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WORLD INTELLECTUAL PROPERTY ORGANIZATION

Convention Establishing the World Intellectual Property Organization

Signed at Stockholm on July 14, 1967

The Contracting Parties,

Desiring to contribute to better understanding and cooperation among States for their mutual benefit on the basis of respect for their sovereignty and equality,

Desiring, in order to encourage creative activity, to promote the protection of intellectual property throughout the world,

Desiring to modernize and render more efficient the administration of the Unions established in the fields of the protection of industrial property and the protection of literary and artistic works, while fully respecting the independence of each of the Unions,

Agree as follows:

Article 1
Establishment of the Organization

The World Intellectual Property Organization is hereby established.

Article 2
Definitions

For the purposes of this Convention:

(i) "Organization" shall mean the World Intellectual Property Organization (WIPO);

(ii) "International Bureau" shall mean the International Bureau of Intellectual Property;

(iii) "Paris Convention" shall mean the Convention for the Protection of Industrial Property signed on March 20, 1883, including any of its revisions;

(iv) "Berne Convention" shall mean the Convention for the Protection of Literary and Artistic Works signed on September 9, 1886, including any of its revisions;

(v) "Paris Union" shall mean the International Union established by the Paris Convention;

(vi) "Berne Union" shall mean the International Union established by the Berne Convention;

(vii) "Unions" shall mean the Paris Union, the Special Unions and Agreements established in relation with that Union, the Berne Union, and any other international agreement designed to promote the protection of intellectual property whose administration is assumed by the Organization according to Article 4(iii);

(viii) "intellectual property" shall include the rights relating to:

— literary, artistic and scientific works,
— performances of performing artists, phonograms, and broadcasts,
— inventions in all fields of human endeavor,
— scientific discoveries,
— industrial designs,
— trademarks, service marks, and commercial names and designations,
— protection against unfair competition,

and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.

Article 3
Objectives of the Organization

The objectives of the Organization are:

(i) to promote the protection of intellectual property throughout the world through cooperation among States and, where appropriate, in collaboration with any other international organization,

(ii) to ensure administrative cooperation among the Unions.

Article 4
Functions

In order to attain the objectives described in Article 3, the Organization, through its appropriate organs, and subject to the competence of each of the Unions:

(i) shall promote the development of measures designed to facilitate the efficient protection of intellectual property throughout the world and to harmonize national legislation in this field;

(ii) shall perform the administrative tasks of the Paris Union, the Special Unions established in relation with that Union, and the Berne Union;

(iii) may agree to assume, or participate in, the administration of any other international agreement designed to promote the protection of intellectual property;

(iv) shall encourage the conclusion of international agreements designed to promote the protection of intellectual property;

(v) shall offer its cooperation to States requesting legal-technical assistance in the field of intellectual property;

(vi) shall assemble and disseminate information concerning the protection of intellectual property, carry out and promote studies in this field, and publish the results of such studies;

(vii) shall maintain services facilitating the international protection of intellectual property and, where appropriate, provide for registration in this field and the publication of the data concerning the registrations;

(viii) shall take all other appropriate action.

Article 5
Membership

(1) Membership in the Organization shall be open to any State which is a member of any of the Unions as defined in Article 2 (vii).

(2) Membership in the Organization shall be equally open to any State not a member of any of the Unions, provided that:

(i) it is a member of the United Nations, any of the Specialized Agencies brought into relationship with the United Nations, or the International Atomic Energy Agency, or is a party to the Statute of the International Court of Justice, or

(ii) it is invited by the General Assembly to become a party to this Convention.

Article 6
General Assembly

(1) *(a)* There shall be a General Assembly consisting of the States party to this Convention which are members of any of the Unions.

(b) The Government of each State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) The General Assembly shall:

(i) appoint the Director General upon nomination by the Coordination Committee;

(ii) review and approve reports of the Director General concerning the Organization and give him all necessary instructions;

(iii) review and approve the reports and activities of the Coordination Committee and give instructions to such Committee;

(iv) adopt the triennial budget of expenses common to the Unions;

(v) approve the measures proposed by the Director General concerning the administration of the international agreements referred to in Article 4 (iii);

(vi) adopt the financial regulations of the Organization;

(vii) determine the working languages of the Secretariat, taking into consideration the practice of the United Nations;

(viii) invite States referred to under Article 5 (2) (ii) to become party to this Convention;

(ix) determine which States not Members of the Organization and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(x) exercise such other functions as are appropriate under this Convention.

(3) *(a)* Each State, whether member of one or more Unions, shall have one vote in the General Assembly.

(b) One-half of the States members of the General Assembly shall constitute a quorum.

(c) Notwithstanding the provisions of subparagraph *(b)*, if, in any session, the number of States represented is less than one-half but equal to or more than one-third of the States members of the General Assembly, the General Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the following conditions are fulfilled. The International Bureau shall communicate the said decisions to the States members of the General Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of States having thus expressed their vote or abstention attains the number of States which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of subparagraphs *(e)* and *(f)*, the General Assembly shall make its decisions by a majority of two-thirds of the votes cast.

(e) The approval of measures concerning the administration of international agreements referred to in Article 4 (iii) shall require a majority of three-fourths of the votes cast.

(f) The approval of an agreement with the United Nations under Articles 57 and 63 of the Charter of the United Nations shall require a majority of nine-tenths of the votes cast.

(g) For the appointment of the Director General (paragraph (2) (i)), the approval of measures proposed by the Director General concerning the administration of international agreements (paragraph (2) (v)), and the transfer of headquarters (Article 10), the required majority must be attained not only in the General Assembly but also in the Assembly of the Paris Union and the Assembly of the Berne Union.

(h) Abstentions shall not be considered as votes.

(i) A delegate may represent, and vote in the name of, one State only.

(4) *(a)* The General Assembly shall meet once in every third calendar year in ordinary session, upon convocation by the Director General.

(b) The General Assembly shall meet in extraordinary session upon convocation by the Director General either at the request of the Coordination Committee or at the request of one-fourth of the States members of the General Assembly.

(c) Meetings shall be held at the headquarters of the Organization.

(5) States party to this Convention which are not members of any of the Unions shall be admitted to the meetings of the General Assembly as observers.

(6) The General Assembly shall adopt its own rules of procedure.

Article 7
Conference

(1) *(a)* There shall be a Conference consisting of the States party to this Convention whether or not they are members of any of the Unions.

(b) The Government of each State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) The Conference shall:

(i) discuss matters of general interest in the field of intellectual property and may adopt recommendations relating to such matters, having regard for the competence and autonomy of the Unions;

(ii) adopt the triennial budget of the Conference;

(iii) within the limits of the budget of the Conference, establish the triennial program of legal-technical assistance;

(iv) adopt amendments to this Convention as provided in Article 17;

(v) determine which States not Members of the Organization and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(vi) exercise such other functions as are appropriate under this Convention.

(3) *(a)* Each Member State shall have one vote in the Conference.

(b) One-third of the Member States shall constitute a quorum.

(c) Subject to the provisions of Article 17, the Conference shall make its decisions by a majority of two-thirds of the votes cast.

(d) The amounts of the contributions of States party to this Convention not members of any of the Unions shall be fixed by a vote in which only the delegates of such States shall have the right to vote.

(e) Abstentions shall not be considered as votes.

(f) A delegate may represent, and vote in the name of, one State only.

(4) *(a)* The Conference shall meet in ordinary session, upon convocation by the Director General, during the same period and at the same place as the General Assembly.

(b) The Conference shall meet in extraordinary session, upon convocation by the Director General, at the request of the majority of the Member States.

(5) The Conference shall adopt its own rules of procedure.

Article 8
Coordination Committee

(1) *(a)* There shall be a Coordination Committee consisting of the States party to this Convention which are members of the Executive Committee of the Paris Union, or the Executive Committee of the Berne Union, or both. However, if either of these Executive Committees is composed of more than one-fourth of the number of the countries members of the Assembly which elected it, then such Executive Committee shall designate from among its members the States which will be members of the Coordination Committee, in such a way that their number shall not exceed the one-fourth referred to above, it being understood that the country on the territory of which the Organization has its headquarters shall not be included in the computation of the said one-fourth.

(b) The Government of each State member of the Coordination Committee shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) Whenever the Coordination Committee considers either matters of direct interest to the program or budget of the Conference and its agenda, or proposals for the amendment of this Convention which would affect the rights or obligations of States party to this Convention not members of any of the Unions, one-fourth of such States shall participate in the meetings of the Coordination Committee with the same rights as members of that Committee. The Conference shall, at each of its ordinary sessions, designate these States.

(d) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) If the other Unions administered by the Organization wish to be represented as such in the Coordination Committee, their representatives must be appointed from among the States members of the Coordination Committee.

(3) The Coordination Committee shall:

(i) give advice to the organs of the Unions, the General Assembly, the Conference, and the Director General, on all administrative, financial and other matters of common interest either to two or more of the Unions, or to one or more of the Unions and the Organization, and in particular on the budget of expenses common to the Unions;

(ii) prepare the draft agenda of the General Assembly;

(iii) prepare the draft agenda and the draft program and budget of the Conference;

(iv) on the basis of the triennial budget of expenses common to the Unions and the triennial budget of the Conference, as well as on the basis of the triennial program of legal-technical assistance, establish the corresponding annual budgets and programs;

(v) when the term of office of the Director General is about to expire, or when there is a vacancy in the post of the Director General, nominate a candidate for appointment to such position by the General Assembly; if the General Assembly does not appoint its nominee, the Coordination Committee shall nominate another candidate; this procedure shall be repeated until the latest nominee is appointed by the General Assembly;

(vi) if the post of the Director General becomes vacant between two sessions of the General Assembly, appoint an Acting Director General for the term preceding the assuming of office by the new Director General;

(vii) perform such other functions as are allocated to it under this Convention.

(4) *(a)* The Coordination Committee shall meet once every year in ordinary session, upon convocation by the Director General. It shall normally meet at the headquarters of the Organization.

(b) The Coordination Committee shall meet in extraordinary session, upon convocation by the Director General, either

on his own initiative, or at the request of its Chairman or one-fourth of its members.

(5) *(a)* Each State, whether a member of one or both of the Executive Committees referred to in paragraph (1)*(a)*, shall have one vote in the Coordination Committee.

(b) One-half of the members of the Coordination Committee shall constitute a quorum.

(c) A delegate may represent, and vote in the name of, one State only.

(6) *(a)* The Coordination Committee shall express its opinions and make its decisions by a simple majority of the votes cast. Abstentions shall not be considered as votes.

(b) Even if a simple majority is obtained, any member of the Coordination Committee may, immediately after the vote, request that the votes be the subject of a special recount in the following manner: two separate lists shall be prepared, one containing the names of the States members of the Executive Committee of the Paris Union and the other the names of the States members of the Executive Committee of the Berne Union; the vote of each State shall be inscribed opposite its name in each list in which it appears. Should this special recount indicate that a simple majority has not been obtained in each of those lists, the proposal shall not be considered as carried.

(7) Any State Member of the Organization which is not a member of the Coordination Committee may be represented at the meetings of the Committee by observers having the right to take part in the debates but without the right to vote.

(8) The Coordination Committee shall establish its own rules of procedure.

Article 9
International Bureau

(1) The International Bureau shall be the Secretariat of the Organization.

(2) The International Bureau shall be directed by the Director General, assisted by two or more Deputy Directors General.

(3) The Director General shall be appointed for a fixed term, which shall be not less than six years. He shall be eligible for reappointment for fixed terms. The periods of the initial appointment and possible subsequent appointments, as well as all other conditions of the appointment, shall be fixed by the General Assembly.

(4) *(a)* The Director General shall be the chief executive of the Organization.

(b) He shall represent the Organization.

(c) He shall report to, and conform to the instructions of, the General Assembly as to the internal and external affairs of the Organization.

(5) The Director General shall prepare the draft programs and budgets and periodical reports on activities. He shall transmit them to the Governments of the interested States and to the competent organs of the Unions and the Organization.

(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the General Assembly, the Conference, the Coordination Committee, and any other committee or working group. The Director General or a staff member designated by him shall be ex officio secretary of these bodies.

(7) The Director General shall appoint the staff necessary for the efficient performance of the tasks of the International Bureau. He shall appoint the Deputy Directors General after approval by the Coordination Committee. The conditions of employment shall be fixed by the staff regulations to be approved by the Coordination Committee on the proposal of the Director General. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

(8) The nature of the responsibilities of the Director General and of the staff shall be exclusively international. In the discharge of their duties they shall not seek or receive instructions from any Government or from any authority external to the Organization. They shall refrain from any action which might prejudice their position as international officials. Each Member State undertakes to respect the exclusively international character of the responsibilities of the Director General and the staff, and not to seek to influence them in the discharge of their duties.

Article 10
Headquarters

(1) The headquarters of the Organization shall be at Geneva.

(2) Its transfer may be decided as provided for in Article 6(3)*(d)* and *(g)*.

Article 11
Finances

(1) The Organization shall have two separate budgets: the budget of expenses common to the Unions, and the budget of the Conference.

(2) *(a)* The budget of expenses common to the Unions shall include provision for expenses of interest to several Unions.

(b) This budget shall be financed from the following sources:

(i) contributions of the Unions, provided that the amount of the contribution of each Union shall be fixed by the Assembly of that Union, having regard to the interest the Union has in the common expenses;

(ii) charges due for services performed by the International Bureau not in direct relation with any of the Unions or not received for services rendered by the International Bureau in the field of legal-technical assistance;

(iii) sale of, or royalties on, the publications of the International Bureau not directly concerning any of the Unions;

(iv) gifts, bequests, and subventions, given to the Organization, except those referred to in paragraph (3)*(b)*(iv);

(v) rents, interests, and other miscellaneous income, of the Organization.

(3) *(a)* The budget of the Conference shall include provision for the expenses of holding sessions of the Conference and for the cost of the legal-technical assistance program.

(b) This budget shall be financed from the following sources:

(i) contributions of States party to this Convention not members of any of the Unions;

(ii) any sums made available to this budget by the Unions, provided that the amount of the sum made available by each Union shall be fixed by the Assembly of that Union and that each Union shall be free to abstain from contributing to the said budget;

(iii) sums received for services rendered by the International Bureau in the field of legal-technieal assistance;

(iv) gifts, bequests, and subventions, given to the Organization for the purposes referred to in subparagraph *(a)*.

(4) *(a)* For the purpose of establishing its contribution towards the budget of the Conference, each State party to this Convention not member of any of the Unions shall belong to a class, and shall pay its annual contributions on the basis of a number of units fixed as follows:

Class A	10
Class B	3
Class C	1

(b) Each such State shall, concurrently with taking action as provided in Article 14(1), indicate the class to which it wishes to belong. Any such State may change class. If it chooses a lower class, the State must announce it to the Conference at one of its ordinary sessions. Any such change shall take effect at the beginning of the calendar year following the session.

(c) The annual contribution of each such State shall be an amount in the same proportion to the total sum to be contributed to the budget of the Conference by all such States as the number of its units is to the total of the units of all the said States.

(d) Contributions shall become due on the first of January of each year.

(e) If the budget is not adopted before the beginning of a new financial period, the budget shall be at the same level as the budget of the previous year, in accordance with the financial regulations.

(5) Any State party to this Convention not member of any of the Unions which is in arrears in the payment of its financial contributions under the present Article, and any State party to this Convention member of any of the Unions which is in arrears in the payment of its contributions to any of the Unions, shall have no vote in any of the bodies of the Organization of which it is a member, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any of these bodies may allow such a State to continue to exercise its vote in that body if, and as long as, it is satisfied that the delay in payment arises from exceptional and unavoidable circumstances.

