

Copyright

Review of the
WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO)

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**WORLD INTELLECTUAL PROPERTY ORGANIZATION****MEXICO****Ratification of the WIPO Convention**

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of the countries invited to the Stockholm Conference that the Government of the United Mexican States deposited, on March 14, 1975, its instrument of ratification of the Convention Establishing the World Intellectual Property Organization (WIPO).

By virtue of Article 29^{bis} of the Paris Act (1971) of the Berne Convention for the Protection of Literary and Artistic Works, the United Mexican States, which were not bound by Articles 22 to 38 of the Stockholm Act (1967) of the said

Convention, having ratified the Paris Act (1971), fulfil the condition set forth in Article 14(2) of the Convention Establishing the World Intellectual Property Organization.

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization will enter into force, with respect to the United Mexican States, three months after the date of deposit of the instrument of ratification, that is, on June 14, 1975.

WIPO Notification No. 79, of March 20, 1975.

CONVENTIONS ADMINISTERED BY WIPO

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

HUNGARY

Accession to 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 Hungarian People's Republic deposited on February 24, 1975, its instrument of accession to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms.

At the time of the deposit of the instrument of accession with the Secretary-General of the United Nations, the Government of the Hungarian People's Republic made the following declarations:

"In the opinion of the Hungarian People's Republic, Article 9, paragraphs (1) and (2) of the Convention have a discriminatory character. The Convention is a general,

multilateral one and therefore every State has the right to be a party to it, in accordance with the basic principles of international law". (*Original*)

"The Hungarian People's Republic declares that the provisions of Article 11, paragraph (3) of the Convention are inconsistent with the principles of the independence of colonial countries and peoples, formulated, *inter alia*, also in Resolution No. 1514(XV) of the United Nations General Assembly". (*Original*)

Pursuant to the provisions of Article 11(2), the Convention will enter into force, with respect to the Hungarian People's Republic, three months after the date of Notification No. 19, that is, on May 28, 1975.

Phonograms Notifications No. 19, of February 28, 1975, and No. 20, of March 14, 1975.

BILATERAL AGREEMENTS

POLAND—U. S. S. R.

Agreement on the Reciprocal Protection of Copyrights concluded between the Government of the Polish People's Republic and the Government of the Union of Soviet Socialist Republics*

The Government of the Polish People's Republic and the Government of the Union of Soviet Socialist Republics,

Inspired by the desire to promote the development of their cooperation in the field of the exchange of cultural values through the utilization of literary, scientific and artistic works,

Recognizing the necessity of establishing rules and conditions for the reciprocal protection of copyrights,

Have decided to conclude this Agreement and, to that end, have appointed their Plenipotentiaries:

For the Government of the Polish People's Republic:
Józef Tejchma, Minister for Culture and Art,

For the Government of the Union of Soviet Socialist Republics: Boris Dmitrievich Pankin, Chairman of the Board of the Copyright Agency of the USSR,

who, having exchanged their full powers, recognized as in good and true form,

Have agreed as follows:

Article I

Each Contracting Party shall

(1) encourage the publication of literary, scientific and artistic works created by the citizens of the other Contracting Party;

(2) encourage the theaters, orchestras, musical ensembles and soloists of its country to include in their repertoires dramatic, dramatico-musical, musical and choreographic works created by the citizens of the other Contracting Party.

Article II

Each Contracting Party shall protect the copyrights of citizens and organizations of the other Contracting Party, as well as of persons having their permanent residence on their territories, and their successors in title, in literary, scientific and artistic works, irrespective of the place in which they were first made available to the public, and also the copyrights of citizens of third countries and their successors in title with respect to works first made available to the public on the territory of the Polish People's Republic or of the Union of Soviet Socialist Republics, and shall ensure on its territory the protection of those rights accord-

ing to the same principles and under the same conditions as those established by its legislation for the works of its own citizens.

Works not made available to the public may be published simultaneously in both countries, or be first made available to the public on the territory of the other Contracting State, and the works of authors of one of the Contracting States may be distributed in third countries through the organizations of the other Contracting Party, only after agreement between the competent organizations of both Contracting Parties.

Article III

Copyrights shall be protected during the period established by the internal legislation of each of the Contracting Parties. However, neither Contracting Party shall be obliged to afford legal protection to works for a period longer than that provided for in the internal legislation of the other Contracting Party.

Article IV

Copyright royalties accruing to authors under this Agreement shall be subject to taxation only in the country on whose territory the author has his permanent residence.

Article V

Copyright royalties shall be settled in the currency of the Contracting Party on whose territory the work has been used, in accordance with the principles established for the settlement of non-commercial payments.

