

Copyright

Review of the
WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO)

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13. The Advisory Group agreed that a number of needs of general public policy should be met in any modification of existing, or establishment of new, systems of protection. Such policy needs included the encouragement of trade (by way of sale or licensing), the dissemination of scientific knowledge and the discouragement of secrecy, the creation of confidence in investment, an adequate return for intellectual labor, the prevention of unnecessary duplication of research, the freedom of movement of specialized staff, a reasonable degree of legal certainty and international harmonization and the encouragement of individual innovators and small enterprises (it was noted that computer software technology offered opportunities for the "garret inventor" which had largely disappeared in other fields).

14. It was emphasized that many of these needs of general public policy were felt particularly keenly by developing countries, both as users of computer technology and as potential creators of computer software. The Advisory Group also noted the additional needs of developing countries stated by the representative of the United Nations in respect of technical assistance and a major improvement in the conditions of acquisition of computer technology, and his suggestion that it could be valuable to work towards model laws, model license agreements and international codes of practice for software transfer negotiations.

15. In the general discussion of possible methods of meeting the needs of general public policy referred to, attention was drawn to the distinction between a patent type of protection of concepts, applicable only to that very small proportion of new computer programs which could be regarded as "inventive," and a copyright type of protection of computer programs themselves as sequences of instructions, a protection which would not extend to the acts of independent creators. Some participants considered that new systems of protection should be devised, possibly based upon a deposit requirement, while others emphasized the desirability of departing as little as possible from established legal concepts. The view was expressed that if a system of protection were itself to require full public disclosure, consideration would have to be given to the level of protection which would induce creators of computer programs to use the system.

16. It was generally agreed that an appropriate system of protection would need to take into account likely future developments in computer technology. In this connection reference was made to the likely increase in the production of small computers, the decreasing proportion of the cost of computer operations represented by hardware components, the increasing vocabulary of available instructions and the development towards more direct use of computer facilities by non-specialists, and, in particular, the expected increase of investment in and production of programs of interest to more than one user as well as those of general or widespread utility.

17. The attention of the Advisory Group was drawn to the fact that computer technology, and related developments in telecommunications, presented a large number of complex legal problems, of which the protection of computer programs was only one.

Legal developments

18. The Advisory Group examined recent and current developments concerning the legal protection of computer programs.

19. As regards the situation in *Australia* it was pointed out that under the Australian patent law an application relating to a program in the form of a magnetic tape would normally be rejected by the Australian Patent Office on the ground that it was not novel, since the only difference between the particular magnetic tape and a known tape consisted in the intellectual content embodied in the former, the content itself not being patentable.

20. As regards *Canada* it was reported that there were no decisions of the courts with regard to the patentability of computer programs, although there were directions of the Commissioner of Patents that computer programs were not patentable as such. In a case decided in 1971, the Commissioner of Patents held that a computer programmed in a particular way was a machine which was different from the same computer programmed in another way or unprogrammed, and that a machine so programmed was patentable. There had been much controversy on this point and a number of infringement actions were before the courts. The Canadian patent law was under review and the question of the patentability of computer programs would be considered by an interdepartmental working group.

21. Copyright protection was in principle available to computer programs, but the voluntary system of registration could not be used for computer programs as they were not eye readable.

22. The law relating to trade secrets was similar to that in the United Kingdom.

23. As regards the situation in *France*, the patent law of January 2, 1968 (Article 7) contained a clear decision against patent protection by stating that "programs or sets of instructions covering the operations of a computer" were not to be considered as industrial products. This decision had been taken after a study of the question which considered also similar studies in the United States of America. The provision of the French patent law was interpreted by the courts widely, so that not only programs as such but also inventions effected by means of a computer program, for instance an invention concerning a paint mixture effected after a selection process by a computer, were considered as unpatentable. It was, however, arguable that if computer programs were expressed in the form of a particular machine configuration, they might not necessarily be excluded from patentability under the French law; but there were no decisions of the courts on this question.

24. With respect to copyright protection, it was considered that such protection applied in principle but so far there had not yet been any case in which copyright protection would have had practical importance. In addition there was also the possibility of obtaining protection through contracts and an application of principles governing protection against unfair

competition. In this context, special considerations applied in as far as a relationship between the employer and his employees was concerned: not all conditions imposed on an employee by his employer as regards the use of secret information obtained during the employment contract could be enforced.

25. It was also mentioned that the *European Patent Convention* (Article 52) adopted in October 1973 at the Munich Diplomatic Conference excluded computer programs from patenting but that this exclusion applied only in as far as protection was sought for computer programs as such.

