

# Copyright

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# INTERNATIONAL UNION

## The Proposed Administrative and Structural Reform of BIRPI \*)

### Synopsis

*The Stockholm Revision Conference of 1967 is expected to effectuate administrative and structural reforms in the Paris, Berne and other Unions administered by BIRPI.*

*The main administrative changes proposed would:*

- create a separate assembly for each Union, consisting of all its member States;
- transfer the supervision of the International Bureau from the Government of one country (Switzerland) to the Assemblies of the Unions;
- do the same with respect to the approval of the program and budget, the control of the accounts, and the appointment of the head of the International Bureau;
- provide for a system in which financial contributions would be voted once every three years rather than written into the treaties and modifiable only by unanimous consent.

*The main structural change would be the establishment of a new Organization which would:*

- be a framework for administrative coordination among the various Unions since they are served by the same International Bureau;
- be a world-wide forum for propagating the principles of intellectual property mainly for the benefit of developing countries.

*The new Organization would have full members (States members of any of the Unions) and associate members (States not members of any Union).*

*The existing International Bureau (BIRPI) would continue as the International Bureau of the Unions and would also be the executive organ of the new Organization.*

*The new Organization would not interfere with the independence and sovereignty of the Unions.*

*While Unesco's present role in the administration of the Universal Copyright Convention would be left untouched, the new Organization is expected to be the center of all new world-wide efforts for maintaining, improving, and adapting, the rules of international protection in the field of industrial property and copyright. This is regarded as essential if one wishes to entrust the safeguarding of such protection to a specialized organization which can devote all its attention to it.*

\*) The present item is merely intended to provide general information. The official proposals are contained in documents which will be released during the last four months of 1966 and may be ordered from BIRPI.

### Background

The Revision Conference of Stockholm, scheduled for June 12 to July 14, 1967, has three major items on its agenda:

- (a) the revision of the substantive clauses of the Berne Convention, that is, its provisions dealing with the substance of copyright protection;
- (b) the inclusion of inventors' certificates in Article 4 of the Paris Convention, that is, the Article which deals with the right of priority in the field of patents;
- (c) the administrative and structural reform of the Berne Copyright Union, the Paris Industrial Property Union, and the four special Unions which exist under the Paris Union. These four special Unions deal with the international registration of trademarks and service marks, industrial designs, and appellations of origin, and with the classification of goods and services for the purposes of the registration of trademarks and service marks. The administrative and structural reforms would extend also to the International Bureau of all these Unions, presently known under the name of BIRPI, with headquarters at Geneva.

Both the administrative and the structural reforms proposed are intended to serve the same objective, which is to improve the existing machinery of cooperation among nations in the field of intellectual property.

The term "intellectual property" is to be understood in the sense in which it includes both industrial property — patents, trademarks, etc. — and copyright.

The basic elements of the existing machinery date from 1883 and 1886. No substantive changes have been made in them since those dates, that is, for more than eighty years.

### Administrative Reforms

Subject to minor variations due to the differences existing in the nature of the various Unions, the proposed administrative reforms would be the same for each of the six Unions administered by the International Bureau.

The reforms would introduce for these six Unions those principles of international administration which today are generally regarded as the best for promoting efficient international cooperation and efficient interaction between member States and Secretariat.

In the present situation, the Unions have no organ in and through which the member States could formulate policy and exercise control over administration. It is proposed that such organs be created in the form of an assembly of all member

States which would normally meet once every three years, and, in the case of the Paris and Berne Unions, also in the form of executive committees which would normally meet once a year.

In the present situation, the International Bureau is supervised by *one* country, Switzerland, to which all powers of supervision were delegated by the member States. In the last century, such delegation of powers was not unusual. Today, it is an anachronism.

Thus, under the proposed reform, it would be the totality of the member States which would adopt the program and the budget of the various Unions, which would supervise the accounts of the International Bureau, and which would elect its chief officer. In the present situation, all this is done by the Government of Switzerland alone: it is the Swiss Government which approves the budget, examines the accounts, and appoints the Director of BIRPI.

Another aspect of the proposed administrative reform relates to the contributions of member States. In the present situation, the total amount of the contributions of member States of the Paris and Berne Unions is written into the texts themselves of the Paris and Berne Conventions. There must be a unanimous decision by the member States on the amount of this sum. In the Paris Union, the last time that unanimity was achieved was forty-one years ago. The amount is \$ 28,000 per annum for the totality of the member States, which means that each country would have to contribute an average of some \$ 360 per annum. This is less than one U. S. dollar per day. The situation is roughly similar in the Berne Union.

