

# 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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# ADMINISTRATIVE BODIES

## World Intellectual Property Organization

### Coordination Committee

#### Third Ordinary Session

(Geneva, September 25 to 30, 1972)

#### Note\*

Twenty-four of the twenty-seven States members of the Coordination Committee were represented: *Ordinary members*: Argentina, Australia, Brazil, Cameroon, Canada, France, Germany (Federal Republic), Hungary, Italy, Japan, Kenya, Romania, Senegal, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America (20); *Associate members*: Mexico, Philippines, Poland, Sri Lanka (Ceylon) (4). Pakistan, an ordinary member, and India and Zaire, associate members, were not represented.

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

**Report on Past Activities.** The Coordination Committee considered the report by the Director General on the activities of the International Bureau since September 1971 and noted it with approval. During the course of this consideration, particular satisfaction was expressed with the work accomplished in the field of technical assistance to developing countries. A number of delegations expressed the continued readiness of their national industrial property Offices to receive trainees from developing countries. The Delegation of Brazil expressed its special appreciation of the cooperation Brazil had received from the Patent Office of Germany (Fed. Rep.) and from the International Bureau in the planning of the modernization of the Brazilian patent system.

**Finances in the Year 1971.** The Coordination Committee noted with approval the accounts of the International Bureau and the report of the auditors on those accounts as well as other information concerning finances for 1971.

**Program and Budget for 1973.** The Coordination Committee established the program and budget of the Conference for the year 1973. This includes the expenses for the second ordinary session of the WIPO Conference, an information campaign, study courses, trainees and experts for developing countries, model laws for developing countries, a regional seminar for developing countries in Asia, studies and meetings on patent licensing and other measures designed to facilitate or regulate the transfer of patented and non-patented technology to developing countries and on the application of computer technology for development.

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

**Changes in Contribution Classes.** The Coordination Committee approved a solution by which under certain conditions a country availing itself of the five-year privilege provided for in the Stockholm Acts of the Paris and Berne Conventions may choose a new contribution class or make a subsequent change in its class, such choice or such change of class remaining in force until the end of 1975.

**Ratifications and Accessions.** The Coordination Committee noted with approval the report by the Director General summarizing the state of ratifications and accessions concerning the treaties revised or adopted at or after the Stockholm Conference of 1967 and administered by WIPO. The Coordination Committee also approved measures designed to draw the attention of States to the interest in envisaging, for those which have not already done so, their acceptance of these treaties in the near future and calling for reports by the Director General on the state of ratifications and accessions concerning the WIPO Convention and treaties administered by WIPO.

**New Headquarters Building.** The Coordination Committee noted with approval the report by the Director General on the progress made since September 1971 with respect to the plans for the construction of the new headquarters building. It approved a proposal that the WIPO Headquarters Building Subcommittee be given the task of authorizing, if it finds the revised estimates of the cost of construction justified, the start of the actual work of construction scheduled for the end of the winter of 1972/1973.

**Staff Matters.** The Coordination Committee noted the information on the composition of the International Bureau and the progress made by the Director General in improving the geographical distribution of the staff. Furthermore, the Coordination Committee approved certain personnel measures proposed by the Director General and adopted a number of amendments to the Staff Regulations.

**Working Agreement with IDCAS.** The Coordination Committee approved the terms of a working agreement to be concluded by the Director General with a view to establishing working relations and cooperation with the Industrial Development Centre for Arab States.

**Relations between WIPO and the United Nations.** The Coordination Committee examined a report by the Director General on the progress of his work under the WIPO General

Assembly and Conference resolution concerning the means of securing the most appropriate cooperation and coordination between WIPO and the United Nations, including the possibility and desirability of entering into an agreement under Articles 57 and 63 of the Charter of the United Nations. The Committee adopted a resolution on the subject of a relationship agreement with the United Nations under these

Articles. In the resolution, the Committee considers that such a relationship agreement appears desirable and requests the Director General, with a view to exploring the possibilities of entering into such an agreement, to bring the resolution to the attention of the United Nations. The resolution also makes provision for future action by the Coordination Committee and the General Assembly of WIPO.