26. Reference was also made to the *Patent Cooperation Treaty*, adopted at the Washington Diplomatic Conference in 1970, which excluded computer programs from international search and international preliminary examination only if the competent authorities were not equipped to make the necessary search or examination (Rules 39 and 67 of the Regulations under the Patent Cooperation Treaty).

27. On the situation in *Germany (Federal Republic of)* it was reported that so far no decision had been given concerning the patenting of a computer program as such but that this question had already been dealt with in a number of articles by experts on this matter, denying in general the availability of patent protection for computer programs. The Patent Office allowed method claims if they were connected with the disclosure of hardware. There were some Federal Patent Court decisions in which it was held that a method performed automatically by a computer was considered as a technical invention.

28. In as far as copyright protection is concerned it was maintained that copyright law covered computer programs and that protection would be granted if the program could be considered as the individual and original expression of an author. It was also pointed out that a reproduction in the sense of the copyright law would exist if a program were copied during its execution within a computer; in other words there was no requirement of visible copies. In this context, however, the exceptions provided for in the law with respect to reproduction for personal or other internal use would have to be taken into account. Such exceptions would apply, however, only in the case of testing for scientific purposes but not if the copying of the program took place for business purposes.

29. In addition to patent and copyright law there was a possibility of protection on the basis of contracts and this possibility was so far frequently used. Protection of trade secrets was available under the unfair competition law; employees who left an organization could freely use their general expert knowledge acquired during the term of their employment unless there was a special agreement between employer and employee; such an agreement must be limited in time and must provide for the payment of adequate compensation to the employee.

30. As regards the situation in *Japan*, it was reported that the Japanese Patent Law considered as inventions only technical

ideas using laws of nature; thus mere methods of calculation and codes, for instance, were not regarded as inventions. It was, however, recognized that some control systems could be patented; in particular, as regards computer programs, it was accepted that, if a program caused a particular design of a machine or apparatus, the latter could be the subject of patent protection. Guidelines for the examination of inventions involving computer programs were at present under preparation.

31. In addition, a recent interim report of the Software Legal Protection Investigation Committee of the Ministry of International Trade and Industry contained the following recommendations: legal protection should be given in order to facilitate dissemination of information; such protection could be given only for the program in the form in which it was expressed but not for the idea contained in it. The protection should be given against reproduction or use by others without consent, and it should not be extended against a program which had been independently developed by others. Moreover, the report pointed out that the current patent and copyright legislation was not sufficient for the protection of programs and it proposed that the possibility of adopting new legislation be studied.

32. Moreover the Second Subcommittee of the Copyright Deliberative Council had drawn attention to the fact that the present copyright law did not provide for licensing with respect to computer programs; use by others of such programs was not a prohibited act. However, the exclusive right of the proprietor of the program to disseminate reproductions which was provided for under the copyright law might suffice to protect such programs. Therefore, it was considered that a further study should be made of the extent of the right of exclusive dissemination of reproductions.

33. On the situation in the *Netherlands* it was reported that, in as far as patent protection is concerned, the Patent Office, in a decision in 1970, had denied the patentability of a program as such. In this decision which concerned a telephone exchange system it was held that such a system could not be considered as patentable. Moreover, the opinion was expressed that new information content of a product could not be considered as patentable. On the other hand it was considered that a system for computerized control in the field of material production, for example, the control of a reactor, could be considered as a patentable method.

34. In as far as copyright protection is concerned, it would in principle cover computer programs if they were original and individual creations. But this had so far not been sanctioned by court decisions. However, copyright protection could never cover the essential idea of a program but only the form in which it was expressed. Moreover, no protection could be granted by copyright against the use as such of a program. One had also to consider the right of reproduction for personal use; however, if the reproduction was made for business purposes the exception for personal use would not apply.

35. In as far as protection of programs under the heading of trade secrets was concerned, the Netherlands did not have any

particular law on this matter which, therefore, was left to contract practices. It could be stated that, to the extent that the question related to third parties under the law of torts, the courts of the Netherlands had a favorable attitude towards users.

36. As regards the situation in the *Soviet Union*, it was reported that the inventions law did not contain any reference to the protection of computer programs. In particular, it was considered that mathematical methods could not be the subject of a protection by a patent or inventor's certificate, and the same also applied as regards systems of command of a machine. However, the important feature of a program was its algorithm; in this respect, protection could be obtained if the algorithm was reflected in a particular device. The problem of protecting computer programs was at present under consideration, and it was considered as important to provide a material stimulus for the creator of programs and for the exchange of programs. For this purpose a new method of protection, possibly based on a special registration system, might be useful. In this context, it would have to be taken into account that the setting up of an appropriate documentation in the field of computer programs, based on a systematical classification, raised difficult problems. In any case it was useful to have an exchange of views on these questions at the international level.