(6) The amount of the fees and charges due for services rendered by the International Bureau in the field of legal-technical assistance shall be established, and shall be reported to the Coordination Committee, by the Director General.

(7) The Organization, with the approval of the Coordination Committee, may receive gifts, bequests, and subventions, directly from Governments, public or private institutions, associations or private persons.

(8) *(a)* The Organization shall have a working capital fund which shall be constituted by a single payment made by the Unions and by each State party to this Convention not member of any Union. If the fund becomes insufficient, it shall be increased.

(b) The amount of the single payment of each Union and its possible participation in any increase shall be decided by its Assembly.

(c) The amount of the single payment of each State party to this Convention not member of any Union and its part in any increase shall be a proportion of the contribution of that State for the year in which the fund is established or the increase decided. The proportion and the terms of payment shall be fixed by the Conference on the proposal of the Director General and after it has heard the advice of the Coordination Committee.

(9) *(a)* In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization. As long as it remains under the obligation to grant advances, such State shall have an ex officio seat on the Coordination Committee.

(b) The State referred to in subparagraph *(a)* and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(10) The auditing of the accounts shall be effected by one or more Member States, or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the General Assembly.

Article 12

Legal Capacity; Privileges and Immunities

(1) The Organization shall enjoy on the territory of each Member State, in conformity with the laws of that State, such legal capacity as may be necessary for the fulfilment of the Organization's objectives and for the exercise of its functions.

(2) The Organization shall conclude a headquarters agreement with the Swiss Confederation and with any other State in which the headquarters may subsequently be located.

(3) The Organization may conclude bilateral or multilateral agreements with the other Member States with a view to the enjoyment by the Organization, its officials, and representa-

tives of all Member States, of such privileges and immunities as may be necessary for the fulfilment of its objectives and for the exercise of its functions.

(4) The Director General may negotiate and, after approval by the Coordination Committee, shall conclude and sign on behalf of the Organization the agreements referred to in paragraphs (2) and (3).

Article 13
Relations with Other Organizations

(1) The Organization shall, where appropriate, establish working relations and cooperate with other intergovernmental organizations. Any general agreement to such effect entered into with such organizations shall be concluded by the Director General after approval by the Coordination Committee.

(2) The Organization may, on matters within its competence, make suitable arrangements for consultation and cooperation with international non-governmental organizations and, with the consent of the Governments concerned, with national organizations, governmental or non-governmental. Such arrangements shall be made by the Director General after approval by the Coordination Committee.

Article 14
Becoming Party to the Convention

(1) States referred to in Article 5 may become party to this Convention and Member of the Organization by:

(i) signature without reservation as to ratification, or

(ii) signature subject to ratification followed by the deposit of an instrument of ratification, or

(iii) deposit of an instrument of accession.

(2) Notwithstanding any other provision of this Convention, a State party to the Paris Convention, the Berne Convention, or both Conventions, may become party to this Convention only if it concurrently ratifies or accedes to, or only after it has ratified or acceded to:

either the Stockholm Act of the Paris Convention in its entirety or with only the limitation set forth in Article 20(1)*(b)*(i) thereof,

or the Stockholm Act of the Berne Convention in its entirety or with only the limitation set forth in Article 28(1)*(b)*(i) thereof.

(3) Instruments of ratification or accession shall be deposited with the Director General.

Article 15
Entry into Force of the Convention

(1) This Convention shall enter into force three months after ten States members of the Paris Union and seven States members of the Berne Union have taken action as provided in Article 14(1), it being understood that, if a State is a member of both Unions, it will be counted in both groups. On that date, this Convention shall enter into force also in respect of States which, not being members of either of the two Unions, have taken action as provided in Article 14(1) three months or more prior to that date.

(2) In respect to any other State, this Convention shall enter into force three months after the date on which such State takes action as provided in Article 14(1).

Article 16
Reservations

No reservations to this Convention are permitted.

Article 17
Amendments

(1) Proposals for the amendment of this Convention may be initiated by any Member State, by the Coordination Committee, or by the Director General. Such proposals shall be communicated by the Director General to the Member States at least six months in advance of their consideration by the Conference.

(2) Amendments shall be adopted by the Conference. Whenever amendments would affect the rights and obligations of States party to this Convention not members of any of the Unions, such States shall also vote. On all other amendments proposed, only States party to this Convention members of any Union shall vote. Amendments shall be adopted by a simple majority of the votes cast, provided that the Conference shall vote only on such proposals for amendments as have previously been adopted by the Assembly of the Paris Union and the Assembly of the Berne Union according to the rules applicable in each of them regarding the adoption of amendments to the administrative provisions of their respective Conventions.

(3) Any amendment shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the States Members of the Organization, entitled to vote on the proposal for amendment pursuant to paragraph (2), at the time the Conference adopted the amendment. Any amendments thus accepted shall bind all the States which are Members of the Organization at the time the amendment enters into force or which become Members at a subsequent date, provided that any amendment increasing the financial obligations of Member States shall bind only those States which have notified their acceptance of such amendment.

Article 18
Denunciation

(1) Any Member State may denounce this Convention by notification addressed to the Director General.

(2) Denunciation shall take effect six months after the day on which the Director General has received the notification.

Article 19
Notifications

The Director General shall notify the Governments of all Member States of:

(i) the date of entry into force of the Convention,

(ii) signatures and deposits of instruments of ratification or accession,

(iii) acceptances of an amendment to this Convention, and the date upon which the amendment enters into force,

(iv) denunciations of this Convention.

Article 20
Final Provisions

(1) *(a)* This Convention shall be signed in a single copy in English, French, Russian and Spanish, all texts being equally authentic, and shall be deposited with the Government of Sweden.

(b) This Convention shall remain open for signature at Stockholm until January 13, 1968.

(2) Official texts shall be established by the Director General, after consultation with the interested Governments, in German, Italian and Portuguese, and such other languages as the Conference may designate.

(3) The Director General shall transmit two duly certified copies of this Convention and of each amendment adopted by the Conference to the Governments of the States members of the Paris or Berne Unions, to the Government of any other State when it accedes to this Convention, and, on request, to the Government of any other State. The copies of the signed text of the Convention transmitted to the Governments shall be certified by the Government of Sweden.

(4) The Director General shall register this Convention with the Secretariat of the United Nations.

Article 21
Transitional Provisions

(1) Until the first Director General assumes office, references in this Convention to the International Bureau or to the Director General shall be deemed to be references to the United International Bureaux for the Protection of Industrial, Literary and Artistic Property (also called the United International Bureaux for the Protection of Intellectual Property (BIRPI)), or its Director, respectively.

(2) *(a)* States which are members of any of the Unions but which have not become party to this Convention may, for five years from the date of entry into force of this Convention, exercise, if they so desire, the same rights as if they had become party to this Convention. Any State desiring to exercise such rights shall give written notification to this effect to the Director General; this notification shall be effective on the date of its receipt. Such States shall be deemed to be members of the General Assembly and the Conference until the expiration of the said period.

(b) Upon expiration of this five-year period, such States shall have no right to vote in the General Assembly, the Conference, and the Coordination Committee.

(c) Upon becoming party to this Convention, such States shall regain such right to vote.

(3) *(a)* As long as there are States members of the Paris or Berne Unions which have not become party to this Convention, the International Bureau and the Director General shall also function as the United International Bureaux for the Protection of Industrial, Literary and Artistic Property, and its Director, respectively.

(b) The staff in the employment of the said Bureaux on the date of entry into force of this Convention shall, during the transitional period referred to in subparagraph *(a)*, be considered as also employed by the International Bureau.

(4) *(a)* Once all the States members of the Paris Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of that Union shall devolve on the International Bureau of the Organization.

(b) Once all the States members of the Berne Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of that Union shall devolve on the International Bureau of the Organization.

INTELLECTUAL PROPERTY CONFERENCE OF STOCKHOLM, 1967

Note by BIRPI

A. Texts Adopted

The "Intellectual Property Conference of Stockholm, 1967" took place from June 11 to July 14, 1967, in the capital of Sweden.

It was organized by the United International Bureaux for the Protection of Intellectual Property (BIRPI) and the Government of Sweden.

The following treaties were adopted in the course of the Conference:

(1) A Convention establishing the World Intellectual Property Organization ("WIPO") [1].
(2) The Stockholm Act of the Berne Convention for the Protection of Literary and Artistic Works ("Berne Convention").
(3) The Stockholm Act of the Paris Convention for the Protection of Industrial Property ("Paris Convention").
(4) The Stockholm Act of the Madrid Agreement concerning the International Registration of Marks ("Madrid (Marks) Agreement").
(5) An Additional Act ("the Stockholm Additional Act") to the Madrid Agreement on the Repression of False or Misleading Indications of Source on Goods ("Madrid (False Indications) Agreement").
(6) A Complementary Act ("the Stockholm Complementary Act") to the Hague Agreement concerning the International Deposit of Industrial Designs ("Hague Agreement").
(7) The Stockholm Act of the Nice Agreement concerning the Classification of Goods and Services for the Purposes of the Registration of Marks ("Nice Agreement").
(8) The Stockholm Act of the Lisbon Agreement concerning the Protection of Appellations of Origin and their International Registration ("Lisbon Agreement").

These treaties were signed by a certain number of States at Stockholm on July 14, 1967. They remain open for signature in the Ministry of Foreign Affairs of Sweden at Stockholm until January 13, 1968.

In addition to the said treaties, the following Decisions and Recommendations were adopted in the course of the Stockholm Conference.

(9) Decision on the ceiling of contributions in the Paris Union.
(10) Decision on the ceiling of contributions in the Berne Union.
(11) Recommendation on Priority Fees under the Paris Convention.
(12) to (14) Three Recommendations in the field of copyright.

The present issue contains the English text of the WIPO Convention and of the Stockholm Act of the Berne Convention. This month's issue of the French edition of this periodical *(Le Droit d'Auteur)* contains the French text of the WIPO (in French, "OMPI") Convention and of the Stockholm Act of the Berne Convention.

The texts of items (3) to (9) and (11) will be published in *Industrial Property* and *La Propriété industrielle*, the monthly periodical of BIRPI specialized in industrial property matters and published under the Paris Convention. The texts of items (10) and (12) to (14) will be published subsequently in the present periodical.

B. Participation

More than four hundred delegates and observers participated in the Conference. The list of participants will be published in one of the subsequent issues.

BIRPI was represented by its Director, Professor G. H. C. Bodenhausen, accompanied by twenty members of the BIRPI staff.

C. Officers

Mr. Herman Kling, Minister of Justice of Sweden, was President of the Conference.

Dr. Arpad Bogsch, Deputy Director of BIRPI, was Secretary General of the Conference. He was assisted by Mr. Claude Masouyé, Counsellor, Head of the Copyright Division of BIRPI, as Assistant Secretary General.

Mr. Torwald Hesser, Counsellor at the Supreme Court of Sweden, was elected First Vice-President of the Conference. There were nineteen more Vice-Presidents.

Each Convention and Agreement had its own Plenary with its own elected officers.

Most of the actual discussion took place in five "Main Committees," chaired respectively by Professor Eugen Ulmer (Federal Republic of Germany), Mr. Sher Singh (India), Mr. L. Marinete (Rumania), Mr. François Savignon (France), and Mr. Eugene M. Braderman (United States of America). Each Main Committee had a rapporteur. They were: Professor Svante Bergström (Sweden), Mr. Vojtech Strnad (Czechoslovakia), Mr. Alfred C. King (Australia), Mr. Valerio De Sanctis (Italy), and Mr. Joseph Voyame (Switzerland). The above order follows the numbering of the Main Committees.

The complete list of officers will be published together with the list of participants.

[1] It was informally agreed at the Conference that, in speech, each letter of this abbreviation should be pronounced separately, thus "Double you, eye, pea, oh."

D. Reports

The texts of the Reports of Main Committees I, II and IV will be published in the next issues of the present periodical, and of Main Committe III in *Industrial Property / La Propriété industrielle*. The Report of Main Committee V is published in this issue.

E. Documents

The Conference had before it 302 documents of the main series (" S "), and there are uncorrected, provisional minutes of all Plenaries and Main Committee meetings (totalling 80) (series "S/PV "). The main series documents are available in English and French. A collection in each language costs 300 Swiss francs plus postage and can be ordered from BIRPI. The minutes will be available after corrections. They will be on sale. Their availability will be announced in due course.

Report

on the Work of Main Committee V (World Intellectual Property Organization) of the Intellectual Property Conference of Stockholm, 1967

by

Joseph VOYAME, Rapporteur
(Member of the Delegation of Switzerland)

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I. Introduction

1. When the Unions of Paris and Berne were set up in 1883 and 1886, they were provided with Secretariats whose functions, however, were limited: all that was involved was gathering information, carrying out studies in the field of intellectual property, making the results of this work available to the members of the Unions, and preparing revision conferences. In accordance with the practice of that time, a Government, in this case the Government of the Swiss Confederation, assumed the duties of administering the Conventions. Further, the Secretariats were placed under its authority, and it was entrusted with regulating their organization and supervising their operations. The Swiss Government, wishing to make the administrative services of the Unions function as efficiently and economically as possible, later combined the two Secretariats, which thereafter became the " United International Bureaux for the Protection of Industrial, Literary and Artistic Property " (BIRPI), under the responsibility of one Director. That situation has continued until the present.

2. After the second World War, the member States of the Unions felt the legitimate desire to exercise a greater degree of influence on the development of the Unions and on the functioning of BIRPI. They, therefore, established advisory bodies, in particular the Permanent Bureau of the Paris Union and the Permanent Committee of the Berne Union, which have met jointly since 1967 as the " Interunion Coordination Committee."

3. It was this Coordination Committee that recommended in 1962 that a study be carried out with a view to reforming

the Unions and BIRPI and adapting them to the system of present-day intergovernmental organizations. The plans drawn up by BIRPI were submitted in 1964 to a Working Party, and then to a Committee of Governmental Experts, which met in 1965 and 1966. It was the texts drafted by this Committee of Experts which, after having been amended on some points by BIRPI (whom the Swedish Government had entrusted with that task), were proposed to the Diplomatic Conference of Stockholm (Documents S/3 to S/10).

4. The general features of the proposed reform are as follows:

(i) The Unions retain their complete independence and their own tasks; between revision conferences each Union is placed under the exclusive authority of the Assembly of the member States of that Union.

(ii) A new Organization, the World Intellectual Property Organization (WIPO) is set up alongside the Unions; all States members of a Union, and States that satisfy certain conditions indicated in the Convention, may become Members of the Organization. The Organization is entrusted essentially with the coordination of the administrative activities of the Unions and the promotion of the protection of intellectual property throughout the world.

(iii) The Secretariat of the Unions and of the Organization is provided by a joint body, the International Bureau of Intellectual Property, which is a continuation of BIRPI. The Director General of the International Bureau is invested with new rights enabling him to represent the Organization and the Unions at the international level.

(iv) Depending on its various activities, the International Bureau is placed under the authority of the organs of the Unions or of the Organization. However, it is the General Assembly of the member States of the Unions that exercises the main supervision.

II. Terms of Reference and Work of Main Committee V

5. Carrying out the reform necessitated the establishment of a new Convention to lay down rules for the new Organization (WIPO Convention). This task was entrusted to Main Committee V. Furthermore, it was necessary to amend the administrative provisions and final clauses of all the Conventions and Agreements in force. This task was entrusted to Main Committee IV.

