

Copyright

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of Intellectual Property (BIRPI)

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INTERNATIONAL UNION

State of the International Union on January 1, 1966

The Conventional Texts

The Charter of the International Union for the Protection of Literary and Artistic Works is the *Berne Convention* of September 9, 1886, which came into force on December 5, 1887.

This Convention was amended and supplemented in Paris on May 4, 1896, by an *Additional Act* and an *Interpretative Declaration* put into operation on December 9, 1897.

A thorough overhaul took place in Berlin on November 13, 1908. The Berlin instrument, which bears the title of the *Revised Berne Convention for the Protection of Literary and Artistic Works*, came into force on September 9, 1910. At the time of the revision effected in Berlin, countries were given the right to indicate, by means of reservations, the provisions of the original Convention of 1886, or of the Additional Act of 1896, which they wished to substitute, provisionally at least, for the corresponding provisions of the Convention of 1908.

On March 20, 1914, an *Additional Protocol* to the revised Berne Convention of 1908 was signed in Berne, in order to enable Union Countries to restrict, should they deem fit, the protection given to authors who are nationals of a non-Union Country. This Protocol came into force on April 20, 1915.

The Berlin Text, in its turn, underwent revision in Rome. The *Rome Text*, signed on June 2, 1928, has been in force since August 1, 1931. Countries joining the Union by direct accession to this Convention may stipulate one reservation in respect of the right of translation into their language.

The last revision of the Berne Convention took place in Brussels. The *Brussels Text*, signed on June 26, 1948, has been in force since August 1, 1951. Countries joining the Union by direct accession to this Convention may again stipulate one reservation in respect of the right of translation into their language.

The next revision of the Berne Convention will take place at *Stockholm* in 1967.

Field of application of the various revised texts of the Berne Convention

Unionist countries, or contracting countries (to the number of 54), and the territories for which they ensure the external affairs, apply either the Berlin Text or that of Rome, or even that of Brussels.

a) Berlin Text

Thailand, which has adhered neither to the Rome Text nor to that of Brussels, is bound by the Berlin Text to the

other Unionist countries which have adhered to the latter Text and to the dependencies of a contracting State which apply this Text.

In these relations, the reservations stipulated by these countries when adhering to the Berlin Text are applicable, except as regards Norway, which withdrew its reservations as from December 12, 1931 (see *Le Droit d'Auteur*, January 15, 1953, p. 2).

South West Africa, which is a trust territory of the Republic of South Africa, remains bound by the Berlin Text.

b) Rome Text

In accordance with the provisions of the Convention, the Rome Text is applicable to relations between the following 15 countries, which have not yet acceded to the Brussels Text:

Australia	Japan
Bulgaria	Lebanon
Canada	Netherlands
Ceylon	New Zealand
Czechoslovakia	Pakistan
Germany *)	Poland
Hungary	Rumania
Iceland	

The Rome Text is also applicable to relations between the 15 above-mentioned countries and the 25 following countries which, *after having acceded to this Text*, have ratified the Brussels Text or have adhered to it:

Austria	Luxembourg
Belgium	Monaco
Brazil	Morocco
Denmark	Norway
Finland	Portugal
France ¹⁾	South Africa
Greece	Spain
Holy See (Vatican City)	Sweden
India	Switzerland
Ireland	Tunisia
Israel	United Kingdom ²⁾
Italy	Yugoslavia
Liechtenstein	

At present, only 3 countries have not acceded to the Rome Text: Philippines, Thailand and Turkey.

*) With regard to East Germany or the German Democratic Republic, see *Le Droit d'Auteur*, 1955, p. 149.

¹⁾ Overseas departments and territories included.

²⁾ Great Britain and Northern Ireland.

On the other hand, 6 countries, former colonies which have attained independence, have sent declarations of continued adherence; they are: Cameroon, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Mali and Niger. 4 others have acceded to the Brussels Text; they are: Ivory Coast, Gabon, Senegal and Upper Volta.

Another country, Cyprus, has addressed a declaration of continued adherence concerning the Rome Text and, at the same time, a notification of accession to the Brussels Text.

As far as territories, whose external affairs are placed under the responsibility of a Unionist country are concerned, see Tables hereafter (pages 4 and 5).

c) Brussels Text

38 contracting countries apply the Brussels Text in their mutual relations; they are:

Austria	Denmark
Belgium ³⁾	Finland
Brazil	France ⁴⁾
Cameroon	Gabon
Congo (Brazzaville)	Greece
Congo (Leopoldville)	Holy See (Vatican City)
Cyprus	India
Dahomey	Ireland

Israel	Portugal ⁵⁾
Italy	Senegal
Ivory Coast	South Africa
Liechtenstein	Spain
Luxembourg	Sweden
Mali	Switzerland
Monaco	Tunisia
Morocco	Turkey
Niger	United Kingdom ²⁾
Norway	Upper Volta
Philippines	Yugoslavia

16 Unionist countries have not yet acceded to the Brussels Text (i. e. the 15 countries between which the Rome Text is applicable and Thailand).

The only reservations applicable to the Unionist relations between the 38 above-mentioned countries are those formulated by Turkey and Yugoslavia in respect of the right of translation.

³⁾ Belgium acceded to the Brussels Text for *Ruanda Urundi*.

⁴⁾ France has acceded to the Brussels Text for its overseas and trust territories.

⁵⁾ Portugal has acceded to the Brussels Text for its overseas provinces.

The International Union on the Threshold of 1966

Let us approach and greet this new year by reviewing the position of the Berne Union on the threshold of 1966 and, at the same time, by recalling, in accordance with our customary practice, the principal events which have occurred in this field during the course of the preceding year¹⁾.

The year 1965 has been characterised by three considerations: the complete stagnation of the Union as regards the number of Member States; the accrued preparations for the Stockholm Conference; and an important legislative movement in the pattern of national copyright legislation. These matters will be reflected in the passages which follow.

I. Member States

1. Only two events occurred in 1965. *New Zealand*, availing itself of the rights conferred by Article 26, paragraph (1), of the Berne Convention, as regards the application of the Convention to overseas territories, declared the Convention to be applicable to the Cook and the Tokelau Islands, with effect from March 18, 1965²⁾. This Member State, having signed the Brussels Act of 1948 but not having ratified it, remains bound by the Rome Act of 1928, and it is therefore this latter Act which applies to the territories of the aforesaid Islands.

¹⁾ See *Le Droit d'Auteur (Copyright)*, 1964, p. 5, and *Copyright*, 1965, p. 3.

²⁾ See *Copyright*, 1965, p. 55.

Then, within the financial field, *Poland* has changed Classes. The Polish Embassy at Berne informed the Swiss Government that, in application of Article 23, paragraph (4), of the Convention, the Polish People's Republic wished to be included, with effect from 1965, in the 5th Class (instead of the 3rd Class), as regards its contribution towards the expenses of the International Bureau³⁾.

2. Thus, no accession, no declaration of continuity, or no ratification has occurred during the course of the year 1965, and the number of Member States has remained at the figure of 54*).

How can one fail to be tempted to make a comparison with the Paris Union for the Protection of Industrial Property, of which the number of Member States continues to progress in a remarkable manner? On December 31, 1964, this number was 64; by December 31, 1965, it had increased to 74, that is to say, by ten new Member States in one year and, among them, the U. S. S. R., whose accession, dating from July 1, 1965, constitutes, beyond all question, an historic event. And if it is recalled that, on January 1, 1963, the Paris

(Continued on page 6)

³⁾ *Ibid.*, 1965, p. 8.

* Note: or 55, if East Germany or the German Democratic Republic is also considered as a party to the Convention. Member States disagree on this question (see *Le Droit d'Auteur*, 1956, pp. 105, 117, 169).

STATE OF THE INTERNATIONAL UNION ON JANUARY 1, 1966

Country ¹⁾	Class chosen [Art. 23 (4)]	Date of Accession (Art. 25)	Date on which the Convention was declared applicable (Art. 26) ²⁾	Date of Accession to the Rome Text	Date of Accession to the Brussels Text
1. Australia ³⁾ Nauru, New Guinea, Papua and Northern Territory	III —	14-IV-1928 —	5-XII-1887 29-VII-1936	18-I-1935 29-VII-1936	— —
2. Austria	VI	1-X-1920	—	1-VII-1936	14-X-1953
3. Belgium	III	5-XII-1887	—	7-X-1934	1-VIII-1951
4. Brazil	III	9-II-1922	—	1-VI-1933	9-VI-1952
5. Bulgaria	V	5-XII-1921	—	1-VIII-1931	—
6. Cameroon	VI	24-IX-1964 ^{a)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	22-V-1952 ^{c)}
7. Canada ⁴⁾	II	10-IV-1928	5-XII-1887	1-VIII-1931	—
8. Ceylon	VI	20-VII-1959 ^{a)}	1-X-1931 ^{c)}	1-X-1931 ^{c)}	—
9. Congo (Brazzaville)	VI	8-V-1962 ^{a)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	22-V-1952 ^{c)}
10. Congo (Leopoldville)	VI	8-X-1963 ^{a)}	20-XII-1948 ^{c)}	20-XII-1948 ^{c)}	14-II-1952 ^{c)}
11. Cyprus	VI	24-II-1964 ^{a)}	1-X-1931 ^{c)}	1-X-1931 ^{c)}	24-II-1964
12. Czechoslovakia	IV	22-II-1921	—	30-XI-1936	—
13. Dahomey	VI	3-I-1961 ^{a)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	22-V-1952 ^{c)}
14. Denmark	IV	1-VII-1903	—	16-IX-1933	19-II-1962
15. Finland	IV	1-IV-1928	—	1-VIII-1931	28-I-1963
16. France Overseas Departments and Territories	I —	5-XII-1887 —	— 26-V-1930	22-XII-1933 ⁵⁾ 22-XII-1933	1-VIII-1951 22-V-1952
17. Gabon	VI	26-III-1962 ^{b)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	26-III-1962 ^{b)}
18. Germany	I	5-XII-1887	—	21-X-1933	—
19. Greece	VI	9-XI-1920	—	25-II-1932 ⁶⁾	6-I-1957
20. Holy See (Vatican City)	VI	12-IX-1935	—	12-IX-1935	1-VIII-1951
21. Hungary	VI	14-II-1922	—	1-VIII-1931	—
22. Iceland	VI	7-IX-1947	—	7-IX-1947 ⁷⁾	—
23. India ⁸⁾	IV	1-IV-1928	5-XII-1887	1-VIII-1931	21-X-1958
24. Ireland ⁹⁾	IV	5-X-1927	5-XII-1887	11-VI-1935	5-VII-1959
25. Israel ¹⁰⁾	V	24-III-1950	21-III-1924	24-III-1950	1-VIII-1951
26. Italy	I	5-XII-1887	—	1-VIII-1931	12-VII-1953
27. Ivory Coast	VI	1-I-1962 ^{b)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	1-I-1962 ^{b)}

¹⁾ Among the newly independent countries to which the Berne Convention was applied, by virtue of Article 26, there are only mentioned those which have so far made a declaration of continued adherence or a formal notification of accession to the Swiss Government under Article 25 of the Convention. This list will be amended as and when declarations of continued adherence or notifications of accession are received by the Swiss Government from other countries.

