

Copyright

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

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Contents

	Pages
WORLD INTELLECTUAL PROPERTY ORGANIZATION	
— Senegal. Ratification of the WIPO Convention	210
INTERNATIONAL UNION	
— Senegal. Ratification of the Stockholm Act of the Berne Convention	210
— Interunion Coordination Committee. Sixth Session (Geneva, September 24 to 27, 1968)	211
BILATERAL AGREEMENTS	
— Germany (Fed Rep.)—Norway	213
NATIONAL LEGISLATION	
— Norway. Royal Decree concerning the free use of works for educational purposes in some specific cases (of October 20, 1967)	214
GENERAL STUDIES	
— The Role of the United States in International Copyright (Barbara A. Ringer)	215
NEWS ITEMS	
— Malta. Accession to the Universal Copyright Convention (with effect from November 19, 1968)	227
CALENDAR	
— BIRPI Meetings	227
— Meetings of Other International Organizations Concerned with Intellectual Property	227
Vacancy for a Post in BIRPI	228

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WORLD INTELLECTUAL PROPERTY ORGANIZATION

SENEGAL

Ratification of the WIPO Convention

*Notification of the Director of BIRPI to the Governments
of the countries invited to the Stockholm Conference*

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his compliments to the Minister for Foreign Affairs of and, in accordance with the provisions of the above Convention, has the honor to notify him that the Government of the Republic of Senegal, referring to Article 14(3), has deposited on September 19, 1968, its instrument of ratification dated

August 24, 1968, of the Convention Establishing the World Intellectual Property Organization (WIPO).

The Republic of Senegal has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently ratifying the Stockholm Act of the Paris Convention in its entirety and the Stockholm Act of the Berne Convention in its entirety.

Geneva, September 20, 1968.

WIPO Notification No. 5

INTERNATIONAL UNION

SENEGAL

Ratification of the Stockholm Act of the Berne Convention

*Notification of the Director of BIRPI to the Governments
of Union Countries*

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his compliments to the Minister for Foreign Affairs of and, in accordance with the provisions of the above international instrument, adopted at Stockholm, has the honor to notify

him that the Government of the Republic of Senegal, referring to Article 28, has deposited on September 19, 1968, its instrument of ratification dated August 24, 1968, of the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Stockholm on July 14, 1967.

Geneva, September 20, 1968.

Berne Notification No. 6

Interunion Coordination Committee

Sixth Session

(Geneva, September 24 to 27, 1968)

Report ¹⁾

Composition of the Session; Officers

The Sixth²⁾ Ordinary Session of the Interunion Coordination Committee (hereinafter referred to as "the Committee") was held at Geneva from September 24 to 27, 1968.

Twenty-five of the 27 members of the Committee were represented: Argentina, Australia, Austria, Belgium, Brazil, Denmark, France, Germany (Federal Republic), Hungary, India, Iran, Italy, Japan, Kenya, Mexico, Netherlands, Poland, Portugal, Rumania, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America. The two members not represented were Cameroon and Morocco.

The following seven States were represented by observers: Algeria, Canada, Cuba, Czechoslovakia, Holy See, Israel, Lebanon.

The list of participants follows the present Report.

Reports on the Activities of BIRPI since the 1967 Session of the Committee

Professor G. H. C. Bodenhausen, Director of BIRPI, presented reports on the activities of BIRPI since the last session of the Committee, covering a period of some nine months. Among other events, the reports mentioned the following:

— the progress made in respect of the BIRPI plan for a *Patent Cooperation Treaty* ("PCT"), including the preparation and publication by BIRPI of a second, revised draft of the proposed Treaty;

— the preparation and publication by BIRPI of a *draft agreement on the international classification of industrial designs*;

— the *training program* of BIRPI for government officials of developing countries;

— the *continued cooperation or contacts* between BIRPI and the United Nations, including the Economic and Social Council (ECOSOC), the UN Commission on International Trade Law (UNCITRAL), the UN Conference on Trade and Development (UNCTAD), the UN Industrial Development Organization (UNIDO), the UN Conference on the Law of Treaties, the International Law Commission, and the Economic Commission for Europe (ECE);

— the contacts with the Council of Europe with a view to a possible structural reform of the *Convention on the International Patent Classification*;

— the meeting of a working group on ways and means of setting up financial machinery permitting authors to be assured of equitable and fair remuneration under the *Protocol Regarding Developing Countries* attached to the Berne Convention and adopted by the Stockholm Conference in 1967;

— the publication of a new BIRPI quarterly periodical, in the Spanish language, *La Propiedad intelectual*.

