

Copyright

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INTERNATIONAL UNION

ARGENTINA

Accession to the Berne Convention for the Protection of Literary and Artistic Works, revised last at Brussels on June 26, 1948 (with effect from June 10, 1967)

*Notification of the Swiss Government to the Governments
of Unionist Countries*

In compliance with the instructions issued by the Federal Political Department on May 10, 1967, the Swiss Embassy has the honour to inform the Ministry of Foreign Affairs that, in a letter dated May 5, 1967, the Embassy of the Argentine Republic in Berne has notified the Swiss Government of the accession of Argentina to the Berne Convention for the Protection of Literary and Artistic Works, signed on September 9, 1886, completed at Paris on May 4, 1896, revised at Berlin on

November 13, 1908, completed at Berne on March 20, 1914, revised at Rome on June 2, 1928, and revised at Brussels on June 26, 1948.

According to Article 25, paragraph (3), of the Convention, this accession will take effect on June 10, 1967.

As regards its participation to the expenses of the International Bureau of the Union, Argentina has been placed, according to its request, in the fourth class of contribution, by virtue of Article 23 of the Brussels text of the Berne Convention.

MEXICO

Accession to the Berne Convention for the Protection of Literary and Artistic Works, revised last at Brussels on June 26, 1948 (with effect from June 11, 1967)

*Notification of the Swiss Government to the Governments
of Unionist Countries*

In compliance with the instructions issued by the Federal Political Department on May 11, 1967, the Swiss Embassy has the honour to inform the Ministry of Foreign Affairs that, in a note dated May 9, 1967, the Mexican Embassy in Berne has notified the Swiss Government of the accession of Mexico to the Berne Convention for the Protection of Literary and Artistic Works, signed on September 9, 1886, completed at

Paris on May 4, 1896, revised at Berlin on November 13, 1908, completed at Berne on March 20, 1914, revised at Rome on June 2, 1928, and revised at Brussels on June 26, 1948.

According to Article 25, paragraph (3), of the Convention, this accession will take effect on June 11, 1967.

The class of contribution for the participation of Mexico to the expenses of the International Bureau for the Protection of Literary and Artistic Works will be communicated in a subsequent notification.

NATIONAL LEGISLATION

PAKISTAN

The Copyright Ordinance, 1962

An Ordinance to amend and consolidate the law relating to copyright

(No. XXXIV, of 1962) ¹⁾

Whereas it is expedient to amend and consolidate the law relating to copyright;

Now, therefore, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

CHAPTER I

Preliminary

Short title, extent and commencement

1. — (1) This Ordinance may be called the Copyright Ordinance, 1962.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint ²⁾.

Definitions

2. — In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “adaptation” means,—

(i) in relation to a dramatic work, the conversion of the work into a non-dramatic work;

(ii) in relation to a literary work or an artistic work, the conversion of the work into a dramatic work by way of performance in public or otherwise;

(iii) in relation to a literary or dramatic work, any abridgement of the work or any version of the work in which the story or action is conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, or in a newspaper, magazine or similar periodical; and

(iv) in relation to a musical work, any arrangement or transcription of the work;

(b) “architectural work of art” means any building or structure having an artistic character or design, or any model for such building or structure;

(c) “artistic work” means,—

(i) a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possesses artistic quality;

(ii) an architectural work of art; and

(iii) any other work of artistic craftsmanship ;

(d) “author” means,—

(i) in relation to a literary or dramatic work, the author of the work;

(ii) in relation to a musical work, the composer;

(iii) in relation to an artistic work other than a photograph, the artist;

(iv) in relation to a photograph, the person taking the photograph;

(v) in relation to a cinematographic work, the owner of the work at the time of its completion; and

(vi) in relation to a record, the owner of the original plate from which the record is made, at the time of the making of the plate;

(e) “Board” means the Copyright Board constituted under section 45;

(f) “book” includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart or plan, separately printed or lithographed, but does not include a newspaper;

(g) “calendar year” means the year commencing on the first day of January;

(h) “cinematographic work” means any sequence of visual images recorded on material of any description (whether translucent or not), whether silent or accompanied by sound, which, if shown (played back, exhibited) conveys the sensation of motion;

