

Published monthly  
Annual subscription:  
fr.s. 145.—  
Each monthly issue:  
fr.s. 15.—

# Copyright

22<sup>nd</sup> year — No. 11  
November 1986

Monthly Review of the  
World Intellectual Property Organization (WIPO)

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ISSN 0010-8626

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## Centenary of the Berne Convention

### Celebration of the Hundredth Anniversary of the Berne Convention

#### PART I

#### Celebration in Berne

The Berne Convention for the Protection of Literary and Artistic Works was signed on September 9, 1886.

The centenary was recalled during 1986 on various occasions, in various places and in various ways.

Those events are described in two parts in the present periodical.

This first part deals with the most important of those celebrations, the one organized by the Government of Switzerland. A second part, to be published in the February 1987 issue of this periodical, will deal with the other celebrations.

The celebration organized by Switzerland took place in Berne, the country's capital, on September 11, 1986, almost on the exact day of the anniversary of the signature of the Convention.

The celebration in Berne consisted of four events:

- a gathering in the *Bundeshaus* (or *Palais fédéral* in French), the seat of both the Federal Council (*Conseil fédéral*) and the Parliament (*Assemblée nationale*);

- the opening of an exhibition devoted to the history of the Berne Convention, set up in the Archives of the Confederation (*Archives fédérales*);

- the unveiling of an artistic work in the gardens of the Archives;

- a banquet given by the Federal Council for the participants.

The participants included several of the highest and other high officials of the Swiss Confederation, the Director General and a number of staff members of the World Intellectual Property Organization (WIPO), diplomatic representatives of member States of WIPO or the Berne Union, members of the International Literary and Artistic Association (ALAI) (which held a special congress in Berne at the same time) and other personalities of the world of international copyright. Altogether, between 500 and 600 persons from some 100 countries took part.

#### Gathering in the Bundeshaus

This gathering took place in the meeting room of the *Conseil national*, the lower house of the Swiss Parliament. For reasons of space and numbers the events were also relayed to neighboring rooms by closed-circuit television.

The ceremonial gathering heard speeches by H.E. Mr. Alphons Egli, President of the Swiss Confederation, Dr. Arpad Bogsch, Director General of the World Intellectual Property Organization, Dr. Gyula Pusztai, Chairman of the Assembly of the Berne Union and Delegate of Hungary in the same Assembly and Dr. Georges Koumantos, President of the International Literary and Artistic Association.

The following is the text of the speech by the President of the Swiss Confederation:

"We are the craftsmen of the intellect; our work benefits all humanity which it strives to instruct, to illuminate and to uplift, thus raising the level of civilization; like other men we believe to be entitled to the fruit of our labors. We therefore ask you to represent our interests and inform the other States of the need to elaborate a genuine system for protecting our rights and therefore to lay the foundations of a universal Union in this special field of arts and letters, normally not limited by political frontiers."

"In 1883, the International Literary and Artistic Association approached the Swiss Government with the words which you have just heard and proposed the creation of the Berne Convention. The Government expressed its willingness to undertake the mission entrusted to it by this international association—a mandate which was in accord with Switzerland's efforts to maintain peace and increase understanding among the family of nations.

"Many States welcomed the International Literary and Artistic Association's proposal. Thanks to the participating nations' farsightedness and willingness to negotiate, the three conferences which were held in the senate chamber of the Federal Parliament in 1884, 1885 and 1886 proved successful. It was the

honorably service of these nations whose efforts led on September 9, 1886, to the signature of the Convention whose one hundred years of existence we are celebrating today.

"A law had been worked out at the national level regulating copyright for the whole of Switzerland only a few years earlier. So our country was in a particularly good position to appreciate the performance of the participants at the 1886 conference, who succeeded in the much more difficult venture of laying the foundation stone for the standardization of copyright at the international level.

"The principles laid down in the Berne Convention have remained basically unchanged to this day. They provided revision conferences with a wide platform on which to build and improve the progressive additions required for the protection of artistic works. But at the same time they were sufficiently open to allow the most diverse countries to join the Convention. And it is their flexibility above all that has made it possible to work out specially adapted conditions for the developing countries. Here in particular the Berne Convention took a step in the direction of a really modern multilateral agreement. This is all the more remarkable as our agreement provides a higher degree of protection and creates greater legal standardization than comparable copyright agreements. It must therefore stand as a model of constructive international cooperation.

"The successor to the 'International Bureau for the Protection of Literary and Artistic Works,' the World Intellectual Property Organization, has contributed substantially to this development. I would like to express my sincere thanks to this Organization on behalf of the countries of the Berne Union for the work it has done.

"These thanks go also to the International Literary and Artistic Association. It promoted the production of the Berne Convention and since then it has also exercised a continual authoritative influence on the further international development of copyright.

"Finally, as the representative of the Swiss Government I should like to take this opportunity to thank all the member countries of the Berne Union that are present today for the confidence they have shown in choosing Switzerland for the headquarters of the World Intellectual Property Organization.

"Switzerland is proud of having presided over the preparation of this work. And it is proud that you have judged it worthy to continue its direct implementation as the seat of the international organization which will serve as center for the Union. We are most grateful."

"These were the words used by the head of the Swiss Delegation in expressing his thanks in 1886 and they are still valid today.

"Despite the progress that has been made, our association must continue its efforts to maintain and

extend the protection of international copyright. It is a question of adapting the Agreement to the rapid pace of technological change. Solutions must be found to the problem of piracy. And ultimately, as associated States, we have to make special efforts in the future to achieve an equitable balance between the members of our Union.

"Switzerland will continue to work within the framework of the association for active international cooperation to resolve the problems which arise.

"On behalf of the Swiss Government, I would like to express the hope that the Union and its members will continue to succeed in adapting the Berne Convention to new economic and political developments.

"Ladies and gentlemen, may I take this opportunity of bidding you welcome to the Federal capital while wishing you a pleasant and successful jubilee celebration."

The following is the text of the speech by the Director General of the World Intellectual Property Organization:

"A hundred years ago, the representatives of ten countries adopted and signed the Convention for the Protection of Literary and Artistic Works. The Convention was adopted and signed in this building, the Bundeshaus, the House of the Confederation, in this city of Berne.

"This is why it is commonly called the Berne Convention.

"Calling it the Berne Convention not only recalls the birthplace of the treaty, it also reminds us of the merits of the Swiss Government and of many Swiss individuals. In this first part of my speech—which, altogether, has two parts—I shall pay tribute to the Swiss Government and the Swiss protagonists of the Berne Convention.

"Although the original idea of concluding a multilateral treaty was expressed in a private association, then called the Association littéraire internationale, which—rightly—plays an eminent role in today's celebration, the responsibility for organizing the negotiations among governments, convening the meetings—called diplomatic conferences—among governments and assuming the chairmanship of those conferences, were, all, acts of the Government of the Swiss Confederation and of Swiss statesmen.

"The other countries gratefully accepted the Swiss initiative. They had confidence, as we have today, in the talent of the Swiss for promoting international understanding and creating an atmosphere propitious to international cooperation.

"Those talents were personified by a man, a Swiss man, a Swiss statesman, Numa Droz. He was a conseiller fédéral—a minister—member of the Federal Council, which corresponds more or less to what

would be called the council of ministers in other countries.

"Nuna Droz was dynamic, persuasive, patient and farsighted. He was the chairman of the three diplomatic conferences, all held in Berne, in 1884, 1885 and 1886, in which the original draft prepared by the Swiss hosts was presented by the Swiss Delegation, and in which the text eventually adopted was worked out and was agreed upon after arduous negotiations. Reading the minutes of those negotiations is most rewarding. They reveal a level of knowledge of the subject matter, an imagination and a civilized way of arguing, which have not been surpassed since. And all this under the masterful chairmanship of the chairman, the Swiss Nuna Droz.

"The confidence which the countries placed in Switzerland has found expression in the Convention itself. They decided on the creation of an international bureau—or international secretariat—and entrusted the administration of that bureau or secretariat to the Swiss Confederation. And the Swiss Confederation accepted the task.

"The Swiss Confederation not only accepted the task of organizing and supervising the Bureau created by the Berne Convention but placed in the Bureau persons of great eminence. Those persons directed the Bureau for more than 80 years, that is, until 1970, when the International Bureau created by a new treaty, the Convention Establishing the World Intellectual Property Organization, came into existence.

"During all those years, the Swiss Federal Council appointed seven Directors. The first six of them were Swiss. The seventh—who was both the last Director appointed by the Swiss Government and the first elected Director General of the new World Intellectual Property Organization—was Dutch. He is, to our great pleasure, here today. He is Professor Georg Bodenhausen.

"Because of his well-known modesty, I shall refrain from mentioning Professor Bodenhausen's merits here.

"But I shall say a few words about the six Swiss Directors.

"The first was Henri Morel, a lawyer, professor and politician—who, at a certain point of his career—was the president of the lower chamber of the Swiss Parliament, before becoming Director of the International Bureau.

"The second one was Robert Comtesse, also a lawyer and politician, a conseiller fédéral, who, before becoming Director of the International Bureau, was twice—first in 1904, then in 1910—President of the Swiss Confederation.

"The third was Ernest Röhliberger. He was the first Director to emerge from the ranks of the International Bureau, which he served with rare distinction for a total of 38 years.

"The fourth Director appointed by the Swiss Federal Council was Fritz Ostertag. He was a lawyer and a judge before becoming Director. As a judge, he attained the highest position in Switzerland, the presidency of the Tribunal fédéral, the supreme court of Switzerland.

"The fifth, Bénigne Mentha, made all his career in the International Bureau, which he served for the impressive time span of 41 years. He was particularly known as a scholar in copyright law.

"The sixth and last Director came from outside the International Bureau, a professor of law and legal advisor of the International Labour Office, Jacques Secrétan. He was the originator of some of the ideas for changes that his successors translated into reality.

"The names of those six Swiss Directors should not be forgotten. They and their—mostly Swiss—collaborators devoted hard work, imagination and talent to the activities of the International Bureau and notably to all the activities associated with the Berne Convention. The community of people concerned with the protection of the rights of authors owes them recognition and owes recognition to the Swiss Confederation which chose them, appointed them and supported them in their international tasks.

"The International Bureau received—and still receives—support and cooperation also from the Swiss Federal Intellectual Property Office, an office that comes under the jurisdiction of the Federal Department of Justice and Police, presently directed by Federal Councillor Mrs. Elisabeth Kopp.

"Allow me, please, to name at least those heads of the Swiss Federal Office whom I had or have the good fortune to know personally, so that their names, too, be mentioned when paying tribute to the merits of high Swiss officials in connection with the Berne Convention.

"They are, in chronological order, Hans Morf, Joseph Voyame, Walter Stamm, Paul Braendli and Jean-Louis Comte. Jean-Louis Comte is today not only the Director of the Swiss Office but also the Chairman of the General Assembly of the World Intellectual Property Organization.