37. With respect to the situation in the *United Kingdom*, it was stated that recent court decisions indicated that, in the field of the useful arts, if a patent claim was directed to a means and method of operating a computer in a new manner or to a computer programmed in a new way, then it would be accepted, *prima facie*, as a proper subject matter for the grant of a patent. Such patents to be valid would have to conform with the requirements of patent law, for example, as to invention, sufficiency of description, etc. The Banks Committee in its report on the British Patent System, in 1970, had recommended against the grant of patent protection for computer programs but it was not clear how far this recommendation would be implemented. It was added that the Patent Office received a large number of patent applications which contained a software element. There were few applications for patents for computer programs as such, presumably because of doubts with regard to their patentability.

38. With regard to copyright protection it was pointed out that the opinion had been expressed in a standard work that computer programs in some forms, for example, punched cards or tapes, might enjoy copyright protection as literary works. The position was, however, felt to be in doubt, in particular, as to its extension to all forms of computer programs. Attention was drawn to the difficulties in applying existing copyright concepts to computer programs. There was also the problem that use of a computer program was presumably not copyright infringement, in the sense that using a guide book or the rules of a game would not be an infringement of copyright in the book or the written rules. It was also stated that the copyright law in the United Kingdom was the subject of review and the question of copyright in computer programs would be examined.

39. As regards the law relating to trade secrets and breach of confidence, it was considered that the problem from the point of view of the protection of computer programs was the improper use by former employees of information obtained by them during the course of their employment. It was stated that in England the application of the law relating to the use by employees of information obtained in their employment was governed by common law. The courts emphasized the need to allow individuals to practise their trades, and they tried to strike a balance between protection of trade secrets and the right of an employee to exercise the skills of his trade.

40. As regards the situation in the *United States of America*, it was reported that during the last ten years several court decisions had dealt with the question of patent protection. The situation as it emerged from this jurisprudence could be summarized as follows: if a patent claim related exclusively to a mathematical method, even though implemented by a program, this was considered as unpatentable; on the same grounds mathematical systems were not generally considered patentable. However, if a claim related to a new apparatus or a new machine configuration then this was considered as patentable even if the novelty of that claim resulted from a new program. This principle opened a large area of protection of computer programs in the described manner, for instance in the area of industrial processing. In particular, an example was noted where, for a document reading machine, first the software embodiment was developed and then the corresponding hardware embodiment was constructed. In this context, however, it had also to be taken into account that the patent law required non-obviousness of the invention as a condition of patentability.

41. In as far as the copyright law is concerned, the US Copyright Office accepted computer programs for registration and so far around 900 programs had been registered; in this context, the computer program was considered as a "book." It was assumed that publication took place whenever the program was first offered for licensing; on that occasion the copyright notice requirements had to be met. Once copyright protection had been obtained it was, however, unclear what acts would be covered by that protection; normally copyright protection would cover copying but not use. The copyright law revision which at present was pending provided for a certain clarification in this field.

42. In as far as the law of trade secrets was concerned, several legal problems had to be considered. First, there was the question whether trade secret protection, based on State law, was compatible with the Federal system of providing for protection of new inventions, or whether everything which was not patented was necessarily in the public domain. Several court decisions had considered that problem and it could be stated now that the Federal Patent Law did not preempt the protection of trade secrets. Thus, owners of computer programs, for instance, could conclude agreements with users of such programs to the effect that they had to be kept secret. A special problem arose with respect to employees having received during their employment contract knowledge of

secret programs and who used or transmitted such information after the termination of their employment contract. Although the contractual obligations of keeping confidential information secret applied also in this case it was nevertheless recognized that employees could in any case, without any restriction, make use of those skills which they had acquired in their previous employment and it could be said that courts in general applied a wide interpretation of such skills.

43. In addition, it was reported that several committees had considered during the last years the question of legal protection of computer programs.

Trading practices and values

44. The Advisory Group considered available information concerning the structure and value of trade and other activities concerning computer programs.

45. On the basis of estimates of the number of computers currently in use, and the past and expected increase in that number, together with estimates of the staff employed on programming activities and the cost of software, it was assumed that an amount of the order of some 15 billion dollars was spent annually on the creation and maintenance of software systems (to the exclusion of expenditure on the acquisition of hardware and on computer bureau operations). This assumption appeared to be reasonably compatible with estimates made for individual countries.

