

# Copyright

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# WORLD INTELLECTUAL PROPERTY ORGANIZATION

SPAIN

## 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 Spain deposited on June 6, 1969, its instrument of ratification dated May 12, 1969, of the Convention Establishing the World Intellectual Property Organization (WIPO).

Spain has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently ratifying the Stockholm

Act of the Berne Convention with the declaration provided for in Article 28(1)(b)(i) of the said Act to the effect that the ratification shall not apply to Articles 1 to 21 and to the Protocol Regarding Developing Countries.

A separate notification will be made of the entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO), when the required number of ratifications or accessions is reached.

Geneva, June 20, 1969.

WIPO Notification No. 11

# INTERNATIONAL UNION

SPAIN

## Ratification of the Stockholm Act of the Berne Convention (with the exception of Articles 1 to 21 and of the Protocol Regarding Developing Countries)

*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 Stockholm Act of the above Convention, has the honor to notify him that the Government of Spain deposited on June 6, 1969, its instrument of ratification dated May 12, 1969, of the Berne Convention for the Protection of Literary and Artistic Works of

September 9, 1886, as revised at Stockholm on July 14, 1967, with the declaration provided for in Article 28(1)(b)(i) of the said Act to the effect that the ratification concerns Articles 22 to 26 only.

A separate notification will be made of the entry into force of the Stockholm Act of the said Convention when the required number of ratifications or accessions is reached.

Geneva, June 20, 1969.

Berne Notification No. 8

## STATE OF THE INTERNATIONAL UNION ON JULY 1, 1969

Country <sup>1)</sup>	Class chosen [Art. 23 (4)]	Date of Accession (Art. 25)	Date on which the Convention was declared applicable (Art. 26) <sup>2)</sup>	Date of Accession to the Rome Act	Date of Accession to the Brussels Act
1. Australia <sup>3)</sup> Nauru, New Guinea, Norfolk and Papua	III —	14-IV-1928 —	5-XII-1887 29-VII-1936	18-I-1935 29-VII-1936	1-VI-1969 —
2. Argentina	IV	10-VI-1967	—	—	10-VI-1967
3. Austria	VI	1-X-1920	—	1-VII-1936	14-X-1953
4. Belgium	III	5-XII-1887	—	7-X-1934	1-VIII-1951
5. Brazil	III	9-II-1922	—	1-VI-1933	9-VI-1952
6. Bulgaria	V	5-XII-1921	—	1-VIII-1931	—
7. Cameroon	VI	21-IX-1964 <sup>a)</sup>	26-V-1930 <sup>c)</sup>	22-XII-1933 <sup>c)</sup>	22-V-1952 <sup>c)</sup>
8. Canada <sup>4)</sup>	II	10-IV-1928	5-XII-1887	1-VIII-1931	—
9. Ceylon	VI	24-VI-1959 <sup>a)</sup>	1-X-1931 <sup>c)</sup>	1-X-1931 <sup>c)</sup>	—
10. Congo (Brazzaville)	VI	8-V-1962 <sup>a)</sup>	26-V-1930 <sup>c)</sup>	22-XII-1933 <sup>c)</sup>	22-V-1952 <sup>c)</sup>
11. Congo (Kinshasa)	VI	8-X-1963 <sup>a)</sup>	20-XII-1948 <sup>c)</sup>	20-XII-1948 <sup>c)</sup>	14-II-1952 <sup>c)</sup>
12. Cyprus	VI	24-II-1964 <sup>a)</sup>	1-X-1931 <sup>c)</sup>	1-X-1931 <sup>c)</sup>	—
13. Czechoslovakia	IV	22-II-1921	—	30-XI-1936	—
14. Dahomey	VI	3-I-1961 <sup>a)</sup>	26-V-1930 <sup>c)</sup>	22-XII-1933 <sup>c)</sup>	22-V-1952 <sup>c)</sup>
15. Denmark	IV	1-VII-1903	—	16-IX-1933	19-II-1962
16. Finland	IV	1-IV-1928	—	1-VIII-1931	28-I-1963
17. France Overseas Departments and Territories	I —	5-XII-1887 —	— 26-V-1930	22-XII-1933 <sup>5)</sup> 22-XII-1933	1-VIII-1951 22-V-1952
18. Gabon	VI	26-III-1962 <sup>b)</sup>	26-V-1930 <sup>c)</sup>	22-XII-1933 <sup>c)</sup>	26-III-1962 <sup>b)</sup>
19. Germany (Fed. Rep.)	I	5-XII-1887	—	21-X-1933	10-X-1966
20. Greece	VI	9-XI-1920	—	25-II-1932 <sup>6)</sup>	6-I-1957
21. Holy See	VI	12-IX-1935	—	12-IX-1935	1-VIII-1951
22. Hungary	VI	14-II-1922	—	1-VIII-1931	—
23. Iceland	VI	7-IX-1947	—	7-IX-1947 <sup>7)</sup>	—
24. India <sup>8)</sup>	IV	1-IV-1928	5-XII-1887	1-VIII-1931	21-X-1958
25. Ireland <sup>9)</sup>	IV	5-X-1927	5-XII-1887	11-VI-1935 <sup>7)</sup>	5-VII-1959
26. Israel <sup>10)</sup>	V	24-III-1950	21-III-1924	24-III-1950	1-VIII-1951
27. Italy	I	5-XII-1887	—	1-VIII-1931	12-VII-1953
28. Ivory Coast	VI	1-I-1962 <sup>b)</sup>	26-V-1930 <sup>c)</sup>	22-XII-1933 <sup>c)</sup>	1-I-1962 <sup>b)</sup>
29. Japan	III	15-VII-1899	—	1-VIII-1931 <sup>7)</sup>	—