6. Main Committee V met under the chairmanship of Mr. Eugene M. Braderman (Head of the Delegation of the United States of America) on June 19, 20, 21, 23, and 28, and on July 4, 1967. It held a joint meeting with Main Committee IV on July 5, 1967, under the chairmanship of Mr. Braderman to settle a number of matters common to the two Committees. Main Committee V also set up a Working Group to study the conditions of admission to WIPO; this Working Group met on June 21, 22, and 27, 1967, under the chairmanship of Dr. Arpad Bogsch (Deputy Director of BIRPI). Lastly, the Drafting Committee of Main Committee V, under the chairmanship of Mr. Love Kellberg (member of the Delegation of Sweden), finalized the texts at its meetings of June 27, 28, 29, and July 3, 1967.

III. Establishment of the New Organization

7. Main Committee V started its work by a general discussion of the question of the establishment of the Organization.

8. A number of Delegations, namely those of Bulgaria, Cuba, Czechoslovakia, Germany (Federal Republic), Hungary, Ireland, Israel, Japan, the Netherlands, the Union of Soviet Socialist Republics, and the United States of America, said that their Governments welcomed the establishment of the new Organization, which would, in particular, make possible a better coordination of the activity of the Unions and a more efficient contribution to the economic prosperity of developing countries by assisting them in the creation of a system for the protection of intellectual property.

9. The Delegations of France and Italy said, however, that, in the view of their Governments, the modernization that was needed could be achieved within the framework of the Unions without the need of creating a complicated and costly new Organization; nevertheless, they would not oppose such a creation, which was justified by the fact that the great majority of the member States of the Unions desired it.

10. The representatives of several intergovernmental organizations also spoke in favor of the creation of the new Organization. The representative of UNESCO, however, noted that, within the framework of its duty of promoting education, science, and culture, UNESCO had to deal with copyright at a universal level and therefore had responsibilities that it could not decline.

11. As it was therefore apparent that there was no opposition or objection in principle to the establishment of the new Organization, Main Committee V was able to proceed to the examination of the various points of the draft Convention, submitted to the Conference of Stockholm.

IV. The Name of the Organization

12. The Committee was called upon to decide whether the Organization should be called "International" or "World." It preferred the latter term. An international organization can, in fact, have a restricted geographical area. But the new Organization has a universal calling, and the Unions already comprise the majority of the countries of the world and extend over all five continents. It did not therefore seem pretentious to choose as its name "World Intellectual Property Organization" (WIPO).

V. Objectives of the Organization

13. The Preamble and Article 3 of the Convention set out the objectives of WIPO and thereby determine the scope of its activities at the international level. They distinguish clearly between the two essential objectives of the Organization.

14. The first of these objectives, the definition of which is based on a proposal of the Italian Delegation, is to promote the protection of intellectual property throughout the world in order to encourage creative activity in all countries. The expression "intellectual property" is to be understood in its widest sense. As defined in Article 2(viii), it includes all the rights relating to intellectual activity in the industrial, scientific, literary, and artistic fields, to which the commercial field

may be added. The same provision contains a non-exhaustive list of the most important items to which these rights may relate; it is worth noting that one item is included which is not yet protected as intellectual property in the majority of countries: scientific discoveries, which obviously include medical discoveries.

15. Under the terms of Article 3(i), WIPO may cooperate, where appropriate, with other international organizations in order to achieve its first objective.

16. The second objective of the Organization is to ensure administrative cooperation among the Unions, without in any way prejudicing their independence.

17. Finally, on the proposal of the Delegation of Rumania, the Committee sought to express the idea that, in pursuing these objectives, the Contracting Parties were also inspired by a loftier purpose, namely by the desire to contribute to better understanding and cooperation among States. The Preamble of the Convention opens with the expression of that noble purpose.

VI. Functions of the Organization

18. In general, the Organization is to take all appropriate action to achieve its objectives. Its main functions are, however, listed in Article 4.

19. The first task of WIPO is to improve the protection of intellectual property throughout the world, particularly by encouraging the conclusion of international agreements for that purpose (Article 4(iv)) and by contributing to the harmonization of national legislations (Article 4(i)).

20. Furthermore, the Organization is to carry out various administrative tasks. It performs the administrative tasks of the existing Unions (Article 4(ii)) and, if so requested by competent bodies, it may agree to assume, either alone or in cooperation with other international organizations, the administration required for the implementation of any other treaty, convention or agreement in the field of intellectual property (Article 4(iii)). It maintains services facilitating the international protection of intellectual property at the administrative level, in particular international registration services (Article 4(vii)).

21. As BIRPI has done hitherto, the Organization is to serve as a center of documentation for intellectual property, and to carry out and promote legal and economic studies in this field (Article 4(vi)).

22. Last, but not least, it is to offer its cooperation to States requesting legal-technical assistance (Article 4(v)). This latter term gave rise to some discussion in Main Committee V. This term was intended, on the one hand, to call to mind the expression "technical assistance" which is normally used to describe the aid granted to developing countries, and, on the other, to specify that what is involved is legal assistance — either legislative or administrative — since WIPO is clearly not in a position to provide any other kind of aid to these countries. Such legal-technical assistance may consist, for example, in the organization of seminars and training courses, the supply of experts, the drafting of model laws for developing countries, etc.

VII. Membership of the Organization

23. The BIRPI Draft distinguished between "Full Members" and "Associate Members," depending upon whether the States in question were members of a Union or not. In order to avoid even the appearance of any discrimination, Main Committee V abandoned this terminology, on the proposal of the Delegations of Czechoslovakia, Hungary, the Netherlands, Poland, and the Soviet Union.

24. In regard to the conditions for admission, BIRPI had submitted a proposal to the Conference, while also mentioning other proposals originating from the 1965 Committee of Experts and the Italian Delegation to that Committee. Committee V also had before it a proposal by the United Kingdom Delegation, and the Delegation of Czechoslovakia took up, in a proposal, one of the alternatives referred to by BIRPI.

25. The question gave rise to a lengthy debate, in which two main opposing theories were put forward. Some delegations held that it was essential to avoid all discrimination, keep entirely to the principle of universality, and hence admit into the Organization any State applying for admission and prepared to accept the provisions of the Convention. Other delegations, while accepting the principle of universality, nevertheless thought it necessary to know whether the applicant was a State and considered that the question was essentially a political one, which a technical organization should not decide; they therefore thought that one should only admit States recognized as such by other international organizations such as the United Nations and its specialized agencies.

26. Finally, the Committee accepted the compromise suggested to it by the Working Group that had been set up to consider the matter; the Working Group, in essence, took over the proposal of BIRPI. Under the terms of this text, which constitutes Article 5 of the Convention, any State which is a member of a Union may become a party to the Organization, and the same applies to any other State if it is invited by the General Assembly of WIPO to become a party or if it is a member of any of the international organizations indicated in Article 5(2)(i).

VIII. The Organs in General

27. The BIRPI Draft made provision for four different organs: the General Assembly of the Member States of the Organization and of a Union; the Conference, composed of all the Member States of WIPO; the Coordination Committee; the International Bureau of Intellectual Property. Certain objections were raised only as regards the establishment of the Conference.

28. The Delegations of Czechoslovakia, Hungary, the Netherlands, Poland, and the Soviet Union, proposed in fact that the organ called the "Conference" should not be established. The Delegation of Israel made a similar proposal. In their opinion, it would be simpler and more equitable if States outside any Union were admitted to the General Assembly, albeit solely in an advisory capacity as regards matters which concerned only the States members of a Union.

29. Other delegations opposed the proposal. They pointed out, in particular, that the two purposes of the Organization

should be kept quite distinct from each other, and that each should be within the competence of a special organ: the General Assembly for administrative cooperation among the Unions and the supervision of the International Bureau of Intellectual Property, and the Conference for the promotion of intellectual property in the world and, in particular, for legal-technical assistance.

30. Finally, the Committee decided in favor of the establishment of the Conference, considering that that measure constituted an important element of a general compromise.

IX. The General Assembly

(a) Functions

31. Without prejudice to the powers and functions of the Conference, the General Assembly is the supreme organ of the Organization.

32. In particular, it appoints the Director General upon nomination by the Coordination Committee (Article 6(2)(i)). If it does not appoint the nominee of the Coordination Committee, the latter has to submit a new nomination, and so forth until an appointment is made. (Article 8(3)(v)).

33. The General Assembly reviews and approves the reports and activities of the Coordination Committee as well as the reports of the Director General concerning the Organization; it gives all necessary instructions to both of them (Article 6(2)(ii) and (iii)). This provision, added on the proposal of the Delegation of the Federal Republic of Germany, is intended to indicate more specifically the capacity of the General Assembly as the supreme organ.

34. As regards financial matters, Main Committee V supplemented, with two new provisions, the statement of the functions of the General Assembly. Upon the joint proposal of the Delegations of France, the Federal Republic of Germany, Hungary, Italy, the United Kingdom, the United States of America, and the Soviet Union, a provision was included, under the terms of which the General Assembly adopts the triennial budget of expenses common to the Unions (Article 6(2)(iv)). Further, the Committee adopted a proposal of the Delegation of Austria expressly stating that the General Assembly is competent to adopt the financial regulations of the Organization (Article 6(2)(vi)).

35. It is also the task of the General Assembly to agree to assume the administration of international agreements and to approve the measures taken to that end by the Director General (Article 6(2)(v)).

36. The General Assembly must admit to its meetings, as observers, States Members of the Organization which are not members of any of the Unions (Article 6(5)). It has, however, the right to admit to those meetings also other States and organizations in such a capacity (Article 6(2)(ix)).

37. Finally, Article 6(2)(vii) confers on the General Assembly the authority to determine the working languages of the Secretariat. This point gave rise to discussion. Under the terms of the BIRPI Draft, the General Assembly should decide what "in addition to English and French, the working languages of the Secretariat" should be. The Delegations of Argentina, Brazil, Spain, and Uruguay, proposed the alternative wording: "determine the working languages of the Secretariat, taking into consideration the practice of the United Nations." This was the text adopted by the Committee. It is obvious, however, that the omission of any specific mention of French and English does not mean that it is intended to abandon either of those languages as working languages. On the other hand, the reference to the practice of the United Nations must not be understood as involving the automatic adoption of the working languages of that Organization. The General Assembly will determine the needs of WIPO and its financial possibilities. Only in cases where the use of a third or fourth working language is necessary, and the expenses thereby incurred are covered, will the General Assembly make them working languages of the Secretariat. These new languages may be introduced gradually as required. Meanwhile, as has been the case hitherto, the Secretariat may, in certain cases, prepare documents in, and arrange for interpretation into, languages other than French and English.

(b) Composition

38. The General Assembly consists of the States, members of any Union, which belong to the Organization (Article 6(1)*(a)*). Each State has one vote, irrespective of the number of Unions to which it belongs (Article 6(3)*(a)*).

39. Each State which is a member of the General Assembly is represented by one delegation consisting of one delegate, who may be assisted by alternate delegates, advisors, and experts (Article 6(1)*(b)*). On the proposal of the United Kingdom Delegation, it was provided that the expenses of all such representatives would be borne by the Governments which have appointed them (Article 6(1)*(c)*). This means that such expenses are not borne by WIPO. The question whether they are effectively borne by the Government concerned is an internal matter which is irrelevant to the Organization.

40. The Delegation of Madagascar proposed, as it had done with reference to the Assemblies of the Unions, that, if a number of countries had a single industrial property office, they should be able to be represented by a single delegation which would then have as many votes as the number of States taking part in that office. A compromise solution was found in respect of the Assembly of the Paris Union. Main Committee V, however, thought that the existence of a common industrial property office had a much more distant bearing on WIPO and that a special provision was not justified in this connection. It accordingly decided that, in the General Assembly, a delegate could represent only one State and vote only in its name (Article 6(3)*(i)*).

(c) Sessions, Quorum and Majority

41. The General Assembly meets every third calendar year in ordinary session; it is convened by the Director General (Article 6(4)*(a)*).

42. It meets in extraordinary session at the request of one-fourth of its members or at the request of the Coordination Committee, made to the Director General, who then convenes the General Assembly (Article 6(4)*(b)*). It may not be convened in extraordinary session by the Director General on his own initiative.

43. The BIRPI Draft provided for a quorum of one-third of the members. On the proposal of the Delegation of Czechoslovakia, Main Committee V raised the quorum to one-half (Article 6(3)*(b)*), as Main Committee IV had done for the Assemblies of the Unions. The quorum is attained when the delegations recorded at the session represent at least one-half of the Member States, whether present at each vote or not.

44. In addition, for cases where the required quorum is not attained, but at least one-third of the Member States are represented, the Committee adopted a solution which is identical with the one adopted by Main Committee IV in respect of the Assemblies of the Unions: the General Assembly may, validly, discuss and, by the required majority, make provisional decisions; these decisions are then submitted in writing to the Member States not represented, which have a period of three months in which to express their vote or abstention; if the new votes cast within this period make up the required quorum, and provided that the necessary majority is not lost as a result of this supplementary vote, the decision becomes final (Article 6(3)*(c)*). This provision will be completed by the rules of procedure of the General Assembly, which will specify, for example, the form in which provisional decisions are to be submitted to the Member States not represented, the procedure for voting by correspondence, and the end of the three months' period.

45. As regards the required majority, the BIRPI Draft provided in principle for a simple majority, and for majorities of two-thirds, three-fourths, or nine-tenths, for certain decisions. Adopting a proposal made by the Delegation of Czechoslovakia, Main Committee V raised the majority normally required to two-thirds of the votes cast (Article 6(3)*(d)*), as Main Committee IV had done for the Assemblies of the Unions. In making this amendment, it took account of the great importance of the decisions devolving on the General Assembly. Accordingly, the draft proposals providing for a majority of two-thirds in certain cases could be deleted. On the other hand, those instituting even higher majorities were maintained: agreement to assume, or participate in, the administration of any international agreement, in accordance with Article 4(iii), requires a majority of three-fourths of the votes cast (Article 6(3)*(e)*), and the required majority is nine-tenths of the votes cast if it is a question of approving an agreement with the United Nations under Articles 57 and 63 of the Charter of the United Nations (Article 6(3)*(f)*).

46. Lastly, there are some decisions which, although within the competence of the General Assembly, are highly important for the Unions themselves: they concern the transfer of the headquarters of the Organization, the appointment of the Director General, and the administration of new international agreements. In these cases the required majority must be attained not only in the General Assembly but also in the Assembly of the Paris Union and the Assembly of the Berne Union (Article 6(3)*(g)*). In order to be valid, such decisions must accordingly be taken with the quorum and majority required under Article 6(3)*(d)* and *(e)* in each of the three Assemblies.

(d) Rules of Procedure

47. The Convention contains provisions only on the most important points. Details, in particular the procedure for discussions in the General Assembly, will be the subject of the rules of procedure to be adopted by that Assembly (Article 6(6)).

X. The Conference

(a) Functions

48. In general, the Conference, which consists of all States Members of the Organization, exercises the functions allocated to it by the Convention (Article 7(2)(vi)). The main functions are listed in Article 7(2)(i) to (v) and may be divided into five groups.

49. In the first place, the Conference constitutes a forum for exchanges of views in the field of intellectual property between all States Members of the Organization, whether or not they are members of any Union. In this context, the Conference can in particular make recommendations (Article 7(2)(i)). The BIRPI Draft provided that it could also adopt resolutions; but, on the proposal of the Delegation of the United States of America, this provision was deleted, in the belief that the role of the Conference would be better indicated by the single word "recommendations." On the other hand, a text submitted by the Delegation of South Africa to the effect that discussions should relate to "legal-technical questions of general interest in the field of intellectual property" was considered too restrictive by the Committee.

50. Secondly, the Conference is the supreme organ for all matters concerning legal-technical assistance. It accordingly establishes the triennial program of assistance to developing countries (Article 7(2)(iii)).

51. In order to exercise its functions, the Conference has a budget which it establishes every three years (Article 7(2)(ii)). The budget allocations are used to finance the program of legal-technical assistance and to cover the other expenses of the Conference.

