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(INSERT)

Editor's Note

RUSSIAN FEDERATION

Resolution of the Supreme Soviet of the Russian Federation Governing Civil Legal Relations Arising During the Implementation of the Economic Reform (No. 3301-I of July 14, 1992)	Text 1-01
Fundamentals of the Civil Legislation of the Union of Soviet Socialist Republics and Union Republics (Title IV) (of May 31, 1991)	Text 2-01

WIPO 1993

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Notifications Concerning Treaties Administered by WIPO in the Field of Copyright

Nairobi Treaty

Declaration

BELARUS

The Government of Belarus deposited, on April 14, 1993, the following declaration:

“The Republic of Belarus considers itself to be bound by the Nairobi Treaty on the Protection of

the Olympic Symbol adopted at Nairobi on September 26, 1981, as a successor to the former USSR.”

Nairobi Notification No. 38, of April 22, 1993.

Normative Activities of WIPO in the Field of Copyright

Committee of Experts on a Possible Protocol to the Berne Convention for the Protection of Literary and Artistic Works

Third Session

(Geneva, June 21 to 25, 1993)

QUESTIONS CONCERNING A POSSIBLE PROTOCOL TO THE BERNE CONVENTION

PART I. INTRODUCTION

*Memorandum prepared by
the International Bureau*

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INTRODUCTION

1. The current program (covering the years 1992 and 1993) provides that the International Bureau will prepare, convene and service the Committee of Experts on a Protocol to the Berne Convention

(hereinafter referred to as “the Committee of Experts”). As to the contents of the possible Protocol, the same program distinguishes between the rights of authors and the rights of producers of sound recordings. In respect of the rights of authors, the program provides that “the Protocol is mainly destined to clarify the existing, or establish new, international norms where, under the present text of the Berne Convention, doubts may exist as to the extent to which [the Berne] Convention applies” (document AB/XXII/2, item 03(2)). In respect of the rights of producers of phonograms, the program provides that “the desirability of covering in the protocol the rights of producers of sound recordings in sound recordings produced by them will be examined” (*ibidem*).

2. This program was adopted by the Assembly and the Conference of Representatives of the Berne Union on October 2, 1991 (see document AB/XXII/22, paragraph 197). A similar decision was made two years earlier by the same bodies for the program of the 1990–91 biennium (see documents AB/XX/2, item PRG.02(2) and AB/XX/20, paragraphs 152 and 199).

3. So far, the Committee of Experts has met twice, both times at the headquarters of WIPO. The first session was held in 1991 (November 4 to 8), and the second in 1992 (February 10 to 17).

4. The discussions were based on working papers prepared by the International Bureau (documents BCP/CE/I/2 and 3).¹ They contained draft provisions (that is, texts “in treaty language”) for the possible protocol and explanations of the draft provisions. With the exception of one question (collective administration of rights), all the (some 20) topics covered by the working documents were considered. The results of the discussions are reflected in the reports of the two sessions (documents BCP/CE/I/4 and BCP/CE/II/1).²

5. The terms of reference of the Committee of Experts were modified by the Assembly and the Conference of Representatives of the Berne Union on September 29, 1992 (see document B/A/XIII/2, paragraph 22) in deciding

“(i) the establishment of two Committees of Experts, one for the preparation of a possible protocol to the Berne Convention and another for the preparation of a possible new instru-

ment on the protection of the rights of performers and producers of phonograms;

“(ii) that the titles of the committees would be “Committee of Experts on a Possible Protocol to the Berne Convention” and “Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms,” respectively;

“(iii) that, in the Committee of Experts on a Possible Protocol to the Berne Convention, the States party to the Berne Convention and the Commission of the European Communities would have the status of members, whereas the member States of WIPO that were not party to the Berne Convention would have the status of observers;

“(iv) that, in the Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms, the member States of WIPO and the Commission of the European Communities would have the status of members;

“(v) that the intergovernmental organizations and the non-governmental organizations that are usually invited to such meetings would be invited to the meetings of the two Committees of Experts as observers;

“(vi) that each of the two Committees of Experts would meet once in 1993, and that the meeting of the Committee of Experts on a Possible Protocol to the Berne Convention would be immediately followed by the meeting of the Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms;

“(vii) that the issues to be discussed by the Committee of Experts on a Possible Protocol to the Berne Convention would be the following ten:

- (1) computer programs,
- (2) data bases,
- (3) rental right,
- (4) non-voluntary licenses for the sound recording of musical works,
- (5) non-voluntary licenses for primary broadcasting and satellite communication,
- (6) distribution right, including importation right,
- (7) duration of the protection of photographic works,
- (8) communication to the public by satellite broadcasting,
- (9) enforcement of rights, and
- (10) national treatment;

¹ See *Copyright*, 1992, pp. 30 to 40, and pp. 66 to 82, respectively.