46. By far the largest amount of this estimated expenditure was devoted to the creation and maintenance of specific purpose user programs, not of general applicability. Systems operational programs, often supplied by the manufacturer of the hardware, and generalized application programs and programming utilities would account for the remainder. It was felt, however, that (subject to problems of standardization and compatibility) the use of generalized application programs and programming utilities, and the proportion of expenditure on such programs, was likely to increase.

47. At present, probably no more than about 1,000 new programs each year were likely to be of direct interest to more than one user, of which only a very few exceptional programs would be of direct interest to a large number (e. g. more than 100) of users.

48. Some participants felt that whereas the present pattern of business of computer software firms was largely one of consultancy, with programming included in the services offered, the marketing of packaged systems of generalized application, often the result of innovation by small firms or even individuals, was likely to increase. Even independently developed systems operational programs might, if clear and adequate legal protection became available, be able to compete with such programs provided by manufacturers sometimes without a charge additional to that for the hardware supplied.

49. In terms of man-months of effort, it was estimated that the establishment of basic concepts and algorithms for pro-

grams constituted a small proportion only of the total requirements for the production of operable programs in the form of sequences of instructions; one estimate was that, in a typical case, a program requiring more than 3 man-years of total effort could be based on an algorithm requiring about 3 man-months of effort.

Private sector needs

50. The Advisory Group considered what recommendations could be made at this stage in respect of methods of protection of computer programs suited to identified needs of software producers and users, taking into account the discussion recorded in paragraphs 13 to 16 of this report. It considered that, while the interests of developing countries as potential producers should not be ignored, priority should be given to the needs of such countries as users of programs; in this connection it was noted that such needs included access to advanced and sophisticated programs for such purposes as control of water distribution, disaster warning systems, satellite telecommunications systems for educational and other purposes and industrial plant control.

51. Particular emphasis was placed on the interest for producers and users in a system of protection which would not inhibit the dissemination of information, which would provide certainty, under which effective and enforceable protection could be obtained easily and cheaply and which would strengthen the position of small enterprises and individuals negotiating with more powerful customers.

52. Some participants advocated a system, possibly analogous to the patent system, based on deposit and on the publication of a description sufficient to enable a usable result to be achieved on the basis of the concept disclosed; possibly deposit need not be a condition of protection, but could be a voluntary procedure which would strengthen the protection granted to the creator of the program, for example, by shifting the burden of proof to an alleged infringer when a *prima facie* case is established. Multiple deposits should be avoided but depositories should be of sufficient standing to enable international recognition to be given to deposits.

53. Other participants advocated a system of protection without such formalities as deposit, but indicated that they would not object to a voluntary registration system which could assist in the dissemination of knowledge. In connection with systems requiring or encouraging the deposit of computer programs as such, attention was drawn to physical problems of storage, both in relation to the possible bulk of lists of instructions in the form of a print-out and in relation to the danger of deterioration of magnetic tape.

54. It was generally felt that the question of adequate legal protection for computer programs generally should be treated independently from the question of patent protection for inventions expressed at least partly in the form of computer programs; some estimates were made that not more than 1 % of programs for which protection would be desirable would be sufficiently "inventive" to qualify for patent protection;

some participants felt, however, that such an attempt at such a quantification might be misleading.

55. Consideration was given to the possibility of compulsory licensing of computer programs in a country where a need was found to arise, particularly to assist in access to such programs on the part of developing countries; it was felt that, while compulsory licensing provisions might assist in the establishment of a helpful framework for negotiations, in the majority of cases contractual licensing would be necessary in view of the initial and continuing cooperation which would be required between the user and the creator of the program for such purposes as modifications, testing, updating and maintenance.

56. Some participants felt that, while the possibility of the establishment of some sort of catalogue of available programs through a voluntary system of registration and description might be usefully explored, the question of appropriate legal protection should await further developments of the technology and the application to it of existing legal systems; it was generally felt, however, that the existing state of uncertainty was harmful, and that it was desirable that agreement should be reached by as many countries as possible on a reasonably uniform basis of protection.

Recommendations concerning the WIPO study of legal protection of computer programs

57. Taking into account the discussions recorded in the preceding paragraphs of this report, the Advisory Group concluded that, in view of the intellectual effort and the investment involved in their creation, it is desirable that some form of legal protection of computer programs be clearly established.

