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# Copyright

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# World Intellectual Property Organization

## SOMALIA

### Accession to the WIPO Convention

The Government of the Somali Democratic Republic deposited, on August 18, 1982, 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 Somali Democratic Republic, three months after the date of deposit of its instrument of accession, that is, on November 18, 1982.

WIPO Notification No. 120, of August 19, 1982.

## Berne Union

### Second Committee of Governmental Experts on Copyright Problems Arising from the Use of Computers for Access to or the Creation of Works

(Paris, June 7 to 11, 1982)

#### Report

#### I. Introduction

##### A. Participation

1. The Second Committee of Governmental Experts on Copyright Problems Arising from the Use of Computers for Access to or the Creation of Works met at Unesco House, Paris, from June 7 to 11, 1982.

2. The said Committee (hereinafter referred to as "the Second Committee") was convened jointly by the Directors-General of Unesco and WIPO in pursuance of resolution 5/01 adopted by the General Conference of Unesco at its twenty-first session and the decisions taken by the Governing Bodies of WIPO at their November 1981 sessions, respectively, and also of the wishes expressed by the First Committee on the same matter held in December 1980 and by the Intergovernmental Committee of the Universal Copyright Convention and the Executive

Committee of the Berne Union sitting together at their November-December 1981 sessions.

3. The purpose of the meeting was to draw up recommendations for settlement of copyright problems arising from the use of computers for access to or the creation of works, intended for national legislators, on the basis of the draft prepared by the Secretariat of Unesco and the International Bureau of WIPO, in conformity with the conclusions reached by the First Committee and in consultation with the officers of the First Committee.

4. Thirty States (Afghanistan, Angola, Australia, Austria, Belgium, Benin, Congo, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Holy See, Hungary, Israel, Italy, Japan, Kuwait, Netherlands, Norway, Pakistan, Portugal, Spain, Sweden, Switzerland, Tunisia, Union

of Soviet Socialist Republics, United Kingdom, United States of America, Zaire) participated in the meeting and two States (Colombia and Saudi Arabia) attended as observers.

5. The Palestine Liberation Organization also attended the meeting as an observer.

6. One organization of the United Nations system (World Health Organization), four intergovernmental organizations (Arab Educational, Cultural and Scientific Organization, Commission of the European Communities, Intergovernmental Bureau for Informatics, Organization for Economic Co-operation and Development) and thirteen international non-governmental organizations (European Broadcasting Union, International Catholic Film Organization, International Confederation of Societies of Authors and Composers, International Copyright Society, International Council of Scientific Unions, International Federation for Information Processing, International Federation of Film Producers Associations, International Federation of Journalists, International Federation of Translators, International Film and Television Council, International Group of Scientific, Technical and Medical Publishers, International Literary and Artistic Association, International Music Council) attended the meeting as observers.

7. The list of participants is annexed to this Report (Annex II).

#### **B. Opening of the Meeting**

8. On behalf of the Directors-General of Unesco and WIPO, Miss M.-C. Dock, Director, Copyright Division, Unesco, and Mr. C. Masouyé, Director, Public Information and Copyright Department, WIPO, respectively, welcomed the delegates and observers to the Committee.

#### **C. Election of the Chairman and other Officers**

9. On the proposal of the Delegation of France, seconded by the Delegations of Hungary, Italy, Germany (Federal Republic of) and Japan, Mr. H. Olsson, Head of the Delegation of Sweden, Mr. M. Keplinger (United States of America), Mrs. M. Voronkova (Union of Soviet Socialist Republics) and Mr. Krishnakumar (Zambia) were unanimously elected Chairman, Vice-Chairmen and Rapporteur of the Committee, respectively.

#### **D. Adoption of the Rules of Procedure**

10. The Second Committee adopted its Rules of Procedure as contained in document UNESCO/WIPO/CEGO/II/2 prov. and as completed in its Article 3, the number of Vice-Chairmen having been established at two before the election referred to above.

#### **E. Adoption of the Agenda and Introduction of Documents**

11. The provisional agenda of the meeting of the Second Committee as set out in document UNESCO/WIPO/CEGO/II/1 prov. was adopted.

12. The following documents submitted for consideration of the Second Committee were introduced by the Joint Secretariat:

- (i) UNESCO/WIPO/CEGO/II/3 containing the Draft Recommendations for Settlement of Copyright Problems Arising from the Use of Computers for Access to or Creation of Works prepared by the Secretariat;
- (ii) UNESCO/WIPO/CEGO/II/4 which is an analysis of the observations received by the Secretariat from States and international organizations;
- (iii) UNESCO/WIPO/CEGO/II/5, 5 Add. 1 and 5 Add. 2 which contained the observations received from the governments of ten States on the above draft recommendations; and
- (iv) UNESCO/WIPO/CEGO/II/6, containing observations from intergovernmental and international non-governmental organizations on the draft recommendations cited above.

13. While introducing the above documents, the Secretariat noted that, owing to the relatively few observations received from States and international organizations concerned and to the fact that certain observations contained proposals which, in the Secretariat's understanding, went beyond the conclusions reached by the First Committee, the Secretariat felt that it was not in a position to make a final revision of the draft recommendations as recommended by the First Committee. However, the Secretariat prepared a paragraph by paragraph analysis of the observations which was referred to in paragraph 12 (ii) above.

#### **II. General Debate**

14. Before proceeding with the discussion of the substance of the draft recommendations (document UNESCO/WIPO/CEGO/II/3), the Chairman invited the participants to make general comments on the said draft recommendations and any other preliminary statements they might wish to make relating to the problems to be considered by the Committee.

15. All the participants who spoke on the subject expressed appreciation for the work done by the Secretariat of Unesco and the International Bureau of WIPO in preparation of the draft recommendations. They stated that this document reflected the conclusions reached by the First Committee and represented a real and necessary step forward in the application of the international copyright conventions to the rapidly developing new technology and increasing transborder data flow.

16. A number of speakers noted that, in general, the document was sufficiently flexible, it provided a fair balance between the interests of the creators of intellectual works and the users of such works in the context of computerized information systems, that it would facilitate solution of the problems in question and contractual relations and, in the long run, it provided a valuable guidance for national legislators.

17. Some delegations expressed their regret that the question of protection of computer software had not been dealt with in the draft recommendations. They noted that this question was left to some bodies which are specialized only in industrial property while in certain countries computer software has already been accorded copyright protection and some other countries are considering granting the same kind of protection. In the opinion of these delegations the question of the possibility of copyright protection of computer software as such should be included in the agenda of the next sessions to be held in 1983 of the Intergovernmental Copyright Committee of the Universal Copyright Convention and the Executive Committee of the Berne Union.