Of course, BIRPI does not—as, indeed, it could not—operate with such an amount. *De facto*, countries contribute more, but they do so on a voluntary basis. Thus, for example, each of the six countries which contribute the most now pays approximately \$ 10,000 per year in the Paris Union. The six countries are: France, Germany, Italy, the Soviet Union, the United Kingdom, and the United States of America.

It is proposed that the Stockholm Conference do away with this wholly unsatisfactory system and provide that the budgets and, consequently, the ceiling of the contributions be fixed by the Assemblies: by a qualified majority if it involves a raise, by a simple majority otherwise.

It is to be noted in this as in all other respects that each Union would act wholly independently, in the separate Assembly of its own in which no other State could vote than those which are members of the Union.

In connection with the preparation of revision conferences, which is a mixed (administrative and procedural) matter, it is proposed that such preparations be no longer entrusted to the Government of one member State—namely, that of the host country of the Conference—with the assistance of BIRPI, but to organs of the Union, namely, the International Bureau, under the guidance of all the member States acting through the Assembly and the Executive Committee of the Union. Of course, in preparing for revisions, these organs would continue to draw inspiration from whatever source they consider appropriate.

In the present situation, what the texts mean is that member States have nothing to say on the question whether there

should be a revision conference, what points of their Convention or Agreement should be revised, and what should be the proposals for revision. All these questions, today, are left to the discretion of the Government of the country on whose territory the revision conference is to meet.

Such a system is most unsatisfactory as the interest of each country is equal and should receive equal opportunity for expression, not only at the conference itself but also in the preparatory stages.

### Structural Reforms

Some of the administrative reforms referred to above also constitute organizational or structural innovations, particularly the creation of new organs: the Assemblies and the Executive Committees.

However, what in the preparatory work for the Stockholm Conference is usually referred to as the “structural” reform is the proposal to establish a new intergovernmental agency or organization which, in the course of the preparatory work, was variously called the World Intellectual Property Organization (WIPO) or the International Intellectual Property Organization (IPO).

The proposed new Organization would serve two purposes. One of them is to constitute the framework of a coordinated administration for the various Unions; the other is to constitute a framework for the general promotion of the protection of intellectual property throughout the world, even in countries which are not yet members of the Paris or Berne Unions.

This duality of objectives would be reflected in respect to membership both in the Organization and in the assemblies of the member States.

The Organization would have two kinds of members: “full” and “associate.” States members of at least one of the Unions would be full members; States not members of any of the Unions would be associate members.

There would be two assemblies, one called the “General Assembly,” the other the “Conference.” The first would be an assembly of full members only; the other of both full members and associate members.

The *General Assembly* would, together with a restricted committee called the Coordination Committee, be the organ for administrative coordination among the Unions. Such coordination is needed because the administrative organ of the Unions would be—as it is today—a common one, namely, the International Bureau at Geneva. Continuing a Bureau which is *common* is justified by obvious reasons of economy and efficiency. Its usefulness has been proved by the experience of 73 years, as it was in 1893 that the Bureau of the Paris Union and the Bureau of the Berne Union were united by decision of the Swiss Government. But both the common Bureau and the administrative cooperation among the Unions have, in the present situation, no legal basis in the treaties. The present arrangements are more or less justified by the texts. Their clarification and institutionalization are desirable in order to guarantee the independence of the Unions, regulate their relations when they inevitably come into contact with each other, and give to their common Bureau a legal basis which is comparable to that of other intergovernmental

agencies and which gives it a legal capacity indispensable in its dealings with the United Nations and other international organizations.

This clarified legal capacity of the Organization would also allow the institutionalization of relations with non-governmental organizations—such as the International Association for the Protection of Industrial Property and the International Literary and Artistic Association—relations which are of paramount importance in a field which concerns the protection of private property interests.

The *Conference* would be a forum for discussion, open to both full and associate members. It would be called upon to ascertain the needs and desiderata of developing countries in respect to legal-technical assistance in the field of intellectual property. Such assistance would take the form of fellowships, seminars, expert missions, and advice in the framing of intellectual property laws and the establishment of industrial property offices.

The Conference would be also a forum in which, and through which, States not yet members of the Unions could examine more closely the desirability of their adherence to such Unions. It is, in fact, expected that the contacts which States outside the Unions would have with the International Bureau and with States members of the Unions would sooner or later convince them that, by becoming members of the Unions, they could promote their industrialization, improve their commercial and cultural relations, and, in general, speed up the rate of their development.

Such contacts, to be close and permanent, require an appropriate form. Associate membership would provide that form.

