

Copyright

Review of the
WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO)

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

Published monthly
Annual subscription: Sw.fr. 50.—
Each monthly issue: Sw.fr. 6.—

8th year - No. 2
FEBRUARY 1972

Contents

	Page
WORLD INTELLECTUAL PROPERTY ORGANIZATION	
— Bogotá Symposium on Patents, Marks and Copyright (November 24 to 27, 1971)	35
BERNE UNION	
— Signatory Countries of the Paris Act (1971) of the Berne Convention	36
NATIONAL LEGISLATION	
— United States of America. Public Law 92-170 (92 nd Congress, S. J. Res. 132) (of November 24, 1971)	36
GENERAL STUDIES	
— Copyright Problems Arising from the Computer Storage and Retrieval of Protected Works (Eugen Ulmer)	37
INTERNATIONAL ACTIVITIES	
— International Literary and Artistic Association (ALAI). General Assembly (Paris, February 1, 1972)	60
OBITUARY	
— Marcel Boutet	60
CALENDAR	
— WIPO Meetings	62
— UPOV Meetings	63
— Meetings of Other International Organizations Concerned with Intellectual Property	63



GENERAL STUDIES

Copyright Problems Arising from the Computer Storage and Retrieval of Protected Works

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November 18, 1971, shortly before illness took him away from us.

In his profession, which he exercised with unparalleled integrity, Marcel Boutet specialized in cases involving the recognition and defense of intellectual property rights. His brilliant addresses brought about innumerable judgments and decisions, and French jurisprudence is greatly indebted to him. After the war his choice of speciality resulted in his being a member of the French Delegation at the many Diplomatic Conferences convened for the revision of intellectual property conventions or the drafting of new international instruments. He was at Brussels in 1948, Geneva in 1952, Lisbon in 1958, Stockholm in 1967, and Paris and Geneva in 1971, to mention only the most important events in his professional activity at the international level. Taking up his pilgrim's staff, as he liked to put it, to advocate what he, in all honesty and sincerity, considered to be the real doctrine of intellectual rights, he travelled throughout the world, attending countless meetings, working groups, congresses and conferences. Wherever he went he was present in every sense of the word, expounding with conviction his opinions and preoccupations, pointing out the possible consequences of proposed solutions, enthusiastic in his defense of positions under threat, yet always ready to hear the opposite view, sometimes with scepticism, but always with courtesy. His remarks, his opinions and his suggestions led many of us to regard him as "the conscience of the Berne Union".

Although the nature of his professional activity kept him more within the industrial property field — it should be remembered that in France he was a member of the Higher Council of Industrial Property and President of the French group of the International Association for the Protection of Industrial Property (AIPPI) — he was always more attracted to copyright, to which he devoted himself perhaps with more affection, and certainly with great skill. His intimate knowledge of the Berne Convention made him an expert whose opinion was always highly appreciated. His gift for the drafting of legal texts and his conciseness in the wording of principles and provisions more than once enabled him to play a leading part in shaping the texts of laws and conventions alike.

At the national level he distinguished himself as the rapporteur of the Intellectual Property Commission which prepared a draft law, later to result in the new Law of March 11, 1957, on literary and artistic property. He applied all his energy to this legal codification of copyright in France, and the result was a masterpiece of modern legislation.

At the international level he was always an active member of his country's delegation, seeking to avoid as far as possible situations where the development of the law and the adaptation of conventions to modern political, economic or social requirements might take place without regard for the interests of authors. On several occasions he was called upon to preside over discussions, a task which he fulfilled with grace, tact and impartiality, and with the sole aim of serving the cause of copyright.

Yet above all Marcel Boutet was the President of ALAI, the international non-governmental organization created at

the instigation of Victor Hugo, which is justly proud to have been in turn the initiator of the Berne Convention. He took over the presidency from Georges Maillard, who himself had succeeded Bâtonnier Pouillet, well known to law students for his famous Manual. He was elected President in 1947 and remained in office until his death, which means that, for almost twenty-five years, he put heart and soul into this association of lawyers devoted to literary and artistic property. It was he who gave it the vitality and drive essential to any activity carried on at an international level, even though the means at his disposal were never generous. He controlled its destiny with a masterly touch, and his death is unquestionably a heavy loss to the Association. No doubt the torch of leadership will pass into good hands and continuity will be ensured, but the personality of President Boutet will have left an indelible mark on the history of ALAI.