18. Some delegations felt that the question of protection of computer software *per se* was outside the mandate of the Second Committee but that it could be discussed to a certain extent when considering creation of works with the use of computer systems. In their understanding it would be very difficult to make a clear and compete distinction between a computer as a mere tool for the creation of works and the program used for this tool. They suggested considering to what extent a programmer can enjoy copyright in the materials processed with the help of a computer run by his program.

19. In connection with paragraphs 17 and 18 above, the representative of the Director General of WIPO emphasized that the question of protection of computer software was not within the mandate of the Second Committee which was to deal with access to or creation of works by means of computer systems. He also reminded the Committee that the First Committee recommended studying the possibility of protection of computer software separately at the international level. On the other hand, WIPO undertook a survey among Member States and interested international organizations on the nature of protection of computer software. Comments received are being analyzed and a meeting is scheduled in 1983 to examine this question. It was not excluded that various kinds of protection may be granted. Taking this into account, this Committee, in its opinion, should not touch upon the possibility of protection of computer software now. The representative of the Director General of WIPO urged the Second Committee to

achieve, above all, its work in elaborating the recommendations dealing with the subject matters which are within its mandate.

20. The representative of the Director-General of Unesco also expressed the opinion that the question of the possibility of protection of computer software was not within the mandate of the Second Committee. She informed the participants that Unesco was interested in effective protection of computer software in itself and also that Unesco develops programs in the various fields of its competence. This was also the answer given by Unesco to the WIPO survey. Undoubtedly, since the question of protection of computer software by copyright has arisen at the international level, Unesco should be associated in the study of this question. Such a study could be jointly conducted by Unesco and WIPO.

### III. Discussion of the Draft Recommendations

21. The Second Committee discussed, section by section and paragraph by paragraph, the Draft Recommendations for Settlement of Copyright Problems Arising from the Use of Computers for Access to or the Creation of Works, as contained in document UNESCO/WIPO/CEGO/II/3, taking into account the comments and proposals submitted by States and international organizations.

#### A. Preamble (including the "Committee's opinion")

22. Having discussed the Preamble (including the "Committee's opinion") the Second Committee decided to amend it by introducing direct reference to the importance of information products and services in international trade. It also decided to underline that copyright should not be considered as an obstacle to the dissemination of ideas and information but as a stimulus for creativity and the development of society.

23. The participants were also in favor of mentioning that the use of the new technologies for access to or the creation of works should be facilitated consistently with effective protection of works.

24. As proposed by one delegation and supported by other participants it was decided to point out that harmonized international views on the settlement of the problems in question is highly desirable because of both the development towards international computerized documentation systems and the increasing transborder flow of data, to achieve cooperation among States on economic and practical solutions in this connection.

25. Some other minor changes were also introduced in this part of the recommendations.

### B. Subject Matter Concerned

26. Prolonged discussion of the paragraphs relating to this item led the participants to the decision to reconstruct it by providing only for a more general definition of subject matter concerned and enumerating particular protected material which is currently being used in computer systems for storage and retrieval purposes.

27. Following the advice given by the First Committee, the Second Committee expressly excluded from the field of application of the recommendations the bibliographic particulars as such of protected works (name of author, title, publisher, year of publication, etc.). In this connection, one delegation expressed an opinion supported by some other delegations that the new wording of this item does not exclude application of the recommendations to the titles and other data taken from collective works (such as newspapers).

28. As regards the thesauri and similar works expressly mentioned in the draft recommendations, several delegations requested from the Secretariats some indications on the definition commonly agreed upon at the international level.

29. The Second Committee took note that a thesaurus may be defined either in terms of its function or its structure. In terms of function, a thesaurus is a terminological control device used by indexers or other users in translating from the natural language of documents, into a more constrained "system language" (documentation language, information language). In terms of structure, a thesaurus is a controlled and dynamic vocabulary of semantically and generically related terms which covers a specific domain of knowledge. As a structured subset of natural language it describes the subject content of documents, objects or collections of data.

### C. Rights Concerned

30. The Second Committee decided to clarify the opening phrase of the former paragraph 7 that storage in and retrieval from computer systems were in fact the acts of input and output. It was also decided to slightly modify this item both with regard to the order of subparagraphs and to the wording of some of them. In particular, the former paragraph 7(b) raised discussion because some delegations felt that the right of the communication of the work to the public included also the right of reproduction. Therefore it was decided to specify in the former paragraph 7(a) that the right concerned was the right to make the work available to the public by direct communication.

31. Some minor changes were introduced in former paragraph 7(c) and (d) in order to merge them.

### D. Acts Concerned

32. When discussing this item the participants expressed their agreement to its general content. But a proposal was made by some delegations not to expressly mention the media on which the protected subject matter is fixed for storage purposes, given the fact that presently such technologies as lasers, etc., are being used for this purpose and many others may be invented in the future. In this connection it was agreed that more general and not limiting terminology should be used in the final text of the recommendations.

#### (i) Input

33. As for the act of input of protected subject matter for storage purposes, it was generally agreed that it included at least reproduction of works on a machine-readable material support and their fixation in the memory of a computer system. The Committee agreed that whatever this act may be it involves fixation of works in a form sufficiently stable to permit their communication to an individual, and therefore it should be considered as governed by the international conventions and national legislation on copyright and therefore was subjected to the author's exclusive rights. Thus, prior authorization by the right owner is required for the said act. Some delegations precised that sufficient stability of a form in which a work is fixed should be considered from the functional side, in the sense that the work can be perceived, reproduced or otherwise communicated to the public with the aid of a computer system.

#### (ii) Output

34. Considering this item many delegations stressed the great economic and commercial importance of output from computer systems and therefore it was decided to draw the attention of States to the desirability of granting protection to output under national legislation.

35. It was decided to modify the structure of this item to mention expressly that reproduction as well as other corresponding acts were also involved in output. It was well decided to make express mention of other acts whereby output could be made available to the public. Here again it was agreed to use more general formulas covering both the acts and the forms in which the protected subject matter was retrieved.

36. As proposed by some delegations, direct reference was made to the transmission of the contents of one data base to another computer system.

37. Reference to the question whether the output in the form of reproduction of protected subject matter could be considered as constituting publication of the work was deleted, leaving this question to be decided by national legislation and courts. Reference to appli-

cation of national legislation as regards the multiplication of the output by means of reprography has been substituted by reference to the provisions of national legislation concerning reproduction and direct communication to the public which, in the opinion of the participants, must normally apply to the act of output.

38. In this context, the Second Committee also agreed that the recommendation contained in former paragraph 10 (on express recognition of the exclusive right) should be retained as such. At the same time (instead of the phrase in brackets), it was decided to introduce a new phrase into this paragraph, clarifying that the right in question may apply to the acts of input or output or to the act of input only, the latter being the starting point of control exercised by the author over destination of his work.