The expenses of the Organization would consist essentially of two items: the cost of the meetings of its representative bodies, and the cost of the legal-technical assistance program. These would be covered by the contributions of the Unions and by the contributions of the associate members. Full members would pay no direct contributions to the Organization since they would participate in the expenses through the contributions of the Unions to which they belong.

The proposed new Organization would also have an administrative organ. It would be a simple continuation of

BIRPI, even in its designation, which would remain “the International *Bureau*.”

\* \* \*

The independence of the various Unions would not be affected by the existence of the new Organization or its organs. The General Assembly's role would be mainly advisory and limited to matters of coordination. Revisions of the texts of the Convention of each Union would be prepared by the interested Union itself and decided by the separate revision conference of that Union. Development of the Unions, by means other than revisions, would also be a matter for the Unions themselves. In none of these respects could the proposed new Organization play any role. Nor is there any danger that the Organization could, in the future, trespass on the jurisdiction of the Unions since any amendments to the Convention establishing the new Organization would have to be first and separately adopted by the Assembly of the Paris Union and the Assembly of the Berne Union.

\* \* \*

The charter and structure of the proposed new Organization would be similar to those of modern intergovernmental organizations. The creation and the existence of such an Organization are indispensable for keeping the protection of industrial property and copyright in a specialized organization in which all attention can be devoted to the safeguarding of the international agreements in this field, and to their development and adaptation to changing circumstances.

As long as the International Bureau serves only the Unions and their member States, countries outside the Unions tend to turn, with their problems in the field of intellectual property, to other intergovernmental organizations which, having to deal mainly with a great number of entirely different problems, are unable to provide the desirable expertise and experience.

The Universal Copyright Convention is an exception, as the proposed reform would not affect its continued administration by Unesco. Neither would the proposed reform affect the continuation, or further development of regional cooperation, since the new Organization would be world-wide in scope.

# NATIONAL LEGISLATION

## BRAZIL

### Law concerning the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, and containing Other Provisions

(No. 4944, of April 6, 1966) <sup>1)</sup>

The President of the Republic

Hereby declares that the National Congress has adopted and that he has promulgated the following law:

*Article 1.* — It shall be the exclusive right of the performer, his authorised representative or his heir or successor to prevent the fixation, reproduction, broadcasting or rebroadcasting by broadcasting organisations or the communication to the public in any other way, whether free of charge or subject to remuneration, of his public interpretations and performances, without his express and prior consent.

*Article 2.* — For the purposes of this law:

- (a) “performer” means an actor, announcer, narrator, declaimer, singer, choreographer, dancer, musician or any other person who performs a literary, artistic or scientific work;
- (b) “producer of phonograms” means the person who, or the legal entity which, is responsible for the publication of phonograms;
- (c) “broadcasting organisations” means the radio-broadcasting and television organisations which transmit programmes for public reception;
- (d) “phonogram” means any exclusively aural fixation, on a material support, of sounds of a performance or of other sounds;
- (e) “reproduction” means the making of a copy or copies of a phonogram;
- (f) “broadcasting” or “transmission” means the dissemination by means of radioelectric waves of sounds or of synchronised images and sounds;
- (g) “rebroadcasting” means the simultaneous or subsequent broadcasting by one broadcasting organisation of the broadcast of another broadcasting organisation;
- (h) “publication” means the offering of copies of a phonogram to the public.

*Article 3.* — Broadcasting organisations may make ephemeral fixations of performances where the performer has granted his consent to the broadcasting of his performance an agreed number of times; these organisations shall be required to destroy such fixations immediately following the last authorised broadcast.

*Article 4.* — It shall be the exclusive right of the producer of phonograms to authorise or prohibit their reproduc-

tion, whether direct or indirect, broadcasting or rebroadcasting by broadcasting and public performance organisations, regardless of which processes may have been used by the said organisations.

*Article 5.* — Broadcasting organisations shall enjoy the right to authorise or prohibit the rebroadcasting, fixation and reproduction of their broadcasts and likewise the communication to the public of their television broadcasts if such communication is made in places accessible to the public.

*Article 6.* — The performer and the producer of phonograms shall enjoy the right to remuneration on account of the use of their phonograms by broadcasting organisations, bars, recreational and charitable associations, clubs, places of amusement or any other establishment likely to derive a direct or indirect profit from the public audition of such phonograms.

(1) The producer of phonograms, in the capacity of tacit representative of the performer, shall enjoy the right to charge the user an amount corresponding to remuneration for the public use of phonograms and to share such amount with the performer in accordance with paragraphs (2) and (3) hereunder.

