusive basis within the country on behalf of foreign authors by virtue of reciprocity agreements concluded with the representatives of the latter;
- (iii) receiving and recording to that end all statements serving to identify the said works and their authors or successors in title;
- (iv) collecting copyright fees from the users of the said works;
- (v) distributing the said fees among the authors or successors in title;
- (vi) ensuring that the conditions laid down for the grant of compulsory licenses are complied with and respected, through intervention prior to such a grant [where national legislation provides for such licenses];
- (vii) safeguarding and asserting rights relating to the use of the folklore heritage of (name of country) where those rights are protected by copyright;
- (viii) establishing model forms for contracts with the users of protected works or with their representative bodies;
- (ix) acting on behalf of authors or their successors in title to secure respect for the conditions governing authorization to use protected works, and, in the event of violation, to assert all rights recognized by national legislation or by international conventions to which (name of country) is party, either in its own name where the rights concerned are administered by (abbreviated name) in any form what-

ever, or at the express request of the parties concerned in all other cases;

- (x) providing authors or their successors in title with information or advice on all matters relating to copyright;
- (xi) providing the competent authorities with information or opinions on all legislative or practical problems relating to copyright;
- (xii) establishing and administering a Provident and Benevolent Fund or any other similar welfare, or mutual aid scheme for authors or their heirs, the modalities of the establishment and administration of such a fund or scheme being determined in separate regulations drawn by the Management Board;
- (xiii) fostering such harmony and understanding between authors and the users of their works as are necessary for the protection of the authors' rights;
- (xiv) promoting better copyright relations between (name of country) and other countries, and contributing thereby to the broadening of cultural exchanges, notably by the conclusion of reciprocity agreements with foreign copyright management bodies and by accession to international organizations grouping such bodies;
- (xv) exercising activities to promote the dissemination of national works in (name of country) and abroad;
- (xvi) performing such other lawful acts as are conducive to the attainment of the aforementioned objectives.

#### Article 4

##### *Administration of the Office*

The administration of (abbreviated name) shall be exercised by:

- (i) the Management Board, and
- (ii) the Director General.

#### Article 5

##### *Management Board*

(1) The Management Board shall consist exclusively of authors. It will be composed of members appointed for . . . years by the competent authority with due regard to equitable representation of the various categories of authors. Members of the Management Board may neither be employed by (abbreviated name) nor be made permanently or occasionally responsible in any way for the management or administration of an establishment that uses works the rights in which are managed by (abbreviated name).

(2) The President of the Management Board shall be nominated by an act of the competent authority. He shall be discharged of his functions in the same manner.

(3) The Management Board shall meet at least (once) (twice) (. . . times) in ordinary session. It shall meet in extraordinary session at the request of the competent authority, its President or . . . of its members, or at the instigation of the Director General.

(4) The Management Board may not conduct business unless it is represented by at least one-half of its members. Decisions shall be taken by the majority of the members present. In the event of equally divided votes, the President shall have a casting vote.

(5) The Management Board shall hear the reports of the Director General on the operation of (abbreviated name). The subjects of its deliberations shall include:

- (i) the income and expenditure forecasts of (abbreviated name);
- (ii) the annual management report and the final accounts;
- (iii) employment and social security matters;
- (iv) staff regulations and their application;
- (v) agreements between (abbreviated name) and other foreign authors' bodies that pursue the same aims;
- (vi) the establishment of Committees and the appointment of their members;
- (vii) the creation of the branch offices referred to in Article 1(3);
- (viii) the acquisition, sale, exchange or rental of premises, which may not take place until the approval of the competent authority has been obtained;
- (ix) gifts or bequests made to (abbreviated name) subject to the approval of the competent authority;
- (x) the transfer of the headquarters to any place within the country, subject to the approval of the competent authority.

(6) A report shall be drawn up of each session of the Management Board; it shall contain the minutes of the discussions and decisions; a copy of the report shall be addressed to the competent authority within a period of . . .

#### Article 6

##### *Director General*

(1) The Director General of (abbreviated name) shall be appointed by an act of the competent authority. His appointment may be terminated in the same manner.

(2) The Director General shall be the legal representative of (abbreviated name) in dealings with third parties, in all civil acts and in all judicial action.

(3) The Director General shall have the task of leading, managing and administering (abbreviated name) in accordance with the decisions of the Management Board.

(4) The Director General may not be a member of the Management Board; however, he shall attend all its meetings, report to it and take part in its deliberations, *ex officio*, in an advisory capacity.

(5) The Director General shall make and revoke appointments to all posts, under conditions specified by the Staff Regulations.

#### Article 7

##### *Administration of Rights*

(1) (abbreviated name) shall ensure the administration of the rights mentioned in Article 3(i) on the basis of contracts made in writing with the users of works.

(2) Fees shall be fixed according to scales drawn up by (abbreviated name) in relation to the type of use and the activities of the user, which scales shall be approved by the competent authority.

(3) Contracts made with users shall provide for the communication to (abbreviated name), on declaration forms prepared by the latter, of appropriate information on works actually used by virtue of the authorization. (abbreviated name) shall organize the monitoring of such use.

(4) (abbreviated name) shall collect, on the basis of declarations of use or corresponding to its own monitoring, the fees provided for in the contracts.

(5) The authors of (name of country) or their successors in title shall file a declaration with (abbreviated name) on a form drawn up by the latter, on which form all the necessary information shall be given for the identification of the work, its authors and, where applicable, the proportionate contribution of the various authors or successors in title.

(6) Fees collected shall be distributed (once) (twice) (. . . times) a year, according to the declarations of use of the works and ownership of the rights in those works, in conformity with rules of distribution laid down by the Management Board.

(7) The amount of expenditure incurred by (abbreviated name) in the fulfilment of its functions shall be withheld from the amounts collected or received within limits set by the Management Board. From these amounts an additional amount shall be withheld for the benefit of the purposes of the Provident and Benevolent Fund, within limits set by the Management Board.

(8) All other procedures related to the principles stated above shall be laid down in appropriate Rules of Procedure, established by the Management Board.

## Article 8

### *Promotion and Information Activities*

(1) In the framework of its functions provided for in Article 3(xv) (abbreviated name) shall provide foreign users with all the necessary information on authors or their successors in title, publishers, the title and content of works in which copyright is owned by a national of (name of country).

(2) National users wishing to make use of foreign works shall approach (abbreviated name) in order to obtain the necessary rights; the applications of foreign users concerning national works shall be addressed to (abbreviated name), which, in both cases, shall provide assistance in the conclusion of contracts.

## Article 9

### *Administration of the Use of Works of National Folklore*

(1) Without prejudice to the powers conferred by the law on other bodies, (abbreviated name) shall be empowered to receive applications for authorization to

use, in any form whatever, works of national folklore that are protected by copyright. It shall approach the said bodies in order to discuss with them the possibilities and conditions for the grant of such authorization. The authorization or its refusal, the latter accompanied by a statement of reasons, shall be communicated to the applicant in writing.

(2) (abbreviated name) has the right and obligation to safeguard and assert by all appropriate means the copyright in works of the national folklore of (name of country).

(3) (abbreviated name) shall collect copyright fees for the use of works of the national folklore of (name of country) which shall be calculated according to the rules of collection, without prejudice to other charges that those bodies competent for conservation and preservation of folklore might be authorized to make on other grounds. These fees shall be allocated in conformity with legislative or regulatory provisions being in force in (name of country) and corresponding to the modalities laid down by the Management Board in accordance with the competent authority.

## Article 10

### *Resources of the Provident and Benevolent Fund*

Resources of the Provident and Benevolent Fund include in particular:

- (i) amounts withheld from sums collected or received within limits set by the Management Board;
- (ii) gifts, bequests or other donations;
- (iii) damages secured by (abbreviated name) following judicial action where distribution proves technically impossible;
- (iv) amounts withheld in application of Article 9(3);
- [(v) amounts resulting from the implementation of the system of "domaine public" subject to payment;]
- (vi) interests on investments of the resources mentioned in the preceding subparagraphs.

## Article 11

### *Rendering and Auditing of Accounts*

(1) (abbreviated name) shall draw up at the end of each financial year an annual balance sheet and a management report.

(2) The annual balance sheet and the management report shall be approved according to legislative and regulatory provisions being in force in (name of country).

## Article 12

### *Regulation by Competent Authority*

Questions not regulated by this Statute shall be brought under regulation by a ruling of the competent authority.

## Article 13

*Dissolution*

The dissolution of (abbreviated name) may be pronounced in the form provided for in national legislation for the dissolution of public bodies.

## Article 14

*Transitional Provisions*

(abbreviated name) shall in all respects continue the work of any body of authors previously authorized in (name of country) to carry on any action related to the functions specified in Article 3.

## ANNEX 2

**Draft Model Statute  
for Private Societies Administering Authors' Rights**

## Article 1

*Constitution — Name*

(1) A society, called (name and abbreviated name), is established in accordance with the provisions of the copyright legislation of (name of country).

(2) The Society is a non-profit-making body having legal personality.

(3) It has its headquarters in (name of city); it may set up bodies within the national territory.

[(4) It is under the supervision of the Ministry (name of the Ministry).]

## Article 2

*Purpose*

The purpose of the Society is:

- (i) to ensure the representation and defense of the professional, economic and moral interests of authors of literary and artistic works, members of the Society or their successors in title, within the country and abroad;
- (ii) to contribute to the promotion of national creativity by all appropriate means that are within its terms of reference.