(i) “delivery” in relation to a lecture, includes delivery by means of any mechanical instrument or by radio-diffusion;

(j) “dramatic work” includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise but does not include a cinematographic work;

(k) “engravings” include etchings, lithographs, wood-cuts, prints and other similar works, not being photographs;

(l) “exclusive licence” means a licence which confers on the licensee or on the licensee and persons authorized by him, to the exclusion of all other persons (including the owner of the copyright), any right comprised in the copyright in a work, and “exclusive licensee” shall be construed accordingly;

¹⁾ This Ordinance was published in *The Gazette of Pakistan Extraordinary*, of June 2, 1962.

²⁾ Notification published in *The Gazette of Pakistan Extraordinary*, of February 21, 1967: “S. R. O. 26 (R) 67. — In exercise of the powers conferred by sub-section (3) of section 1 of the Copyright Ordinance, 1962 (XXXIV of 1962), the Central Government is pleased to appoint the 27th day of February, 1967, to be the date on which the said Ordinance shall come into force”.

- (m) "Government work" means a work which is made or published by or under the direction or control of—
- (i) the Government or any department of the Government; or
 - (ii) any court, tribunal or other judicial or legislative authority in Pakistan;
- (n) "infringing copy" means,—
- (i) in relation to a literary, dramatic, musical or artistic work, a reproduction thereof otherwise than in the form of a cinematographic work;
 - (ii) in relation to a cinematographic work, a copy of the work or a record embodying the recording in any part of the sound track associated with the film;
 - (iii) in relation to a record, any record embodying the same recording; and
 - (iv) in relation to a programme in which a broadcast reproduction right subsists under section 24, a record recording the programme,
- if such reproduction, copy or record is made or imported in contravention of any of the provisions of this Ordinance;
- (o) "lecture" includes address, speech and sermon;
- (p) "literary work" includes works on humanity, religion, social and physical sciences, tables and compilations;
- (q) "manuscript" means the original document embodying the work, whether written by hand or not;
- (r) "musical work" means any combination of melody and harmony or either of them, printed, reduced to writing or otherwise graphically produced or reproduced;
- (s) "newspaper" means any printed periodical work containing public news or comments on public news published in conformity with the provisions of sections 5, 6, 7 and 8 of the Press and Publications Ordinance, 1960 (XV of 1960);
- (t) "Pakistani work" means a literary, dramatic, musical or artistic work, the author of which is a citizen of Pakistan and includes a cinematographic work or a record made or manufactured in Pakistan;
- (u) "performance" includes any mode of visual or acoustic presentation, including any such presentation by the exhibition of a cinematographic work, or by means of radio-diffusion, or by the use of a record, or by any other means and, in relation to a lecture, includes the delivery of such lecture;
- (v) "performing rights society" means a society, association or other body, whether incorporated or not, which carries on in Pakistan the business of issuing or granting licences for the performance in Pakistan of any works in which copyright subsists;
- (w) "photograph" includes photo-lithograph and any work produced by any process analogous to photography but does not include any part of a cinematographic work;
- (x) "plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, negative, tape, wire, optical film, or other device used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliances by which records for the acous-

tic presentation of the work are or are intended to be made;

- (y) "prescribed" means prescribed by rules made under this Ordinance;
- (z) "public libraries" means the National Library of Pakistan designated as such by the Central Government and any two other libraries, one in each Province, specified by the Central Government in this behalf, by notification in the official Gazette;
- (za) "radio-diffusion" includes communication to the public by any means of wireless diffusion whether in the form of sounds or visual images or both;
- (zb) "record" means any disc, tape, wire, perforated roll or other device in which sounds are embodied so as to be capable of being reproduced therefrom, other than a sound track associated with a cinematographic work;
- (zc) "recording" means the aggregate of the sounds embodied in and capable of being reproduced by means of a record;
- (zd) "reproduction" in the case of a literary, dramatic or musical work, includes a reproduction in the form of a record or of a cinematographic work and, in the case of an artistic work, includes a version produced by converting the work into a three-dimensional form, or if it is in three dimensions, by converting it into a two dimensional form and references to reproducing a work shall be construed accordingly;
- (ze) "Registrar" means the Registrar of Copyrights appointed under section 44 and includes a Deputy Registrar of Copyrights when discharging any function of the Registrar;
- (zf) "work" means any of the following works, namely:—
- (i) a literary, dramatic, musical or artistic work;
 - (ii) a cinematographic work;
 - (iii) a record;
- (zg) "work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors; and
- (zh) "work of sculpture" includes casts and models.