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

### Executive Committee

#### Third Ordinary Session

(Geneva, September 25 to 30, 1972)

#### Note\*

Twelve of the fifteen States members of the Executive Committee were represented: *Ordinary members*: Canada, France, Germany (Federal Republic), Italy, Romania, Spain, Switzerland, Tunisia, United Kingdom (9); *Associate members*: Mexico, Philippines, Poland (3). Pakistan, an ordinary member, and India and Zaire, associate members, were not represented.

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

**Program and Budget.** The Executive Committee approved the program and budget for the Berne Union for the year 1973. In addition to the usual tasks relating to publications concerning copyright and related rights (the monthly periodicals, collections of legislative texts, Records of the Paris Revision Conference and of the Geneva Diplomatic Conference (1971) on the Protection of Phonograms, etc.), the program provides particularly for the preparation of model laws for developing countries on copyright based on the Paris (1971) Act of the

Berne Convention and the preparation of a model law to facilitate accession to and application of the Rome Convention (neighboring rights). The program also provides for a meeting of a third Committee of Experts on the protection of program-carrying signals transmitted by satellites. The Executive Committee accepted the invitation of the Delegation of Kenya to hold this meeting in Nairobi. The Executive Committee approved the proposal for a study to be carried out on the desirability and feasibility of establishing in the International Bureau an international service for the identification of literary and artistic works. The Executive Committee noted that the next session of the Intergovernmental Committee of the Rome Convention (neighboring rights) would meet in Paris and that the convening of a committee of experts on the problems posed by the photographic reproduction of works protected by copyright, proposed for 1973, would be deferred until a later date.

**Admission of Observers.** The Committee decided to apply to the Council of the Professional Photographers of Europe (EUROPHOT) and to the International Group of Scientific, Technical and Medical Publishers (STM) the rules on participation, in its meetings, of international non-governmental organizations in an observer capacity.

\* 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

Algeria: S. Bouzidi; G. Sellali (Mrs.); A. Boussaid. Argentina: R. A. Ramayón; E. A. Pareja. Australia: K. B. Petersson. Austria: T. Lorenz. Belgium: A. Schurmans; R. Philippart de Foy. Brazil: T. Tbedim Lobo;

S. P. Rouanet; F. Miragaia Perri. Cameroon: J. Ekedí Samnik. Canada: F. W. Simons; J. Corbeil. Czechoslovakia: V. Vaniš; J. Prošek; A. Ringl; J. Springer; J. Stahl. Denmark: E. Tuxen. Egypt: M. M. Saad; S. A. Abou-Ali. Finland: E. Tuuli; R. Meinander. France: J. Fernand-Laurent; A. J. Kerever; F. Savignon; R. M. N. Labry; J. Buffin; E. de Dampierre (Mrs.); P. Guérin. Germany (Federal Republic): A. Krieger; O. von Stempel; H. Mast; G. Rbeker (Mrs.); R. Singer; W. Boecker. Hungary: E. Tasnádi; J. Bobrovszky. Italy: P. Archi; G. Ranzi; G. Trotta; V. Oliva; C. Ferro-

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

Luzzi; V. De Sanctis; M. Vitali (Mrs.); G. Lajolo. Japan: K. Otani; T. Koyama. Kenya: D. J. Coward. Liechtenstein: A. de Gerliczy-Bnrian. Luxembourg: J.-P. Hoffmann. Mexico: G. E. Larrea Richerand; J. Sandoval Ulloa; V. C. Garcia Moreno; J. Fraymann Castro. Netherlands: W. M. J. C. Phaf; E. van Weel. Norway: L. Nordstrand; R. W. Knudsen; S. H. Røer. Philippines: C. V. Espejo; D. Domingo (Miss). Poland: J. Szomański; B. Janicki; M. Paszkowski. Portugal: J. L. Esteves da Fonseca; J. Van-Zeller Garin; F. Lopes Vieira; M. T. Ascensão (Mrs.); J. Oliveira Ascensão; L. M. Cesar Nunes de Almeida. Romania: L. Marinete; M. Costin. Senegal: N. N'Diaye; J. P. Crespin. Soviet Union: E. Artemiev; V. Kalinin; V. N. Evgeniev. Spain: A. Fernandez-Mazarambroz; I. Fonseca-Ruiz (Mrs.). Sri Lanka (Ceylon): A. Goonasekera. Sweden: G. Borggård; C. Uggla; I. Stjernberg; W. G. Skoldefors. Switzerland: W. Stamm; P. Braendli; P. Ruedin. Tunisia: A. Amri; H. Ben Achour. United Kingdom: E. Armitage; W. Wallace; D. Cadman; A. Evans. United States of America: B. C. Ladd; R. Gottschalk; R. D. Tegtmeyer; H. J. Winter; M. K. Kirk; H. D. Hoinkes. Yugoslavia: D. Bošković; N. Janković.