## Article 3

*Functions*

The functions of the Society include:

- (i) administering, on an exclusive basis, within the country and abroad, where appropriate by means of reciprocity agreements, all rights relating to the public performance, broadcasting, communication to the public by wire or wireless, graphic or mechanical reproduction, translation, adaptation and any other form of use of the protected works of its members [including the "droit de suite"]; acting to that end as exclusive intermediary for the

conclusion of contracts between copyright owners and users of their works;

- (ii) administering the aforementioned rights on an exclusive basis within the country on behalf of foreign authors by virtue of reciprocity agreements concluded with the representatives of the latter;
- (iii) receiving and recording to that end all statements serving to identify the works and their authors or successors in title;
- (iv) collecting copyright fees from the users of the said works;
- (v) distributing the said fees among the authors or successors in title concerned;
- (vi) ensuring that the conditions laid down for the grant of compulsory licenses are complied with and respected, through intervention prior to such a grant [where national legislation provides for such licenses];
- (vii) safeguarding and asserting rights relating to the use of the folklore heritage of (name of country) where those rights are protected by copyright;
- (viii) establishing model forms for contracts with the users of protected works or with their representative bodies;
- (ix) acting on behalf of authors or their successors in title to secure respect for the conditions governing authorization to use protected works, and, in the event of violation, to assert all rights recognized by national legislation or by international conventions to which (name of country) is party, either in its own name where the rights concerned are administered by the Society in any form, or at the express request of the parties concerned in all other cases;
- (x) providing its members or their successors in title with information or advice on all matters relating to copyright;
- (xi) providing the competent authorities with information or opinions on any legislative or practical problems relating to copyright;
- (xii) establishing and administering a Provident and Benevolent Fund or any other similar welfare, or mutual aid scheme for authors or their heirs, the modalities of the establishment and administration

of such a fund or scheme being determined by separate rules laid down by the Management Board;

- (xiii) fostering such harmony and understanding between authors and the users of their works as are necessary for the protection of the authors' rights;
- (xiv) promoting better copyright relations between (name of country) and other countries, and contributing thereby to the broadening of cultural exchanges, notably by the conclusion of reciprocity agreements with foreign copyright management bodies and by accession to international organizations grouping such bodies;
- (xv) exercising activities to promote the dissemination of the works of its members in (name of country) and abroad;
- (xvi) performing such other lawful acts as are conducive to the attainment of the aforementioned objectives.

#### Article 4

##### *Membership*

(1) The Society shall admit to full membership:

- (i) any author who at the time of this application:
  - (a) has within the previous . . . months had a play, a scenario, one or more musical compositions or a choreographic work, produced or performed publicly on stage, by radio, by television, by cinematography or by any other medium, including mechanical reproduction;
  - (b) has had a book published within the previous . . . years;
  - (c) has within the previous . . . months had works of fiction or non-fiction published by one or more major magazines or major, wide-circulation newspapers, or communicated to the public by radio or television;
  - (d) has, within the previous . . . months, had works of plastic or graphic art exhibited or communicated to the public;
  - (e) has, in the opinion of the Management Board, such professional standing in the field of art and literature as entitles him to membership;
- (ii) any other author complying with the conditions of admission laid down by the Management Board;
- (iii) any heir of an author entitled to full membership.

(2) The Society shall admit to associate membership any publisher who is a national of (name of country) and who is entitled to claim a share in the remuneration deriving from uses as provided in Article 3(i).

#### Article 5

##### *Rights of Members*

- (1) Full members shall have the right:
  - (i) to benefit from the services and aid offered by the Society;
  - (ii) to participate fully in the affairs of the Society, including participation in the meetings of the General Assembly;

(iii) to propose the inclusion of matters in the agenda of the General Assembly, according to the procedure specified in the Rules of Procedure.

(2) Associate members shall have the same rights as full members, except that they may not [be elected to the Management Board,] benefit from the Provident and Benevolent Fund or be represented by the Society in disputes that concern full members.

#### Article 6

##### *Obligations of Members*

(1) All members shall:

- (i) pay an annual subscription (and/or a membership fee) the amount of which shall be fixed by the Management Board;
- (ii) assign to the Society the exclusive right, in respect of all countries and for the duration of . . . , to act as their sole representative and to authorize or forbid all uses of those of their works in respect of which it exercises exclusive administration of rights or in respect of which they have requested its intervention;
- (iii) provide the Society with all information and documents available to them which it might need in order to carry out the management of the rights entrusted to it;
- (iv) to abstain from any professional conduct that might be detrimental to the interests of the Society.

(2) In the event of a serious violation of professional ethics, the Management Board may refuse admission to membership of the Society or exclude a member from the Society, subject to the approval of the General Assembly.

#### Article 7

##### *Administration of the Society*

The administration of the Society shall be exercised by:

- (i) the General Assembly,
  - (ii) the Management Board, and
  - (iii) the Director General,
- who shall be assisted by the Committees set up under this Statute.

#### Article 8

##### *General Assembly*

(1) The General Assembly is composed of all the members of the Society. It shall meet in ordinary session each year, in the month of . . . It may hold extraordinary sessions at the request of the Management Board or of no fewer than . . . % of the members of the Society.

(2) Ordinary and extraordinary sessions of the General Assembly shall be convened no fewer than . . . days prior to the date thereof by the President, who shall communicate the agenda by all suitable information means, written or oral. If the General Assembly is asked

to decide on amendments to this Statute or to the Rules of Procedure, the text of the proposed amendments shall be transmitted with the agenda.

(3) The General Assembly shall be competent to conduct business provided that at least . . . of its members are present or represented, failing which another session shall be convened within the following 30 days. Decisions shall be made by a majority vote of the members present, provided that the adoption of amendments to this Statute and to the Rules of Procedure shall require a majority of two-thirds. Voting by proxy shall be allowed. However, no proxy may represent more than two members.

(4) The General Assembly shall have the power to adopt or amend this Statute and the Rules of Procedure. It shall approve the accounts of the Society every year and shall pronounce on the general and audit reports. It shall establish the funds intended to serve the purposes of the Society. It shall elect the members of the Management Board and fix the amount of the allowance, if any, granted them to cover expenses incurred in the exercise of their duties; it shall also elect the members of the Committees set up under this Statute. In general, it shall rule on all questions included in the agenda and submitted to it by the Management Board.

#### Article 9

##### *Management Board*

(1) (i) The Management Board, renewable by thirds every . . . years, shall be composed of . . . members who shall be nationals of (name of country), elected for . . . years by the members constituting the General Assembly, in the manner specified in the Rules of Voting Procedure, allowing for the participation in the voting of as many of them as possible. [Furthermore, the Supervisory Authority shall designate one representative.]

(ii) [At least . . . % of the members of the Management Board shall be authors.] Members permanently or even occasionally responsible in any way for the management or administration of an establishment that uses works the rights in which are managed by the Society may not be elected to the Management Board.

(2) The Management Board shall elect, from among its members, a President, a Vice-President, a Secretary General and a Treasurer, who together shall constitute its Officers. The Officers shall be responsible for preparing meetings of the Management Board and discharging current business in the intervals between such meetings.

(3) The Management Board shall be convened by its President to meet in ordinary session at least once every . . . It shall meet in extraordinary session at the request of its President or . . . of its members.

(4) The Management Board shall not be competent to conduct business unless one-half of the members constituting it are present. Decisions shall be made by a majority vote of the members present. In the event of equally divided votes, the President shall have a casting vote.

(5) The Management Board shall conduct the affairs of the Society and in general perform all administrative acts. It shall adopt the budget, control all the funds of the Society and decide as to their investment and employment. [It may request the assistance of the Committee in charge of the administration of the Provident and Benevolent Fund insofar as any welfare or mutual aid fund or scheme is concerned.]

(6) The Management Board may, at the written request of the parties concerned, arbitrate any disputes among authors and publishers; its decisions shall be final.

(7) The Management Board shall report to the General Assembly on its management and on important decisions that it has made in the course of its duties. It shall propose to the General Assembly such decisions as are within the latter's competence.

#### Article 10

##### *Committees Set Up Under this Statute*

(1) The Committees set up under this Statute are:

- (i) the Accounts Committee, responsible for supervising the income and expenditure of the Society and auditing its accounts; it shall be assisted by an auditor specially appointed for the purpose [by the Supervisory Authority]; it shall report to the General Assembly on its work;
- (ii) the Work Identification Committee, responsible for identifying works declared to the Society; it shall report to the Management Board on its work;
- [(iii) the Committee for the Administration of the Provident and Benevolent Fund; it shall report to the Management Board on its work.]

(2) Each of the Committees shall be composed of . . . members elected by the General Assembly for . . . years [except for the Committee provided for in paragraph (1) (iii) hereabove, which shall be composed by the Management Board] and renewable by thirds.

#### Article 11

##### *Reports*

Every session of the General Assembly, the Management Board and the Committees set up under this Statute shall be the subject of a report which shall contain the minutes of debates and decisions and shall be entered in a special register kept for the purpose.

#### Article 12

##### *President*

The President of the Management Board shall be the legal representative of the Society. He shall preside over meetings of the society's organs and of the Officers of the Management Board.

## Article 13

*Director General*

(1) The Director General shall be appointed by the Management Board; his appointment may be terminated in the same manner.