Meaning of copyright

3. — (1) For the purposes of this Ordinance, "copyright" means the exclusive right, by virtue of, and subject to the provisions of, this Ordinance,—

- (a) in the case of a literary, dramatic or musical work, to do and authorize the doing of any of the following acts, namely:—
- (i) to reproduce the work in any material form;
 - (ii) to publish the work;
 - (iii) to perform the work in public;
 - (iv) to produce, reproduce, perform or publish any translation of the work;
 - (v) to use the work in a cinematographic work or make a record in respect of the work;
 - (vi) to communicate the work by radio-diffusion or to communicate to the public by a loudspeaker or any other similar instrument the radio-diffusion of the work;

- (vii) to make any adaptation of the work;
 - (viii) to do in relation to a translation or an adaptation of the work any of the acts specified in relation to the work in sub-clauses (i) to (vi);
- (b) in the case of an artistic work, to do or authorize the doing of any of the following acts, namely:—
- (i) to reproduce the work in any material form;
 - (ii) to publish the work;
 - (iii) to use the work in a cinematographic work;
 - (iv) to show the work in television;
 - (v) to make any adaptation of the work;
 - (vi) to do in relation to an adaptation of the work any of the acts specified in relation to the work in sub-clauses (i) to (iv);
- (c) in the case of a cinematographic work, to do or authorize the doing of any of the following acts, namely:—
- (i) to make a copy of the work;
 - (ii) to cause the work in so far as it consists of visual images, to be seen in public and, in so far as it consists of sounds, to be heard in public;
 - (iii) to make any record embodying the recording in any part of the sound track associated with the work by utilising such sound track;
 - (iv) to communicate the work by radio-diffusion;
- (d) in the case of a record, to do or authorize the doing of any of the following acts by utilising the record, namely:—
- (i) to make any other record embodying the same recording;
 - (ii) to use the record in the sound track of a cinematographic work;
 - (iii) to cause the recording embodied in the record to be heard in public;
 - (iv) to communicate the recording embodied in the record by radio-diffusion.

(2) Any reference in sub-section (1) to the doing of any act in relation to a work or a translation or an adaptation thereof shall include a reference to the doing of that act in relation to a part thereof.

Meaning of publication

4. — (1) For the purposes of this Ordinance, "publication" means, —

- (a) in the case of a literary, dramatic, musical or artistic work, the issue of copies of the work to the public in sufficient quantities;
- (b) in the case of a cinematographic work, the sale or hire or offer for sale or hire of the work or copies thereof to the public;
- (c) in the case of a record, the issue of records to the public in sufficient quantities;

but does not, except as otherwise expressly provided in this Ordinance, include, —

- (i) in the case of a literary, dramatic or musical work, the issue of any records recording such work;
- (ii) in the case of a work of sculpture or an architectural work of art, the issue of photographs and engravings of such work.

(2) If any question arises under sub-section (1), whether copies of any literary, dramatic, musical or artistic work, or records issued to the public are sufficient in quantities, it shall be referred to the Board whose decision thereon shall be final.

When work not deemed to be published or performed in public

5. — Except for the purposes of infringement of copyright, a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public or delivered in public, without the licence or consent of the owner of the copyright.

When work deemed to be first published in Pakistan

6. — (1) For the purposes of this Ordinance, a work published in Pakistan shall be deemed to be first published in Pakistan, notwithstanding that it has been published simultaneously in some other country, unless such other country provides a shorter term of copyright for such work; and a work shall be deemed to be published simultaneously in Pakistan and in another country if the time between the publication in Pakistan and the publication in such other country does not exceed thirty days.

(2) If any question arises under sub-section (1) whether the term of copyright for any work is shorter in any other country than that provided in respect of that work under this Ordinance, it shall be referred to the Board whose decision thereon shall be final.