²⁾ I. e. the date from which the notification made by virtue of Article 26 (1) began to take effect for the application of the Convention on the territory of the country concerned. After the latter's accession to independence, the application was confirmed by a declaration of continued adherence or accession.

³⁾ *Australia* belonged to the Union from the outset as a country for the international relations of which the United Kingdom was responsible. April 14, 1928, is the date on which Australia made a declaration of accession, as a contracting country of the Union, in conformity with Article 25.

⁴⁾ Same observation as in note ³⁾, for *Canada*, which acceded with effect from April 10, 1928.

⁵⁾ Reservation concerning works of applied art: Article 2 (4) of the Rome Text had been replaced by Article 4 of the original Convention of 1886.

⁶⁾ Articles 8 and 11 of the Rome Text had been replaced by Articles 5 and 9 of the original Convention of 1886; but, as from January 6, 1957, *Greece* renounced these reservations in favour of all countries of the Union.

⁷⁾ Reservation concerning the right of translation: Article 8 of the Rome Text has been replaced by Article 5 of the original Convention of 1886, in the version of the Additional Act of 1896.

⁸⁾ Same observation as in note ³⁾, for *India*, which acceded with effect from April 1, 1928.

⁹⁾ The new free State of *Ireland*, which was constituted by the Treaty signed with Great Britain on December 6, 1921, acceded, as such, with effect from October 5, 1927.

STATE OF THE INTERNATIONAL UNION ON JANUARY 1, 1966

Country ¹⁾	Class chosen [Art. 23 (4)]	Date of Accession (Art. 25)	Date on which the Convention was declared applicable (Art. 26) ²⁾	Date of Accession to the Rome Text	Date of Accession to the Brussels Text
28. Japan	III	15-VII-1899	—	1-VIII-1931 ⁷⁾	—
29. Lebanon	VI	1-VIII-1924	—	24-XII-1933	—
30. Liechtenstein	VI	30-VII-1931	—	30-VIII-1931	1-VIII-1951
31. Luxembourg	VI	20-VI-1888	—	4-II-1932	1-VIII-1951
32. Mali	VI	8-V-1962 ^{a)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	22-V-1952 ^{c)}
33. Monaco	VI	30-V-1889	—	9-VI-1933	1-VIII-1951
34. Morocco	VI	16-VI-1917	—	25-XI-1934	22-V-1952
35. Netherlands Surinam and Netherlands Antilles	III —	1-XI-1912 —	— 1-IV-1913	1-VIII-1931 1-VIII-1931	— —
36. New Zealand ¹¹⁾	IV	24-IV-1928	5-XII-1887	4-XII-1947	—
37. Niger	VI	2-V-1962 ^{a)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	22-V-1952 ^{c)}
38. Norway	IV	13-IV-1896	—	1-VIII-1931	28-I-1963
39. Pakistan ¹²⁾	VI	5-VII-1948	5-XII-1887	5-VII-1948	—
40. Philippines	VI	1-VIII-1951	—	—	1-VIII-1951
41. Poland	V	28-I-1920	—	21-XI-1935	—
42. Portugal ¹³⁾	III	29-III-1911	—	29-VII-1937	1-VIII-1951
43. Rumania	V	1-I-1927	—	6-VIII-1936	—
44. Senegal	VI	25-VIII-1962 ^{b)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	25-VIII-1962 ^{b)}
45. South Africa ¹⁴⁾ South West Africa ¹⁵⁾	IV —	3-X-1928 28-X-1931	5-XII-1887 5-XII-1887	27-V-1935 —	1-VIII-1951 —
46. Spain	II	5-XII-1887	—	23-IV-1933	1-VIII-1951
47. Sweden	III	1-VIII-1904	—	1-VIII-1931	1-VII-1961
48. Switzerland	III	5-XII-1887	—	1-VIII-1931	2-I-1956
49. Thailand	VI	17-VII-1931	—	—	—
50. Tunisia	VI	5-XII-1887	—	22-XII-1933 ⁵⁾	22-V-1952
51. Turkey	VI	1-I-1952	—	—	1-I-1952
52. United Kingdom ¹⁶⁾ Colonies, Possessions and certain Protectorate Territories	I —	5-XII-1887 —	— various dates	1-VIII-1931 various dates	15-XII-1957 various dates ¹⁷⁾
53. Upper Volta	VI	19-VIII-1963 ^{b)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	19-VIII-1963 ^{b)}
54. Yugoslavia	IV	17-VI-1930	—	1-VIII-1931 ⁷⁾	1-VIII-1951 ⁷⁾

¹⁰⁾ The accession of *Palestine*, as a territory under British mandate, took effect from March 21, 1924. After its accession to independence (May 15, 1948), *Israel* acceded with effect from March 24, 1950.

¹¹⁾ Same observation as in note ³⁾, for *New Zealand*, which acceded with effect from April 24, 1928.

¹²⁾ When *Pakistan* formed part of India, it belonged *ipso facto* to the Union as from the outset [see note ⁸⁾]; subsequently, *Pakistan* became a separate State from India and, on July 5, 1948, made a declaration of accession to the Berne Convention as revised at Rome in 1928.

¹³⁾ The former colonies have become "Portuguese Overseas Provinces". The Brussels Text has been applicable to these provinces since August 3, 1956.

¹⁴⁾ Same observation as in note ³⁾, for the *Union of South Africa*, which acceded with effect from October 3, 1928.

¹⁵⁾ The *Union of South Africa* later made a declaration of accession for *South West Africa*, a territory under mandate, and fixed the date of accession at October 28, 1931.

¹⁶⁾ United Kingdom of Great Britain and Northern Ireland.

¹⁷⁾ Application of the Convention to the Isle of Man, Fiji, Gibraltar and Sarawak (see *Le Droit d'Auteur-Copyright*, 1962, p. 32); to Zanzibar, Bermudas and North Borneo (*ibid.*, 1963, p. 8); to Bahamas and Virgin Islands (*ibid.*, 1963, p. 144); to Falkland Islands, Kenya, St. Helena and Seychelles (*ibid.*, 1963, p. 180); to Mauritius (*ibid.*, 1964, p. 192). The Republic of the Philippines, however, reserved its position as regards the application to Sarawak.

^{a)} Date of the despatch of the declaration of continued adherence after the accession of this country to independence.

^{b)} Date of the entry into force of the accession, by virtue of Article 25 (3) of the Convention.

^{c)} As a colony (date of the application resulting from the notice made by the colonising power or the power exercising trusteeship or being responsible for the international relations of a country, by virtue of Article 26 (1) of the Convention).

Union numbered 51 States, the extent and rapidity of progress becomes even more impressive.

However, one should not make too strict a comparison of the two Unions in this respect: the interests involved are not the same; the preoccupations of the States do not have the same tendencies or run in the same directions; that which applies to patents or trademarks does not necessarily apply to copyright, and *vice versa*. Furthermore, the Berne Convention, as distinct from the Paris Convention, is on the eve of an important basic revision, which naturally induces hesitation in a large number of countries, especially the developing countries, in whose favour certain measures of exception are contemplated, in order to enable them either to enter the Union or, having entered, to remain within it.

But, irrespective of all these considerations, the divergent evolution of the Paris and Berne Unions as regards the territorial extent of their fields of application can be explained by political differences which operate in respect of them. Whereas, as regards the Paris Union, the action of BIRPI, encountering only support and approbation, was able to secure good results, corresponding action in relation to the Berne Union was greatly impeded by the reprobation, if not hostility, of one portion of what has come to be known as interested circles. In effect, these have sometimes shown marked hesitation in supporting a policy of geographical expansion which, in passing, it must be stated, would do no more, in most cases, than "retrieve" the field of application of Conventions, which the acquisition of independence by numerous countries had restricted, politically.

These circles, desirous of conserving, in general, a maximum level of protection, whatever the place or circumstances involved, have gone as far as to desire the rejection from the Union of the countries concerned, and their direction towards other conventional instruments, of international or even regional character. In such circumstances, the countries concerned would be denied a régime, more discriminating in certain respects, which, only a few decades earlier, was still the accepted standard in the most civilised countries — countries which, at that date, had already attained a highly-advanced stage of development. This amounts to closing the eyes to the realities of the modern world. Either it must be admitted that, during a certain period of "Unionist probation", the protection granted to authors is less extensive in certain regions, thereby permitting a wide territorial application of the Berne Convention, or the Convention must be condemned to become a more restricted cluster of States, and to renounce its universal vocation. In the latter event, the possibility can be foreseen of non-Member States creating other juridical systems, in which copyright will only play a very restricted rôle. It must be added that any such contraction of the Berne Union would be of such a nature as to create a state of complete disequilibrium with the Paris Union.

II. BIRPI Meetings

Important meetings took place in 1965; the principal ones fell within the framework of the preparations for the Stockholm Conference (1967), which is of very special interest to the Berne Union in two respects: firstly, there is the question

of the revision of the Convention, following the decision taken at Brussels in 1948; further, there is the question of an administrative and structural reform of all the Unions, and of BIRPI, in accordance with the desire expressed at Geneva in 1962.

1. *Committee of Experts on the administrative structure of international cooperation in the field of intellectual property (Geneva, March 22-April 2, 1965)*

In pursuance of a Resolution, jointly adopted in 1962 by the Permanent Committee of the Berne Union and the Permanent Bureau of the Paris Union⁴), the Director of BIRPI invited the Member States of the Berne and Paris Unions to participate in a Committee of Experts charged with the examination of the problems relating to administrative structure and international cooperation in the field of intellectual property, using, as a basis, documents which had been previously drawn up by a Working Party⁵) and by the Secretariat of BIRPI.

Thirty-seven Member States were represented, as well as a certain number of organisations who attended as observers. The results of the meeting have been published⁶), and the report and the texts adopted by the Committee have been sent to the participants.

Certain points having been remitted for complementary study, it appeared desirable for another Committee of Experts to be convened to examine the results of this study, which BIRPI undertook, in collaboration with representatives of the Swedish Government. This Committee is expected to meet in May, 1966.

2. *Committee of Governmental Experts preparatory to the Stockholm Conference for the revision of the Berne Convention (Geneva, July 5-14, 1965)*

In application of a Resolution adopted by the Permanent Committee of the Berne Union on the occasion of its eleventh session at New Delhi in 1963⁷), the Director of BIRPI invited the Member States of the Berne Union to participate in a Committee of Governmental Experts, in order to express the points of view of their respective Governments on the proposals for the revision of the Berne Convention, drawn up by the Swedish/BIRPI Study Group.

Thirty-five Member States were represented, as well as the United States of America. The delegates of some twenty organisations representing interested circles were present as observers⁸).

