

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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CONVENTIONS ADMINISTERED BY WIPO

**International Convention for the Protection of Performers, Producers of Phonograms
and Broadcasting Organizations****FIJI****Declaration with respect to Article 12**

The International Bureau of the World Intellectual Property Organization has been informed, by a circular letter dated July 24, 1972, that the Secretary-General of the United Nations received, on June 12, 1972, a communication according to which the Government of Fiji declared:

“... the Government of Fiji, having reconsidered the said Convention, hereby withdraws its declaration in respect of

certain provisions of Article 12¹ and in substitution thereof declares in accordance with Article 16(1) of the said Convention that Fiji will not apply the provisions of Article 12.”

This declaration, pursuant to paragraph (2) of Article 16, will take effect on December 12, 1972.

¹ See *Copyright*, 1972, p. 88.

II

The Copyright (International Conventions) Order 1972

(No. 673, of April 28, 1972, coming into force on May 31, 1972)

Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by sections 31, 32 and 47 of the Copyright Act 1956 and of all other powers enabling Her in that behalf, is pleased to order, and it is hereby ordered, as follows:—

PART I

Citation, commencement and interpretation

1. — This Order may be cited as the Copyright (International Conventions) Order 1972, and shall come into operation on 31st May 1972.

2. — (1) In this Order—

“the Act” means the Copyright Act 1956, as amended by the Design Copyright Act 1968¹ and the Copyright (Amendment) Act 1971²; and

“material time” means—

- (i) in relation to an unpublished work or subject-matter, the time at which such work or subject-matter was made or, if the making thereof extended over a period, a substantial part of that period;
- (ii) in relation to a published work or subject-matter, the time of first publication.

(2) The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

PART II

Protection for literary, dramatic, musical and artistic works, sound recordings, cinematograph films and published editions

3. — Subject to the following provisions of this Order the provisions of Parts I and II of the Act (except section 14) and all the other provisions of the Act relevant to those Parts, shall in the case of any country mentioned in Schedules 1 or 2 hereto apply—

- (a) in relation to literary, dramatic, musical or artistic works, sound recordings, cinematograph films or published editions first published in that country, as they apply to such works, recordings, films or editions first published in the United Kingdom;
- (b) in relation to persons who, at any material time are citizens or subjects of, or domiciled or resident in, that country, as they apply to persons who at such time,

are British subjects or are domiciled or resident in the United Kingdom; and

- (c) in relation to bodies incorporated under the laws of that country, as they apply to bodies incorporated under the laws of any part of the United Kingdom.

4. — (1) Subject to the following provisions of this Article, the relevant provisions of Schedule 7 to the Act shall have effect in relation to any work or other subject-matter in which copyright subsists by virtue of this Part of this Order as if for any references therein to the commencement of the Act or any of its provisions or to the date of the repeal of any provision of the Copyright Act 1911 or of any other enactment there were substituted references to 27th September 1957 (being the date on which the Copyright (International Conventions) Order 1957 came into operation).

(2) Subject to the following provisions of this Article, in the case of any country mentioned in Schedule 2 hereto in relation to which a date is specified in that Schedule—

- (a) paragraph (1) of this Article shall have effect as if, for the reference to 27th September 1957, there were substituted that date (if different); and
- (b) copyright shall not subsist by virtue of this Part of this Order in any work or other subject-matter by reason only of its publication in such a country before the date so specified.

(3) This Article shall not apply—

- (a) in the case of Ghana, Kenya, Malawi, Mauritius, Nigeria or Zambia; or
- (b) to any work or subject-matter first published in the United States of America, if, immediately before 27th September 1957, copyright under the Copyright Act 1911 subsisted in such work or subject-matter by virtue of either an Order in Council dated 9th February 1920, regulating copyright relations with the United States of America, or the Copyright (United States of America) Order 1942, as amended.

5. — The acts restricted by section 12 of the Act as applied by this Part of this Order shall not include—

- (a) causing the recording to be heard in public; or
- (b) broadcasting the recording;

except in the case of the countries mentioned in Schedule 3 to this Order.

6. — Where any person has before the commencement of this Order incurred any expenditure or liability in connection with the reproduction or performance of any work or other

¹ See *Copyright*, 1968, p. 234.