(2) The Director General's functions shall consist in leading, managing and administering the Society in accordance with the instructions and decisions of the Management Board. The Director General shall also exercise all powers delegated to him by the President of the Society with a view to its representation in dealings with third parties and in any judicial action.

(3) The Director General [may not be a member of the Society;] [, if a member of the Society, shall renounce his rights arising from such membership for the period of his tenure of office and . . . years thereafter;] he shall take part in the deliberations of its organs, ex officio, in an advisory capacity.

(4) The Director General shall make and revoke appointments to all posts, according to the requirements specified in the Staff Regulations.

## Article 14

*Administration of Rights*

(1) The Society shall ensure the administration of the rights mentioned in Article 3(i) on the basis of contracts made in writing with the users of works.

(2) Fees shall be fixed according to scales drawn up by the Management Board in relation to the type of use and the activities of the user, which scales shall be approved by the General Assembly [and by the Supervisory Authority].

(3) Contracts made with users shall provide for the communication to the Society, on declaration forms prepared by the latter, of appropriate information on works actually used by virtue of the authorization. The Society shall organize the monitoring of such use.

(4) The Society shall collect, on the basis of declarations of use or corresponding to its own monitoring, the fees provided for in the contracts.

(5) Members shall file a declaration with the Society on a form drawn up by the latter, on which form all the necessary information shall be given for the identification of the work, its authors and, where applicable, the proportionate contribution of the various authors or successors in title.

(6) Fees collected shall be distributed (once) (twice) (. . . times) a year, according to the declarations of use of the works and ownership of the rights in those works, in conformity with the Rules of Distribution laid down by the Management Board.

(7) The amount of expenditure incurred by the Society in the fulfilment of its functions shall be withheld from the amounts collected or received within limits

set by the Management Board. From these amounts an additional amount shall be withheld for the purposes of the Provident and Benevolent Fund within limits set by the Management Board.

(8) All other procedures related to the principles stated above shall be laid down in appropriate Rules of Procedure, established by the Management Board.

## Article 15

*Promotion and Information Activities*

(1) In the framework of its functions provided for in Article 3(xv) the Society shall provide foreign users with all the necessary information on authors or their successors in title, publishers, the title and content of works in which copyright is owned by one of its members.

(2) National users wishing to make use of foreign works shall approach the Society in order to obtain the necessary rights; the applications of foreign users concerning national works shall be addressed to the Society, which, in both cases, shall provide assistance in the conclusion of contracts.

## Article 16

*Administration of the Use of Works of National Folklore*

(1) Without prejudice to the powers conferred by the law on other bodies, the Society is empowered to receive applications for authorization to use, in any form whatever, works of national folklore that are protected by copyright. It shall approach the said bodies in order to discuss with them the possibilities and conditions for the grant of such authorization. The authorization or its refusal, the latter accompanied by a statement of reasons, shall be communicated to the applicant in writing.

(2) The Society has the right and obligation to safeguard and assert by all appropriate means the copyright in works of the national folklore of (name of country).

(3) The Society shall collect copyright fees for the use of works of the national folklore of (name of country) which shall be calculated according to the rules of collection without prejudice to other charges that bodies competent for conservation and preservation of folklore might be authorized to make on other grounds. These fees shall be allocated in conformity with legislative or regulatory provisions being in force in (name of country) and corresponding to the modalities laid down by the Management Board in accordance with the Supervisory Authority.

## Article 17

*Resources of the Provident and Benevolent Fund*

Resources of the Provident and Benevolent Fund include in particular:

- (i) amounts withheld from sums collected or received, within limits set by the Management Board;

- (ii) gifts, bequests or other donations;
- (iii) damages secured by the Society following judicial action where distribution proves technically impossible;
- (iv) amounts withheld in application of Article 16(3);
- [(v) amounts resulting from the implementations of the system of "domaine public" subject to payment;]
- (vi) interests on investments of the resources mentioned in the precedings subparagraphs.

#### Article 18

##### *Presentation and Auditing of Accounts*

(1) The Society shall draw up at the end of each financial year an annual balance sheet and a management report. The annual balance sheet and the management report shall be submitted for approval to the yearly General Assembly which will discharge the Management Board of its responsibilities concerning the financial year in question.

(2) Financial operations shall be verified by the Accounts Committee assisted by the auditor appointed [by the Supervisory Authority].

#### Article 19

##### *Duration*

(1) The duration of the Society is set at . . . years from the date of the meeting of the first constituent General Assembly.

(2) On expiry of the current period, this duration shall be extended as of right for an identical period as provided in civil legislation.

#### Article 20

##### *Dissolution*

(1) The Society may be dissolved before the expiry of the period of . . . years provided for in Article 19(1) of this Statute.

(2) Dissolution shall be effected by voting by . . . % of the members present at the extraordinary General Assembly convened to deliberate solely on the expediency of the proposed dissolution [or by an act of the Supervisory Authority].

(3) In case of dissolution the net assets of the Society shall be allocated in conformity with the national legislation in force in (name of country).

#### Article 21

##### *Transitional Provisions*

The Society shall in all respects continue the work of of any body of authors previously authorized in (name of country) to carry on any action related to the functions specified in Article 3.

### ANNEX 3

#### **List of Participants**

##### **I. Experts**

- |   |  |
|---|--|
| M. Salah Abada<br>Directeur général<br>Office national du droit d'auteur (ONDA), Algérie  | Mr. Dinker Rao Mankekar<br>Secretary General<br>Authors Guild of India   |
| Sr. Ricardo Antequera Parilli<br>Asesor Jurídico<br>Sociedad de Autores y Compositores de Venezuela (SAVCEM)  | Sr. Areal H. Naggi Brown<br>Director General<br>Sociedad Argentina de Autores y Compositores de Música (SADAIC)                      |
| Sr. Carlos Gómez Barrera<br>Director General<br>Sociedad de Autores y Compositores de Música (SACM), Mexico   | M. Ndéné Ndiaye<br>Directeur général<br>Bureau sénégalais du droit d'auteur (BSDA)   |
| M. Ibrahim Mahmoud Loutfi<br>Directeur général et Conseiller juridique<br>Société des auteurs, compositeurs et éditeurs de la République arabe d'Égypte (SACERAU) | M. Robert Sanding Beng<br>Directeur adjoint<br>Société camerounaise du droit d'auteur (SOCADRA)                                      |
|   | Mr. Simplicio U. Suarez<br>Corp. Secretary and Executive Director<br>Filipino Society of Composers, Authors and Publishers (FILSCAP) |

## II. Observers

### International Non-Governmental Organizations

**International Confederation of Societies of Authors and Composers (CISAC):** J.-A. Ziegler; M. Pickering; L. J. Sturman; J.-M. Segovia Galindo; M. Martin; W. Duchemin; N. Rouart; M. Segréтин; D. de Freitas; R. Abrahams. **International Copyright Society (INTERGU):** G. Halla. **International Literary and Artistic Association (ALAI):** A. Françon; W. Duchemin. **International Writers Guild (IWG):** R. Fernay; E. Le Bris.

## III. Secretariat

### World Intellectual Property Organization (WIPO)

C. Masouyé (*Director, Public Information and Copyright Department*); G. Boytha (*Head, Division for Copyright Development Cooperation Projects*).

### United Nations Educational, Scientific and Cultural Organization (UNESCO)

M.-C. Dock (*Director, Copyright Division*); A. Amri (*Head, International Copyright Information Centre*); A.M.N. Alam (*Legal Officer, Copyright Division*).

## Seminar on Intellectual Property for Newly Independent African Countries

(Bissau, May 19 to 22, 1980)

In cooperation with the Organization of African Unity (OAU) and the United Nations Economic Commission for Africa (ECA), WIPO organized a Seminar on Intellectual Property for Newly Independent African Countries in Bissau from May 19 to 22, 1980, at the invitation of the Government of Guinea-Bissau and with the financial support of the United Nations Development Programme (UNDP).

The aim of the Seminar was to contribute to the implementation of resolution 32/19 adopted by the United Nations General Assembly at its 1979 session under the heading "Cooperation Between the United Nations and the OAU." Its purpose was to inform participants on the role of intellectual property in development and to present to them WIPO's development cooperation program and the benefits they could derive from it.

Of the eight newly independent African States invited (Angola, Cape Verde, the Comoros, Djibouti, Guinea-Bissau, Mozambique, Sao Tome and Principe, and the Seychelles) three, Angola, Cape Verde and Guinea-Bissau, were represented. In addition, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the UNDP, the West African Economic Community (CEAO) and the Union of National Radio and Television Organizations of Africa (URTNA) were represented by observers. There were also fourteen observers from Guinea-Bissau. Invited lecturers from Brazil and Portugal and officials of WIPO introduced the working papers and led the discussions. The list of participants appears at the end of this note. The working languages of the Seminar were French and Portuguese.

The Seminar was opened by the Prime Minister of Guinea-Bissau. Mr. J. Gomes Cardoso, delegate representing the Ministry of Trade, Industry and Crafts of Guinea-Bissau, was elected Chairman.