(2) Unless otherwise agreed between the parties, one half of the amount charged, after deduction of all costs, shall accrue to the performer having participated in the fixation of the phonogram, the other half being due to the producer of the phonogram.

(3) Unless otherwise agreed and where more than one performer has participated in the fixation, the following rules shall be observed in the sharing of remuneration:

- (i) two thirds shall accrue to the performer, that is to say to the singer, vocal group or artist whose name is featured on the phonogram label; or to the orchestral conductor in the case of a phonogram of an instrumental work;
- (ii) one third shall be shared equally between the accompanying musicians and choir members;
- (iii) where the performer is a vocal group, the share accruing to it, pursuant to sub-paragraph (i) above, shall be divided among its members in equal amounts paid to the leader of the group.

(4) In the exercise of the rights established by this law, orchestras and vocal groups shall be represented by their conductors or leaders respectively.

*Article 7.* — In the implementation of the provisions of this law, regard shall always be had to their compatibility with the principles laid down in international conventions for

<sup>1)</sup> Published in the *Diário Oficial dos Estados Unidos do Brasil* of April 11, 1966. — BIRPI translation.

the protection of performers, producers of phonograms and broadcasting organisations.

*Article 8.* — The term of protection granted under this law shall last until the end of a period of sixty years computed from the thirty-first day of December of the year in which: the fixation was made — for phonograms; the broadcast took place — for transmissions by broadcasting organisations; and the performance took place — for performances not incorporated in fixations or broadcasts.

*Article 9.* — For any written or aural publication of a literary, artistic or scientific work protected by law in the country, it shall be compulsory to indicate, in full or in abbreviated form, the name or known pseudonym of the author or authors and of the respective performer, except where the nature of the contract makes such indication unnecessary, or again where otherwise agreed between the parties.

(1) This requirement shall not apply to exclusively musical aural programmes, without any form of verbal expression or of commercial propaganda.

(2) In the event of infringement of the provisions of this article, the party responsible for the infringement shall be required to publish the identity of the author or performer:

(a) in the case of broadcasting organisations, at the same programme time as that at which the infringement was committed, on three consecutive days;

(b) in the case of graphic publications or phonograms, by means of a notice occupying twenty lines of a column of a newspaper having a wide circulation in the place of domicile of the editor or producer, on three consecutive occasions.

(3) If redress is not made in accordance with the preceding paragraph within thirty days following receipt of a written communication from the injured party, the fine provided for by article 1553 of the Civil Code shall be imposed.

*Article 10.* — The principle to which this law refers shall in no way alter the protection of copyright in respect of artistic, literary or scientific works.

*Article 11.* — The Executive shall issue regulations for the implementation of this law not later than ninety days following its publication.

Single paragraph: Such regulations shall incorporate the relevant provisions of Decrees Nos. 4790 of January 22, 1924, 5492 of July 16, 1928, and 1023 of May 17, 1962.

*Article 12.* — This law shall enter into force as from the date of its publication, all contrary provisions being hereby revoked.

Brasilia, April 6, 1966; 145<sup>th</sup> year of Independence and 78<sup>th</sup> year of the Republic.

H. CASTELO BRANCO

## UNITED KINGDOM

### The Copyright (Gibraltar: Protection of Foreign Broadcasts) Order 1966

(No. 945, of July 28, 1966, coming into force on October 28, 1966)

Her Majesty, in pursuance of the powers conferred upon Her by section 31 of the Copyright Act 1956 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to direct, and it is hereby directed, as follows:

1. — Part II and (so far as relevant thereto) Part III of the Copyright (International Conventions) Order 1964<sup>1)</sup> shall extend to Gibraltar subject to the modifications specified in the Schedule hereto.

2. — The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. — This Order may be cited as the Copyright (Gibraltar: Protection of Foreign Broadcasts) Order 1966 and shall come into operation on 28<sup>th</sup> October, 1966.

<sup>1)</sup> See *Le Droit d'Auteur (Copyright)*, 1964, p. 150.

## SCHEDULE

### Modifications to Part II of the Copyright (International Conventions) Order 1964

1. In article 8, the words "other than section 40 (3)" shall be omitted.

2. In article 9, the words "other than section 37 (4), section 40 (3) and Schedule 5" and paragraph (a) shall be omitted.

3. In Schedule 5, to the countries listed in column 1 there shall be added Czechoslovakia, Denmark and Brazil and for the dates listed in column 2, there shall be substituted in each case 28<sup>th</sup> October, 1966.

