

Copyright

Review of the
WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO)

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

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Contents

	Page
ADMINISTRATIVE BODIES	
— World Intellectual Property Organization Coordination Committee, Second Ordinary Session	186
— Berne Union Executive Committee, Second Ordinary Session	187
— List of Participants	187
WORLD INTELLECTUAL PROPERTY ORGANIZATION	
— Australia. Application of the transitional provisions (five-year privilege) of the WIPO Convention	188
INTERNATIONAL UNION	
— Australia. Application of the transitional provisions (five-year privilege) of the Stockholm Act of the Berne Convention	189
— United Kingdom. Declaration concerning the application of the Appendix to the Paris Act (1971) of the Berne Convention	189
GENERAL STUDIES	
— Translation rights and translators' rights (Ž. Radojković)	190
INTERNATIONAL ACTIVITIES	
— International Secretariat of Entertainment Trade Unions (ISETU). 3 rd Interna- tional Congress (Vienna, May 19 to 22, 1971)	201
— International symposium of jurists organized by the SIAE	202
BOOK REVIEWS	
— Dreptul de autor în Republica Socialistă România (A. Ionașcu, N. Comșa and M. Mureșan)	202
— Drept civil. Drepturile de creație intelectuală. Succesiunile (S. D. Cărpănu)	203
CALENDAR	
— WIPO Meetings	204
— Meetings of Other International Organizations Concerned with Intellectual Property	204

ADMINISTRATIVE BODIES

World Intellectual Property Organization

Coordination Committee

Second Ordinary Session

(Geneva, September 27 to October 2, 1971)

Note *

Introduction. The Coordination Committee of WIPO (hereinafter called "the Coordination Committee") held its second ordinary session at Geneva from September 27 to October 2, 1971.

Twenty-three of the 27 States members of the Coordination Committee were represented: *Ordinary members:* Argentina, Australia, Brazil, Cameroon, Canada, France, Germany (Federal Republic), Hungary, Italy, Japan, Romania, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America (18); *Associate members:* Congo, Kenya, Mexico, Philippines, Poland (5). Two ordinary members, Pakistan and Senegal, and two associate members, Ceylon and India, were not represented.

The other States and organizations mentioned in the list of participants (see below) were represented in an observer capacity.

The session was opened by the outgoing Chairman, Mr. G. A. Borggård (Sweden). The Coordination Committee elected Mr. Walter Stamm (Switzerland) as Chairman, and Mr. Bruce C. Ladd, Jr. (United States of America) and Mr. Jacek Szołmański (Poland) as Vice-Chairmen, for the period 1971-1972.

Program and Budget. The Coordination Committee approved the program of legal-technical assistance and the common expenses budget for the year 1972 as proposed by the International Bureau. As far as the program is concerned, emphasis was placed upon intensifying efforts in the field of assistance to developing countries, particularly by making fellowships available to nationals of such countries, by organizing one or more seminars or courses, by preparing new model laws, and by providing assistance in the form of publications relating to licensing opportunities in order to facilitate the rapid transfer

* This Note was prepared by the International Bureau on the basis of the documents of the session.

of technology. The close cooperation with the appropriate bodies of the United Nations in this field will be continued.

Headquarters Agreement. The Coordination Committee noted with approval the signature, on December 9, 1970, and the content of the Agreement concluded by the Director General with the Swiss Federal Council in order to determine the legal status of WIPO in Switzerland.

New Headquarters Building. The Coordination Committee adopted unanimously a resolution expressing the urgent wish that the Swiss Authorities, federal and cantonal, would facilitate the starting at the earliest possible date of the construction of the new WIPO headquarters building. It adopted the definitive plan for its financing.

Working Agreement. The Coordination Committee approved the terms and conditions of a working agreement with the African and Malagasy Industrial Property Office (OAMPI) for the purpose of regulating cooperation with that inter-governmental organization, and authorized the Director General to sign it on behalf of WIPO.

Staff Matters. The Coordination Committee adopted a number of amendments to the Staff Regulations and Rules which had been proposed to it by the International Bureau.