A tribute to Marcel Boutet would not be complete without a mention of the many studies which he published in specialized reviews on subjects relating to industrial property and copyright. One such study was his excellent commentary, published in the French *Juris-Classeur*, on the provisions adopted in Brussels in 1948, at the time of the revision of the Berne Convention. His experience, combined with the academic talents of Robert Plaisant, contributed to the development of intellectual property law by leaving a work which is a welcome source of reference to practitioners.

The French Government acknowledged Marcel Boutet's merits by awarding him a number of distinctions. He was a "Chevalier de la Légion d'Honneur", "Officier de l'Ordre national du Mérite" and "Officier des Arts et Lettres". He also received honors from foreign governments.

President Boutet leaves behind him the memory of an exceptionally courteous and kind person: he had preserved the politeness and good manners of a period which, alas, is gradually disappearing into the past. He was possessed of immense learning and culture. As a speaker he was particularly eloquent, with a wonderful ability to brighten his speeches with quotations, themselves chosen with a skill all his own. One such quotation comes poignantly to mind: last November President Boutet was staying in Geneva at the time of the sessions of the intergovernmental copyright committees which were held there. When I alluded to the amount of work on the horizon of international copyright, he reminded me of the words of Fontenelle, French man of letters and nephew of the great Corneille: "Don't take life too seriously; whatever you do, you won't come out of it alive." A word of advice drawn from sound philosophy... or was it a premonition? Whatever the circumstances, President Boutet's charm had its effect and conversation immediately rose to a higher plane, leaving one with the gratifying sensation that only a strong personality can communicate.

Marcel Boutet was that. His life reminds us that we can, as the poet said,

"leave behind us, after death,
our footprints on the sands of time".

The teachings he left behind him will not be forgotten.

UPOV Meetings

- April 13 and 14, 1972 (Geneva) — Consultative Working Committees
May 23 and 24, 1972 (Cambridge) — Technical Working Party for Cross-fertilized Agricultural Crops
May 25 and 26, 1972 (Antibes) — Technical Working Party for Ornamental Plants
September 13 and 14, 1972 (Geneva) — Working Group for Variety Denominations
November 7 and 10, 1972 (Geneva) — Diplomatic Conference
Object: Amendment of the Convention
November 8 and 9, 1972 (Geneva) — Council
July 2 to 6, 1973 (London/Cambridge) — Symposium on Plant Breeders' Rights

Meetings of Other International Organizations concerned with Intellectual Property

- March 27 to 29, 1972 (The Hague) — International Patent Institute — Administrative Council
April 24 to 28, 1972 (Cannes) — International Association for the Protection of Industrial Property — Council of Presidents
April 26 to 28, 1972 (Helsinki) — International Writers Guild — Executive Council
May 15 to 19, 1972 (Paris) — International Publishers Association — Congress
May 21 to 25, 1972 (Geneva) — International League Against Unfair Competition — Congress
July 3 to 7, 1972 (Paris) — International Literary and Artistic Association — Working Session
July 4 to 6, 1972 (The Hague) — International Patent Institute — Administrative Council
October 16 to 21, 1972 (Mexico) — International Confederation of Societies of Authors and Composers — Congress
October 23 to 26, 1972 (The Hague) — International Patent Institute — Administrative Council
November 12 to 18, 1972 (Mexico) — International Association for the Protection of Industrial Property — Congress
December 11 to 15, 1972 (The Hague) — International Patent Institute — Administrative Council
May 20 to 26, 1973 (Rio de Janeiro) — International Chamber of Commerce — Congress
- Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents (Luxembourg):
April 24 to 28, 1972 — Working Party II
April 24 to 28, 1972 — Working Party III
May 15 to 19, 1972 — Coordination Committee
June 19 to 30, 1972 — Intergovernmental Conference
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