## II. Other States

Bulgaria: I. Ivanov; T. Sourgov; I. Daskalov. Chile: A. Alberti; E. Bucchi de Yépez (Mrs.). Cuba: J. M. Rodriguez Padilla; E. Pretel; F. Ortiz Rodriguez. Iran: M. Naraghi. Israel: M. Gabay. Jordan: A. Marzonq. Lebanon: C. Choneri. Syrian Arab Republic: M. Allaf. Turkey: S. Adil; Y. Vedat. Uruguay: R. Rodriguez-Larreta de Pesaresi (Mrs.).

## III. Intergovernmental Organizations

United Nations: P. Casson; V. Fessenko. United Nations Conference on Trade and Development (UNCTAD): C. R. Greenhill; T. Ganiatsos. United

Nations Educational, Scientific and Cultural Organization (Unesco): B. Ringer (Miss). United Nations Economic Commission for Europe (ECE): B. Beer (Mrs.). International Patent Institute (IIB): G. M. Finniss; L. Knight. African and Malagasy Industrial Property Office (OAMP): D. Ekani. Benelux Trademark Office: L. van Bauwel. Council of Europe: H. Golsong. Industrial Development Centre for Arab States (IDCAS): A. Abdel Hak; A. Shalakany.

## IV. International Bureau of WIPO

G. H. C. Bodenhausen (*Director General*); A. Bogsch (*First Deputy Director General*); J. Voyame (*Second Deputy Director General*); C. Masonyé (*Senior Counsellor, Head, External and Public Relations Division*); K. Pfanner (*Senior Counsellor, Head, Industrial Property Division*); B. A. Armstrong (*Senior Counsellor, Head, Administrative Division*); L. Egger (*Counsellor, Head, International Registrations Division*); T. S. Krishnamurti (*Counsellor, Head, Copyright Division*).

## V. Officers and Secretariat

### World Intellectual Property Organization (WIPO)

Coordination Committee: *chairman* B. C. Ladd (United States of America); *vice-chairmen* L. Marinete (Romania); A. Goonasekera (Sri Lanka (Ceylon)); *secretary* C. Masouyé (WIPO).

### Berne Union

Executive Committee: *chairman* G. Trotta (Italy); *vice-chairmen* F. W. Simons (Canada); (India: not represented); *secretary* T. S. Krishnamurti (WIPO).

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# CONVENTIONS ADMINISTERED BY WIPO

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

### Extraordinary session

(Geneva, September 21 and 22, 1972)

### Report

submitted by the Secretariat

#### Introduction

1. The extraordinary session of the Intergovernmental Committee (hereinafter called "the Committee") of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (hereinafter called "the Rome Convention") was convened in accordance with the provisions of Article 32 of the Rome Convention and Article 2 of the Rules of Procedure of the Committee, by the Directors-General of the International Labour Office, the United Nations Educational, Scientific and Cultural Organization and the World Intellectual Property Orga-

nization, on September 21 and 22, 1972, at the International Labour Office, Geneva. This extraordinary session had been proposed by the Chairman of the Committee and had been approved by a majority of the States members of the Committee in accordance with Article 2, paragraph (2), of the Rules of Procedure.

2. The Governments of all States which are members of the Committee were represented: Brazil, Denmark, Germany (Federal Republic), Mexico, Niger, United Kingdom; from among the States party to the Rome Convention, but not members of the Committee, the following States were represented

by observers: Costa Rica, Czechoslovakia, Sweden. The following States, not party to the Rome Convention, were also represented by observers: Canada, France, United States of America.

3. One intergovernmental organization and a number of international non-governmental organizations were also represented by observers.