"The World Intellectual Property Organization takes this opportunity to thank the present and past Directors of the Swiss Federal Intellectual Property Office most warmly and sincerely for what they have done for international cooperation, in particular, through their constant readiness to assist the International Bureau in its tasks and to serve the cause of cooperation among member States.

— \* —

"And now I come to the second part of my speech in which I shall pay tribute to the States that are party to the Berne Convention and to the memory of

some of the individuals, nationals of those States, who had an important influence on the development of the Berne Convention.

"The milestones of that development are the diplomatic conferences, called also revision conferences, since what the member States did in those conferences was to adapt the text of the Convention to the changing needs, to revise that text.

"The original text of the Convention, the now hundred-year-old Berne text of 1886, came into effect thanks to its ratification by nine countries: Belgium, France, Germany, Great Britain, Haiti, Italy, Spain, Switzerland and Tunisia.

"It is important to recall the names of those countries, since they were the founders of the Berne Convention, which is a system for the international protection of copyright, that is, the rights of authors in their works, be it music, literature, drama, sculpture, painting, architecture, films, photographs or any other creation in the field of the arts, in the broad sense of the word 'art.'

"That number of nine original members has grown more than eightfold during the first hundred years of the existence of the Berne Convention. Today, the number of contracting States is 76. They comprise all the countries of Europe, except the Soviet Union and Albania; 23 countries in Africa; 11 in the Americas, but not the United States; and 11 in Asia and the Pacific, but not China. Although the growth is impressive, there is room and need for further growth, and it is hoped that eventually all countries, including in particular China, the Soviet Union and the United States of America, will accede to the Berne Convention.

"As for the revision conferences, there have been six of them during the first hundred years. Two were hosted by France, and one each was hosted by the Governments of Germany, Italy, Belgium and Sweden.

"The hosting of revision conferences is not a simple matter. Each of them lasts several weeks, with hundreds of delegates participating, and the host country's experts are expected to furnish a special intellectual contribution. We owe gratitude to the governments that hosted those conferences and to the individuals that masterminded them.

"As to those individuals, it is only fitting, I think, to recall the names of some of those who, as rapporteurs or in some other capacity, left their mark. I recall, in this connection, the names of Louis Renault, Marcel Boutet, Marcel Plaisant and Claude Masouyé from France, Josef Kohler and Albert Osterrieth from Germany, Piola Caselli and Valerio De Sanctis from Italy, M.B.G. Crewe from the United Kingdom, Sture Petré from Sweden, Arthur Fisher from the United States of America and Ildefonso Mascarenhas da Silva from Brazil. Any such enumeration is, unavoidably, incomplete. And I have

mentioned only those who are no more. Among those who, fortunately, are still with us, one should mention at least Professor Georg Bodenhausen from the Netherlands, Professor Eugen Ulmer from the Federal Republic of Germany and Justice Torwald Hesser from Sweden, who played such eminent roles in the last revision conferences.

"Each revision conference has significantly increased the obligations of the member States regarding the protection of the rights of authors. In particular, the revised texts have provided that, without the author's authorization, not only simple copying was illegal but also translation, recording on phonograms, cinematographic adaptation, broadcasting and other public communication. They have also gradually increased the right of the author to oppose distortions of the text or other essence of his work. They have also gradually extended the term during which copyright protection must be provided for by every country party to the Berne Convention. Accordingly, today, every literary and artistic work must be protected not only during the whole life of the author, irrespective of how long he lives, but also during the 50 years that follow his death. During those 50 years, the rights in the author's work are enjoyed by his heirs or other successors in title.

"Constantly increasing the protection of the moral and economic rights of authors was not a simple and easy task. Users of works and members of the public—the 'consumers,' so to speak—and even some governments, in some situations, consider the protection of copyright an undesirable economic burden if not an outright nuisance. Those who have such views forget that it is only fair and just that the creators of literary and artistic works should receive compensation and recognition for creating works that we all enjoy because they are beautiful, because they provide entertainment, because they convey knowledge or information or because they afford any combination of those effects.

"Protecting the rights of authors is not only fair and just. It also encourages creative activity. It is, therefore, in the public interest to protect the rights of authors, since increased creativity enriches the life of everyone.

"It is the Berne Convention that guarantees that the rights of authors are adequately protected.

"Those who created the Berne Convention a hundred years ago, and those who have maintained and improved it during the last one hundred years—whether individuals or governments—deserve our gratitude and admiration.

"This speech, which has come to an end now, tried to express such gratitude and admiration."

The following is the text of the speech by the Chairman of the Assembly of the Berne Union:

"A hundred years have passed since the document that remains the most important in international copyright, namely the Berne Convention for the Protection of Literary and Artistic Works, signed on September 9, 1886, came into being in the course of three diplomatic conferences held from 1884 to 1886 in this beautiful city, with the aid of the competent Swiss authorities.

"We hold in high regard and esteem the founding act by virtue of which a Convention came into being that operates efficiently, is constantly developing and groups 76 countries of the world. It is a Convention which, alongside the Paris Convention for the Protection of Industrial Property, the centenary of which was celebrated in 1983, is the other foundation stone of intellectual property, and also the oldest multilateral international Convention on copyright, which has always played a pioneering role. The clarity, strength and viability of the fundamental principles of the Convention are well illustrated by the fact that it has provided a suitable reply to all the new questions raised by technological, social and economic progress during the last hundred years. There is reason to wonder for what reason the creation of this Convention became possible and necessary a century ago. In this connection we are able to mention three factors that played an important part in the conclusion of the Convention.

"First: During the second half of the nineteenth century, at least in Europe, the rapid expansion of ideas, the spread of civilization, the unprecedented development and growth of international exchanges in connection with artistic and literary activity brought about a sufficient evolution of the intellects of the time for a multilateral convention of universal vocation to take the place of attempts to ensure the mutual protection of copyright at a bilateral level.

"Secondly: The protection of literary and artistic works—like the protection of industrial property—is the most international subject and the best suited to the enactment of international law to have lent itself, so to speak, to the drafting of an international convention.

"Thirdly: In this venture, motive force was provided by the International Literary and Artistic Association (ALAI), founded in 1878, which set itself the objective of establishing, as a substitute for the previous system of bilateral treaties, the multilateral foundations of the international protection of copyright which, according to the drafts, had to encompass all the States of the world.

"The commendable initiative and the activity of the Association played a leading role in the establishment of the body of international law enacted at Berne.

"The Berne Convention, testifying to the wisdom and farsightedness of its founders, anticipated the

necessity of evolution, and provided a possibility of unanimous revision.

"The revisions have promoted the national and international development of copyright and its harmonization with present technical and socio-economic requirements.

"This evolutionary process cannot of course be considered complete: both now and in the future, new challenges are and will be putting copyright treaty law and also national provisions on copyright to the test.

"Permit me to allude to those challenges in a few words, without going into detail.

"It seems that the most pressing requirement of the evolution of copyright at both the national and the international levels remains its adaptation to technological progress, and the interpretation of new technological phenomena.

"With regard to the new phenomena, the harmonization of the interests of authors, users and the public, and also the fight against piracy have to be ensured by authentic interpretation of the rules of the Convention.

"The progressive development of the Berne Convention makes it imperative that due account be taken of the legitimate interests of developing countries. During the first decades of its existence, the Berne Convention grouped countries whose cultural exchanges were relatively balanced on account of their similar level of economic development. Towards the middle of this century, the situation underwent a marked change: nowadays most of the world consists of developing countries that are involving themselves in international cooperation in the cultural and copyright fields with great and indeed justified requirements regarding culture.

"The Berne Convention exerts and will continue to exert a multitude of reciprocal influences, on other international treaties on the one hand, and on national legislation on the other. Its reciprocal influence on other international treaties is due to the well-known fact that, for a variety of historical, political and economic reasons and for reasons of legal order and evolution, it is not within the framework of one multilateral convention that the development of international copyright takes place, but rather within the framework of a number of conventions which diverge on many fundamental questions, and on even more matters of detail.

"The link between national legislation and the Berne Convention remains twofold: the Convention facilitates the modernization and harmonization of national copyright in the member States, and it is moreover to be hoped that the national copyright of a growing number of States will exert a direct influence on the international analysis and interpretation of copyright problems. Quite apart from these present and future developments and the demands made on



it, the greatest test of the Berne Convention system is the turn that the international situation is taking.

"There is clearly much that authors, the manpower of culture, can do for the preservation of peace, apart from which the international copyright system, being the basis for the ordered international exchange of cultural assets, cannot retain its operating efficiency and its potential for development otherwise than in peaceful circumstances.

"I shall end my address by expressing my conviction that the brilliant hundred-year history of the Berne Convention, and the effective work of the administration of WIPO—directed by Dr. Arpad Bogsch—are our assurances of its future development and of an effective reply to the requests, demands and questions that are addressed to it in the interest of all the member States and the peaceful cultural development of mankind."

The following is the text of the speech by the President of the International Literary and Artistic Association:

"An 'International Literary Congress' was held in Paris at the instigation of the 'Société des Gens de lettres' in 1878, eight years before the signature of the Berne Convention. The purpose of this Congress was to study the law of international literary property and to investigate ways of treating foreign authors in the same way as national authors. Among the resolutions passed by this Congress, which established the principles of international copyright protection, one can read:

"The Congress has adopted the project for founding an international literary association, open to the literary societies and writers of all countries."

"This was how the 'International Literary Association' was born; the Association then extended its activities to works of art and became some months later the 'International Literary and Artistic Association' (ALAI).

"The birth of ALAI was accompanied by a mandate from the same Congress, which formed part of the same resolution, expressed in the form of a wish: it proposed 'taking the initiative for an international meeting where the representatives of the different governments would work out a uniform convention, regulating the use of literary property within the spirit of the resolutions adopted by the Congress.'

"This was the start of the idea and the beginning of the process which led to the Convention whose centenary we are celebrating today.

"ALAI carried out the task it was given with extraordinary energy. One year after its foundation it organized its first Congress, under the honorary presidency of Victor Hugo, which was held in London in 1879. And then it held a Congress every year, without fail and without interruption, under the technical

conditions of the last century: 1880 Lisbon, 1881 Vienna, 1882 Rome; and always in pursuit of the same goal: the international protection of copyright by a multilateral Convention between States which would form a Union, a Convention designed to ensure some fundamental authors' rights and in particular the same treatment for foreign and national authors. The task was completed, at least to the extent possible by a private association, through these untiring efforts: the Rome Congress ordered the Bureau to 'provoke' a conference which would create the 'Union of Literary Property' and decided that the place of that conference should be Berne, the 'international city par excellence.'

"The torch was thus handed over to the Swiss Federal Government. Switzerland deserves credit for its systematic efforts in preparing a draft Convention, actually to a large extent inspired by the principles set forth by ALAI, and for convening the 'civilized countries' to four diplomatic conferences, which were held in successive years from 1883 to 1886. It also takes the credit for having assumed the presidency of those conferences and employing every means to induce the countries to adopt the Convention. Even more praise is due to Switzerland, for having known how to play its international role to perfection, even though its internal legislation was not always very favorable to authors.