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

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

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

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

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

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

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

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

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

## STATE OF THE INTERNATIONAL UNION ON JULY 1, 1969

Country <sup>1)</sup>	Class chosen [Art. 23 (4)]	Date of Accession (Art. 25)	Date on which the Convention was declared applicable (Art. 26) <sup>2)</sup>	Date of Accession to the Rome Act	Date of Accession to the Brussels Act
30. Lebanon	VI	1-VIII-1924	—	24-XII-1933	—
31. Liechtenstein	VI	30-VII-1931	—	30-VIII-1931	1-VIII-1951
32. Luxembourg	VI	20-VI-1888	—	4-II-1932	1-VIII-1951
33. Madagascar	VI	1-I-1966 <sup>a)</sup>	26-V-1930 <sup>c)</sup>	22-XII-1933 <sup>c)</sup>	22-V-1952 <sup>c)</sup>
34. Mali	VI	19-III-1962 <sup>a)</sup>	26-V-1930 <sup>c)</sup>	22-XII-1933 <sup>c)</sup>	22-V-1952 <sup>c)</sup>
35. Malta	VI	29-V-1968 <sup>a)</sup>	1-X-1931 <sup>c)</sup>	1-X-1931 <sup>c)</sup>	—
36. Mexico	IV	11-VI-1967	—	—	11-VI-1967 <sup>7)</sup>
37. Monaco	VI	30-V-1889	—	9-VI-1933	1-VIII-1951
38. Morocco	VI	16-VI-1917	—	25-XI-1934	22-V-1952
39. Netherlands Surinam and Netherlands Antilles	III —	1-XI-1912 —	— 1-IV-1913	1-VIII-1931 1-VIII-1931	— —
40. New Zealand <sup>11)</sup>	V	24-IV-1928	5-XII-1887	4-XII-1947	—
41. Niger	VI	2-V-1962 <sup>a)</sup>	26-V-1930 <sup>c)</sup>	22-XII-1933 <sup>c)</sup>	22-V-1952 <sup>c)</sup>
42. Norway	IV	13-IV-1896	—	1-VIII-1931	28-I-1963
43. Pakistan <sup>12)</sup>	VI	5-VII-1948	5-XII-1887	5-VII-1948	—
44. Philippines	VI	1-VIII-1951	—	—	1-VIII-1951
45. Poland	V	28-I-1920	—	21-XI-1935	—
46. Portugal <sup>13)</sup>	III	29-III-1911	—	29-VII-1937	1-VIII-1951
47. Rumania	V	1-I-1927	—	6-VIII-1936	—
48. Senegal	VI	25-VIII-1962 <sup>b)</sup>	26-V-1930 <sup>c)</sup>	22-XII-1933 <sup>c)</sup>	25-VIII-1962 <sup>b)</sup>
49. South Africa <sup>14)</sup> South West Africa <sup>15)</sup>	IV —	3-X-1928 28-X-1931	5-XII-1887 5-XII-1887	27-V-1935 —	1-VIII-1951 —
50. Spain	II	5-XII-1887	—	23-IV-1933	1-VIII-1951
51. Sweden	III	1-VIII-1904	—	1-VIII-1931	1-VII-1961
52. Switzerland	III	5-XII-1887	—	1-VIII-1931	2-I-1956
53. Thailand	VI	17-VII-1931	—	—	—
54. Tunisia	VI	5-XII-1887	—	22-XII-1933 <sup>5)</sup>	22-V-1952
55. Turkey	VI	1-I-1952	—	—	1-I-1952 <sup>7)</sup>
56. United Kingdom <sup>16)</sup> Colonies, Possessions and certain Protectorate Territories	I —	5-XII-1887 —	— various dates	1-VIII-1931 various dates	15-XII-1957 various dates <sup>17)</sup>
57. Upper Volta	VI	19-VIII-1963 <sup>b)</sup>	26-V-1930 <sup>c)</sup>	22-XII-1933 <sup>c)</sup>	19-VIII-1963 <sup>b)</sup>
58. Uruguay	VI	10-VII-1967	—	—	10-VII-1967
59. Yugoslavia	IV	17-VI-1930	—	1-VIII-1931 <sup>7)</sup>	1-VIII-1951 <sup>7)</sup>