4. The list of participants is annexed to this report.

#### **Opening of the session**

5. The extraordinary session was opened by the Chairman of the Committee, Mr. G.E. Larrea Richerand (Mexico).

6. Mr. Pavel E. Astapenko, Assistant Director-General of the ILO, welcomed the participants to the International Labour Office on behalf of the Director-General, Mr. Wilfred Jenks, and also on behalf of the joint Secretariat of the Committee formed by the ILO, Unesco and WIPO. He recalled that the Committee had been convened to discuss the implications for the Rome Convention of recent developments which raise major problems for the protection of performers, producers of phonograms and broadcasting organizations. The ILO believed that the Rome Convention offered the best framework for satisfactory solution of these complicated questions.

#### **Adoption of the agenda**

7. The provisional agenda contained in document ILO/UNESCO/WIPO/ICR/1972 EX/1 was adopted, with the addition of a further item ("Request by an international non-governmental organization for observer status").

#### **Request by an international non-governmental organization for observer status**

8. The Committee decided to grant the request of the International Publishers Association to be admitted to the list of international non-governmental organizations which attend the meetings of the Committee in an observer capacity.

9. The Committee requested the Secretariat to circulate any future request for observer status from international non-governmental organizations in advance of the sessions of the Committee, with brief information about the organization concerned.

#### **Conclusions of the Second 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**

10. The Committee had before it document ILO/UNESCO/WIPO/ICR/1972 EX/2 to which was annexed the report of the Second 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 (Paris, May 1972).

11. The Committee proceeded to an exchange of views on the present situation with regard to the problems raised by transmission via space satellites and their implications for the

Rome Convention. It noted that a third meeting of governmental experts is to be convened by the Directors-General of Unesco and WIPO in 1973 and that uncertainty persisted as to the possible outcome of that meeting, the second meeting in May 1972 having presented alternative solutions to certain specific problems. The Committee itself was not in agreement on the questions of the necessity of drafting a new international convention to protect signals transmitted by communications satellites. However, it recommended that, should it be decided to adopt a new international instrument in this field, preference should be given in the proposed Article IV to Alternative A, including paragraph 5 without the enclosing brackets.

12. The representative of Brazil said that his Government reserved its position as to whether there should be a new convention but would express its opinion at the proper time; meanwhile he was not prepared to choose between the alternatives proposed in the draft. Furthermore, he recalled that his Government had not expressed an opinion at the third session of the Committee on the question whether the definition of "broadcasting" contained in Article 3 of the Rome Convention covers the transmission of a signal to a satellite with the ultimate purpose of reception by the public, and stated that his Government now expressed an affirmative opinion.

13. Reference was made by a number of members of the Committee and observers to suggestions that the Rome Convention should be revised to facilitate further accessions to the Convention. The Committee concluded that it would be inopportune for the moment to raise the question of the desirability of revising the Rome Convention for some years and that it would be preferable to study in more detail the reasons why many countries have so far found themselves unable to adhere to the Convention. The Committee decided to request the Secretariat to consult the parties protected by the Convention, together with authors' organizations and representatives of other interests affected by the Rome Convention, with a view to ascertaining how progress could be made towards obtaining further ratifications of the Convention. The results of these consultations should be presented by the Secretariat in a report to be circulated to the States party to the Convention in advance of the next ordinary session of the Committee.

#### **Progress Report on the preparation of a draft model law to facilitate ratification and implementation of the Rome Convention**

14. The Committee took note of document ILO/UNESCO/WIPO/ICR/1972 EX/4 in which the Secretariat pointed out that the preparation of a draft model law to facilitate ratification and implementation of the Rome Convention raised a number of problems particularly in view of several significant new developments, including the coming into existence of a separate Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms; the prevailing uncertainty as to on what lines the contemplated convention governing programs transmitted by satellites may develop and to what extent that convention may overlap the Rome Convention; and the adoption of revised texts of the Berne and Universal Copyright Conventions.

tions with special provisions for the benefit of developing countries, which might increase the number of potential accessions to the Rome Convention. Further difficulties for the Secretariat included the uncertainty as to the reasons why many developed and developing countries have generally abstained from acceding to the Rome Convention and what their special difficulties are; and the multiplicity of the possible legal approaches to the problem of preparing a model law.