58. The Advisory Group recommended that the International Bureau, with the assistance of expert groups, should continue its study of the possible forms which such legal protection should take and the limits which it should have; the study should, *inter alia*, be guided by the following principles:

(a) The study should explore *copyright or copyright-type protection*¹ of original programs without examination as to substance, and should consider possible changes in traditional copyright concepts which might be appropriate, particularly in respect of authorship, duration, publication and the acts against which protection is granted; the study should deal in particular with the desirability and feasibility of a system of depositing programs with a public authority, not necessarily as a condition of protection but as a procedure which would provide an added advantage for the owners of programs and which would facilitate proof and licensing; attention should be paid to the question of what should be deposited, e. g. the entire program as such, or only descriptions of certain features or concepts, etc; account should be taken of the desirability that the deposit be international and that its effects be recognized at the national level.

¹ In this connection, an analogy was drawn with protection under rights neighboring on copyright.

(b) *Patent protection* (and protection under similar systems) should not be withheld from inventions for the reason that they involve computer programs when such inventions fulfil the traditional requirements of patentability; however, the study should investigate what, if any, traditional features of patent protection or patent procedure might need to be adapted to meet special problems in the case of computer programs, e. g. in respect of the form and content of the description and the claims.

(c) The study should include proposals for tentative definitions of the concept of "computer program," bearing in mind the views recorded in paragraph 9 of this report, and should consider whether the same definition would be applicable in the case of copyright (type) and patent protection.

59. The Advisory Group also concluded that to be appropriate legal protection of computer programs of the types recommended to be studied should provide advantages to developing countries both as potential creators and as users of computer programs, by encouraging the dissemination of knowledge, and enlarging the choice of sources of supply: without such legal protection, reliance on secrecy would be normal. The Advisory Group recommended that the proposed study by the International Bureau should give high priority to such advantages for developing countries, and should take into account any special measures which would additionally assist such countries in improving their access to computer programs under the best possible conditions.

Possibility of setting up a computer programs register

60. In introducing the proposal made by the AIPPI concerning the setting up of a computer programs (software) register, a representative of AIPPI pointed out that such a system would be open to anybody interested but that there was no obligation to use it. The register would have three main functions: first, it would work as a kind of clearing house for information; thus it would serve to bring interested parties together; depositors could give as much or as little information on their programs as they wished; secondly, it would, where the complete program was simultaneously deposited, assist in providing evidence of the existence of the program on the date of registration; thirdly, the register would help to identify programs, in particular for purposes of contracts; at present it was difficult to clearly identify a particular program without giving a complete description of it; the register system, however, would allow for identifying programs by indicating their registration numbers.

61. It was stated that the setting up of a computer programs register would have, in particular, the advantage of allowing rapid and easy dissemination of information on computer programs. This would be to the advantage of the depositor, who would thus be assisted in finding prospective licensees for his programs; it would also be to the advantage of the prospective users of programs since the register would allow them to locate and select programs in which they might be interested.

62. In particular, the representative of the United Nations pointed out that his Organization was highly interested in the proposed setting up of a register. Such a register could be important for developing countries since it could open up new markets and facilitate access to existing programs on competitive terms. It was important that if such a system were set up this should take place before national practices hardened, so as to enable compatibility to be achieved, and WIPO's initiative and continuing role would be welcomed. The possibility of cooperation with outside enterprises should be considered; it was essential to ensure active promotion and that the information contained in the registry would be brought to the attention of potential users in a businesslike manner. He was confident that the United Nations would continue to maintain its interest and would support activities in this field reinforcing the position of developing countries.

63. It was agreed that the register system would have to be attractive to potential depositors; an incentive to them would lie in the safeguarding of evidence and possibly in the institution of a special type of legal protection based on the registration.

64. In order to be attractive, the register system had also to offer easy access, without requiring complicated formalities. Nevertheless, some standardization of description was required in order to ensure a certain degree of uniformity, which was a prerequisite of any information system to be based on the contents of the registry. In this context, it would have to be examined in how far improvements of registered programs should be again registered. Particular attention should be paid also to the cost factor; potential users of the system should not be deterred by disproportionately high fees.

65. When considering the usefulness of a register system for computer programs, account should be taken of already existing schemes, for instance, copyright registries, national and international computing centers or private institutions, and the publications issued in the context of such schemes. The functioning, advantages and limitations of such schemes should be carefully studied.