4. In Schedule 6, France shall be deleted from and Czechoslovakia and Brazil shall be added to the countries listed in column 1 and for the dates listed in column 2, there shall be substituted in each case 28<sup>th</sup> October, 1966.

## EXPLANATORY NOTE

(This Note is not part of the Order)

The United Kingdom proposes to declare Gibraltar to be a territory to which the International Convention for the



*CORRESPONDENCE*

**Letter from France**









André FRANÇON  
Professor at the Faculty of Law  
and Economic Science at Dijon

## INTERNATIONAL ACTIVITIES

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

#### Meeting of the Legislative Committee

(Prague, June 9 and 10, 1966)

#### XXIV<sup>th</sup> and XXV<sup>th</sup> Congress

(Prague, June 13 to 18, 1966)

The XXIV<sup>th</sup> Congress of CISAC was held in Prague, from June 13 to June 18, 1966; as usual, it was preceded by the meetings of the Legislative Committee, on June 9 and 10, and of the Confederal Council, on June 11.

Delegates of authors' societies of the following 37 countries took part in the Congress: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Cuba, Czechoslovakia, Denmark, Finland, France, Germany (Dem. Rep.), Germany (Fed. Rep.), Greece, Hungary, Iceland, Israel, Italy, Japan, Mexico, Netherlands, Norway, Peru, Poland, Rumania, South Africa, Spain, Sweden, Switzerland, United Arab Republic, United Kingdom, United States of America, Uruguay, Venezuela, Yugoslavia. Delegates of the societies of authors of Bulgaria and Ecuador were also present as observers.

Invited in the capacity of observers, BIRPI was represented by Mr. Claude Masouyé, Counsellor, Head of the Copyright Division, and Mr. Mihailo Stojanović, Legal Assistant at the same Division, and Unesco by Miss Marie-Claude Dock, Acting Head of the Copyright Section.

Under the auspices of Prof. Dr. Jirí Hájek, Minister of Education and Culture, this XXIV<sup>th</sup> Congress was, in CISAC's history, the first one held in the capital of the Socialist Republic of Czechoslovakia. Its inaugural session took place in the Palace of Artists of Prague, in the presence of the State Secretary representing the above-mentioned Minister, and of several governmental authorities of Czechoslovakia. The working sessions took place in the halls of the Palace of Zofín, and a certain number of official manifestations were organized within the programme of the Congress.

The agenda included two categories of questions: the reform of the Statutes of CISAC, and a certain number of questions of a legal character. The first one dominated the debates at Prague, and several working sessions were devoted to it; modifications of the Statutes were adopted at one of those sessions. The latter having immediately come into force, CISAC held also at Prague its XXV<sup>th</sup> Congress, on June 18, 1966, in accordance with its new regulations.

The reform, whose essential purpose is to increase the efficiency of CISAC in both its internal functioning and its external activities, had been beforehand carefully examined by an *ad hoc* commission. Its *rapporteur général*, Mr. Jean-Loup Tournier, submitted to the Congress of Prague various propositions of amendments. Their adoption modifies the structure of this non-governmental organization. In brief, a distinction is made between the professional organs (International Councils of Authors and the Congresses), the social organs (the General Assembly, the Administrative Council and the Executive Bureau), the technical organs (the Legal and Legislative Committee and other specialized committees), and the administrative organs (essentially the Secretary-General).

The other category of questions, those of a legal character, had previously been discussed within the Legislative Committee, whose Chairman, Mr. Valerio De Sanctis, gave in his general report an account of the activities since the previous Congress held in London in 1964. The main part of it was devoted to the proposals for revising the Berne Convention, both in its substantive provisions and in its administrative provisions and final clauses. Special reports were submitted

on certain points, in particular on copyright in cinematographic works, right of reproduction, the draft protocol regarding developing countries, and the draft structural reform of the Berne and Paris Unions. No resolution was adopted, CISAC having reserved the right to make known later on its remarks concerning the proposals for revision prepared by the Government of Sweden with the assistance of BIRPI, in view of the Conference of Stockholm, 1967 (Document S/1).

The Legislative Committee also heard the reports on national legislation recently promulgated in certain countries (Czechoslovakia, German Democratic Republic, Morocco, Tu-

nia) or on the revisions now proceeding (United States of America, Yugoslavia).

At the close of its deliberations, the XXV<sup>th</sup> Congress of CISAC elected Mr. Joaquin Calvo Sotelo, Spanish Academician and playwright, as President of the Confederation, and Mr. Eugene Souchun, Czechoslovak composer, as Vice-President. It also proceeded to the election of 18 confederate societies members of the Administrative Council. The latter will hold its first meeting at the end of October in Paris. The next Congress of CISAC is scheduled to be held in Vienna in 1968.