² *Ibid.*, pp. 40 to 53, and pp. 93 to 110, respectively.

“(viii) that the Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms would discuss all questions concerning the effective international protection of the rights of performers and producers of phonograms;

“(ix) that, in the preparatory documents for the Committee of Experts on a Possible Protocol to the Berne Convention, the International Bureau would deal with items (6), (9) and (10) (“the new items”) mentioned in subparagraph (vii), above, in a manner similar to the one which was followed in the preparatory documents prepared for the first two sessions of the said Committee, whereas, in respect of the questions already discussed by the said Committee (items (1) to (5), (7) and (8), above), the preparatory document would contain what was contained in the preparatory documents prepared for the first two sessions of that Committee (BCP/CE/I/2 and 3) and the relevant passages of the reports of those sessions (BCP/CE/I/4 and BCP/CE/II/1);

“(x) that, in the preparatory documents for the Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms, the International Bureau would deal with all questions in the way it will deal with the new items mentioned in the preceding subparagraph.”

6. The third session of the Committee of Experts has been convened on the basis of the above-quoted decision. In keeping with subparagraph (ix) of the decision, in respect of the “items already dis-

cussed by the Committee of Experts” (items (1) to (5), (7) and (8) of subparagraph (vii) of the decision), the present memorandum has the same contents as the preparatory documents (“memoranda”) prepared for the first two sessions (BCP/CE/I/2 and 3), as well as the relevant passages of the reports of those sessions (BCP/CE/I/4 and BCP/CE/II/1), while it deals with items (6), (9) and (10) (the “new items”) in a manner similar to that followed in the memoranda prepared for the first two sessions of the Committee of Experts. The “items already discussed” are contained in Part II, and the “new items” are contained in Part III of the present memorandum.³ They are contained in documents BCP/CE/III/2-II and BCP/CE/III/2-III, respectively.

7. In keeping with subparagraph (vi) of the decision quoted in paragraph 5, above, the first session of the Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms will take place immediately following the third session of the Committee of Experts for which the present memorandum has been prepared, and will be held at the headquarters of WIPO from June 28 to July 2, 1993. The memorandum prepared by the International Bureau for that Committee of Experts is contained in document INR/CE/I/2.

³ Part III (New Items) will be published in the June 1993 issue of this review. (Part II (Items Already Discussed) will not be published in this review, since it only reproduces the relevant part of the memoranda prepared for, and reports of, the first two sessions of the Committee, already published, as mentioned in footnotes 1 and 2.)

Informal Preparatory Consultation Meeting with Non-Governmental Organizations Representing Performers. On February 8, 1993, WIPO organized in Geneva an informal preparatory consultation meeting with the following 21 non-governmental organizations representing performers to discuss the contents of a possible new instrument on the protection of the rights of performers and producers of phonograms: American Federation of Television and Radio Artists (AFTRA), British Actors' Equity Association, British Musicians' Union, Finnish Musicians' Union, Ibero-Latin American Federation of Performers (ILAFP), International Federation of Actors (FIA), International Federation of Musicians (FIM), International Secretariat for Arts,

Mass Media and Entertainment Trade Unions (ISETU), Japan Council of Performers' Organizations (GEIDANKYO), Musicians' Union of Japan, Screen Actors Guild, Société de perception et de distribution des droits des artistes-interprètes de la musique et de la danse (SPEDIDAM), Société pour l'administration des droits des artistes et musiciens (ADAMI), Society for the Administration of Neighboring Rights (GVL), Spanish Society of Performers (AIE), Swedish Artists' and Musicians' Interest Organization (SAMI), Swedish Musicians' Union (SMF), Swedish Performers' Union (STF), Swedish Union of Professional Musicians (SYMF), Syndicat des artistes du spectacle (SYDAS), Syndicat français des artistes-interprètes (SFA).

Activities of WIPO in the Field of Copyright Specially Designed for Developing Countries

Africa

Training Courses, Seminars and Meetings

Mauritius. In February 1993, a WIPO consultant from Switzerland participated, as a speaker, in a National Copyright Seminar on Collective Administration of Authors' Rights in Mauritius organized by the Mauritius Society of Authors in Port-Louis.

Panafrican Film and Television Festival (FESPACO). In February 1993, a WIPO official attended, in Ouagadougou, the 13th Panafrican Film and Television Festival (FESPACO) and presented,

on that occasion, a paper on the International Film Registry as a means of expanding trade in films and of fighting piracy.

Assistance With Training, Legislation and Modernization of Administration

Malawi. In February 1993, a WIPO consultant from Switzerland undertook a mission to Lilongwe in order to give advice and training to the new Copyright Society of Malawi (COSOMA) in the field of collective administration of copyright.