The details of the discussions and the opinions expressed by this Committee of Governmental Experts have been reproduced in the reports of the debates. At the end of July, 1965, this document was sent to the Member States of the Berne Union, as well as to all participants in the said Committee.

Since then, the Swedish/BIRPI Study Group has met on several occasions at Stockholm or at Geneva, with a view to drawing up official proposals for the forthcoming revision.

4) See *Le Droit d'Auteur (Copyright)*, 1962, p. 186.

5) *Ibid.*, 1964, p. 148.

6) See *Copyright*, 1965, pp. 102 *et seq.*

7) See *Le Droit d'Auteur (Copyright)*, 1964, p. 40 (Resolution No. 2).

8) See *Copyright*, 1965, pp. 194 *et seq.*

The Swedish Government, as the inviting Power of the Diplomatic Conference, should shortly issue the Programme of the Conference, comprising the said proposals, with explanatory comments. This Programme of the Conference will be made public in 1966 and communicated to the Member States, as well as to the various interested organisations.

3. *Interunion Coordination Committee (Third Session, Geneva, September 28-October 1, 1965)*

In accordance with its own regulations, which provide that it should meet in ordinary session once a year, the Interunion Coordination Committee held its third session at the customary time⁹⁾. After hearing and approving the report of the Director on the activities of BIRPI since the last session, it examined certain questions of a financial character, and questions concerning personnel. Further, it noted and approved proposals relating to the programme and budget of BIRPI for the year 1966.

Concerning, more particularly, the Berne Union, the Interunion Coordination Committee noted, with satisfaction, the approval by a very large majority of Member States of the annual ceiling of 700,000 Swiss francs for their contributions, with effect from the financial year 1965. It requested the Swiss Government, in its capacity as Supervising Authority, to invite the Member States, who have not so far done so, to agree to pay their contributions on the basis of this revised ceiling.

4. *Permanent Committee of the Berne Union (Twelfth Session, Paris, November 15-18, 1965)*

In accordance with its own regulations, which provide that it should meet in ordinary session at least once every two years, and the last session having taken place at New Delhi in December, 1963, the Permanent Committee held its twelfth ordinary session at Paris in November, 1965. Numerous questions figured on its agenda, certain of which were examined on the occasion of sessions held jointly with the Intergovernmental Copyright Committee, since they were of common interest.

The final report, the various resolutions adopted, and the list of participants, are published in this issue¹⁰⁾. Mr. Henry Puget (France) and Mr. I. Mascarenhas da Silva (Brazil) were respectively elected Chairman and Vice-Chairman of the Permanent Committee for the period 1965-1967. The Intergovernmental Copyright Committee likewise elected Mr. Henry Puget as Chairman, whilst the Vice-Chairmanship reverted to Mr. Hans Morf (Switzerland).

The two Committees decided to leave to the Secretariats, in consultation with the Chairman, the task of fixing the date and place of their next ordinary session.

At the Paris session, the Permanent Committee, which is charged to give advice on problems concerned with the preparations for the Revision Conferences, was specially informed of the state of the preparatory work for the Stockholm Conference. Together with the two Committees of Experts mentioned above, this preparatory work constituted the essence of activities during the year 1965.

⁹⁾ *Ibid.*, 1965, p. 238.

¹⁰⁾ *Ibid.*, 1966, pp. 9 *et seq.*

III. Other Meetings

During 1965, BIRPI was represented at various meetings held by international non-governmental organisations, and dealing with questions relating to copyright or neighbouring rights.

International Literary and Artistic Association (ALAI):

- Annual General Assembly, Paris, February 19, 1965.
- Executive Committee and International Commissions, Paris, May 7, 1965.
- 51st Congress, Stockholm, August 23-28, 1965¹¹⁾.

International Confederation of Societies of Authors and Composers (CISAC):

- Legislative Committee, Paris, March 4-6, 1965¹²⁾.
- Legislative Committee, Paris, October 28-29, 1965¹³⁾.

International Confederation of Free Trade Unions (ICFTU):

- Founding Congress of the International Secretariat of Entertainment Trade Unions, Brussels, March 8-11, 1965¹⁴⁾.

International Publishers Association (IPA):

- 17th Congress, Washington, May 30-June 5, 1965¹⁵⁾.

IV. Legislative Developments

As in the past, a certain number of legislative texts, promulgated in respect of copyright in both member and non-member countries of the Union, have been reproduced in this publication under the heading "National Legislation". Actually, legislative activity in the juridical field which interests us has continued in the form of decrees, regulations or ordinances of enforcement, designed either to complete or clarify legislation already in force (Denmark, India, Japan, Norway, United Kingdom), or to re-cast national legislation, or to introduce new laws in this field. It is significant that developing countries, whose accession to independence is recent, have considered it desirable to legislate in the field of literary and artistic property. In 1965, this occurred in the case of Malawi¹⁶⁾ and Zambia¹⁷⁾, and also in the case of Morocco¹⁸⁾, whose statute of independence is, however, of earlier date.

But it must, at the same time, be noted that larger, developed countries, producing intellectual works, have also revised their copyright legislation. This occurred in the case of the Federal Republic of Germany, the German Democratic Republic and Czechoslovakia. The revision carried out by the Federal Republic of Germany was particularly important, and only materialised after long and extensive preparatory work. The December issue of *Copyright* was devoted to this matter¹⁹⁾. The texts adopted in the German Democratic Republic and in Czechoslovakia will be published later; also the new law on copyright which has been enacted in South Africa.

¹¹⁾ *Ibid.*, 1965, pp. 230 *et seq.*

¹²⁾ *Ibid.*, 1965, pp. 98 and 99.

¹³⁾ *Ibid.*, 1965, p. 246.

¹⁴⁾ *Ibid.*, 1965, p. 119.

¹⁵⁾ *Ibid.*, 1965, p. 187.

¹⁶⁾ *Ibid.*, 1965, pp. 174 *et seq.*

¹⁷⁾ *Ibid.*, 1965, pp. 107 *et seq.*

¹⁸⁾ *Ibid.*, 1965, pp. 197 and 198.

¹⁹⁾ *Ibid.*, 1965, pp. 251 to 286.

Finally, the United States of America have been active in the revision of legislation in this field and, pending its adoption, a measure prolonging the periods for the expiration of protection has been enacted²⁰). This revision is being followed with interest, since it is indisputable that the legislative reform which will be effected at Washington will have wide repercussions in international circles.

The problems connected with the recognition and protection of the rights of authors in respect of their works continue to occupy the attention of legislators in many countries, and this special field of law, far from stagnating, remains in a state of perpetual movement.

V. Neighbouring Rights

Since it came into force on May 18, 1964, the Rome Convention for the international protection of performers, producers of phonograms and broadcasting organisations continues in its geographical development. In 1965, two ratifications occurred — those of Brazil and Denmark²¹) — thus bringing the number of contracting States up to nine. Other ratifications or accessions are expected in the near future, particularly that of the Federal Republic of Germany, and the field of application of this Convention should become more and more extensive.

Under Article 32, paragraph (3), of the said Convention, an Intergovernmental Committee is required to be constituted twelve months after the coming-into-force of the Convention. Consequently, a meeting of governmental representatives of contracting States was convened on May 18, 1965, at the International Labour Office at Geneva, by the three international organisations responsible²²). Following the election which took place, the Intergovernmental Committee was constituted by the following members: Congo (Brazzaville), Czechoslovakia, Ecuador, Mexico, Sweden, and the United Kingdom. Its first task, in application of paragraph (4) of the said Article 32, will be to choose its chairman and officers, and to establish its own rules of procedure. The Secretariat of the three organisations are now drawing up a draft of the rules of procedure, the examination and adoption of which will form the essential purpose of the first meeting of the Committee. As regards the date of this meeting, the Permanent Committee of the Berne Union and the Intergovernmental Copyright Committee have, for their part, recently indicated their preferences²³).

VI. Conclusion

Having thus reviewed the principal events of 1965 which are of interest to the International Union, it remains to recall that the year 1966 will see the 80th anniversary of the signa-

ture of the Berne Convention and of the creation of the Union "for the protection of the rights of authors over their literary and artistic works" (Article 1 of the Convention). Actually, on September 9, 1966, it will be 80 years since ten countries founded this Union at Berne. The circumstances of the foundation of the Union, as well as those of the development of the Berne Convention by way of successive revisions, up to and including that of Rome, were recalled on the occasion of the 50th anniversary²⁴). Since then, the Brussels revision has taken place, as well as active preparations for that of Stockholm. The evolution that has occurred has been considerable, even prodigious, and it would be impossible to deal with it here in a few lines.

We will content ourselves with recalling and meditating upon the words pronounced in 1886 by a distinguished Swiss personality, Numa Droz²⁵): "An ideal Convention, signed by several States only, would have been too distant an objective to give rise to hopes of realisation before the lapse of considerable time. It was unquestionably better to take the mean of existing legislations, then to elevate to this level those States which were still below it, at the same time without causing others to retrocede, nor to prevent further States from progressing in the direction of still greater protection of copyright. Our Convention thus represents a minimum, which does not exclude progress; which respects international arrangements of greater liberality towards authors, and actually encourages the conclusion of such arrangements; which leaves to the domestic legislation of each country the possibility of development, finally reserving the opportunity of making successive improvements in the régime of the Union." And Numa Droz added, in conclusion: "Propaganda from country to country, in favour of the Union, should essentially be your work. You should apply yourselves to it unceasingly, just as you should work to secure improvement in the domestic legislation of each country. These are the two indispensable conditions for the advancement of the International Convention."

BIRPI, for its part, is fully conscious of these essentials, and works to fulfil them to the fullest extent of its means and opportunities. The increase of these means and opportunities by helpful structural reforms, the consolidation of the protection granted to authors, with, at the same time, due regard to the necessity of adaptation to the conditions of the modern world, the admission in certain special cases of greater flexibility in the application of principles, these are the considerations which to-day reflect the universalistic spirit of the founders of the Union, and which to-morrow will serve to fortify international copyright.

C. MASOUYÉ
Counsellor.

²⁰) *Ibid.*, 1965, p. 222.

²¹) *Ibid.*, 1965, p. 214.

²²) *Ibid.*, 1965, pp. 171 et seq.

²³) *Ibid.*, 1966, p. 14 (Resolution No. 4).

²⁴) 1886-1936. *L'Union internationale pour la protection des œuvres littéraires et artistiques*. Memorandum published by the Bureau of the Union, Berne, 1936.

²⁵) Federal Counsellor, Chairman of the three Berne Conferences (1884, 1885, 1886).

Twelfth Session of the Permanent Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union)

(Paris, November 15 to 18, 1965)

I. Report

First Part

The Permanent Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union) held its twelfth ordinary session at Unesco Headquarters, Paris, from November 15 to 18, 1965.