"This is not the place to consider in detail the actual text of the Convention signed in Berne on September 9, 1886; it broadly determines the Convention's field of application, contains a descriptive, generous list of the works protected, establishes the principle of equal treatment for foreign and national authors, reduces the role of formalities, binds the States into a Union for the protection of literary and artistic works and establishes the headquarters of that Union, and contains the first signs of protection by treaty (translation rights and, indirectly, reproduction rights). The future was to show that it was an excellent beginning, capable of being completed, as later occurred in an altogether remarkable fashion.

"Now is the time to point out that, if ALAI can be considered the father of the Convention and the Helvetic Confederation its mother, the Convention also has a daughter. In the beginning that child was called 'Bureau of the Union for the Protection of Literary and Artistic Works,' but it had to change its name on two occasions, and it is now called the 'World Intellectual Property Organization.' The fact of this child's existence being mentioned here should not be taken to mean that we are attending a family party, because the child deserves all our admiration. WIPO has, under its various titles, taken the torch from the hands of the Swiss and worked for a whole century on improving and extending the Convention, with a degree of success which surpassed all expectations.



*"The importance currently attached to the Berne Convention for the protection of copyright, and consequently for the motivation and development of the human creative spirit, should not divert attention from certain problems which it has to face. In the bygone times that we are thinking about today, the middlemen who exploited artistic works quickly realized that the act of intellectual creation was the source of their profits. They closed ranks with authors in what is now the common battle to achieve greater protection at both national and international levels. The situation is different today: on the one hand technical progress has given the public the means of engaging without opposition in private acts that infringe copyright and, on the other hand, it has created new methods of reproducing and distributing intellectual works which are used by middlemen who do not appear to be concerned about the material conditions for the promotion of creativity. Copyright is sometimes seen as an obstacle to a work's distribution, which reveals ignorance of the fact that copyright and royalties are the basic conditions for the work's actual creation. Sometimes it is even proposed that royalties should be replaced by an equitable payment, a creation that would take the place of exclusive rights, pursuing no more than institutionalized aims.*

*"However, those of you who consider that the traditional form of copyright, as reflected in the Berne Convention, ensures spiritual progress and thus our liberty and human dignity, those who feel that we are the true successors of the founding fathers, should look on this anniversary celebration as a meeting in preparation for future struggles with the same objectives—and the same victories—as in the past."*

Between the two last speeches, the Chairman of the Assembly of the Berne Union declared that Assembly to be in extraordinary session, and invited it to adopt a solemn declaration. The declaration was adopted by acclamation. Its text follows:

*"The States members of the Assembly of the International (Berne) Union for the Protection of Literary and Artistic Works,*

*"Convened in an extraordinary session by the Director General of the World Intellectual Property Organization in order to commemorate the hundredth anniversary of the adoption of the Berne Convention for the Protection of Literary and Artistic Works, signed on September 9, 1886,*

*"Meeting, at the invitation of the Federal Council of the Swiss Confederation in the Palais fédéral, in Berne, in the same place where the Berne Convention was adopted and signed a century ago,*

*"Inspired by the enthusiasm, imagination, wisdom and foresight of those Governments and those individuals whose efforts brought the Berne Convention into existence,*

*"Paying tribute to the memory of all those who contributed to the constant modernization, through the seven revisions that took place in the last hundred years, of the Berne Convention,*

*"Reaffirming their commitment to protect the rights of authors in as effective and uniform a manner as possible:*

*"Solemnly declare that copyright is based on human rights and justice and that authors, as creators of beauty, entertainment and learning, deserve that their rights in their creations be recognized and effectively protected both in their own country and in all other countries of the world;*

*"Solemnly declare that the law of copyright has enriched and will continue to enrich mankind by encouraging intellectual creativity and by serving as an incentive for the dissemination throughout the world of expressions of the arts, learning and information for the benefit of all people;*

*"Solemnly declare that international respect for the law of copyright opens paths across frontiers for works of the mind, thus contributing to a better international understanding and to the cause of peace;*

*"Solemnly declare that the Berne Convention for the Protection of Literary and Artistic Works, by providing an outstanding, comprehensive and harmonized codification of the rights of authors, has guaranteed for a hundred years the most effective international protection of those rights;*

*"Pledge themselves to continue to work together to safeguard the rights of authors against all forms of piracy and other unlawful acts and to ensure the effective application of those rights in the framework of new opportunities for communication between authors and the public created by economic, social, scientific and technological progress;*

*"Urge all States that so far have not done so to join them by adhering to the Berne Convention for the Protection of Literary and Artistic Works."*

The speeches were introduced by Mr. Jean-Louis Comte, Director of the Swiss Federal Intellectual Property Office.

The gathering started with the *Camerata* chamber music orchestra from Bern playing Benjamin Britten's *Simple Symphony* in four movements. It

ended with the same ensemble playing the first and third movements of Béla Bartók's *Divertimento*.

### Exhibition

The exhibition on the history of the Berne Convention was opened by Mr. Jean-Louis Comte, Director of the Swiss Federal Intellectual Property Office.

The following is the text of his speech:

*"Our reasons for meeting on this day and in this place are many.*

*"Thus the fact of having chosen the Federal Archives for the holding of an exhibition on copyright is not due to chance, as it is they that have the responsibility of preserving and presenting to the world the whole heritage of literature, pictures and sound produced in our time. They thus contribute to the safeguarding of the cultural heritage of Switzerland. It is in the Federal Archives, alongside governmental and other documents, that the authentic instrument by which was created the Berne Convention for the Protection of Literary and Artistic Works is to be found. You will be able to see that instrument in this exhibition, together with the instruments of ratification deposited by the founding States in 1886.*

*"Another reason for our presence here is the inauguration of a sculpture in front of this building, the construction of which dates back to the time of the foundation of the Berne Union, although, owing to some delay, it was not completed until almost the end of the nineteenth century. The renovation that it underwent recently has preserved its purity of style, as you were able to observe on your arrival. The protection of monuments—which is itself an extension of copyright—has thus preserved a very handsome work of architecture for us.*

*"In one of the display cabinets of the exhibition there is a reproduction of an etching by Chodowiecki dating from the eighteenth century; it is an allegorical work illustrating the fraudulent reproduction of printed matter, and bears the caption: 'Die Nachdrucker nehmen den Ehrlichen das Beste fort und überlassen ihnen das Unverkäufliche. Die Justitia schläft links.' ('The counterfeiter takes from honest men the best that they have and leave them what cannot be sold. Justice is asleep on the left.') This shows clearly that intellectual property infringement is not a creature of the twentieth century! Indeed piracy seems to be as old as the art of printing itself. It was Gutenberg's invention that gave birth to the first real need to protect literary and artistic works, which led in turn to the introduction of privileges relating to them.*

*"One of the oldest and best known of those privileges—which in passing were granted not to authors*

*but to printers—was issued by the Council of the City of Basle on October 28, 1531. And yet almost two hundred years had to elapse before the advent of the first law on copyright, which was enacted in England in 1709 by Queen Anne, and was inspired by the concept of privileges: in order to secure the monopoly of reproduction of his work, the author had to be entered in the register of the Printers' Guild.*

*"On the other hand, the Decrees of 1791 and 1793 under which the French National Assembly solemnly recognized 'literary and artistic property' already conferred protection without formality; they were the origin of the system that was to establish itself almost universally thanks to the Berne Convention.*

*"The progress of technology has not merely given impetus to the protection of copyright, but has actually influenced its development. Copyright has constantly required adaptation to the new types of medium for the embodiment of works and also to new forms of reproduction. The modern technology affords numerous possibilities for use in the private domain. For instance, by means of photography, the recording of sounds and images with video recorders and cassettes, electronic memories and many other devices, the author sees his works being exposed to uncontrollable mass exploitation.*

*"Generally speaking, the adaptation of copyright protection and the fight against piracy present problems at the international level that have also to be solved at that level. That too was realized very early: in saying this I am thinking of a thesis published in Basle in 1738, in which Johann Rudolf Thurneisen contended that protection in different States had to be based on the principle of reciprocity. Some 150 years later, a first step in that direction was taken by the Berne Union, which provided an ad hoc legal instrument for the purpose.*

*"Yet neither national legislation nor international arrangements can alone ensure the protection of literary and artistic works. Appropriate measures have also to be provided for.*

*"First of all the public has to be made aware of the concept of intellectual property. Too many consumers do not yet realize that they may be purchasing products obtained in violation of copyright, or may be doing harm of another kind to authors and producers. Systematic information is necessary here.*

*"By organizing this exhibition entitled 'Geist und Geld,' the Federal Archives are addressing a wide public. The many requests that the Federal Intellectual Property Office receives every day show how imperative it is to inform people on the role and nature of copyright.*

*"It is not an easy thing to illustrate in a meaningful fashion what immaterial property is. For having achieved just that, and for the hospitality that they have thus extended to us, the Federal Archives deserve our warmest thanks."*

The exhibition contained the original of the Berne Convention, bearing the signatures and seals of the plenipotentiaries of the countries that signed the Convention. It also contained documents issuing from some of the diplomatic conferences of revision, photographs of the buildings in which the Secretariat of the Berne Union had its headquarters in Berne and, since 1960, has had its headquarters in Geneva, and the portraits of its directors during the last hundred years.

### Artistic Work

The artistic work is a wall, consisting of cubes in black granite and white marble, representing a chess board (some two meters long on each side and 40 centimeters deep), standing on its edge. The squares of one of the kings and one of the queens are missing, which gave the work its title of "Chess-Free Chess." The author is a Swiss, Mr. Heinz Brand (born in 1944). The work was unveiled after the speech by Mrs. Elisabeth Kopp, Federal Councillor, in charge of the Ministry (*Département*) of Justice and Police.

### Banquet

The banquet was held at the Hotel Bellevue Palace, one of the most beautiful and agreeable old hotels in Switzerland if not the world.

