

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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WORLD INTELLECTUAL PROPERTY ORGANIZATION

CONGO

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

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

This notification entered into force on the date of its receipt, that is, on January 23, 1973.

Pursuant to the said Article, the People's Republic of the Congo, which is a member of the Paris Union and of the Berne Union but has not yet become party to the WIPO Convention, may, until the expiration of five years from the date of entry into force of the said Convention, that is to say until April 26, 1975, exercise the same rights as if it had become party.

WIPO Notification No. 41, of January 26, 1973.

BERNE UNION

**Application of the transitional provisions (five-year privilege) of the Paris Act (1971)
of the Berne Convention**

CAMEROON

The Director General of the World Intellectual Property Organization has notified the Governments of member countries of the Berne Union of the notification deposited by the Government of the United Republic of Cameroon, in which that Government indicates its desire to avail itself of the provisions of Article 38(1) of the Paris Act (1971) of the Berne Convention.

This notification entered into force on the date of its receipt, that is, on December 29, 1972.

Pursuant to the provisions of the said Article, the United Republic of Cameroon, which is a member of the Berne Union, may, until the expiration of five years from the date of entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO), that is to say until April 26, 1975, exercise the rights provided under Articles 22 to 26 of the Stockholm Act of the Berne Convention, as if it were bound by those Articles.

Berne Notification No. 41, of January 26, 1973.

CONGO

The Director General of the World Intellectual Property Organization has notified the Governments of member countries of the Berne Union of the notification deposited by the Government of the People's Republic of the Congo, in which that Government indicates its desire to avail itself of the provisions of Article 38(1) of the Paris Act (1971) of the Berne Convention.

This notification entered into force on the date of its receipt, that is, on January 23, 1973.

Pursuant to the provisions of the said Article, the People's Republic of the Congo, which is a member of the Berne Union, may, until the expiration of five years from the date of entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO), that is to say until April 26, 1975, exercise the rights provided under Articles 22 to 26 of the Stockholm Act of the Berne Convention, as if it were bound by those Articles.

Berne Notification No. 42, of January 26, 1973.

UNITED KINGDOM

**Declaration concerning the application of the Berne Convention
to the territory of Hong Kong**

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of member countries of the Berne Union that, referring to its accession on February 26, 1969, which is limited to Articles 22 to 38, and in accordance with the provisions of Articles 31 and 32(1) of the Stockholm Act of the Berne Convention, the Government of the United Kingdom of Great Britain and

Northern Ireland has declared that the Convention as revised at Brussels on June 26, 1947, is applicable to the territory of Hong Kong.

Pursuant to Article 31(3)(a) of the Stockholm Act, this declaration will take effect three months after the date of this notification, that is, on May 5, 1973.

Berne Notification No. 43, of February 5, 1973.

CONVENTIONS ADMINISTERED BY WIPO

**Convention for the Protection of Producers of Phonograms
Against Unauthorized Duplication of Their Phonograms**

Ratification by Sweden

The Director General of the World Intellectual Property Organization (WIPO) has informed the Governments of the States invited to the Diplomatic Conference on the Protection of Phonograms that, according to the notification received from the Secretary-General of the United Nations, the Government of the Kingdom of Sweden deposited on January 18, 1973, its instrument of ratification of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms.

By a notification dated December 28, 1972, deposited with the Director General of WIPO on January 11, 1973, the Gov-

ernment of the Kingdom of Sweden declared, in accordance with Article 7(4) of the above Convention, that it will apply the criterion according to which it affords protection to producers of phonograms solely on the basis of the place of first fixation instead of the criterion of the nationality of the producer.

A separate notification is being made of the entry into force of the said Convention.

Phonograms Notification No. 6, of January 31, 1973.

Entry into Force

The Director General of the World Intellectual Property Organization (WIPO) has informed the Governments of the States invited to the Diplomatic Conference on the Protection of Phonograms that, according to the notification received from the Secretary-General of the United Nations, the Convention will enter into force on

April 18, 1973.

Article 11(1) of the Convention provides the entry into force three months after deposit of the fifth instrument of ratification, acceptance or accession.