After a lively discussion, in which the relevance to development of national systems of intellectual property and international cooperation in that field was fully explored, the participants adopted a vote of thanks to the host Government and the following recommendation:

### Recommendation

The participants at the Seminar on Intellectual Property for Newly Independent African Countries, meeting at Bissau from May 19 to 22, 1980,

- Having noted the role that industrial property and literary and artistic property can play in their development,
- Wishing to see the newly independent African countries organize themselves efficiently in those two fields,
- Taking into account WIPO's technical-legal assistance program in favor of developing countries,

1. *Recommend the Governments of the newly independent African countries to take the following measures:*

- (a) train intellectual property personnel;
- (b) draw up and promulgate national laws on industrial property and literary and artistic property;

- (c) set up the structures needed to implement those laws;
- (d) participate more extensively in the activities of WIPO and consider the possibility of acceding to the Convention establishing that Organization (WIPO Convention);
2. *Recommend WIPO*
- (a) to increase its assistance to the newly independent African countries and, in particular,
- (b) to make available to them, as far as possible, a larger number of training fellowships,
- (c) to consider, with the assistance of the OAU, ECA and UNDP, the organization of further seminars to enable them to acquire a better understanding of those aspects of intellectual property that could not be discussed in depth at Bissau;
3. *Noted with satisfaction* that WIPO plans to organize, for all African countries, a seminar on industrial property at Khartoum and, jointly with Unesco and ILO, a seminar on copyright and neighboring rights at Lomé;
4. *Appreciated* at the Seminar the cooperation existing between WIPO, OAU and ECA, which could be extended to other African organizations, such as the CEAO;
5. *Noted with satisfaction* the offer made by the National Institute of Industrial Property of Brazil to contribute to WIPO's program of assistance in their favor.

## List of Participants

### I. States

**Angola:** A. Fernandes Junior; M.M. Sousa Monteiro Oliveira e Silva. **Cape Verde:** V. V. Benros de Melo Duarte (Mrs.). **Guinea-Bissau:** *Delegates:* J. Gomes Cardoso; L. Gomes; H. Proença Mendes Tavares; *Observers:* U. d'Avila Branco (Mrs.); P. Kanfome; L. A. Ventura; F. J. de Castro Fernandes; A. A. Duarte; M. L. Buscardine (Mrs); D. Mendoga; R. J. Dias Cabral; B. Correia; J. M. Jaquite; S. Arsenic (Mrs.); M. M. Mendes; L. Ferreira Monteiro; L. A. Ramosa Monteiro.

### II. United Nations Organizations

**United Nations Educational, Scientific and Cultural Organization (UNESCO):** A. Amri. **United Nations Development Programme (UNDP):** A. Tchitov.

### III. Intergovernmental Organizations

**West African Economic Community (CEAO):** M. Maiga.

### IV. Non-Governmental Organizations

**Union of National Radio and Television Organizations of Africa (URTNA):** A. Marzouki.

### V. Invited Speakers

A. C. Bandeira (Brazil); A. M. Pereira (Portugal).

### VI. WIPO and Cooperating Organizations

#### World Intellectual Property Organization (WIPO)

K.-L. Liguier-Laubhouet (Mrs.) (*Deputy Director General*); I. Thiam (*Director, External Relations and Development Cooperation Policy Division*).

#### Organization of African Unity (OAU)

M. Diouf (*Head, Cultural Section, Addis Ababa*).

#### United Nations Economic Commission for Africa (ECA)

Y. Diakite (*Professeur IDEP, Dakar*).

## ARGENTINA

**Accession to the WIPO Convention**

The Government of the Argentine Republic deposited, on July 8, 1980, its instrument of accession to the Convention Establishing the World Intellectual Property Organization (WIPO).

The Convention Establishing the World Intellectual Property Organization will enter into force, with

respect to the Argentine Republic, three months after the date of deposit of its instrument of accession, that is, on October 8, 1980.

WIPO Notification No. 113, of July 8, 1980.

**Berne Union**

## ARGENTINA

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

The Government of the Argentine Republic deposited, on July 8, 1980, its instrument of accession to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971, with a declaration to the effect that its accession shall not apply to Articles 1 to 21 and the Appendix.

Articles 22 to 38 of the Paris Act (1971) of the said Convention will enter into force, with respect to the Argentine Republic, three months after the date of this notification, that is, on October 8, 1980.

Berne Notification No. 99, of July 8, 1980.

# National Legislation

## DENMARK

### I

#### Copyright Act, 1961

(Act No. 158, of May 31, 1961, as amended by Act No. 174, of March 21, 1973,  
and Act No. 240, of June 8, 1977) \*

#### CHAPTER I

##### Subject Matter and Scope of Copyright

1. The person producing a literary or artistic work shall have copyright therein, be it expressed in writing or in speech as a fictional or a descriptive representation, or whether it be a musical, dramatic or cinematographic work, or a work of fine art, architecture, applied art, or expressed in some other manner.

Maps and drawings and other works of a descriptive nature executed in graphic or plastic forms shall be considered as literary works.

2. Within the limitations specified in this Act, the copyright shall carry with it the exclusive right of disposal of a work by producing copies thereof and by making it available to the public, whether in the original or in an amended form, in translation, adaptation into another literary or artistic form or into another technique.

The recording of the work on devices which can reproduce it shall be considered as a production of copies.

The work is made available to the public when it is performed in public, or when copies of it are offered for sale, lease or loan, or otherwise distributed to the public or publicly exhibited. The performance of a work at a place of business before a large group, otherwise regarded as being not open to the public, shall also be considered as a public performance.

3. Both in copies of the work and when it is made available to the public, the author is entitled to be mentioned by name in accordance with the requirements of proper usage.

The work must not be altered nor made available to the public in a manner or in a context which is prejudicial to the author's literary or artistic reputation, or to his individuality.

The right of the author under this section cannot be waived except in respect of a use of the work which is limited in nature and extent.

4. The person translating, revising or adapting a work, or converting it into some other literary or artistic form, shall have copyright in the work in the new form, but his right to control it shall be subject to the copyright in the original work.

Copyright in a new and independent work created through the free use of another work shall not be subject to the copyright in the work of which use has been made.

5. A person combining works or parts of works, to create a literary or artistic composite work, shall have copyright therein, but his right shall not limit the copyright in the individual works.

6. When a work has two or more authors, without the individual contributions being separable as independent works, the copyright in the work shall be held jointly. Each of the authors, however, may bring an action for infringement.

7. Unless stated otherwise, the author shall be considered as the person whose name or generally known pseudonym or signature is indicated in the usual manner on copies of the work, or when the work is made available to the public.

If a work is published without the author being indicated in accordance with the foregoing paragraph, the editor, if named, and otherwise the publisher, shall act on behalf of the author until the latter is named in a new edition of the work or notified to the Ministry of Cultural Affairs.

8. A work is considered disseminated when, with the consent of the author, it has been made available to the public.

It is considered published when copies of the work have been lawfully placed on sale or otherwise distributed to the public.

\* Revised English translation furnished by the Danish Ministry of Cultural Affairs.

9. Acts, administrative orders, legal decisions and other official documents are not subject to copyright.

10. Protection under the Act on Designs does not preclude copyright.

Photographs do not enjoy protection under this Act but are protected according to the rules in the Act on Rights in Photographic Pictures.

## CHAPTER II

### Limitations on Copyright

11. Single copies of a disseminated work may be produced for private use, but must not be used in other ways.

This provision does not entitle anyone to engage other persons to copy applied art or sculptures or to produce artistic reproductions of other works of art; nor does it entitle the construction of architectural works.

12. Archives, libraries and museums may be permitted by Royal Decree, under conditions stipulated therein, to make photographic copies of works for use in their activities.

13. Buildings may be altered by the owner without the consent of the author, for technical reasons or with a view to their practical utilization. Articles of everyday use may be altered by the owner without the consent of the author.

14. It is permitted to quote from a disseminated work in accord with proper usage and to the extent required for the purpose.

With the same limitation, it is allowed to reproduce, in connection with the text in critical and scientific treatises or works of popular science, any previously disseminated works of art or works such as are mentioned in the second paragraph of section 1. If two or more works by the same author are reproduced in a work of popular science, the author is entitled to remuneration.

15. Disseminated works of art may be reproduced in newspapers and periodicals in connection with the reporting of current events. This does not apply, however, to works created with a view to reproduction in newspapers and periodicals.

16. Minor parts of literary or musical works, or short works of this nature, may be reproduced in a composite work consisting of works of a large number of authors compiled for use in divine services or education, when five years have elapsed from the year of their publication. Artistic works, and the works mentioned in the second paragraph of section 1, may also be reproduced in connection with the text when five years have passed from the year of

their dissemination. Works created for use in education may not be reproduced without the consent of the author in a composite work compiled for teaching purposes.

The author shall be entitled to remuneration.

17. In educational establishments, it is permitted by means of sound or video recording to make copies of works broadcast by radio or television. Such copies may be used for educational purposes only. The Minister for Cultural Affairs may lay down rules on the storage and use of the recordings made.

The author shall be entitled to remuneration whenever works which are part of non-educational radio and television broadcasts are recorded.

Claims of remuneration can be advanced only through a joint negotiating and collecting institution, which has been approved by the Minister for Cultural Affairs and which represents the authors, performers, and record producers whose works and performances are part of the radio or television broadcasts referred to in the second paragraph. By this approval, it must be controlled that the institution is bound by its statutes to look after the rights specified in the second paragraph of any author having proof that he is entitled to remuneration in conformity with the said provision.

The provision laid down in the first paragraph shall not apply to cinematographic works which are part of the general cinema repertoire of feature films except where only brief excerpts of the work are shown in the telecast.