52. The Conference is also competent to adopt amendments to the Convention as provided in Article 17 (Article 7(2)(iv)).

53. Lastly, like the General Assembly, it can determine which States and organizations will be admitted to its meetings as observers (Article 7(2)(v)).

(b) Composition

54. The Conference consists of all States Members of the Organization, whether they are members of a Union or not (Article 7(1)*(a)*), and each has one vote (Article 7(3)*(a)*).

55. There is, however, one case in which, on the joint proposal of France, the Federal Republic of Germany, Hungary, Italy, the Soviet Union, the United Kingdom, and the United States of America, only States not members of any of the Unions are entitled to vote, namely when fixing the amounts of their contributions (Article 7(3)*(d)*). The quorum and the qualified majority required for the Conference must in this case be attained in this restricted assembly.

56. As in the case of the General Assembly, each Member State is represented in the Conference by a delegation, the expenses of which are normally borne by that State and are in no case borne by WIPO (Article 7(1)*(b)* and *(c)*).

57. The Delegation of Madagascar submitted the same proposal in respect of the Conference as it had submitted in respect of the General Assembly. But this proposal was again rejected and the rule that one delegate can represent only one State (Article 7(3)*(f)*) was thus left unchanged.

(c) Sessions, Quorum and Majority

58. The Conference meets every third year in ordinary session, upon convocation by the Director General. For reasons of economy, these meetings are to be held at the same time and place as the General Assembly (Article 7(4)*(a)*).

59. The Conference also meets in extraordinary session. But its convocation by the Director General is subject to stricter conditions than the convocation of the General Assembly: it must be requested by the majority of Member States (Article 7(4)*(b)*).

60. The BIRPI Draft provided that, if the agenda included questions exclusively concerning industrial property or copyright, the Conference would meet as the "Industrial Property Conference" or "Copyright Conference." In this way, it was desired to mark the distinction between the two main fields of intellectual property. The Committee considered, however, that this distinction was of little practical interest and that it might give rise to confusion. Consequently, on the proposal of the United Kingdom Delegation, the provision was deleted; it was, however, remarked that the question might be reconsidered in connection with the rules of procedure of the Conference.

61. According to the BIRPI Draft, it was necessary, in order to attain a quorum, for one-third of the Union countries and one-third of the non-Union countries to be represented. The Committee rejected this distinction: it will accordingly be sufficient for one-third of all States Members of the Organization to be represented (Article 7(3)*(b)*). Moreover, as the quorum had thus been kept at a relatively low level, it was not necessary to provide, should it not be attained, for subsequent written consultation, as had been done for the General Assembly.

62. As in the case of the General Assembly, the required majority was raised to two-thirds of the votes cast (Article 7(3)*(c)*). It was therefore possible to delete the special provisions which, in the BIRPI Draft, required a qualified majority of two-thirds for certain decisions. The adoption of amendments to the Convention is, however, subject to the triple vote required by Article 17(2)).

(d) Rules of Procedure

63. Like the General Assembly, the Conference will adopt rules of procedure to determine points of detail, in particular procedural points not regulated by the Convention (Article 7(5)).

XI. The Coordination Committee

(a) Functions

64. The Coordination Committee is both an advisory organ on questions of general interest and the executive organ of the General Assembly and the Conference. In addition, it has some functions of its own. Its most important tasks are listed in Article 8(3) which, like the provisions relating to the General Assembly and the Conference, contains a general clause under which the Coordination Committee performs such other functions as are allocated to it under the Convention (see, for example, Article 11(6), (7) and (8)*(c)*).

65. The first of the functions listed in Article 8(3) is an advisory one: the Coordination Committee gives advice to the various organs of the Unions and the Organization on matters of common interest to two or more of the Unions or to one or more of the Unions and the Organization itself, in particular regarding the budget of expenses common to the Unions. To the list of organs receiving such advice, the Committee added the Director General, on the proposal of the Delegation of the Federal Republic of Germany.

66. The Coordination Committee also prepares the draft agenda of the General Assembly and of the Conference, as well as the draft program and budget of the Conference (Article 8(3)(ii) and (iii)).

67. Like the Executive Committees of the Unions, the Coordination Committee is responsible for approving the annual budget and program, on the basis of the triennial programs and budgets drawn up by the General Assembly and the Conference (Article 8(3)(iv)). Details will be established in the financial regulations of the Organization.

68. Lastly, under Article 8(3)(v) and (vi), the Coordination Committee has certain functions in the event of a vacancy in the post of Director General or if the term of office of the Director General expires.

(b) Composition

69. The Coordination Committee consists of the States party to the WIPO Convention which are members of the Executive Committee of the Paris Union or the Executive Committee of the Berne Union or both Executive Committees. However, in order to ensure the maintenance of the desired equilibrium between the two Unions, this rule applies as such only as long as neither of the two Executive Committees consists of more than one-fourth of the number of the countries members of the Union which elected them (Article 8(1)*(a)*). In addition, the country on the territory of which the Organization has its headquarters is an *ex officio* member of the Coordination Committee as long as it is under the obligation to grant advances to the Organization in accordance with Article 11(9)*(a)*.

70. In order not to complicate the composition of the Coordination Committee excessively, the other Unions could not be given direct representation on that Committee. The interests of these Unions can, however, be safeguarded by their members on the Executive Committees of the Paris Union or the Berne Union (Article 8(2)). The Paris Convention (Article 14(4)) and the Berne Convention (Article 23(4)) prescribe

that, in electing the members of the Executive Committees, the Assemblies should have due regard to the need for countries party to the Special Agreements to be among the countries constituting the Executive Committees. On the other hand, if the Organization subsequently agrees to administer international agreements unconnected with the Paris and Berne Unions, it will be necessary, where appropriate, to make special provision for the representation on the Coordination Committee of the countries party to those agreements.

71. When the Coordination Committee examines questions within the competence of the Conference, it is joined by one-fourth of the States not members of any of the Unions, who are elected by the Conference at each ordinary session (Article 8(1)*(c)*). According to the BIRPI Draft, this was to occur when the Coordination Committee examined questions "of direct interest to the Conference." The Committee considered that this wording was too vague and made it more specific by saying that the Coordination Committee would be joined by the representatives of non-Union countries when it considers either matters of direct interest to the program or budget of the Conference and its agenda, or proposals for the amendment of the Convention which would affect the rights or obligations of non-Union members of the Organization.

72. The representation of States members of the Coordination Committee is governed in the same way as for the General Assembly and the Conference (Article 8(1)*(b)* and *(d)*, and (5)*(a)*). In particular, each member State has only one vote, even if it belongs to the two Executive Committees which constitute the Coordination Committee.

(c) Sessions, Quorum and Majority

73. The Coordination Committee meets once every year in ordinary session upon convocation by the Director General (Article 8(4)*(a)*). As in the case of the General Assembly and the Conference, the Committee added to this rule a provision that the Coordination Committee could meet in extraordinary session. The Director General can convene such sessions on his own initiative, and is obliged to do so at the request of the Chairman of the Coordination Committee or at least one-fourth of its members (Article 8(4)*(b)*).

74. A quorum is constituted when at least one-half of all member States of the Committee are validly represented at a session (Article 8(5)*(b)*).

75. The Coordination Committee is to express its opinions and make its decisions by a simple majority of the votes cast (Article 8(6)*(a)*). However, so that the independence of the Unions will be fully safeguarded, the members present of the Executive Committee of the Paris Union and those of the Executive Committee of the Berne Union will have something in the nature of a right of veto, the procedure for which is established in Article 8(6)*(b)*.

76. Any State Member of the Organization, which is not a member of the Coordination Committee, may be represented at the meetings of the Committee by observers. In accordance with custom, such observers may take part in the debates but have no right to vote (Article 8(7)).

(d) Rules of Procedure

77. Like the General Assembly and the Conference, the Coordination Committee is to settle various points of detail, especially concerning procedure, in rules of procedure which it will establish itself (Article 8(8)).

XII. The International Bureau of Intellectual Property

78. The International Bureau of Intellectual Property is to be the Secretariat of WIPO (Article 9(1)).

79. It is directed by a Director General, who is the chief executive of the Organization (Article 9(2) and (4)*(a)*). The Director General is appointed by the General Assembly under the conditions laid down by Article 6(2)(i) and (3)*(g)* and by Article 8(3)(v). The Delegation of France recalled that its Government would have liked to see acceptance of the principle that the Director General should be a national of a State member of the principal Unions of Paris and Berne. However, this principle was not accepted by the Committee so that it will not be necessary for the Director General to be a national of a State member of one or more of the Unions or Member of the Organization.

80. The Director General is empowered to represent the Organization in its relations with third parties (Article 9(4)*(b)*). He is to conform to the instructions of the General Assembly, to which he will report; he prepares the draft budgets and programs and periodical reports on activities and participates in all meetings of the organs of the Organization or of any other committee or working group; he or a staff member designated by him will be the secretary of all such organs, committees and working groups (Article 9(4)*(c)*, (5), and (6)). It is obvious that all these functions need not necessarily be carried out by the Director General in person; if, for example, he is unable to attend, he will be replaced by the deputy designated by him.

81. The Director General is assisted by two or more Deputy Directors General, whom he appoints himself after his choice has been approved by the Coordination Committee (Article 9(2) and (7)).

82. Furthermore, the Director General appoints the necessary staff. The conditions of employment are to be fixed by the staff regulations to be approved by the Coordination Committee (Article 9(7)).

83. In relation to the recruitment and the rights and duties of the staff of the Organization, the Convention contains provisions similar to those to be found in Articles 100 and 101(3) of the United Nations Charter (Article 9(7) and (8)).

XIII. The Headquarters of the Organization

84. Under Article 10 of the Convention, the headquarters of the Organization will be at Geneva. The General Assembly can decide to transfer it to another place. However, the two-thirds majority needed for this decision to be valid must be attained not only in the General Assembly but also in the Assembly of the Paris Union and in the Assembly of the Berne Union (Article 6(3)*(d)* and *(g)*). These provisions did not give rise to any discussion and were unanimously adopted.

XIV. Finances

(a) Budgets

85. Each Union has its own budget. With regard to the Organization, the BIRPI Draft provided that it should also have a separate budget. Nevertheless, on a proposal of the Delegations of France, the Federal Republic of Germany, Hungary, Italy, the Soviet Union, the United Kingdom, and the United States of America, Main Committee V decided that the Organization would have two separate budgets: the budget of expenses common to the Unions, and the budget of the Conference (Article 11(1)).

86. The budget of expenses common to the Unions, which is to be adopted by the General Assembly (Article 6(2)(iv)), will include provision for expenses affecting more than one Union. It will be financed from the contributions of the Unions, charges due for certain services performed by the International Bureau (Article 11(2)*(b)*(i) and (ii)), and other less important sources indicated in Article 11(2)*(b)*(iii) to (v).

87. The budget of the Conference will include provision only for the expenses occasioned by the sessions of the Conference and by legal-technical assistance (Article 11(3)*(a)*). The expenses appearing in the budget of the Conference will be covered by the contributions of members outside the Unions fixed in accordance with Article 11(4)*(a)* of the Convention, by the voluntary contributions of the Unions, by sums received by the International Bureau for services rendered in the field of legal-technical assistance, and also by possible gifts, bequests, and subventions (Article 11(3)*(b)*(i) to (iv)).

88. It may happen that a budget cannot be approved before the beginning of a new financial period. In such a case, the budget will be at the same level as that of the previous year, in accordance with the procedure which will be laid down in the financial regulations (Article 11(4)*(e)*).

(b) Contributions

89. In order to fix the contributions of Members outside the Unions, recourse is to be had to the traditional system of classes, which has been retained by the Unions. It does not, however, seem necessary for contributions to the budget of the Conference to be as differentiated as contributions to the budgets of the Unions; consequently, only three classes were provided for (Article 11(4)*(a)*).

90. In other respects, contributions to the budget of the Conference are to be calculated in the same way as contributions to the budgets of the Unions. Contrary to what has been the case to date, contributions will be due from the first of January of the financial period for which they are payable and not only in the course of the following year (Article 11(4)*(d)*). It is thought that in this way the Organization will have appreciably more liquid assets than BIRPI has had hitherto.

91. Arrears in the payment of financial contributions due to the Conference or to one of the Unions can involve loss of the right to vote, in accordance with the provisions of Article 11(5).

(c) Other Provisions

92. Like the Unions, the Organization is to have a working capital fund which will be formed of payments by the Unions and by Member States outside the Unions. The payments of the latter will be proportional to their annual contributions. If the fund becomes insufficient, it should be increased (Article 11(8)).

93. As the Organization has two budgets, one of which is within the scope of the General Assembly while the other is the responsibility of the Conference, the question arises which of these two organs will be competent for matters relating to the working capital fund, and in particular for deciding to increase it if it is considered insufficient. The point will have to be settled by the financial regulations.

94. As contributions are payable at the beginning of the financial period and the Organization has a working capital fund, it may be assumed that in normal conditions it should have sufficient liquid funds. But it might run short in extraordinary circumstances. For this reason it was provided that, under the headquarters agreement, the State on whose territory the Organization has its headquarters would have to undertake to make advances to the Organization if the working capital fund were insufficient. On this point, the WIPO Convention contains provisions similar to those of the other Conventions (Article 11(9)).

95. The auditing of the accounts is provided for in the same manner as for the Unions (Article 11(10)).

96. The Paris and Berne Conventions provide that the Assembly of each Union will approve the final accounts. There is no similar provision in the WIPO Convention. This point will therefore have to be dealt with in the financial regulations.

97. In addition to the few points mentioned above, the financial regulations to be drawn up by the General Assembly in accordance with Article 6(2)(vi) will settle the details of all administrative questions relating to the finances of the Organization.

XV. Legal Capacity; Privileges and Immunities

98. To attain its objectives and exercise its functions, the Organization must naturally enjoy, on the territory of each Member State, such legal capacity as may be necessary in accordance with the provisions of the laws of that State (Article 12(1)). On this point, the Delegations of the United Kingdom, the Netherlands, and Australia, stated that in their view the expression " territory of each Member State " referred, in those States in which such a distinction was made, to the metropolitan territory and any dependent territory to which any of the Conventions may have been declared to apply.

99. The Organization will have to conclude a headquarters agreement with the Swiss Confederation and, should the headquarters be transferred elsewhere, with the new headquarters country (Article 12(2)). These agreements will contain the usual clauses concerning the privileges and immunities guaranteed to the Organization, its officials, and the representatives of Member States. In addition, they will have to include the financial clauses provided for in Article 11(9) and in the parallel provisions of the Conventions of the Unions.

100. Various international agreements contain a general provision to ensure that the organization they create enjoys, on the territory of each Member State, such privileges and

immunities as may be necessary for the fulfilment of its purposes and that the same will apply to representatives of Member States and to the officials of the organization to the extent that may be necessary to enable them to exercise their functions in complete independence (see, in particular, Article 105(1) and (2) of the United Nations Charter). The Delegation of Czechoslovakia proposed that a provision of this nature should be inserted in the WIPO Convention. Nevertheless, the Committee considered that the Organization did not require such a general clause in the immediate future and that it would be sufficient if it could, if necessary, secure the required privileges and immunities by means of bilateral or multilateral agreements. This is provided for in Article 12(3).

101. Headquarters agreements and bilateral and multilateral agreements concerning privileges and immunities are to be negotiated by the Director General, who will be able to take the initiative freely in such negotiation. On the other hand, it was specified, on the proposal of the Delegations of France and Switzerland, that he will only be able to conclude them, that is to say sign them, after they have been approved by the Coordination Committee (Article 12(4)).