Financial Reports for the Year 1967

These reports of BIRPI were noted with approval by the Committee.

Program and Budget of BIRPI for the Year 1969

The Director of BIRPI presented to the Committee the program and budget of BIRPI for the year 1969.

In addition to the usual activities contemplated in the framework of the Paris and Berne Unions, the following are among the activities planned for 1969:

— studies will start with a view to the possible revision of the *Madrid Agreement Concerning the International Registration of Marks*, in order to: (i) eliminate the disadvantages of the Nice Act which have become apparent in the practical application of that Act, and (ii) make changes in the Agreement which should allow countries to accede which are not now party to it;

— the *alphabetical list of goods* under the Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on October 8, 1968, will be drawn up;

— a committee of experts will meet to study the possibilities of establishing an *international classification of the figurative elements of marks*;

— the Permanent Committee of the Berne Union will probably meet to set up, possibly jointly with the Intergovernmental Copyright Committee established under the Universal Copyright Convention, a working group to examine the general situation with regard to *international copyright relations*;

— a working group will meet to examine the copyright law implications of the *use of computers* in the reproduction of literary and artistic works.

The proposed program and budget were noted with approval by the Committee.

Staff Matters

The following were among the main decisions of the Committee in matters concerning the staff of BIRPI.

The Committee endorsed the proposal of the Director of BIRPI to appoint Mr. Joseph Voyame, Director of the Swiss Federal Bureau of Intellectual Property, as Second Deputy Director of BIRPI.

It also endorsed the intention of the Director of BIRPI to promote Mr. Claude Masouyé, Counsellor (BIRPI), to the rank of Senior Counsellor.

The Committee paid tribute to Mr. Charles-Louis Magnin, Deputy Director, and Mr. Ross Woodley, Senior Counsellor, in view of their impending retirement from the service of BIRPI.

¹⁾ This Report was prepared by BIRPI on the basis of the official documents of the session.

²⁾ Reports on the first five sessions were published in *Le Droit d'Auteur (Copyright)*, 1964, pp. 23 and 177; in *Copyright*, 1965, p. 238; 1966, p. 254; and 1968, p. 10, respectively.

List of Participants

Member States of the Committee

Argentina

Mr. L. M. Laurelli, Secretary of Embassy, Permanent Delegation of Argentina, Geneva.

Australia

Miss J. H. Barnett, First Secretary, Permanent Mission of Anstralia, Geneva.

Austria

Mr. T. Lorenz, Connsellor, Federal Ministry of Commerce and Industry, Vienna.

Belgium

Mr. G.-L. de San, Director-General and Legal Connsellor, Ministry of National Edncation and Culture, Brussels.

Mr. P. Peetermans, Secretary of Administration, Service of Industrial and Commercial Property, Ministry of Economic Affairs, Brussels.

Brazil

Mr. J. C. Ribeiro, Second Secretary, Permanent Delegation of Brazil, Geneva.

Denmark

Mr. T. Lund, Professor at the University of Aarhus, Risskov.

France

Mr. F. Savignon, Director, National Institute of Industrial Property, Paris.

Mr. R. Lahry, Connsellor of Embassy, Ministry of Foreign Affairs, Paris.

Mr. A. Kerever, Maître des requêtes, Council of State, Ministry of State for Cultrnal Affairs, Paris.

Germany (Federal Republic)

Mr. A. Krieger, Ministerialrat, Federal Ministry of Justice, Bonn.

Mr. R. Singer, Leitender Regierungsdirektor, German Patent Office, Munich.

Mrs. E. Steup, Regierungsdirektorin, Federal Ministry of Jnstice, Bonn.

Mr. P. Schönfeld, First Secretary, Permanent Delegation of the Federal Republic of Germany, Geneva.

