Copyright

Monthly Review of the United International Bureaux for the Protection of Intellectual Property (BIRPI)

1st year - No. 6

June 1965

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NATIONAL LEGISLATION

INDIA

Protection of Works Originating in Countries Parties to the Universal Copyright Convention or Members of the Berne Union

International Copyright Order, 1958 ¹)

Fifth Amendment of 1964 (S. O. 3527, of October 1, 1964)

In exercise of the powers conferred by section 40 of the Copyright Act, 1957 (14 of 1957), the Central Government hereby makes the following Order further to amend the International Copyright Order, 1958, namely:

- 1. This Order may be called the International Copyright (Fifth Amendment) Order, 1964.
- 2. In the International Copyright Order, 1958, in Part II of the Schedule, after the entry "Monaco", the entry "New Zealand" shall be inserted.

Sixth Amendment of 1964 (S. O. 3794, of October 24, 1964)

In exercise of the powers conferred by section 40 of the Copyright Act, 1957 (14 of 1957), the Central Government hereby makes the following Order further to amend the International Copyright Order, 1958, namely:

- 1. This Order may be called the International Copyright (Sixth Amendment) Order, 1964.
- 2. In the International Copyright Order, 1958, in Part II of the Schedule after the entry "Greece" the entry "Guatemala" shall be inserted.

First Amendment of 1965 (S. O. 240, of January 11, 1965)

In exercise of the powers conferred by section 40 of the Copyright Act, 1957 (14 of 1957), the Central Government hereby makes the following Order further to amend the International Copyright Order, 1958, namely:

- 1. This Order may be called the International Copyright (First Amendment) Order, 1965.
- 2. In the International Copyright Order, 1958, in Part II of the Schedule, in the Explanation, after the entry "Isle of Man", the entry "Mauritius" shall be inserted.

Second Amendment of 1965 (S. O. 241, of January 11, 1965)

In exercise of the powers conferred by section 40 of the Copyright Act, 1957 (14 of 1957), the Central Government hereby makes the following Order further to amend the International Copyright Order, 1958, namely:

- 1. This Order may be called the International Copyright (Second Amendment) Order, 1965.
- 2. In the International Copyright Order, 1958, in Part I of the Schedule, after the entry "Bulgaria", the entry "Republic of Cameroon" shall be inserted.

GENERAL STUDIES

On the Access to Manuscripts of Musical Works

¹⁾ See Le Droit d'Auteur (Copyright), 1964, p. 68, and Copyright, 1965, p. 8.

Professor Mario ARE Lawyer



Letter from Hungary

Dr. Robert PALÁGYI

JURISPRUDENCE

FRANCE

Ι

Literary and artistic property. Infringements and sanctions. Unlawful reproduction. Constituent elements. Cinema. Restoration and unlawful use of a film that has been destroyed. New edition. Unlawful reproduction.

(Cour de cassation, ch. criminelle, December 2, 1964. — Gayout Georges, Gouiran and Others v. Public Prosecutor)

The fact of fraudently restoring and putting hack into commercial circulation, without authorization, prints of a film, deliherately withdrawn from circulation and handed over for destruction, constitutes a new unauthorized edition of the artistic work, preserved in negative form in the laboratory, and is consequently an unlawful reproduction of that work.

\mathbf{II}

Name-Christian name. Family name. Birth certificate. Property. Protection.

Third person. Use as pseudonym. Owner of name. Prejudice.

(Tribunal de grande instance de Marseille, Fehruary 9, 1965. — Henri Paul de France v. D^{lle} Peraldi)

No-one may use as his family name any name other than that appearing on his hirth certificate.

Whereas the defendant admits having caused her identity to be indicated in notarial documents under the family name of a third person, that person shall he protected against usurpation of his name, even if he has not suffered any prejudice thereby.

The use, by way of a pseudonym and solely for publicity and commercial purposes, of the name of "de France" by a clairvoyant/astro-

loger, has caused prejudice to the plaintiff bearing that name, prejudice which is due precisely to the said publicity for an activity obviously foreign to the traditions of the "de France" family.