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

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

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

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

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

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

<sup>16)</sup> United Kingdom of Great Britain and Northern Ireland.

<sup>17)</sup> Application of the Convention to the Isle of Man, Fiji, Gibraltar and Sarawak (see *Le Droit d'Auteur-Copyright*, 1962, p. 32); to Zanzibar, Bermudas and North Borneo (*ibid.*, 1963, p. 8); to Bahamas and Virgin Islands (*ibid.*, 1963, p. 144); to Falkland Islands, Kenya, St. Helena and Seychelles (*ibid.*, 1963, p. 180); to Mauritius (*ibid.*, 1964, p. 192); to Montserrat, Santa-Lucia and Bechuanaland (*Copyright*, 1966, p. 67); to Grenada, the Cayman Islands and British Guiana (*ibid.*, 1966, p. 91); to the British Honduras (*ibid.*, 1966, p. 242); to Saint Vincent (*ibid.*, 1967, p. 208). The Republic of the Philippines, however, reserved its position as regards the application to Sarawak.

<sup>a)</sup> Date of the despatch of the declaration of continued adherence after the accession of this country to independence.

<sup>b)</sup> Date of the entry into force of the accession, by virtue of Article 25 (3) of the Convention.

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

# NATIONAL LEGISLATION

## IRELAND

### Performers' Protection Act, 1968

(No. 19, of July 2, 1968) \*

An Act to prevent the making of unauthorised records, films and broadcasts of performances of literary, dramatic, musical and artistic works

#### ARRANGEMENT OF SECTIONS

##### Section

1. Interpretation.
2. Prohibition of making records without consent of performers.
3. Prohibition of making cinematograph films without consent of performers.
4. Foreign records and films to be deemed to contravene Act in certain circumstances.
5. Prohibition of broadcasting without consent of performers.
6. Rebroadcasting of performances.
7. Prohibition of making or having plates for making records in contravention of Act.
8. Power of court to order destruction of records contravening Act.
9. Special defences.
10. Consent on behalf of performers.
11. Giving of consent without authority.
12. Application of certain provisions of Act to other countries.
13. Short title and commencement.

#### *Interpretation*

1. — (1) In this Act, unless the context otherwise requires —
- “broadcast” means broadcast by wireless telegraphy whether by way of sound broadcasting or of television;
- “cinematograph film” means any print, negative, tape or other article on which a performance of performers or part thereof is recorded for the purposes of visual reproduction;
- “communication to the public” includes transmission by wire to subscribers to a diffusion service;
- “performance” means a performance of any actors, singers, musicians, dancers or other persons who act, sing, deliver, declaim, play in or otherwise perform literary, dramatic, musical or artistic works, and includes any such performance rendered or intended to be rendered audible or visible by mechanical or electrical means;
- “performers”, in the case of a mechanical performance, means the persons whose performance is mechanically reproduced;

\* This Act came into operation on October 1, 1968, by virtue of the *Performers' Protection Act, 1968 (Commencement) Order, 1968*, of September 19, 1968.

“Radio Telefís Éireann” means the broadcasting authority established by virtue of the Broadcasting Authority Acts, 1960 to 1966;

“rebroadcast” means the simultaneous broadcast by one broadcasting organisation of a broadcast of another broadcasting organisation;

“record” means any record or similar contrivance for reproducing sound, including the sound-track of a cinematograph film.

(2) Any reference in this Act to the making of a cinematograph film is a reference to the carrying out of any process whereby a performance or part thereof is recorded for the purposes of visual reproduction.