Mrs. Elisabeth Kopp made a speech whose text follows:

*"Art and science do not recognize national frontiers any more than they recognize the trenches dug between countries by ideological differences: they are the very precious heritage of every one of us. They sharpen the mind, direct us along new paths and provide solutions to our problems. While sometimes they appear to bristle with difficulties, they are nonetheless an essential stimulus for the general well-being and progress of mankind, bringing men closer to one another and enabling them to overcome obstacles."*

*"Two centuries ago, Goethe expressed it admirably: 'Es gibt keine patriotische Kunst und keine patriotische Wissenschaft. Beide gehören, wie alles hohe Gute, der ganzen Welt an und können nur durch allgemeine freie Wechselwirkung aller zugleich Lebenden in steter Rücksicht auf das, was uns vom Vergangenen übrig und bekannt bleibt, gefördert werden.' ('There is no such thing as patriotic art and no such thing as patriotic science. Both, like everything that is supremely good, belong to the whole world, and can only be nurtured by universal, free interchange between contemporaries with constant consideration for what has been left to us and made known to us by the past.')."*

*"A hundred years ago, when the participants in the third of the original diplomatic conferences, which was to give birth to the Berne Convention, worked out the clauses of the treaty, they were certainly motivated by that same idea. And indeed their action has perpetuated itself to the present day, as collaboration in the field of art is still the central preoccupation of the circles concerned. That very certainty has set its seal on today's festivities."*

*"The complexity and interrelation of present-day social, environmental and economic questions, together with the range of information and communication facilities now available to us, bring us closer and closer to one another. International cooperation based on equality of rights throughout all countries of the universe, in matters concerning the various domains of intellectual property, is still growing in importance. Thus today's events also represent, in our opinion, a promise for the future."*

*"I raise my glass in tribute to the member States of the Berne Union, to the World Intellectual Property Organization and the International Literary and Artistic Association, all of which I thank, in the name of the Swiss Federal Council, for their cooperation, particularly in the field of copyright; I include with these thanks the wish that we may succeed in intensifying our joint work and in so planning it that in the future it will always be looked on as an example of international cooperation."*

The Director General of the World Intellectual Property Organization, speaking in the name of all the guests, expressed warm thanks and proposed a toast to Mrs. Kopp, the Federal Council, the Swiss authorities and the Swiss people.

— \* —

The events recounted above were characterized by dignified solemnity, warm hospitality and perfect organization.

The merit, to a decisive extent, is due to Mr. Jean-Louis Comte who, with some of his colleagues in the Swiss Federal Intellectual Property Office, worked for months on the preparations and actually supervised all the details. Even the weather favored the participants: Berne, an exceptionally beautiful old city, with the *Bundeshaus* on a hill overlooking the River Aare, was bathed in sunshine, with the vegetation still rich in its summer colors.

Those who had the privilege of participating in those events will always remember the elegance and dignity with which they were conducted and will be ever grateful to the Swiss Government for having given so much attention to the anniversary of the Berne Convention, an important and successful treaty born in their capital a hundred years ago.

A.B.

## World Intellectual Property Organization

### Governing Bodies of WIPO and the Unions Administered by WIPO

#### Seventeenth Series of Meetings

(Geneva, September 8 to 12, 1986)

#### NOTE\*

The Governing Bodies of WIPO and the Unions administered by WIPO held their seventeenth series of meetings in Geneva from September 8 to 12, 1986. Delegations from 82 States, nine intergovernmental organizations and five non-governmental organizations participated in the meetings.

This year the following 10 Governing Bodies met in ordinary or extraordinary sessions:

- WIPO Coordination Committee;
- Paris Union Assembly;
- Paris Union Conference of Representatives;
- Paris Union Executive Committee;
- Berne Union Assembly;
- Berne Union Conference of Representatives;
- Berne Union Executive Committee;
- Madrid Union Assembly;
- IPC [International Patent Classification] Union Assembly;
- PCT [Patent Cooperation Treaty] Union Assembly.

The Governing Bodies paid a minute of silent tribute to the memory of the late Mr. Klaus Pfanner, former Deputy Director General, and of the late Mr. Claude Masouyé, former Director, Public Information and Copyright Department, of WIPO.

**Director General's Address on the International Year of Peace.** In 1982, the General Assembly of the United Nations proclaimed 1986 to be the International Year of Peace. Last year, the Governing Bodies of WIPO decreed several measures aimed at demonstrating the profound interest of WIPO in the International Year of Peace.

Amongst these was a speech which the Director General pronounced during the 1986 Governing Bodies. In his speech the Director General sought, *inter alia*, the answers to two questions: first, what role, if any, can the international protection of intellectual property play in securing peace; second,

what can the World Intellectual Property Organization, as an organization, contribute to securing peace. To the first question, he said:

"I believe that considering the fruits of labor and imagination as objects in which their creators have certain rights—namely, intellectual property rights—is a matter of justice. Being just is an indispensable condition for the creation and preservation of peace. Thus, since the protection of intellectual property rights serves justice, and since justice serves peace, consequently, in a sense, the protection of intellectual property rights serves peace. That protection serves peace when it exists both at the national level and at the international level. Obtaining that protection efficiently and economically and as extensively as possible ensures harmonious relations within a State and across international boundaries."

To the second question, the Director General said:

"The World Intellectual Property Organization does, of course, promote the international recognition of the rights in inventions and artistic creations, and it does that in a manner which is not one-sided but well balanced. The latter means that the rights in question are not protected without limit and in perpetuity but with due regard to the legitimate interests of the consuming public and the economic goals of all governments, whether of developing or developed countries, and for limited periods of time.

"Finding this right balance is difficult enough inside each State, and national governments and legislators struggle with the problem all the time. Finding this right balance is even more difficult at the international level since the material and economic situations of the various States are widely divergent, and the cultural and economic goals of their governments are different both on account of the factual differences and on account of their different perception of values based on tradition, political ideology or religion....

\* Prepared by the International Bureau.

"...In other words, one of the most fundamental conditions of peace is mutual understanding. Such understanding can best be created by personal contacts among individuals coming from all parts of the world.

"The World Intellectual Property Organization is a microcosmos in which such mutual understanding is worked for every day....

"...By promoting cooperation among people, the World Intellectual Property Organization is serving, and wishes to continue to serve, peace not only in the present International Year of Peace but in all the years thereafter."

The International Bureau also produced a special publication consisting of a collection of articles on the interrelationship between intellectual property and peace and issued a WIPO medal to commemorate the event; both the publication and the medal were distributed to the Heads of the Delegations of member States attending the Governing Bodies.

**Commemoration of the Centenary of the Berne Convention for the Protection of Literary and Artistic Works.** The main events which celebrated this centenary are outlined on page 367 of the present issue of *Copyright*.

During discussions in the meeting of the Assembly of the Berne Union, a number of delegations referred to the remarkable achievements of the Berne Convention during its first hundred years in the promotion of creativity. According to them, it was a time not only for honoring the wisdom and foresight of those whose efforts brought into existence the Berne Convention, but also for anticipating the future of the Convention with enthusiasm.

In particular, the Delegation of the United States of America informed the Assembly that the movement towards its country's adherence to the Berne Convention was stronger now than at any time in the past. The Convention had been transmitted in June 1986 by President Reagan to the United States Senate for its advice and consent. The sole remaining question was the adoption of the appropriate legislation amending the 1976 Copyright Act to bring it into full compliance with the requirements of the 1971 Paris Act of the Berne Convention.

**Diplomatic Conference on the Revision of the Paris Convention for the Protection of Industrial Property.** After extensive consultations and discussions, the Assembly of the Paris Union decided that two consultative meetings would be held in January and February 1987, and May 1987, with the possibility of a third meeting in September 1987. Those meetings would deal only with the possible substantive content of a number of Articles in the Paris Convention. The Assembly also decided that at its

1987 session it will consider questions concerning the revision of the Paris Convention, including possible changes in the mechanisms of consultations, and whether or not to fix a date for the resumption of the sessions of the Diplomatic Conference for the Revision of the Paris Convention.

**Preparations for a Possible Diplomatic Conference on the Conclusion of a Treaty on the Protection of Integrated Circuits.** It will be recalled, in this context, that two meetings were held in 1986 (in February and in June). Consultants and experts participated in those meetings and had discussions on technical issues involved in the protection of integrated circuits.

During the Governing Bodies, preparations for a possible diplomatic conference on the conclusion of a treaty on such protection were discussed. The WIPO Coordination Committee and the Assembly of the Paris Union decided that any decision on the convocation of a diplomatic conference on integrated circuits should be postponed until the 1987 sessions of the Governing Bodies and that, in the meantime, the Director General should continue the preparations with the necessary studies and the convening of at least one session of an intergovernmental committee of experts, taking into account the necessary balance among all interested parties.

**Preparations for a Possible Diplomatic Conference on the Revision of the Madrid Agreement Concerning the International Registration of Marks.** In January 1986, the Assembly of the Madrid Union met in an extraordinary session in Geneva. The only topic discussed was the giving of directions to the International Bureau concerning the preparation of a possible diplomatic conference of revision. Also in January of this year, and again in July, the Working Group on Links Between the Madrid Agreement and the Proposed (European) Community Trade Mark met in Geneva. Discussions were based on a memorandum prepared by the Director General of WIPO entitled "Possible Protocols to the Madrid Agreement." It contained the drafts of two Protocols. Draft Protocol A aimed at modifying the Madrid Agreement so as to make the Agreement acceptable to the four States members of the European Community without being members of the Madrid Union (namely, Denmark, Greece, Ireland and the United Kingdom). Draft Protocol B aimed at establishing a link between the Madrid Agreement and the future Community (European) Trade Mark, enabling the simultaneous use of the two systems.

Although in the Working Group it was not possible to agree on all the issues, a degree of progress was made that would seem to be sufficient to envisage seriously the convocation of a diplomatic conference for the adoption of texts along the lines of the two proposed Protocols.

During the sessions of the Governing Bodies, the Assembly of the Madrid Union had to pronounce itself on the question of whether such a diplomatic conference should be further prepared and convened. It was decided that the Working Group should, without any change in membership, hold a meeting during the first quarter of 1987. It was also decided that the Assembly of the Madrid Union would be called upon, during its ordinary session in September 1987, to take a decision on the desirability of holding a diplomatic conference in 1988 for the revision of the Madrid Agreement, and also on the organizational details of such a conference, should it be decided to hold it.

**Simplification of the Structure and Streamlining of the Procedures of the WIPO Permanent Committee on Patent Information.** The Governing Bodies endorsed the conclusions of the Permanent Committee on Patent Information (PCPI), which met in the week preceding the sessions of the Governing Bodies. The conclusions were to the effect that the PCPI would pronounce itself later on the proposal of the Director General in this regard. At that time, the PCPI would also consider new proposals as well as several other matters including, *inter alia*, whether technical cooperation in the fields of trademarks and industrial designs should be organized, and certain proposals concerning developing countries.

The Permanent Committee felt that it should be given another opportunity to pronounce itself on the proposals before the competent Governing Bodies pronounce themselves in this regard. If this is accepted, the Permanent Committee will also take a position on the question whether technical cooperation in the fields of trademarks and industrial designs should be organized.

**Accession of Greece and Spain to the Patent Cooperation Treaty (PCT).** The Patent Cooperation Treaty (PCT) provides, for the benefit of nationals and residents of the States party to that Treaty, a system which facilitates the obtaining of patent protection for inventions in several countries. Under the PCT, only one application must be filed instead of the filing of separate applications for each of the designated States where protection is sought. An international application has the effect of a regular national application in each State designated for protection in the application. The PCT procedure consists of an "international phase" during which an international search report and—optionally—an international preliminary examination report are established which give a sound basis for calculating the chances of obtaining patents for an invention before major costs in foreign countries are incurred. After the international phase, there follows

the "national phase," i.e., the granting procedure before the patent offices of or acting for the various designated States. The national phase starts much later than under the traditional system, at a time when the applicant has a much better knowledge of the technical and economical value of the invention and whether and where he needs patent protection. Where the applicant decides that the chances of obtaining patents and exploiting the invention commercially are not good, he can save all of the costs (for fees, translations and patent agents) in the various designated States. The number of contracting States is at present 39.