² See above.

subject-matter in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the making of this Order, have been lawful, nothing in this Part of this Order shall diminish or prejudice any right or interest arising from, or in connection with, such action which is subsisting and valuable immediately before the commencement of this Order unless the person who, by virtue of this Part of this Order, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

7. — Nothing in the provisions of the Act as applied by this Part of this Order shall be construed as reviving any right to make, or restrain the making of, or any right in respect of, translations, if such right has ceased before the commencement of this Order.

PART III

Protection in respect of broadcasts

8. — The provisions of section 14 of the Act, so far as they relate to sound broadcasts, and all the other provisions of the Act relevant thereto, other than section 40(3), shall apply, in the case of each of the countries mentioned in Schedule 4 to this Order, in relation to sound broadcasts made from places in any such country by an organisation constituted in, or under the laws of, the country in which the broadcast is made, as they apply in relation to sound broadcasts made from places in the United Kingdom by the British Broadcasting Corporation; so, however, that paragraphs 17 and 18 of Schedule 7 to the Act shall have effect as if for the references therein to the commencement of section 14 there were substituted references to the relevant date set out in the said Schedule 4 (being the date on which the provisions of section 14 of the Act so far as they relate to sound broadcasts were first applied in the case of that country).

9. — The provisions of section 14 of the Act, so far as they relate to television broadcasts, and all the other provisions of the Act relevant thereto, other than section 37(4), section 40(3) and Schedule 5, shall apply in the case of each of the countries mentioned in Schedule 5 to this Order, in relation to television broadcasts made from places in any such country by an organisation constituted in, or under the laws of, the country in which the broadcast was made, as they apply in relation to television broadcasts made from places in the United Kingdom by the British Broadcasting Corporation or the Independent Television Authority; so, however, that —

(a) section 24(3)(c) of the Act shall have effect as if for the reference to the Corporation or the Authority or any organisation appointed by them there were substituted a reference to any owner or prospective owner of copyright in television broadcasts; and

(b) paragraphs 17 and 18 of Schedule 7 to the Act shall have effect as if for the references therein to the commencement of section 14 there were substituted references to the relevant date set out in Schedule 5 to this Order (being the date on which the provisions of section 14 of the Act so far as they relate to television broadcasts were first applied in the case of that country).

PART IV

Extensions and revocations

10. — Parts I and II of this Order shall extend to the countries mentioned in Schedule 6 to this Order subject to the modifications mentioned in that Schedule and Part III shall extend to Gibraltar and Bermuda subject to the modifications mentioned in Schedule 7 to this Order.

11. — The Orders mentioned in Schedule 8 to this Order are hereby revoked insofar as they form part of the law of the United Kingdom or any country mentioned in Schedule 6 to this Order.

SCHEDULE 1

Countries of the Berne Copyright Union

(The countries indicated with an asterisk are also party to the Universal Copyright Convention.)

Argentina *	Lebanon *
Australia * (and Papua, New Guinea, Nauru and Norfolk Island)	Liechtenstein *
Austria *	Luxembourg *
Belgium *	Madagascar
Brazil *	Mali
Bulgaria	Malta *
Cameroon	Mexico *
Canada *	Monaco *
Ceylon	Morocco
Chad	Netherlands * (and Surinam and Netherlands Antilles)
Chile *	New Zealand *
Congo (Peoples' Republic)	Niger
Cyprus	Norway *
Czechoslovakia *	Pakistan *
Dahomey	Philippines *
Denmark *	Poland
Fiji *	Portugal * (including Portuguese provinces overseas)
Finland *	Romania
France * (and French territories overseas)	Senegal
Gabon	South Africa (and South West Africa)
Federal Republic of Germany (and Land Berlin) *	Spain * (and its Colonies)
Greece *	Sweden *
Hungary *	Switzerland *
Iceland *	Thailand
India *	Tunisia *
Republic of Ireland *	Turkey
Israel *	Uruguay
Italy *	Vatican City *
Ivory Coast	Yugoslavia *
Japan *	Zaire

SCHEDULE 2

Countries Party to the Universal Copyright Convention
but not Members of the Berne Union

Andora	27th September 1957
Costa Rica	27th September 1957
Cuba	27th September 1957
Ecuador	27th September 1957
Ghana	—
Guatemala	28th October 1964
Haiti	27th September 1958
Kenya	—
Khmer Republic	27th September 1957
Laos	27th September 1957
Liberia	27th September 1957
Malawi	—
Mauritius	—
Nicaragua	16th August 1961
Nigeria	—
Panama	17th October 1962
Paraguay	11th March 1962
Peru	16th October 1963
United States of America (and Guam, Panama Canal Zone, Puerto Rico and the Virgin Islands of the United States of America)	27th September 1957
Venezuela	18th November 1966
Zambia	—