XVI. Relations with Other Organizations

102. In order to attain its objectives and exercise its functions, WIPO will no doubt have to cooperate with other international organizations. When general working agreements have to be concluded with such organizations, the Director General may take the initiative in negotiating them, but he will not be able to conclude them until he has secured the approval of the Coordination Committee (Article 13(1)). On the other hand, in the case of agreements concerning cooperation in particular cases (for example, to provide specific assistance to a given State), special approval by the Coordination Committee will not be required. But such actions will generally be mentioned in the Organization's program and, if they have financial implications, budget, so that the General Assembly, the Conference, or in any case the Coordination Committee, will have an opportunity to take a position on them.

103. Article 13(1) does not, of course, apply to any agreement which might be concluded with the United Nations under the provisions of Articles 57 and 63 of the United Nations Charter. It will be the prerogative of the General Assembly to approve such an agreement in accordance with the procedure indicated in Article 6(3)*(f)*. Similarly, Article 13(1) does not in any way alter Article 6(3)*(e)*, dealing with the approval of measures concerning the administration of international agreements.

104. The arrangements which the Organization may make for consultation and cooperation with organizations other than the intergovernmental organizations are governed by Article 13(2), which gave rise to no discussion.

XVII. Becoming Party to the Convention

105. Those States which can become party to the Convention in accordance with Article 5 will accept it by completing the formalities which are usual in international public law: signature without reservation as to ratification, signature subject to ratification followed by the deposit of an instrument of ratification, or deposit of an instrument of accession (Article 14(1)).

106. It would not be correct to permit a State member of a Union to accept the WIPO Convention without having ratified, or acceded to, the administrative provisions of the Stockholm Act of the Paris Convention or the Berne Convention. Moreover, such a possibility would not be in the interests of the States themselves, since a State member of a Union which had acceded only to the WIPO Convention would be unable to be a member of the Coordination Committee because it could not be a member of the Executive Committee of the Paris or the Berne Union. For this reason, Article 14(2) requires that, when accepting the WIPO Convention, States members of a Union must simultaneously accept or have already accepted the administrative provisions of the Stockholm Act of the Paris Convention or the Berne Convention. If they are parties to both Conventions, it is sufficient for them to have ratified or acceded to the administrative provisions of the Stockholm Act of one of them.

107. WIPO being a modern organization provided with organs capable of representing it internationally, it was possible to provide that the instruments of ratification and accession may be deposited with the Director General, and Article 14(3) so provides.

XVIII. Entry into Force of the Convention

108. As is customary, the Convention will enter into force when a certain number of States have ratified it or acceded to it. For this purpose, only ratifications or accessions by States members of a Union will be counted. The Convention will enter into force when ten States bound by the new administrative provisions of the Paris Convention and seven States bound by the new administrative provisions of the Berne Convention have completed one or the other of these formalities (Article 15(1)). The numbers correspond to the numbers required for the entry into force of the administrative provisions of the Stockholm Act of the Paris and Berne Conventions. Consequently, the entry into force of the WIPO Convention will coincide with the entry into force of the administrative provisions of the Paris Convention, or, if the administrative provisions of the Berne Convention enter into force later than those of the Paris Convention, then with the entry into force of the administrative provisions of the Berne Convention.

109. Arguing that the WIPO Convention would involve substantial changes of structure and that it should only enter into force after a substantial number of States have ratified or acceded to it, and also in order to avoid an excessively prolonged coexistence of two very different administrative systems, the Delegation of France proposed that the entry into force should be made dependent upon thirty ratifications or accessions by countries party to the Paris Convention, and twenty ratifications or accessions by countries party to the Berne Convention. But this proposal was rejected by the Committee, which considered that the Convention should enter into force as early as possible.

XIX. Reservations

110. Article 16 states with commendable succinctness that "no reservations to this Convention are permitted." This text does not require lengthy comment: a State's ratification of or accession to the Convention implies acceptance of all its provisions.

XX. Amendments to the Convention

111. Hitherto, the Berne and Paris Conventions, and the Special Agreements, could be amended only by diplomatic conferences of revision. This rule is maintained in respect of their substantive provisions. On the other hand, like the Charter of the United Nations (Article 108 *et seq.*), and other conventions establishing international organizations, the WIPO Convention can be revised without the need for a diplomatic conference. A strict procedure must, however, guarantee that amendments are thoroughly studied and accepted by the great majority of Member States.

112. In the first place, the preparation of amendments is governed by Article 17(1). Amendment proposals, which may be initiated by any Member State, by the Coordination Committee, or by the Director General, will be communicated by the latter to the Member States at least six months before they are submitted to the Conference.

113. The adoption of amendments is governed by Article 17(2). Before being discussed by the Conference, the proposed amendments must be adopted by the Assemblies of the Paris and Berne Unions by a three-fourths majority. In the Conference, the decision is taken by a simple majority of the Member States. Non-Union countries take part in the vote only if the amendments are likely to affect their rights or obligations. It will be for the Conference to determine, in each case, whether this condition is fulfilled.

114. Lastly, entry into force is governed by Article 17(3). In this connection, it should be pointed out that, once the required number of acceptances is received, the amendment is binding on all Member States, unless it increases their financial obligations.

XXI. Denunciation of the Convention

115. Any Member State may denounce the WIPO Convention (Article 18(1)). If it is a Union country, it is not necessary for it also to leave the Union or Unions of which it is a member. It may therefore remain party to the Berne Convention, the Paris Convention, and the Special Agreements. In taking this decision, the majority of delegations held the view that the link between the Unions and the Organization was not so close that it was impossible to leave the latter without at the same time leaving the former.

116. Such a State may, of course, remain a member of all the organs of the Unions to which it belongs. But it cannot belong to the General Assembly, the Conference or the Coordination Committee. If a number of States which are members of the Executive Committe of one of the principal Unions were in this situation, this would lead to a lack of balance in the membership of the Coordination Committee. But this risk is so slight that it can be disregarded.

117. Denunciation takes effect six months after the date on which the Director General has received the notification (Article 18(2)).

XXII. Notifications

118. Article 19 lists the notifications normally devolving on the Director General of an international organization. The list is not exhaustive. For instance, the Director General must also notify Member States of the class chosen by any new non-Union member for its contributions and of any change in class.

XXIII. Settlement of Disputes

119. The BIRPI Draft contained no provisions concerning the settlement of disputes. The Delegation of Japan proposed that the WIPO Convention include a provision according to which any dispute between Member States regarding the interpretation or application of the Convention could be referred, as a last resort, to the International Court of Justice, unless the States in question agreed on another method of settlement.

120. The Committee considered, however, that, as the WIPO Convention contained only administrative provisions, it was unlikely that any disputes would arise that would warrant intervention by the International Court of Justice. It was therefore considered preferable not to insert in the Convention any provision concerning the settlement of disputes.

XXIV. Final Provisions

121. Article 20 deals with those questions which normally form the subject of final provisions. It should be noted that the WIPO Convention is drawn up in English, French, Russian, and Spanish, the four texts being equally authentic (Article 20(1)*(a)*). In case of any discrepancy, it will therefore be necessary to ascertain which text expresses the meaning of the Convention most accurately. In addition, official texts will be established by the Director General, after consultation with the interested Governments, in various languages, amongst which the Committee included Portuguese on the proposal of the Delegation of Portugal (Article 20(2)).

122. The original copy of the Convention is deposited with the Government of Sweden, but it is the Director General of the Organization who distributes the certified copies; he will also register the Convention with the Secretariat of the United Nations (Article 20(1)*(a)*, (3) and (4)).

XXV. Transitional Provisions

123. Article 21 distinguishes between several transitional periods. The first one lasts from the signing of the Convention until its entry into force. During that period various duties entrusted by the Convention to the Director General and the International Bureau will have to be carried out. For example, copies of the Convention will have to be distributed and translation into various languages arranged. As there will then be neither a Director General nor an International Bureau, those duties will be carried out by the Director and by BIRPI (Article 21(1)).

124. The entry into force of the WIPO Convention will start a second transitional period, undoubtedly a long one, that will last until all the States members of the Unions have

ratified or acceded to the said Convention. During that period, the same office, with the same staff, will be the International Bureau of Intellectual Property for the States parties to the WIPO Convention, and the United International Bureaux for the Protection of Industrial, Literary and Artistic Property (BIRPI) for the others. Similarly, the Head of the Secretariat will be Director General for the former and Director for the latter (Article 21(3)).

125. The first five years of this second transitional period will themselves be a special transitional period concerning which Article 21(2) contains special rules. During this five-year period, the States members of the Unions that are not yet parties to the WIPO Convention may, if they announce the intention by notification to the Director General, exercise the same rights as if they had ratified the WIPO Convention or acceded to it. They will thus become members of the General Assembly and of the Conference and can also become members of the Coordination Committee. On the other hand, they will not have any of the obligations issuing from the WIPO Convention.

126. Lastly, when all the States members of the Paris Union have become Members of the Organization, the rights, obligations and property of the Bureau of that Union will devolve upon the International Bureau; the same will apply to the Berne Union when the same condition has been fulfilled in its case (Article 21(4)). At that time, BIRPI will cease to exist and its rights and obligations will necessarily devolve on the International Bureau of Intellectual Property. Although provisions to this effect are already included in the Paris and Berne Conventions (Stockholm Act), it seemed advisable to repeat them in the WIPO Convention, so that the Organization expressly agrees that its organ shall be invested with the rights and obligations of BIRPI.

XXVI. Conclusion

127. The Convention creating WIPO, which has been prepared with great care by BIRPI, the Swedish Government, and various Committees of Experts, now appears to be as it should. The functioning of the new Organization will perhaps need a certain period of adjustment. However, even if the legitimate desire to safeguard the independence of each Union entailed the establishment of many organs, the Stockholm Conference has succeeded in clearly delimiting their respective fields of competence. Similarly, the financial machinery of the Unions and the Organization seems perfectly adapted to requirements. Of course, it may be that practical problems which cannot be foreseen at present will arise. There is reason to hope, however, that the spirit of international cooperation which was so manifest in the Stockholm Conference will continue to prevail in the new Organization and will allow any difficulties to be resolved. It is in this way that WIPO will be able to achieve the noble purpose which has been assigned to it and give effective encouragement to creative activity, thereby contributing to the spiritual enrichment and the material well-being of mankind as a whole.

[This report was unanimously adopted by Main Committee V in its eleventh meeting on July 10, 1967.]

INTERNATIONAL UNION

Berne Convention for the Protection of Literary and Artistic Works

of 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, revised at BRUSSELS on June 26, 1948,
and revised at STOCKHOLM on July 14, 1967

The countries of the Union, being equally animated by the desire to protect, in as effective and uniform a manner as possible, the rights of authors in their literary and artistic works,

Have resolved to revise and to complete the Act signed at Berne 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.

Consequently, the undersigned Plenipotentiaries, having presented their full powers, recognized as in good and due form, have agreed as follows:

Article 1

The countries to which this Convention applies constitute a Union for the protection of the rights of authors in their literary and artistic works.

Article 2

(1) The expression "literary and artistic works" shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings; lectures, addresses, sermons and other works of the same nature; dramatic or dramatico-musical works; choreographic works and entertainments in dumb show; musical compositions with or without words; cinematographic works to which are assimilated works expressed by a process analogous to cinematography; works of drawing, painting, architecture, sculpture, engraving and lithography; photographic works to which are assimilated works expressed by a process analogous to photography; works of applied art; illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science.

(2) It shall, however, be a matter for legislation in the countries of the Union to prescribe that works in general or any specified categories of works shall not be protected unless they have been fixed in some material form.

(3) Translations, adaptations, arrangements of music and other alterations of a literary or artistic work shall be protected as original works without prejudice to the copyright in the original work.

(4) It shall be a matter for legislation in the countries of the Union to determine the protection to be granted to official texts of a legislative, administrative and legal nature, and to official translations of such texts.

(5) Collections of literary or artistic works such as encyclopaedias and anthologies which, by reason of the selection and arrangement of their contents, constitute intellectual creations shall be protected as such, without prejudice to the copyright in each of the works forming part of such collections.

(6) The works mentioned in this Article shall enjoy protection in all countries of the Union. This protection shall operate for the benefit of the author and his successors in title.

(7) Subject to the provisions of Article 7(4) of this Convention, it shall be a matter for legislation in the countries of the Union to determine the extent of the application of their laws to works of applied art and industrial designs and models, as well as the conditions under which such works, designs and models shall be protected. Works protected in the country of origin solely as designs and models shall be entitled in another country of the Union only to such special protection as is granted in that country to designs and models; however, if no such special protection is granted in that country, such works shall be protected as artistic works.

(8) The protection of this Convention shall not apply to news of the day nor to miscellaneous facts having the character of mere items of press information.

Article 2bis

(1) It shall be a matter for legislation in the countries of the Union to exclude, wholly or in part, from the protection provided by the preceding Article political speeches and speeches delivered in the course of legal proceedings.

(2) It shall also be a matter for legislation in the countries of the Union to determine the conditions under which lectures, addresses and other works of the same nature which are delivered in public may be reproduced by the press, broadcast, communicated to the public by wire and made the subject of public communication as envisaged in Article 11bis(1) of this Convention, when such use is justified by the informatory purpose.

(3) Nevertheless, the author shall enjoy the exclusive right of making a collection of his works mentioned in the preceding paragraphs.

Article 3

(1) The protection of this Convention shall apply to:

(a) authors who are nationals of one of the countries of the Union, for their works, whether published or not;

(b) authors who are not nationals of one of the countries of the Union, for their works first published in one of those

countries, or simultaneously in a country outside the Union and in a country of the Union.

(2) Authors who are not nationals of one of the countries of the Union but who have their habitual residence in one of them shall, for the purposes of this Convention, be assimilated to nationals of that country.

(3) The expression "published works" means works published with the consent of their authors, whatever may be the means of manufacture of the copies, provided that the availability of such copies has been such as to satisfy the reasonable requirements of the public, having regard to the nature of the work. The performance of a dramatic, dramatico-musical, cinematographic or musical work, the public recitation of a literary work, the communication by wire or the broadcasting of literary or artistic works, the exhibition of a work of art and the construction of a work of architecture shall not constitute publication.

(4) A work shall be considered as having been published simultaneously in several countries if it has been published in two or more countries within thirty days of its first publication.

Article 4

The protection of this Convention shall apply, even if the conditions of Article 3 are not fulfilled, to:

(a) authors of cinematographic works the maker of which has his headquarters or habitual residence in one of the countries of the Union;

(b) authors of works of architecture erected in a country of the Union or of other artistic works incorporated in a building or other structure located in a country of the Union.

Article 5

(1) Authors shall enjoy, in respect of works for which they are protected under this Convention, in countries of the Union other than the country of origin, the rights which their respective laws do now or may hereafter grant to their nationals, as well as the rights specially granted by this Convention.

(2) The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise shall be independent of the existence of protection in the country of origin of the work. Consequently, apart from the provisions of this Convention, the extent of protection, as well as the means of redress afforded to the author to protect his rights, shall be governed exclusively by the laws of the country where protection is claimed.

(3) Protection in the country of origin is governed by domestic law. However, when the author is not a national of the country of origin of the work for which he is protected under this Convention, he shall enjoy in that country the same rights as national authors.

(4) The country of origin shall be considered to be:

(a) in the case of works first published in a country of the Union, that country; in the case of works published simultaneously in several countries of the Union which grant different terms of protection, the country whose legislation grants the shortest term of protection;

(b) in the case of works published simultaneously in a country outside the Union and in a country of the Union, the latter country;

(c) in the case of unpublished works or of works first published in a country outside the Union, without simultaneous publication in a country of the Union, the country of the Union of which the author is a national, provided that:

(i) when these are cinematographic works the maker of which has his headquarters or his habitual residence in a country of the Union, the country of origin shall be that country, and

(ii) when these are works of architecture erected in a country of the Union or other artistic works incorporated in a building or other structure located in a country of the Union, the country of origin shall be that country.