#### **E. Moral Rights**

39. No modification was introduced into this item.

#### **F. Limitations on Copyright**

40. Although no major modification was introduced into this item, the Second Committee decided to introduce into former paragraph 13 a clear indication that the uses in question are considered to be an exception to the exclusive right. At the same time one delegation proposed, and this proposal was supported by other delegations, to illustrate in this Report the content of the former paragraph 13 by an example, which is done in the next paragraph of this Report.

41. In connection with the above request the Secretariat recalls that in practice "there are the cases of the so-called 'one use' input. Storage only serves to provide answers to certain problems. To this category belong, in particular, those cases where computers are used for linguistic, syntactic or semantic analyses in the literary field. The purpose of these is to establish the vocabulary used in literary works, the frequency with which certain expressions occur, the importance of the words or word forms used, or to compile concordances which allow conclusions to be drawn about the identity of the author. Storage in these cases need only be transitory. Neither the work itself nor any parts of it protected by copyright appear in the output. In these cases, national legislation must be left some latitude. It is a defensible point of view that the copyright owner suffers no unreasonable damage by such 'one use' input and that the scientific purpose of the research justifies the free use of the input. On the other hand, there is the consideration that the input represents even in these cases an advantage to the computer owner at the copyright owner's expense" (document B/EC/ES/4-IGC/XI/6, paragraph 55(a), submitted to the 1971

sessions of the Executive Committee of the Berne Union and the Intergovernmental Committee of the Universal Copyright Convention).

#### **G. Administration and Exercise of Rights and Legislative Measures**

42. One delegation proposed to make a distinction in the text between administration/exercise of rights, on the one hand, and the legislative measures, on the other. This proposal was agreed to by other delegations but at the redrafting stage it was extremely difficult to make this distinction; therefore, it was decided only to revise slightly the heading of this item and add to it the following phrase: "... and legislative measures."

43. Certain modifications of the two paragraphs of this item were made as proposed by some delegations, including specific reference only in those instances when freely negotiated licenses are not practicable.

44. One delegation emphasized and it was accepted by the participants that, in spite of the increasing transborder character of the use of protected works by computer systems, the effect of non-voluntary licenses introduced in a given State would be applicable only in that State (this being in conformity with Article 11<sup>bis</sup>(2) of the Berne Convention). Therefore, the last phrase of former paragraph 16 has been amended accordingly.

45. One delegation stated that, because of the rapid technological developments, the exercise of authors' rights on an individual basis becomes extremely complicated and that the real alternative to the introduction of non-voluntary licenses is collective administration of rights. Other delegations, while recognizing potential administration on the collective basis, were of the opinion that such exclusive administration of rights should not be prescribed to the governments by the recommendations.

46. In connection with the administration/exercise of rights some delegations suggested inserting a phrase that collective administration should be consistent with the laws and regulations concerning monopolies and trusts. Other delegations also insisted that there should not be the possibility of State intervention in the administration/exercise of rights.

47. In this connection, Article 17 of the Berne Convention was recalled, having reference to this matter, leaving it to the States to take all necessary measures to restrict possible abuse of monopolies [Guide to the Berne Convention for the Protection of Literary and Artistic Works (Paris Act 1971), p. 99].

48. One delegation proposed that national legislation should require that anyone using protected works for storage in a computer must inform the societies

of authors and other recognized organizations of the intended input operation as well as of the purposes of the computer use. Certain delegations expressed their appreciation of the spirit of this proposal, and consequently it was determined to make reference to this principle in this Report.

#### H. Use of Computer Systems for Creation of Works

49. Discussion of this item raised various doubts and ideas and resulted in several proposals. Finally, the participants agreed that the recommendations on this subject should be more flexible and lay down only general principles which States should take into account in application to concrete situations or practical problems.

50. The Second Committee decided that the first paragraph under this item (former paragraph 17) should clearly state the recommendations do not deal with or affect the protection of computer software or programs as such, which may enjoy protection under relevant laws. As it was mentioned in paragraph 17 above, some delegations proposed to study the question of the possibility of protection of computer software by copyright within the jurisdiction of the intergovernmental copyright bodies. In this connection it was the desire of certain delegations to mention in this Report that they were in favor of copyright protection.

51. It was unanimously agreed that the general approach for determination of authorship described in former paragraph 21 of the draft recommendations should be brought into this Report. It was decided to revise the former paragraphs 20 and 21 into general statements of principle. This approach may be applicable to many categories of works created with the help of computer systems (such as musical works, literary compositions, works of applied arts, etc.).

52. It was further decided that, in view of a proposal made by one delegation, the specific examples contained in former paragraph 21 (a), (b) and (c) should be included in this Report as possible applications of the general principle expressed in paragraphs 15 and 16 of the annexed draft recommendations, and as reflected in the said proposal.

- (a) If the program is capable of producing one work only, then the author who has given instructions or the composer and the programmer who not only provides technical assistance in utilization of the computer but whose contribution is a creative one should be considered the author or co-authors of the resulting work, as the case may be.

- (b) If the program is capable of producing different results and the author has himself made a choice among these results, he should be regarded as the author of the resulting work; if he has asked a programmer or another person to choose the elements for the composition of the final version, then this programmer or another person and the author himself should be normally regarded as co-authors to the extent that they make a creative contribution.
- (c) If the program is capable of producing different results but the final choice is made by a third party, the mere choice by itself should not be regarded as a creative contribution.

53. Finally, as it was suggested by one delegation, former paragraph 22 of this item was amended to cover also works created by the use of computer systems in connection with commissioned works. In this connection, it was recalled that ILO, Unesco and WIPO will convene in September 1982 a group of interested non-governmental organizations to consult them on the general aspects of copyright ownership and its consequences for the relations between employers and salaried or employed authors. The Second Committee suggested that States should carefully consider the conclusions which will be made by the said consultation group in connection with these recommendations.

#### IV. Conclusion

54. The Recommendations for Settlement of Copyright Problems Arising from the Use of Computer Systems for Access to or the Creation of Works as adopted by the Second Committee are annexed to this Report (Annex I). The Second Committee asked the Secretariats to assure wide dissemination of this document among Member States and to inform the Intergovernmental Copyright Committee of the Universal Copyright Convention and the Executive Committee of the Berne Union of its contents at their next sessions to be held in 1983.

#### V. Adoption of the Report and Closing of the Meeting

55. The Second Committee unanimously adopted this Report under the chairmanship of Mr. M. Keplinger, one of the Vice-Chairmen, as the Chairman had to leave shortly before the end of the meeting.