18. Copies in braille may be produced of published literary or musical works. Copies of these works may likewise be photographed for educational use in schools for the deaf and sufferers from speech impediments.

For loan to the blind, sufferers from defective vision, and others unable to read ordinary books due to their disability, it is permitted to make sound recordings of published literary works, when this is not done for commercial purposes. The author shall be entitled to remuneration for such recordings.

19. When a musical work is performed with a published text, it is permitted to reproduce the text in concert programmes and the like, for the use of the audience. The author shall be entitled to remuneration if more than 300 copies are produced.

A few published song texts may be freely reproduced in small song sheets produced solely for the use of participants in a particular meeting or series of meetings.

20. A published work, other than dramatic or cinematographic works, may be publicly performed in the following instances:

- (a) at divine services;
- (b) for educational purposes;

- (c) when the audience or spectators pay no admission charge and when the performance of works like those specified herein are not the main feature of an event conducted for other than commercial purposes;
- (d) on occasions at which the performer of the work or, if there are several, all the performers, receive no payment for their services and the performance is conducted in aid of charity, for popular education or for other purposes for the common good.

**21.** A film, a radio or television broadcast or a communication to the public by wire of a current event may include works which are performed or exhibited in connection with the event, to the extent the inclusion of the work forms a natural part of the rendering of the event.

**22.** If Danmarks Radio or the official radio services in the Faroe Islands or Greenland be entitled, under an agreement with an organization comprising a considerable proportion of the Danish authors of works of a certain nature, to broadcast the works of authors represented by the organization, then published works of a similar nature by authors not represented by the organization may also be broadcast against payment. This rule shall not apply to dramatic works, nor to other works the broadcasting of which the author has prohibited.

The provision in the first paragraph shall likewise apply when an author of an artistic work has transferred one or more copies of the work to other parties.

Radio or television organizations may record works for use in their broadcasts, on tape, film or other devices able to reproduce them, provided they have the right to broadcast such works. The right to make works so recorded available to the public shall be subject to the rules generally in force.

By Royal Decree, further rules can be laid down for the conditions under which such recordings are to be made and for their use and storage.

**23.** When a literary or musical work has been published, copies included in the publication may be further distributed or exhibited publicly. Sheet music, however, may not be distributed to the public through lease without the author's consent.

The rule in the foregoing paragraph does not restrict in any way the author's right to remuneration for books loaned to the public through the libraries, cf. statutory order No. 128 of April 16, 1959, section 7, subsection 2(b).

**24.** Proceedings in Parliament, municipal councils and other elected public authorities, in legal suits and in public meetings held to discuss public matters, may be reproduced without the author's consent.

However, the author shall have the exclusive right to publish a compilation of his own statements.

The rule in the foregoing paragraph also applies to discussions broadcast over the radio and television, during which public matters are discussed.

**25.** When an author has transferred one or more copies of an artistic work to other parties, or when the work has been published, the transferred or published copies may be further distributed and exhibited publicly, except on television or by showing of films. The work may, however, be included in the production and showing of a film or a television programme if the rendering of the work is immaterial in relation to the substance of the film or the television programme.

Works of art included in a collection, or exhibited, or offered for sale, may be depicted in catalogues of the collection and in notices concerning the exhibition or sale. Works of art may also be depicted when they are permanently situated in a public place or road, but if the artistic work is the chief motif and its reproduction is used for commercial purposes, the author shall be entitled to payment unless the reproduction is for insertion in newspapers.

Pictures of buildings may be made freely.

**26.** The provisions of this chapter do not limit the author's rights under section 3, except as provided in section 13.

When a work is publicly reproduced according to the provisions of this chapter, the source shall be stated in accordance with the requirements of proper usage.

Without the consent of the author, the work may not be altered more extensively than is required for the purpose of the reproduction.

## CHAPTER III

### Transfer of Copyright

#### General Provisions

**27.** Subject to the limitation of section 3, the author may transfer wholly or partially his right of disposal in the work. The transfer of copies shall not include a transfer of the copyright. If the author has transferred to another person the right to make the work available to the public in a specified manner or through certain media, the transfer does not give the assignee the right to do so in another manner or through other media.

Rules governing the transfer of copyright in certain special cases are provided in sections 32-42; these rules may be deviated from by agreement between the parties, as far as section 37 is concerned though not to the detriment of the author.

**28.** When not otherwise agreed, the transfer of copyright does not entitle the assignee to alter the work.

Neither may copyright be further transferred without consent, unless it is included in a business or a part thereof, and is transferred together with the business. The transferor remains liable for the fulfillment of the contract with the author.

**29.** (This section has been repealed. See Annex)

**30.** The usual rules of the inheritance laws shall apply to the copyright upon the author's death.

The author may give directions in his will, with binding effect for the spouse and issue, concerning the exercise of the copyright, or may authorize somebody else to give such directions.

**31.** Copyright shall not be subject to legal seizure, neither when remaining with the author nor when with any person who has acquired the copyright by virtue of marriage or inheritance.

The same rule shall apply to works of art which have not been exhibited, placed on sale, or otherwise authorized for dissemination, and with respect to manuscripts.

#### **Right to Public Performance**

**32.** If the right to perform a work publicly has been transferred, the transfer shall be valid for a period of three years and shall not include exclusive rights. If exclusive rights have been agreed upon, the author himself may nevertheless perform the work or transfer the right of performance to others, if the right has not been exercised for three consecutive years.

These rules shall not apply to cinematographic works.

#### **Publishing Contracts**

**33.** Through a publishing contract the author transfers to the publisher the right to produce copies of a literary or artistic work by printing or a similar process and the right to publish it.

The manuscript or other copy from which the work is being reproduced shall remain the property of the author.

**34.** The publisher shall have the right to publish one edition, which may not exceed 2000 copies of a literary work, 1000 of a musical work, and 200 of an artistic work.

By an edition is to be understood the copies which the publisher produces at one time.

**35.** The publisher shall publish the work within a reasonable time and shall see to its distribution to the extent made possible by marketing conditions and other circumstances.

**36.** If the work has not been published within two years, or in the case of a musical work within

four years, from the time at which the author had submitted a complete manuscript or other copy for reproduction, the author may rescind the contract irrespective of whether he is entitled to do so according to the ordinary rules of Danish law. The same rule shall apply when the copies of the work are exhausted and the publisher has the right to publish a new edition, if he fails within one year to comply with the author's request to do so.

If the author is entitled to rescind the contract due to default or deficiency in the publishing of his work, he may retain the fee already received, irrespective of any claim by him for damages.

**37.** The publisher shall forward to the author a statement in writing from the printer, or whoever is reproducing the work, concerning the number of copies produced.

If the author is entitled to royalty on the sales or rentals during a fiscal year, the publisher shall submit to him, within nine months from the end of the year, a statement showing sales and other uses during the year and the number of copies remaining in stock at the end of the year.

After the expiry of this time limit, the author shall always be entitled to receive, at his request, a statement of the number of copies left in stock at the end of the fiscal year.

**38.** If the production of a new edition is commenced more than one year after publication of the previous edition, the publisher shall allow the author to make such changes in the work which do not entail unreasonable cost nor alter the character of the work.

**39.** The author shall not have the right to publish the work again in the form or manner stated in the contract, until the edition or editions contracted for are out of stock.

When fifteen years have elapsed from the year of the first publication of a literary work, the author shall be entitled to include it in an edition of his collected or selected works.

**40.** The provisions concerning publishing contracts shall not apply to contributions to newspapers and periodicals.

The provisions in sections 35-36 shall not apply to contributions to composite works.

#### **Film Contracts**

**41.** When a contract is concluded for the use of a literary or musical work for the production of a film for public exhibition, the person acquiring the right to utilize the work in this manner shall produce the film and make it available to the public within a reasonable time.

If the film has not been produced within five years from the time at which the author has carried out his obligations under the contract, he may rescind

the contract irrespective of whether he is entitled to do so according to the ordinary rules of Danish law.

The provision in the second paragraph of section 36 shall likewise apply.

**42.** A transfer of the right to produce a film of a literary or artistic work shall include the right to make the work available to the public by means of the film, and also the right to subtitle or to dub the film in another language.

This provision shall not apply to musical works.

## CHAPTER IV

### Duration of Copyright

**43.** Copyright shall extend until fifty years have elapsed after the year of the author's death or, in the case of the works mentioned in section 6, after the year of the death of the last surviving author.

**44.** When a work has been disseminated without indication of the author's name or generally known pseudonym or signature, the copyright shall extend until fifty years have elapsed since the end of the year in which it was disseminated. If the work consists of several concomitant parts, the copyright shall continue for fifty years after the end of the year in which the last part was disseminated.

If the author is indicated in accordance with section 7 during the course of the said period, or if it is established that he had died before the work was disseminated, the duration of copyright shall be as provided for in section 43.

## CHAPTER V

### Other Rights

**45.** The performance of a literary or artistic work by a performing artist may not without his consent

- (a) be recorded on gramophone records, sound tape, films or other devices by which it can be reproduced;
- (b) be broadcast directly over radio or television;
- (c) be communicated to the public by some other technical means to another group than that before which the artist is giving a direct performance.

When a performance has been recorded as stated in point (a) of the foregoing paragraph, such recording may not without the artist's consent be re-recorded until twenty-five years have elapsed from the year in which the performance took place.