Nationality of author where the making of unpublished work is extended over considerable period

7. — Where, in the case of an unpublished work, the making of the work is extended over a considerable period, the author of the work shall, for the purposes of this Ordinance, be deemed to be a citizen of, or domiciled in, the country of which he was a citizen or wherein he was domiciled during the major part of that period.

Domicile of corporation

8. — For the purposes of this Ordinance, a body corporate shall be deemed to be domiciled in Pakistan if it is incorporated under any law in force in Pakistan or if it has an established place of business in Pakistan.

CHAPTER II

Copyright, ownership of copyright and the rights of the owner

No copyright except as provided in this Ordinance

9. — No person shall be entitled to copyright or any similar right in any work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Ordinance, or of any other law for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

Works in which copyright subsists

10. — (1) Subject to the provisions of this section and to the other provisions of this Ordinance, copyright shall subsist throughout Pakistan in the following classes of works, that is to say, —

- (a) original literary, dramatic, musical and artistic works;
- (b) cinematographic works; and
- (c) records.

(2) Copyright shall not subsist in any work specified in sub-section (1), other than a work to which the provisions of section 53 or section 54 apply, unless, —

- (i) in the case of a published work, the work is first published in Pakistan, or where the work is first published outside Pakistan, the author is at the date of such publication, or in a case where the author was dead at that date, was at the time of his death, a citizen of Pakistan or domiciled in Pakistan;
- (ii) in the case of an unpublished work other than an architectural work of art, the author is at the date of the making of the work a citizen of Pakistan or domiciled in Pakistan; and
- (iii) in the case of an architectural work of art, the work is located in Pakistan.

(3) Copyright shall not subsist, —

- (a) in any cinematographic work, if a substantial part of the work is an infringement of the copyright in any other work;
- (b) in any record made in respect of a literary, dramatic or musical work, if, in making the record, copyright in such work has been infringed.

(4) The copyright or the lack of copyright in a cinematographic work or a record shall not affect the separate copyright in any work in respect of which or a substantial part of which, the work, or, as the case may be, the record is made.

(5) In the case of an architectural work of art, copyright shall subsist only in the artistic character and design and shall not extend to the processes or methods of construction.

Work of joint authors

11. — Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Ordinance, the work shall be treated for the purposes of this Ordinance as if the other author or authors had been the sole author or authors thereof:

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions.

Provision as to designs registrable under Act II of 1911

12. — (1) Copyright shall not subsist under this Ordinance in any design which is registered under the Patents and Designs Act, 1911 (II of 1911).

(2) Copyright in any design which is capable of being registered under the Patents and Designs Act, 1911 (II of 1911), but which has not been so registered, shall cease as soon as

any article to which the design has been applied has been reproduced more than fifty times by an industrial process by the owner of the copyright or, with his licence, by any other person.

First owner of copyright

13. — Subject to the provisions of this Ordinance, the author of a work shall be the first owner of the copyright therein:

Provided that, —

- (a) in the case of a literary, dramatic or artistic work made by the author in the course of his employment by the proprietor of a newspaper, magazine or similar periodical under a contract of service or apprenticeship, for the purpose of publication in a newspaper, magazine or similar periodical, the said proprietor shall, in the absence of any agreement to the contrary, be the first owner of the copyright in the work in so far as the copyright relates to the publication of the work in any newspaper, magazine or similar periodical, or to the reproduction of the work for the purpose of its being so published, but in all other respects the author shall be the first owner of the copyright in the work;
- (b) subject to the provisions of clause (a), in the case of a photograph taken, or a painting or portrait drawn, or an engraving or a cinematographic work made, for valuable consideration at the instance of any person, such person shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;
- (c) in the case of a work made in the course of the author's employment under a contract of service or apprenticeship, to which clause (a) or clause (b) does not apply, the employer shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;
- (d) in the case of a Government work, Government shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;
- (e) in the case of a work to which the provisions of section 53 apply, the international organisation concerned shall be the first owner of the copyright therein.