SCHEDULE 3

Countries in whose case
Copyright in Sound Recordings includes Exclusive Right
to Perform in Public and to Broadcast

Australia	Republic of Ireland
Brazil	Israel
Ceylon	Italy
Costa Rica	Mexico
Cyprus	New Zealand
Czechoslovakia	Nigeria
Denmark	Norway
Ecuador	Pakistan
Federal Republic of Germany (and Land Berlin)	Paraguay
Fiji	Spain
India	Sweden
	Switzerland

SCHEDULE 4

Countries whose Organisations are protected
in relation to Sound Broadcasts

Brazil	5th November 1965
Congo (Peoples' Republic)	21st May 1964
Costa Rica	19th November 1971
Czechoslovakia	14th August 1964
Denmark	1st July 1965
Ecuador	21st May 1964
Federal Republic of Germany (and Land Berlin)	18th November 1966
Fiji	31st May 1972
Mexico	21st May 1964
Niger	21st May 1964
Paraguay	26th February 1970
Sweden	21st May 1964

SCHEDULE 5

Countries whose Organisations are protected
in relation to Television Broadcasts

Belgium	8th March 1968
Brazil	5th November 1965
Congo (Peoples' Republic)	21st May 1964
Costa Rica	19th November 1971
Cyprus	5th May 1970
Czechoslovakia	14th August 1964
Denmark	1st February 1962
Ecuador	21st May 1964
Federal Republic of Germany (and Land Berlin)	18th November 1966
Fiji	31st May 1972
France	1st July 1961
Mexico	21st May 1964
Niger	21st May 1964
Norway	10th August 1968
Paraguay	26th February 1970
Spain	19th November 1971
Sweden	1st July 1961

SCHEDULE 6

Countries to which Parts I and II of this Order extend

Bahama Islands	11th February 1963
Bermuda	6th December 1962
British Honduras	16th October 1966
Cayman Islands	4th June 1966
Falkland Islands and its Dependencies	10th October 1963
Gibraltar	1st October 1960
Isle of Man	31st May 1959
Montserrat	5th March 1966
Seychelles	10th October 1963
St. Helena and its Dependencies	10th October 1963
Virgin Islands	11th February 1963

Modifications to this Order as extended

1. Article 3 shall have effect as part of the law of any country to which it extends as if for references to the United Kingdom there were substituted references to the country in question.

2. Article 4 shall have effect as part of the law of any country to which it extends as if in paragraphs (1) and (3) there were substituted for "27th September 1957" the date indicated in relation to that country in the preceding provisions of this Schedule (being the date when the Act was first extended to that country).

3. Schedule 2 to this Order shall have effect as part of the law of any such country as if for any date in that Schedule which is earlier than the date mentioned in this Schedule in relation to the relevant country there were substituted that later date.

SCHEDULE 7

Modifications of Part III of, and Schedules 4 and 5 to,
this Order in its Extension to Bermuda and Gibraltar

1. (a) In Article 8 the words "other than section 40(3)" shall be omitted;

(b) in Article 9 the words "other than section 37(4), section 40(3) and Schedule 5" shall be omitted.

2. Insofar as Part III is part of the Law of Bermuda —

(a) in Schedule 4 to this Order, the date mentioned in the second column shall be altered to 23rd August 1969 in the case of every country except Costa Rica, Fiji and Paraguay;

- (b) in Schedule 5, the names of Belgium, Cyprus, France, Norway and Spain shall be omitted; and
- (c) the date mentioned in the second column of that Schedule shall be altered to 23rd August 1969 in the case of every country not so omitted except Costa Rica, Fiji and Paraguay.
3. Insofar as Part III is part of the law of Gihraltar —
- (a) in Schedule 4 to this Order, the date mentioned in the second column shall be altered to 28th October 1966 in the case of every country except Costa Rica, the Federal Republic of Germany (and Land Berlin), Fiji and Paraguay; and
- (b) in Schedule 5, the date mentioned in the second column shall be altered to 28th October 1966 in the case of every country except Belgium, Costa Rica, Cyprus, the Federal Republic of Germany (and Land Berlin), Fiji, Norway, Paraguay and Spain.

