Review of the
WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)
and the United International Bureaux for the Protection of Intellectual Property (BIRPI)

Copyright

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WORLD INTELLECTUAL PROPERTY ORGANIZATION

Committee of Experts for the Protection of Type Faces

Sixth Meeting

(Geneva, March 13 to 16, 1972)

Note *

On the invitation of the Director General of WIPO, a Committee of Experts for the Protection of Type Faces met in Geneva at the headquarters of WIPO from March 13 to 16, 1972.

All the member countries of the Paris Union had been invited as members of the Committee. Intergovernmental and international non-governmental organizations directly interested had been invited as observers. The invitation was accepted by fourteen countries, one intergovernmental organization and four non-governmental organizations. A list of participants appears at the end of this Note.

The Committee was chaired by Mr. W. M. J. C. Phaf (Netherlands). Mrs. G. Sellali (Algeria) and Mr. E. Dudeschek (Austria) were Vice-Chairmen.

The Committee based its discussions on three preliminary drafts prepared by the International Bureau, on written proposals submitted by the United Kingdom Office and by the Italian Delegation and on a proposal prepared by a small working group set up to study the scope of protection. The three documents prepared by the International Bureau were a Preliminary Draft Special Agreement for the Protection of Type Faces and their International Deposit, Preliminary Draft Regulations and a Preliminary Draft Table of Fees.

It was understood that the Committee's task was to express its views on the preliminary drafts mentioned above and submit observations and suggestions to the International Bureau, whereupon the latter would draw up documents on this basis to be submitted to the Diplomatic Conference.

In essence, the Committee approved the substance of the preliminary drafts submitted to it. It proposed a number of amendments to the articles of the Preliminary Draft Agreement, to the rules in the Preliminary Draft Regulations and to the related commentaries.

These proposals principally concerned the following points:

1. On the subject of Article 3 of the Preliminary Draft Agreement, which requires Contracting States to ensure the protection of type faces in favor of the creators and their successors in title, the Committee felt that the Agreement should specify that such protection covered both nationals of Contracting States and persons resident in one of those States. The Committee also expressed the opinion that such a provision would not prejudice the rights which nationals of other Paris Union countries — and residents in any of those countries — might claim under the national treatment principle provided for in Article 2 of the Paris Convention.

2. On the subject of Article 5, which defines the rights that Contracting States undertake to guarantee to owners of protected type faces, the Committee considered whether the Agreement should expressly exclude from protection certain type faces developed for use in data processing machines. Since it did not have the time to study all the consequences of such a provision, the Committee suggested that the problem should be studied — before the Diplomatic Conference scheduled for 1973, to which the Draft Agreement will be submitted — in each country in consultation with the interested circles.

3. On the subject of the international deposit of type faces, which under the Preliminary Draft will take place at the International Bureau (Articles 9 to 21), the Committee felt that it should be possible to combine a withdrawal or renunciation for some only of the type faces deposited with a withdrawal or renunciation for some only of the Contracting States (Article 17). For this purpose, the International Bureau should study the question of identifying the different characters deposited, for example by requiring each character to have a serial number (Rule 5).

List of Participants *

I. Members

Algeria: G. Sellali (Mrs.). Austria: E. Dudeschek. Cameroon: J. Ekedi-Samnik. Canada: A. A. Keyes; J. Corbeil. France: M. Bierry. Germany (Federal Republic): E. Ulmer; G. Kelbel; E. Born. Italy: G. Troita; G. Pizzini (Mrs.); C. Ferro-Luzzi; G. Lo Cigno; G. Repetti. Netherlands: W. M. J. C. Phaf; E. van Weel; G. W. Ovink. Sweden: C. Uggla; G. Moore. Switzerland: F. Curchod; A. Hoffmann. United Kingdom: D. L. T. Cadman. United States of America: H. J. Winter.

II. Observers

1. States

Philippines: M. S. Aguillon. Poland: R. Tomaszewski.

* This Note has been prepared by the International Bureau on the basis of the documents of the meeting.

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

2. Intergovernmental Organization

Council of Europe: F. Hondius.

3. Non-Governmental Organizations

International Chamher of Commerce (ICC): D. A. Was; Ch.-L. Magnin; H. Aspden. International Federation of Patent Agents (FICPI): B. Pochon. International Literary and Artistic Association (ALAI): T. Limperg. International Typographic Association (A. TYP. I): J. Dreyfus; C. Peignot; M. Parker; W. P. Keegan.

III. WIPO

G. H. C. Bodenhausen *(Director General)*; J. Voyame *(Second Deputy Director General)*; K. Pfanner *(Senior Counsellor, Head of the Industrial Property Division)*; G. R. Wipf *(Counsellor, Head, General and Periodicals Section, Industrial Property Division)*; H. Warnier *(Legal Assistant, General and Periodicals Section, Industrial Property Division)*.