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## NEWS ITEMS

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### GERMANY (Federal Republic)

#### *Ratification of the Rome Convention for the International Protection of Performers, Producers of Phonograms and Broadcasting Organisations*

(with effect from October 21, 1966)

The Secretary-General of the United Nations informs us that the instrument of ratification of the Convention by the Government of the Federal Republic of Germany was deposited on July 21, 1966, in accordance with Article 24, paragraph 3. The instrument is accompanied by the following reservations and statement:

"1. The Federal Republic of Germany makes use of the following reservations provided for in Article 5, paragraph 3, and Article 16, paragraph 1(a) (iv) of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations:

- (1) as regards the protection of producers of phonograms it will not apply the criterion of fixation referred to in Article 5, paragraph 1(b) of the Convention;
- (2) as regards phonograms the producer of which is a national of another Contracting State, it will limit the protection provided for by Article 12 of the Convention to the extent to which, and to the term for which, the latter State grants protection to phonograms first fixed by a German national.

2. The International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations shall also apply

to the *Land* of Berlin as from the day on which the Convention will enter into force for the Federal Republic of Germany."

In accordance with Article 25, paragraph 2, the Convention shall come into force for the Federal Republic of Germany three months after the date of deposit of its instrument of ratification, i. e. on October 21, 1966.

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### UNITED KINGDOM

#### British Honduras

#### *Application of the Universal Copyright Convention (coming into force on October 19, 1966)*

In a letter dated August 26, 1966, the Director-General of Unesco, with reference to the previous notifications by which the Government of the United Kingdom declared, pursuant to Article XIII of the Universal Copyright Convention, that the Convention would apply to certain named territories, has informed us that he received, on July 19, 1966, a further notification by which the Government of the United Kingdom declared, pursuant to Article XIII of the Convention, that the Convention shall apply to British Honduras.

In accordance with the provisions of the said Article, this notification shall take effect from October 19, 1966.

## BOOK REVIEWS

Copyright - Modern Law and Practice, by P.F. Carter-Ruck and E.P. Skone James, edited by F.E. Skone James. A volume of 640 pages, 24 × 15 cm. Faber and Faber, London, 1965.

The primary purpose of this book is "to provide a reliable, comprehensive and readable work on copyright sufficient to fulfil the needs of all who are in any way concerned with the printed media or the propagation of the arts". It is also intended to serve as a complete reference work for the elucidation of various legal questions on this branch of law.

It would be too long to enumerate all the questions dealt with in this excellent work. Let us only say that it includes both an analysis, section by section, of the relevant provisions of the 1911 and 1956 Acts, and a considerable number (more than two hundred) of various cases. A special chapter is devoted to international copyright, and three other chapters deal with some of the points which relate particularly to various users (book and newspaper publishers, film producers, etc.), various categories of authors (painters, sculptors, etc.), and other persons concerned with this matter (printers, librarians, booksellers, literary agents, etc.).

There are also six appendices, including two Copyright Acts (1911 and 1956), a table of Statutes, a table of cases, several international conventions (the Berne Convention in two parallel versions, Rome and Brussels, and the Universal Convention in three languages), a synopsis of international copyright, and a specimen of agreements between publishers and authors.

Notwithstanding the merits of this book, both as a reference compendium and as a textbook authority, one might be tempted to question the real need for it, because of another one already existing<sup>1)</sup>. Although they are similar both by their subject matter and by the names of their authors, there does not seem to be any duplication between the two. The second has a different approach and another purpose. And even if that were not the case, it should be hailed as another valuable contribution to the ever growing literature on the subject. Because, as has been emphasized in the foreword, the law of copyright, despite its wide impact on so many members of the community, has come to be regarded by lawyers as well as others as an arcane branch of the law to be comprehended only by the expert.

M. S.

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Reprodukce fotografická w świetle prawa autorskiego [Photographic Reproduction and Copyright], by Bolesław Nawrocki. A volume of 144 pages, 20.5 × 14.5 cm. Wydawnictwo prawnicze, Warsaw, 1965.

Here is another book dealing with the topical question of the influence exerted by technology on legal rules governing intellectual works. The problem of photographic reproduction is being posed particularly in connection with elaborating new forms of relaying news and of exchanging international documentation. And, as the author of this book has rightly noticed, these new methods of photographic reproduction are very simple and very often escape any effective control by copyright beneficiaries of works thus reproduced.