Assignment of copyright

14. — (1) The owner of the copyright in an existing work or the prospective owner of the copyright in a future work may assign to any person the copyright either wholly or partially and either generally or subject to limitations and either for the whole term of the copyright or any part thereof:

Provided that, in the case of the assignment of copyright in any future work, the assignment shall take effect only when the work comes into existence:

Provided further that, where the owner of the copyright in a work is the author of the work, no assignment of the copyright in the work or of any interest in such copyright shall be made, or if made shall be effective (except where the assignment is made in favour of Government or an educational, charitable, religious or non-profit institution) for a period of more than ten years beginning from the calendar year next following the year in which the assignment is made; if an

assignment of the copyright in a work is made in contravention of this proviso, the copyright in the work shall, on the expiry of the period specified in this proviso, revert to the author (who may re-assign the copyright in the work subject to the provisions herein contained), or if the author be dead to his representatives in interest.

(2) Where the assignee of a copyright becomes entitled to any right comprised in the copyright, the assignee as respects the rights so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Ordinance as the owner of copyright and the provisions of this Ordinance shall have effect accordingly.

(3) In this section, the expression "assignee" as respects the assignment of the copyright in any future work includes the legal representatives of the assignee, if the assignee dies before the work comes into existence.

Mode of assignment

15. — No assignment of the copyright in any work shall be valid unless it is in writing signed by the assignor or by his duly authorized agent.

Transmission of copyright in manuscript by testamentary disposition

16. — Where under a bequest a person is entitled to the manuscript of a literary, dramatic or musical work, or to an artistic work, and the work was not published before the death of the testator, the bequest shall, unless the contrary intention is indicated in the testator's will or any codicil thereto, be construed as including the copyright in the work in so far as the testator was the owner of the copyright immediately before his death.

Right of owner to relinquish copyright

17. — (1) The owner of the copyright in a work may relinquish all or any of the rights comprised in the copyright by giving notice in the prescribed form to the Registrar and thereupon such rights shall, subject to the provisions of sub-section (3), cease to exist from the date of the notice.

(2) On receipt of a notice under sub-section (1), the Registrar shall cause it to be published in the official Gazette and in such other manner as he may deem fit.

(3) The relinquishment of all or any of the rights comprised in the copyright in a work shall not affect any rights subsisting in favour of any person on the date of the notice referred to in sub-section (1).

CHAPTER III

Term of copyright

Term of copyright in published literary, dramatic, musical and artistic works

18. — Except as otherwise hereinafter provided, copyright shall subsist in any literary, dramatic, musical or artistic work (other than a photograph) published within the lifetime of the author until fifty years from the beginning of the calendar year next following the year in which the author dies.

Explanation. — In this section, the reference to the author shall, in the case of a work of joint authorship, be construed as a reference to the author who dies last.

Term of copyright in posthumous work

19. — (1) In the case of a literary, dramatic or musical work or an engraving, in which copyright subsists at the date of the death of the author or, in the case of any such work of joint authorship, at or immediately before the date of the death of the author who dies last, but which, or any adaptation of which, has not been published before that date, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published or, where an adaptation of the work is published in any earlier year, from the beginning of the calendar year next following that year.

(2) For the purposes of this section, a literary, dramatic or musical work or an adaptation of any such work shall be deemed to have been published, if it has been performed in public or if any records made in respect of the work have been sold, or offered for sale, to the public.

Term of copyright in cinematographic works, records and photographs

20. — (1) In the case of a cinematographic work, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is published.

(2) In the case of a record, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the record is published.

(3) In the case of a photograph, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the photograph is published.

Term of copyright in anonymous and pseudonymous work

21. — (1) In the case of a literary, dramatic, musical or artistic work (other than a photograph), which is published anonymously or pseudonymously, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published:

Provided that where the identity of the author is disclosed before the expiry of the said period, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the author dies.

(2) In sub-section (1), references to the author shall, in the case of an anonymous work of joint authorship be construed,—

(a) where the identity of one of the authors is disclosed as references to that author;

(b) where the identity of more authors than one is disclosed, as references to the author who dies last from amongst such authors.