15. The Committee recognized the difficulties involved in the preparation of the draft model law, but considered that the attempt should continue to be made to provide as simple a text as possible, where necessary taking into account differing legal traditions, and presenting such alternatives as appear necessary. The Committee decided to request the Secretariat to continue the preparation of a preliminary draft or drafts for submission to the representatives of organizations of authors, performers, producers of phonograms and broadcasting organizations, and other interested parties, who would be consulted by the Secretariat in accordance with the decision mentioned in paragraph 13 above. Subsequently, a new draft text, to be prepared by the Secretariat in the light of the observations of these representatives, would be submitted to the next ordinary session of the Committee.

16. In the course of the discussion, the representatives of Brazil and Mexico declared that they would be pleased to place at the disposal of the Secretariat the results of their experience in preparing legislation for the application of the Rome Convention in their countries.

17. In response to questions from members of the Committee, the Secretariat said that all three organizations composing the Secretariat would be ready at all times to provide assistance to any State in overcoming its difficulties in drafting legislation or adopting other measures to implement the Rome Convention.

#### Increase in membership of the Intergovernmental Committee

18. In accordance with Article 32, paragraph 2, of the Rome Convention, and Articles 15 and 17 of the Rules of Procedure of the Committee, the Committee decided to co-opt as members Ecuador, Fiji and Sweden. The Committee noted that the Secretariat would inform the new members of this decision.

#### Adoption of the report

19. The Committee unanimously adopted this report.

#### Closing of the session

20. After words of appreciation of the Chairman's conduct of the meeting by the representative of Denmark on behalf of the members of the Committee and also by certain observers, the Chairman declared this extraordinary session closed.

## ANNEX

### List of Participants

#### I. States members of the Committee

Brazil: F. Miragaia Perri; J. C. Müller Chaves. Denmark: W. Weincke. Germany (Federal Republic): E. Steup (Mrs). Mexico: G. E. Larrea Riche-rand; L. Bastón T.; V. C. Garcia Moreno. Niger: G. Straschnov. United Kingdom: W. Wallace; D. L. T. Cadman; J. Morton.

#### II. Observers

##### (a) States party to the Convention

Costa Rica: M. A. Mena Chaves. Czechoslovakia: J. Stahl. Sweden: E. Persson.

##### (b) Other States

Canada: F. W. Simons; J. Corbeil. France: P. B. Nollet. United States of America: H. J. Winter.

##### (c) Intergovernmental Organization

International Institute for the Unification of Private Law (UNIDROIT): A. Hennebicq.

##### (d) International non-governmental Organizations

European Broadcasting Union (EBU): M. Larrue (Mrs). International Confederation of Professional and Intellectual Workers (CITI): G. Poulle; V. Cardinaux. International Confederation of Societies of Authors and Composers (CISAC): R. Fernay. International Federation of Actors (FIA): P. Boucher; R. Remhe. International Federation of Film Producers Associations (FIAPF): A. Brisson; M. Ferrara Santamaria. International Federation of Musicians (FIM): H. Ratcliffe; R. Leuzinger. International Federation of the Phonographic Industry (IFPI): S. M. Stewart; J. A. L. Sterling; G. Davies (Miss). International Federation of Variety Artists (IFVA): R. Remhe. Internationale Gesellschaft für Urheberrecht (INTERGU) (International Copyright Society): J. A. Saladin. International Hotel Association (IHA): J. David. International Law Association (ILA): A. Françon. International Literary and Artistic Association (ALAI): A. Françon. International Music Council (IMC): R. Leuzinger. International Publishers Association (IPA): J. A. Koutchoumow. International Secretariat of Entertainment Trade Unions (ISETU): A. J. Forrest; R. Gupwell. International Union of Film Exhibitors (UIEC): J. Handl. International Writers Guild (IWG): R. Fernay.

#### III. Secretariat

##### International Labour Organisation (ILO):

P. E. Astapenko (*Assistant Director-General*); E. Thompson (*Chief, Non-Manual Workers' Section, General Conditions of Work Branch*); R. Cuvillier (Mrs.) (*Non-Manual Workers' Section, General Conditions of Work Branch*); R. Salmón de la Jara (*General Conditions of Work Branch*); M. Canova (Mrs.) (*Non-Manual Workers' Section, General Conditions of Work Branch*).