The provisions of section 3, first paragraph of section 11, first paragraph of section 14, sections 17,

20 and 21, second and third paragraphs of section 22, and sections 27-31, shall likewise apply to recordings, broadcasts, communication and re-recordings as mentioned in the first and second paragraphs of this section.

Notwithstanding the rule in (b) of the first paragraph, the Royal Theatre may arrange for the Danmarks Radio to broadcast gala performances, or performances in honour of official visits, over sound radio and television.

**46.** A gramophone record or other sound recording may not be copied without the consent of the producer, until twenty-five years have elapsed from the year in which the recording was made. Re-recording shall be regarded as copying.

The provisions in the first paragraph of section 11, first paragraph of section 14, sections 17 and 21, and the second and third paragraphs of section 22, shall likewise apply.

**47.** When gramophone records or other sound recordings within the period stated in section 46 are used in radio or television broadcasts or when they are played publicly for commercial purposes, both the producer of the recording and the performing artists whose performances are reproduced shall be entitled to remuneration. If two or more performers have taken part in a performance, their claim of remuneration may only be made jointly. The rights of the performers may only be claimed through the producer or through a joint organization for producers and performers, approved by the Minister for Cultural Affairs.

The provisions in the first paragraph of section 14, and in sections 20 and 21, shall likewise apply. The rights of performers are similarly governed by sections 27-31.

The provisions in this section do not apply to sound films.

**48.** A radio or television broadcast may not be re-broadcast by other parties without the consent of the radio or television organization. Without such consent it may neither be photographed nor recorded on gramophone records, sound tape, film or other devices by means of which it can be reproduced, nor made available to the public for commercial purposes.

If a broadcast has been photographed or recorded as stated in the foregoing paragraph, it may not be re-recorded without the consent of the organization until twenty-five years have elapsed from the year in which the broadcast took place.

The provisions in the first paragraph of section 11, first paragraph of section 14, first and fourth paragraphs of section 17, sections 20 and 21, and the second and third paragraphs in section 22, shall likewise apply.

49. Catalogues, tables and similar productions in which a great number of items of information have been compiled, as well as programmes, may not be reproduced without the consent of the producer until ten years have elapsed from the year in which the production was published.

If productions of the said nature or parts thereof are subject to copyright or other protection, such may also be applied for.

The provisions in the first paragraph of section 11, and in sections 14 and 17, shall likewise apply. The same applies to the rule in section 9 though not as regards the programmes of the Royal Theatre.

50. Press communiqués supplied under contract with foreign news agencies or from correspondents abroad may not without the consent of the recipient be made available to the public through the press, the radio or other similar manner, within 12 hours after they have been disseminated in this country.

## CHAPTER VI

### Various Provisions

51. A literary or artistic work may not be made available to the public under a title, pseudonym or signature capable of causing confusion with a previously disseminated work or with its author.

If the dissemination of the latter work had taken place less than three months prior to the publication of the other work, the provision in the foregoing paragraph shall not apply unless it may be presumed that the confusion was intentional.

52. The name or signature of the artist may not be placed on a work of art by others than himself, unless he has given his consent thereto.

The name or signature of the artist may not in any case be added to a reproduction so that the reproduction could be confused with the original.

53. Even if copyright has expired, a literary or artistic work may not be altered nor made available to the public contrary to the first and second paragraphs of section 3, if cultural interests are thereby violated.

The Ministry of Cultural Affairs shall make a statement upon request as to whether a use of a work might be regarded as contrary to the rules given in the foregoing paragraph or constituting such infringement of section 3 as is liable to public prosecution, cf. the seventh paragraph in section 55.

54. If agreement cannot be reached on the amount of the remuneration as provided for under sections 14, 16, 17, 18, 19, 22, 25 and 47, either party may submit the question to a board specially

appointed by the Minister for Cultural Affairs. The board shall have the final administrative decision. The Minister shall lay down detailed rules for the activities of the board.

## CHAPTER VII

### Legal Proceedings

55. A person is liable to fine or in aggravating circumstances to ordinary imprisonment of up to three months, if he

1. disposes of a literary or artistic work in a manner described in section 2 and thereby infringes another person's exclusive right thereto,
2. violates the provisions in the first and second paragraphs of section 3, the second and third paragraphs of section 26, the first paragraph of section 28, the first paragraph of section 39, or directions given in accordance with the second paragraph of section 30.

The same penalties are impossible upon a person

1. who disposes of a performing artist's performance of a literary or artistic work in a manner described in section 45 without the necessary consent provided for therein,
2. who violates the provisions in the third paragraph of section 45, cf. section 3 and the first paragraph of section 28, or directions given in accordance with the third paragraph of section 45, cf. the second paragraph of section 30,
3. who violates the first paragraph of section 46, the first and second paragraphs of section 48, the first paragraph of section 49, or sections 50-53.

Similar penalties are furthermore impossible upon a person who, with a view to general distribution or public exhibition or performance, imports copies of works or of productions which are protected in accordance with Chapter V, when the copies are produced outside Denmark under such circumstances that a similar production in this country would have been contrary to the law.

If the offence is committed by a joint-stock company or the like, the enterprise as such may be imposed a fine.

The foregoing penalty rules shall not apply to negligence unless there is gross negligence.

Action against infringement shall be instituted by the injured party. After the author's death, action for violation of section 3, or directions given in accordance with the second paragraph of section 30 or in accordance with the third paragraph of section 45, cf. second paragraph of section 30, may also be brought by the heir to the author's right and by the author's surviving spouse, relatives in the ascending or descending line, or brothers and sisters.

After the author's death, action against violations of sections 3 and 51-52 may also be brought by the public prosecutor, though in the case of section 3 only when cultural interests may be considered to be injured by such violation.

Action for violation of section 53 shall be taken by the public prosecutor.

**56.** Damages for losses inflicted by one of the violations mentioned in section 55 may be claimed under the usual rules governing compensation. A person who has criminally infringed the rights of an author or a performing artist may be ordered by the court to pay compensation to the injured party for mental suffering and other injury.

In so far as it is deemed reasonable, the injured party may be awarded compensation even if the infringement was committed in good faith. However, in such cases the compensation may not exceed the profit gained by the infringement.

**57.** The courts may order that copies of works, or of the productions mentioned in Chapter V, which are produced, imported or made available to the public in this country, contrary to this Act or to directions given in accordance with the second paragraph of section 30, be seized in favour of the injured party or be surrendered to him against payment not exceeding production costs. The same rule shall apply to type matter, printing blocks, forms and other material able to serve the unlawful production or use of the work or the production.

Instead of seizure or transfer, it may be decided that the property shall be wholly or partially destroyed or in other ways made unserviceable for unlawful use. If due to the artistic or financial value of the copies, or if otherwise deemed reasonable in the circumstances, the courts may allow the copies produced to be made available to the public against damages and compensation to the injured party.

The provisions in this section shall not apply to persons who have acquired copies in good faith for private use.

Seizure or destruction of buildings may not be demanded.

## CHAPTER VIII

### Applicability of the Act

**58.** The provisions of this Act shall apply to:

- (1) works of Danish nationals or of persons domiciled in Denmark,
- (2) works first published in Denmark, or first published simultaneously in Denmark and in another country,
- (3) cinematographic works, the maker of which has his headquarters or is domiciled in Denmark,

- (4) buildings situated in Denmark,
- (5) artistic works incorporated in a building or other structure located in Denmark.

By application of the first paragraph, No. (2), of this section, publication shall be considered as simultaneous if the work is published in Denmark within 30 days of its publication in another country.

By application of the first paragraph, No. (3), of this section, the person or body corporate whose name appears on the cinematographic work in the usual manner shall, in the absence of information to the contrary, be presumed to be the maker of the said work.

The provision in section 42 shall not apply to cinematographic works the country of origin of which, according to the revised Berne Convention for the Protection of Literary and Artistic Works of July 24, 1971, is another country of the Berne Union than Denmark, which has acceded to the Convention of 1971. Special provisions on contracts concerning participation in the production of such cinematographic works may be established by Royal Decree.

The provisions of sections 51-53 shall apply to all works mentioned in section 1.

**59.** The provisions of sections 45, 47 and 48 shall apply to performances, sound recordings, and radio or television broadcasts which take place in Denmark. The rule in section 46 shall apply to all sound recordings. The right to remuneration pursuant to the second paragraph of section 46, cf. the second paragraph of section 17, shall apply only to sound recordings made in Denmark.

The provisions of sections 49 and 50 shall apply in favour of Danish nationals, persons domiciled in Denmark, and of companies or corporations under Danish management and domiciled in Denmark. Section 49 shall also apply to productions first published in Denmark.

**60.** By Royal Decree, the application of this Act may be extended to other countries conditional upon reciprocity.

By Royal Decree, the Act may also be made applicable to works first published by international organizations and to unpublished works which such organizations are entitled to publish.

**61.** The Act shall also apply to works and other productions which are already subject to copyright under older laws.

Copies lawfully produced before the coming into force of the Act may continue to be exhibited publicly and distributed, though the rule in section 23 on the leasing of sheet music shall be observed.

The protection against the copying of a sound recording, produced before the coming into force of the Act and which would be protected under older

laws, shall not be terminable earlier than October 1, 1966, notwithstanding the time limit specified in section 46.