Arab Countries

Assistance With Training, Legislation and Modernization of Administration

Egypt. In February 1993, four WIPO officials and a WIPO consultant from Switzerland had consultation meetings with government officials in Cairo on the modernization of the Egyptian copyright law. Future cooperation activities between WIPO and Egypt in the field of copyright and neighboring rights and Egypt's possible accession to

certain WIPO-administered treaties were also discussed.

United Arab Emirates. In February 1993, two WIPO officials undertook a preparatory mission to Abu Dhabi to discuss with senior government officials of the United Arab Emirates the organization of a subregional seminar on copyright for the member States of the Cooperation Council for the Arab States of the Gulf (GCC) to be held in May 1993 in Abu Dhabi.

Activities of WIPO in the Field of Copyright Specially Designed for European Countries in Transition to Market Economy

National Activities

The former Yugoslav Republic of Macedonia. In February 1993, Ambassador Naste Calovski, Special Envoy of the President of the Republic, and another government official visited WIPO and

discussed with the Director General matters of mutual interest.

Ukraine. In February 1993, at the request of the Government of Ukraine, the International Bureau prepared and sent comments on a draft law on copyright and neighboring rights.

Contacts of the International Bureau of WIPO with Governments and International Organizations in the Field of Copyright

United Nations

United Nations Administrative Committee on Coordination (Organizational Committee) (ACC/OC). In February 1993, a WIPO official attended, in New York, the ACC/OC preparatory meeting of the first session of the ACC in 1993, to be held in April in Rome.

Association of International Libraries (AIL). In February 1993, a WIPO official attended a meeting on new technologies organized in Geneva by AIL.

Business Software Alliance (BSA). In February 1993, a delegation of BSA, headed by its President, Mr. Robert Holleyman, visited WIPO to discuss with the Director General and other WIPO officials, *inter alia*, a possible protocol to the Berne Convention, the international protection of computer programs and the possibility of setting up an international system for the identification of computer programs and digitalized works.

Intergovernmental Organizations

European Communities (EC). In February 1993, a WIPO official attended, as an observer, a hearing of the EC Council on a Possible WIPO Instrument on the Protection of the Rights of Performers and Producers of Phonograms, held in Brussels.

World Meteorological Organization (WMO). In February 1993, two WMO officials had discussions with WIPO officials in Geneva on the intellectual property protection of meteorological data and products.

International Federation of Film Producers Associations (FIAPF). In February 1993, Mr. André Chaubeau, Director General of FIAPF, visited WIPO to discuss with WIPO officials certain organizational aspects of a meeting of FIAPF's Consultative Committee to be held in April 1993 in Vienna and questions related to a possible instrument on the protection of the rights of performers and producers of phonograms.

Other Organizations

Association for Mass Media and Communication of the Balkan Countries (Balkan Media). In February 1993, Mr. Rossen Milev, President of Balkan Media, had discussions with WIPO officials in Geneva on the preparation of an anti-piracy symposium to be organized by Balkan Media in Sofia in June 1993.

International Secretariat for Arts, Mass Media and Entertainment Trade Unions (ISETU). In February 1993, WIPO organized in Geneva an informal meeting with representatives of ISETU and discussed the possible protocol to the Berne Convention, a possible instrument on the protection of the rights of performers and producers of phonograms and WIPO's development cooperation activ-

ities in the field of copyright and neighboring rights.

Meckler (Managing Information Technology)/Library Association of the United Kingdom (London). In February 1993, a WIPO official attended in London the 7th Annual Conference entitled "Computers in Libraries International 1993," organized by Meckler (Managing Information Technology), an enterprise in the United Kingdom, and the Library Association of the United Kingdom.

National Contacts

United States of America. In February 1993, three government officials had discussions with WIPO officials in Geneva concerning the possible contents of the working documents for the Committees of Experts on a Possible Protocol to the Berne Convention and on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms, both to be held in June 1993.

Miscellaneous News

Regional News

European Communities (EC). Council Directive 92/100/EEC of November 19, 1992, on rental right and lending right and on certain rights related to copyright in the field of intellectual property was published in the *Official Journal of the European Communities*, No. L 346/61 of November 27, 1992.*

National News

Russian Federation. The Law of the Russian Federation on the Legal Protection of Computer Programs of 1992 entered into force on October 14, 1992.

* See *Copyright, insert Laws and Treaties*, March 1993, Text 1-01.