Article 6

(1) Where any country outside the Union fails to protect in an adequate manner the works of authors who are nationals of one of the countries of the Union, the latter country may restrict the protection given to the works of authors who are, at the date of the first publication thereof, nationals of the other country and are not habitually resident in one of the countries of the Union. If the country of first publication avails itself of this right, the other countries of the Union shall not be required to grant to works thus subjected to special treatment a wider protection than that granted to them in the country of first publication.

(2) No restrictions introduced by virtue of the preceding paragraph shall affect the rights which an author may have acquired in respect of a work published in a country of the Union before such restrictions were put into force.

(3) The countries of the Union which restrict the grant of copyright in accordance with this Article shall give notice thereof to the Director General of the World Intellectual Property Organization (hereinafter designated as "the Director General") by a written declaration specifying the countries in regard to which protection is restricted, and the restrictions to which rights of authors who are nationals of those countries are subjected. The Director General shall immediately communicate this declaration to all the countries of the Union.

Article 6bis

(1) Independently of the author's economic rights, and even after the transfer of the said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation.

(2) The rights granted to the author in accordance with the preceding paragraph shall, after his death, be maintained, at least until the expiry of the economic rights, and shall be exercisable by the persons or institutions authorized by the legislation of the country where protection is claimed. However, those countries whose legislation, at the moment of their

ratification of or accession to this Act, does not provide for the protection after the death of the author of all the rights set out in the preceding paragraph may provide that some of these rights may, after his death, cease to be maintained.

(3) The means of redress for safeguarding the rights granted by this Article shall be governed by the legislation of the country where protection is claimed.

Article 7

(1) The term of protection granted by this Convention shall be the life of the author and fifty years after his death.

(2) However, in the case of cinematographic works, the countries of the Union may provide that the term of protection shall expire fifty years after the work has been made available to the public with the consent of the author, or, failing such an event within fifty years from the making of such a work, fifty years after the making.

(3) In the case of anonymous or pseudonymous works, the term of protection granted by this Convention shall expire fifty years after the work has been lawfully made available to the public. However, when the pseudonym adopted by the author leaves no doubt as to his identity, the term of protection shall be that provided in paragraph (1). If the author of an anonymous or pseudonymous work discloses his identity during the above-mentioned period, the term of protection applicable shall be that provided in paragraph (1). The countries of the Union shall not be required to protect anonymous or pseudonymous works in respect of which it is reasonable to presume that their author has been dead for fifty years.

(4) It shall be a matter for legislation in the countries of the Union to determine the term of protection of photographic works and that of works of applied art in so far as they are protected as artistic works; however, this term shall last at least until the end of a period of twenty-five years from the making of such a work.

(5) The term of protection subsequent to the death of the author and the terms provided by paragraphs (2), (3) and (4) shall run from the date of death or of the event referred to in those paragraphs, but such terms shall always be deemed to begin on the first of January of the year following the death or such event.

(6) The countries of the Union may grant a term of protection in excess of those provided by the preceding paragraphs.

(7) Those countries of the Union bound by the Rome Act of this Convention, which grant, in their national legislation in force at the time of signature of the present Act, shorter terms of protection than those provided for in the preceding paragraphs, shall have the right to maintain such terms when ratifying or acceding to the present Act.

(8) In any case, the term shall be governed by the legislation of the country where protection is claimed; however, unless the legislation of that country otherwise provides, the term shall not exceed the term fixed in the country of origin of the work.

Article 7bis

The provisions of the preceding Article shall also apply in the case of a work of joint authorship, provided that the terms measured from the death of the author shall be calculated from the death of the last surviving author.

Article 8

Authors of literary and artistic works protected by this Convention shall enjoy the exclusive right of making and of authorizing the translation of their works throughout the term of protection of their rights in the original works.

Article 9

(1) Authors of literary and artistic works protected by this Convention shall have the exclusive right of authorizing the reproduction of these works, in any manner or form.

(2) It shall be a matter for legislation in the countries of the Union to permit the reproduction of such works in certain special cases, provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author.

(3) Any sound or visual recording shall be considered as a reproduction for the purposes of this Convention.

Article 10

(1) It shall be permissible to make quotations from a work which has already been lawfully made available to the public, provided that their making is compatible with fair practice, and their extent does not exceed that justified by the purpose, including quotations from newspaper articles and periodicals in the form of press summaries.

(2) It shall be a matter for legislation in the countries of the Union, and for special agreements existing or to be concluded between them, to permit the utilization, to the extent justified by the purpose, of literary or artistic works by way of illustration in publications, broadcasts or sound or visual recordings for teaching, provided such utilization is compatible with fair practice.

(3) Where use is made of works in accordance with the preceding paragraphs of this Article, mention shall be made of the source, and of the name of the author if it appears thereon.

Article 10bis

(1) It shall be a matter for legislation in the countries of the Union to permit the reproduction by the press, the broadcasting or the communication to the public by wire of articles published in newspapers or periodicals on current economic, political or religious topics, and of broadcast works of the same character, in cases in which the reproduction, broadcasting or such communication thereof is not expressly reserved. Nevertheless, the source must always be clearly indicated; the legal consequences of a breach of this obligation shall be determined by the legislation of the country where protection is claimed.

(2) It shall also be a matter for legislation in the countries of the Union to determine the conditions under which, for the purpose of reporting current events by means of photography, cinematography, broadcasting or communication to the public

by wire, literary or artistic works seen or heard in the course of the event may, to the extent justified by the informatory purpose, be reproduced and made available to the public.

Article 11

(1) Authors of dramatic, dramatico-musical and musical works shall enjoy the exclusive right of authorizing:

(i) the public performance of their works, including such public performance by any means or process;

(ii) any communication to the public of the performance of their works.

(2) Authors of dramatic or dramatico-musical works shall enjoy, during the full term of their rights in the original works, the same rights with respect to translations thereof.

Article 11bis

(1) Authors of literary and artistic works shall enjoy the exclusive right of authorizing:

(i) the broadcasting of their works or the communication thereof to the public by any other means of wireless diffusion of signs, sounds or images;

(ii) any communication to the public by wire or by rebroadcasting of the broadcast of the work, when this communication is made by an organization other than the original one;

(iii) the public communication by loudspeaker or any other analogous instrument transmitting, by signs, sounds or images, the broadcast of the work.

(2) It shall be a matter for legislation in the countries of the Union to determine the conditions under which the rights mentioned in the preceding paragraph may be exercised, but these conditions shall apply only in the countries where they have been prescribed. They shall not in any circumstances be prejudicial to the moral rights of the author, nor to his right to obtain equitable remuneration which, in the absence of agreement, shall be fixed by competent authority.

(3) In the absence of any contrary stipulation, permission granted in accordance with paragraph (1) of this Article shall not imply permission to record, by means of instruments recording sounds or images, the work broadcast. It shall, however, be a matter for legislation in the countries of the Union to determine the regulations for ephemeral recordings made by a broadcasting organization by means of its own facilities and used for its own broadcasts. The preservation of these recordings in official archives may, on the ground of their exceptional documentary character, be authorized by such legislation.

Article 11ter

(1) Authors of literary works shall enjoy the exclusive right of authorizing:

(i) the public recitation of their works, including such public recitation by any means or process;

(ii) any communication to the public of the recitation of their works.

(2) Authors of literary works shall enjoy, during the full term of their rights in the original works, the same rights with respect to translations thereof.

Article 12

Authors of literary or artistic works shall enjoy the exclusive right of authorizing adaptations, arrangements and other alterations of their works.

Article 13

(1) Each country of the Union may impose for itself reservations and conditions on the exclusive right granted to the author of a musical work and to the author of any words, the recording of which together with the musical work has already been authorized by the latter, to authorize the sound recording of that musical work, together with such words, if any; but all such reservations and conditions shall apply only in the countries which have imposed them and shall not, in any circumstances, be prejudicial to the rights of these authors to obtain equitable remuneration which, in the absence of agreement, shall be fixed by competent authority.

(2) Recordings of musical works made in a country of the Union in accordance with Article 13(3) of the Conventions signed at Rome on June 2, 1928, and at Brussels on June 26, 1948, may be reproduced in that country without the permission of the author of the musical work until a date two years after that country becomes bound by this Act.

(3) Recordings made in accordance with paragraphs (1) and (2) of this Article and imported without permission from the parties concerned into a country where they are treated as infringing recordings shall be liable to seizure.

Article 14

(1) Authors of literary or artistic works shall have the exclusive right of authorizing:

(i) the cinematographic adaptation and reproduction of these works, and the distribution of the works thus adapted or reproduced;

(ii) the public performance and communication to the public by wire of the works thus adapted or reproduced.

(2) The adaptation into any other artistic form of a cinematographic production derived from literary or artistic works shall, without prejudice to the authorization of the author of the cinematographic production, remain subject to the authorization of the authors of the original works.

(3) The provisions of Article 13(1) shall not apply.

Article 14bis

(1) Without prejudice to the copyright in any work which may have been adapted or reproduced, a cinematographic work shall be protected as an original work. The owner of copyright in a cinematographic work shall enjoy the same rights as the author of an original work, including the rights referred to in the preceding Article.

(2) *(a)* Ownership of copyright in a cinematographic work shall be a matter for legislation in the country where protection is claimed.

(b) However, in the countries of the Union which, by legislation, include among the owners of copyright in a cinematographic work authors who have brought contributions to the making of the work, such authors, if they have undertaken to

bring such contributions, may not, in the absence of any contrary or special stipulation, object to the reproduction, distribution, public performance, communication to the public by wire, broadcasting or any other communication to the public, or to the subtitling or dubbing of texts, of the work.

(c) The question whether or not the form of the undertaking referred to above should, for the application of the preceding subparagraph *(b)*, be in a written agreement or a written act of the same effect shall be a matter for the legislation of the country where the maker of the cinematographic work has his headquarters or habitual residence. However, it shall be a matter for the legislation of the country of the Union where protection is claimed to provide that the said undertaking shall be in a written agreement or a written act of the same effect. The countries whose legislation so provides shall notify the Director General by means of a written declaration, which will be immediately communicated by him to all the other countries of the Union.

(d) By "contrary or special stipulation" is meant any restrictive condition which is relevant to the aforesaid undertaking.

(3) Unless the national legislation provides to the contrary, the provisions of paragraph (2)*(b)* above shall not be applicable to authors of scenarios, dialogues and musical works created for the making of the cinematographic work, nor to the principal director thereof. However, those countries of the Union whose legislation does not contain rules providing for the application of the said paragraph (2)*(b)* to such director shall notify the Director General by means of a written declaration, which will be immediately communicated by him to all the other countries of the Union.

Article 14ter

(1) The author, or after his death the persons or institutions authorized by national legislation, shall, with respect to original works of art and original manuscripts of writers and composers, enjoy the inalienable right to an interest in any sale of the work subsequent to the first transfer by the author of the work.

(2) The protection provided by the preceding paragraph may be claimed in a country of the Union only if legislation in the country to which the author belongs so permits, and to the extent permitted by the country where this protection is claimed.

(3) The procedure for collection and the amounts shall be matters for determination by national legislation.

Article 15

(1) In order that the author of a literary or artistic work protected by this Convention shall, in the absence of proof to the contrary, be regarded as such, and consequently be entitled to institute infringement proceedings in the countries of the Union, it shall be sufficient for his name to appear on the work in the usual manner. This paragraph shall be applicable even if this name is a pseudonym, where the pseudonym adopted by the author leaves no doubt as to his identity.

(2) The person or body corporate whose name appears on a cinematographic work in the usual manner shall, in the absence of proof to the contrary, be presumed to be the maker of the said work.

(3) In the case of anonymous and pseudonymous works, other than those referred to in paragraph (1) above, the publisher whose name appears on the work shall, in the absence of proof to the contrary, be deemed to represent the author, and in this capacity he shall be entitled to protect and enforce the author's rights. The provisions of this paragraph shall cease to apply when the author reveals his identity and establishes his claim to authorship of the work.

(4) *(a)* In the case of unpublished works where the identity of the author is unknown, but where there is every ground to presume that he is a national of a country of the Union, it shall be a matter for legislation in that country to designate the competent authority who shall represent the author and shall be entitled to protect and enforce his rights in the countries of the Union.

(b) Countries of the Union which make such designation under the terms of this provision shall notify the Director General by means of a written declaration giving full information concerning the authority thus designated. The Director General shall at once communicate this declaration to all other countries of the Union.

Article 16

(1) Infringing copies of a work shall be liable to seizure in any country of the Union where the work enjoys legal protection.

(2) The provisions of the preceding paragraph shall also apply to reproductions coming from a country where the work is not protected, or has ceased to be protected.

(3) The seizure shall take place in accordance with the legislation of each country.

Article 17

The provisions of this Convention cannot in any way affect the right of the Government of each country of the Union to permit, to control, or to prohibit by legislation or regulation, the circulation, presentation, or exhibition of any work or production in regard to which the competent authority may find it necessary to exercise that right.

Article 18

(1) This Convention shall apply to all works which, at the moment of its coming into force, have not yet fallen into the public domain in the country of origin through the expiry of the term of protection.

(2) If, however, through the expiry of the term of protection which was previously granted, a work has fallen into the public domain of the country where protection is claimed, that work shall not be protected anew.

(3) The application of this principle shall be subject to any provisions contained in special conventions to that effect existing or to be concluded between countries of the Union. In the absence of such provisions, the respective countries shall determine, each in so far as it is concerned, the conditions of application of this principle.

(4) The preceding provisions shall also apply in the case of new accessions to the Union and to cases in which protection is extended by the application of Article 7 or by the abandonment of reservations.

Article 19

The provisions of this Convention shall not preclude the making of a claim to the benefit of any greater protection which may be granted by legislation in a country of the Union.

Article 20

The Governments of the countries of the Union reserve the right to enter into special agreements among themselves, in so far as such agreements grant to authors more extensive rights than those granted by the Convention, or contain other provisions not contrary to this Convention. The provisions of existing agreements which satisfy these conditions shall remain applicable.

Article 21

(1) Special provisions regarding developing countries are included in a protocol entitled "Protocol Regarding Developing Countries."

(2) Subject to the provisions of Article 28(1)*(b)*(i) and *(c)*, the Protocol Regarding Developing Countries forms an integral part of the present Act.

Article 22

(1) *(a)* The Union shall have an Assembly consisting of those countries of the Union which are bound by Articles 22 to 26.

(b) The Government of each country shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) *(a)* The Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Convention;

(ii) give directions concerning the preparation for conferences of revision to the International Bureau of Intellectual Property (hereinafter designated as "the International Bureau") referred to in the Convention establishing the World Intellectual Property Organization (hereinafter designated as "the Organization"), due account being taken of any comments made by those countries of the Union which are not bound by Articles 22 to 26;

(iii) review and approve the reports and activities of the Director General of the Organization concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;

(iv) elect the members of the Executive Committee of the Assembly;

(v) review and approve the reports and activities of its Executive Committee, and give instructions to such Committee;

(vi) determine the program and adopt the triennial budget of the Union, and approve its final accounts;

(vii) adopt the financial regulations of the Union;

(viii) establish such committees of experts and working groups as may be necessary for the work of the Union;

(ix) determine which countries not members of the Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(x) adopt amendments to Articles 22 to 26;

(xi) take any other appropriate action designed to further the objectives of the Union;

(xii) exercise such other functions as are appropriate under this Convention;

(xiii) subject to its acceptance, exercise such rights as are given to it in the Convention establishing the Organization.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) *(a)* Each country member of the Assembly shall have one vote.