Ш

Literary and artistic property. Exploitation of author's economic rights. Contract between painter and picture dealer. Transfer of future works limited to a specific period. Law of March 11, 1957, Article 33. Nullity (Non). Prescribed rate of production. Interference with the creative freedom of the artist. Nullity.

(Cour d'appel d'Aix-en-Provence, 3º ch., Fehruary 23, 1965. — Leroux v. Damiano)

The transfer by a painter of his future production is valid when limited to a specific period, only total transfer of future works heing void under Article 33 of the Law of March 11, 1957.

A contract prescribing a given rate of production and the completion of a certain quantity of painted surface in return for fixed monthly payments restricts the creative freedom of the artist, who cannot follow his sole inspiration but is obliged to strain after performance, which is calculated to compromise seriously the quality of his work, his reputation and his future.

The fixed rate of production further encroaches on the moral right of the artist, who, heing required to furnish a given quantity of paintings, may find himself obliged to deliver works he regards as incomplete or imperfect.

This contract, whose principal clauses do not respect the intellectual personality of the painter, his creative freedom, or his moral right, is absolutely null and void, as it is contrary to the principles of public order governing artistic property.

CALENDAR

Meetings of BIRPI

Date and Place	Title	Object	Invitations to Participate	Observers Invited
July 5 to 14, 1965 Geneva	Committee of Governmen- tal Experts preparatory to the Revision Conference of Stockbolm (Copyright)	Examination of the amendments proposed by the Swedisb/BIRPI Stndy Group for the revision of the Berne Convention	All Member States of the Berne Union	Certain Non-Member States of the Berne Union; Interested international intergovernmental and non-governmental organizations
September 28 to October 1, 1965 Geneva	Interunion Coordination Committee (3rd Session)	Program and budget of BIRPI	Belgium, Brazil, Ceylon, Czechoslovakia, Denmark, France, Germany (Fed. Rep.), Hnngary, India, Italy, Japan, Morocco, Netberlands, Nigeria, Portugal, Rnmania, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia	All other Member States of the Paris Union or of the Berne Union; United Nations
September 29 to October 1, 1965 Geneva	Executive Committee of the Conference of Representa- tives of the Paris Union (1st Session)	Program and activities of the International Bureau of the Paris Union	Ceylon, Czechoslovakia, France, Germany (Fed. Rep.), Hungary, Italy, Ja- pan, Morocco, Netherlands, Nigeria, Portugal, Spain, Sweden, Switzerland, Unit- ed Kingdom of Great Bri- tain and Nortbern Ireland, United States of America, Yugoslavia	All other Member States of the Paris Union; United Nations
November 15 to 19, 1965 Paris	Twelfth Ordinary Session of the Permanent Committee of the Berne Union	Consideration of various questions concerning Copyright	Belgium, Brazil, Denmark, France, Germany (Fed. Rep.), India, Italy, Portu- gal, Rumania, Spain, Switz- erland, United Kingdom of Great Britain and Northern Ireland	All other Member States of the Berne Union; Interested international intergov- ernmental and non-governmental organ- izations
December 13 to 18, 1965 Geneva	Ad hoc Conference of the Directors of National In- dustrial Property Offices	Adaptation of the Regula- tions of the Madrid Agree- ment, Nice Text (Trade- marks)	All Member States of the Madrid Agreement (Trade- marks)	All other Member States of the Paris Union

Meetings of Other International Organizations concerned with Intellectual Property

Place	Date	Organization	Title	
Stockbolm	Augnst 23 to 28, 1965	International Literary and Artistic Association (ALAI)	Congress	
London	August 31 to September 10, 1965	Committee for International Cooperation in Informa- tion Retrieval among Examining Patent Offices (ICIREPAT)	Fifth Annual Meeting	
Paris	October 25 to 30, 1965	International Confederation of Societies of Authors and Composers (CISAC)	Federal Bureaux, Legislative Committee and Confederal Council	
Buenos Aires	November 6 to 11, 1965	Inter-American Association of Industrial Property (ASIPI)	Congress	
Tokyo	April 11 to 16, 1966	International Association for the Protection of Industrial Property (IAPIP)	Congress	
Prague	June 13 to 18, 1966	International Confederation of Societies of Authors and Composers (CISAC)	Congress	