It asked the Director General to study the means of correcting some repercussions of monetary fluctuations on the amount of certain payments due to staff members.

As far as the composition of the Secretariat is concerned, several delegations insisted on the need to apply, in the broadest possible manner, the principle of equitable geographical distribution in future recruiting, with particular emphasis on the role of nationals of developing countries.

Next Ordinary Session. The Coordination Committee decided to hold its third ordinary session at Geneva, from September 25 to 30, 1972.

International Union for the Protection of Literary and Artistic Works (Berne Union)
Executive Committee

Second Ordinary Session

(Geneva, September 27 to October 2, 1971)

Note*

Introduction. The Executive Committee of the Berne Union (hereinafter called "the Committee") held its second ordinary session at Geneva from September 27 to October 2, 1971.

Thirteen of the 15 States members of the Committee were represented: *Ordinary members:* Canada, France, Germany (Federal Republic), Italy, Romania, Spain, Switzerland, Tunisia, United Kingdom (9); *Associate members:* Congo, Mexico, Philippines, Poland (4). One ordinary member, Pakistan, and one associate member, India, were not represented.

The other States and organizations mentioned in the list of participants (see below) were represented in an observer capacity.

The session was opened by the outgoing Chairman, Mr. E. Ulmer (Germany (Federal Republic)). The Committee elected Mr. Rafik Saïd (Tunisia) as Chairman, and Mr. Giuseppe Trotta (Italy) and Miss Delia Domingo (Philippines) as Vice-Chairmen, for the period 1971-1972.

Program and Budget. The Committee approved the program and budget of the Berne Union for the year 1972 as proposed by the International Bureau, with the exception however of the proposal to create an international service of identification of literary and artistic works, which will be reconsidered in connection with the program proposals for 1973. In addition to the usual tasks relating to publications concerning the Berne Union (monthly periodicals, collections of legislative

texts, records of the Paris Revision Conference, etc.), the program provides particularly for the establishing of a model law on copyright for developing countries in order to assist them in taking advantage of the possibilities offered by the Paris Act of the Berne Convention and adopting legislation compatible with membership in the Berne Union. The program provides also for further study of possible solutions to the copyright problems posed in connection with the use of electronic computers for storing and reproducing copies of protected works, as well as the convening of a second committee of governmental experts on the questions raised by the use of communications satellites.

The Committee also approved the necessary amendment to the budget of the Berne Union for 1971 so as to permit the holding of a diplomatic conference for the conclusion of a multilateral convention on the protection of phonograms.

Observer Status. The Committee decided to apply to the International Secretariat of Entertainment Trade Unions (ISETU) the rules on participation, in its meetings, of international non-governmental organizations in an observer capacity.

Next Ordinary Session. The Committee decided in principle to hold its third ordinary session at Geneva, from September 25 to 30, 1972.

* This Note was prepared by the International Bureau on the basis of the documents of the session.

List of Participants*

I. States members of one or several bodies convened

Argentina: L. M. Laurelli. Australia: K. B. Petersson. Austria: F. Bauer; T. Lorenz; P. Klein; G. Gall. Belgium: A. Scburmans; J. Degavre; R. Philippart de Foy. Brazil: R. Saraiva Guerreiro; T. Thedim Lobo; J. F. da Costa; O. Soares Carbonar. Cameroon: J. Ekedí Samnik. Canada: A. M. Laidlaw; A. A. Keyes; R. Auger. Congo (Democratic Republic): J.-B. Emany. Czechoslovakia: V. Vaniš; J. Prošek; O. Fabián; A. Ringl; J. Stahl. Denmark: E. Tuxen; E. Mølgaard. Egypt: A. A. Kabesh; Y. Rizk; M. M. Saad. France: P. Charpentier; J. Fernand-Laurent; R. Labry; F. Savignon. Germany (Federal Republic): S. Schnippenkoetter; A. Krieger; E. Ulmer; H. Masi; R. Singer; G. Rheker (Miss); W. Boecker; G. Ullrich. Hungary: E. Tasnádi; J. Bobrovsky. Ireland: M. J. Quinn. Italy: G. Trolta; C. Ferro-Luzzi; A. Pelizza. Japan: T. Shiroshita; Y. Kawashima; K. Takano. Kenya: D. J. Coward. Liechtenstein: A. F. de Gerliczy-Burian. Luxembourg: J. P. Hoffmann. Mexico: J. Freymann Castro. Netherlands: W. M. J. C. Phaf. Norway: L. Nordstrand; S. H. Røer; O. Doerum. Philippines: D. Domingo (Miss). Poland: J. Szomański; K. Matlaszek (Miss), B. Janicki. Portugal: R. Serrão.