(3) In sub-section (1), references to the author shall, in the case of a pseudonymous work of joint authorship, be construed,—

- (a) where the names of one or more (but not all) of the authors are pseudonyms and his or their identity is not disclosed, as references to the author whose name is not a pseudonym, or, if the names of two or more of the authors are not pseudonyms, as references to such one of those authors who dies last;
- (b) where the names of one or more (but not all) of the authors are pseudonyms and the identity of one or more of them is disclosed, as references to the author who dies last from amongst the authors whose names are not pseudonyms and the authors whose names are pseudonyms and are disclosed; and
- (c) where the names of all the authors are pseudonyms and the identity of one of them is disclosed, as references to the author whose identity is disclosed or, if the identity of two or more of such authors is disclosed, as references to such one of those authors who dies last.

Explanation. — For the purposes of this section, the identity of an author shall be deemed to have been disclosed, if either the identity of the author is disclosed publicly by both the author and the publisher or is otherwise established to the satisfaction of the Board by that author.

Term of copyright in Government works and in works of international organizations

22. — (1) Copyright in a Government work shall, where Government is the first owner of the copyright therein, subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published.

(2) In the case of a work of an international organization to which the provisions of section 53 apply, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published.

Term of copyright in unpublished work

23. — (1) If a work, whose author's identity is known, is not published posthumously within fifty years after the death of the author, such work shall fall into the public domain after fifty years from the beginning of the calendar year next following the year in which the author dies.

(2) If a work, whose authors' identity is not known, is not published within fifty years of its creation, such work shall fall into the public domain after fifty years from the beginning of the calendar year next following the year in which the work is created.

CHAPTER IV

Rights of broadcasting organizations

Rights of broadcasting organizations

24. — (1) Broadcasting organizations shall enjoy the right to authorize —

- (a) the rebroadcasting of their broadcasts;
- (b) the fixation of their broadcasts; and
- (c) the copying of fixations made of their broadcasts.

(2) This right shall subsist until twenty-five years from beginning of the calendar year next following the year in which the broadcast took place.

Application of other provisions of this Ordinance to broadcasts

25. — Any person who, without the authorization of the broadcasting organization, does or causes the doing of any of the acts referred to in section 24 shall be deemed to infringe the rights of the broadcasting organization, and the provisions contained in Chapters XII to XVI shall, within the limits permitted by the nature of the matter, apply to broadcasting organizations and broadcasts as if they were authors and works, respectively.

Definitions

26. — (a) "Broadcasting" or "broadcast" means the transmission by wireless means for public reception of sounds, images or both.

(b) "Rebroadcasting" means the simultaneous broadcasting by one broadcasting organization of the broadcast of another broadcasting organization.

(c) "Fixation" means the incorporation of sounds or images or both in a device by means of which they can later be made aurally or visually perceivable.

Other rights not affected

27. — For the removal of doubts, it is hereby declared that the rights conferred upon broadcasting organizations shall not affect the copyright in any literary, dramatic, musical, artistic or cinematographic work, or in any record used in the broadcast.

CHAPTER V

Rights in published editions of works

Protection of typography and term of protection

28. — The publisher of an edition of a work shall enjoy the right to authorize the making, by any photographic or similar process, of copies, intended for sale in commerce, of the typographical arrangement of the edition, and such right shall subsist until twenty-five years from the beginning of the calendar year next following the year in which the edition was first published.

Infringements, etc.

29. — Any person who, without the authorization of the publisher, makes or causes the making of, by any photographic or similar process, copies, intended for sale in commerce, of the typographical arrangement of the edition or any substantial part thereof, shall be deemed to infringe the rights of the publisher, and the provisions contained in Chapters XII to XVI shall, within the limits permitted by the nature of the matter, apply to the publisher and the typographical arrangements of editions as if they were authors and works respectively.

Explanation. — "Typographical arrangement" shall include calligraphy.

Relations to copyright

30. — For the removal of doubts, it is hereby declared that the right conferred upon publishers by this Chapter shall

(a) subsist irrespective of the question whether the edition is that of a work protected or unprotected by copyright;

(b) not affect the copyright, if any, in the literary, dramatic, musical or artistic work itself.