#### *Prohibition of making records without consent of performers.*

2. — (1) Subject to the provisions of this Act, if a person knowingly —

(a) makes a record, directly or indirectly from or by means of a performance without the consent in writing of the performers, or

(b) sells or lets for hire, or distributes for the purposes of trade, or by way of trade exposes or offers for sale or hire, a record made or deemed to have been made in contravention of this Act, or

(c) uses for the purposes of a broadcast or communication to the public such a record,

he shall be guilty of an offence, and shall be liable, on summary conviction, to a fine not exceeding five pounds for each record in respect of which an offence is proved, but not exceeding one hundred pounds in respect of any one transaction or on conviction on indictment to a fine not exceeding two thousand pounds.

(2) Where a person is charged with an offence under subsection (1)(a) of this section, it shall be a defence to prove that the record to which the charge relates was made for his private and domestic use only.

(3) The making of a record from or by means of a performance without the consent in writing of the performers shall not be a contravention of subsection (1) of this section if —

(a) the record was made by Radio Telefís Éireann by means of its own facilities, the performers had consented in writing to the broadcasting of the performance by Radio Telefís Éireann and the record, or a reproduction thereof, was not used by Radio Telefís Éireann for any purpose other than such broadcasting, or

(b) the record was —

- (i) a reproduction of a performance incorporated in a record made with the consent of the performers and the reproduction was not made for a purpose different from those for which that consent was given, or
- (ii) a reproduction of a performance incorporated in a record made for the purpose of reporting current events and the reproduction was not made for a different purpose, or
- (iii) a reproduction of a performance incorporated in a record by way of background, or otherwise as incidental to the principal matters comprised or represented in the record, and the reproduction was not made for a different purpose.

(4) Where Radio Telefís Éireann makes a record (other than a record of the kind referred to in *subsection (3)(b)* of this section) directly or indirectly by means of its own facilities of a performance without the consent in writing of the performers, but the performance is one to the broadcasting of which the performers had consented in writing, Radio Telefís Éireann shall, not more than six months after the date on which the making of the record was completed or such longer period (if any) as may be agreed upon by Radio Telefís Éireann and the performers, destroy the record and any reproductions of it, and, if Radio Telefís Éireann contravenes the provisions of this subsection, it shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(5) (a) *Subsection (4)* of this section shall not apply in relation to a record of a performance which is of an exceptional documentary character, but such a record shall not be used for broadcasting or for any other purpose without the consent of the performers and section 12 (9) of the Copyright Act, 1963, shall apply in relation thereto as if it were a reproduction of a work made under *subsection (7)* of that section which is of an exceptional documentary character.

(b) A person who contravenes *paragraph (a)* of this subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds and, on conviction on indictment, to a fine not exceeding two thousand pounds.

#### *Prohibition of making cinematograph films without consent of performers*

3. — (1) Subject to the provisions of this Act, if a person knowingly —

(a) makes a cinematograph film, directly or indirectly, from or by means of a performance without the consent in writing of the performers, or

(b) sells or lets for hire, or distributes for the purposes of trade, or by way of trade exposes or offers for sale or hire, a cinematograph film made or deemed to have been made in contravention of this Act, or

(c) uses for the purposes of a broadcast or communication to the public such a cinematograph film,

he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding five pounds for each fifty feet of film in respect of which an offence is proved, but not exceeding one hundred pounds in respect of any one transaction or on conviction on indictment to a fine not exceeding two thousand pounds.

(2) Where a person is charged with an offence under *subsection (1)(a)* of this section, it shall be a defence to prove that the cinematograph film to which the charge relates was made for his private and domestic use only.

(3) The making by Radio Telefís Éireann by means of its own facilities of a cinematograph film from or by means of a performance without the consent in writing of the performers shall not be a contravention of *subsection (1)* of this section if —

(a) the performers had consented in writing to the broadcasting of the performance by Radio Telefís Éireann and the film or a reproduction of it was not used by Radio Telefís Éireann for any purpose other than the broadcast, or

(b) the film was a film of a performance incorporated in a cinematograph film lawfully made.

(4) Where Radio Telefís Éireann makes a cinematograph film (other than a film of the kind referred to in *subsection (3)(b)* of this section) directly or indirectly by means of its own facilities of a performance without the consent in writing of the performers, but the performance is one to the broadcasting of which the performers had consented in writing, Radio Telefís Éireann shall, not more than six months after the date on which the making of the film was completed or such longer period (if any) as may be agreed upon by Radio Telefís Éireann and the performers, destroy the film and any reproductions of it, and, if Radio Telefís Éireann contravenes the provisions of this subsection, it shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(5) (a) *Subsection (4)* of this section shall not apply in relation to a film of a performance which is of an exceptional documentary character, but such a film shall not be used for broadcasting or for any other purpose without the consent of the performers and section 12 (9) of the Copyright Act, 1963, shall apply in relation thereto as if it were a reproduction of a work made under *subsection (7)* of that section which is of an exceptional documentary character.