56. After the usual thanks, the Chairman of the meeting declared the closure of the Second Committee.



## ANNEX I

**Recommendations  
for Settlement of Copyright Problems Arising from the Use of Computer Systems  
for Access to or the Creation of Works**

*Noting that* States and international organizations are now giving high priority to information policy;

*Recognizing that* creation of systems for the organization and coordination of information and documentation has become a main element for the performance of the various functions of the society, in particular in scientific, economic, technical, political, cultural, educational and social fields;

*Nothing also that* the rapid development of information technology and the importance of information products and services in international trade have led to the creation of computerized information systems, networks, and data bases, on both national and international levels, to enable information-seeking users to have direct access to such systems;

*Taking into account that*, at present, more and more works protected by copyright are used for storage in and retrieval from computer systems and this practice is likely to grow;

*Considering that*, at present, technological developments in the computer area have led to changes in methods of producing various categories of creative works which may respond to the general requirements for international and national copyright protection;

*Recognizing the important role of copyright as a stimulus for creativity and the development of society;*

*Considering also that* the use of the new technologies for access to or the creation of works should be facilitated consistently with the appropriate protection of works;

*Taking note of the provisions of the international conventions on copyright actually in force;*

*Bearing in mind that* the use of computer systems for access to or the creation of works has given rise to certain problems in the field of copyright;

*Considering that* the development towards international computerized information systems and the increasing transborder flow of data make it highly desirable to harmonize international views on the settlement of these copyright problems and to achieve cooperation among States on common and practical solutions in this connection;

The Committee is of the opinion that:

- (a) the use of computer systems for access to or the creation of protected works should be governed by the general principles of copyright protection as laid down in particular in the international copyright conventions and such use does not at present require amendments to these principles;
- (b) the copyright problems raised by such use are complex and while settling them national legislation should take into account the legitimate interests of both the copyright owners and the users of the protected works in order to stimulate creativity of authors and not hamper the dissemination of works by means of computer technology;
- (c) States, while seeking legal solutions on the basis of the existing principles or enacting specific legal provisions governing the problems arising from the use of computer systems for access to or the creation of works, should be guided by the following recommendations:

#### USE OF COMPUTER SYSTEMS FOR ACCESS TO PROTECTED WORKS

**Subject Matter to which the Recommendations Apply**

1. These recommendations apply to material which either constitutes intellectual creation and therefore is to be considered as enjoying protection under copyright legislation or otherwise enjoys protection under such legislation (hereinafter referred to as "protected works"). Bibliographic data as such of a particular protected work (name of the author, title, publisher, year of publication, etc.) are not included in this definition.

2. Subject to the provisions of paragraph 1 above, protected works may embrace in particular the following categories:

- (a) full texts, or substantial parts thereof and other complete representations of protected works;
- (b) abbreviated representations of protected works either in the form of adaptations or derivative works or in the form of independent works;

- (c) collections and compilations or information, whether or not resulting from data processing, independently of the kind of information contained in them and of their material support (including collections and compilations of bibliographic data of several works);
- (d) thesauri and similar works intended for the exploitation of computerized data bases.

**Rights Concerned**

3. Storage in and retrieval from computer systems (input and output) of protected works may, as the case may be, involve at least the following rights of authors provided for in either international conventions or national legislation on copyright or both:

- (a) the right to make or authorize making of translations, adaptations or other derivative works;

- (b) the right to reproduce any work involved;
- (c) the moral rights.

#### Acts Concerned

##### 4. Input

The act of input of protected works into a computer system includes reproducing the works on a machine-readable material support and fixation of the works in the memory of a computer system. These acts (such as reproduction) should be considered as acts governed by the international conventions (Article 9(1) of the Berne Convention and Article IV<sup>bis</sup>.1 of the Universal Copyright Convention, as revised in 1971) and national legislation on copyright and therefore subjected to the author's exclusive rights and the requirement of prior authorization by the copyright owner.

For the purposes of this paragraph, a work should be considered as reproduced when it is fixed in a form sufficiently stable to permit its communication to an individual.

##### 5. Output

States should consider granting protection under copyright legislation in respect of output of protected subject matter from computer systems whether this constitutes:

- (a) a reproduction or a corresponding act (e.g. production of a hard-copy print-out or fixation of texts, of drawings, of machine-readable forms, of sounds, of audiovisual works, etc., on analogous physical medium, or a transmission of the contents of a data base into the memory of another computer system with or without an intermediary fixation); or
- (b) an act whereby such subject matter is made available to the public (e.g. as visual images or other perceivable form of a presentation of a work).

Provisions of national legislation concerning reproduction and direct communication to the public must normally apply to such acts.

6. However, in order to harmonize the approach of States in settling the problems relating to input and output and to provide the authors with the real possibility of exercising control when their works are put into computer systems, States should consider the desirability of express recognition under their national laws of the exclusive right of the author to make his work available to the public by means of computer systems from which a perceivable version of the work may be obtained. Such a right may apply to the acts of input or output or to the act of input only, the latter being, in this case, the starting point of control exercised by the author over the destination of his work.

#### Moral Rights

7. General provisions in national and international law on moral rights are also applicable to the use of computers for access to protected works. States should con-

sequently ensure that the obligations in this respect following from the relevant instruments are duly taken into account.

#### Limitations on Copyright

8. States should give special consideration to the application of the limitations of copyright protection permitted under international conventions (Articles 9(2), 10 and 10<sup>bis</sup> of the Berne Convention and Article IV<sup>bis</sup>.2 of the Universal Copyright Convention) and provided for in national laws with regard to the use of protected materials in computerized systems, taking into account the developments in the field of computerized systems and the impact which these sophisticated techniques may have on the application of such limitations.

9. States may consider the possibility of allowing in their domestic law, as an exception to the exclusive rights, certain uses of protected materials in computer systems but such use must be within the limits established by the international conventions on copyright and in no way reduce the level of protection provided for under the conventions.

10. To the extent to which the right of translation and reproduction is concerned, in relation to storage in and retrieval from computer systems of protected works, the developing countries may avail themselves under national legislation of the relevant special provisions contained in the Paris Act of the Berne Convention and the Universal Copyright Convention as revised in 1971.

#### Administration and Exercise of Rights and Legislative Measures

11. Storage in together with retrieval from computer systems of protected works should be based upon contractual agreements or other freely negotiated licenses arranged either individually or collectively. Taking into account that both authors and society at large are mutually interested in rapid and easy dissemination of works, States should consider undertaking appropriate measures to facilitate effective systems for the proper exercise and administration of rights in respect of works used in computer systems and practical possibilities for the exercise of moral rights.

12. The introduction of non-voluntary licenses in respect of use of protected works in computer systems is permissible only when freely negotiated licenses as mentioned in the preceding paragraph are not practicable and only to the extent to which such licenses are compatible with the relevant provisions of the international conventions on copyright. Although such use of protected works in computer systems can have a trans-border character, the effect of non-voluntary licenses would be applicable only in the State where such licenses have been prescribed.

## USE OF COMPUTER SYSTEMS FOR CREATION OF PROTECTED WORKS

13. These recommendations do not deal with or affect the protection of computer software or programs as such which may enjoy protection under national laws (e.g. copyright, patent, unfair competition or trade secrets).

14. Where computer systems are used for the creation of works, States should basically consider them as a technical means used in the process of creation for achieving the results desired by human beings.