CHAPTER VI

Performing rights societies

Performing rights society to file statements of fees, charges and royalties

31. — (1) Every performing rights society shall, within the prescribed time and in the prescribed manner, prepare, publish and file with the Registrar, statements of all fees, charges or royalties which it proposes to collect for the grant of licences for the performance in public of works in respect of which it has authority to grant such licences.

(2) If any such society fails, in relation to any work, to prepare, publish or file with the Registrar the statements referred to in sub-section (1) in accordance with the provisions of that sub-section, no action or other proceeding to enforce any remedy, civil or criminal, for infringement of the performing rights in that work shall be commenced except with the consent of the Registrar.

Objections relating to published statements

32. — Any person having any objections to any fees, charges or royalties or other particulars included in any statement referred to in section 31 may at any time lodge such objections in writing at the Copyright Office.

Determination of objections

33. — (1) Every objection lodged at the Copyright Office under section 32 shall, as soon as may be, be referred to the Board, and the Board shall decide such objection in the manner hereinafter provided.

(2) The Board shall, notwithstanding that no objection has been lodged, take notice of any matter which, in its opinion, is one for objection.

(3) The Board shall give notice in respect of every objection to the performing rights society concerned and shall give to such society and the person who lodged the objection a reasonable opportunity of being heard.

(4) The Board shall, after making the prescribed enquiry, make such alterations in the statements as it may think fit, and shall transmit the statements thus altered or unchanged, as the case may be, to the Registrar, who shall thereupon as soon as practicable after the receipt of such statements, publish them in the official Gazette and furnish the performing rights society concerned and the person who lodged the objection with a copy thereof.

(5) The statements of fees, charges or royalties as approved by the Board shall be the fees, charges or royalties which the performing rights society concerned may respectively lawfully sue for or collect in respect of the issue or grant by it of licences for the performance in public of works to which such fees, charges or royalties relate.

(6) No performing rights society shall have any right of action or any right to enforce any civil or other remedy for infringement of the performing rights in any work claimed by such society against any person who has tendered or paid to such society the fees, charges or royalties which have been approved by the Board as aforesaid.

Existing rights not affected

34. — Nothing in this Chapter shall be deemed to affect—

(a) any rights or liabilities in relation to the performing rights in work accrued or incurred before the commencement of this Ordinance; and

(b) any legal proceedings in respect of such rights or liabilities pending at such commencement.

(to be continued)

CORRESPONDENCE

Letter from the United States

Walter J. DERENBERG

Copyright International Conventions Handbook. Introduction by T. S. Krishnamurti. One volume of IV + 105 pages. 29 × 21 cm. Copyright Office, New Delhi, 1967.

As stated in the introduction, this is intended to be a handy reference book for those interested in international copyright. It contains mainly the various texts of the international Conventions, with some additional material giving useful information relating to these questions.

The first part includes the full texts of all the Acts of the Berne Convention, from the original one of 1886 to the latest Brussels version of 1948. It is prefaced by an appropriate article by *Claude Masouyé*, who gives a retrospective survey of the Convention.

The text of the Universal Copyright Convention, together with its Appendix Declaration, Resolution and Protocols, is given in Part II.

Part III contains the text of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.

The Draft African Model Copyright Law, adopted by a Committee of African Experts who met at Geneva in 1964, is reproduced in Part IV.

Part V contains a list of the countries parties to the international Conventions as on November 15, 1966.

Lastly, Part VI gives the parallel texts of the Brussels Act and of the proposals prepared for the Stockholm Conference, generally known as Documents S/1 and S/9.

This collection of texts relating to international copyright, published on the occasion of the East Asian Seminar on Copyright held in New Delhi at the beginning of this year, will certainly prove to be a useful reference book for all those who need a general information in this field.