Hungary

Mr. A. Kiss, Vice-Chairman, National Office for Inventions, Bndapest.

Mr. J. Bohrovsky, Legal Advisor, National Office for Inventions, Bndapest.

India

Mr. K. K. S. Rana, First Secretary, Permanent Mission of India, Geneva.

Iran

Mr. M. Naraghi, Head of Department of Registration of Companies and Industrial Property, Teheran.

Italy

Mr. G. Trotta, Legal Advisor, Ministry of Foreign Affairs, Rome.

Mr. G. Galtieri, Head, Literary, Artistic and Scientific Property Office, Presidency of the Council of Ministers, Rome.

Mr. V. De Sanctis, Attorney-at-Law, Legal Advisor, Italian Society of Authors and Publishers, Rome.

Mr. A. Pelizza, Inspector-General, Ministry of Industry, Rome.

Mr. M. Angel-Pnlsinelli, Inspector-General, Ministry of Indnstry, Rome.

Japan

Mr. T. Sakai, First Secretary, Delegation of Japan, Geneva.

Mr. T. Suzuki, Counsellor, Delegation of Japan, Geneva.

Kenya

Mr. D. J. Coward, C. M. G., Registrar-General, State Law Office, Nairobi.

Mexico

Mr. H. Cardenas, Second Secretary, Permanent Delegation of Mexico, Geneva.

Netherlands

Mr. J. B. van Benthem, President of the Patent Board, The Hague.

Mr. W. M. J. C. Phaf, Head of the Division of Legislation and Legal Affairs, Ministry of Economic Affairs, The Hague.

Mr. H. J. A. M. Vronwenvelder, Head of the Accounts Division, Ministry of Economic Affairs, The Hague.

Poland

Mr. J. Ciesielski, Director, National Patent Office, Warsaw.

Mr. M. Zoledowski, Head of Section, National Patent Office, Warsaw.

Mr. J. Dalewski, Head of the Legal Section, National Patent Office, Warsaw.

Portugal

Mr. F. de Alcamhar-Pereira, Permanent Representative of Portugal to the United Nations, Permanent Mission of Portngal, Geneva.

Mr. L. Pazos Alonso, Secretary of Embassy, Permanent Mission of Portugal, Geneva.

Rumania

Mr. C. Mitran, Second Secretary, Permanent Mission of Rumania, Geneva.

Spain

Mr. A. F. Mazaramhroz, Director, Industrial Property Registration Office, Madrid.

Mr. F. Utray, Deputy Permanent Delegate, Permanent Delegation of Spain, Geneva.

Mrs. I. Fonseca-Ruiz, Technical Secretary, General Directorate of Archives and Libraries, Madrid.

Sweden

Mr. G. Borggård, Director-General, National Patent and Registration Office, Stockholm.

Mr. C. A. Uggla, Legal Advisor, National Patent and Registration Office, Stockholm.

Switzerland

Mr. J. Humhert, Ambassador, Permanent Mission of Switzerland, Geneva.

Mr. J. Voyame, Director, Federal Bnreau of Intellectual Property, Berne.

Mr. W. Stamm, Head of Section, Federal Bnrean of Intellectual Property, Berne.

Mr. A. Coigny, Diplomatic Assistant, Federal Political Department, Berne.

Mr. P. Ruedin, Consnlar Assistant, Federal Political Department, Berne.

Union of Soviet Socialist Republics

Mr. Y. E. Maksarev, Chairman, Committee for Inventions and Discoveries Attached to the Council of Ministers of the USSR, Moscow.

Mr. V. I. Iljin, Assistant Head, External Relations Division, Committee for Inventions and Discoveries Attached to the Council of Ministers of the USSR, Moscow.

Mr. Y. A. Gyrdymov, Committee for Inventions and Discoveries Attached to the Council of Ministers of the USSR, Moscow.

United Kingdom

Mr. G. Grant, C. B., Comptroller-General, Patent Office, London.

Mr. I. J. G. Davis, Principal Examiner, Patent Office, London.

United States of America

Mr. E. J. Brenner, Commissioner of Patents, Washington, D. C.