It is also possible to use the PCT for the purposes of obtaining a regional patent, such as a European patent, for all those States members of the regional system which are also PCT contracting States. The accession to the PCT by Italy, effective in 1985, permitted the filing of an international application for a European patent for all States party to the European Patent Convention (EPC).

Greece and Spain have now become party to the EPC without, however, acceding to the PCT at the same time. Consequently, a declaration of the Assembly of the PCT Union urging those two States to join the PCT Union was discussed during the Governing Bodies, in order to restore the situation described in the preceding paragraph.

The Assembly unanimously declared that it would very much welcome the early accession to the PCT of Greece and Spain as well as of all the other countries not yet party to the PCT and invited those countries to join them in the PCT Union.

Furthermore, the Assembly unanimously declared its willingness to appoint the Registry of Industrial Property of Spain as an International Searching Authority under the PCT once all the conditions prescribed by the PCT and the Regulations thereunder are fulfilled, in particular, those which must be fulfilled by any Office acting as an International Searching Authority.

**Appointment of the United States Patent and Trademark Office as an International Preliminary Examining Authority under the Patent Cooperation Treaty (PCT).** It was anticipated that, in October 1986, the authority to withdraw the reservation made by the United States of America under Article 64(1) of the PCT with the effect of excluding the applicability of Chapter II of the PCT, dealing with international preliminary examination, with respect to that country would be given and the necessary implementing legislation would be adopted by the United States Congress (both steps were taken in October 1986), so that the withdrawal of the reservation could be effected before the next ordinary session of the Assembly.



In order to avoid the need to convene an extraordinary session before the next ordinary session, the Assembly took the necessary measures which would allow the United States Patent and Trademark Office (USPTO) to act as an International Preliminary Examining Authority under the PCT as soon as the said withdrawal is effective.

**Staff Matters.** The Coordination Committee gave favorable advice on the intent of the Director General to appoint Mr. Henry Olsson (national of Sweden) to the post of Director, Copyright and Public Information Department, and Mr. Georges Yung (national of France) to that of Director of the General Administrative Division. Mr. Olsson took up his duties in October, and Mr. Yung in November.

## LIST OF PARTICIPANTS\*\*

### I. States

**Algeria**<sup>1, 2, 4, 8</sup>: H. Redouane.

**Argentina**<sup>1, 2, 4, 5</sup>: E. Pérez Tomas; N. Fasano; J. Vigano.

**Australia**<sup>1, 2, 4, 5, 9, 10</sup>: P.A. Smith; N.D. Campbell.

**Austria**<sup>1, 2, 4, 5, 8, 9, 10</sup>: O. Leberl; G. Mayer-Dolliner; R. Ditrach; E. Kubesch.

**Bangladesh**: M. Rahman.

**Belgium**<sup>2, 5, 8, 9, 10</sup>: D. Vanderheyne.

**Benin**<sup>2, 5</sup>: L. Hounzangbe.

**Brazil**<sup>1, 2, 4, 5, 9, 10</sup>: M.F.M. Arruda; R. Stille.

**Bulgaria**<sup>1, 2, 4, 5, 8, 10</sup>: K. Iliev; Y. Markova; A. Anguelov; S. Boyadjieva; G. Sarakinov; K. Vladov.

**Byelorussian SSR**: A.N. Sytchev.

**Cameroon**<sup>2, 5, 10</sup>: F.-X. Ngoubeyou; W. Eyambe; C.E. Mbella Ngom.

**Canada**<sup>1, 2, 5, 7</sup>: M. Leesti; A. Burger; J. Butler; J.-L. Chouinard.

**Chile**<sup>1, 5, 7</sup>: C. Lynam.

**China**<sup>1, 2, 4</sup>: Huang Kunyi; Qiao Dexi; *Invitees representing the National Copyright Administration of China*: Liu Gao; Shen Rengan; Zhou Suiyu; Qiu Anman; Gao Hang.

\*\* A list containing the titles and functions of the participants may be obtained from the International Bureau.

<sup>1</sup> WIPO Coordination Committee.

<sup>2</sup> Paris Union Assembly.

<sup>3</sup> Paris Union Conference of Representatives.

<sup>4</sup> Paris Union Executive Committee.

<sup>5</sup> Berne Union Assembly.

<sup>6</sup> Berne Union Conference of Representatives.

<sup>7</sup> Berne Union Executive Committee.

<sup>8</sup> Madrid Union Assembly.

<sup>9</sup> IPC [International Patent Classification] Union Assembly.

<sup>10</sup> PCT [Patent Cooperation Treaty] Union Assembly.

**Colombia**<sup>1</sup>: H. Charry Samper; L.A. Luna; C. Arevalo.

**Costa Rica**<sup>5</sup>: E. Soley Soler.

**Côte d'Ivoire**<sup>1, 2, 5, 7</sup>: A. Traore; K.F. Ekra.

**Cuba**<sup>1, 2, 4</sup>: N. Minobis Nunez; M. Jiménez Aday.

**Czechoslovakia**<sup>1, 2, 5, 7, 8, 9</sup>: M. Bělohávek; J. Karhanová; J. Kordac; M. Jelinek; J. Prošek; J. Prusová; P. Murin; M. András.

**Denmark**<sup>1, 2, 4, 5, 9, 10</sup>: L. Østerborg.

**Egypt**<sup>1, 2, 4, 5, 8, 9</sup>: S. Alfarargi; W.Z. Kamil.

**Finland**<sup>2, 5, 9, 10</sup>: M. Enäjärvi; M. Oksanen; R. Resch.

**France**<sup>1, 2, 5, 7, 8, 9, 10</sup>: J.-C. Combaldieu; M. Hiance; H. Ladous; P. Dardelet; B. Carne; M.-C. Rault.

**German Democratic Republic**<sup>1, 2, 5, 7, 8, 9</sup>: J. Hemmerling; D. Schack; K. Stoecker; M. Foerster.

**Germany (Federal Republic of)**<sup>1, 2, 4, 5, 8, 9, 10</sup>: A. Krieger; A. von Mühlendahl; E. Merz; D. Brouër; R. Hilger; E. Biskup; B. Bockmair; E. Steup.

**Ghana**<sup>2</sup>: A.M. Abdullah.

**Greece**<sup>2, 5</sup>: N. Couniniotis; P. Geroulakos.

**Guatemala**: A. Pallares-Buonafina; L. González-Pinto.

**Holy See**<sup>2, 5</sup>: O.J. Roullet.

**Honduras**: J.M. Maldonado; J.M. Ritter.

**Hungary**<sup>1, 2, 5, 7, 8, 10</sup>: Gy. Pusztai; G. Boytha; J. Bobrovsky; P. Gyertyánfy; L. Mohácsy; S. Kiss.

**India**<sup>1, 5, 7</sup>: A. Sarup; J.D. Gupta; S.R. Tayal.

**Indonesia**<sup>1, 2, 4</sup>: P. Koentarto; B. Prayitno; I. Cotan.

**Iran (Islamic Republic of)**<sup>3</sup>: H. Mohyeddin Ghomshei.

**Ireland**<sup>2, 5, 9</sup>: S. Fitzpatrick; A. Coleman-Dunne.

**Italy**<sup>1, 2, 4, 5, 8, 9, 10</sup>: M.G. Fortini; G. Cassini; M.G. Del Gallo Rossoni; G. Aversa.



Jamaica: K.G.A. Hill.

Japan<sup>1, 2, 4, 5, 9, 10</sup>: A. Kuroda; K. Ishimaru; Y. Oyama; Y. Masuda; S. Kamogawa; K. Shimizu.

Kenya<sup>2</sup>: J.N. King'Arui.

Lebanon<sup>3, 6</sup>: S. Naffah; H. Dimachkie.

Luxembourg<sup>2, 5, 8, 9, 10</sup>: F. Schlessler.

Madagascar<sup>2, 6, 10</sup>: L. Radaody-Rakotondravao; M. Rato-  
vonjanahary; S. Rabearivelo; P. Verdoux.

Mexico<sup>1, 2, 5, 7</sup>: M.A. Arce de Jeannet; A. Arriazola.

Monaco<sup>2, 5, 8, 9, 10</sup>: J.S. Brunschvig.

Mongolia<sup>2, 8</sup>: M. Dash.

Morocco<sup>1, 2, 5, 7, 8</sup>: S.A. Kandil; M.S. Abderrazik; A. Ben-  
daoud.

Netherlands<sup>1, 2, 5, 7, 8, 9, 10</sup>: M.A.J. Engels; J.H. Van Kreveld;  
L.M.A. Verschuur de Sonnaville.

Nicaragua<sup>1</sup>: G.A. Vargas.

Nigeria<sup>1, 3, 4</sup>: J. Oniwon.

Norway<sup>2, 5, 9, 10</sup>: A.G. Gerhardsen; E. Liljgren.

Pakistan<sup>5</sup>: A. Ezdi; Z. Akram; B. Khan.

Panama: I. Aizpúrua Pérez.

People's Democratic Republic of Korea<sup>2, 8, 10</sup>: Kwon Yon  
Son; Kim Yu Chol; Myeung Jin Youn.

Peru: J.C. Mariategui; R. Saif.

Philippines<sup>1, 2, 4, 5</sup>: A. Catubig.

Poland<sup>1, 2, 4, 6</sup>: J. Szomański; D. Januszkiewicz; A. Kowalski;  
A. Kwasnik; J. Bleszynski.

Portugal<sup>2, 5, 9</sup>: J. Mota Maia; R. Serrão; J.A. Lourenço.

Qatar: M.S. Al-Kuwari; A.G. Barre.

Republic of Korea<sup>2, 10</sup>: Tae-Chang Choi.

Romania<sup>2, 5, 8, 10</sup>: I. Marinescu; V. Faur.

Rwanda<sup>2, 5</sup>: B. Murekezi.

San Marino<sup>3</sup>: P. Giacomini; D. Thomas.

Senegal<sup>1, 2, 5, 7, 10</sup>: S.C. Konate.

Soviet Union<sup>1, 2, 4, 8, 9, 10</sup>: I.S. Nayashkov; N.A. Yevsin; S.A.  
Gorlenko; V.N. Roslov; B.S. Rozov; V. Blatov.

Spain<sup>2, 5, 8, 9</sup>: J. Delicado Montero-Rios; W.R. Martínez  
Diez; A. Casado Cervino; E. de la Puente García;  
M. Pérez del Arco.

Sri Lanka<sup>2, 5, 10</sup>: P. Nagaratnam; P. Kariyawasam.