15. In order to be eligible for copyright protection the work produced with the help of computer systems must satisfy the general requirements for such protection established by the international conventions and national laws on copyright.

16. In the case of works produced with the use of computer systems, the copyright owner in such works can basically only be the person or persons who produced

the creative element without which the resulting work would not be entitled to copyright protection. Consequently, the programmer (the person who created the programs) could be recognized as co-author only if he or she contributed to the work by such a creative effort.

17. When a computer system is used in the case of commissioned works or in the case of works by a person or persons under an employment contract the matter of attribution of copyright ownership should be left to national legislation.

18. Paragraphs 13 to 17 deal mainly with problems in connection with the creation of works by means of computer systems. It should, however, be borne in mind that these problems have, to some extent, aspects in common with those dealt with in the preceding paragraphs, e.g. as regards compilations, adaptations or translations produced by means of a computer system.

## ANNEX II

## List of Participants

## I. Members of the Committee

**Afghanistan:** R. Samizay. **Angola:** S. Lungyeki Makiadi; I. da Conceição Lopes. **Australia:** R. Bell. **Austria:** M. Storrman. **Belgium:** F. van Isacker; D. Voorhoof. **Benin:** Y. Barra. **Congo:** D. Ganga Bidie; S. Bayalama. **Denmark:** J. Nørup-Nielsen; J. Blomqvist. **Finland:** J. Lienes. **France:** A. Kerever; A. Françon; A. Bourdalé-Dufau; M. Bottin; J.-L. Bertrand. **German Democratic Republic:** D. Grumbach. **Germany (Federal Republic of):** M. Möller. **Holy See:** L. Rousseau; M.-S. de Chalus. **Hungary:** M. Ficsor. **Israel:** M. Gabay. **Italy:** R. Brunetti; G. Aversa; M. Fabiani. **Japan:** Y. Oyama; H. Saito. **Kuwait:** F. Al-Salem. **Netherlands:** M. Reinsma; P.B. Hugenholtz. **Norway:** J. Bing. **Pakistan:** M. Kamal Kazi. **Portugal:** A. Pinheiro Xavier. **Soviet Union:** M. Voronkova. **Spain:** A. Sahagún Pool. **Sweden:** A.H. Olsson; E. Tersmeden. **Switzerland:** R. Grossenbacher. **Tunisia:** M. Ben Slama. **United Kingdom:** P. Ferdinando. **United States of America:** M. Keplinger. **Zaire:** M. Boguo.

## II. Observers

## (a) States

**Colombia:** N. El Khazen Akl. **Saudi Arabia:** M. Saad Al Musfir; N.S. Kanan.

## (b) Palestine Liberation Organization (PLO)

A. Yahya.

## (c) Organization of the United Nations System

**World Health Organization (WHO):** W.H. Whitfield; R.J. Gallagher.

## (d) Intergovernmental Organizations

**Intergovernmental Bureau for Informatics (IBI):** C. Fernández. **Commission of the European Communities (CEC):** B. Posner. **Arab Educational, Cultural and Scientific Organization (ALECSO):** F. Ammar. **Organization for Economic Co-operation and Development (OECD):** M. Briat; R. Hermans.

## (e) International Non-Governmental Organizations

**European Broadcasting Union (EBU):** R. Laurent. **International Catholic Film Organization:** R. Avery. **International Confederation of Societies of Authors and Composers (CISAC):** J.-A. Ziegler; D. de Freitas. **International Council of Scientific Unions (ICSU):** J. Gravestijn; B. Stern; M. Orfus. **International Copyright Society (INTERGU):** G. Halla. **International Federation for Information Processing (IFIP):** J. Fourot. **International Federation of Film Producers Associations (FIAPF):** A. Brisson. **International Federation of Journalists (IFJ):** S.O. Grönsund; C.H. Hernlund. **International Federation of Translators (FIT):** J.M.C. Goetschalckx. **International Film and Television Council (IFTC):** E. Flipo. **International Group of Scientific, Technical and Medical Publishers (STM):** P. Nijhoff Asser. **International Literary and Artistic Association (ALAI):** R. Castelain; D. Gaudel. **International Music Council (IMC):** J. Masson-Forestier.

## III. Secretariat

## World Intellectual Property Organization (WIPO)

C. Masouyé (*Director, Public Information and Copyright Department*).

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

M.-C. Dock (*Director, Copyright Division*); E. Guerassimov (*Lawyer, Copyright Division*).

## Conventions Administered by WIPO

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

VENEZUELA

#### Accession to the Convention

The Director General of the World Intellectual Property Organization (WIPO) has informed the Governments of the States invited to the Diplomatic Conference on the Protection of Phonograms \* that, according to the notification received from the Secretary-General of the United Nations, the Government of the Republic of Venezuela deposited, on July 30, 1982, its instrument of accession to the Convention for the Protection of Producers of Phonograms

Against Unauthorized Duplication of Their Phonograms.

The Convention will enter into force, with respect to the Republic of Venezuela, three months after the date of the notification given by the Director General of WIPO, that is, on November 18, 1982.

\* Phonograms Notification No. 40, of August 18, 1982.

## National Legislation

AUSTRIA

### Copyright Amendment Law, 1982

(No. 295, of February 19, 1982) \*

#### Federal Law Amending the Copyright Act

##### Article I

##### *Amendment of the Copyright Act*

The Copyright Act, published in the *Bundesgesetzblatt* (BGBl.) No. 111/1936, as amended by the Federal Laws published in BGBl. No. 206/1949, BGBl. No. 106/1953, BGBl. No. 175/1963, BGBl. No. 492/1972 and BGBl. No. 321/1980, and the

Notice in BGBl. No. 142/1973, is hereby amended as follows:

1. The following paragraph (2) shall be added to Article 24 which shall now be numbered (1):

“(2) A license to use a work that has been issued before a right to use a work has been granted or assigned shall continue to have effect as regards the person entitled to use the work, where not otherwise agreed with the owner of the authorization to use the work.”

\* Published in the *Bundesgesetzblatt für die Republik Österreich*, No. 124, of June 30, 1982. — WIPO translation.

2. In Article 26, the words "Article 24, sentence 2" shall be replaced by "Article 24(1), second sentence."

3. The following paragraph (3) shall be added to Article 38:

"(3) In the absence of proof to the contrary, the person who is designated in the usual manner as the producer on the copies of a cinematographic work by mention of his true name, of his company or of a pseudonym or company designation that he is known to use, shall be presumed to be the producer of the film. The same shall apply to the person designated as the producer in the above-mentioned way in the case of a public performance or a broadcast of the cinematographic work, except where the assumption made in the preceding sentence suggests that the film producer is another."

4. The following provision, together with its heading, shall be inserted after Article 42:

*"Reporting of Current Events"*

*Article 42a.* Works perceptible to the public in the course of happenings that are the subject of reporting on current events may be reproduced, disseminated, broadcast or used for public recitals, performances and presentations to the extent justified by the informatory purpose."