Eleven of the twelve Member States of the Permanent Committee were represented, namely: Belgium, Brazil, Denmark, France, Federal Republic of Germany, India, Italy, Rumania, Spain, Switzerland, United Kingdom, and Sweden, member *ex officio*. Representatives of the following States, members of the Berne Union or parties to the Universal Copyright Convention, attended as observers: Argentina, Austria, Bulgaria, Cambodia, Ceylon, Democratic Republic of Congo, Cuba, Czechoslovakia, Ecuador, Finland, Ghana, Greece, Guatemala, Holy See, Ireland, Japan, Laos, Liberia, Mexico, Niger, Paraguay, Peru, Philippines, Poland, Thailand, Tunisia, United States of America, Yugoslavia. Two intergovernmental organizations and fifteen international non-governmental organizations also sent observers. A list of participants is included as an annex to the present report.

The Permanent Committee held some of its meetings jointly with the Intergovernmental Copyright Committee, which was holding its eighth session: the inaugural and final meetings, and meetings during which matters of common interest were discussed. The report on these meetings has been established separately (see second part).

After the opening of the session, the Permanent Committee elected its officers. On the proposal of the United Kingdom delegation, seconded by the delegations of Belgium, Brazil, Italy, Rumania and Switzerland, Mr. Henry Puget, Head of the French delegation, was unanimously elected Chairman. On the proposal of the delegation of the Federal Republic of Germany, seconded by the delegations of Belgium and France, Mr. I. Mascarenhas da Silva (Brazil) was unanimously elected Vice-Chairman.

In accordance with Rule 7 of the Permanent Committee's Rules of Procedure, secretariat services for the discussions were provided by the International Bureau of the Berne Union, and Mr. Claude Masouyé, Counsellor, Head of the Copyright Division of BIRPI, was accordingly nominated as Secretary of the Permanent Committee.

A drafting committee composed of Mr. William Wallace (United Kingdom) (Chairman), Mr. Valerio De Sanctis (Italy), Mr. Ion Anghel (Rumania) and Mr. José Raya Mario (Spain) prepared the Draft Resolutions submitted to the Permanent Committee.

The Secretary of the Permanent Committee was requested to prepare the present report.

The Permanent Committee noted that, as there had been no resignations, its own composition remained unchanged.

It then adopted its agenda, which included the following items that concern the Permanent Committee only.

1. Publication of the review "Le Droit d'Auteur" in English, under the title "Copyright"

The Secretary of the Permanent Committee reported on the action taken on the Resolution adopted at the eleventh session in New Delhi regarding the publication of the review *Le Droit d'Auteur* in languages other than French (document CP/XII/2). Pursuant to the resolution, the Government of the Swiss Confederation, as Supervisory Authority, consulted the Member States of the Berne Union in 1964 on the subject of authorizing a separate English edition of *Le Droit d'Auteur*. All Member States having expressly or tacitly agreed to such publication, the conditions stipulated in Article 22, paragraph (1), of the Berne Convention were fulfilled. Consequently, *Le Droit d'Auteur* is being published, as from the January 1965 issue and with exactly the same contents, in English and French.

Regarding the possibilities of publishing editions in other languages, the Secretary stated that the studies BIRPI had carried out indicated that the existing budget of the Berne Union could not bear the cost involved, the more so as some Member States had not yet accepted the new ceiling of annual contributions. This question could be re-examined once the Stockholm Revision Conference had taken decisions regarding the working languages of the Secretariat and the ceiling of annual contributions to the Berne Union.

Mr. Puget (France) asked if figures were available for the cost of publishing *Copyright* and, if so, whether the budget could bear the expenditure in question. The Secretary of the Permanent Committee indicated that it was still too soon for costing but that, in any case, provision had been made in the annual budget to cover the cost of translation and printing while, so far as the legislative texts were concerned, they at the same time represented the Berne Union's contribution to the collection of *Copyright Laws and Treaties of the World*.

The Committee then expressed satisfaction at the publication of *Copyright* and thanked BIRPI for the work done (Resolution No. 1).

2. Revision of the Berne Convention (copyright matters)

The Secretary of the Permanent Committee made a progress report on the preparatory work of the next revision of the Berne Convention, scheduled to take place at Stockholm in 1967 (document CP/XII/3). He recalled that, pursuant to the Resolution adopted at the eleventh session of the Permanent Committee, the Director of BIRPI had invited the Member States of the Berne Union to participate in a Committee of Governmental Experts in order to express the views of their respective Governments on the proposals for the revision of the Berne Convention drafted by the Swedish/BIRPI Study Group. That Committee met in Geneva in July, 1965. After briefly summarizing its work, the Secretary of the Permanent Committee added that the details of the discussion and the views expressed by the experts were repro-

duced in a document sent at the end of July, 1965, to Member States of the Union. The Swedish/BIRPI Study Group had meanwhile met several times to prepare official proposals for the revision; once those proposals had been accepted by the Swedish Government, they would be communicated to the Member States of the Union, probably in March, 1966.

Mr. Puget (France) pointed out that Governments were not bound by the views expressed by their experts, and that final decision would be a matter for the Diplomatic Conference in 1967. Moreover, 35 only of the 54 Member States have been represented on the Committee of Experts; recommendations had been adopted by very small majorities, sometimes with many abstentions; while certain questions had been deferred for further study.

Associating himself with these remarks, Mr. De Sanctis (Italy) suggested that the Permanent Committee should take note of the information communicated to it regarding preparations to revise the Convention; he hoped that the explanatory report accompanying the official proposals for revision would indicate the course of the preparatory work and the positions adopted by the experts. He also suggested that, since the Berne Convention was an international private law Convention, the Swedish/BIRPI Study Group might consider the possibility of indicating the opinions of those concerned.

The Secretary of the Permanent Committee replied that the draftsmen of the preparatory documents for the Stockholm Conference did in fact intend to give the background to the various proposals. He felt, however, that it might be difficult to reproduce the opinions of the various groups concerned, since they had been expressed in the past and on various occasions on texts which might not necessarily be those proposed by the inviting Power; they could of course give their views on the official proposals as soon as they received them.

Mr. Anghel (Rumania) pointed out that, in revising the Berne Convention, a balance had to be struck between two different things: extending copyright protection, and extending the possibilities offered to States to accede to the Union. He congratulated the Swedish/BIRPI Study Group on the spirit it had shown, and all it had done to satisfy both requirements and find equitable solutions. He added that, as regards the term of protection it would be convenient, in his opinion, to search for the legal measures which should allow each Unionist country to recognize and grant the term deemed possible and necessary.

Mr. Wallace (United Kingdom) agreed that the Study Group had a very difficult task and wished to associate himself with the congratulations just expressed.

Mr. Lokur (India) stated that a detailed commentary on the proposals for revision to be transmitted to Member States would be extremely useful.

Mr. Strnad (Czechoslovakia), recalling that the opinions expressed by private organizations are sometimes opposed and contradictory, suggested that it would be better not to mention them expressly, the more so as such organizations could always make representations to their Governments at home. He, too, wished to thank the Study Group for all it had done towards finding satisfactory solutions.

After Mr. Bergström (Sweden) had thanked the members of the Permanent Committee for the kind words addressed to the Swedish Government and the Study Group on the subject of the preparations for the Stockholm Conference, the Permanent Committee took note of the present stage reached in the preparations, and renewed its thanks to the inviting Power (Resolution No. 2).

3. Revision of the Berne Convention (administrative and structural reform)

The Secretary of the Permanent Committee recalled the origins of the preparatory work on the revision of certain administrative aspects of the Conventions and Agreements administered by BIRPI, and summarized the conclusions reached by the Committee of Governmental Experts which met in Geneva in March, 1965 (document CP/XII/4). He briefly outlined the drafts prepared by that Committee, namely, a draft additional protocol to each of the Conventions and Agreements in question, and a draft Convention establishing an International Intellectual Property Organization (IPO). Certain points had been deferred for further study; it had accordingly seemed advisable to call together another Committee of Experts to discuss the results of that study, which was being carried out by BIRPI in collaboration with representatives of the Swedish Government. The Director of BIRPI would accordingly convene the Committee in question, probably in May, 1966.

Mr. Bergström (Sweden) said his Government had fully supported the idea of having another Committee of Governmental Experts whose discussions, it hoped, would provide formulae that could serve as a basis for the official proposals for revision that would be submitted to the Stockholm Conference.

Mr. De Sanctis (Italy) thanked BIRPI for the work it had done and for the decision to convene a new Committee of Experts; the Italian delegation believed the latter all the more necessary in view of the fact that the scope of the 1962 Resolution, which had originated the proposed administrative and structural reform, had been extended.

Mr. Anghel (Rumania) said he shared both BIRPI's reasons for arranging a further consultation with Member States of the various Unions, and Italy's views on that subject. Moreover, certain positive elements should be safeguarded, e. g., the principle of unanimity in revising the Conventions; the possibility for countries to accede to the Conventions independently of their political, economic or social structure; the competence, where necessary, of the International Court of Justice. Thus the proposed Organization will be able to cope with the important problems involved in the protection of intellectual property.

Mr. Puget (France) said he was in favour of the new meeting of experts and thanked BIRPI for the initiative it had taken.

The Permanent Committee then took note with satisfaction of the information provided regarding preparations for the revision of the administrative clauses of the Berne Convention made necessary by an administrative and structural reform of the Union (Resolution No. 2).

4. Other items

The other items included in the Permanent Committee's agenda were examined in joint meetings with the Intergovernmental Copyright Committee.

Second Part

The Permanent Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union) and the Intergovernmental Copyright Committee, meeting at Unesco Headquarters in Paris from November 15 to 18, 1965, held a joint meeting to open their twelfth and eighth sessions respectively.

Mr. G. Betancur Mejia, Acting Director-General of Unesco, extended a warm welcome to Member States of the Committees and observers on behalf of Mr. René Maheu, Director-General. He referred to the progress made in regard to copyright; the work done by the Unesco Secretariat since the previous session of the Intergovernmental Copyright Committee; and what Unesco must do during the next few years to promote cultural rights as defined in the Universal Declaration of Human Rights and achieve the aims set out in the Constitution.

Mr. Charles-Louis Magnin, Deputy Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI), on behalf of Professor G. H. C. Bodenhausen, Director of BIRPI, thanked the Director-General and his staff for their hospitality and recalled the circumstances which had led the Committees to decide, in 1958, to hold joint sessions to examine certain items, in collaboration with the two responsible Organizations. He also outlined the work done since the previous session, including the preparations for the revision of the Berne Convention. He wished the Paris meetings every success.

Mr. B. N. Lokur, Chairman of the Permanent Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union) and of the Intergovernmental Copyright Committee from 1963 to 1965, also expressed satisfaction at the work of both Organizations on international copyright, reported on the activities of the Secretariats since New Delhi sessions, and stressed the importance of the items on the present agendas.

After separately discussing the items which concerned them only, the Committees examined the following items in joint meetings:

1. Photographic reproduction of copyrighted works by or for libraries, documentation centres and scientific institutions.
2. Development of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome, 1961).
3. Assistance to States in developing their national copyright legislation.
4. Compulsory licences for reproduction and translation of copyrighted works.
5. Decisions in the field of copyright, or which may affect copyright, adopted by international organizations.
6. Miscellaneous.
7. Date and place of the next regular sessions.