United Nations Educational, Scientific and Cultural Organization (Unesco): B. Ringer (Miss) (*Director, Head, Copyright Division*).

##### World Intellectual Property Organization (WIPO):

G. H. C. Bodenhansen (*Director General*); C. Masouyé (*Senior Counsellor, Head, External and Public Relations Division*); T. S. Krishnamurti (*Counsellor, Head, Copyright Division*); M. Stojanović (*Counsellor, Copyright Division*).



and vice versa, shall be permissible only with the authorization of the author;

- (b) the use in scientific, informatory or other works of quotations from literary, artistic and scientific works already published, provided that the source and the name of the author, if mentioned, are indicated;
- (c) the insertion in newspapers and other periodicals of data or excerpts from addresses and reports delivered at public assemblies and meetings;
- (d) the reprinting in periodicals of reports and articles originally published in newspapers, provided that the source from which the articles are reprinted and the author's name, if published, are indicated; however, literary and scientific works published in newspapers and other periodicals, and reports of special correspondents, may not be reprinted without the consent of the author;
- (e) the reproduction of works of graphic arts by means of sculpture and vice versa;
- (f) the public performance of a work by amateur groups, youth clubs, cultural communities and other organizations and institutions having a cultural or educational character, if there is no admission charge;
- (g) the reproduction, other than mechanical copying by contact, of artistic works placed in streets and public squares;
- (h) the public exhibition of any work unless its public display is prohibited by the author;
- (i) the broadcasting by radio and television and the recording on film, photographs or phonograms by the competent State organizations, of literary and artistic works already published, for broadcasting, showing or distribution to the public as reports on current events, to the extent justified by the informatory purpose;
- (j) the publication and duplication for informatory purposes, by agencies and organizations engaged in scientific information, documentation and bibliography, of summaries, notes and references relating to scientific, technical and literary works, to separate illustrations and to tables serving to clarify the text.

*Article 7.* — The following shall be permissible without the authorization of the author but against payment of remuneration:

- (a) the insertion of excerpts from scientific, literary and other works, or of the whole of such works if of insignificant size, as well as the insertion of photographs, drawings, and the like if insignificant in number, into newspapers, periodicals, scientific, educational, and political works, collections and other works, provided that the author and the source are indicated;
- (b) the use by the composer of a musical work of the literary text of another person. The author of the text is entitled to payment on the publication of the musical work;
- (c) the use of artistic and photographic works in the products of industry, the crafts and home industry.

*Article 8\*.* — Excerpts from musical or literary works and short musical and literary works (short stories, poems, serial episodes, humorous dialogues, etc.) already published may be performed in public or otherwise without the consent of the owner of the copyright, on payment of appropriate remuneration, except in cases provided for in Article 6(f).

The organization for the protection of copyright shall be informed at once of every performance of works referred to in the preceding paragraph.

*Article 9\*.* — Radio and television organizations shall have the right to broadcast, without change, any literary, artistic or scientific work already published, without the consent of the author but against payment of remuneration, provided that the author has not prohibited the broadcasting of the work.

Radio and television organizations shall be obliged to mention the name of the author in each broadcast.

Literary, dramatic and dramatico-musical works may only be adapted for radio and television broadcasting with the authorization of the author.

For the radio broadcasting of dramatic, dramatico-musical and choreographic works and dumb-show entertainments in their entirety, the author shall be informed in advance.

## II. Owners of copyright

*Article 10.* — Copyright in works published or located in the territory of the People's Republic of Bulgaria shall be recognized for all authors and their successors in title, irrespective of their nationality.

Copyright in works published or located abroad shall be recognized only under a special agreement between the People's Republic of Bulgaria and the State concerned.

An author who is a national of the People's Republic of Bulgaria and his successors in title shall also enjoy protection for their copyright in its territory for works published or located in another State, irrespective of whether there is an agreement of the kind referred to in the preceding paragraph between the People's Republic of Bulgaria and the State concerned.

*Article 11.* — Copyright in a work created by two or more authors shall belong to all the co-authors as a whole, irrespective of whether the collective work is an indivisible unit or is composed of separable parts. The co-authors shall determine by mutual consent the manner of exploitation and their respective shares of the copyright in the entire work.