Sudan<sup>2, 8, 10</sup>: A.M.A. Hassan; M.E. Abdel Moniem; Y. Ab-  
del-Galil Mahmoud.

Sweden<sup>1, 2, 5, 7, 9, 10</sup>: S. Niklasson; A.-K. Wegmann; H. Ols-  
son; K. Hokborg.

Switzerland<sup>1, 2, 4, 5, 7, 8, 9, 10</sup>: J.-L. Comte; J.-M. Souche;  
W. Frei.

Thailand<sup>5</sup>: S. Visessurakam; S. Kanchanalai; S. Mongkol-  
phantha; P. Larpsom; Y. Phuangrach; P. Limp-  
phayom; N. Punyakij; K. Phutragoon; C. Moodhitaporn.

Togo<sup>2, 5, 10</sup>: K.A. Kato.

Tunisia<sup>1, 2, 5, 7</sup>: B. Zgaya; T. Ben Slama.

Turkey<sup>1, 2, 6, 7</sup>: S. Tokat; M. Çetin; A. Arsin.

Ukrainian SSR: A. Ozadovski.

United Kingdom<sup>1, 2, 5, 7, 9, 10</sup>: P.J. Cooper; A. Sugden;  
M. Todd; T. David; A. Toothe; F.W. Wheeler.

United Republic of Tanzania<sup>1, 2, 4</sup>: S.J. Asman.

United States of America<sup>1, 2, 4, 9, 10</sup>: D.J. Quigg; H.J. Winter;  
R. Oman; L.J. Schroeder; J.P. Richardson.

Uruguay<sup>1, 2, 4, 5</sup>: S. Pacheco-Egea; R. Gonzáles-Arenas.

Venezuela<sup>1, 5, 7</sup>: H.C. Azocar; L.D. Ruiz.

Viet Nam<sup>2, 8</sup>: Nguyen Van Vien; Vu Huy Tan.

Yugoslavia<sup>1, 2, 4, 5, 8</sup>: B. Pajković.

Zambia<sup>2</sup>: A.R. Zikonda.

## II. Intergovernmental Organizations

United Nations (UN): T. Zoupanos; A. Djermakoye; R.S. Dhanjee; E. Bonev; G. Pérez-Arguello. United Nations Educational, Scientific and Cultural Organization (UNESCO): A. Amri. Secretariat of the General Agreement on Tariffs and Trade (GATT): P.J. Williams. African Regional Industrial Property Organization (ARIPO): J.H. Ntabgoba. Benelux Designs Office (BBDM): P. Rome. Benelux Trademark Office (BBM): P. Rome. European Patent Organisation (EPO): P. Braendli; G. Gall. Interim Committee for the Community Patent: H.W. Kunhardt. Organization of African Unity (OAU): H.M. Tunis.

## III. Non-Governmental Organizations

European Association of Industries of Branded Products (AIM): G.F. Kunze. European Broadcasting Union (EBU): M. Burnett. International Association for the Protection of Industrial Property (AIPPI): G.E. Kirker. International Chamber of Commerce (ICC): J.M.W. Buraas. International Federation of Translators (FIT): D. Schmidt.

## IV. Officers

WIPO Coordination Committee

Chairman: D.J. Quigg (United States of America).  
Vice-Chairmen: J. Hemmerling (German Democratic Republic); S. Asman (United Republic of Tanzania).

**Paris Union Assembly**

*Chairman:* Huang Kunyi (China). *Vice-Chairmen:* O. Leberl (Austria); J. Hemmerling (German Democratic Republic).

**Paris Union Conference of Representatives**

*Chairman:* .... (Syria). *Vice-Chairmen:* S.A. Hachemi (Iran (Islamic Republic of)); A.F. Okoh (Nigeria).

**Paris Union Executive Committee**

*Chairman:* K. Iliev (Bulgaria). *Vice-Chairmen:* W.Z. Kamil (Egypt); A. Kuroda (Japan).

**Berne Union Assembly**

*Chairman:* Gy. Pusztai (Hungary). *Vice-Chairmen:* S. Niklasson (Sweden); N. Vejajiva (Thailand).

**Berne Union Conference of Representatives**

*Chairman:* P. Verdoux (Madagascar). *Vice-Chairmen:* A.M. Bracegirdle (New Zealand); J. Szomański (Poland).

**Berne Union Executive Committee**

*Chairman:* B. Zgaya (Tunisia). *Vice-Chairmen:* P.J. Cooper (United Kingdom); M. Bělohávek (Czechoslovakia).

**Madrid Union Assembly**

*Chairman:* M. Fortini (Italy). *Vice-Chairmen:* M. Albane (Algeria); I.S. Nayashkov (Soviet Union).

**IPC [International Patent Classification] Union Assembly**

*Chairman:* D.J. Quigg (United States of America).

*Vice-Chairmen:* P.R. França (Brazil); I.S. Nayashkov (Soviet Union).

**PCT [Patent Cooperation Treaty] Union Assembly**

*Chairman:* P.A. Smith (Australia). *Vice-Chairmen:* K. Iliev (Bulgaria); I. Marinescu (Romania).

**V. International Bureau of WIPO**

A. Bogsch (*Director General*); M. Porzio (*Deputy Director General*); L.E. Kostikov (*Deputy Director General*); G. Leda-kis (*Legal Counsel*); S. Alikhan (*Director, Developing Countries Division (Copyright)*); L. Baeumer (*Director, Industrial Property Division*); P. Claus (*Director, Classifications and Patent Information Division*); F. Curchod (*Director, PCT Division (Patent Cooperation Treaty)*); M. Ficsor (*Director, Copyright Law Division*); K. Idris (*Director, Development Cooperation and External Relations Bureau for Arab Countries*); L. Kadirgamar (*Director, Development Cooperation and External Relations Bureau for Asia and the Pacific*); T.A.J. Keefer (*Director, Administrative Division*); E. Pareja (*Director, Development Cooperation and External Relations Bureau for Latin America and the Caribbean*); I. Thiam (*Director, Development Cooperation and External Relations Bureau for Africa*); C. Fernández-Ballesteros (*Assistant Legal Counsel*); P. Maugué (*Senior Counsellor, Industrial Property (Special Projects) Division*); B. Davoudi (*Head, Conference and General Services Section*); I. Pike-Wanigasekara (*Special Assistant, Office of the Director General*); G. Yu (*Special Assistant, Office of the Director General*); A. Damond (*Head, Registry, Documents and Meetings Service*).

## Notifications

### Convention Establishing the World Intellectual Property Organization

#### LEBANON

##### Accession

The Government of the Lebanese Republic deposited, on September 30, 1986, 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 Lebanese Republic, three months after the date of deposit of its instrument of accession, that is, on December 30, 1986.

WIPO Notification No. 138, of September 30, 1986.

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

#### SWEDEN

##### Notification Concerning Amendments to Certain Notifications Under the Convention

The Secretary-General of the United Nations, in a letter dated October 6, 1986, informed the Director General of the World Intellectual Property Organization that it received from the Government of the Kingdom of Sweden, on June 27, 1986, the following communication:

*(Original: English)*

With application of Article 18 of the Convention, Sweden withdraws or amends the notifications deposited with the instrument of ratification on July 13, 1962,\* as follows:

1. The notification relating to Article 6, paragraph 2, is withdrawn.

2. The notification under Article 16, paragraph 1(a)(ii) according to which Sweden will apply Article 12 only in relation to broadcasting is reduced in scope to the effect that Sweden will apply Article 12 to broadcasting and to such communication to the public which is carried out for commercial purposes.

3. The notification relating to Article 17 is withdrawn in so far as reproduction of phonograms is concerned. Sweden will, from July 1, 1986, grant protection according to Article 10 of the Convention to all phonograms.

The withdrawals and amendments take effect on July 1, 1986.

\* See *Le Droit d'Auteur (Copyright)*, 1962, p. 138.

# National Legislation

## FINLAND

### I

## Act Amending the Copyright Act

(No. 54, of January 24, 1986)\*

In accordance with the decision of the Parliament,

§45, third paragraph; § 48, third paragraph; and § 54, first and third paragraphs, of the Copyright Act (404/61) issued on July 8, 1961, in the form in which they are, § 45, third paragraph, in the Act (578/84) issued on July 27, 1984, and § 48, third paragraph, and § 54, first and third paragraphs, in the Act (442/84) issued on June 8, 1984, are *amended*, and

a new third paragraph to § 22 and new §§ 22a and 47a to the Act are *added*, as follows:

#### § 22 . . . . .

The provisions of the second paragraph shall not be applied to the retransmission of a work included in a radio or television broadcast, the retransmission taking place simultaneously with the original broadcast and without any change in the broadcast.

§ 22a. Whenever an organization representing a large number of Finnish authors and approved by the Ministry of Education has given an authorization permitting a work included in a radio or television broadcast to be retransmitted on the agreed-upon terms and conditions for reception by the public, simultaneously with the original broadcast and without any change in the broadcast, the recipient of the authorization may, on the terms and conditions of the authorization, respectively retransmit also a work, included in the broadcast, the author of which is not represented by the organization.

The provisions of § 11a, second and third paragraphs, relating to the reproduction of a work, to an

organization, and to an author, shall respectively be applied to the retransmission to the organization, and to the author of a work included in a broadcast, referred to in the first paragraph.

#### § 45 . . . . .

The provisions of § 3; § 11, first to third paragraphs; § 12, second paragraph; § 14, first paragraph; §§ 17, 20 and 21; § 22, first paragraph; §§ 22a, 26a – 26h, and 27 – 29; and §§ 41 and 42 shall respectively be applied to the fixing of a performance to an instrument, to making it available to the public, or to its communication, referred to in the present Article.

§ 47a. Whenever an instrument referred to in § 46 has been used in a radio or television broadcast which, simultaneously and unchanged, is retransmitted for reception by the public, the performing artist and the producer of the instrument shall be entitled to compensation for the retransmission. The compensation can be paid only through an organization referred to in § 22a. Unless compensation is verifiably claimed within two years from the end of the year during which the right to compensation came into being, the said right to compensation shall expire.

#### § 48 . . . . .

The provisions of § 11, first to third paragraphs; § 14, first paragraph; §§ 20 and 21; and § 22, first paragraph, shall respectively be applied in the cases referred to in the first and second paragraphs above. Furthermore, the provisions of § 22a shall respectively be applied to the communication of a broadcast by a conducting device.

§ 54. In the event of a dispute, the matter shall be settled by an arbitration procedure in the manner prescribed by decree, whenever the question concerns:

\* English translation received from the Finnish Ministry of Education.

(1) Compensation referred to in § 14, second paragraph; § 16, second paragraph; § 22, second paragraph; § 47, first paragraph; or § 47a;

(2) Granting of the authorization referred to in § 11a, and the terms and conditions thereof, if the matter relates to the making of copies for use in educational activities;

(3) Granting of the authorization referred to in § 17, and the terms and conditions thereof, if the matter relates to the making of copies of a work

included in a program produced and broadcast for educational purposes; or

(4) Granting of the authorization referred to in § 22a, and the terms and conditions thereof.