Romania: I. Ionescu; C. Mitran. Soviet Union: E. Artemiev; V. I. Ilyin; V. Roslov; V. Kalinine. Spain: A. F. Mazarambroz; I. Fonseca-Ruiz (Miss). Sweden: G. R. Borggård; C. Uggla; I. Stjernberg. Switzerland: W. Stamm; J.-L. Comte; R. Kämpf; P. Ruedin. Tunisia: R. Saïd; A. Amri; H. Ben Achour. United Kingdom: W. Wallace; T. A. Evans. United States of America: B. C. Ladd; R. D. Tegtmeyer; R. A. Wahl; H. J. Winter; H. D. Hoinkes. Yugoslavia: S. Preinar; N. Janković.

II. Other States

Algeria: S. Bouzidi. Bulgaria: I. Daskalov. Finland: E. Tuuli; R. Meinander. Greece: C. Tranos; G. Pilavachi. Holy See: S. Luoni; O. Roullet (Mrs.). Iran: M. Naraghi; M. Mohseni. Israel: M. Gabay; P. Ben-Ami (Mrs.). Lebanon: R. Homsy (Mrs.). Turkey: O. Besnelli; S. Alsan; N. Yosmaoglu. Uganda: G. S. Lule.

* A list containing the titles and functions of the participants may be obtained from the International Bureau upon request.

III. Intergovernmental Organizations

United Nations Organization: A. Ezenkwele; H. Cornil. United Nations Conference on Trade and Development (UNCTAD): C. R. Greenhill; R. Previtali. International Labour Office (ILO): E. Thompson. United Nations Educational, Scientific and Cultural Organization (Unesco): P. A. Lyons (Miss). International Patent Institute (IIB): G. M. Finniss; P. Van Waasbergen; U. Schatz. African and Malagasy Industrial Property Office (OAMPI): C. Johnson. Council of Europe: R. Muller.

IV. International Bureau of WIPO

G. H. C. Bodenhausen (*Director General*); A. Bogsch (*First Deputy Director General*); J. Voyame (*Second Deputy Director General*); C. Masouyé (*Senior Counsellor, Head, External and Public Relations Division, Head*

a. i., Copyright Division); K. Pfanner (*Senior Counsellor, Head, Industrial Property Division*); B. A. Armstrong (*Senior Counsellor, Head, Administrative Division*); L. Egger (*Counsellor, Head, International Registrations Division*).

V. Officers and Secretariat

World Intellectual Property Organization (WIPO)

Coordination Committee: *chairman* W. Stamm (Switzerland); *vice-chairmen* B. C. Ladd (United States); J. Szomański (Poland); *secretary* C. Masouyé (WIPO).

Berne Union

Executive Committee: *chairman* R. Saïd (Tunisia); *vice-chairmen* G. Trotta (Italy); D. Domingo (Miss) (Philippines); *secretary* C. Masouyé (WIPO).

WORLD INTELLECTUAL PROPERTY ORGANIZATION

AUSTRALIA

Application of the transitional provisions (five-year privilege) of the WIPO Convention

The Director General of the World Intellectual Property Organization has notified the Governments of the countries invited to the Stockholm Conference of the notification deposited by the Government of the Commonwealth of Australia in which that Government indicates its desire to avail itself of the provisions of Article 21(2) of the Convention.