The exclusive right of an author to exploit his work being generally recognized, the question is how to determine its legal limits, which are justified by scientific research, the needs of education, general welfare, etc. The countries whose legislation is inspired by the Anglo-Saxon concept of law do authorize photographic reproduction by virtue of the general principle of "fair dealing" or "fair use". Other countries, whose number is larger, do authorize such reproduction for personal, private or non-profit use. All these criteria, however, are not precise

<sup>1)</sup> *Copinger and Skone James on Copyright*, by F.E. Skone James and E.P. Skone James. See *Copyright*, 1966, p. 122.

enough, and different interpretations are given to them. It is because of this that legal provisions must actually be based on rather concrete elements, such as the length of reproduction, the number of copies that can be lawfully reproduced, the persons making such photographic reproductions, etc.

Legal clauses providing for remuneration payable to the author in the case of a photographic reproduction being made of his work are extremely rare. However, in certain countries, such as the United States, Great Britain and Germany (Fed. Rep.), the practice of granting remuneration to the author is quite widely admitted by virtue of various "gentlemen's agreements" or special "declarations".

The author concludes that, whenever the element of profit comes into play either directly or indirectly, the use of a work consisting in the making of photographic reproductions should be justly remunerated.

In the appendix of the book there are fragments, in Polish translation, of relevant legislative texts now in force in some fifty countries, as well as the summaries of the book in French, English, and Russian.

M. S.

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Avtorsko pravo na Narodna Republika Bulgariya [Copyright Law of the People's Republic of Bulgaria], by Lucien Avramov and Vitali Tadjer. A volume of 321 pages, 20 × 15 cm. Nauka i Izkustvo, Sofia, 1965.

This book, intended for students and jurists, as well as for all those employed in organizations which use intellectual works and for authors themselves, is a general survey of the legislation, case-law and administrative practice in the field of copyright in Bulgaria.

The first part of the work is devoted to the notion, development and origins of copyright, with a brief historical survey concerning the Bulgarian law.

In the second part, the author discusses various categories of works forming the subject of protection, as well as questions regarding owners of copyright. He also analyses the elements of this right, while at the same time pointing to the limits imposed upon it for the sake of cultural development.

The third part deals with contracts relating to copyright (publishing agreements, agreements on public performance, etc.). A special place in it has been given to the question of remuneration of authors, which is subject to detailed regulation by the State.

The problems of the international protection of copyright, dealt with in the fourth part of the book, are of particular interest. The author sets out in it the principal ideas of the Berne Convention, and especially the ways in which the obligations deriving from it affect Bulgaria.

There are, in the appendix, a bibliographic list of works and an index. It is regrettable that no brief summary in a foreign language has been added, for this is a book which, by its importance, goes beyond the frontiers of its country of origin.

M. S.

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Il plagio letterario e il carattere creativo dell'opera [Literary plagiarism and the creative character of a work], by Zara Algardi. A volume of 813 pages, 24 × 16 cm. A. Giuffrè, Publisher, Milan, 1966.

The problem of plagiarism is undoubtedly one of the central ones in copyright. The author of this study goes even farther, asserting that it is the touchstone of all theory on the matter, in so far as it is resolved in the problem itself of the subject of copyright. According to her opinion, the delimitation between the private and the public interest is fundamentally connected with the problem of plagiarism — because

the latter, as an unlawful act, does not exist otherwise than from the moment when the general interest in the utilization of a work seems to lessen and give way to the author's private interest. The latter, again, is a general and public interest, since it is only the respect for a work that can give rise to encouragement to create new works.

So this work is a study on plagiarism in general, and on literary plagiarism in particular. In its first part, the author discusses the preliminary notions: the work of intellect as a legal property, the nature of copyright, the interest and the legal powers of an author, and the value of the norms of correctness.

The second part deals with the main theme of the work: plagiarism and the creative character of a work of intellect. Starting from plagiarism in the legal consciousness (including the international conventions as well as plagiarism in doctrine and in court decisions), the author then discusses the subject of plagiarism, rights over the work, and relations between the plagiarist and the work (the criterion for identifying a plagiarism, plagiarism as an offence, etc.).

At the end of the book there are a bibliographic list of works, an alphabetic index of authors, and an analytic index of subjects dealt with in the work.