Any authorization granted on the basis of the present Article shall have the same effect as has the authorization referred to in § 11a, § 17, or § 22a.

This Act shall come into force on February 1, 1986.

## II

### Act Amending § 10 of the Act on Rights in Photographic Pictures

(No. 55, of January 24, 1986)\*

In accordance with the decision of the Parliament,

§ 10 of the Act on Rights in Photographic Pictures (405/61) issued on July 8, 1961, is amended to read as follows:

§ 10. A Finnish television organization, as defined by decree, may show, in return for compensation, a photograph which has been made public, unless the photographer has forbidden its showing or there is otherwise particular reason to assume that he opposes such showing. The provisions of the

present paragraph shall not apply to the retransmission referred to in the second paragraph, or to films.

A photographic picture included in a television broadcast may be retransmitted for reception by the public, simultaneously with the original broadcast and without change in the broadcast. The photographer shall be entitled to compensation for the retransmission. The compensation can be paid only through an organization referred to in § 22a of the Copyright Act. Unless the compensation is claimed verifiably within two years from the end of the year during which the right to compensation came into being, the right to compensation shall expire.

\* English translation received from the Finnish Ministry of Education.

This Act shall come into force on February 1, 1986.

## UNITED KINGDOM

## Copyright (Computer Software) Amendment Act 1985

(1985 Chapter 41)

(of July 16, 1985)

An Act to amend the Copyright Act 1956 in its application to  
computer programs and computer storage

*Copyright in computer programs*

1.—(1) The Copyright Act 1956 shall apply in relation to a computer program (including one made before the commencement of this Act) as it applies in relation to a literary work and shall so apply whether or not copyright would subsist in that program apart from this Act.

(2) For the purposes of the application of the said Act of 1956 in relation to a computer program, a version of the program in which it is converted into or out of a computer language or code, or into a different computer language or code, is an adaptation of the program.

*Computer storage*

2. References in the Copyright Act 1956 to the reduction of any work to a material form, or to the reproduction of any work in a material form, shall include references to the storage of that work in a computer.

*Offences and search warrants*

3. Where an infringing copy of a computer program consists of a disc, tape or chip or of any other device which embodies signals serving for the impartation of the program or part of it, sections 21 to 21B of the Copyright Act 1956 (offences and search

warrants) shall apply in relation to that copy as they apply in relation to an infringing copy of a sound recording or cinematograph film.

*Short title, interpretation,  
commencement and extent*

4.—(1) This Act may be cited as the Copyright (Computer Software) Amendment Act 1985.

(2) This Act shall be construed as one with the Copyright Act 1956 and Part V of that Act (extension and restriction of operation of Act) shall apply in relation to the provisions of this Act as it applies in relation to the provisions of that Act.

(3) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.

(4) Nothing in this Act shall affect—

- (a) the determination of any question as to whether anything done before the commencement of this Act was an infringement of copyright or an offence under section 21 of the said Act of 1956; or
- (b) the penalty which may be imposed for any offence under that section committed before the commencement of this Act.

(5) This Act extends to Northern Ireland.

**General Studies**

**Legal System Governing the Protection of Works Transmitted  
by Direct Broadcasting Satellites**

Walter DILLENZ\*























## Activities of Other Organizations

### International Literary and Artistic Association (ALAI)

#### 56th Congress

(Berne, September 8 to 12, 1986)

At the invitation of its Swiss Group, the International Literary and Artistic Association (ALAI) held its 56th Congress in Berne, Switzerland, from September 8 to 12, 1986.

The Congress was chaired by Professor Georges Koumantos, President of ALAI, assisted by Professor André Françon, Perpetual Secretary of ALAI, and was attended by some 200 participants representing various national groups of ALAI or coming from intellectual property circles of the following countries: Australia, Austria, Belgium, Cameroon, Canada, Denmark, Finland, France, Germany (Federal Republic of), Greece, Israel, Italy, Japan, Lesotho, Netherlands, Norway, Poland, Senegal, Spain, Sweden, Switzerland, United States of America and Yugoslavia.

Unesco and three international non-governmental organizations (International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), International Confederation of Societies of Authors and Composers (CISAC), International Copyright Society (INTERGU)) sent observers.

The agenda of the Congress contained the following two major topics and the papers submitted were followed by wide-ranging discussions:

(1) The International Protection of Copyright (Rapporteur: Professor Karl Spoendlin, Switzerland).

(2) The Future of Copyright (Rapporteur: Professor André Françon, France).

At the outcome of the deliberations on these two topics, a resolution drafted by the Executive Committee of ALAI was adopted. It is reproduced below.

The Executive Committee also discussed various internal matters. It heard reports, in particular, on the activities of national groups of ALAI and decided about the calendar of the meetings of different bodies of ALAI in the forthcoming three years.

All the participants of the Congress participated in the program of the celebration of the centenary of the Berne Convention which was organized by the Swiss Government on September 11, 1986 (see a separate article on it in this issue).

The excellent organization of the working sessions and of the cultural events, arranged by the officers of the Swiss Group, contributed to the success of the ALAI Congress.

#### Resolution

Assembled in Berne from September 8 to 12, 1986, on the occasion of its 56th Congress, held in commemoration of the centenary of the Berne Convention,

#### ALAI

*Pays tribute* to the leading role that has been played for a hundred years by the Berne Convention in the promotion of copyright, which is an essential prerequisite of human creativeness;

*Considers* that, in view of the new setting within which the creation and dissemination of literary and artistic works takes place, it is possible to look confidently to the future of copyright, subject to the dual condition of avoiding on the one hand anything other than very exceptional recourse to non-voluntary licensing, and on the other hand any extension of copyright to fields that are alien to it;

*Considers further* that, under these new conditions governing the creation and dissemination of works, the solution consisting in collective administration of copyright may, where individual exercise proves impossible, permit the effective preservation of the author's exclusive rights;

*Advocates* the making by all the competent bodies of an examination in depth of the possibilities that should be given to authors of controlling the use made of their works by third parties, notably in the form of lending and hiring to the public;

*Expresses* the wish that, under the aegis of the World Intellectual Property Organization, the Berne Convention may win still more accessions, and that it may thus attain worldwide application subject to strict conformity with the idea of its founders, which was that it should afford efficacious protection to creators.

## Book Reviews

**Droit d'auteur et droits voisins. La loi du 3 juillet 1985.** One volume of 308 pages. A publication of the *Institut de recherche en propriété intellectuelle Henri Desbois (IRPI)*. Librairies Techniques, Paris, 1986.

Established in the form of an association between the Chamber of Commerce and Industry of Paris and the University of Law, Economy and Social Sciences of Paris (Paris II), the *Institut de recherche en propriété intellectuelle Henri Desbois (IRPI)* was set up to fulfill a general mission in the field of intellectual property through studies, documentation, teaching and information.

The first meeting in the field of copyright organized by IRPI was held on the new French Law (No. 85-660, of July 3, 1985) on copyright and neighboring rights (*Loi relative aux droits d'auteur et aux droits des artistes-interprètes, des producteurs de phonogrammes et de vidéogrammes et des entreprises de communication audiovisuelle*), in Paris on November 21 and 22, 1985. This book which has been published in the series of publications of IRPI contains the records of that two-day seminar.

As Professor André Françon, the President of IRPI, emphasized in his opening address, the meeting was particularly important for the Institute because it bears the name of Professor Henri Desbois who had a worldwide reputation as one of the most outstanding specialists in the field of copyright. He had passed away just a few months before the meeting and the two days of the meeting were—in a way—dedicated to his memory.

The book contains the reports of outstanding French copyright specialists and the verbatim minutes of the discussions following them. After Professor Françon's opening speech, Mr. André Bourdalé-Dufau, the then Deputy Director of Legal and Intellectual Property Affairs of the Ministry of Culture, spoke about the preparatory work of the new Law.

During the two days, the following eight papers were discussed:

- "The Protection of Computer Software," by Mr. Jérôme Huet, Professor, Law Faculty, University of Paris V, and Mr. André Lucas, Professor, Law Faculty, University of Nantes;

- "The Distribution by Cable and the Diffusion by Satellite of the Works of the Mind," by Mme Denise Gaudel, Advocate at the Court of Paris;

- "The Contract of Audiovisual Production," by Professor André Françon, University of Paris II;

- "Publicity Creations," by Mr. Robert Plaisant, Professor, Law Faculty, University of Le Mans;

- "Neighboring Rights," by Mr. Claude Colombet, Professor, Law Faculty, University of Paris-Sud;

- "Reproduction for Private Purposes," by Mr. Pierre Chesnais, General Representative, Syndicat national de l'édition phonographique (SNEP), Paris;

- "Collecting Societies," by Mr. Claude Joubert, Deputy Director, Société des auteurs, compositeurs et éditeurs de musique (SACEM), Paris;

- "Guarantees and Sanctions," by Miss Anne-Marie Foncelles, Magistrate at the Bureau of Penal Legislation, Ministry of Justice, Paris.

The reports enumerated above gave a detailed analysis of the provisions of the Law of July 3, 1985, and not only made

the participants acquainted with the details of the legislative history and pointed out the theoretical implications of certain new legal solutions, but also tried to outline the foreseeable difficulties of the application of the new Law and the possible solutions to those difficulties. The very active—and sometimes fairly passionate—discussions contributed to the even deeper and more thorough analysis of the new copyright and neighboring rights provisions.

The two-day seminar was closed by Mr. André Kerever's (*Conseiller d'Etat*) brilliant "Report of Synthesis" which summed up the results of the discussions and offered solutions to certain questions which seemed to have remained open.

The book also has three Annexes: Annex I which consists of the complete text (in French) of the new Law; Annex II which gives a comparative table of the provisions of the new Law and the corresponding prior law; and Annex III which contains an analytical table of the provisions as they were at the different stages of the preparatory work.

The two-day seminar was a full success for IRPI in the field of copyright, and the volume containing the material of the seminar is a unique source for all those who are interested in the theoretical and practical implications of the new French Law.

M.F.

**Die Urheberrechtsnovelle '85, Entstehungsgeschichte und verfassungsrechtliche Grundlagen**, by Margret Möller. One volume of 95 pages. C.F. Müller Juristischer Verlag, Heidelberg, 1986.

The legislation of the Federal Republic of Germany on copyright and neighboring rights, together with that on the administration of those rights, has undergone an important revision following the Copyright Amending Law of June 24, 1985, which entered into force on July 1, 1985. The aim of this modernization of the law was to ensure that the authors and performers enjoyed the economic benefits of exploitation of their works by means of modern reproduction techniques. An outstanding specialist in German law, Mrs. Margret Möller of the Federal Ministry of Justice in Bonn sets out the content of these legislative amendments in her work.