(b) A person who contravenes *paragraph (a)* of this subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds and, on conviction on indictment, to a fine not exceeding two thousand pounds.

*Foreign records and films to be deemed to contravene Act in certain circumstances*

4. — For the purposes of *paragraphs (b) and (c) of section 2 (1) of this Act and paragraphs (b) and (c) of section 3 (1) of this Act*, a record or film to which an order under *section 12 of this Act* applies and which is made directly or indirectly from or by means of a performance shall, if the consent of any performer to the making of the record or film was required by the law of the country in which it was made, be deemed to have been made in contravention of the Act if, whether knowingly or not, it was made without the consent so required.

*Prohibition of broadcasting without consent of performers*

5. — Subject to the provisions of this Act, a person who, otherwise than by the use of a record or cinematograph film or the reception of a broadcast, knowingly broadcasts or makes a communication to the public of a performance of performers, or any part of such a performance, without the consent in writing of the performers, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

*Rebroadcasting of performances*

6. — A consent to the broadcasting of a performance shall, unless the consent provides otherwise, be deemed to include consent to the rebroadcasting of the performance.

*Prohibition of making or having plates for making records in contravention of Act*

7. — If a person makes, or has in his possession a plate or similar contrivance for the purpose of making records in contravention of this Act, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

*Power of court to order destruction of records contravening Act*

8. — The court before which any proceedings are taken under this Act may, on conviction of the offender, order that all records, cinematograph films, plates or similar contrivances in the possession of the offender which appear to the court to have been made in contravention of this Act, or to be adapted for the making of records in contravention of this Act, and in respect of which the offender has been convicted, be destroyed, or otherwise dealt with as the court may think fit.

*Special defences*

9. — Notwithstanding anything in the preceding provisions of this Act, where a person is charged with an offence under any provision of this Act, it shall be a defence to prove —

- (a) that the record, cinematograph film, broadcast or communication to the public to which the charge relates was made only for the purpose of reporting current events, or

- (b) that the inclusion of the performance in question in the record, cinematograph film, broadcast or communication to the public to which the charge relates was only by way of background or was otherwise only incidental to the principal matters comprised or represented in the record, film, broadcast or communication to the public.

*Consent on behalf of performers*

10. — Where in any proceedings under this Act it is proved —

- (a) that the record, cinematograph film, broadcast or communication to the public to which the proceedings relate was made with the consent in writing of a person who, at the time of giving the consent, represented that he was authorised by the performers to give it on their behalf, and
- (b) that the person making the record, film, broadcast or communication to the public had no reasonable grounds for believing that the person giving the consent was not so authorised,

the provisions of this Act shall apply as if it had been proved that the performers had themselves consented in writing to the making of the record, film, broadcast or communication to the public.

*Giving of consent without authority*

11. — (1) Where —

- (a) a record, cinematograph film, broadcast or transmission is made with the consent in writing of a person who, at the time of giving the consent, represented that he was authorised by the performers to give it on their behalf when to his knowledge he was not so authorised, and
- (b) the consent would, by virtue of *section 10* of this Act afford a defence to any proceedings in relation to such making against the person to whom the consent was given,

the person giving the consent shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(2) The said *section 10* shall not apply to proceedings under this section.

*Application of certain provisions of Act to other countries*

12. — (1) The Government may by order provide that such provisions of this Act as may be specified in the order shall apply in relation to performances, records and cinematograph films, respectively, made in such foreign countries or group or groups of foreign countries as may be specified in the order, in circumstances that are such that, if the performances, records or cinematograph films had been made in the State, the making would have contravened the provisions of the Act.

(2) The Government shall not make an order under this section applying any of the provisions of this Act in respect of any country which is not a party to a convention for the protection of performers to which the State is also a party

unless the Government is satisfied that provision has been or will be made under the laws of that country whereby adequate protection will be given in that country to performances in the State.

(3) The Government may by order revoke or amend an order under this section including an order under this subsection.

(4) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the order is passed by

either House within the next twenty-one days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

*Short title and commencement*

13. — (1) This Act may be cited as the Performers' Protection Act, 1968.

(2) This Act shall come into operation on such day as the Minister for Industry and Commerce appoints by order.