It is to be noted that instruments of ratification or accession were deposited by the following five States: Fiji, on June 12, 1972; France, on September 12, 1972; United Kingdom, on December 5, 1972; Finland, on December 18, 1972; and Sweden, on January 18, 1973.

Phonograms Notification No. 7, of January 31, 1973.

NATIONAL LEGISLATION

UNITED STATES OF AMERICA

Public Law 92-566 (92nd Congress, S. J. Res. 247)

(Of October 25, 1972)

Joint Resolution extending the duration of copyright protection in certain cases

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87-668, by Public Law 89-142, by Public Law 90-141, by Public Law 90-416, by Public

Law 91-147, by Public Law 91-555, or by Public Law 92-170 (or by all or certain of said laws), would expire prior to December 31, 1974, such term is hereby continued until December 31, 1974.

Approved October 25, 1972.

UNITED KINGDOM

Performers' Protection Act 1972

(Of June 29, 1972)

An Act to amend the Performers' Protection Acts 1958 and 1963

Increase of fines under Performer's Protection Acts 1958 and 1963

1. — The enactments specified in column 1 of the Schedule to this Act (being enactments creating the offences under the Performers' Protection Acts 1958 and 1963 broadly described in column 2 of that Schedule) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in that enactment were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine not exceeding the amount specified in column 3 of that Schedule.

Amendment of section 1 of Dramatic and Musical Performers' Protection Act 1958

2. — Section 1 of the Dramatic and Musical Performers' Protection Act 1958 (by which the making of records without the consent of the performers and sales of, and other dealings with, such records are rendered punishable) shall have effect as if after the word "transaction" there were inserted the words "or, on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both".

Amendment of Performers' Protection Act 1963

3. — In the Performers' Protection Act 1963 there shall be inserted after section 4 the following section: —

"Offences by bodies corporate

4A. — Where an offence under the principal Act or this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly."

Citation, construction, commencement and extent

4. — (1) This Act may be cited as the Performers' Protection Act 1972, and the Performers' Protection Acts 1958 and 1963 and this Act may be cited together as the Performers' Protection Acts 1958 to 1972.

(2) This Act shall come into operation at the expiration of the period of one month beginning with the date of its passing, but nothing in this Act shall affect the punishment for an offence committed before the commencement of this Act.

(3) It is hereby declared that this Act extends to Northern Ireland.

SCHEDULE
Increase of Fines

(1) Enactment	(2) Description of Offence	(3) Old Maximum Fine	(4) New Maximum Fine
The Dramatic and Musical Performers' Protection Act 1958 —			
Section 1	Making, etc., records without consent of performers.	£2 for each record in respect of which an offence is proved subject to a limit of £50 in respect of any one transaction.	£20 for each record in respect of which an offence is proved subject to a limit of £400 in respect of any one transaction.
Section 2	Making, etc., cinematograph films without consent of performers.	£50	£400
Section 3	Broadcasting without consent of performers.	£50	£400
Section 4	Making or having plates, etc. for making records in contravention of Act.	£50	£400
The Performers' Protection Act 1963 —			
Section 3(1)	Relaying performances without consent of performers.	£50	£400
Section 4(1)	Giving consent without authority.	£50	£400

GENERAL STUDIES

Some problems raised by the publication abroad of scientific works by Polish authors

By Boleslaw NAWROCKI *

BIBLIOGRAPHY

Book List

From July 1 to December 31, 1972, the WIPO Library has entered in its catalogue a number of works or other publications on copyright, among which mention might be made of the following most recent and most important:

Books

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- ASSOCIATED COUNCILS OF THE ARTS. *The Visual Artist and the Law.* New York, Associated Councils of the Arts, 1971. - XI-100 p. Collab. Association of the Bar of the City of New York. — Volunteer Lawyers for the Arts.
- BRUGGER (Gustav). *Die neuen audio-visuellen Systeme. Begriffsbestimmung und rechtliche Beurteilung, insbesondere des sog. "Kassettenfernsehens" und der "Bildplatte".* Munich-Pullach & Berlin, Verlag Dokumentation, 1970. - 57 p. Schriftenreihe der UFITA, Heft 40. Prof. Jedele (Helmuth).
- CAROSONE (Oscar). *L'opera dell'ingegno per commissione.* Milan, A. Giuffrè, 1970. - 134 p.
- COSTA (Hector Della). *El derecho de autor y su novedad. Estructura, dinámica, problemática.* Buenos Aires, Cathedra, 1971. - 173 p.
- DEGAND (Clande). *Le cinéma . . . cette industrie.* S. l., Ed. techniques et économiques, 1972. 272 p. Prof. Jacques Duhamel.
- GAMM (Otto Friedrich von). *Persönlichkeits- und Ehrverletzungen durch Massenmedien.* Munich, C. H. Beck, 1969. - XV-73 p. Collab. von Gamm (Eva). Schriftenreihe der neuen juristischen Wochenschrift. Heft 3.
- GROHMANN (Hans). *Das Recht des Urhebers, Entstellungen und Änderungen seines Werkes zu verhindern.* Erlangen, 1971. - XXI-249 p. Thesis. Erlangen-Nuremberg, 1971.
- MAJOROS (Ferenc). *Les arrangements bilatéraux en matière de droit d'auteur.* Paris, A. Pédone, 1971. - XX-131 p. Prof. Kegel (Gerhard).
- PILGRIM (Volker von). *Der urheberrechtliche Schutz der angewandten Formgestaltung (Zur Problematik eines vereinheitlichten Rechtsschutzes für Werke der angewandten Kunst und für Geschmacksmuster und -modelle).* Wiesbaden, 1971. - 122 p. Thesis. Frankfurt/Main, 1971.
- SCHULZE (Erich). *Revision des internationalen Urheberrechts — Révision du droit d'auteur international — Revision of the International Copyright.* Munich, F. Vahlen, 1971. - 311 p. Internationale Gesellschaft für Urheberrecht, Schriftenreihe, Bd. 46.
- *Urheberrecht in der Musik.* Berlin, etc., W. de Gruyter, 1972. - 308 p.

SHERVIS (Katherine). *Legal and Political Aspect of Satellite Telecommunication, an Annotated Bibliography.* Madison, EDSAT Center. University of Wisconsin, 1971. - 126 p. Collab. Berkowitz (Herb), Knehl (Jeff), Mangum (Linda), Wolfe (Richard) & Voytecki (Roger). Dir. Smith (Delbert D.).

SOCIETÀ ITALIANA DEGLI AUTORI ED EDITORI. *SIAE 1882/1972.* Rome, SIAE, 1972. - 132 p.

SONTAG (Peter). *Das Miturheberrecht.* Cologne, etc., C. Heymann, 1972. - XVIII-86 p. Abhandlungen zum deutschen und europäischen Handels- und Wirtschaftsrecht, Bd. 2.

WILLEMETZ (Lucy). *Les registres publics de la cinématographie. Etude de droit comparé et de droit communautaire.* Lansanne, Payot, s. d. - 227 p.

Articles

- IONASCO (Ovidiu). *La protection du droit d'auteur dans les pays socialistes.* In "Il Diritto di Autore", 1972, Vol. 43, No. 2, pp. 223-245.
- KAMINSTEIN (Abraham L.). *Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms.* In "Bulletin of the Copyright Society of the USA", 1972, Vol. 19, No. 3, pp. 175-183.
- KEREVER (André). *Les prérogatives des auteurs sur la communication publique d'émissions radiodiffusées.* In "Revue internationale du droit d'auteur", 1972, No. 73, pp. 3-39.
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- NIMMER (Melville B.). *Proprietary Rights, Residual Rights and Copyright in Cartridge TV in the United States and Canada.* In "Performing Arts Review", 1972, Vol. 3, No. 1, pp. 3-17.
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- THÉRAULAZ (Jean-Daniel). *Propriété intellectuelle et droit de l'espace.* In "Journal de droit international", 1972, Vol. 99, No. 3, pp. 534-557.
- TYERMAN (Barry W.). *The Economic Rationale for Copyright Protection for Published Books: A Reply to Professor Breyer.* In "Bulletin of the Copyright Society of the USA", 1971, Vol. 19, No. 2, pp. 99-128.
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- *International Copyright after the Paris Revisions.* In "Bulletin of the Copyright Society of the USA", 1972, Vol. 19, No. 4, pp. 263-276.