Mr. H. J. Winter, Assistant Chief, Business Practices Division, Department of State, Washington, D. C.

Mr. G. D. O'Brien, Assistant Commissioner of Patents, Washington, D. C.

Observers**Algeria**

- Mr. S. Bouzidi, Head of Division, National Industrial Property Office, Algiers.
Mr. A. Abdelouahab, Head of Service, National Industrial Property Office, Algiers.

Canada

- Mr. F. W. Simons, Assistant Commissioner of Patents, Patent Office, Ottawa.
Mr. J. Corbeil, Second Secretary, Permanent Mission of Canada, Geneva.

Cuba

- Mr. M. Garcia Incháustegui, Ambassador, Permanent Mission of Cuba, Geneva.
Mr. F. Ortiz Rodriguez, First Secretary, Permanent Mission of Cuba, Geneva.

Czechoslovakia

- Mr. M. Všečka, Head of the Legal and International Department, Patents and Inventions Office, Prague.

Holy See

- Rev. Father H.-M. de Riedmatten, Permanent Observer of the Holy See to the International Organizations at Geneva, Geneva.

Israel

- Mr. Z. Sher, Registrar of Patents, Designs and Trade Marks, Patent Office, Jerusalem.

Lebanon

- Mrs. R. Homsy, First Secretary, Permanent Mission of Lebanon, Geneva.

Officers of the Session

- Chairman: Mr. G.-L. de San (Belgium)
Vice-Chairman Mr. N. Naraghi (Iran)
Mr. F. Savignon (France)
Secretary: Dr. A. Bogsch (BIRPI)

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

- Professor G. H. C. Bodenhausen, Director.
Dr. A. Bogsch, Deputy Director.
Mr. Ch.-L. Magnin, Deputy Director.
Mr. R. Woodley, Senior Counsellor.
Mr. B. A. Armstrong, Counsellor, Head, Division of Finance, Personnel and General Administration.
Mr. C. Masouyé, Counsellor, Head of the Copyright Division.
Mr. K. Pfanner, Counsellor, Head of the Industrial Property Division.



BILATERAL AGREEMENTS

GERMANY (Fed. Rep.)—NORWAY**Exchange of Notes**

**between the Government of the Federal Republic of Germany and the Government of Norway
concerning the extension of the term of copyright protection**

MINISTRY OF FOREIGN AFFAIRS

V 5 - 32.01 - 94.05

Bonn, November 30, 1966

To the Royal Embassy of Norway

Note

The Ministry of Foreign Affairs has the honour to refer to the Note of the Royal Embassy of Norway dated September 20, 1966, No. 61/66, in which the view expressed is that Norwegian works whose copyright term was extended in Norway until December 31, 1968, by the Provisional Law of December 2, 1955, as amended, also benefit to the same effect and by right, pursuant to Article 7(2) of the Berne Convention for the Protection of Literary and Artistic Works, from the provision in the German Copyright Law of September 9, 1965, which extended the term of protection from 50 to 70 years after the death of the author.

The German Government shares this view and consequently also believes that there is no need for a bilateral agreement between the German Federal Republic and Norway on the extension of the term of copyright protection. It assumes,

therefore, that, reciprocally, the extension of copyright protection provided for in the above-mentioned Norwegian Law applies, by right, pursuant to Article 7(2) of the Berne Convention, to works of German origin in Norway following the entry into force of the German extension of the term of protection, that is, from September 17, 1965, according to Article 143(1) of the Law of September 9, 1965.

However, the Norwegian Law of December 2, 1955, as amended, has not only extended the period of copyright protection, for works still protected when the Law entered into force, so that it expires on December 31, 1968, but Article 1 of the Law further provides for a general six-year extension of the period of protection for all works the authors of which died before the end of 1955 and which were still protected at the time the Law entered into force. The German Government is of the opinion that Article 7(2) of the Berne Convention is also applicable with regard to this extension of the period of protection following the entry into force of the extended period of protection in Germany, with the result that works of Norwegian origin the authors of which died before the end

of 1955 and which were still protected when the German extension of the period of protection entered into force are protected in Germany until 56 years have elapsed after the death of the author and that, reciprocally, works of German origin benefit, under the same conditions, from this longer period of protection in Norway. Again, the German Government does not deem it necessary to conclude a special reciprocal agreement in this respect.