**62.** The special privileges and prohibitions prescribed under older legislation shall remain in force.

**63.** This Act shall come into force on October 1, 1961.

Act. No. 149 of April 26, 1933, on the Rights of Authors and Artists is hereby repealed. The second paragraph of section 11 in Act No. 215 of June 11, 1959, on Radio Broadcasting is rescinded. The second paragraph of section 15 in the same Act is amended by substituting “and” for the comma after the work “such”, and by deleting the words “and concerning the commercial exploitation of matter broadcast in Greenland”. References in other laws to earlier laws on the rights of authors and artists shall apply to the corresponding provisions in this Act.

## ANNEX

Pursuant to section 4 of Act No. 250 of June 12, 1975, amending the Civil Penal Code, the Law of Contracts, et al., section 29 of the Copyright Act has been repealed. Hereafter, the relevant provisions are contained in section 36 of the Law of Contracts and Other Legal Transactions in the Purview of the Law of Property:

**36.** An agreement may be wholly or partially disregarded where its implementation would be unreasonable or in violation of honest conduct. This principle shall apply to other legal transactions as well.

In any decision pursuant to the first paragraph, account shall be taken of the conditions attendant upon the conclusion of the agreement, the contents of the agreement, and any subsequent circumstances.

## II

### **Act on Rights in Photographic Pictures, 1961**

(Act No. 157, of May 31, 1961, as amended by Act No. 175, of March 21, 1973, and Act No. 239, of June 8, 1977) \*

**1.** Within the limitations stated hereinafter, a person who produces a photographic picture shall have the exclusive right to make copies thereof by photography, printing, drawing, or other process, and to exhibit it publicly.

A picture produced by a process analogous to photography shall be considered to be a photographic picture.

The producer shall be designated as the photographer in this Act.

**2.** The photographer shall be entitled to be mentioned by name in accordance with the requirements of proper usage, both on copies of the picture and when it is exhibited publicly.

The picture may not be altered nor exhibited publicly in a manner or in a connection which is prejudicial to his reputation as a photographer.

**3.** When not otherwise stated, the person whose name, firm, or generally known signature is stated in the usual manner on copies of the picture, or when the picture is publicly exhibited, shall be deemed to be the photographer.

**4.** A photographic picture is considered disseminated when it is lawfully published, exhibited in public, or otherwise made available to the public.

**5.** Single copies of a photographic picture may be produced for private use, but they may not be used for other purposes.

**6.** By Royal Decree, and in accordance with the conditions prescribed therein, copies of photographic pictures may be made by archives, libraries and museums for use in their activities.

**7.** Disseminated photographic pictures may be reproduced in connection with the text of a critical or scientific treatise or a work of popular science, when this is done in accordance with proper usage and only single pictures by the same photographer are inserted. The photographer is entitled to remuneration for the reproduction if it is in a work of popular science.

Disseminated photographic pictures may be reproduced against remuneration in connection with the text of works intended for educational use.

Disseminated photographic pictures may also be reproduced against remuneration in connection with the reporting of events of general interest in newspapers.

\* Revised English translation furnished by the Ministry of Cultural Affairs.

**7.a.** In educational establishments, it is permitted by means of video recording to produce copies of photographic pictures which are reproduced in television broadcasts. Such copies may be used for educational purposes only. The Minister for Cultural Affairs may lay down rules on the storage and use of the recordings made.

The photographer shall be entitled to remuneration whenever photographic pictures which are part of non-educational telecasts are recorded.

Claims of remuneration can be advanced only through a joint negotiating and collecting institution, which has been approved by the Minister for Cultural Affairs and which represents the photographers whose photographic pictures are reproduced in the telecasts referred to in the second paragraph. By this approval, it must be controlled that the institution is bound by its statutes to look after the rights specified in the second paragraph of any photographer having proof that he is entitled to remuneration in conformity with the said provision.

**8.** A film, a television broadcast or a communication to the public by wire of a current event may include photographic pictures exhibited in connection with the event or if they happen to appear as the background thereof, to the extent the inclusion of the work forms a natural part of the rendering of the event.

**9.** Danmarks Radio may show disseminated photographic pictures in its television broadcasts, unless the photographer has prohibited their showing. The photographer is entitled to remuneration.

This provision shall not apply to films.

**10.** When a photographer has transferred one or more copies of a photographic picture to another person, or when the picture has been published, the copies transferred or published may be exhibited publicly.

A disseminated photographic picture may also be exhibited publicly when this is done in connection with education. It may likewise be exhibited publicly in connection with a lecture if admission is free and the lecture serves no commercial purpose, or if the lecture is held solely in aid of charity, for popular education, or other purposes for the common good.

The provisions in the foregoing paragraph shall not apply to films.

**11.** If a television organization has the right to broadcast a photographic picture the organization may also, for use in its own broadcasts, record the picture on film or similar instrument. The right to show such a recorded picture in a television broadcast shall be subject to the rules otherwise in force.

By Royal Decree, further rules may be laid down for the conditions under which such recordings are to be made and for their use and storage.

**12.** Unless otherwise agreed, the right in a photographic picture which is executed to order shall be held by the person ordering it. However, the photographer may exhibit the picture in the usual manner for advertising purposes, unless the person who has commissioned it prohibits such display.

Even if it is agreed that the right in a photographic picture executed to order shall belong to the photographer, the person who has commissioned it may have the portrait reproduced in newspapers, periodicals or biographical writings, unless the photographer has expressly made reservations thereon.

The provisions in the two foregoing paragraphs shall not entail any limitation on the photographer's rights under section 2.

**13.** Photographic pictures may be freely used in the interests of the administration of justice and public safety.

**14.** When a photographic picture is reproduced publicly without the photographer's consent, as provided for under sections 6-10, the source shall be stated in accordance with the requirements of proper usage.

**15.** The right in a photographic picture shall continue until twenty-five years have elapsed after the end of the year in which the picture was produced.

**16.** If agreement is not reached as to the amount of remuneration, as provided for under sections 7, 7.a, and 9, either party may submit the question to a board appointed by the Minister of Education. The board shall have the final administrative decision. The Minister shall lay down detailed rules for the workings of the board.

**17.** A fine, or in aggravating circumstances ordinary imprisonment of up to three months, may be imposed upon a person who

- (1) produces copies of a photographic picture or exhibits it publicly and thereby infringes another person's exclusive right thereto,
- (2) violates sections 2 or 14,
- (3) offers for sale, or distributes to the public in some other way, copies of photographic pictures produced in violation of the Act.

Similar penalties shall be imposed upon a person who, with a view to general distribution or public exhibition, imports into Denmark copies of photographic pictures, when such copies have been produced outside Denmark under such circumstances that a similar production in this country would have been contrary to the Act.

If the offence be committed by a joint-stock company or the like, the enterprise as such may be imposed a fine.

The penalty rules provided for in the foregoing shall not apply to negligence, unless there is gross negligence.

Action against infringement shall be taken by the injured party.

**18.** Damages for losses incurred through one of the offences mentioned in section 17 may be claimed under the ordinary rules for compensation. A person who has committed a criminal infringement of the right of a photographer, or of a person who has commissioned a photograph, may be ordered by the courts to pay compensation to the injured party for mental suffering and other injury.

When deemed reasonable, the injured party may be awarded damages even if the offence was committed in good faith. In such cases, however, the compensation may not exceed the profit gained through the infringement.

**19.** The courts may decide that copies of a photographic picture, which are produced, imported or made available to the public in contravention of this Act, shall be seized in favour of the injured party or made over to him against payment not exceeding the production costs. The same rule shall apply to negatives, printing blocks and other material able to serve the unlawful production of the photograph.

Instead of seizure or making over, it may be decided that the property shall be wholly or partially destroyed or otherwise rendered unserviceable for unlawful use. If due to the artistic or the financial value of the copies, or if otherwise deemed reasonable in the circumstances, the courts may permit the copies produced to be made available to the public against the awarding of damages and compensation to the injured party.

The provisions in this section shall not apply to persons who have acquired photographs for private use in good faith.

**20.** This Act shall apply to photographic pictures, which are

- (1) produced by Danish nationals or by persons domiciled in Denmark,
- (2) first published in Denmark, or published in Denmark within 30 days of their first publication in another country,
- (3) incorporated in a building or other structure located in Denmark.

Conditional upon reciprocity, the applicability of the provisions in this Act may be extended to other countries by Royal Decree.

By Royal Decree, the Act may also be made to apply to photographic pictures first published by international organizations and to unpublished pictures which such organizations are entitled to publish.

**21.** The Act shall also apply to photographic pictures which would have been able to secure protection under the legislation hitherto in force.

Unless otherwise agreed, newspapers and periodicals may again use photographic pictures for which they had acquired the reproduction rights before the coming into force of this Act.

**22.** This Act shall come into force on October 1, 1961.

Act No. 131, of May 13, 1911, on Exclusive Rights in Photographic Works is hereby repealed.

## **General Studies**

### **Employees' Rights in their Capacity of Authors**

Th. LIMPERG \*















## International Activities

### International Federation of Musicians (FIM)

#### 10<sup>th</sup> Ordinary Congress

(Geneva, May 5 to 9, 1980)

The International Federation of Musicians (FIM) held its 10<sup>th</sup> Ordinary Congress from May 5 to 9, 1980, at the ILO Headquarters in Geneva.

Delegates representing member organizations from the 23 following countries participated in the work of the Congress: Australia, Austria, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Greece, Hungary, Iceland, Israel, Italy, Japan, Mexico, Netherlands, Norway, Poland, Spain, Sweden, Switzerland, United Kingdom, Yugoslavia. The meeting was also attended by observers from the United States of America as well as from some of the above-mentioned countries.