5. Article 49 shall be repealed.

6. Paragraph (2) of Article 52 shall be repealed.

7. The remaining paragraph (1) of Article 52 shall no longer bear a paragraph number.

8. In Article 57(2), the words "Article 52(1), item 1," and "Article 52 (1), item 2 or 3," shall be replaced by the words "Article 52, item 1," and "Article 52, item 2 or 3."

9. Article 58(1) shall read:

"(1) Where the entitled person has permitted another person to duplicate and distribute a musical work on sound recordings, any manufacturer of such recordings may require from the entitled person, once the work has appeared, that the same use of the work be permitted to him in return for equitable compensation; where such manufacturer has his place of residence or principal place of business abroad this shall apply only on condition, subject to any international treaties, that manufacturers having their place

of residence or principal place of business in Austria are treated in such State in approximately the same way or at least in the same way as manufacturers having their place of residence or principal place of business in such State. Reciprocity shall be deemed to exist when it has been established in a Notice of the Federal Minister for Justice with respect to the legal situation in the State concerned. In addition, the competent authorities may conclude an agreement on reciprocity with another State where this appears appropriate to safeguard the interests of Austrian manufacturers of sound recordings. The permission to use the work shall be valid only for the duplication and distribution of works on sound recordings in Austria and for their export to States in which the author does not enjoy protection against the duplication and distribution of the work on such recordings."

10. Paragraphs (2) to (4) of Article 61 shall be repealed.

11. The remaining paragraph (1) of Article 61 shall no longer bear a paragraph number.

12. The following provisions, together with their heading, shall be inserted after Article 61:

*"Register of Authors"*

*Article 61a.* Within the term specified in Article 61, the name of the author (Article 10(1)) may be notified to the Register of Authors maintained by the Federal Minister for Justice either by the author or by the persons upon whom the copyright devolves after his death. Upon such notification, the term of protection shall be computed pursuant to Article 60.

*Article 61b.* (1) The notification shall be in writing. Each notification shall contain the type and the title of the work or other designation, the time, place and type of publication, the author's designations hitherto used, forename and surname of the author (Article 10(1)) and forename and surname, employment and place of residence of the person making the registration. A notification may cover more than one work attributed to the same author.

(2) The registration shall be made by the Federal Minister for Justice without examination of the entitlement of the person making the notification to do so or of the correctness of facts notified; it shall in any event contain the particulars required by paragraph (1). Where the notification also states the day and place of birth

of the author or of his death, or his nationality, such particulars shall also be registered.

*Article 61c.* (1) The registration shall be publicly announced at the cost of the person making the notification in the *Amtsblatt zur Wiener Zeitung*.

(2) Any person may have access to the Register of Authors and require the making of officially certified abstracts and the issue of certification that a specific work is not entered in the Register of Authors."

**13. Article 66(5) shall read:**

"(5) Unless an exception is permitted by this Act, and subject to paragraph (1), recitals and performances given under the direction of an organizer may be recorded on video or sound recordings with the consent of the organizer. Video or sound recordings manufactured in violation of this provision may be neither duplicated nor distributed."

**14. Article 67(1) shall read:**

"(1) The rights of exploitation of the persons specified in Article 66(1) and (5) shall terminate when 50 years have elapsed from the expiration of the calendar year in which the recital or performance was given."

**15. Paragraph (1) of Article 69 shall be repealed. The existing paragraphs (2) to (4) of Article 69 shall be renumbered (1) to (3).**

**16. Article 70(2) shall read:**

"(2) The authorization required under paragraph (1) shall not be required for a broadcast using video or sound recordings, except where Article 66(7) or Article 69(2) do not permit the latter to be used for a broadcast."

**17. Article 72(3) shall read:**

"(3) For the purposes of reporting current events, recitals and performances that are perceptible by the public during events that are being reported may be recorded on video or sound recordings to an extent that is justified by the informatory purpose and may be broadcast and publicly reproduced; such video or sound recordings may be duplicated and distributed to such extent. Whether and to what extent the persons entitled to exploitation under Article 66(1) may require in such a case that their name be stated on the video or sound recordings shall be judged in accordance with practice and usage in fair trading."

**18. The existing paragraphs (3) to (5) of Article 72 shall be renumbered (4) to (6).**

**19. Article 74(7) shall read:**

"(7) Articles 5, 7, 8, 9, 11, 12, 13, 14(2), 15(1), 16, 17, 18(3), 23(2) and (4), 24, 25(2) to (6), 26, 27(1), (3), (4) and (5), 31(1), 32(1), 33(2), 36, 37, 41, 42a, 54.3 and 4, 56 and 59a and those provisions of Article 42(1) to (3) and (5) to (7) applicable to works of fine art shall apply by analogy to photographs."

**20. Article 76(3) shall read:**

"(3) Where a sound recording made for commercial purposes is used for a broadcast (Article 17) or for communication to the public, the user shall pay equitable remuneration to the producer (paragraph (1)) subject to Article 66(7) and paragraph (2) above. The persons referred to in Article 66(1) may claim from the producer a share of such remuneration. In the absence of agreement between the entitled parties, such share shall be one-half of the remuneration remaining to the producer after deduction of the costs of collection. The claims of the producer and of the persons referred to in Article 66(1) may only be asserted by collecting societies or by one single collecting society."

**21. Article 76(6) shall read:**

"(6) Articles 5, 7, 8, 9, 11, 12, 13, 14(2), 15(1), 16(1) and (3), 23(2) and (4), 24, 25(2), (3) and (5), 26, 27(1), (3), (4) and (5), 31(1), 32(1), 33(2), 41, 42a, 56, 72(4), and 74(2) to (5) shall apply by analogy; in the case of paragraphs (2) and (4), Article 59a shall also apply by analogy."

**22. Article 76a (5) shall read:**

"(5) Articles 5, 7, 8, 9, 11, 12, 13, 14(2), 15(1), 16(1) and (3), 18(2), 23(2) and (4), 24, 25(2), (3) and (5), 26, 27(1), (3), (4) and (5), 31(1), 32(1), 33(2), 41, 42a, 56, 59a, 72(4) and 74(2) to (5) shall apply by analogy."

**23. Article 79 shall read:**

"Article 79. (1) Press reports of the kind specified in Article 44(3), which are contained in press releases or other communications for the transmittal, for consideration, of news to newspapers and periodicals, may not be reproduced in newspapers and periodicals until at least 12 hours have elapsed following their publication in a newspaper or periodical authorized to do so by the collector of the news."

(2) For the application of paragraph (1), all establishments engaged in the periodical dissemination of news to the general public shall be treated in the same way as newspapers and periodicals. However, Article 59a shall apply by analogy."

**24.** The heading of Part III shall read:

"Exercise of rights."