Admittedly, there is a certain doubt that results from Article 3(2) of the Norwegian Law of December 2, 1955, as amended, as to whether it applies to works of German origin. According to the Article in question, the King may declare, subject to reciprocal treatment, that the Law is wholly or partially applicable to works of foreign origin. In so far as the Norwegian Government considers that this stipulation takes precedence over the provision of Article 7(2) of the Berne Convention and that, in consequence, works of German origin may only benefit from the extended period of protection granted under the Law of December 2, 1955, by virtue of such a declaration made by the King, the German Government asks that this declaration be made as soon as possible, so that, with regard to the term of copyright protection in Germany and Norway, the principle of reciprocity will be fully applied. Here, too, the German Government is of the opinion that a special agreement would not be necessary.

The German Government would be grateful to be informed whether the Norwegian Government shares the legal interpretation set forth herein, according to which, upon the entry into force of the German extension of the period of protection, the above-mentioned six-year extension of the period of

protection, provided for in Article 1 of the Norwegian Law of December 2, 1955, also becomes effective by right — whether immediately or by virtue of a Royal Declaration under Article 3(2) of that Law — in respect of works of German origin in Norway and works of Norwegian origin in Germany, pursuant to Article 7(2) of the Berne Convention.

The Ministry of Foreign Affairs takes this opportunity to renew to the Royal Embassy of Norway the assurances of its highest consideration.

* * *

No. 56/67

Bonn, July 6, 1967

To the Ministry of Foreign Affairs
Bonn

Note

The Royal Embassy of Norway has the honour to refer to the Note of the Ministry of Foreign Affairs dated November 30, 1966, V 5 - 82.01 - 94.05, and takes the liberty of informing it that the following has been decided by the Royal Resolution of May 12, 1967:

“The provisions of the Law of December 2, 1955, on the provisional extension of the term of protection of intellectual works shall apply to works of German nationals as well as to works considered to be of German origin, in so far as such works had not fallen into the public domain before September 17, 1965.”

The Royal Embassy of Norway takes this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

NATIONAL LEGISLATION

NORWAY

Royal Decree concerning the free use of works for educational purposes in some specific cases

(Of October 20, 1967) *)

Pursuant to the Copyright Act of May 12, 1961, § 16, second paragraph, and on the recommendation of the Ministry of Church and Education, the following provisions are issued:

For use as an aid in school teaching, it is permitted to make sound recordings of published school broadcasting programs or other broadcast programs having mainly an educational nature. Such recordings can be made only by schools or by recording centers approved by the Ministry. The produced recordings must not be used for other purposes, nor outside the school area.

This rule does not include a right to make recordings direct from gramophone records or tape recordings, produced for commercial purposes. Nor does this recording right apply

to dancing schools or schools which, as specifically provided by this Ministry, do not come under these rules.

Regardless of the nature or composition of the program, recording centers which engage in such activities for commercial purposes, shall pay a fixed royalty based on the number of produced copies. The royalty payments will be divided between the Fund for Performing Artists, the Norwegian Authors Fund, and TONO, the Norwegian Composers Association's International Music Bureau. Failing agreement on the amount or the division of the royalty, the dispute will be finally settled by the Ministry.

*) Published in *Norsk Lovtidend, 1. avdeling*, of November 13, 1967. Translation communicated to BIRPI by courtesy of the Norwegian Authorities.



GENERAL STUDIES

The Role of the United States in International Copyright *)

Barbara A. RINGER
Assistant Register of Copyrights
United States Copyright Office

NEWS ITEMS

MALTA

*Accession to the Universal Copyright Convention
(with effect from November 19, 1968)*

In a letter dated October 3, 1968, the Director-General of Unesco informed us that the instrument of accession by Malta to the Universal

Copyright Convention was deposited with that Organization on August 19, 1968.

In accordance with Article IX, paragraph 2, of the Convention, the latter will come into force, in respect of Malta, on November 19, 1968, three months after the deposit of the instrument of accession.