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*GENERAL STUDIES*

**Copyright in Solutions to Mathematical Problems and Exercises**

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Professor at the University  
of Athens

# NEWS ITEMS

## State of Ratifications of and Accessions to the Conventions and Agreements affecting Copyright on July 1, 1969

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

Contracting States	Deposit of Instrument	Coming into Force	Ratification (R) or Accession (A)
Brazil	June 29, 1965	September 29, 1965	R
Congo (Brazzaville) *)	June 29, 1962	May 18, 1964	A
Czechoslovakia *)	May 13, 1964	August 14, 1964	A
Denmark *)	June 23, 1965	September 23, 1965	R
Ecuador	December 19, 1963	May 18, 1964	R
Germany (Fed. Rep.) *)	July 21, 1966	October 21, 1966	R
Mexico	February 17, 1964	May 18, 1964	R
Niger *)	April 5, 1963	May 18, 1964	A
Sweden *)	July 13, 1962	May 18, 1964	R
United Kingdom *)	October 30, 1963	May 18, 1964	R

\*) The instruments of ratification or accession deposited with the Secretary-General of the United Nations were accompanied by "declarations". As to Congo (Brazzaville), see *Le Droit d'Auteur (Copyright)*, 1964, p. 127; as to Czechoslovakia, see *ibid.*, 1964, p. 110; as to Denmark, see *Copyright*, 1965, p. 214; as to Germany (Fed. Rep.), see *ibid.*, 1966, p. 237; as to Niger, see *Le Droit d'Auteur (Copyright)*, 1963, p. 155; as to Sweden, see *ibid.*, 1962, p. 138; as to United Kingdom, see *ibid.*, 1963, p. 244.

### European Agreement concerning Programme Exchanges by Means of Television Films (Paris, December 15, 1958)

Contracting States	Deposit of Instrument	Coming into Force	Signature without Reservation in respect of Ratification (S) or Ratification (R) or Accession (A)
Belgium	March 9, 1962	April 8, 1962	R
Denmark	October 26, 1961	November 25, 1961	R
France	December 15, 1958	July 1, 1961	S
Greece	January 10, 1962	February 9, 1962	R
Ireland	March 5, 1965	April 4, 1965	S
Luxembourg	October 1, 1963	October 31, 1963	R
Netherlands	February 3, 1967	March 5, 1967	R
Norway	February 13, 1963	March 15, 1963	R
Sweden	May 31, 1961	July 1, 1961	R
Tunisia	January 23, 1969	February 22, 1969	A
Turkey	February 27, 1964	March 28, 1964	R
United Kingdom	December 15, 1958	July 1, 1961	S

### European Agreement on the Protection of Television Broadcasts (Strasbourg, June 22, 1960)

Contracting States	Deposit of Instrument	Coming into Force	Signature without Reservation in respect of Ratification (S) or Ratification (R)
Belgium *)	February 7, 1968	March 8, 1968	R
Denmark *)	October 26, 1961	November 27, 1961	R
France	June 22, 1960	July 1, 1961	S
Germany (Fed. Rep.) *)	September 8, 1967	October 9, 1967	R
Norway *)	July 9, 1968	August 10, 1968	R
Sweden	May 31, 1961	July 1, 1961	R
United Kingdom *)	March 9, 1961	July 1, 1961	R

\*) The instruments of ratification were accompanied by "options" in accordance with Article 3, paragraph 1, of the Agreement. As to Belgium, see *Copyright*, 1968, p. 147; as to Denmark, see *Le Droit d'Auteur*, 1961, p. 360; as to the United Kingdom, see *ibid.*, 1961, p. 152; as to Germany (Fed. Rep.), see *Copyright*, 1967, p. 217; as to Norway, see *ibid.*, 1968, p. 191.

### Protocol to the said Agreement (Strasbourg, January 22, 1965)

Contracting States	Deposit of Instrument	Coming into Force	Signature without Reservation in respect of Ratification (S) or Ratification (R)
Belgium	February 7, 1968	March 8, 1968	R
Denmark	January 22, 1965	March 24, 1965	S
France	January 22, 1965	March 24, 1965	S
Germany (Fed. Rep.)	September 8, 1967	October 9, 1967	R
Norway	July 9, 1968	August 10, 1968	R
Sweden	January 22, 1965	March 24, 1965	S
United Kingdom	February 23, 1965	March 24, 1965	S

### European Agreement for the Prevention of Broadcasts Transmitted from Stations Outside National Territories (Strasbourg, January 22, 1965)