Several intergovernmental or international non-governmental organizations had sent observers, including ILO, Unesco, the International Federation of Actors (FIA), the International Federation of Producers of Phonograms and Videograms (IFPI) and the International Federation of Unions of Audio-Visual Workers (FISTAV). WIPO was represented by Mr. S. Alikhan, Director, Copyright Division, and Mr. M. Stojanović, Head, Legislation and Periodicals Section, Copyright Division.

A report on the activities covering the period between the two congresses (September 1976 to April 1980) was submitted to the participants. The agenda included a number of items dealing with the problems raised in the field of copyright and neighboring rights and also with many questions of importance for the professional organizations of musicians and their contractual policy.

A great number of motions were submitted, either by the member organizations or by the Executive Committee of FIM. Some of the resolutions adopted are reproduced below.

At the end of its debates, the Congress reelected Mr. J. Morton (United Kingdom) as President, and Mr. Y. Akerberg (Sweden), Mr. P. Fürst (Austria) and Mr. H. Heusi (Switzerland) were elected Vice-Presidents.

#### Resolutions

##### *Extension of protection time of copyright and performers' rights*

###### Congress

- Expresses the view that all rights related to recorded performances should have a duration of at least 50 years;
- Calls upon the FIM Executive Committee to work for the realization of such duration;
- Recommends to member unions to pursue in their countries the objectives of this motion.

##### *Taxes for the benefit of performers on sound and sound/video recording devices and blank cassettes*

The FIM Executive Committee is directed to take appropriate steps, in close cooperation with FIA and with the assistance of international organizations such as ILO, Unesco and WIPO, to ensure that governments in countries where this practice has not yet been introduced issue regulations to the effect that, when sound or sound/video recording devices as well as blank cassettes are purchased, a tax (license fee or similar charge) must be levied for the benefit of performers.

Such tax (license fee, etc.), or an essential part of it, to be remitted to the professional performers' organizations for the purpose of preserving, safeguarding and promoting the professions they represent.

##### *Utilization of remuneration for broadcasting and public performance of recordings*

Congress declares that, in accordance with the guidelines agreed between FIM, FIA and IFPI, remuneration paid by IFPI or its national groups in respect of public and broadcast use of commercial sound recordings to performers or their organizations should be used in accordance with the decisions of those performers or their organizations and subject only to the restrictions contained in the 1976 Protocol to the 1954 FIM/IFPI Agreement.

##### *Rights of employed performers*

Congress declares itself as strongly opposed to the concept that the rights of an employed person should be automatically regarded as belonging to her/his employer.

Congress calls upon member unions to resist this concept, if necessary by seeking changes in legislation, in other cases by ensuring that agreements and contracts specify precisely the ownership of any rights.

*Independent right for performing artists*

Congress, recognizing the value of the performers' interests having in some countries formed part of a producers' or a joint right, now feels that the moment has come for the principal introduction of an independent performers' right. Such a right will enable the necessary voluntary cooperation with other right owners to be set up on a basis of equality.

*Agreements with record producers*

Congress welcomes the attention now being drawn by the Intergovernmental Committee of the Rome Convention to the importance of the protection afforded to performers by Article 7 of the said Convention. Congress calls upon member unions to ensure that, in their collective agreements and contracts with record producers, only those reproduction rights that are necessary for the production and sale of commercial sound recordings are ceded. Wherever practicable, the authority to grant or withhold reproduction rights for other purposes should be vested in the union. Congress calls upon member unions to inform the Secretariat of any deficiencies in national legislation that prevent this cause of action from being followed.

*Remuneration for the broadcast and public use of commercial sound recordings*

Congress believes that it is now desirable for international minimum standards to be established in respect of the levels of remuneration paid for the uses of commercial sound recordings for public performance and broadcasting. Congress requests the Executive Committee to discuss this possibility with the IFPI with a view to securing the adoption of this principle by the Intergovernmental Committee of the Rome Convention in a similar way to the "Guidelines" for collecting societies. Congress recognizes that such standards can only be advisory and minima, and emphasizes that they need to be expressed in such a form as not to derogate from FIM's main objective, which remains the control and limitation of public and broadcast use of commercial sound recordings.

*Consequences of application of microtechnology*

Congress calls upon the Executive Committee to set up a working group to study the consequences of introducing and applying so-called microtechnology for society in general, and for the performers in particular.

## Conventions Not Administered by WIPO

### Universal Copyright Convention as revised in 1971

#### Ratifications and Accessions

##### COSTA RICA

The instrument of ratification by Costa Rica of the Universal Copyright Convention as revised at Paris on July 24, 1971, was deposited with the Director-General of Unesco on December 7, 1979.

The Convention came into force, in respect of Costa Rica, on March 7, 1980.

##### CZECHOSLOVAKIA

The instrument of accession by Czechoslovakia to the Universal Copyright Convention as revised at Paris on July 24, 1971, and annexed Protocol 2 was deposited with the Director-General of Unesco on January 17, 1980.

The instrument of accession contained the following declaration:

"Acceding to the Convention we declare that the provisions of its Article XIII is contrary to the Declaration of the United Nations General Assembly on Granting Indepen-

dence to Colonial Countries and Peoples and that the provision of its Article XV on the obligatory jurisdiction of the International Court is contradictory to the principle of the international law on free selection of means for the settlement of disputes between States."

The Convention came into force, in respect of Czechoslovakia, on April 17, 1980. Protocol 2 entered into force on the same date.

##### HOLY SEE

The instrument of ratification by the Holy See of the Universal Copyright Convention as revised at Paris on July 24, 1971, and annexed Protocols 1 and 2 was deposited with the Director-General of Unesco on February 6, 1980.

The Convention came into force in respect of the Holy See on May 6, 1980. Protocols 1 and 2 came into force on the same date.

## ITALY

The instrument of ratification by Italy of the Universal Copyright Convention as revised at Paris on July 24, 1971, and annexed Protocols 1 and 2 was deposited with the Director-General of Unesco on October 25, 1979.

The deposit of the instrument of ratification by Italy was effected under cover of a letter dated October 19, 1979, containing the following declaration:

"With reference to Article IV, paragraph 4, of the Universal Copyright Convention as revised at Paris on July 24, 1971, the Italian Government declares that within the Italian Republic protection to a work shall not be granted for a period longer than that fixed for the class of works to which the work belongs, in the case of unpublished works by the law of the Contracting State of which the author is a national, and in the case of published works by the law of the Contracting State in which the work has been first published.

If the law of any Contracting State grants two or more terms of protection, and a specified work is not protected

by such State during the second or any subsequent term for any reason, that work shall not be granted protection within the Italian Republic during the second or any subsequent term."

The Convention came into force in respect of Italy on January 25, 1980. Protocols 1 and 2 came into force on the same date.

## PANAMA

The instrument of accession by Panama to the Universal Copyright Convention as revised at Paris on July 24, 1971, was deposited with the Director-General of Unesco on June 3, 1980.

The Convention came into force in respect of Panama on September 3, 1980.

## Calendar

### WIPO Meetings

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

#### 1980

**September 22 to 26 (Geneva) — Governing Bodies (WIPO Coordination Committee; Assemblies of the Paris, PCT, TRT and Budapest Unions; Conference of Representatives of the Paris Union; Executive Committees of the Paris and Berne Unions)**

**October 6 to 10 (Geneva) — Locarno Union — Committee of Experts**

**October 14 to 17 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Patent Information for Developing Countries**

**October 20 to 24 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation**

**November 17 to 21 (Geneva) — 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)**

**November 24 to 28 (Vienna) — Permanent Committee on Patent Information (PCPI) — Working Group on Search Information — Subgroup on IPC Class B 60**

**November 24 to December 5 (Geneva) — Nice Union — Committee of Experts**

**December 1 to 3 (Lomé) — Development Cooperation — African Regional Seminar on Copyright (convened jointly with Unesco)**

**December 4 and 5 (Lomé) — Development Cooperation — African Regional Seminar on Neighboring Rights (convened jointly with ILO and Unesco)**

**December 1 to 5 (Paris) — Permanent Committee on Patent Information (PCPI) — Working Group on Search Information — Subgroup on IPC Class G 01, etc.**

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

**December 15 to 19 (Paris) — Berne Union — Committee of Governmental Experts on Problems Arising from the Use of Computers (convened jointly with Unesco)**

## **UPOV Meetings**

### **1980**

**October 14 (Geneva) — Consultative Committee**

**October 15 to 17 (Geneva) — Council**

**November 10 to 12 (Geneva) — Technical Committee**

**November 13 and 14 (Geneva) — Administrative and Legal Committee**

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

### **Non-Governmental Organizations**

#### **1980**

**International Federation of Producers of Phonograms and Videograms (IFPI)**  
Council — October 13 to 15 (New Delhi)

**International Confederation of Societies of Authors and Composers (CISAC)**  
Congress — November 3 to 7 (Dakar)

#### **1981**

**International Confederation of Societies of Authors and Composers (CISAC)**  
Legal and Legislation Committee — April 27 to 29 (Sidney)

**International Federation of Translators (FIT)**  
Congress — May 6 to 13 (Warsaw)

**Internationale Gesellschaft für Urheberrecht (INTERGU)**  
Congress — September 21 to 25 (Ottawa)