66. In conclusion, the Advisory Group agreed that with respect to the possibility of setting up a computer programs register, the International Bureau should proceed, in the course of its study, first to an establishment of the facts, in particular in as far as existing registration and publication schemes, both public and private, were concerned; the results of this inquiry and a draft questionnaire, to be addressed to countries, accompanied by a tentative proposal, should be submitted to an expert group; once examined, the questionnaire should be distributed, and on the basis of the replies received

the study should be completed, again with the assistance of an expert group, with respect to the desirability and feasibility of a computer programs register. If, after study, it appeared that the proposal would serve for the dissemination of information only, then an alternative could also be considered consisting of the coordination of registration schemes or catalogues set up at the national level or privately. In this connection, the possibility should be kept in mind of such a register or registers being successfully adapted to serve as a basis for a form of protective right as envisaged in paragraph 52.

67. This report was unanimously adopted by the Advisory Group at its meeting on June 20, 1974.

List of Participants*

I. Non-Governmental Experts

American Patent Law Association (APLA): M. C. Jacobs. Chartered Institute of Patent Agents (CIPA): G. H. R. Watson. Committee of National Institutes of Patent Agents (CNIPA): J. U. Neukom; J. E. Galama; D. W. F. Verkade. European Computer Manufacturers Association (ECMA): J. R. Cartwright; L. Perry. European Industrial Research Management Association (EIRMA): M. Kindermann. International Association for the Protection of Industrial Property (AIPPI): G. Hoepffner; W. E. Schuyler, Jr.; W. Boekel. International Chamber of Commerce (ICC): H. Aspden; Y. Ishii. International Confederation of Societies of Authors and Composers (CISAC): A. Hirst. International Federation for Documentation (FID): J. P. de Keersmaecker. International Federation for Information Processing (IFIP): A. S. Douglas; H. Bloom. International League Against Unfair Competition (LICCD): E. Martin-Achard. International Literary and Artistic Association (ALAI): T. Moll. Union of European Patent Agents (UNEPA): G. Korsakoff. Union of Industries of the European Community (UNICE): G. Lo Cigno.

II. Governments

Australia: G. Henshilwood. Brazil: J. G. Marques Porto. Canada: J. G. Schram. Japan: K. Takami. Soviet Union: V. N. Bakastov. United Kingdom: D. Spencer. United States of America: L. C. Hamilton; D. Schrader (Mrs.).

III. United Nations (UN)

H. Einhaus.

IV. Officers

Chairman: W. E. Schuyler, Jr. (AIPPI); Secretaries: R. Harben (WIPO); L. Baeumer (WIPO).

V. WIPO

A. Bogsch (*Director General*); R. Harben (*Counsellor, Acting Head, External and Public Relations Division*); T. S. Krishnamurti (*Counsellor, Head, Copyright Division*); L. Baeumer (*Counsellor, Head, Legislation and Regional Agreements Section, Industrial Property Division*); J. Lahore (*Counsellor, Legislation and Regional Agreements Section*).

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

BERNE UNION

BULGARIA

Accession to the Paris Act (1971) of the Berne Convention

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of member countries of the Berne Union that the Government of the People's Republic of Bulgaria deposited, on August 30, 1974, its instrument of accession to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971, with the following reservation:

“The People's Republic of Bulgaria does not consider itself bound by the provisions of Article 33(1) concerning the compulsory jurisdiction of the International Court of Justice. Any dispute between the countries of the Union concerning the interpretation or application of the Convention, not settled by negotiation, may be brought before the International Court of Justice only if the parties concerned expressly agree in each particular case.” (*Translation*)

Furthermore, the said instrument of accession was accompanied by the following declaration:

“The People's Republic of Bulgaria is of the opinion that the provisions of Article 31 concerning the application of the Convention by any country of the Union to the territories for the external relations of which it is responsible are contrary to the Declaration of the United Nations General Assembly of December 14, 1960, on the Granting of Independence to Colonial Countries and Peoples.” (*Translation*)

Pursuant to the provisions of Article 28(2)(c) and (3), the Paris Act (1971) of the Convention will enter into force, with respect to the People's Republic of Bulgaria, three months after the date of this notification, that is, on December 4, 1974.

Berne Notification No. 57, of September 4, 1974.

MEXICO

Ratification of the Paris Act (1971) of the Berne Convention

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of member countries of the Berne Union that the Government of the United Mexican States deposited, on September 11, 1974, its instrument of ratification of the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971.

Pursuant to the provisions of Article 28(2)(c) and (3), the Paris Act (1971) of the Convention will enter into force, with respect to the United Mexican States, three months after the date of this notification, that is, on December 17, 1974.

Berne Notification No. 58, of September 17, 1974.