M. S.

CALENDAR

Meetings of BIRPI

Date and Place	Title	Object	Invitations to Participate	Observers Invited
June 11 to July 14, 1967 Stockholm	Intellectual Property Conference of Stockholm, 1967	(a) General Revision of the Berne Convention (Copyright) (b) Revision of the Paris Convention (Industrial Property) on the question of inventors' certificates (c) Revision of the administrative and final clauses of the Berne and Paris Conventions and of the Special Agreements concluded under the latter (d) Establishment of a new Organization	For (a), (b) and (c): Member States of the various Unions For (d): States Members of the United Nations or any of the UN Specialized Agencies	States: States not members of the Unions [for (a), (b) and (c)] Intergovernmental Organizations: United Nations; International Labour Organization; World Health Organization; United Nations Educational, Scientific and Cultural Organization; General Agreement on Tariffs and Trade; United Nations Conference on Trade and Development; United Nations Industrial Development Organization; International Institute for the Unification of Private Law; International Patent Institute; International Vine and Wine Office; International Olive Oil Council; Organization of American States; Council of Europe; European Economic Community; European Free Trade Association; Latin American Free Trade Association; African and Malagasy Industrial Property Office Interested International Non-Governmental Organizations
October 2 to 10, 1967 Geneva	Committee of Experts on a Patent Cooperation Treaty (PCT)	Examination of the proposed BIRPI plan for facilitating the filing and examination of applications for the protection of the same invention in a number of countries	Countries in which over 5000 patent applications were filed in 1965: Argentina, Australia, Austria, Belgium, Brazil, Canada, Czechoslovakia, Denmark, Federal Republic of Germany, France, India, Italy, Japan, Mexico, Netherlands, Poland, South Africa, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America	Intergovernmental Organizations: United Nations; United Nations Industrial Development Organization; United Nations Conference on Trade and Development; International Patent Institute; Organization of American States; Council of Europe; African and Malagasy Industrial Property Office International Non-Governmental Organizations: Committee of National Institutes of Patent Agents; Inter-American Association of Industrial Property; International Association for the Protection of Industrial Property; International Chamber of Commerce; International Federation of Patent Agents; Union of European Patent Agents

Date and Place	Title	Object	Invitations to Participate	Observers Invited
December 12 to 15, 1967 Geneva	Permanent Committee of the Berne Union (13 th Session)	Consideration of various questions concerning copyright	Belgium, Brazil, Denmark, France, Germany (Fed. Rep.), India, Italy, Portugal, Rumania, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland	All other Member States of the Berne Union; interested international inter-governmental and non-governmental organizations
December 18-19 1967 Geneva (Headquarters of ILO)	Intergovernmental Committee (Neighbouring Rights). Meeting convened jointly by BIRPI, ILO and UNESCO (First Session)	Adoption of the rules of procedure; election of officers; various questions	Congo (Brazzaville), Czechoslovakia, Ecuador, Mexico, Sweden, United Kingdom of Great Britain and Northern Ireland	All other States parties to the Rome Convention (1961)
December 18 to 21, 1967 Geneva	Internion Coordination Committee (5 th Session)	Program and Budget of BIRPI	Belgium, Brazil, Ceylon, Czechoslovakia, Denmark, France, Germany (Fed. Rep.), Hungary, India, Italy, Japan, Mexico, 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
December 18 to 21, 1967 Geneva	Conference of Representatives of the International Union for the Protection of Industrial Property (2 nd Session)	Program and Budget for the next three-year period	All Member States of the Paris Union	—
December 18 to 21, 1967 Geneva	Executive Committee of the Conference of Representatives of the Paris Union (3 rd Session)	Program and Budget (Paris Union)	Ceylon, Czechoslovakia, France, Germany (Fed. Rep.), Hungary, Italy, Japan, Mexico, 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
December 18 to 21, 1967 Geneva	Council of the Lisbon Union for the Protection of Appellations of Origin and their International Registration (2 nd Session)	Annual Meeting	All Member States of the Lisbon Union	All other Member States of the Paris Union

Meetings of Other International Organizations concerned with Intellectual Property

Place	Date	Organization	Title
Montreal	May 13 to 20, 1967	International Chamber of Commerce (ICC)	21 st Congress
Guatemala	May 25 to 28, 1967	Inter-American Association of Industrial Property (ASIPI)	Executive Committee
Stockholm	July 12 and 13, 1967	International Patent Institute (IIB)	92 nd Session of the Administrative Council
Helsinki	August 28 to September 1, 1967	International Association for the Protection of Industrial Property (IAPIP)	Executive Committee
Stockholm	September 18 to 29, 1967	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT)	7 th Annual Meeting