Contracting States	Deposit of Instrument	Coming into Force	Ratification (R)
Belgium	September 18, 1967	October 19, 1967	R
Denmark	September 22, 1965	October 19, 1967	R
France	March 5, 1968	April 6, 1968	R
Ireland	January 22, 1969	February 23, 1969	R
Sweden	June 15, 1966	October 19, 1967	R
United Kingdom	November 2, 1967	December 2, 1967	R

## Universal Copyright Convention (Geneva, September 6, 1952)

Contracting States	Deposit of Instrument	Coming into Force	Ratification (R) or Accession (A)	Protocols adopted
Andorra . . . .	31 XII 1952 <sup>1)</sup> 22 I 1953 <sup>2)</sup>	16 IX 1955	R	2, 3 1, 2, 3
Argentina . . . .	13 XI 1957	13 II 1958	R	1, 2
Australia . . . .	1 II 1969	1 V 1969	R	
Austria . . . .	2 IV 1957	2 VII 1957	R	1, 2, 3
Belgium <sup>3)</sup> . . . .	31 V 1960	31 VIII 1960	R	1, 2, 3
Brazil . . . .	13 X 1959	13 I 1960	R	1, 2, 3
Cambodia . . . .	3 VIII 1953	16 IX 1955	A	1, 2, 3
Canada . . . .	10 V 1962	10 VIII 1962	R	3
Chile . . . .	18 I 1955	16 IX 1955	R	2
Costa Rica . . . .	7 XII 1954	16 IX 1955	A	1, 2, 3
Cuba . . . .	18 III 1957	18 VI 1957	R	1, 2
Czechoslovakia . . . .	6 X 1959	6 I 1960	A	2, 3
Denmark . . . .	9 XI 1961	9 II 1962	R	1, 2, 3
Ecuador . . . .	5 III 1957	5 VI 1957	A	1, 2
Finland . . . .	16 I 1963	16 IV 1963	R	1, 2, 3
France <sup>4)</sup> . . . .	14 X 1955	14 I 1956	R	1, 2, 3
Germany (Fed. Rep.) <sup>5)</sup> . . . .	3 VI 1955	16 IX 1955	R	1, 2, 3
Ghana . . . .	22 V 1962	22 VIII 1962	A	1, 2, 3
Greece . . . .	24 V 1963	24 VIII 1963	A	1, 2, 3
Guatemala . . . .	28 VII 1964	28 X 1964	R	1, 2, 3
Haiti . . . .	1 IX 1954	16 IX 1955	R	1, 2, 3
Holy See . . . .	5 VII 1955	5 X 1955	R	1, 2, 3
Iceland . . . .	18 IX 1956	18 XII 1956	A	
India . . . .	21 X 1957 21 X 1957	21 I 1958 21 I 1958	R A	1, 2 3
Ireland . . . .	20 X 1958	20 I 1959	R	1, 2, 3
Israel . . . .	6 IV 1955	16 IX 1955	R	1, 2, 3
Italy . . . .	24 X 1956 19 XII 1966	24 I 1957 19 XII 1966	R R	2, 3 1
Japan . . . .	28 I 1956	28 IV 1956	R	1, 2, 3
Kenya . . . .	7 VI 1966	7 IX 1966	A	1, 2, 3
Laos . . . .	19 VIII 1954	16 IX 1955	A	1, 2, 3
Lebanon . . . .	17 VII 1959	17 X 1959	A	1, 2, 3
Liberia . . . .	27 IV 1956	27 VII 1956	R	1, 2
Liechtenstein . . . .	22 X 1958	22 I 1959	A	1, 2
Luxembourg . . . .	15 VII 1955	15 X 1955	R	1, 2, 3
Malawi . . . .	26 VII 1965	26 X 1965	A	
Malta . . . .	19 VIII 1968	19 XI 1968	A	
Mexico . . . .	12 II 1957	12 V 1957	R	2
Monaco . . . .	16 VI 1955	16 IX 1955	R	1, 2
Netherlands . . . .	22 III 1967 22 III 1967 22 III 1967	22 VI 1967 22 III 1967 22 VI 1967	R R A	3 1, 2
New Zealand <sup>6)</sup> . . . .	11 VI 1964	11 IX 1964	A	1, 2, 3
Nicaragua . . . .	16 V 1961	16 VIII 1961	R	1, 2, 3
Nigeria . . . .	14 XI 1961	14 II 1962	A	
Norway . . . .	23 X 1962	23 I 1963	R	1, 2, 3
Pakistan . . . .	28 IV 1954	16 IX 1955	A	1, 2, 3
Panama . . . .	17 VII 1962	17 X 1962	A	1, 2, 3
Paraguay . . . .	11 XII 1961	11 III 1962	A	1, 2, 3
Peru . . . .	16 VII 1963	16 X 1963	A	
Philippines <sup>7)</sup> . . . .	19 VIII 1955	19 XI 1955	A	1, 2, 3
Portugal . . . .	25 IX 1956	25 XII 1956	R	1, 2, 3
Spain <sup>8)</sup> . . . .	27 X 1954	16 IX 1955	R	2
Sweden . . . .	1 IV 1961	1 VII 1961	R	1, 2, 3
Switzerland . . . .	30 XII 1955	30 III 1956	R	1, 2
Tunisia . . . .	19 III 1969 19 III 1969	19 VI 1969 19 III 1969	A A	1, 2 3
United Kingdom <sup>9)</sup> . . . .	27 VI 1957	27 IX 1957	R	1, 2, 3
United States of America <sup>10)</sup> . . . .	6 XII 1954	16 IX 1955	R	1, 2, 3
Venezuela . . . .	30 VI 1966	30 IX 1966	A	1, 2, 3
Yugoslavia . . . .	11 II 1966	11 V 1966	R	1, 2, 3
Zambia . . . .	1 III 1965	1 VI 1965	A	