CONVENTIONS ADMINISTERED BY WIPO

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

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 Principality of Monaco deposited, on August 21, 1974, its instrument of ratification of the Convention for

the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms.

Pursuant to the provisions of Article 11(2), the Convention will enter into force, with respect to the Principality of Monaco, three months after the date of this notification, that is, on December 2, 1974.

Phonograms Notification No. 16, of September 2, 1974.

NATIONAL LEGISLATION

UNITED KINGDOM

The Copyright (International Conventions) (Amendment) Order 1974

(No. 1276, of July 25, 1974, coming into force on September 5, 1974)

1. — (1) This Order may be cited as the Copyright (International Conventions) (Amendment) Order 1974, and shall come into operation on 5th September 1974.

(2) The Interpretation Act 1889¹ shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. — The Copyright (International Conventions) Order 1972 (hereinafter referred to as “the principal Order”), as amended², shall be further amended as follows:—

(a) in Schedule 1 (which names the countries of the Berne Copyright Union) the German Democratic Republic (and Berlin (East)) and Senegal shall be indicated with an asterisk denoting that they are also party to the Universal Copyright Convention;

(b) in Schedule 3 (countries in whose case copyright in sound recordings includes the exclusive right of public performance and broadcasting) there shall be included a reference to Chile;

(c) in Schedules 4 and 5 (countries whose broadcasting organisations have copyright protection in relation to their sound and television broadcasts) there shall be included references to Chile and related references to 5th September 1974 in the list of dates in those two Schedules.

¹ See *Copyright*, 1972, p. 180.

² The relevant amending Order is Order 1973 No. 772, of April 18, 1973 (*ibid.*, 1973, p. 109).

3. — (1) This Order except for Article 2(c) shall extend to all the countries mentioned in the Schedule hereto.

(2) Article 2(c) shall extend to Gibraltar and Bermuda.

SCHEDULE

Countries to which this Order extends

Bermuda	Isle of Man
Belize	Montserrat
Cayman Islands	Seychelles
Falkland Islands	St. Helena
and its Dependencies	and its Dependencies
Gibraltar	Virgin Islands
Hong Kong	

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order further amends the Copyright (International Conventions) Order 1972. It takes account of —

- (a) the accession of the German Democratic Republic (and Berlin (East)) and Senegal to the Universal Copyright Convention;
- (b) the ratification by Chile of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations.

The Order extends, so far as is appropriate, to dependent countries of the Commonwealth to which the 1972 Order extends.



GENERAL STUDIES



**Agreement on Graphic and Photographic Reproduction
for Schools in Sweden**

Jöran MUELLER *



CALENDAR

WIPO Meetings

- October 16 and 17, 1974 (Vienna) — Meeting of INPADOC Users
- October 21 to 25, 1974 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)
- October 28 to November 1, 1974 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)
- November 4 to 8, 1974 (Geneva) — International Protection of Appellations of Origin and Other Indications of Source — Committee of Experts
- November 4 to 8, 1974 (Geneva) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee
- November 12 to 19, 1974 (Geneva) — PCT Interim Committees — Annual Sessions
- November 18 to 22, 1974 (Geneva) — Licensing Seminar
- November 25 to 29, 1974 (Geneva) — Revision of the Model Law on Inventions — Working Group (1st session)
- December 2 to 6, 1974 (Yaoundé) — Francophone African Seminar on Industrial Property
- December 9 to 13, 1974 (Geneva) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee
- December 16 to 18, 1974 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)
- January 22 to 24, 1975 (Geneva) — Publication of Licensing Opportunities — Group of Consultants
- January 27 to 30, 1975 (Geneva) — International Patent Classification — Classification of Search Files — Working Group
- February 11 to 17, 1975 (Geneva) — Revision of the Paris Convention for the Protection of Industrial Property — Group of Governmental Experts
- February 17 to 28, 1975 (Munich) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee
- February 18, 1975 (Geneva) — WIPO Coordination Committee (Extraordinary Session)
- February 20 to 28, 1975 (Geneva) — Revision of the Hague Agreement concerning the International Deposit of Industrial Designs — Committee of Experts
- March 10 to 14, 1975 (Geneva) — Mechanization of Trademark Searches — Committee of Experts
- March 17 to 21, 1975 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Permanent Committee (2nd Session)
- April 7 to 11, 1975 (Geneva) — International Classification of Goods and Services for the Purposes of the Registration of Marks — Temporary Working Group
- April 7 to 11, 1975 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)
- April 14 to 18, 1975 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)
- April 14 to 25, 1975 (Rijswijk) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee
- April 22 to 29, 1975 (Geneva) — Inventions relating to Microorganisms — Committee of Experts
- May 5 to 9, 1975 (Geneva) — International Patent Classification (IPC) — Training Course
- May 12 to 23, 1975 (Washington) — International Patent Classification (IPC) — Working Group I of the Joint ad hoc Committee
- May 26 to 30, 1975 (Geneva) — Revision of the Model Law on Inventions — Working Group (2nd session)
- June 4 to 6, 1975 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)
- June 9 to 20, 1975 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee
- June 23 to 27, 1975 (Geneva) — Protection of Computer Programs — Advisory Group
- September 8 to 12, 1975 (Geneva) — International Classification of Goods and Services for the Purposes of the Registration of Marks — Preparatory Committee
- September 15 to 26, 1975 (Rijswijk) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee
- September 17 to 19, 1975 (Geneva) — ICIREPAT — Plenary Committee (PLC)
- September 22 and 23, 1975 (Geneva) — Trademark Registration Treaty (TRT) — Interim Advisory Committee
- September 23 to 30, 1975 (Geneva) — WIPO Coordination Committee and Executive Committees of the Paris and Berne Unions — Ordinary Sessions
- October 1 to 3, 1975 (Geneva) — Scientific Discoveries — Committee of Experts
- October 13 to 17, 1975 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)
- October 20 to 24, 1975 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)
- October 27 to November 3, 1975 (Geneva) — PCT — Interim Committees