- November 5 to 9, 1973 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee
- November 14 to 16, 1973 (Geneva) — ICIREPAT — Plenary Committee (PLC)
- November 19 to 27, 1973 (Geneva) — Administrative Bodies of WIPO (General Assembly, Conference, Coordination Committee) and of the Paris, Berne, Madrid, Nice and Locarno Unions (Assemblies, Conferences of Representatives, Executive Committees)
Invitations: States members of WIPO, or of the Paris or Berne Union — *Observers:* Other States members of the United Nations or of a Specialized Agency; intergovernmental and international non-governmental organizations concerned
- November 26 and 27, 1973 (Geneva) — Lisbon Union — Council
Members: States members of the Lisbon Union — *Observers:* Other States members of the Paris Union
- November 28 to 30, 1973 (Geneva) — Working Group on Scientific Discoveries
Invitations and observers: To be announced later
- December 3 to 7, 1973 (Geneva) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee
- December 3 to 7, 1973 (Geneva) — ICIREPAT — Technical Committee for Shared Systems (TCSS)
- December 3 to 5, 1973 (Paris) — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations — Intergovernmental Committee
Note: Meeting convened jointly with the International Labour Organisation and Unesco
- December 5 to 11, 1973 (Paris) — Executive Committee of the Berne Union — Extraordinary Session
Note: Some meetings with the Intergovernmental Copyright Committee established by the Universal Copyright Convention
- December 10 to 14, 1973 (Paris) — ICIREPAT — Technical Committee for Standardization (TCST)
- December 18 to 20, 1973 (Geneva) — Working Group for the Mechanization of Trademark Searches
Object: Report and recommendations to a Committee of Experts on mechanized trademark searches — *Invitations:* Australia, Austria, Belgium, Canada, France, Germany (Federal Republic of), Ireland, Japan, Luxembourg, Netherlands, Soviet Union, Spain, Sweden, United Kingdom, United States of America — *Observers:* Colombia, Benelux Trademark Office

UPOV Meetings

- March 13 and 14, 1973 (Geneva) — Technical Steering Committee
- March 15, 1973 (Geneva) — Symposium Working Party
- April 2 and 3, 1973 (Geneva) — Working Group on Variety Denominations
- April 4 and 5, 1973 (Geneva) — Consultative Committee
- June, 1973 (Avignon) — Technical Working Party for Vegetables
- July 2 to 6, 1973 (London) — Symposium on Plant Breeders' Rights
- October, 1973 (Geneva) — Council

Meetings of Other International Organizations concerned with Intellectual Property

- March 5 and 6, 1973 (London) — International Confederation of Societies of Authors and Composers — Legal and Legislative Commission
- March 13 to 15, 1973 (Rijswijk) — International Patent Institute — Administrative Council
- March 19 to 30, 1973 (Brussels) — European Economic Community — "Community Patent" Working Party
- March 30, 1973 (Paris) — International Chamber of Commerce — Industrial Property Commission
- April 28 to May 1, 1973 (Valencia) — International League against Unfair Competition — Study meetings
- May 7 to 11, 1973 (London) — International Federation of Musicians — Congress
- May 20 to 26, 1973 (Rio de Janeiro) — International Chamber of Commerce — Congress
- May 21 to 25, 1973 (Paris) — Unesco International Copyright Information Centre
- May 22 and 23, 1973 (Malmö) — International Plant Breeders Association for the Protection of New Varieties — Congress
- June 26 to July 17, 1973 (Washington) — Organization of American States — Committee of Governmental Experts on Industrial Property and Technology Applied to Development
- September 10 to 14, 1973 (Stockholm) — International Federation of Actors — Congress
- September 10 to October 6, 1973 (Munich) — Munich Diplomatic Conference for the Setting Up of a European System for the Grant of Patents, 1973
- 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