SCHEDULE 8

Orders Revoked

The Copyright (International Conventions) Order 1964
 The Copyright (International Conventions) (Amendment) Order 1964
 The Copyright (International Conventions) (Amendment No. 2) Order 1964
 The Copyright (International Conventions) (Amendment) Order 1965
 The Copyright (International Conventions) (Amendment No. 2) Order 1965
 The Copyright (International Conventions) (Amendment No. 3) Order 1965
 The Copyright (International Conventions) (Amendment) Order 1966
 The Copyright (Gihraltar: Protection of Foreign Broadcasts) Order 1966
 The Copyright (International Conventions) (Amendment No. 2) Order 1966
 The Copyright (International Conventions) (Amendment No. 3) Order 1966
 The Copyright (International Conventions) (Amendment) Order 1967

The Copyright (International Conventions) (Amendment No. 2) Order 1967
 The Copyright (International Conventions) (Amendment) Order 1968
 The Copyright (Bermuda: Protection of Foreign Broadcasts) Order 1969
 The Copyright (International Conventions) (Amendment) Order 1970
 The Copyright (International Conventions) (Amendment No. 2) Order 1970
 The Copyright (International Conventions) (Amendment) Order 1971

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes the Orders mentioned in Schedule 8 (being Orders providing for the protection, in the United Kingdom and the countries to which the Copyright Act 1956 has been extended, of works and other subject-matter originating in other countries party to international copyright conventions) and re-enacts the revoked provisions with minor modifications.

The Order also takes account of —

- (a) the accession of Fiji to the Berne Union, the Universal Copyright Convention and the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations,
- (b) the confirmation by Mauritius of its adherence to the Universal Copyright Convention and
- (c) the fact that Western Samoa is no longer a member of the Berne Union.

Parts I and II of the Order are extended to the countries named in Schedule 6, being countries in which the Copyright Act 1956 is in force by virtue of Orders in Council made under that Act. In the case of Bermuda and Gibraltar Part III of the Order, which relates exclusively to sound and television broadcasts, is also extended (with modifications).

CORRESPONDENCE

Letter from the United Kingdom

by Denis de FREITAS *

UPOV Meetings

October 10 and 11, 1972 (Aarslev) — Technical Working Party for Vegetables

November 7 to 10, 1972 (Geneva) — Diplomatic Conference

Object: Amendment of the Convention

November 8 and 9, 1972 (Geneva) — Council

December 5 to 7, 1972 (Geneva) — Working Group on Variety Denominations

March 13 and 14, 1973 (Geneva) — Technical Steering Committee

July 2 to 6, 1973 (London/Cambridge) — Symposium on Plant Breeders' Rights

Meetings of Other International Organizations concerned with Intellectual Property

October 9 to 11, 1972 (The Hague) — International Patent Institute — Administrative Council

October 13 to 21, 1972 (Mexico) — International Confederation of Societies of Authors and Composers — Congress

October 16 to 27, 1972 (Brussels) — European Economic Community — "Community Patent" Working Party

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

February 13 to 23, 1973 (Brussels) — European Economic Community — "Community Patent" Working Party

May 20 to 26, 1973 (Rio de Janeiro) — International Chamber of Commerce — Congress

October 28 to November 3, 1973 (Jerusalem) — International Writers Guild — Congress

VACANCY IN WIPO

Applications are invited for the following post:

Competition No. 190

External Relations Officer

(External and Public Relations Division)

Category and grade: P. 3

Principal duties:

The incumbent will, in general, assist the Head of the Division in the matter of WIPO's relations with Member States and inter-governmental organizations as well as in the accomplishment of other tasks devolving upon the Division.

In this connection his duties will include in particular:

- (a) contacts with Government authorities, concerning matters within the competence of the Division;
- (b) participation in preparation and organization of meetings held by WIPO and drafting of documents, particularly when they concern the field of intellectual property rights in developing countries;
- (c) contacts with inter-governmental organizations, especially those of the United Nations system;
- (d) participation in meetings of such organizations;
- (e) drawing up of reports and other working documents dealing with the activities of those organizations, to the extent that such activities are of interest to WIPO.

Qualifications required:

- (a) University degree in law or other university qualification in a relevant field (in particular, political science or public administration).
- (b) Familiarity with the activities and procedures of the United Nations, its bodies and specialized agencies. Some knowledge of intellectual property, especially its international aspects, would be an advantage.
- (c) Excellent knowledge of English and at least a good knowledge of French.

Nationality:

Candidates must be nationals of one of the Member States of WIPO or 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 WIPO.

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 the number of the competition.

Closing date: November 30, 1972.