The extremely detailed study undertaken by Mrs. Möller comprises six parts devoted, respectively, to the sequence of legislative procedure, to the new rules on protection, to the new provisions concerning the use of protected works without the author's consent, to penal law in respect of the author, to the amendments made to the Law on the Administration of Copyright and Related Rights and to future prospects. These chapters are followed by texts of the Law Amending Provisions in the Field of Copyright of June 24, 1985, and the Government Draft Law of December 22, 1983, the rapporteur's draft for a Law on Copyright and Neighboring Rights of September 8, 1980, together with the 58th Ordinance Amending the Ordinance on Foreign Trade of July 1, 1985.

By recapitulating these statutory texts relating to the reform of the Copyright Law, the author gives the reader access, in this valuable work, to the material for a dynamic and detailed analysis of the amended German Law on Copyright and on the Administration of Copyright and Related Rights.

In her first chapter, Mrs. Möller sets the constitutional framework within which revision was developed and accomplished. She traces the chronological sequence of events leading up to the Law of June 24, 1985: consultations between the various categories of beneficiaries led to the preparation of an initial draft dated September 8, 1980. Reactions to that draft were incorporated in the government draft of September 8, 1982, in which it was proposed to institute a joint fee on blank cassettes and appliances rather than to modify the levy on appliances under Article 53 of the German Copyright Law, to include new provisions on the right to remuneration, to propose full protection of copyright in respect of photographic works and to regulate the arbitration procedure.

Mrs. Möller examines the intent of the amendments in the chapters that follow, rests briefly on the changes made in respect of the protection of computer programs, photographic works and documentary photographs and in respect of musical arrangements. For each of those fields, the author pinpoints the major innovations:

(a) The first concerns computer programs, which are now included in the list of literary works that may enjoy copyright protection under Article 2 of the Copyright Law. The incorporation of computer programs simply constitutes a legislative regularization of the case law situation already existing, of which the most recent example was a decision by the Federal Court, accompanied by detailed reasoning, issued on May 9, 1985, shortly before the Amending Law.

(b) The second concerns protection of photographic works for which the term has been increased to 70 years *post mortem auctoris*, thus abandoning the 25-year term following publication or manufacture which applied to photographs under the previous provisions of the 1965 Law.

(c) The third refers to arrangements of music which are protected as independent works without prejudice to copyright in the arranged work. Insignificant adaptation of a non-protected musical work is not protected as a musical work.

In the chapter devoted to the new rules on the use of protected works without the consent of the author, Mrs. Möller first describes the concern of the 1965 legislator to strike a compromise between the author's exclusive rights and the free use of works protected by copyright. She then explains the implications of the public communication of a published work (Article 52(1)) for which equitable remuneration must be paid, even in those cases where the organizer does not pursue profit-making aims, where the spectators are admitted free of charge and none of the performers receives special remuneration. Before the new Law was adopted, no payment was due for public communication in such circumstances. She further examines the question of the public communication during a religious service of a work which has already been published (Article 52(2)).

These arrangements were introduced, as explained by the author, following a constitutional appeal filed with the Constitutional Court by the composers of religious music, who considered that they were discriminated against by Article 52. The Constitutional Court having held the ruling contained in that Article, to the effect that public communication of religious music escaped all remuneration, to be unconstitutional, it became necessary to "legalize" that decision.

The didactic stringency and clarity with which Mrs. Möller treats the amendments to the Articles, particularly those on single copies of a work made for private uses without the author's consent (Articles 53 and 54) is particularly worthy of note. She analyzes the content of those Articles, highlighting the system of remuneration to be paid for copies made for private and other personal uses and from which no copy of works protected by copyright can escape under German copyright law. The author further describes in this chapter the remuneration applied to the private recording of video and audio works together with that relating to photocopying.

In the first case, Mrs. Möller sets out the principal reasons that led the German legislator to subject blank cassettes to the rules on remuneration in addition to that which had existed since 1966 in respect of recording appliances.

This measure also enables an improved assessment of the volume of use made of audio and video works protected by copyright which are the subject of private recording. The author explains the difficulties encountered during the legislative procedure where considerable resistance was shown both by the relevant industry and by the consumers.

In the case of remuneration for photocopying, it goes without saying that the volume of photocopying essentially results from the tempestuous development of modern technology in the field of reprographic reproduction. Emphasizing that aspect, the author refers to the numerous discussions that were held on the choice of the remuneration system and of its practical application: the need for such remuneration had been felt in respect of photocopying in libraries, higher education and technical education institutions, in trade, in the educational system and in the scientific field.

The Amending Law lays down as a basic remuneration a levy on appliances, varying according to their capacity and determined in accordance with the number of photocopies per minute that can be made. The advantage of the system chosen by the German legislator, explains Mrs. Möller, lies in its simplicity in administration and the reasonable level of the administrative costs that have to be borne by the user.

In the following chapter, the author sets out recent technical developments that have brought with them a new upsurge of infringements as regards audio and video reproduction. The piracy of films, music and videos has become a new branch of economic crime. As Mrs. Möller explains, the possibility of taking criminal action against piracy was restricted by the fact that the penal procedure had to be applied. The new Law has now simplified criminal action and has increased the prison terms for infringements of copyrights where the perpetrator has acted commercially. The injured party may also obtain the destruction or confiscation of the articles used to carry out the infringement and also require that the judgment be published.

The final chapter is devoted to the amendments to the Law on the Administration of Copyright and Related Rights. The main changes concern the administration of authors' rights and neighboring rights and the arbitration procedure.

Following this amendment, the establishment of tariffs should become much clearer to users since account is to be taken of the proportion of the utilization of the work in the total exploitation operation. The collecting society is required to have due regard to the religious, cultural and social interests of the persons liable to pay royalties.

Mrs. Möller briefly describes the presumption of entitlement in favor of the collecting society that asserts a claim to information. In such cases, the society is presumed to administer the rights of all the copyright owners. On the other hand, she treats at somewhat greater length the procedure before the Arbitration Board and also the role of the Board, to which various disputes between collecting societies and third parties may be submitted, in respect of the use of works or performances that are protected by copyright law or in respect of an inclusive contract.

In her very brief conclusion, the author notes that, despite the reticence and the opposition encountered by the provisions of the Law of June 24, 1985, this legislation has made the Federal Republic of Germany the first country in the world to possess a complete system of remuneration for the reproduction of audio and video works and for printed works for private and other personal uses. It is the first time that German copyright addresses the entire question of photocopying. Mrs. Möller welcomes that fact and observes that the copyright law reform is not definitive. Indeed, already when

the Law was being adopted, the *Bundestag* announced two requests to be made to the Federal Government: the one that a report on the development and adequacy of the remuneration laid down in Article 54 of the Copyright Law and on the influence of technical progress on copyright and neighboring rights should be submitted every three years and, secondly, "where appropriate, to propose suitable measures for the protection of works of the mind from their economic point of view also."

Although this study is in fact relatively short, it has the advantage, for the reader's great satisfaction, of constituting a precise analysis of the essential aspects of the provisions in the Amending Law and does not get lost in useless generalities.

At a time when technical progress is making itself strongly felt in the administration of copyright and neighboring rights, the German Law confirms the "new" economic connotation of copyright in which the right to remuneration tends to occupy the front of the stage. One may well ask whether this partial amendment to German copyright law will not be copied by other countries that are in the process of changing their relevant domestic legislation. However that may be, Mrs. Möller concludes at the end of her excellent analysis that the direction taken by the German legislator is quite likely to lead the enquiries being made into the economic significance of copyright to results similar to those obtained in Canada, Sweden, the United Kingdom and the United States of America.

P.C.M.

## Calendar of Meetings

### WIPO Meetings

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

#### 1986

November 24 to December 5 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Search Information

December 8 to 12 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Groups on Special Questions and on Planning

December 16 to 19 (Paris) — Committee of Governmental Experts on Works of Visual Art (convened jointly with Unesco)

#### 1987

January 12 (Geneva) — Information Meeting for Non-Governmental Organizations on Intellectual Property

January 26 to 31 and February 3 (Geneva) — Consultative Meeting on the Revision of the Paris Convention (Second Session)

February 23 to 27 (Geneva) — Nice Union: Preparatory Working Group

March 9 to 13 (Geneva) — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights

March 23 to 27 (Geneva) — Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions (Third Session)

March 31 to April 4 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on General Information

April 6 and 7 (Geneva) — Permanent Committee on Patent Information (PCPI)

April 27 to 30 (Geneva) — Committee of Experts on Intellectual Property in Respect of Integrated Circuits (Third Session)

May 4 to 19 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Search Information

May 5 to 8 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property

May 11 to 13 (Geneva) — Vienna Union: Working Group on the International Classification of the Figurative Elements of Marks

- May 11 to 15 (Paris) — Committee of Governmental Experts on Dramatic, Choreographic and Musical Works (convened jointly with Unesco)
- May 18 to 23 and 26 (Geneva) — Consultative Meeting on the Revision of the Paris Convention (Third Session)
- May 25 to 29 (Geneva) — Committee of Experts on the Protection Against Counterfeiting (Second Session)
- June 1 to 4 (Geneva) — Madrid Union: Working Group on Links Between the Madrid Agreement and the Proposed (European) Community Trade Mark
- June 11 to 19 (Washington) — Permanent Committee on Patent Information (PCPI): Working Groups on Special Questions and on Planning
- June 22 to 30 (Geneva) — Berne Union: Executive Committee (Extraordinary Session) (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)
- June 29 to July 3 (Geneva) — Committee of Experts on Biotechnological Inventions and Industrial Property (Third Session)
- July 1 to 3 (Geneva) — Rome Convention: Intergovernmental Committee (Ordinary Session) (convened jointly with ILO and Unesco)
- July 6 to 8 (Geneva) — Budapest Union: Assembly (Extraordinary Session)
- September 7 to 11 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Patent Information for Developing Countries
- September 14 to 19 and 23 (Geneva) (to be confirmed) — Consultative Meeting on the Revision of the Paris Convention (Fourth Session)
- September 21 to 30 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT, Budapest, TRT, Vienna and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union): Ordinary Sessions
- October 5 to 9 (Geneva) — Committee of Governmental Experts on Works of Applied Art (convened jointly with Unesco)
- November 2 to 6 (Geneva) — Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions (Fourth Session)
- December 1 to 4 (Geneva) — Committee of Governmental Experts on the Printed Word (convened jointly with Unesco)

## UPOV Meetings

### 1986

- December 1 (Paris) — Consultative Committee
- December 2 and 3 (Paris) — Council

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

### Non-Governmental Organizations

### 1987

- January 26 and 27 (Cannes) — International Association of Entertainment Lawyers: MIDEM International Meeting
- June 1 and 2 (Sorrento, Italy) — International Literary and Artistic Association (ALAI): Study Session
- July 20 to 22 (Cambridge) — International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting

### 1988

- June 12 to 17 (London) — International Publishers Association (IPA): Congress