1. Photographic reproduction of protected works by or for libraries, documentation centres and scientific institutions

In accordance with the Resolution adopted by both Committees at their previous sessions, the Secretariats prepared and presented a report (CP/XII/5 - IGC/VIII/5) on the following points:

- (i) reproduction by processes analogous to photography of works protected by copyright;
- (ii) reproduction — photographic or by processes analogous to photography — of copyrighted works by commercial undertakings;
- (iii) reproduction — photographic or by processes analogous to photography — of copyrighted works for commercial purposes.

They also made certain suggestions as to how to strike a balance between the various interests concerned.

Mr. Puget (France) remarked that the question was becoming increasingly important, especially because of practices adopted by certain commercial undertakings. While noting the diversity of the national legislation, he hoped that a draft law, based on the principles arrived at by the Secretariats, could be prepared.

Mr. Weincke (Denmark) congratulated the Secretariats on their documents. The problems involved, and particularly the economic and financial difficulties that scientific reviews in certain countries had to overcome, urgently demanded solution. He did not believe that it would be possible for the Stockholm Conference to deal with this matter in detail. International norms should be established, and a Committee of Experts should be convened for the purpose.

Mr. Rohmer (France) suggested that it might be best to consider the problem in relation to the Conventions.

The Chairman of the Committees pointed out that there were three possibilities: draw up a draft model law and hope it would be adopted by as many States as possible; work by bilateral conventions; or treat the whole question as an international one, part of the revision of the Berne Convention.

Mr. Ulmer (Federal Republic of Germany) agreed regarding the importance of the problem for the future of copyright, but thought that international regulation would not be possible until later. Not only the laws, but also practices, should be made known. There were two centres of gravity: photographic reproduction by libraries, dealt with in detail in the United Kingdom Act, for example, and reproduction by commercial undertakings and industry, in which respect the new German Act and the agreements concluded between the organizations concerned had some interesting provisions. Studies should be continued with a view to finding an international solution eventually.

Mr. Kaminstein (United States of America) associated himself with the Danish delegate's remarks and also considered that practices in individual countries should be studied, and surveys made.

Mr. Wallace (United Kingdom) agreed that there were differences between the various national legislations but suggested the possibility of establishing international norms on the basis of English and German practice.

Mr. Fersi (Tunisia) declared that it seemed to him appropriate, at this stage in the preparatory work for the revision of the Berne Convention and, perhaps, of the Universal Copyright Convention, to draw the attention of Unesco and BIRPI to:

- (i) the importance for the developing countries of special provisions, such as, at the least, Article 25^{bis} to be inserted in the Berne Convention;
- (ii) the necessity for providing for the full membership of such countries in both Committees;
- (iii) the advisability of amending Article XVII and its Appendix Declaration of the Universal Copyright Convention.

7. Date and place of the next regular sessions

Mr. Puget (France) expressed the wish that the Committees hold their next sessions in October 1967 on the territory of the Swiss Confederation, in Geneva.

Mr. Morf (Switzerland) declared that he would transmit this wish to his Government.

The Committees each decided to leave the question of fixing the date and place of their next regular sessions to the Secretariats, in consultation with the Chairman of the Committees.

8. Closing of the sessions

The Chairman of the Committees congratulated the participants on the work accomplished and on the common will displayed by coming from the various regions of the world. He underlined the quality of the preparatory work accomplished by Unesco and BIRPI and expressed his appreciation to both Intergovernmental Organizations. In his own name, the Chairman thanked the Committees for the confidence placed in him.

Mr. Wallace (United Kingdom) expressed his appreciation to the Chairman of the Committees for the masterly manner with which he had directed the debates and thus assured the complete success of the meetings. This appreciation was unanimously approved by the Committees.

II. Resolutions

1. Resolution concerning publication of the review "Copyright"

The Permanent Committee of the International Union for the Protection of Literary and Artistic Works,

Having examined the report of BIRPI on the application of the Resolution adopted at its eleventh session regarding the conditions of publication of the review *Le Droit d'Auteur*,

Expresses its satisfaction at hearing that, following consultation with the member countries of the Berne Union, the conditions stipulated in Article 22, paragraph (1), of the Berne Convention have been met, and that since January 1965 *Le Droit d'Auteur* has in consequence been published also in English under the title of *Copyright*;

Congratulates BIRPI on the work accomplished in this respect.

2. Resolution concerning the preparatory work for the Stockholm Conference for the revision of the Berne Convention

The Permanent Committee of the International Union for the Protection of Literary and Artistic Works,

Having noted the progress report on the preparatory work for the Stockholm Conference for the next revision of the Berne Convention, and particularly the results of the Committee of Governmental Experts which

met in Geneva in July, 1965, in pursuance of the Resolution adopted at its eleventh session,

Takes note of the information given by the Director of BIRPI as to future steps;

Having also heard the progress report made by the Director of BIRPI about the preparatory work for the administrative reform of the Union,

Notes, in connection with this reform, that a second Committee of Governmental Experts is to be convened in 1966 to advise the Swedish Government and BIRPI on the preparation of the Stockholm Conference, and expresses its approval on this point;

Reiterates its gratitude to the Swedish Government for having agreed to be the inviting Power of the Diplomatic Conference of Revision.

3. Resolution concerning the photographic reproduction of copyrighted works

The Permanent Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union), meeting jointly with the Intergovernmental Copyright Committee,

Having noted the report prepared by BIRPI and the Unesco Secretariat concerning the reproduction — photographic or by processes analogous to photography — of copyrighted works and the reproduction of such works by commercial firms or for commercial purposes,

Thanks the two Secretariats for the documentation they have submitted;

Recommends the Secretariats to undertake a study of practices existing in certain countries, in particular the Federal Republic of Germany and the United Kingdom, and hopes that as soon thereafter as possible, the Director of BIRPI and the Director-General of Unesco will convene a Committee of Experts to formulate recommendations in the matter.

4. Resolution concerning the Rome Convention for the International Protection of Performers, Producers of Phonograms and Broadcasting Organizations

The Permanent Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union), meeting jointly with the Intergovernmental Copyright Committee,

Thanks BIRPI and the Unesco Secretariat for their report on the present state of ratifications or accessions to the Rome Convention (1961) for the International Protection of Performers, Producers of Phonograms and Broadcasting Organizations and on the entry into force of the Convention and the constitution of the Intergovernmental Committee established by Article 32 of the Convention;

Notes with satisfaction that the Directors-General of ILO and Unesco and the Director of BIRPI consider, in pursuance of paragraph 6 of the aforementioned Article 32, consulting the States members of this new Intergovernmental Committee on the date of its first meeting;

Also suggests that for reasons of convenience the possibility of convening this Intergovernmental Committee at the same time and same place as the Permanent Committee of the Berne Union and the Intergovernmental Copyright Committee be considered.

5. Resolution concerning the Draft African Model Copyright Law

The Permanent Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union), meeting jointly with the Intergovernmental Copyright Committee,

Having noted the report submitted to it concerning the work of the Committee of African Experts convened jointly by the Director of BIRPI and the Director-General of Unesco to prepare a Draft Model Copyright Law for use by African countries, in implementation of a recommendation adopted by the meeting held in Brazzaville in 1963,

Congratulates the African Experts on the important work they have done in this connection;

Thanks the two Organizations and their consultants for their help in this matter;

Requests the two Organizations, within the scope of their activities, to continue to give assistance, when requested, by providing in particular all relevant information about the different systems of copyright protection at the international level.

III. List of Participants

1. States Members of the Permanent Committee

Belgium

Mr. Gérard de San, Director-General, Legal Adviser to the Ministry of National Education and Culture, Brussels.

Mr. van Hee, Dean of the Faculty of Law, Louvain.

Brazil

Mr. Ildefonso Mascarenhas da Silva, Professor at the University of Brazil, Rio de Janeiro.

Denmark

Mr. W. Weincke, Chief of Division, Ministry for Cultural Affairs, Copenhagen.

France

Mr. Henry Puget, Honorary Counsellor of State, President of the Intellectual Property Commission, Paris.

Mr. Kerever, Maître des Requêtes at the Council of State, Technical Adviser to the Minister of Cultural Affairs, Paris.

Mr. Charles Rohmer, Head, Copyright Service, Ministry of Cultural Affairs, Paris.

Germany (Federal Republic of)

Mr. Eugen Ulmer, Professor at the University of Munich.

India

Mr. B. N. Lokur, Secretary to the Government of India, Ministry of Law, New Delhi.

Italy

Mr. Valerio De Sanctis, Lawyer, Rome.

Mr. Gino Galtieri, Head, Literary Property Bureau to the Presidency of the Council of Ministers, Rome.

Mr. Giuseppe Trotta, Legal Adviser, Ministry of Foreign Affairs, Rome.

Rumania

Mr. Ion Anghel, Chief Legal Adviser, Ministry of Foreign Affairs, Bucharest.

Spain

Mr. José Raya Mario, Secretario General de Archivos y Bibliotecas, Madrid.

Sweden

Mr. Torwald Hesser, Justice of the Supreme Court, Stockholm.

Mr. Svante Bergström, Professor at the University of Uppsala.

Mr. Ulf K. Nordenson, Head of Division, Ministry of Justice, Stockholm.

Switzerland

Mr. Hans Morf, Former Director of the Federal Office of Intellectual Property, Berne.

United Kingdom

Mr. William Wallace, C. M. G., Assistant Comptroller, Industrial Property Department, Board of Trade, London.

2. Observers

(a) States not Members of the Permanent Committee

Argentina

H. E. Dr. Nerio Rojas, Ambassador, Permanent Delegate of Argentina for Unesco, Paris.

Dr. José H. Ladesma, Member of the Permanent Delegation.

Austria

Mr. Helmuth Tades, Secretary, Federal Ministry of Justice, Vienna.

Bulgaria

Mr. Lucien Avramov, Director of Copyright Protection, Sofia.

Cambodia

Mr. Ieng Kounsaky, Member of the Permanent Delegation of Cambodia for Unesco, Paris.

Ceylon

Mr. E. L. F. de J. Seneveratne, Chargé d'Affaires, Embassy of Ceylon, Paris.

Congo (Dem. Rep.)

Mr. Marcel Bisukiro, Cabinet Adviser, Ministry of National Education, Leopoldville.

Cuba

Mr. Juan David, Cultural Adviser of the Embassy of Cuba, Chief *ad interim* of the Permanent Delegation of Cuba for Unesco, Paris.

Czechoslovakia

Mr. Vojtech Strnad, Legal Adviser to the Minister of Education and Culture, Prague.

Ecuador

Dr. Luis Enrique Jaramillo, Permanent Delegation of Ecuador for Unesco, Paris.

Mr. Galo Ponce Benavides, Secretary of the Permanent Delegation.

Finland

Mr. Ragnar Meinander, Administrative Counsellor, Ministry of Education, Helsinki.