IV. Officers

Chairman: W. M. J. C. Phaf (Netherlands); *Vice-Chairmen:* G. Sellali (Mrs.) (Algeria); E. Dudeschek (Austria).

CONVENTIONS ADMINISTERED BY WIPO

International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations

FIJI

Accession to the Convention

The Secretary-General of the United Nations, by a letter dated March 21, 1972, informed the Director General of the World Intellectual Property Organization that the instrument of accession by the Government of Fiji to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, done at Rome on October 26, 1961, was deposited on January 11, 1972, in accordance with Article 24(3).

The instrument of accession contains the following declarations:

(1) in respect of Article 5(1)*(b)* and in accordance with Article 5(3) of the Convention, Fiji will not apply, in respect of phonograms, the criterion of fixation;

(2) in respect of Article 6(1) and in accordance with Article 6(2) of the Convention, Fiji will protect hroadcasts only if the headquarters of the hroadcasting organization is situated in another Contracting State and the hroadcast was transmitted from a transmitter sitnated in the same Contracting State;

(3) in respect of Article 12 and in accordance with Article 16(1) of the Convention,

(a) Fiji will not apply the provisions of Article 12 in respect of the following uses:

(i) the causing of a phonogram to he heard in puhlic at any premises where persons reside or sleep, as part of the amenities provided exclnsively or mainly for residents or inmates therein except where a special charge is made for admission to the part of the premises where the phonogram is to he heard,

(ii) the causing of a phonogram to he beard in public as part of the activities of, or for the benefit of, a club, society or other organization which is not established or conducted for profit and whose main ohjects are charitable or are otherwise concerned with the advancement of religion, education or social welfare, except where a charge is made for admission to the place where the phonogram is to be heard, and any of the proceeds of the charge are applied otherwise than for the purpose of the organization;

(b) as regards phonograms the producer of which is not a national of another Contracting State or as regards phonograms the producer of which is a national of a Contracting State which bas made a declaration under Article 16(1)*(a)*(i) stating tbat it will not apply the provisions of Article 12, Fiji will not grant tbe protection provided for by Article 12, unless, in either event, the phonogram has been first puhlished in a Contracting State whicb has made no such declaration.

Pursuant to Article 25(2), the Convention came into force for Fiji three months after the date of deposit of its instrument of accession, that is to say, on April 11, 1972.

GENERAL STUDIES

Video: A general survey *

by Franca KLAVER

CORRESPONDENCE

Letter from Romania

Analysis of Copyright Case Law

by Ovidiu IONAŞCU *

CONVENTIONS NOT ADMINISTERED BY WIPO

FIJI

Notification concerning the application of the Universal Copyright Convention

In a letter dated February 17, 1972, the Director-General of Unesco informed us that he had received, on December 13, 1971, a communication from the Government of Fiji notifying him that it considered itself bound by the Universal Copyright Convention, the application of which had been extended to its territory before its independence (October 10, 1970).

BOOK REVIEWS

Cases and Materials on Copyright and Other Aspects of Law Pertaining to Literary, Musical and Artistic Works, by *Melville B. Nimmer.* One volume of 828 pages, 20 × 26 cm. American Casebook Series, West Publishing Company, St. Paul, Minnesota, 1971.

Tbe snbject matter of this book is what is called "entertainment law" — a term which, although it is not considered by the author to be entirely satisfactory, seems to be increasingly accepted. It includes not only the publishing of books, magazines and newspapers, and the activities connected with the stage, motion pictures, radio and television, but also the fields of the mnsical and grapbic arts.

The cases and materials reproduced in this collection are arranged by topics (the subject matter of copyright, pnblication, formalities, duration and renewal of copyright, the protection of ideas, etc.) and accompanied by very interesting and stimulating questions for students, some collateral references and, occasionally, the author's notes. One of tbese notes, appearing under the heading "Formalities", concerns, on the one hand, copyright protection within the United States for works of foreign origin and, on the other hand, copyright protection abroad for American works.

It is perhaps necessary to emphasize here that the author has avoided making "tightly digested extracts of opinions", which he considers pedagogically unsound. He thinks that it is a mistake for a work to attempt to be both a casebook and a treatise, because it is tben unlikely to be satisfactory as either. And one could add that those who wish to read a treatise based on American legal thought and practice are almost automatically referred to *Nimmer on Copyright,* extensive portions of which reappear in this new work.

The Copyright Act and the Copyright Office Regulations of the United States are reproduced in the Appendix. An alphabetical index of topics and a table of cases facilitate consultation of this voluminous collection, the importance and usefulness of which are in most cases not limited to the American pnblic. M. S.

* * *

Copyright: Evolution, theory and practice, by *R. F. Whale.* One volume of 217 pages, 14 × 22 cm. Longman Group Limited, London, 1971.