- November 3 to 14, 1975 (Berne) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee
- November 10 to 14, 1975 (Geneva) — Revision of the Model Law on Inventions — Working Group (3rd session)
- November 17 to 21, 1975 (Geneva) — International Patent Classification (IPC) — Bureau
- November 24 to 28, 1975 (Geneva) — International Patent Classification (IPC) — Joint ad hoc Committee
- December 1 to 4, 1975 (Geneva) — International Protection of Appellations of Origin and Other Indications of Source — Committee of Experts
- December 1 to 12, 1975 (Munich) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee
- December 8, 9 and 16, 1975 (Geneva) — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations — Intergovernmental Committee — Ordinary Session (jointly organized with the International Labour Organisation and Unesco)
- December 10 to 12, 1975 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)
- December 10 to 16, 1975 (Geneva) — Executive Committee of the Berne Union (Extraordinary Session)
- December 15 to 19, 1975 (Geneva) — International Classification of the Figurative Elements of Marks — Provisional Committee of Experts

UPOV Meetings

Meeting of Member and Non-Member States: October 21 to 23, 1974 — Council: October 24 to 26, 1974; October 7 to 10, 1975 — Consultative Working Committee: October 23, 1974; March 4 to 6, 1975; October 6 and 10, 1975 — Technical Steering Committee: November 5 and 6, 1974; April 9 to 11, 1975; November 5 to 7, 1975 — Working Group on Variety Denominations: September 15 and 16, 1975 — Fee Harmonization Working Party: April 24 and 25, 1975 — Working Group on Centralization: November 7, 1974 — Committee of Experts on Centralization: January 14 to 17, 1975; April 15 to 18, 1975; July 1 to 4, 1975; November 25 to 28, 1975 — Committee of Experts on the Revision of the Convention: February 25 to 28, 1975; December 2 to 5, 1975

Note: All these meetings will take place in Geneva at the headquarters of UPOV

Technical Working Parties: (i) for Vegetables: May 28 to 30, 1975 (Lund - Sweden); (ii) for Forest Trees: August 19 and 20, 1975 (Hannover - Federal Republic of Germany); (iii) for Ornamental Plants: September 9 to 11, 1975 (Hornum - Denmark)

Meetings of Other International Organizations concerned with Intellectual Property

- November 5 to 7, 1974 (Rijswijk) — International Patent Institute — Administrative Board
- November 11 to 16, 1974 (Santiago) — Inter-American Association of Industrial Property — Congress
- December 6 to 10, 1974 (Yaoundé) — African and Malagasy Industrial Property Office — Executive Board
- December 9 to 11, 1974 (Rijswijk) — International Patent Institute — Administrative Board
- February 5 to 7, 1975 (Paris) — International Literary and Artistic Association — Working Session, Executive Board and General Assembly
- April 21 to 25, 1975 (Hamburg) — International Confederation of Societies of Authors and Composers — Congress
- May 3 to 10, 1975 (San Francisco) — International Association for the Protection of Industrial Property — Congress