Calendar of Meetings

WIPO Meetings

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

1993

- June 2 to 4 (Geneva)** **Working Group of Non-Governmental Organizations on Arbitration and Other Extra-Judicial Mechanisms for the Resolution of Intellectual Property Disputes Between Private Parties (Third Session)**
 The Working Group will examine draft WIPO arbitration and mediation rules, in view of the proposed establishment, within WIPO, of services for the resolution of disputes between private parties concerning intellectual property rights.
Invitations: Selected non-governmental organizations.
- June 7 to 18 (Geneva)** **Committee of Experts on the Harmonization of Laws for the Protection of Marks (Fifth Session)**
 The Committee will continue to examine a draft trademark law treaty, with particular emphasis on the harmonization of formalities with respect to trademark registration procedures.
Invitations: States members of the Paris Union, the European Communities and, as observers, States members of WIPO not members of the Paris Union and certain organizations.
- June 21 to 25 (Geneva)** **Committee of Experts on a Possible Protocol to the Berne Convention (Third Session)**
 The Committee will continue to examine the question of the preparation of a possible protocol to the Berne Convention for the Protection of Literary and Artistic Works.
Invitations: States members of the Berne Union, the Commission of the European Communities and, as observers, States members of WIPO not members of the Berne Union and certain organizations.
- June 28 to July 2 (Geneva)** **Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms (First Session)**
 The Committee will examine the question of the preparation of a possible new instrument (treaty) on the protection of the rights of performers and producers of phonograms.
Invitations: States members of WIPO, the Commission of the European Communities and, as observers, certain organizations.
- September 20 to 29 (Geneva)** **Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Fourth Series of Meetings)**
 All the Governing Bodies of WIPO and the Unions administered by WIPO meet in ordinary sessions every two years in odd-numbered years.
 In the sessions in 1993, the Governing Bodies will, *inter alia*, review and evaluate WIPO's activities undertaken since July 1991, and adopt the program and budget of the International Bureau for the 1994-95 biennium.
Invitations: States members of WIPO or the Unions and, as observers, other States members of the United Nations and certain organizations.
- October 13 and 14 (Funchal, Madeira)** **Symposium on the International Protection of Geographical Indications (organized by WIPO in cooperation with the Government of Portugal)**
 The Symposium will deal with the protection of geographical indications (appellations of origin and other geographical indications) both on the national and multilateral level.
Invitations: Governments, selected non-governmental organizations and any member of the public (against payment of a registration fee).
- November 8 to 12 (Geneva)** **Committee of Experts on a Model Law on the Rights of Performers and Producers of Phonograms (Second Session)**
 The Committee of Experts will continue to consider a draft Model Law dealing with the protection of the rights of producers of phonograms, and it will consider (for the first time) provisions for the Model Law dealing with the rights of performing artists.
Invitations: States members of the Berne Union or WIPO, or party to the Rome Convention or the Phonograms Convention and, as observers, certain organizations.

UPOV Meetings

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

1993

- October 27 (Geneva) **Administrative and Legal Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and intergovernmental organizations.
- October 28 (Geneva) **Consultative Committee (Forty-Seventh Session)**
Invitations: Member States of UPOV.
- October 29 (Geneva) **Council (Twenty-Seventh Ordinary Session)**
Invitations: Member States of UPOV and, as observers, certain non-member States and intergovernmental and non-governmental organizations.

Other Meetings

1993

- June 2 to 5 (Madrid) **European Communities Trade Mark Association (ECTA): Annual General Meeting and Conference.**
- June 7 to 11 (Vejde) **International Federation of Industrial Property Attorneys (FICPI): Executive Committee.**
- June 12 to 16 (Lisbon) **International Association for the Protection of Industrial Property (AIPPI): Council of Presidents.**
- June 26 to July 1 (Berlin) **Licensing Executives Society International (LESI): Annual Meeting.**
- August 17 to 19 (Stockholm) **International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting.**
- September 12 to 16 (Colombo) **Law Association for Asia and the Pacific (LAWASIA): 13th LAWASIA Conference.**
- September 20 to 24 (Antwerp) **International Literary and Artistic Association (ALAI): Congress.**
- October 1 and 2 (Budapest) **International League of Competition Law (LIDC): Study Days.**
- October 6 to 8 (Cincinnati) **Pacific Industrial Property Association (PIPA): International Congress.**
- October 12 to 14 (Lugano) **International Federation of Reproduction Rights Organisations (IFRRO): Annual General Meeting.**

1994

- February 2 to 8 (Queenstown) **International Federation of Industrial Property Attorneys (FICPI): Executive Committee.**
- May 8 to 11 (Seattle) **United States Trademark Association (USTA): 116th Annual Meeting.**
- May 25 to 28 (Luxembourg) **European Communities Trade Mark Association (ECTA): Annual General Meeting and Conference.**
- June 12 to 18 (Copenhagen) **International Association for the Protection of Industrial Property (AIPPI): Executive Committee.**
- June 20 to 24 (Vienna) **International Federation of Industrial Property Attorneys (FICPI): Congress.**