Ghana

Mr. Kingsley Ebo Derby, Second Secretary at the Embassy of Ghana, Paris.

Greece

Mr. Tassos Ioannou, Lawyer, Athens.

Mr. Georges Averoff, Permanent Delegation of Greece for Unesco, Paris.

Guatemala

H. E. Mr. Flavio Andrade, Ambassador, Paris.

Mr. Oscar Bertholin y Gálvez, Permanent Delegation of Guatemala for Unesco, Paris.

Holy See

H. E. Mgr. Giovanni Benelli, Permanent Observer of the Holy See for Unesco, Paris.

Mr. Jean-Paul Buensod, Lawyer, Geneva.

Ireland

Mr. James P. Finn, Industrial and Commercial Property Registration Office, Dublin.

Japan

Mr. Shigeru Miyachi, Director, Social Education Bureau, Tokyo.

Mr. Kichimasa Soda, Deputy Permanent Delegation of Japan for Unesco, Paris.

Laos

H. E. Mr. Pbouangphet Phanareth, Ambassador Extraordinary and Plenipotentiary, Permanent Delegate of Laos for Unesco, Paris.

Liberia

Mr. Augustine Jallah, Director of Archives, Copyright and Patents, Monrovia.

Mexico

Dr. Manuel Alcala, Permanent Delegate of Mexico for Unesco, Paris.

Niger

Mr. Garba Sidikou, Deputy-Director, Radio-Niger, Niamey.

Paraguay

H. E. Mr. Ramón Caballero de Bedoya, Ambassador, Permanent Delegation of Paraguay for Unesco, Paris.

Peru

Mr. Félix Alvarez-Brun, Professor of the University Mayor de San Marcos de Lima, Counsellor of Permanent Delegation of Peru for Unesco, Paris.

Philippines

Mrs. Pilar Guerrero, Cultural Attaché, Embassy of the Philippines, Paris.

Poland

Mr. Edward Drabienko, Lawyer, Counsellor to the Minister of Arts and Culture, Warsaw.

Thailand

Mr. Wibun K. Worawan, Counsellor, Embassy of Thailand, Paris.

Tunisia

Mr. Mustapha Fersi, Counsellor for copyright matters to the Secretary of State for Culture, Tunis.

United States of America

Mr. Abraham L. Kaminstein, Register of Copyrights, Copyright Office, Library of Congress, Washington.

Mr. Harold A. Levin, Chief, Business Practices Division, Bureau of Economic Affairs, Department of State, Washington.

Yugoslavia

H. E. Mrs. Ljubica Stanimirovic, Ambassador, Chief of the Permanent Delegation of Yugoslavia for Unesco, Paris.

(b) Intergovernmental Organizations**International Labour Organization (ILO)**

Mr. Blaise Knapp, Legal Division.

United Nations Educational, Scientific and Cultural Organization (UNESCO)

Mr. G. Betancur-Mejia, Director-General *ad interim*.

Mr. H. Saba, Legal Adviser.

Mr. L. Gomes Machado, Director of the Department of Culture.

Mr. A. Vrioni, Director of Operations of the Department of Culture.

Miss M. C. Dock, Chief *ad interim*, Copyright Section.

(c) Non-Governmental International Organizations**European Broadcasting Union (EBU)**

Mr. Georges Straschnov, Director of Legal Affairs.

International Alliance for Distribution by Wire (AID)

Mr. W. H. Metz, Chairman.

International Association for the Protection of Industrial Property (IAPIP)

M^e Paul Mathély, Rapporteur-General.

International Confederation of Societies of Authors and Composers (CISAC)

Mr. Léon Malaplate, Secretary-General.

Mr. Jean-Alexis Ziegler, Assistant to the Secretary-General.

International Federation of Actors (FIA)

Mr. Pierre Chesnais, Secretary-General.

International Federation of Film Producers' Associations (IFFPA)

Mr. Roger Fournier, Delegate.

International Federation of Musicians (FIM)

Mr. Rudolf Leuzinger, Secretary-General.

Mr. Denis Vaughan, Orchestral Conductor.

International Federation of the Phonographic Industry (IFPI)

Mr. S. M. Stewart, Director-General.

Mr. Adrian Sterling, Deputy Director-General.

Mr. Maurice Lenoble, General Delegate, French National Trade Union.

International Federation of Translators (FIT)

Mr. P. F. Caillé, Vice-Chairman.

International Federation of Variety Artistes (IFVA)

Mr. Rudolf Leuzinger, Secretary-General of the FIM.

Internationale Gesellschaft für Urheberrecht (INTERGU)

Mr. Walter Jost, INTERGU Delegate for France.

International Literary and Artistic Association (ALAI)

Mr. Jean Vilhois, Perpetual Secretary.

International Publishers Association (IPA)

Mr. Hjalmar Pehrsson, Secretary-General.

International Union of Cinematograph Exhibitors (UIEC)

M^e Francesco Saverio Cilenti, Lawyer.

International Writers Guild (IWG)

Mr. R. Fernay, Chairman of the Copyright Committee.

3. BIRPI

Professor G. H. C. Bodenhausen, Director.

Mr. Charles-L. Magnin, Deputy Director.

Mr. Claude Masouyé, Counsellor, Head of Copyright Division.

4. Officers of the Permanent Committee (1965-1967)

Chairman: Mr. Henry Puget (France).

Vice-Chairman: Mr. Ildefonso Mascarenhas da Silva (Brazil).

Secretary: Mr. Claude Masouyé (BIRPI).

INTERNATIONAL ACTIVITIES

Eighth Session of the Intergovernmental Copyright Committee

(Paris, November 15 to 18, 1965)

I. Report

The Intergovernmental Copyright Committee held its eighth regular session at Unesco Headquarters, Paris, from November 15 to 18, 1965.

The twelve Member States of the Intergovernmental Copyright Committee (Argentina, Brazil, France, Federal Republic of Germany, India, Italy, Japan, Mexico, Spain, Switzerland, United Kingdom and United States of America) were represented at the session.

The following States parties to the Universal Copyright Convention or Members of Unesco were represented by observers: Austria, Belgium, Bulgaria, Cambodia, Ceylon, Democratic Republic of the Congo, Cuba, Czechoslovakia, Denmark, Ecuador, Finland, Ghana, Greece, Guatemala, Holy See, Ireland, Laos, Liberia, Niger, Paraguay, Peru, Philippines, Poland, Rumania, Sweden, Thailand, Tunisia and Yugoslavia.

Representatives of two intergovernmental and fifteen international non-governmental organizations attended the session as observers. The list of participants is appended to the present report¹).

The Intergovernmental Committee held some of its meetings jointly with the Permanent Committee of the International Union for the Protection of Literary and Artistic Works, which was holding its twelfth session. These included the inaugural and final meetings, and the meetings at which items of common interest were discussed. The report on these meetings has been drawn up separately and is reproduced hereunder²).

1. Election of Officers

The Intergovernmental Committee elected its officers. On the proposal of the Italian delegation, seconded by the Mexican delegation, Mr. Henry Puget, Head of the French delegation, was unanimously elected Chairman. On the proposal of the Brazilian delegation, seconded by the United Kingdom delegation, Mr. Hans Morf (Switzerland) was elected Vice-Chairman.

A Drafting Committee headed by Mr. William Wallace (United Kingdom) and including Mr. Mascarenhas da Silva (Brazil), Mr. Kaminstein (United States of America), Mr. Rohmer (France), Mr. Valerio De Sanctis (Italy) and Mr. Shigeru Miyachi (Japan), prepared the draft resolutions for presentation to the Committee.

The drafting of the present report was entrusted to the Committee Secretariat which, in accordance with Rule 17 of the Rules of Procedure, was provided by Unesco.

2. Adoption of the final agenda

The Intergovernmental Committee adopted the following agenda:

1. Application of the Universal Copyright Convention.
2. Partial renewal of the Intergovernmental Copyright Committee.
3. Revision of the Universal Copyright Convention.

3. Application of the Universal Copyright Convention

The Secretary of the Committee submitted the report on the subject (IGC/VIII/2) and recorded the accessions to the Convention in the interval between the seventh and eighth sessions of the Committee. Four additional States (Guatemala, Malawi, New Zealand and Zambia) had deposited their instruments of accession with the Director-General, thus bringing the number of States parties to the Convention to 51. The Committee took note of the report.

4. Amendment of the provisions of the Rules of Procedure relating to the renewal of the Committee

Mr. Wallace (United Kingdom) pointed out that the automatic renewal of Committee members rendered it impossible for all the States to participate in it. He noted that five African States were parties to the Universal Copyright Convention without a single one of them having so far become a member of the Committee. In order to remedy that situation, he submitted the two following amendments to the Rules of Procedure:

- (i) Rule 2: For the final sentence, "The term of office of the retiring State may be renewed immediately", substitute: "Not more than three of the four retiring States may be re-elected".
- (ii) Rule 29: To begin as follows: "1. Subject to paragraph 2 of this Rule, voting...", and a paragraph 2, reading as follows, to be added:

"2. When in accordance with Rules 2 and 3, voting is necessary to decide which States shall be elected or re-elected to fill vacancies on the Committee, the Secretariat will prepare a list of the States parties to the Convention which are *either* retiring members from the Committee *or* not members of the Committee and give one copy of the list to each delegation. Each Member State shall mark on its copy the names of as many States as there are vacancies to be filled. The Secretariat will then announce

¹) See above p.15 the list of participants of the Permanent Committee of the Berne Union. The persons mentioned in this list are the same as the participants of the Intergovernmental Copyright Committee, subject, as regards the States concerned, to the membership of both Committees.

²) See above p.11 the 2nd part of the Report of the Permanent Committee of the Berne Union.

the names of those States elected. This voting will take place in closed session and the votes of the individual States will not be recorded.”

Mr. Puget (France) observed that there were two questions before the Committee: the advisability, or inadvisability, of amending the existing texts; and, in the event of changes being deemed advisable, the provisions to be adopted in replacement. In his view, the best procedure would be to draw lots in order to decide which of the retiring States would not be re-elected.

Mr. De Sanctis (Italy), while endorsing the principle of renewing the Committee, was afraid that the United Kingdom delegate's proposals whereby it would be possible for a State to be excluded from the Committee by means of a secret ballot might have unexpected consequences. Like the Head of the French delegation, he would be in favour of drawing lots.

Mr. Mascarenhas da Silva (Brazil) submitted that the representation of certain States in the Committee was essential. He therefore proposed that half of the Committee members should always be eligible for re-election.

Mr. Kaminstein (United States of America) supported Mr. Wallace's proposal, and favoured the adoption of a system which would make it possible for the States which had recently acceded to the Universal Convention to become members of the Committee.

Mr. Lokur (India) suggested that the renewal of the Committee would be facilitated if the election of its members took place by secret ballot, and all that would be necessary would be to amend the Rules of Procedure accordingly. In addition, he drew attention to Rule 3, paragraph 2, of the Rules of Procedure, which stated: “The Committee shall, when the designations are made, apply the principle of fair representation of the different parts of the world”.