M. S.

## CALENDAR

### Meetings of BIRPI

Date and Place	Title	Object	Invitations to Participate	Observers Invited
September 26 to 29, 1966 Geneva	Interunion Coordination Committee	Program and Budget of BIRPI	Belgium, Brazil, Ceylon, Czechoslovakia, Denmark, France, Germany (Fed. Rep.), Hungary, India, Italy, Japan, Morocco, Netherlands, Nigeria, Portugal, Rumania, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia	All other Member States of the Paris Union or of the Berne Union
September 26 to 29, 1966 Geneva	Executive Committee of the Conference of Representatives of the Paris Union (2nd Session)	Program and Budget (Paris Union)	Ceylon, Czechoslovakia, France, Germany (Fed. Rep.), Hungary, Italy, Japan, Morocco, Netherlands, Nigeria, Portugal, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia	All other Member States of the Paris Union
September 29 and 30, 1966 Geneva	Council established by the Agreement of Lisbon for the Protection of Appellations of Origin and their International Registration	Preparatory work in relation to the entry into force of the Agreement	All Member States of the Agreement of Lisbon	
October 30 to November 4, 1966 Budapest	East/West Industrial Property Symposium	Discussion of practical questions of industrial property		Open. Registration required
November 7 to 11, 1966 Geneva	Committee of Experts on a model law for developing countries on marks, trade names, indications of source, and unfair competition	To draft a Model Law on Trademarks for developing countries	<i>Africa:</i> Algeria, Burundi, Congo (Leopoldville), Ethiopia, Gambia, Ghana, Guinea, Kenya, Liberia, Libya, Malawi, Mali, Morocco, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Tanzania, Togo, Tunisia, United Arab Republic, Uganda, Zambia <i>America:</i> Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Guiana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay, Venezuela <i>Asia:</i> Afghanistan, Burma, Cambodia, Ceylon, China (Taiwan), India, Indonesia, Iraq, Iran, Jordan, Korea, Kuwait, Laos, Lebanon, Malaysia, Maldive Islands, Mongolia, Nepal, Pakistan, Philippines, Saudi Arabia, Singapore, Syrian Arab Republic, Thailand, Viet Nam, Yemeu <i>Others:</i> Cyprus, Malta, Western Samoa	United Nations; Council of Europe; European Economic Community; Latin American Free Trade Association; African and Malagasy Industrial Property Office; International Association for the Protection of Industrial Property; International Chamber of Commerce; Inter-American Association of Industrial Property; International Federation of Patent Agents; International League against Unfair Competition

Date and Place	Title	Object	Invitations to Participate	Observers Invited
December 13 to 16, 1966 Geneva	<i>Ad hoc</i> Conference of the Directors of National Industrial Property Offices and Committee of Directors of the Madrid Union	Adoption of the Transitional Regulations of the Madrid Agreement (Trade-marks)	All Member States of the Madrid Agreement (Trade-marks)	All other Member States of the Paris Union

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January 23 to 30, 1967 New Delhi	East Asian Seminar on Copyright	Discussion of general principles of special interest to East Asian countries in the field of copyright and related rights	All East Asian States Members of the United Nations or of any United Nations Specialized Agency	All other Member States of the Berne Union; United Nations; Unesco; various interested non-governmental Organizations
June 12 to July 14, 1967 Stockholm	Intellectual Property Conference of Stockholm, 1967	<p>(a) General Revision of the Berne Convention (Copyright)</p> <p>(b) Revision of the Paris Convention (Industrial Property) on the question of inventors' certificates</p> <p>(c) Revision of the administrative and final clauses of the Berne and Paris Conventions and of the Special Agreements concluded under the latter</p> <p>(d) Establishment of a new Organization</p>	<p>For (a), (b) and (c): Member States of the various Unions</p> <p>For (d): States Members of the United Nations or any of the UN Specialized Agencies</p>	<p>States: States not members of the Unions [for (a), (b) and (c)]</p> <p><i>Intergovernmental Organizations:</i> United Nations; International Labour Organization; World Health Organization; United Nations Educational, Scientific and Cultural Organization; General Agreement of Tariffs and Trade; International Institute for the Unification of Private Law; International Olive Oil Council; International Patent Institute; International Vine and Wine Office; African and Malagasy Industrial Property Office; Council of Europe; Latin-American Free Trade Association; Organization of American States</p> <p>Interested Non-Governmental Organizations</p>

## Meetings of Other International Organizations concerned with Intellectual Property

Place	Date	Organization	Title	
The Hague	October 10 to 21, 1966	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT)	6th Annual Meeting	
Hollywood	October 11 to 17, 1966	International Writers Guild (IWG)	1st Congress	
Paris	October 27 and 28, 1966	International Chamber of Commerce (ICC)	Commission on the International Protection of Industrial Property	
Brussels	November 17 to 19, 1966	International Literary and Artistic Association (ALAI)	Executive Committee	
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Basle	March 29 to April 4, 1967	International Literary and Artistic Association (ALAI)	52nd Congress	