This is a popular treatise in the best sense of the word. It starts with an interesting historical introduction entitled "Evolution of copyright", which is followed by a "very brief incursion in the highly complex field of tbeory". The major part of the book is devoted to the provisions of the British Copyright Act of 1956. A separate chapter deals witb eacb part of the Act.

International copyright is discussed in a special chapter, wbich contains a summary account of the main international conventions in tbe field of copyright and neigbboring rights (Berne Convention, Universal Copyright Convention, Rome Convention, European Agreements). When speaking of tbe Berne Convention, the autbor notes that it does not provide for the "public lending right" wbich is found in the copyright legislation of a small number of countries. Another interesting point discussed in this section is the extension of the principle of nationality introdnced at tbe Stockholm Revision Conference in 1967. The author puts forward the opinion that this change does not mean that, for countries which accede to tbe Stockholm Act or a later Act, works which have lost protection in tbe countries of the Union because they were published in a non-Union country will regain protection if their autbors are nationals of a Union country. This interpretation seems to give rise to serious doubts as far as the meaning of Article 18 is concerned. The brief account of tbe content of the Berne Convention ends with a pessimistic statement to the effect that in some of the countries members of tbe Union "protection is rather nominal than effective", their copyright legislation being not always compatible with the Convention.

It is regrettable that tbe book was published before tbe Paris Revision Conference and so does not take the results of that Conference into consideration.

In a postscript, the author mentions new developments in tbe field which are dne in particular to the recent technical achievements (computers, communication satellites, electronic video recordings), observing, in conclusion, that, besides the complexity of the questions themselves, tbere is the difficulty at the international level of securing as mucb agreement as possible among countries at differing stages of cnltural, economic, technical and political development.

A detailed alphabetical index can be found at the end of the book.

M. S.

CALENDAR

WIPO Meetings

May 2 to 8, 1972 (Geneva) — Committee of Experts on the International Registration of Marks

Object: Preparation of draft texts for the Vienna Diplomatic Conference in 1973 (see below) — *Invitations:* Member countries of the Paris Union; organizations concerned

May 9 to 17, 1972 (Paris) — Committee of Governmental Experts on Problems in the Field of Copyright and of the Protection of Performers, Producers of Phonograms and Broadcasting Organizations Raised by Transmission Via Space Satellites

Object: Study of the problems — *Invitations:* Member countries of the Berne Union, Member countries of the Paris Union and Member States of the United Nations or of a Specialized Agency — *Observers:* Intergovernmental and non-governmental organizations concerned — *Note:* Meeting convened jointly with Unesco

May 16 to 18, 1972 (Geneva) — Mechanization of Trademark Anticipation Searches — Working Group

Invitations: Australia, Austria, Belgium, Colombia, France, Germany (Fed. Rep.), Ireland, Japan, Luxembourg, Netherlands, Soviet Union, Spain, Sweden, United Kingdom, United States of America

May 29 to June 2, 1972 (The Hague) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee

June 5 to 9, 1972 (The Hague) — International Patent Classification (IPC) — Joint ad hoc Committee

June 26 to July 7, 1972 (The Hague) — International Patent Classification (IPC) — Working Group I of the Joint ad hoc Committee

July 5 to 7, 1972 (Geneva) — ICIREPAT — Technical Coordination Committee

July 10 to 14, 1972 (The Hague) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee

September 4 to 8, 1972 (London) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee

September 11 to 15, 1972 (London) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee

September 20 to 22, 1972 (Geneva) — ICIREPAT — Plenary Committee

September 21 and 22, 1972 (Geneva) — Intergovernmental Committee Established by the Rome Convention (Neighboring Rights) — Extraordinary Session

Object: Consideration of various questions concerning neighboring rights — *Invitations:* Brazil, Denmark, Germany (Fed. Rep.), Mexico, Niger, United Kingdom — *Observers:* Congo, Costa Rica, Czechoslovakia, Ecuador, Fiji, Paraguay, Sweden; intergovernmental and international non-governmental organizations concerned — *Note:* Meeting convened jointly with the International Labour Office and Unesco

September 25 to 29, 1972 (Berne) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee

September 25 to 30, 1972 (Geneva) — Coordination Committee of WIPO, Executive Committees of the Paris and Berne Unions, Assemblies of the Madrid, Lisbon and Locarno Unions

October 2 to 9, 1972 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Committees and Standing Subcommittee of the Interim Committee for Technical Cooperation

Members of the Interim Committees: Signatory States of the PCT — *Observers:* Intergovernmental organizations and international non-governmental organizations concerned; *Members of the Standing Subcommittee:* Austria, Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Sweden, United Kingdom, United States of America, International Patent Institute — *Observer:* Brazil