The Intergovernmental Copyright Committee agreed by 8 votes to one, with 3 abstentions, that it was essential to amend the Rules concerning the renewal of the Committee. To enable the Committee members to study the United Kingdom delegate's proposals, the discussions on the provisions to be adopted were deferred until the following meeting.

On the resumption of the discussion, Mr. De Sanctis (Italy) expressed himself in favour of amending the Committee's Rules of Procedure so as to facilitate the renewal of State representation. Recalling the doubts he had expressed regarding the system proposed by Mr. Wallace, he suggested that the discussion of the amendments to be made to the Rules of Procedure be deferred until the Committee's next session so as to permit the Secretariat to consult the Governments on that score.

Mr. Puget (France), while standing by the vote on the necessity of amending the Rules of Procedure, considered it wiser not to take an immediate decision but to keep to the existing Rules of Procedure for the current session.

Mr. Wallace (United Kingdom) called attention to the fact that he had submitted two draft amendments, one to Rule 2 and the other to Rule 29, which could be examined separately, and hoped that the Committee would examine the proposed changes in Rule 29 there and then.

Mr. Kaminstein (United States of America) pointed out that Mr. De Sanctis had not proposed any alteration to Mr. Wallace's amendment but had merely requested deferment. He felt, therefore, that the Committee could not consider the amendment to Rule 29, which related only to the voting procedure and did not require consultation with Governments.

Mr. Lokur (India) observed that the Committee had several proposals before it: one relating to Rule 2, another to Rule 29 and — lastly — Mr. De Sanctis's motion for deferment. The Committee, he submitted, should first express its views on Rule 2 and then on Rule 29.

By 6 votes to 2, with 3 abstentions, the Committee adopted Mr. De Sanctis's motion for deferment, to allow for consultation of the Governments of States.

The Committee also decided to proceed to the partial renewal of the Intergovernmental Copyright Committee at the end of its eighth session.

The four States whose terms of office had expired, namely, Brazil, the Federal Republic of Germany, Spain and Switzerland, were re-elected members of the Committee.

In addition, the Committee adopted a resolution requesting the Secretariat to consult the States parties to the Universal Convention regarding the amendments which should be made to the Rules of Procedure in order to facilitate the renewal of the Committee's membership, and to report to it on the results of the consultation at its next session (resolution No. 52 [VIII]).

5. Revision of the Universal Copyright Convention

At its seventh session, held in New Delhi in December 1963, the Intergovernmental Committee had asked the Secretariat to study the question of the need for revision of the Universal Copyright Convention, taking into consideration the problems of the newly-independent and developing States, and to report thereon at the Committee's next session.

In pursuance of those decisions, the Secretariat had consulted each of the States parties to the Universal Copyright Convention on the matter in a letter dated August 26, 1964.

The Secretary announced the results of that inquiry, to which replies had been received from the following 16 States: Belgium, Denmark, France, Federal Republic of Germany, Ghana, Guatemala, Israel, Italy, Liechtenstein, Nicaragua, Panama, Spain, Sweden, Switzerland, United Kingdom and United States of America.

It emerged, from the replies received by the Secretariat (Report IGC/VIII/4 and Addendum), that with few exceptions, the States felt that not enough time had elapsed since the entry into force of the Convention to permit the formulation, without wider experience of its application, in practice, of principles which might justify its revision.

Mr. Lokur (India) said that Article V of the Universal Convention needed to be amended, to shorten or abolish the period of seven years in respect of the right of translation, and that the resolution concerning the composition of the Intergovernmental Copyright Committee should also be amended, to increase the Committee's membership. He suggested that a Diplomatic Conference be convened for that purpose after the Stockholm Conference.

The Committee decided, by 9 votes to 1, to defer the question of the revision of the Universal Convention.

Mr. Kaminstein (United States of America) pointed out that while it was difficult to contemplate the holding of a meeting of the Intergovernmental Committee to study revision of the Universal Convention simultaneous with the Diplomatic Conference for the revision of the Berne Convention, the necessity was becoming apparent for a study, in the light of the anticipated results of the Stockholm Conference, of the amendments to be made to the Universal Convention.

Mr. Saba (Unesco Legal Adviser) pointed out that, since the bodies responsible for studying the revision of the Universal Convention and the Berne Convention were not identical, the question of a possible revision of the Universal Convention should be examined by the competent bodies at the stage when the question arose in concrete form.

Mr. Wallace (United Kingdom) drew the Committee's attention to the repercussions that the Stockholm revision of the Berne Convention might have on the maintenance of the existing provisions of the Universal Convention with regard to the right of translation; it seemed to him desirable that the question of the revision of the latter Convention should be considered without delay, once the results of the Stockholm Conference were known.

Mr. Strnad (Czechoslovakia) pointed out that the changes proposed to the Berne Convention which might be of importance for the Universal Copyright Convention concerned not only the right of translation but also other provisions. Furthermore, he doubted the value of a decision taken by the Committee regarding a possible revision of the Universal Convention, for a decision of that kind depended not on the Intergovernmental Committee alone but on the majority of contracting States. He suggested that an *ad hoc* committee

should follow the work of revision of the Berne Convention and examine, in the light of the general principles emerging, the changes to be made in the Universal Convention.

Mr. De Sanctis (Italy) explained that his delegation would like the question of revision of the Universal Convention to be deferred until after the Stockholm Diplomatic Conference.

The Committee adopted resolution No. 53 (VIII) on the subject.

6. Other items

The other items included in the agenda of the Intergovernmental Copyright Committee were examined at meetings held jointly with the Permanent Committee of the Berne Union.

II. Resolutions

RESOLUTION No. 52 (VIII)

The Intergovernmental Copyright Committee,

Having examined with interest the proposals of the United Kingdom delegation for amending Articles 2 and 29 of the Rules of Procedure with a view to ensuring, in the composition of the Committee, a rotation of the States parties to the Convention,

Recognizes the need to amend the rules relating to the renewal of the Committee, with that end in view;

Requests the Secretariat to consult the States parties to the Universal Copyright Convention on this matter and report to it at its next session.

RESOLUTION No. 53 (VIII)

The Intergovernmental Copyright Committee,

Having noted with interest the report submitted by the Secretariat concerning the revision of the Universal Copyright Convention,

Decides to defer consideration of the question until the next session of the Committee.

RESOLUTIONS Nos. 54, 55 and 56 (VIII)¹

¹ See above p. 14 the text of the Resolutions Nos. 3, 4 and 5.

NEWS ITEMS

State of Ratifications and Accessions to the Conventions and Agreements affecting Copyright on January 1, 1966

I. International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome, October 26, 1961)

Contracting States	Deposit of Instrument	Coming into Force	Ratification (R) or Accession (A)
Brazil	June 29, 1965	September 29, 1965	R
Congo (Brazzaville) ¹	June 29, 1962	May 18, 1964	A
Czechoslovakia ¹	May 13, 1964	August 14, 1964	A
Denmark ¹	June 23, 1965	September 23, 1965	R

Ecuador	December 19, 1963	May 18, 1964	R
Mexico	February 17, 1964	May 18, 1964	R
Niger ¹	April 5, 1963	May 18, 1964	A
Sweden ¹	July 13, 1962	May 18, 1964	R
United Kingdom ¹	October 30, 1963	May 18, 1964	R

¹ The instruments of ratification or accession deposited with the Secretary-General of the United Nations were accompanied by "declarations". As to Congo (Brazzaville), see *Le Droit d'Auteur (Copyright)*, 1964, p. 127; as to Czechoslovakia, see *ibid.*, 1964, p. 110; as to Denmark, see *Copyright*, 1965, p. 214; as to Niger, see *Le Droit d'Auteur (Copyright)*, 1963, p. 155; as to Sweden, see *ibid.*, 1962, p. 138; as to United Kingdom, see *ibid.*, 1963, p. 244.

2. Universal Copyright Convention *)

(Geneva, September 6, 1952)

Contracting States	Deposit of Instrument	Coming into Force	Ratification (R) or Accession (A)	Protocols adopted
Andorra	30 XII 1952 ¹⁾ 22 I 1953 ²⁾	16 IX 1955	R	2, 3 1, 2, 3
Argentina	13 XI 1957	13 II 1958	R	1, 2
Austria	2 IV 1957	2 VII 1957	R	1, 2, 3
Belgium ³⁾	31 V 1960	31 VIII 1960	R	1, 2, 3
Brazil	13 X 1959	13 I 1960	R	1, 2, 3
Cambodia	3 VIII 1953	16 IX 1955	A	1, 2, 3
Canada	10 V 1962	10 VIII 1962	R	3
Chile	18 I 1955	16 IX 1955	R	2
Costa Rica	7 XII 1954	16 IX 1955	A	1, 2, 3
Cuba	18 III 1957	18 VI 1957	R	1, 2
Czechoslovakia	6 X 1959	6 I 1960	A	2, 3
Denmark	9 XI 1961	9 II 1962	R	1, 2, 3
Ecuador	5 III 1957	5 VI 1957	A	1, 2
Finland	16 I 1963	16 IV 1963	R	1, 2, 3
France ⁴⁾	14 X 1955	14 I 1956	R	1, 2, 3
Germany (Fed. Rep.) ⁵⁾	3 VI 1955	16 IX 1955	R	1, 2, 3
Ghana	22 V 1962	22 VIII 1962	A	1, 2, 3
Greece	24 V 1963	24 VIII 1963	A	1, 2, 3
Guatemala	28 VII 1964	28 X 1964	R	1, 2, 3
Haiti	1 IX 1954	16 IX 1955	R	1, 2, 3
Holy See	5 VII 1955	5 X 1955	R	1, 2, 3
Iceland	18 IX 1956	18 XII 1956	A	
India	21 X 1957	21 I 1958	R	1, 2, 3
Ireland	20 X 1958	20 I 1959	R	1, 2, 3
Israel	6 IV 1955	16 IX 1955	R	1, 2, 3
Italy	24 X 1956	24 I 1957	R	2, 3
Japan	28 I 1956	28 IV 1956	R	1, 2, 3
Laos	19 VIII 1954	16 IX 1955	A	1, 2, 3
Lebanon	17 VII 1959	17 X 1959	A	1, 2, 3
Liberia	27 IV 1956	27 VII 1956	R	1, 2
Liechtenstein	22 X 1958	22 I 1959	A	1, 2
Luxembourg	15 VII 1955	15 X 1955	R	1, 2, 3
Malawi	26 VII 1965	26 X 1965	A	
Mexico	12 II 1957	12 V 1957	R	2
Monaco	16 VI 1955	16 IX 1955	R	1, 2
New Zealand	11 VI 1964	11 IX 1964	A	1, 2, 3
Nicaragua	16 V 1961	16 VIII 1961	R	1, 2, 3
Nigeria	14 XI 1961	14 II 1962	A	
Norway	23 X 1962	23 I 1963	R	1, 2, 3
Pakistan	28 IV 1954	16 IX 1955	A	1, 2, 3
Panama	17 VII 1962	17 X 1962	A	1, 2, 3
Paraguay	11 XII 1961	11 III 1962	A	1, 2, 3
Peru	16 VII 1963	16 X 1963	R	1, 2, 3
Philippines ⁶⁾	19 VIII 1955	19 XI 1955	A	1, 2, 3
Portugal	25 IX 1956	25 XII 1956	R	1, 2, 3
Spain ⁷⁾	27 X 1954	16 IX 1955	R	1, 2, 3
Sweden	1 IV 1961	1 VII 1961	R	1, 2, 3
Switzerland	30 XII 1955	30 III 1956	R	1, 2
United Kingdom ⁸⁾	27 VI 1957	27 IX 1957	R	1, 2, 3
United States of America ⁹⁾	6 XII 1954	16 IX 1955	R	1, 2, 3
Zambia	1 III 1965	1 VI 1965	A	

Total: 51 States

*) The Universal Copyright Convention was signed on September 6, 1952, at Geneva and deposited with the Director-General of Unesco.