(b) One-half of the countries members of the Assembly shall constitute a quorum.

(c) Notwithstanding the provisions of subparagraph *(b)*, if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the following conditions are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 26(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

(f) A delegate may represent, and vote in the name of, one country only.

(g) Countries of the Union not members of the Assembly shall be admitted to its meetings as observers.

(4) *(a)* The Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of the Executive Committee or at the request of one-fourth of the countries members of the Assembly.

(5) The Assembly shall adopt its own rules of procedure.

Article 23

(1) The Assembly shall have an Executive Committee.

(2) *(a)* The Executive Committee shall consist of countries elected by the Assembly from among countries members of the Assembly. Furthermore, the country on whose territory the Organization has its headquarters shall, subject to the provisions of Article 25(7)*(b)*, have an *ex officio* seat on the Committee.

(b) The Government of each country member of the Executive Committee shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(3) The number of countries members of the Executive Committee shall correspond to one-fourth of the number of countries members of the Assembly. In establishing the number of seats to be filled, remainders after division by four shall be disregarded.

(4) In electing the members of the Executive Committee, the Assembly shall have due regard to an equitable geographical distribution and to the need for countries party to the Special Agreements which might be established in relation with the Union to be among the countries constituting the Executive Committee.

(5) *(a)* Each member of the Executive Committee shall serve from the close of the session of the Assembly which elected it to the close of the next ordinary session of the Assembly.

(b) Members of the Executive Committee may be re-elected, but not more than two-thirds of them.

(c) The Assembly shall establish the details of the rules governing the election and possible re-election of the members of the Executive Committee.

(6) *(a)* The Executive Committee shall:

(i) prepare the draft agenda of the Assembly;

(ii) submit proposals to the Assembly respecting the draft program and triennial budget of the Union prepared by the Director General;

(iii) approve, within the limits of the program and the triennial budget, the specific yearly budgets and programs prepared by the Director General;

(iv) submit, with appropriate comments, to the Assembly the periodical reports of the Director General and the yearly audit reports on the accounts;

(v) in accordance with the decisions of the Assembly and having regard to circumstances arising between two ordinary sessions of the Assembly, take all necessary measures to ensure the execution of the program of the Union by the Director General;

(vi) perform such other functions as are allocated to it under this Convention.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Executive Committee shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(7) *(a)* The Executive Committee shall meet once a year in ordinary session upon convocation by the Director General, preferably during the same period and at the same place as the Coordination Committee of the Organization.

(b) The Executive Committee shall meet in extraordinary session upon convocation by the Director General, either on his own initiative, or at the request of its Chairman or one-fourth of its members.

(8) *(a)* Each country member of the Executive Committee shall have one vote.

(b) One-half of the members of the Executive Committee shall constitute a quorum.

(c) Decisions shall be made by a simple majority of the votes cast.

(d) Abstentions shall not be considered as votes.

(e) A delegate may represent, and vote in the name of, one country only.

(9) Countries of the Union not members of the Executive Committee shall be admitted to its meetings as observers.

(10) The Executive Committee shall adopt its own rules of procedure.

Article 24

(1) *(a)* The administrative tasks with respect to the Union shall be performed by the International Bureau, which is a continuation of the Bureau of the Union united with the Bureau of the Union established by the International Convention for the Protection of Industrial Property.

(b) In particular, the International Bureau shall provide the secretariat of the various organs of the Union.

(c) The Director General of the Organization shall be the chief executive of the Union and shall represent the Union.

(2) The International Bureau shall assemble and publish information concerning the protection of copyright. Each country of the Union shall promptly communicate to the International Bureau all new laws and official texts concerning the protection of copyright.

(3) The International Bureau shall publish a monthly periodical.

(4) The International Bureau shall, on request, furnish information to any country of the Union on matters concerning the protection of copyright.

(5) The International Bureau shall conduct studies, and shall provide services, designed to facilitate the protection of copyright.

(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Executive Committee, and any other committee of experts or working group. The Director General, or a staff member designated by him, shall be *ex officio* secretary of these bodies.

(7) *(a)* The International Bureau shall, in accordance with the directions of the Assembly and in cooperation with the Executive Committee, make the preparations for the conferences of revision of the provisions of the Convention other than Articles 22 to 26.

(b) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for conferences of revision.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at these conferences.

(8) The International Bureau shall carry out any other tasks assigned to it.

Article 25

(1) *(a)* The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union, its contribution to the budget of expenses common to the Unions, and, where applicable, the sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Union shall be financed from the following sources:

(i) contributions of the countries of the Union;
(ii) fees and charges due for services performed by the International Bureau in relation to the Union;
(iii) sale of, or royalties on, the publications of the International Bureau concerning the Union;
(iv) gifts, bequests, and subventions;
(v) rents, interests, and other miscellaneous income.

(4) *(a)* For the purpose of establishing its contribution towards the budget, each country of the Union shall belong to a class, and shall pay its annual contributions on the basis of a number of units fixed as follows:

Class I	25
Class II	20
Class III	15
Class IV	10
Class V	5
Class VI	3
Class VII	1

(b) Unless it has already done so, each country shall indicate, concurrently with depositing its instrument of ratification or accession, the class to which it wishes to belong. Any country may change class. If it chooses a lower class, the country must announce it to the Assembly at one of its ordinary sessions. Any such change shall take effect at the beginning of the calendar year following the session.

(c) The annual contribution of each country shall be an amount in the same proportion to the total sum to be contributed to the annual budget of the Union by all countries as the number of its units is to the total of the units of all contributing countries.

(d) Contributions shall become due on the first of January of each year.

(e) A country which is in arrears in the payment of its contributions shall have no vote in any of the organs of the Union of which it is a member if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the Union may allow such a country to continue to exercise its vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(f) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, in accordance with the financial regulations.

(5) The amount of the fees and charges due for services rendered by the International Bureau in relation to the Union shall be established, and shall be reported to the Assembly and the Executive Committee, by the Director General.

(6) *(a)* The Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Union. If the fund becomes insufficient, an increase shall be decided by the Assembly.

(b) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country for the year in which the fund is established or the increase decided.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(7) *(a)* In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization. As long as it remains under the obligation to grant advances, such country shall have an *ex officio* seat on the Executive Committee.

(b) The country referred to in subparagraph *(a)* and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 26

(1) Proposals for the amendment of Articles 22, 23, 24, 25, and the present Article, may be initiated by any country member of the Assembly, by the Executive Committee, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment of

Article 22, and of the present paragraph, shall require four-fifths of the votes cast.

(3) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Assembly at the time it adopted the amendment. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date, provided that any amendment increasing the financial obligations of countries of the Union shall bind only those countries which have notified their acceptance of such amendment.

Article 27

(1) This Convention shall be submitted to revision with a view to the introduction of amendments designed to improve the system of the Union.

(2) For this purpose, conferences shall be held successively in one of the countries of the Union among the delegates of the said countries.

(3) Subject to the provisions of Article 26 which apply to the amendment of Articles 22 to 26, any revision of this Convention, including the Protocol Regarding Developing Countries, shall require the unanimity of the votes cast.

Article 28

(1) *(a)* Any country of the Union which has signed this Act may ratify it, and, if it has not signed it, may accede to it. Instruments of ratification and accession shall be deposited with the Director General.

(b) Any country of the Union may declare in its instrument of ratification or accession that its ratification or accession shall not apply:

(i) to Articles 1 to 21 and the Protocol Regarding Developing Countries, or

(ii) to Articles 22 to 26.

(c) If a country of the Union has already separately accepted the Protocol Regarding Developing Countries in accordance with Article 5 of such Protocol, its declaration under item (i) of the preceding subparagraph may relate only to Articles 1 to 20.

(d) Any country of the Union which, in accordance with subparagraphs *(b)* and *(c)*, has excluded from the effects of its ratification or accession one of the two groups of provisions referred to in those subparagraphs may at any later time declare that it extends the effects of its ratification or accession to that group of provisions. Such declaration shall be deposited with the Director General.

(2) *(a)* Subject to the provisions of Article 5 of the Protocol Regarding Developing Countries, Articles 1 to 21 and the said Protocol shall enter into force, with respect to the first five countries of the Union which have deposited instruments of ratification or accession without making the declaration permitted by paragraph (1)*(b)*(i), three months after the deposit of the fifth such instrument of ratification or accession.

(b) Articles 22 to 26 shall enter into force, with respect to the first seven countries of the Union which have deposited instruments of ratification or accession without making the declaration permitted by paragraph (1)*(b)*(ii), three months after the deposit of the seventh such instrument of ratification or accession.

(c) Subject to the initial entry into force, pursuant to the provisions of subparagraphs *(a)* and *(b)*, of each of the two groups of provisions referred to in paragraph (1)*(b)*(i) and (ii), and subject to the provisions of paragraph (1)*(b)*, Articles 1 to 26 and the Protocol Regarding Developing Countries shall, with respect to any country of the Union, other than those referred to in subparagraphs *(a)* and *(b)*, which deposits an instrument of ratification or accession or any country of the Union which deposits a declaration pursuant to paragraph (1)*(d)*, enter into force three months after the date of notification by the Director General of such deposit, unless a subsequent date has been indicated in the instrument or declaration deposited. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

(d) The Protocol Regarding Developing Countries may be applied, pursuant to Article 5 thereof, prior to the entry into force of this Act, from the date of its signature.

(3) With respect to any country of the Union which deposits an instrument of ratification or accession, Articles 27 to 38 shall enter into force on the earlier of the dates on which any of the groups of provisions referred to in paragraph (1)*(b)* enters into force with respect to that country pursuant to paragraph (2)*(a)*, *(b)* or *(c)*.

Article 29

(1) Any country outside the Union may accede to this Act and thereby become a member of the Union. Instruments of accession shall be deposited with the Director General.

(2) *(a)* With respect to any country outside the Union which deposits its instrument of accession one month or more before the date of entry into force of any provisions of the present Act, this Act shall enter into force, unless a subsequent date has been indicated in the instrument of accession, on the date upon which provisions first enter into force pursuant to Article 28(2)*(a)* or *(b)*; provided that:

(i) if Articles 1 to 21 do not enter into force on that date, such country shall, during the interim period before the entry into force of such provisions, and in substitution therefor, be bound by Articles 1 to 20 of the Brussels Act;

(ii) if Articles 22 to 26 do not enter into force on that date, such country shall, during the interim period before the entry into force of such provisions, and in substitution therefor, be bound by Articles 21 to 24 of the Brussels Act.

If a country indicates a subsequent date in its instrument of accession, this Act shall enter into force with respect to that country on the date thus indicated.

(b) With respect to any country outside the Union which deposits its instrument of accession on a date which is subsequent to, or precedes by less than one month, the entry into force of one group of provisions of the present Act, this Act

shall, subject to the proviso of subparagraph *(a)*, enter into force three months after the date on which its accession has been notified by the Director General, unless a subsequent date has been indicated in the instrument of accession. In the latter case. this Act shall enter into force with respect to that country ou the datc thus indicated.

(3) With respect to any country outside the Union which deposits its instrument of accession after the date of entry into force of the present Act in its entirety, or less than one month before such date, this Act shall enter into force three months after the date ou which its accession has been notified by the Director Geueral, unless a subsequent date has been indicated in the instrument of accession. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

Article 30

(1) Subject to the possibilities of exceptions provided for in the following paragraph, iu Articles 28(1)*(b)* and 33(2), and in the Protocol Regarding Developing Countries, ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Act.

(2) *(a)* Any country of the Union ratifying or acceding to this Act may retain the benefit of the reservations it has previously formulated on condition that it makes a declaration to that effect at the time of the deposit of its instrument of ratification or accession.

(b) Any country outside the Union may, in acceding to this Act, declare that it intends to substitute, temporarily at least, for Article 8 concerning the right of translation, the provisions of Article 5 of the Union Convention of 1886, as revised in Paris in 1896, on the clear understanding that the said provisions are applicable only to translation into the language or languages of the said country. Any country of the Union has the right to apply, in relation to the right of translation of works whose country of origin is a country availing itself of such a reservation, a protection which is equivalent to the protection granted by the latter country.

(c) Any country may withdraw such reservations at any time by notification addressed to the Director General.

Article 31

(1) Auy country may declare iu its instrument of ratification or accessiou, or may inform the Director General by written notification any time thereafter, that this Convention shall be applicable to all or part of those territories, designated in the declaration or notificatiou, for the external relations of which it is responsible.

(2) Auy country which has made such a declaration or given such a notification may, at any time, notify the Director General that this Convention shall cease to be applicable to all or part of such territories.

(3) *(a)* Any declaration made under paragraph (1) shall take effect on the same date as the ratification or accession in which it was included, and any notification given under such paragraph shall take effect three months after its notification by the Director General.

(b) Any notification given under paragraph (2) shall take effect twelve months after its receipt by the Director General.

Article 32

(1) The present Act shall, as regards the relations between the countries of the Union, and to the extent that it applies, replace the Berne Convention of September 9, 1886, and the subsequent Acts of revision. The Acts previously in force shall continue to be applicable, in their entirety or to the extent that the present Act does not replace them by virtue of the preceding sentence, in relations with countries of the Union which do not ratify or accede to this Act.

(2) Countries outside the Union which become party to this Act shall, subject to the provisions of paragraph (3), apply it with respect to any country of the Union not party to this Act or which, although party to this Act, has made a declaration pursuant to Article 28(1)*(b)*(i). Such countries recognize that the said country of the Union, in its relations with them:

(i) may apply the provisions of the most recent Act to which it is party, and

(ii) has the right to adapt the protection to the level provided for by this Act.

(3) Any country which, in ratifying or acceding to the present Act, has made any or all of the reservations permitted under the Protocol Regarding Developing Countries may apply them in its relations with other countries of the Union which are not party to this Act or which, although party to this Act, bave made a declaratiou as permitted by Article 28(1)*(b)*(i), provided that the latter countries have accepted the application of the said reservations.

Article 33

(1) Any dispute between two or more countries of the Union concerning the interpretation or application of this Convention, not settled by negotiation, may, by any one of the countries concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the countries concerned agree on some other method of settlement. The country bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other countries of the Union.

(2) Each country may, at the time it signs this Act or deposits its instrument of ratification or accession, declare that it does not consider itself bound by the provisions of paragraph (1). With regard to any dispute between such country and any other country of the Union, the provisions of paragraph (1) shall not apply.

(3) Any country having made a declaration in accordance with the provisions of paragraph (2) may, at any time, withdraw its declaration by notification addressed to the Director General.

Article 34

After the entry into force of this Act in its entirety, a country may not accede to earlier Acts of this Convention.

Article 35

(1) This Convention shall remain in force without limitation as to time.

(2) Any country may denounce this Act by notification addressed to the Director General. Such denunciation shall constitute also denunciation of all earlier Acts and shall affect only the country making it, the Convention remaining in full force and effect as regards the other countries of the Union.

(3) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(4) The right of denunciation provided by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a member of the Union.

Article 36

(1) Any country party to this Convention undertakes to adopt, in accordance with its constitution, the measures necessary to ensure the application of this Convention.

(2) It is understood that, at the time a country deposits its instrument of ratification or accession, it will be in a position under its domestic law to give effect to the provisions of this Convention.

Article 37

(1) *(a)* This Act shall be signed in a single copy in the French and English languages and shall be deposited with the Government of Sweden.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in the German, Italian, Portuguese and Spanish languages, and such other languages as the Assembly may designate.

(c) In case of differences of opinion on the interpretation of the various texts, the French text shall prevail.