October 9 to 13, 1972 (Geneva) — Committee of Experts on a Model Law for Developing Countries on Appellations of Origin

Object: To study a Draft Model Law — *Invitations:* Developing countries members of the United Nations — *Observers:* Intergovernmental and international non-governmental organizations concerned

October 9 to 13, 1972 (Geneva) — ICIREPAT — Technical Committee for Standardization

October 16 to 20, 1972 (Nairobi) — African Seminar on Intellectual Property

October 16 to 20, 1972 (Geneva) — ICIREPAT — Technical Committee for Computerization

October 23 to 27, 1972 (Geneva) — ICIREPAT — Technical Committee for Shared Systems

October 23 to 27, 1972 (Geneva) — ICIREPAT — Advisory Board for Cooperative Systems

October 30 to November 3, 1972 (Geneva) — Committee of Experts on a Patent Licensing Convention

November 20 to 24, 1972 (Geneva) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee

November 27 to December 1, 1972 (Geneva) — International Patent Classification (IPC) — Joint ad hoc Committee

December 13 to 15, 1972 (Geneva) — ICIREPAT — Technical Coordination Committee

May 7 to June 2, 1973 (Vienna) — Diplomatic Conference on: (a) the International Registration of Marks, (b) the International Classification of the Figurative Elements of Marks, (c) the Protection of Type Faces

September 24 to October 2, 1973 (Geneva) — Administrative Bodies of WIPO (General Assembly, Conference, Coordination Committee) and of the Paris, Berne, Nice and Lisbon Unions (Assemblies, Conferences of Representatives, Executive Committees)

UPOV Meetings

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

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

May 2 to 5, 1972 (New York) — UNIDO/Licensing Executives Society — Symposium on Licensing in Developing Countries

May 15 to 19, 1972 (Paris) — International Publishers Association — Congress

May 21 to 25, 1972 (Geneva) — International League Against Unfair Competition — Congress

June 9 and 10, 1972 (Copenhagen) — International Federation of Inventors Associations — Annual Assembly

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:

May 15 to 20, 1972 (Brussels) — Coordination Committee
June 19 to 30, 1972 (Luxembourg) — Intergovernmental Conference

VACANCY IN WIPO

Applications are invited for the following post:

Competition No. 179

Technical Assistant

(Administrative Division / New Buildings Section)

Category and grade: P.1 / P.2 according to qnalifications and experience of the incumbent.

Duties:

The incumbent will be required to assist the Head of the New Bnildings Section, particularly in admiuistrative and technical work associated witb the construction of a new headquarters building (approximate volume 60,000 m³) in Geneva. In this connection, his main duties will be the following:

(a) Study of plans for building, installation and decoration, in order to ensnre their conformity with tbe instructions and needs of WIPO.

(b) Assessment of the prospective requirements of the various services with regard to offices and eqnipment, taking into account the implications of such requirements in relation to the building plans and installation projects; collaboration in the estimation of the corresponding costs.

(c) Contacts witb firms asked to submit tenders for equipment and services; comparative analysis of estimates and contract proposals; proposals for the attention of his snperiors.

(d) Correspondence relating to the various activities of tbe Section (to be signed by the incnmbent or by his snperiors, as tbe case may be) and collaboration in the preparation of documents intended for tbe administrative bodies of the Organization.

(e) On-site examination of work progress and, where appropriate, of any alterations which may give rise to changes in tbe building program or increased costs; preparation of reports on the subject.

(f) Participation in the preparation of bndgetary provisions for the financing of the building program.

(g) In connection with the above-mentioned dnties, contacts with architects, contractors and the competent public services.

(h) Collaboration in tbe establishment of all files and internal documentation relating to tbe varions activities of the Section.

(It is anticipated tbat, after completion of tbe building, the duties of tbis post will relate to tecbnical and administrative matters concerning tbe maintenance, operation and equipping of tbe building.)

Qualifications required:

(a) University degree or advanced technical diploma in the field of construction; or professional training of equivalent standard. Good cnltnral background.

(b) Experience of technical and administrative work in the building industry (experience acquired with a firm of architects or in connection with duties — similar to tbose mentioned above — assumed in a private firm or an organization). Knowledge of prevailing building standards in Geneva would be an advantage.

(c) Very good knowledge of French and good knowledge of English. Ability to draft documents.

(d) Ability to maintain professional contacts and to submit proposals under limited snpervision.

Nationality:

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

Age limit:

Candidates mnst be less tban 50 years of age at date of appointment.

Date of entry on duty:

To be agreed.

Applications:

Application forms and full information regarding the *conditions of employment* may be obtained from the Head of the Administrative Division, WIPO, 32, chemin des Colombettes, 1211 Geneva, Switzerland. Please refer to tbe number of tbe Competition.

Closing date: June 10, 1972