CALENDAR

BIRPI Meetings

October 21 to November 1, 1968 (Tokyo) — Committee for International Cooperation in Information Retrieval Among Examining Patent Offices (ICIREPAT) — Technical Meetings

Object: Questions of technical cooperation in information retrieval — *Invitations:* All member States of ICIREPAT — *Observers:* International Patent Institute; Council of Europe; European Atomic Energy Community; Fédération internationale de documentation

November 25 to 29, 1968 (Geneva) — BIRPI Symposium on Practical Aspects of Copyright (held with the cooperation of the International Confederation of Societies of Authors and Composers — CISAC)

Object: To offer to participants information on practical aspects of copyright protection (collection and distribution of royalties, organization and working of authors' societies or other bodies, etc.) — *Invitations:* Personalities from developing countries. Members and officers of authors' societies. Individual participants against payment of a registration fee — *Observers:* International Labour Office; Unesco; Council of Europe

December 2 to 10, 1968 (Geneva) — Committee of Experts — Patent Cooperation Treaty (PCT)

Object: New Draft Treaty — *Invitations:* All member States of the Paris Union — *Observers:* State not member of the Paris Union: India. 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 Inventors' Associations (IFIA); International Federation of Patent Agents; Japan Patent Association; National Association of Manufacturers (U. S. A.); Union of European Patent Agents; Union des industries de la Communauté européenne

December 12 and 13, 1968 (Geneva) — Committee for International Cooperation in Information Retrieval Among Examining Patent Offices (ICIREPAT) — Enlarged Transitional Steering Committee (4th Session)

Object: Implementation of the decisions of the 4th Session of the Executive Committee of the Conference of Representatives of the Paris Union — *Invitations:* Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Sweden, United Kingdom, United States of America — *Observers:* International Patent Institute

September 22 to 26, 1969 (Geneva) — Interunion Coordination Committee (7th Session)

Object: To be announced later — *Invitations:* To be announced later

September 22 to 26, 1969 (Geneva) — Executive Committee of the Conference of Representatives of the Paris Union (5th Session)

Object: To be announced later — *Invitations:* To be announced later

September 12 to 26, 1969 (Geneva) — Council of the Lisbon Union for the Protection of Appellations of Origin and their International Registration (4th Session)

Object: Annual Meeting — *Invitations:* All member States of the Lisbon Union — *Observers:* All other member States of the Paris Union

Meetings of Other International Organizations Concerned with Intellectual Property

October 31, 1968 (Paris) — International Chamber of Commerce (ICC) — Committee for International Protection of Industrial Property

November 6 and 7, 1968 (The Hague) — International Patent Institute (IIB) — 98th Session of the Administrative Council

November 11 to 13, 1968 (Zurich) — International Association for the Protection of Industrial Property (IAPIP) — Conference of Presidents — Extraordinary Meeting

December 2 to 6 (Lima) — Inter-American Association of Industrial Property (ASIPI) — Congress

January 16 to 18, 1969 (London) — International Writers Guild (IWG) — Executive Committee

June 9 to 14, 1969 (Venice) — International Association for the Protection of Industrial Property (IAPIP) — XXVII International Congress

**ANNOUNCEMENT OF A VACANCY
FOR A POST IN BIRPI**

COMPETITION No. 69

Head of the Copyright Division

Category and Grade: P. 5

Principal duties:

The appointee will be responsible for the implementation of BIRPI's program on copyright and neighboring rights.

His duties will include:

- (a) Direction of the Copyright Division.
- (b) Writing of legal studies.
- (c) Acting as editor of *Copyright* and *Le Droit d'Auteur*.
- (d) Representation of BIRPI at meetings concerning copyright and neighboring rights and preparation of working papers for and reports on such meetings.
- (e) Directing the work of maintaining up to date a collection of copyright and neighboring rights legislation.

Qualifications:

- (a) University degree in law or equivalent legal qualifications.
- (b) Wide experience in the field of copyright and neighboring rights, 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. Additional languages would be an advantage.

Nationality:

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

Age limit:

The candidate designated must be less than 55 years of age at date of appointment.

Date of entry on duty:

As mutually agreed.

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

Application forms, duly completed, should reach BIRPI not later than December 2, 1968.