This notification entered into force on the date of its receipt, that is, on September 21, 1971.

Pursuant to the said Article, the Commonwealth of Australia, which is a member of the Paris Union and of the Berne Union but has not yet become party to the WIPO Convention, may, for five years from April 26, 1970, the date of entry into force of the said Convention, exercise the same rights as if it had become party.

WIPO Notification N° 34, dated September 22, 1971.

INTERNATIONAL UNION

AUSTRALIA

**Application of the transitional provisions (five-year privilege) of the Stockholm Act
of the Berne Convention**

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of member countries of the Berne Union of the notification deposited by the Government of the Commonwealth of Australia in which that Government indicates its desire to avail itself of the provisions of Article 38(2) of the Stockholm Act of the Berne Convention.

This notification entered into force on the date of its receipt, that is, on September 21, 1971.

Pursuant to the provisions of the said Article, the Commonwealth of Australia, which is a member of the Berne Union, may, for five years from April 26, 1970, the date of entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO), exercise the rights provided under Articles 22 to 26 of the Stockholm Act of the Berne Convention, as if it were bound by those Articles.

Berne Notification N° 31, dated September 22, 1971.

UNITED KINGDOM

**Declaration concerning the application of the Appendix to the Paris Act (1971)
of the Berne Convention**

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of member countries of the Berne Union that, referring to Article VI(1)(ii) of the Appendix to the Paris Act of the Berne Convention, the Government of the United Kingdom of Great Britain and Northern Ireland has declared that it admits the application of the Appendix to works of which it is the coun-

try of origin by countries which have made a declaration under Article VI(1)(i) of the Appendix or a notification under Article I of the Appendix.

Pursuant to the provisions of Article VI(2) of the said Appendix, this declaration, made in writing, became effective from the date of its deposit, that is, from September 27, 1971.

Berne Notification No. 32, dated October 6, 1971.

GENERAL STUDIES

Translation rights and translators' rights

Živan RADOJKOVIĆ
Doctor of Laws

INTERNATIONAL ACTIVITIES

International Secretariat of Entertainment Trade Unions (ISETU)

(3rd International Congress, Vienna, May 19 to 22, 1971)

The International Secretariat of Entertainment Trade Unions (ISETU) held its 3rd Congress in Vienna from May 19 to 22, 1971.

The Congress was officially opened in the presence of Mr. Leopold Gratz, the Minister of Education and Culture, and other representatives of Austrian public life. It was attended by delegates or observers from the trade union organizations of the following 19 countries: Argentina, Australia, Austria, Canada, France, Germany (Federal Republic), Ireland, Israel, Italy, Mexico, Netherlands, Nigeria, Peru, Philippines, Sweden, Switzerland, Turkey, United Kingdom, United States of America.

Several international organizations sent observers, among them the International Labour Office, Unesco and WIPO. WIPO was represented by Mr. Mihailo Stojanović, Counsellor, Copyright Division.

The agenda included, among other matters, the situation in the cinematographic and live theater industries and the conclusions of the Conference on Copyright, Residual and Performers' Rights, held in Geneva on October 6 and 7, 1970¹.

The Congress adopted several resolutions, three of which are reproduced below. It also asked Unesco and the competent bodies of the Berne Union to grant the ISETU observer status in meetings dealing with questions of copyright or performers' rights.

At the end of its session the Congress proceeded to elect its new Executive Committee. Mr. R. Richardson (United Kingdom) was elected President of ISETU. In accordance with an amendment to the Statutes, the Director, Mr. A. J. Forrest, becomes Secretary-General.

Resolutions

Videocassettes

Considering that the employment of the entertainment worker must be protected and his welfare taken into consideration upon the introduction of new technological devices; and

¹ See *Copyright*, 1970, page 283.