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

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

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

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

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

6) On June 11, 1964, New Zealand notified the Director-General of Unesco that the Convention and its three Protocols shall apply, from their coming into force in New Zealand, to the Cook Islands (including Niue) and Tokelau Islands.

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

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

9) The Director-General of Unesco received notifications from the Government of the United Kingdom concerning the application of the Convention to the Isle of Man, Fiji Islands, Gibraltar and Sarawak (coming into force on March 1, 1962), to Zanzibar, to the Bermudas and North Borneo (coming into force on May 4, 1963), to the Bahamas and the Virgin Islands (coming into force on July 24, 1963), to the Falkland Islands, Kenya, St. Helena and Seychelles (coming into force on January 29, 1964), to Mauritius (coming into force on January 6, 1965), to Bechuanaland, Montserrat and Santa-Lucia (coming into force on May 8, 1966), to Grenada (coming into force on May 15, 1966), to the Cayman Islands (coming into force on June 11, 1966), to British Guiana (coming into force on June 15, 1966), to British Honduras (coming into force on October 19, 1966), to Saint Vincent (coming into force on November 10, 1967).

10) On December 6, 1954, the United States of America notified the Director-General of Unesco that the Convention shall apply, in addition to continental United States, to Alaska, Hawaii, the Panama Canal Zone, Puerto Rico and the Virgin Islands. On May 14, 1957, the United States of America further notified the Director-General of Unesco that the Convention shall apply to Guam. Notification was received on May 17, 1957. By letter of November 21, 1957, the Government of Panama contested the right of the Government of the United States of America to extend the application of the Convention to the Panama Canal Zone. By letter of February 28, 1958, the Government of the United States of America asserted that such extension of the Convention was proper under Article 3 of its 1903 treaty with Panama. Copies of the two letters have been communicated by the Director-General to all States concerned.



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- <sup>2</sup> *Ibid.*, 1968, p. 150.
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- WISTRAND (Hugo). *Les exceptions apportées aux droits de l'auteur sur ses œuvres*. Paris, Montchrestien, 1968. - XIV-421 p.



## Meetings of Other International Organizations Concerned with Intellectual Property

September 8 to 12, 1969 (Nuremberg) — International Federation of Musicians (FIM) — 7<sup>th</sup> Ordinary Congress

October 14 to 17, 1969 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group

November 12 to 14, 1969 (Strasbourg) — Committee of Experts on Patents of the Council of Europe

November 18 to 20, 1969 (The Hague) — International Patent Institute (IIB) — 102<sup>nd</sup> Session of the Administrative Council

November 25 to 28, 1969 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group

December 8 to 11, 1969 (The Hague) — International Association for the Protection of Industrial Property (IAPPI) — Council of Presidents

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

COMPETITION No. 88

#### Legal Assistant in the Copyright Division

*Category and grade:* P.3

*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 neighbouring rights;
- (b) drafting of working papers for, and reports on, international meetings;
- (c) participation in meetings of other international organizations concerning copyright and neighbouring rights;
- (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 qualification;
- (b) Experience in the field of copyright and neighbouring rights (preferably including their international aspects);
- (c) Excellent knowledge of one of the official languages (English and French) and at least a good working 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 be 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:*

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 20, Switzerland*. Application forms, duly completed, should reach BIRPI not later than *September 30, 1969*.

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