**25.** Article 81(1) shall read:

"(1) Any person whose exclusive right granted by this Act has been infringed, or any person who has reason to suspect that such infringement could occur, may request an injunction. An action may also be brought against the proprietor of an enterprise where such infringement has been committed or is likely to be committed within the activities of enterprise by one of his employees or agents."

**26.** Article 85 shall read:

"Article 85. (1) Where an action is brought for an injunction, for destruction or for a declaratory judgment as to the existence or non-existence of an exclusive right under this Act or as to authorship (Article 19), the court shall authorize the prevailing party, if the latter has a legitimate interest therein and so requests, to publish the judgment within a certain period of time at the expense of the opposing party. The manner of such publication shall be set out in the judgment.

(2) Publication shall comprise the text of the judgment. At the request of the prevailing party, however, the court may order a publication whose content differs in scope or wording from the judgment or contains a supplement. Such request shall be submitted within four weeks of the judgment becoming final. Where the request is not submitted until after completion of the oral proceedings, the court of first instance shall decide by means of an order after the judgment has become final.

(3) At the request of the prevailing party, the court of first instance shall determine the cost of publication and direct the opposing party to reimburse such cost.

(4) Publication required by a final decision or any other enforcement order shall be carried out by the media undertaker without unnecessary delay."

**27.** In Article 86(1) and (2), the words "Article 69(3)" shall in each case be replaced by the words "Article 69(2)."

**28.** Article 87(3) shall read:

"(3) The injured party whose consent should have been obtained may claim twice the compensation due to him under Article 86 for the culpable pecuniary damage caused to him (paragraph (1)) if no greater damage can be proved."

**29.** The following provision, together with its heading, shall be inserted after Article 87:

*"Rendering of Accounts"*

*Article 87a.* Any person required by this Act to pay equitable compensation or equitable remuneration, to pay damages or to surrender profit, shall render account to the person entitled and shall have the accounts examined by an expert. Where such examination shows an amount greater than that in the accounts rendered, the cost of examination shall be borne by the person required to make payment."

**30.** Article 90 shall read:

"Article 90. (1) Prescription of claims for equitable compensation, for equitable remuneration and for surrender of profit shall apply in accordance with the provisions on actions for damages.

(2) Claims of individual entitled persons or of groups of entitled persons against the collecting society shall be subject to prescription, irrespective of the person entitled having knowledge of the facts on which are based the obligation to payment of the collecting society, on expiry of three years counted from such time."

**31.** Article 91 shall read:

"Article 91. (1) Any person who commits an infringement of the kind specified in Article 86(1) shall be liable to imprisonment not exceeding six months or fine not exceeding 360 per diems.

(2) Any person who, being owner or director of an enterprise, does not prevent infringements of this type from being committed within the activities of the enterprise by an employee or an agent shall also be punishable.

(3) The infringer shall only be prosecuted on request of the person whose right has been infringed.

(4) Article 85(1), (3) and (4) concerning publication of the judgment shall apply by analogy.

(5) The penal proceedings shall be heard by the judge of the court of first instance sitting singly."

**32.** Article 96 shall read:

"Article 96. (1) For the works of foreign authors (Article 10(1)) not protected under Article 94 or Article 95, copyright protection shall be af-

forded, subject to international treaties, on condition that the works of Austrian authors are also protected in approximately the same way in the State of which the foreign author is a national, but in any event to the same extent as works of nationals of that State. Reciprocity shall be deemed to exist when it has been determined in a Notice of the Federal Minister for Justice with respect to the legal situation in the State concerned. In addition, the competent authorities may conclude an agreement on reciprocity with another State where this appears appropriate to safeguard the interests of Austrian authors.

(2) The term of protection enjoyed by foreign authors for their works in Austria under the Universal Copyright Convention of September 6, 1952 (BGBl. No. 108/1957), or under the Universal Copyright Convention as revised on July 24, 1971 (BGBl. No. 293/1982), shall be computed on the basis of Article IV.4, first paragraph, or Article IV.4(a), respectively, of those Conventions."

**33. Article 97(2) shall read:**

"(2) In the case of recitals and performances that take place abroad, Articles 66 to 72 shall apply in favor of Austrian nationals. Foreigners shall be protected in respect of such recitals and performances, subject to international treaties, on condition that the recitals and performances of Austrian nationals are also protected in approximately the same way in the State of which the foreigner is a national but, in any event, to the same extent as recitals and performances of nationals of that State. Reciprocity shall be deemed to exist when it has been determined in a Notice of the Federal Minister for Justice with respect to the legal situation in the State concerned. In addition, the competent authorities may conclude an agreement on reciprocity with another State where this appears appropriate to safeguard the interests of Austrian holders of exploitation rights under Article 66(1)."

**34. The heading preceding Article 99 shall be replaced by the following headings:**

"Sound Recordings and Broadcasts  
Sounds Recordings."

**35. Article 99 shall read:**

"Article 99. (1) Sound recordings shall be protected in accordance with Article 76, regardless of whether and how they are published, if the producer is an Austrian national. Article 98(2) shall apply by analogy.

(2) Other sound recordings shall be protected in accordance with Article 76(1), (2) and (4) to (6) if they have been published in Austria.

(3) Sound recordings of foreign producers that have not been published in Austria shall be protected under Article 76(1), (2) and (4) to (6), subject to international treaties, on condition that the sound recordings of Austrian producers are also protected in approximately the same way in the State of which the foreign producer is a national but in any event to the same extent as the phonograms of nationals of that State. Reciprocity shall be deemed to exist when it is determined in a Notice of the Federal Minister for Justice with respect to the legal situation in the State concerned. In addition, the competent authorities may conclude an agreement on reciprocity with another State where this appears appropriate to safeguard the interests of Austrian producers of sound recordings.

(4) Sound recordings of foreign producers that have not been published in Austria shall further be protected under Article 76(1), (2) and (4) to (6) if the producer is a national of a Contracting State of the Convention of October 29, 1971 (BGBl. No. 294/1982), for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms.

(5) Protection under Article 76(3) may be claimed by foreigners, in any event, only in accordance with international treaties."

**36. The following title shall be added at the head of Article 99a:**

"Broadcasts."

**37. In Article 110(2), the words "Article 66(1) or (2)" shall be replaced by the words "Article 66(1)."**

**38. Article 114(2) shall read:**

"(2) Its implementation shall be entrusted to the Federal Minister for Justice."

## Article II

### *Transitional Provisions*

(1) The Federal Minister for Education and the Arts shall without delay transmit to the Federal Minister for Justice the Register of Authors kept under Ordinance BGBl. No. 171/1936 and the Registers of Authors kept under RGBl. No. 198/1895 and BGBl. No. 92/1921 together with all documents concerning these Registers.

(2) Access to the Registers and the making of extracts and issuing of certificates shall be governed by Article 61c(2) of the Copyright Act as amended by this Federal Law.