Each co-author of a collective work shall retain his copyright in respect of his own contribution if that contribution is separable and the co-authors have not agreed otherwise.

*Article 12.* — Copyright in a painting, sculpture, engraving or photograph representing another person shall belong to the author. The author, however, may only exercise the right of reproduction and dissemination of the work with the consent of the person portrayed or, upon his death, of his surviving spouse and children.

*Article 13.* — Copyright in letters shall belong to the person who has written them.

Publication of letters shall be permissible only with the consent of the author and of the person to whom they were addressed or, in case of death of either one of them, with the consent of the surviving spouse and children.

*Article 14.* — Where individual works are not protected, copyright in a collection thereof shall belong to the compiler, provided the collection is independently compiled and edited.

Such copyright shall not prevent other persons from publishing the same works, provided there has been independent editorship.

Where individual works are protected by copyright, copyright in a collection as a whole shall belong to the compiler, provided that, in making the collection, the copyright of the authors of the individual works was respected. Such authors shall retain the right to publish their works in other publications unless they have agreed otherwise with the compiler of the collection.

*Article 15\*.* — Authors of works created in the execution of official duties shall have copyright in such works according to the general rules.

The competent agencies in the service of which such a work was created shall be entitled, without the author's consent:

- (a) to use the work without paying remuneration as material for scientific or other purposes related to the agencies' functions, and to reproduce and disseminate the work free of charge within their services and among their employees;
- (b) to publish the work in as many copies as they wish, provided that appropriate remuneration is paid to the author. The competent agency shall be so entitled during two years following receipt of the work by it. The work may also be published by another governmental agency or other public organization prior to the expiration of this period on the basis of an agreement with the author, provided that the agency in the service of which the work was created has given its written authorization.

*Note:* Remuneration shall be paid for translations when they are made outside the scope of a work contract.

The Press Committee attached to the Council of Ministers shall pay no remuneration for the use and publication in unlimited quantity of photographic works created by its employees in the execution of their official duties.

*Article 16\*.* — Copyright in cinematograph or television films shall belong to the enterprise which has produced the film. Copyright in amateur films shall belong also to the persons who have made them.

The author of the scenario, the composer, the director, the principal operator, the artist responsible for the stage setting and each of the authors of the other works embodied in the film shall enjoy copyright in his own work.

The authors defined in the second paragraph shall not be entitled to separate remuneration for the public showing of the film other than that which is stipulated in the contract between them and the enterprise or organization producing the film, except where the law provides otherwise.

The organizations which are authorized by law to produce films have the right to use sequences or parts of the film to the extent justified by the purpose for the production of other films in their own studios, without the consent of the authors and without paying remuneration.

The use by other enterprises, organizations or persons of sequences or parts of films produced by Bulgarian Cinematography and by the television organization may only be made with the consent of the copyright owners and against payment of remuneration.

*Article 17.* — A translator shall have copyright in his translation. However, this shall not preclude other persons from translating the same work independently.

### III. Duration and disposal of copyright

*Article 18\*.* — The term of copyright shall be the life of the author and fifty years after his death.

The term specified in the first paragraph shall run from the first day of January of the year following that of the death of the author.

For works of joint authorship the term shall be calculated for each of the co-authors in accordance with the foregoing paragraph.

On the death of the author, the copyright shall pass on to his descendants, his spouse and his parents, in accordance with the provisions of the Law of Succession. If the author has no such heirs, or if those heirs die before the expiration of the period provided for in the first paragraph, the copyright shall pass on to the State, which shall exercise it until the expiration of the aforesaid period.

The testamentary disposition of the author in regard to his copyright shall apply in accordance with the provisions of the Law of Succession.

The term of copyright in a film as a whole shall be fifty years from the first day of January of the year following that of the first public showing.

The term of the copyright in works of applied art, artistic photography and phonograms, the copyright of scientific institutes and public and other organizations in collections, encyclopaedias, magazines and other periodicals, considered as a whole, published by them, the copyright of radio and television organizations in their broadcasts, and the copyright of compilers of collections, encyclopaedias and other similar works shall be twenty years for each publication, phonogram or broadcast from the first day of January of the year following that of its first publication.