Considering that the imminent introduction of the videocassette for private and public use will have a dramatic effect on the rights and economic well-being of workers whose livelihoods are linked to the television, recording and cinematographic industries, the 3rd International Congress of the ISETU,

Urges governments of those nations in which the protection of the worker is based on legislation or other governmental action, to adopt the necessary legislative measures or edicts protecting the workers from adverse effects such as loss of employment and deprivation of property rights in their contributions to film and videotape productions;

Recommends that ISETU member unions undertake courses of action in their respective countries to ensure for all workers who contribute creatively a share in the proceeds obtained from economic exploitation of the work;

Recommends that member unions seek to prevent use on cassettes of already recorded programme material (cinematographic films and videotapes) until producers and possessors thereof execute agreements providing for initial payments to workers contributing to such programme material, and for payments in perpetuity to each contributor for so long as, however and whenever such programme material is used in cassette form for home use, or in any other manner now known or hereinafter conceived;

Recommends that member unions permit the production of programme material for cassettes and its consequent use only in cases where agreements providing initial fees and payment in perpetuity have been reached with the producer and third parties who may in future own or control the product of the services of these workers;

Addresses an urgent appeal to the ILO and other interested bodies to help entertainment workers achieve these ends.

Residual Rights

The 3rd International Congress of the ISETU,

Expresses the view that all workers who contribute creatively to the making of a visual or audio-visual fixation or a television broadcast have the right to participate in the proceeds from economic exploitation of the work through legislation and/or collective bargaining procedures;

Recommends that affiliated organisations undertake negotiations with a view to obtaining remuneration for these workers, whether freelance personnel or permanent staff members of broadcasting institutions, for the original use, for re-use and for new uses of the work in other media; and

Calls on the secretariat to coordinate the action of affiliated organisations in this regard and, in particular, to consult them as to the

description of occupations which may in all or in certain circumstances be considered as contributing creatively to the making of the work.

Satellites

With reference to the development of television satellites and videocassettes as well as with reference to new media of transmission and recording,

The 3rd International Congress of the ISETU recommends that no support be given to international treaties which might violate copyright and performers' rights as established under the Rome Convention.

Congress is of the opinion that copyright, performers' rights and rights of transmission and reproduction must remain personal rights, and in the case of new methods of transmission and reproduction they should not be conferred directly on the maker, as doing so would open the door to unregulated exploitation on a world-wide scale.

International symposium of jurists organized by the SIAE

On the initiative of its Legal Council, the Italian Society of Authors and Publishers (SIAE) organized an international symposium of jurists in memory of H. E. Filippo Pasquera, formerly Honorary First President of the Italian Supreme Court and a member of the above Council. The symposium was held in Rome, at the International Institute for the Unification of Private Law, on January 29, 1971.

This event, which was attended by the First Presidents of the Supreme Court of Appeal and the Constitutional Court

and by magistrates and university professors from Italy and abroad, was organized for the purpose of discussions on a topical legal theme: "Limits of Literary and Artistic Creation as Opposed to the Rights of Personality." To this end, reports on the state of legislation and jurisprudence in Italy and other countries (France, Germany (Federal Republic), Sweden, Switzerland, the United States of America and Yugoslavia) were presented and discussed by the Italian and foreign jurists who took part in the symposium.

BOOK REVIEWS

Dreptul de autor în Republica Socialistă România [Copyright in the Socialist Republic of Romania], by Aurelian Ionașcu, Nicolae Comșa and Mircea Mureșan. One volume of 352 pages, 20.5 × 14.5 cm. Bucharest, Editura Academiei Republicii Socialiste România, 1969.

A short introduction to this work is devoted to intellectual creation considered as an essential element of culture and the part played by copyright in stimulating such creation, to internal sources of copyright and to its place within the system of legal rules; according to the authors, copyright comes under civil law and not under the labor law, as is sometimes maintained.

Chapter I deals with the Romanian Copyright Statute (Decree No. 321 of June 18, 1956, published in Official Bulletin No. 18 of June 27, 1956). According to the definition given in this chapter, copyright is the aggregate of faculties which the law confers on authors to ensure that they may exercise their right to decide freely whether or not their works should be made available to the public; it also covers the exploitation of the results of their creative activity and the protection of their legitimate interests, both non-pecuniary (personal) and pecuniary (page 24).