(2) This Act shall remain open for signature at Stockholm until January 13, 1968.

(3) The Director General shall transmit two copies, certified by the Government of Sweden, of the signed text of this Act to the Governments of all countries of the Union and, on request, to the Government of any other country.

(4) The Director General shall register this Act with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries of the Union of signatures, deposits of instruments of ratification or accession and any declarations included in such instruments or made pursuant to Article 28(1)*(d)*, entry into force of any provisions of this Act, notifications of denunciation, and notifications pursuant to Article 31.

Article 38

(1) Until the first Director General assumes office, references in this Act to the International Bureau of the Organization or to the Director General shall be deemed to be references to the Bureau of the Union or its Director, respectively.

(2) Countries of the Union not bound by Articles 22 to 26 may, until five years after the entry into force of the Convention establishing the Organization, exercise, if they so desire, the rights provided under Articles 22 to 26 of this Act as if they were bound by those Articles. Any country desiring to exercise such rights shall give written notification to this effect to the Director General; this notification shall be effective on the date of its receipt. Such countries shall be deemed to be members of the Assembly until the expiration of the said period.

(3) As long as all the countries of the Union have not become Members of the Organization, the International Bureau of the Organization shall also function as the Bureau of the Union, and the Director General as the Director of the said Bureau.

(4) Once all the countries of the Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of the Union shall devolve on the International Bureau of the Organization.

Protocol Regarding Developing Countries

Article 1

Any country regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations which ratifies or accedes to the Act of this Convention of which this Protocol forms an integral part and which, having regard to its economic situation and its social or cultural needs, does not consider itself immediately in a position to make provision for the protection of all the rights as provided in the Act may, by a notification deposited with the Director General, at the time of making a ratification or accession, which includes Article 21 of the Act, declare that it will, for a period of the first ten years during which it is a party thereto, avail itself of any or all of the following reservations:

(a) substitute for the term of fifty years referred to in paragraphs (1), (2) and (3) of Article 7 of this Convention a different term, provided that it shall not be less than twenty-five years; and substitute for the term of twenty-five years referred to in paragraph (4) of the said Article a different term, provided that it shall not be less than ten years;

(b) substitute for Article 8 of this Convention the following provisions:

(i) authors of literary and artistic works protected by this Convention shall enjoy in countries other than the country of origin of their works the exclusive right of making and of authorizing the translation of their works throughout the term of protection of their rights in the original works. Nevertheless, the exclusive right of translation shall cease to exist if the author shall not have availed himself of it, during a term of ten years from the date of the first publication of the original work, by publishing or causing to be published, in one of the countries of the Union, a translation in the language for which protection is to be claimed;

(ii) if, after the expiration of a period of three years from the date of the first publication of a literary or artistic work, or of any longer period determined by national legislation of the developing country

concerned, a translation of such work has not been published in that country into the national or official or regional language or languages of that country by the owner of the right of translation or with his authorization, any national of such country may obtain a non-exclusive license from the competent authority to translate the work and publish the work so translated in any of the national or official or regional languages in which it has not been published; provided that such national, in accordance with the procedure of the country concerned, establishes either that he has requested, and been denied, authorization by the proprietor of the right to make and publish the translation, or that, after due diligence on his part, he was unable to find the owner of the right. A license may also be granted on the same conditions if all previous editions of a translation in such language in that country are out of print;

(iii) if the owner of the right of translation cannot be found, then the applicant for a license shall send copies of his application to the publisher whose name appears on the work and, if the nationality of the owner of the right of translation is known, to the diplomatic or consular representative of the country of which such owner is a national, or to the organization which may have been designated by the Government of that country. The license shall not be granted before the expiration of a period of two months from the date of the dispatch of the copies of the application;

(iv) due provision shall be made by domestic legislation to assure to the owner of the right of translation a just compensation, to assure payment and transmittal of such compensation, subject to national currency regulations, and to assure a correct translation of the work;

(v) the original title and the name of the author of the work shall be printed on all copies of the published translation. The license shall be valid only for publication of the translation in the territory of the country of the Union where it has been applied for. Copies so published may be imported and sold in another country of the Union if one of the national or official or regional languages of such other country is the same language as that into which the work has been so translated, and if the domestic law in such other country makes provision for such licenses and does not prohibit such importation and sale. Where the foregoing conditions do not exist, the importation and sale of such copies in a country of the Union shall be governed by its domestic law and its agreements. The license shall not be transferable by the licensee;

(vi) the license shall not be granted when the author has withdrawn from circulation all copies of the work;

(vii) should, however, the author avail himself of the right under subparagraph (i) above during the term of ten years from the date of first publication, the license shall terminate from the date on which the author publishes or causes to be published his translation in the country where the license has been granted, provided, however, that any copies of the translation already made before the license is terminated may continue to be sold;

(viii) should, however, the author not avail himself of the right under subparagraph (i) above during the said term of ten years, compensation under the non-exclusive license referred to above shall cease to be due for any uses made after the expiry of such term;

(ix) should the author be entitled to exclusive translation rights in a country by having published or caused to be published a translation of the work in that country within ten years from the date of first publication, but should thereafter during the term of the author's copyright in the work all editions of the authorized translation in that country be out of print, then a non-exclusive license to translate the work may be obtained from the competent authority in the same manner and subject to the same conditions as are provided with respect to the non-exclusive license referred to in subparagraphs (ii) to (vi) above, but subject to the provisions of subparagraph (vii) above;

(c) apply the provisions of Article 9(1) of this Convention subject to the following provisions:

(i) if, after the expiration of a period of three years from the date of the first publication of a literary or artistic work, or of any longer period determined by national legislation of the developing country concerned, such work has not been published in that country in the original form in which it was created, by the owner of the right of reproduction or with his authorization, any national of such country may obtain a non-exclusive license from the competent authority to reproduce and publish such work for educational or cultural purposes; provided that such national, in accordance with the procedure of the country concerned, establishes either that he has requested, and been denied, authorization by the proprietor of the right to reproduce and publish such work for educational or cultural purposes, or that, after due diligence on his part, he was unable to find the owner of the right. A license may also be granted on the same conditions if all previous editions of such work in its said original form in that country are out of print;

(ii) if the owner of the right of reproduction cannot be found, then the applicant for a license shall send copies of his application to the publisher whose name appears on the work and, if the nationality of the owner of the right of reproduction is known, to the diplomatic or consular representative of the country of which such owner is a national, or to the organization which may have been designated by the Government of that country. The license shall

not be granted before the expiration of a period of two months from the date of the dispatch of the copies of tbe application;

(iii) due provision shall be made by domestic legislation to assure to the owner of the right of reproduction a just compensation, to assure payment and transmittal of such compensation, subject to national currency regulations, and to assure an accurate reproduction of the work;

(iv) the original title and the name of the author of the work shall be printed on all copies of the published reproduction. The license shall be valid only for publication in the territory of the country of the Union where it has been applied for. Copies so published may be imported and sold in another country of the Union for educational or cultural purposes if the domestic law in such other country makes provision for such licenses and does not prohibit such importation and sale. Where the foregoing conditions do not exist, the importation and sale of such copies in a country of the Union shall be governed by its domestic law and its agreements. The license shall not be transferable by the licensee;

(v) the license shall not be granted when the author has withdrawn from circulation all copies of the work;

(vi) should, however, the author avail himself of the right to reproduce the work, the license shall terminate from the date on which the author publishes or causes to be published his work in its said original form in the country where the license has been granted, provided, however, that any copies of the work already made before the license is terminated may continue to be sold;

(vii) should the author publish or cause to be published his work in its said original form in a country, but should thereafter during the term of the author's copyright in tbe work all authorized editions in such original form in that country be out of print, then a non-exclusive license to reproduce and publish the work may be obtained from the competent authority in the same manner and subject to the same conditions as are provided with respect to the non-exclusive license referred to in subparagraphs (i) to (v) above, but subject to the provisions of subparagraph (vi) above;

(d) substitute for paragraphs (1) and (2) of Article 11bis of this Convention the following provisions:

(i) authors of literary and artistic works shall enjoy the exclusive right of authorizing the broadcasting of their works and the communication to the public of the broadcast of the works if such communication is made for profit-making purposes;

(ii) the national legislation of the countries of the Union may regulate the conditions under which the right mentioned in the preceding subparagraph shall be exercised, but the effect of those conditions will be strictly limited to the countries which have put tbem in force. Such conditions shall not in any case prejudice the moral rights of tbe autbor, nor the right which belongs to the author to obtain an equitable remuneration which shall be fixed, failing agreement, by the competent authority;

(e) reserve the right, exclusively for teaching, study and research in all fields of education, to restrict the protection of literary and artistic works, provided due provision shall be made by domestic legislation to assure to the author a compensation which conforms to standards of payment made to national authors; the payment and transmittal of such compensation shall be subject to national currency regulations. Copies of a work published pursuant to reservations under this paragraph may be imported and sold in another country of the Union for purposes as aforesaid if that country has invoked the said reservations and does not prohibit such importation and sale. Where the foregoing conditions do not exist, the importation and sale of such copies in a country of the Union which cannot take advantage of this Protocol are prohibited in the absence of agreement of the author or his successors in title.

Article 2

Any country which no longer needs to maintain any or all of the reservations made in accordance with Article 1 of this Protocol shall withdraw such reservation or reservations by notification deposited with the Director General.

Article 3

Any country which has made reservations in accordance with Article 1 of this Protocol, and which at the end of the period of ten years prescribed therein, having regard to its economic situation and its social or cultural needs, still does not consider itself in a position to withdraw the reservations under the said Article 1, may continue to maintain any or all of the reservations until it ratifies or accedes to the Act adopted by the next revision conference of this Convention.

Article 4

If, in conformity with the established practice of the General Assembly of the United Nations, a country should cease to be regarded as a developing country, the Director General shall give notification of such cessation to the country concerned and to all of the other countries of the Union. At the expiry of a period of six years from the date of such notification the said country shall no longer have the right to maintain any of the reservations under this Protocol.

Article 5

(1) Any country of the Union may declare, as from the signature of this Convention, and at any time before becoming bound by Articles 1 to 21 of this Convention and by this Protocol,

(a) in the case of a country referred to in Article 1 of this Protocol, that it intends to apply the provisions of this Protocol to works whose country of origin is a country

of the Union which admits the application of the reservations under the Protocol, or

(b) that it admits the application of the provisions of the Protocol to works of which it is the country of origin by countries which, on becoming bound by Articles 1 to 21 of this Convention and by this Protocol, or on making a declaration of application of this Protocol by virtue of the provision of subparagraph *(a)*, have made reservations permitted under this Protocol.

(2) The declaration shall be made in writing and shall be deposited with the Director General. The declaration shall become effective from the date it is deposited.

Article 6

Any country which is bound by the provisions of this Protocol and which has made a declaration or notification under Article 31(1) of this Convention in respect of territories which, on the date of the signature of this Convention, are not responsible for their external relations, and the situation of which can be regarded as analogous to that of the countries referred to in Article 1 of this Protocol, may notify the Director General that the provisions of this Protocol shall apply to all or part of those territories and may in such notification declare that any such territory will avail itself of any or all of the reservations permitted by this Protocol.

CALENDAR

Meetings of BIRPI

Date and Place	Title	Object	Invitations to Participate	Observers Invited
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 according to latest statistics:* Argentina, Australia, Austria, Belgium, Brazil, Canada, Czechoslovakia, Denmark, France, Germany (Fed. Rep.), India, Italy, Japan, Mexico, Netherlands, Norway, 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; Permanent Secretariat of the General Treaty for Central American Economic Integration; Latin-American Free Trade Association; Council of Europe; European Atomic Energy Community; European Economic Community; European Free Trade Association; African and Malagasy Industrial Property Office *Non-Governmental Organizations:* Committee of National Institutes of Patent Agents; Council of European Industrial Federations; European Industrial Research Management Association; Inter-American Association of Industrial Property; International Association for the Protection of Industrial Property; International Chamber of Commerce; International Federation of Patent Agents; National Association of Manufacturers (U. S. A.); Union of European Patent Agents; Union des Industries de la Communauté européenne
December 12 to 15, 1967 Geneva	Permanent Committee of the Berne Union (13th Session)	Consideration of various questions concerning copyright	Belgium, Brazil, Denmark, France, Germany (Fed. Rep.), India, Italy, Portugal, Rumania, Spain, Switzerland, United Kingdom	All other Member States of the Berne Union; interested international intergovernmental and non-governmental organizations
December 18 and 19, 1967 Geneva (Headquarters of ILO)	Intergovernmental Committee (Neighbouring Rights). Meeting convened jointly by BIRPI, ILO and UNESCO (1st Session)	Adoption of the rules of procedure; election of officers; various questions	Congo (Brazzaville), Czechoslovakia, Ecuador, Mexico, Sweden, United Kingdom	All other States parties to the Rome Convention (1961)

Date and Place	Title	Object	Invitations to Participate	Observers Invited
December 18 to 21, 1967 Geneva	Interunion Coordination Committee (5th Session)	Program and Budget of BIRPI	Belgium, Brazil, Ceylon, Czechoslovakia, Denmark; France, Germany (Fed. Rep.), Hungary, India, Italy, Japan, Mexico, Morocco, Netherlands, Nigeria, Portugal, Rnmania, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom. 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 (2nd Session)	Program and Budget (Paris Union)	All Member States of the Paris Union	United Nations; International Patent Institute
December 18 to 21, 1967 Geneva	Executive Committee of the Conference of Representatives of the Paris Union (3rd Session)	Program and Budget (Paris Union)	Ceylon, Czechoslovakia, France, Germany (Fed. Rep.), Hnngary, Italy, Japan, Mexico, Morocco, Netherlands, Nigeria, Portugal, Spain, Sweden, Switzerland, Union of Soviet Socialist Repnblics, United Kingdom, United States of America, Yngoslavia	All other Member States of the Paris Union
December 20 and 21, 1967 Geneva	Conncil of the Lisbon Union for the Protection of Appellations of Origin and their International Registration (2nd 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
Stockholm	September 18 to 29, 1967	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT)	7th Annual Meeting
Cannes	September 26 to 29, 1967	International Federation of Patent Agents (FICPI)	Congress
Strasbonrg	October 12 to 14, 1967	Centre d'études internationales de la propriété industrielle	Colloquium on the protection of research results
Paris	November 20 and 21, 1967	International Patent Institute (IIB)	94th Session of the Administrative Council

VACANCY FOR A POST IN BIRPI

Applications are invited for the following post:

Counsellor in the Copyright Division

Category and Grade: P 4.

Principal duties:

In general to assist in the implementation of BIRPI's copyright and neighbouring rights program.

The particular duties will include:

a) legal studies on questions concerning copyright and neighhouring rights;

b) drafting of working papers for, ans reports on, international meetings;

c) participation in meetings of other international organizations;

d) maintaining up to date a complete collection of copyright and neighbouring rights legislation of all countries.

Qualifications:

a) University degree in law or equivalent professional qualification;

b) wide experience in the field of copyright and neighbouring rights (preferahly including its international aspects);

c) excellent knowledge of one of the official languages (English and French) and at least a good knowledge of the other.

Nationality:

Candidates must be nationals of one of the member States of the Paris or Berne Unions. Qualifications being equal, preference will he given to candidates who are nationals of States of which no national is on the staff of BIRPI.

Age limit:

Candidates must be less than 50 years of age at date of appointment.

Date of entry on duty:

January 1968 or later as mutually arranged.

Application forms and full information regarding the conditions of employment may be obtained from the Head of Personnel, BIRPI, 32 chemin des Colombettes, 1211 Geneva 20, Switzerland.

Application forms duly completed should reach BIRPI *not later than December 1, 1967.*