1) Date upon which an instrument of ratification of the Convention and of Protocols 2 and 3 was deposited on behalf of the Bishop of Urgel, co-Prince of Andorra.

2) Date upon which an instrument of ratification of the Convention and of Protocols 1, 2 and 3 was deposited on behalf of the President of the French Republic, co-Prince of Andorra.

3) The Director-General of Unesco received from the Belgian Government a notification of application of the Convention and Protocols 1, 2 and 3 to the Trust Territory of Ruanda-Urundi, effective from April 24, 1961.

4) On November 16, 1955, France notified the Director-General of Unesco that the Convention and the three Protocols apply, as from the date of their entry into force in respect of France, to Metropolitan France and to the Departments of Algeria, Guadeloupe, Martinique, Guiana and Réunion.

5) Following the deposit of the instrument of ratification, a statement was made on June 3, 1955, on behalf of the Federal Republic of Germany: "The Government of the Federal Republic of Germany reserves the right, after complying with the preliminary formalities, to make a statement regarding the implementation of the Universal Copyright Convention and the additional Protocols 1, 2 and 3 so far as the *Land* of Berlin is concerned". On September 12, 1955, the Director-General of Unesco received the following declaration made on behalf of the Federal Republic of Germany on September 8, 1955: "The Universal Copyright Convention and Protocols 1, 2 and 3 annexed shall likewise be applied in *Land* Berlin as soon as the Convention and the annexed Protocols come into force in respect of the Federal Republic of Germany".

6) On November 14, 1955, the following communication was addressed to the Director-General of Unesco on behalf of the Republic of the Philippines: "... His Excellency the President of the Republic of the Philippines has directed the withdrawal of the instrument of accession of the Republic of the Philippines to the Universal Copyright Convention prior to the date of November 19, 1955, at which the Convention would become effective in respect of the Philippines". This communication was received on November 16, 1955. By circular letter of January 11, 1956, the Director-General of Unesco transmitted it to the Contracting States of the Convention as well as to the Signatory States. Observations received from Governments were communicated to the Republic of the Philippines and to other States concerned by circular letter of April 16, 1957.

7) The instrument of ratification deposited on behalf of Spain on October 27, 1954, related to the Convention and the three Protocols. Since Protocols 1 and 3 had not been signed on behalf of Spain, the Director-General of Unesco, by letter of November 12, 1954, drew the attention of the Government of Spain to this fact. In reply, the following communication was addressed to the Director-General of Unesco on January 27, 1955: "I am ... instructed by the Minister of Foreign Affairs to inform you that the Spanish ratification of the Universal Copyright Convention applies solely to the documents in fact signed, viz., the Convention and Protocol No 2 ...". The States concerned were informed of this communication by circular letter of March 25, 1955.

8) The Director-General of Unesco received notifications from the Government of the United Kingdom concerning the application of the Convention to the Isle of Man, Fiji Islands, Gibraltar and Sarawak (coming into force on March 1, 1962), to Zanzibar, to the Bermudas and North Borneo (coming into force on May 4, 1963), to the Bahamas and the Virgin Islands (coming into force on July 24, 1963), to the Falkland Islands, Kenya, St. Helena and Seychelles (coming into force on January 29, 1964), to Mauritius (coming into force on January 6, 1965).

9) On December 6, 1954, the United States of America notified the Director-General of Unesco that the Convention shall apply, in addition to continental United States, to Alaska, Hawaii, the Panama Canal Zone, Puerto Rico and the Virgin Islands. On May 14, 1957, the United States of America further notified the Director-General of Unesco that the Convention shall apply to Guam. Notification was received on May 17, 1957.

By letter of November 21, 1957, the Government of Panama contested the right of the Government of the United States of America to extend the application of the Convention to the Panama Canal Zone. By letter of January 31, 1958, the Government of the United States of America asserted that such extension of the Convention was proper under Article 3 of its 1903 treaty with Panama. Copies of the two letters have been communicated by the Director-General to all States concerned.

3. European Agreement concerning Programme Exchanges by Means of Television Films

(Paris, December 15, 1958)

Contracting States	Deposit of Instrument	Coming into Force	Signature without Reservation in respect of Ratification (S) or Ratification (R)
Belgium	March 9, 1962	April 8, 1962	R
Denmark	October 26, 1961	November 25, 1961	R
France	December 15, 1958	July 1, 1961	S
Greece	January 10, 1962	February 9, 1962	R
Ireland	March 5, 1965	April 4, 1965	S
Luxembourg	October 1, 1963	October 31, 1963	R
Norway	February 13, 1963	March 15, 1963	R
Sweden	May 31, 1961	July 1, 1961	R
Turkey	February 27, 1964	March 28, 1964	R
United Kingdom	December 15, 1958	July 1, 1961	S

4. European Agreement on the Protection of Television Broadcasts

(Strasbourg, June 22, 1960)

Contracting States	Deposit of Instrument	Coming into Force	Signature without Reservation in respect of Ratification (S) or Ratification (R)
Denmark ¹⁾	October 26, 1961	November 27, 1961	R
France	June 22, 1960	July 1, 1961	S
Sweden	May 31, 1961	July 1, 1961	R
United Kingdom ¹⁾	March 9, 1961	July 1, 1961	R

¹⁾ The instruments of ratification were accompanied by "options" in accordance with Article 3, paragraph 1, of the Agreement. As to Denmark, see *Le Droit d'Auteur*, 1961, p. 360; as to United Kingdom, see *ibid.*, 1961, p. 152.

Protocol to the said Agreement

(Strasbourg, January 22, 1965)

Contracting States	Deposit of Instrument	Coming into Force	Signature without Reservation in respect of Ratification (S) or Ratification (R)
Denmark	January 22, 1965	March 24, 1965	S
France	January 22, 1965	March 24, 1965	S
Sweden	January 22, 1965	March 24, 1965	S
United Kingdom	February 23, 1965	March 24, 1965	S

ITALY

At the request of the Italian Society of Authors and Publishers (SIAE), we are reproducing below the text of a recommendation expressed by the Society's Administrative Council:

"The Administrative Council of the SIAE, at its sitting on October 20, 1965, on a proposal by the Commission of the Music Section at its meeting on October 15,

Having regard to the initiative taken by the European Broadcasting Union (EBU) with a view to setting up a music publishing house among the member organizations of that international body, on the basis of plans to be submitted next November to the EBU Administrative Council and later to its General Assembly,

Considering that the concern aroused by such an initiative, already voiced at the international level by the music publishers who are members of the International Publishers Association, to which the Italian

Union of Music Publishers also belongs, is fully justified by the fact that an international trust would thus be formed in the field of publishing, a field which is closely associated with the operations of broadcasting and telecommunication,

Considering that the implementation of the project in question would seriously prejudice not only the legitimate interests of the music publishers but more especially those of authors of musical works, besides being incompatible with the anti-trust rules of the European Economic Community and of various European countries,

Expresses the hope that the SIAE will take all appropriate steps, at the national and international levels, to ensure an adequate protection of the legitimate interests of the creators of musical works and free competition within the framework of the dissemination of such works."

UNITED STATES OF AMERICA¹⁾

Increase in certain copyright fees

The Public Law 89-297, which amends the copyright law of the United States of America by providing for an increase in certain copyright fees, was enacted and came into effect on November 26, 1965. This amendment, which relates only to fees, includes the following changes:

Item	New Fees
All registrations (except renewals)	\$ 6.00
All renewals	4.00

Additional certificates	2.00
Other certifications	3.00
Assignments, etc. (containing not more than 6 pages and not more than 1 title)	5.00
— Each additional page or title	0.50
Searches (hourly fee)	5.00

¹⁾ Information supplied by the Copyright Office.

This amendment does not affect the right to make registration without payment of fee in certain cases. Thus, copyright claims in certain published works by authors who are not United States citizens or domiciliaries may still be made without the necessity of paying a fee. This provision is explained in detail below.

Registration of claims without fee
(Foreign works only)

Copyright claims in works solely by foreign authors may be registered without payment of the \$6 registration fee in the following circumstances:

1. the work has been published (copies placed on sale, sold, or publicly distributed); and
2. first publication occurred outside the United States; and
3. the author was not a United States citizen or domiciliary on the date of first publication, and neither a co-author nor the proprietor is a United States citizen, domiciliary, or resident on the date the application is filed. In addition,
4. the following items must all be received in the Copyright Office within six months of the date of first publication:
 - (a) two copies of the published work; and
 - (b) a completed application in the appropriate class; and
 - (c) a completed catalog card.

Instructions for registering claims appear on the application forms, which the Copyright Office supplies without charge. When requesting forms, please specify the kind and quantity desired.

All unpublished works require the payment of the registration fee.

Extension of copyright term in certain cases

A recent Act of Congress (P. L. 89-142, 89th Congress, First Session)²⁾ extends the length of all copyrights now in their second term that were scheduled to expire before December 31, 1967. Under the Act these copyrights will continue in force until December 31, 1967. The extension is automatic and does not require any action in the Copyright Office.

An earlier Act of Congress (P. L. 87-668) had extended the second term of copyrights, scheduled to expire between September 19, 1962, and December 31, 1965, to the end of 1965. The new Act extends the total duration of these copyrights for another two years, and also extends to December 31, 1967, any second-term copyright scheduled to expire during 1966 and 1967.

Examples:

1. A work that was first entered for copyright on October 5, 1907, and renewed in 1935, would normally have fallen into the public domain on October 5, 1963. The earlier Act extended the copyright to December 31, 1965, and the new Act extends it further to December 31, 1967.
2. A work that was first copyrighted on April 10, 1910, and renewed in 1938, would normally have fallen into the public domain on April 10, 1966. Under the new law the renewal copyright is extended until December 31, 1967.

This extension does not apply to copyrights now in their first 28-year term. It has no effect on the time limits for renewal registration, and it does not revive any copyrights that have already expired. The extension applies only to copyrights previously renewed in which the second term would otherwise expire.

²⁾ See *Copyright*, 1965, p. 222.