Copyright in works of artistic photography or works expressed by a process analogous to photography shall be protected under this Law only if the name of the author and the place and year of publication are indicated on each copy.

*Article 19\**. — Legal entities may only be owners of copyright in the cases and under the conditions provided for in the law.

Scientific institutes and public and other organizations which publish, alone or through a publishing house, collections of scientific or other works, encyclopaedias, magazines and other periodicals shall enjoy copyright in those publications considered as a whole. Copyright in the separate works included in such publications shall belong to their authors.

Radio and television organizations shall have copyright in the programs broadcast by them. Copyright in works incorporated in radio and television programs shall belong to the authors of those works.

*Article 20*. — The author may transfer particular rights deriving from his copyright to a publishing house, theater, or other enterprise or organization. Such transfer shall be effected by a publishing contract, a contract for public performance, a contract for a scenario, a commission contract, or any other type of contract.

Contracts for the transfer of particular rights deriving from copyright shall not be effective for more than five years.

*Article 21*. — The acquisition of a work of figurative art shall not imply the transfer of the copyright to the person acquiring the work.

Such person shall make it possible for the author to copy, publish and disseminate the work if it is of cultural or public interest.

*Article 22*. — [Repealed by the Law of April 28, 1972.]

*Article 23\**. — If the owner of the copyright in a work of great public significance which has been published, performed or used in another manner opposes the subsequent publication, performance or use of the work without a valid reason, and if such opposition is detrimental to the public interest, the court may, at the request of the public prosecutor or the interested State or public organization, authorize the competent State or public organization to publish, perform or use the work, subject to payment of adequate remuneration.

*Article 24*. — A work shall not be the object of a writ of execution except for damages arising from an offense committed by the author or for support which he owes by law. A writ of execution with respect to the payments due to an author pursuant to a contract of transfer of particular rights shall be carried out in accordance with the general procedure for executions regarding claims receivable.

#### IV. Protection of copyright

*Article 25*. — Any person who infringes a copyright shall be liable for damages.

If the infringement has been perpetrated by a governmental agency, public organization or other legal entity, such body shall be jointly liable with the officials involved.

*Article 26*. — Except for the cases stipulated in Article 23, if a work has been published, publicly performed or exhibited, or used in any other manner without the consent of the author, the author may seek a court injunction to restrain the publication and the dissemination of the work, its further publication, performance, or exhibition, or any other unauthorized use.

*Article 27*. — In the case of an unlawful publication of a work in any manner whatever, the published copies shall, at the request of the author, either be surrendered to him as part of the damages at a valuation established by mutual agreement or by the court, or shall be rendered unfit for use.

*Article 28*. — The pecuniary or personal rights of the author of a work published pseudonymously or anonymously shall be protected by the agency or organization which published, publicly performed or in any other manner reproduced the work, until the author reveals his identity.

#### V. Final and transitional provisions

*Article 29\**. — A Copyright Office is hereby created within the Press Committee attached to the Council of Ministers; its organization and functions shall be determined by rules to be approved by the President of the Press Committee attached to the Council of Ministers.

*Article 30\**. — The rates of remuneration of authors for the various kinds of use of their works shall be determined by a decision of the Council of Ministers, on a proposal by the Press Committee attached to the Council of Ministers.

*Article 31\**. — This Law repeals the existing Copyright Law.

Rules and regulations to be approved by the President of the Press Committee attached to the Council of Ministers shall be issued for its enforcement.

*Article 32\**. — This Law shall apply also to copyright in works created or published prior to its entry into force.

The provisions of Article 18 of this Law shall apply also to the works of authors who died before its entry into force if the periods specified in the said Article have not expired.



*GENERAL STUDIES*

**The protection of computer programs under the Italian legal system**

by Gino GALTIERI \*

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**National applications of the Rome Convention on neighboring rights**

by Clande Alphonse LEDUC \*















## Meetings of Other International Organizations concerned with Intellectual Property

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

September 10 to October 6, 1973 (Munich) — Diplomatic Conference on a European Patent Convention

September 24 to 28, 1973 (Budapest) — International Association for the Protection of Industrial Property — Symposium

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

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