By emphasizing the preponderance of the personal, non-pecuniary aspect of copyright and the dependency of the author's pecuniary rights on his personal, non-pecuniary rights, the authors of this work consider — unlike the supporters of the dualist theory and of the theory according to which copyright is a personal, non-pecuniary right — that "copyright, in its unitary conception, is a personal, non-pecuniary right having implications of a pecuniary nature" (page 37).

The author's right to remuneration for his work and, should the case arise, to redress for material damages occasioned by its unlawful use, is a right to make a claim, whereas the right of reproduction, dissemination and performance of the work — considered from the pecuniary viewpoint — is a special pecuniary right which is not included in the division of subjective rights into claims and real rights, but is covered by the legal system governing claims, where the law does not provide otherwise (pages 41 and 42).

Since authorship is determined by the actual fact of creating an intellectual work, it follows that only physical persons may have that status. Legal entities may — by virtue of their activity in the organization and coordination of the efforts of individual authors for the purpose of creating a work — be made owners of copyright by the law, in respect of the work thus created.

With regard to the author who creates works in compliance with employment obligations towards a socialist organization of which he is a salaried employee, he has authorship and copyright in respect of those works, notwithstanding the fact that, by virtue of his contract, he has assigned the exercise of his pecuniary rights to the organization in question for an indeterminate period, under the conditions prescribed by the law (pages 71 and 72).

Copyright is deemed to subsist in any work of intellectual creation — literary, artistic or scientific — regardless of its content, mode of expression, value and purpose, from the time of its being expressed in a concrete form which may be perceived by the human senses and in

which it may be communicated to the public (page 75). By giving such a broad meaning to the subject of copyright, the Romanian legislator sought to stimulate intellectual creation and the development of literary, artistic and scientific production, without at the same time having an indifferent attitude to the intrinsic value of the works created (page 78).

In the absence of special provisions concerning the protection of performers, such protection may be achieved — according to the authors of the work reviewed here — by means of Article 9 of Decree No. 321/1956, which contains a non-limitative enumeration of works of intellectual creation being subjects of copyright, provided that the performance may, by reason of its intrinsic qualities, be considered a creative work (page 81).

The remuneration of authors according to the standards established by Decision No. 632/1957 of the Council of Ministers is calculated in relation to the type of work, the amount of creative effort which it represents, its quality and the manner and extent of its use. The author has the right to a basic fee when his work is first used and to an additional fee on each occasion of subsequent use. The basic fee is considered to form part of the salary when the work is created pursuant to obligations arising from the employment relationship of the author with a socialist organization.

The protection of authorship, of the right to inviolability and of fair use of the work devolves, on the death of the author, upon the appropriate union or association of authors or, failing this, to the competent State authority.

As for the right — personal and non-pecuniary in character — to decide whether or not the work is to be made available to the public, this belongs to the author alone; if the author is deceased and has left works unpublished, it may be assumed, in the absence of proof to the contrary, that his intention had been to make them available to the public, in view of the fact that works of intellectual creation are, by their very nature, intended for the public (pages 118 and 119).

Chapter II of the book under review is devoted to copyright contracts. The relevant legal provisions, contained in Decree No. 321/1956, concern only contracts between owners of copyright and socialist organizations specialized in the exploitation of works of intellectual creation, which cannot — on pain of nullity of the contract — go beyond the limits of their specific competence as laid down by the law (pages 173 and 174).

International copyright protection is covered in Chapter III, which begins with an explanation of the need for such protection, the legal means of obtaining it and its historical development, including the ratification by the Socialist Republic of Romania of the Berne Convention for the Protection of Literary and Artistic Works, as revised at Stockholm in 1967. A detailed analysis is then made of the provisions of the Convention and the state of relations between the Socialist Republic of Romania and the other member States of the Berne Union, which gives the authors the opportunity of affirming — with evidence to support the affirmation — the importance which Romania attributes, within the framework of its policy of multilateral cooperation with all countries, to international collaboration in the development of culture, science and the arts.