### Article III

#### *Final Provisions*

(1) This Federal Law shall enter into force, subject to paragraph (2), on July 1, 1982.

(2) Article I.35 shall enter into force on the day on which the Convention of October 29, 1971 (BGBl. No. 294/1982), for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms enters into force in respect of Austria.

(3) With the entry into force of this Federal Law, the following shall be repealed:

1. The Ordinance of the Federal Minister for Education in agreement with the Federal Ministers concerned, regarding the Register of Authors, BGBl. No. 171/1936;

2. The Federal Law of November 7, 1956 (BGBl. No. 109/1957), on the implementation of the Universal Copyright Convention of September 6, 1952 (BGBl. No. 108/1957).

(4) The implementation of this Federal Law shall be entrusted to the Federal Minister for Justice, in agreement, as regards Article II(1), with the Federal Minister for Education and the Arts.

### PORTUGAL

#### **Decree-Law No. 150/82**

(of April 29, 1982) \*

*Article 1.* (1) The Ministry of Culture and Scientific Coordination shall be empowered to defend the integrity and genuine character of intellectual works that have fallen into the public domain.

(2) The Ministry of Culture and Scientific Coordination may also look to the integrity and genuine character of works which have not as yet fallen into the public domain should such works appear to be threatened or should they be infringed, and should the owners of the respective rights, when called on to exercise them, not do so without valid reason.

*Article 2.* (1) The publication or use, by any means or in any medium, of national intellectual works which have fallen into the public domain, by any person or legal entity, shall require no prior authorization but may be effected only provided that:

- (a) the name of the author, if known, be mentioned;
- (b) the integrity and genuine character of the works be respected.

(2) In cases where the work has been translated, adapted, transposed, arranged, abridged, summarized or modified in any other way, this fact shall be clearly stated.

*Article 3.* Wheresoever a doubt may exist as to respect for the integrity and genuine character of an intellectual work, the opinion of the General Directorate of Public Performances and Copyright and the Portuguese Book Institute may be sought.

*Article 4.* (1) Non-compliance with the provisions of this Decree-Law shall be punished as detailed below, and fines, where applicable, shall be adapted to take account of the nature, gravity and circumstances of the infringement, the previous record of the offender and his financial situation.

(2) Non-compliance with Article 2(1)(a) and (b) shall carry a fine of 20,000 to 150,000 escudos.

(3) The General Directorate of Public Performances and Copyright shall be responsible for instituting legal proceedings in cases of infringement as referred to above, and the amount of the fine to be imposed shall be determined by the Director General of Public Performances and Copyright.

(4) The product of the fines referred to in the foregoing paragraph shall be collected in their entirety by the State.

*Article 5.* Decree-Law No. 393/80 of September 25, 1980,<sup>1</sup> is hereby repealed.

*Article 6.* This Decree-Law shall come into effect on January 1, 1983.

\* Published in the *Diário da República*, 1 Série, No. 99, of April 29, 1982. — WIPO translation.

<sup>1</sup> See *Copyright*, 1982, p. 103.

## **General Studies**

### **Cable Television in the Austrian Copyright Amendment Law, 1980 with particular reference to its conformity with the provisions of the Berne Convention**

Michel M. WALTER \*





























**Legal Protection of Titles of Literary and Artistic Works and Publications:  
Copyright and Trademark Law**

Delia LIPSZYC \*











**Correspondence**

**Letter from Turkey**

Nuşin AYITER \*



## Calendar

### WIPO Meetings

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

#### 1982

- October 4 to 8 (Geneva) — Permanent Committee on Patent Information (PCPI) — Ad hoc Working Group on the Revision of the Guide to the IPC**
- October 4 to 30 (Geneva) — Revision of the Paris Convention — Diplomatic Conference**
- October 25 to 27 (Paris) — Berne Union — Working Group on Copyright Questions Connected with the Use of Works by Persons with Defective Hearing or Sight (convened jointly with Unesco)**
- November 8 to 12 (Geneva) — Working Group on Model Contracts Concerning Co-Publishing and Commissioned Works (convened jointly with Unesco)**
- November 15 to 17 (Berne) — Permanent Committee on Patent Information (PCPI) — Working Group on Search Information — Subgroup on IPC Classes F 01, F 02, H 01, H 03 and H 04**
- November 22 to 26 (Geneva) — Governing Bodies (WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions)**
- November 29 to December 3 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation (PCT/CTC)**
- December 6 to 10 (Geneva) — International Patent Classification (IPC) — Committee of Experts**
- December 6 to 10 (Paris) — Berne Union and Universal Copyright Convention — Working Group on the Formulation of Guiding Principles Covering the Problems Posed by the Practical Implementation of the Licensing Procedures for Translation and Reproduction under the Copyright Conventions (convened jointly with Unesco)**
- December 13 to 17 (Paris) — Berne Union, Universal Convention and Rome Convention — Subcommittees of the Executive Committee of the Berne Union, of the Intergovernmental Copyright Committee and of the Intergovernmental Committee of the Rome Convention, respectively, on Copyright and Neighboring Rights Problems in the Field of Cable Television (convened jointly with ILO and Unesco)**

#### 1983

- January 25 to 29 (New Delhi) — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights**
- January 31 to February 2 (New Delhi) — Regional Committee of Experts on the modalities of implementation in Asia of the model provisions for national laws on intellectual property aspects of the protection of expressions of folklore (convened jointly with Unesco)**

### UPOV Meetings

#### 1982

- October 5 to 7 (Cambridge) — Technical Working Party for Ornamental Plants and Forest Trees**
- October 12 (Geneva) — Consultative Committee**
- October 13 (Geneva) — Symposium (genetic engineering)**
- October 13 to 15 (Geneva) — Council**
- November 15 (Geneva) — Information Meeting with International Non-Governmental Organizations**
- November 16 and 17 (Geneva) — Administrative and Legal Committee**
- November 18 and 19 (Geneva) — Technical Committee**

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

### **Intergovernmental Organizations**

#### **1982**

##### **Council of Europe**

Committee of Legal Experts in the Media Field — November 29 to December 3 (Strasbourg)

### **Non-Governmental Organizations**

#### **1982**

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

Congress — October 3 to 8 (Rome)

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

Congress — September 27 to October 1 (Paris)

#### **1983**

##### **Council of the Professional Photographers of Europe (EUROPHOT)**

Congress — October 6 to 13 (Munich)

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

Legal and Legislation Committee — May 1 to 4 (Washington)

##### **International Federation of Musicians (FIM)**

Executive Committee — June 27 to 30 (Amsterdam)

Congress — September 19 to 23 (Budapest)

##### **International Literary and Artistic Association (ALAI)**

Congress — April 13 to 20 (Athens)

##### **Union of National Radio and Television Organizations of Africa (URTNA)**

General Assembly — January 23 to 25 (Algiers)