Constantin STANESCO

* * *

Drept civil. Drepturile de creație intelectuală. Succesiunile [Civil law. Rights of intellectual creation. Succession], by *Stanciu D. Cârpenaru*. One volume of 374 pages, 20.5 × 14.5 cm. Bucharest, Editura Didactică și Pedagogică, 1971.

The recent appearance in Romania, less than two years after the publication of the book on copyright by Aurelian Ionașcu, Nicolae Comșa and Mircea Mureșan, of another work dealing to a large extent with the same subject (and with the rights pertaining to intellectual creation in general) bears witness to the interest shown in this country in measures designed to promote the creation of intellectual works, and consequently in the works themselves. The author of the publication reviewed here does not miss the opportunity of drawing attention to this fact.

This book defines copyright as being a set of legal rules which regulate the social relationship resulting from the creation and exploitation of scientific, literary and artistic works; regulation encompasses the pecuniary and non-pecuniary relationships brought into play by the creation and exploitation of the works (page 7).

Under the Romanian socialist legal system, copyright is governed by civil law; it is not incorporated in the labor law, even when the legal relations arising from authorship are combined with a legal employment relationship resulting from the fact that the author is a salaried member of a socialist organization (pages 7 to 11).

The subjective aspect of copyright is constituted by the possibility, guaranteed to the author by the State, of using the work at his discretion in order to satisfy his personal pecuniary and non-pecuniary interests by legal means, within the limits laid down by the law (page 14).

As for the actual juridical nature of copyright, the author of the book reviewed here makes it clear at the outset that the coming into existence of rights is the essential factor in the case in point, not their exercise, and that both the personal (non-pecuniary) and the pecuniary rights stem from the same fact, namely the creation of the work; he then draws the conclusion that copyright is a complex subjective right embodying both personal (non-pecuniary) and pecuniary rights, neither of the two having precedence over the other (pages 21 and 22).

Any person who creates a scientific, literary or artistic work is deemed to be the author of that work, regardless of his capacity, age, etc. (page 26). Legal entities, being devoid of creative attributes (reason, intelligence, etc.), may not be authors of works of intellectual creation, but the law grants them the status of owners of copyright by reason of the role they assume in the organization and coordination of the activity of their collaborators, when such activity is directed towards the creation of intellectual works (pages 26 to 28).

The subject of copyright is the intellectual creation of the author, the "idea content" of the work which has been given a definite form (page 36).

The author of the book reviewed here shares the views of those Romanian jurists who consider that a performance may be protected under Article 9 of Decree No. 321/1956 on copyright — which contains a non-limitative list of works of intellectual creation — without need for an express ruling, provided that its value and originality are such that it constitutes creation in itself.

One chapter of the book is devoted to an analysis of the substance of copyright. Special emphasis is placed on the fact that the personal non-pecuniary rights of the author are not subject to statutory limitation.

Chapter VI deals with the transfer by inheritance of authors' rights. With respect to the personal non-pecuniary rights of the author, which are not transferable, the Romanian law contains only a partial ruling, providing that the protection of the authorship, inviolability and fair use of the work devolves, on the author's death, upon the appropriate union or association of authors or, failing this, to the competent State authority.

The right to make the work available to the public, being closely linked to the person of the author, is not transferred, either to the author's heirs or to the association or union of authors, or again to a State authority. The author's unpublished works, on the other hand, may be made available to the public by his heirs in compliance with his wishes, whether express, tacit or presumed — until proved otherwise. A ruling is suggested, *de lege ferenda*, whereby the heirs of an author having left unpublished works would have the right to make those works available to the public unless the author in question expressed specific wishes to the contrary.

The last two chapters deal respectively with the protection of copyright and with copyright contracts. In view of the fact that the direct exploitation of copyright by means of contracts concluded by the author with individuals or legal entities who are not specialized in that respect is governed by the Civil Code, only copyright exploitation by means of contracts concluded between the author and a specialized socialist organization is covered by Decree No. 321/1956 and by the work reviewed here.

Constantin STANESCO