Article VI

The practical implementation of this Agreement shall be the responsibility of the competent organizations of the two Contracting Parties to which the task of protecting copyrights has been entrusted; they shall conclude between themselves working agreements governing all problems concerning the realization of copyright protection on the territory of the two Contracting Parties and, in particular, the conditions for the grant of rights to the use of the works protected under this Agreement, for the providing of assistance to authors in the protection of their copyrights, for the payment of the royalties due to authors and for the system governing the mutual settlement of accounts, as well as other problems arising out of this Agreement.

* English translation based on the official Polish text.

Article VII

The Contracting Parties mutually undertake to respect and observe fully the provisions in force in the Polish People's Republic and in the Union of Soviet Socialist Republics concerning the implementation of this Agreement.

Article VIII

This Agreement shall be applicable to the use of the works listed in Articles I and II, the periods of protection of which, determined according to Article III, have not expired at the time of such use.

Article IX

This Agreement shall not affect the rights and obligations of the Contracting Parties under other international agreements.

Article X

Each of the Contracting Parties is entitled to submit proposals for amending or supplementing this Agreement.

Article XI

This Agreement is concluded for a period of three years. The period of validity shall be automatically extended every three years unless the Agreement is denounced by one of the Contracting Parties by means of a notification made six months before the expiration of that period.

Article XII

This Agreement shall be subject to acceptance according to the legislation of each Contracting Party.

The Agreement shall enter into force on the first of January of the year during which the Contracting Parties have exchanged notes confirming its acceptance.

Done at Warsaw, this fourth day of October 1974, in two copies, each in the Polish and Russian languages, both texts being equally authentic.

Józef TEJCHMA

Minister for Culture and Art

Boris PANKIN

Chairman of the Board
of the Copyright Agency
of the USSR

NATIONAL LEGISLATION

ALGERIA

Ordinance establishing the National Copyright Office

(No. 73-46, of July 25, 1973) *

PART I

General Provisions

Chapter I

Creation — Name

Art. 1. — A public institution of industrial and commercial character, having legal status and financial autonomy, is hereby created under the name of *Office national du droit d'auteur* [National Copyright Office] with the abbreviation "ONDA".

ONDA shall be under the supervisory authority of the Ministry of Information and Culture. Its relations with third parties are governed, in particular, by the Copyright Ordinance No. 73-14 of April 3, 1973¹.

Art. 2. — The headquarters of the Office shall be at Algiers and may be transferred to any other place within the national territory by order of the Minister for Information and Culture.

Art. 3. — Sub-offices or agencies may be created by order of the Minister for Information and Culture. They may be closed down in the same manner.

Chapter II

Purpose

Art. 4. — The purpose of the National Copyright Office, within the framework of Ordinance No. 73-14 of April 3, 1973, shall be:

- (1) to ensure, on an exclusive basis, the protection of the moral and material interests of the creators of intellectual works and their successors in title;
- (2) to ensure the moral defense of works in its repertoire in the case of exploitation both in Algeria and abroad, and to collect all royalties in respect of such exploitation;
- (3) to exercise and administer all rights relating to the public performance of the works of authors and to their exploitation by whatever means;
- (4) to provide for the distribution of the royalties deriving from the exploitation of works in its repertoire among owners of the rights;

- (5) to receive and record, on an exclusive basis, in Algeria, all declarations about works;
- (6) to promote the creation of intellectual works by providing appropriate conditions therefor;
- (7) to promote the introduction of social benefits in favor of the creators of intellectual works;
- (8) to ensure the protection of works constituting the traditional cultural heritage and the folklore of the Democratic and Popular Republic of Algeria, and the works of nationals which are in the public domain;
- (9) to carry out all other lawful acts which contribute to the achievement of these aims, including accession to international authors' organizations which group bodies with similar aims;
- (10) to initiate cultural programs for the promotion of the creation and use of intellectual works;
- (11) to investigate positive solutions to problems relating to the professional activity of authors.

Art. 5. — Subsequent texts shall complete and specify, where necessary, the provisions of Article 4 above.

PART II

Administrative Structure

Art. 6. — ONDA shall be administered by a Director General, assisted by an Administrative Board.

Art. 7. — The conditions and procedures for the affiliation of authors to the Office, and the procedures for the appointment of the various authors' representatives on the Administrative Board, shall be determined by orders issued by the Minister for Information and Culture.

Chapter I

The Director General

Art. 8. — The Director General shall be appointed by decree on a proposal by the Minister for Information and Culture. His removal from office shall be in the same manner.

Art. 9. — The Director General shall have full powers for ensuring the satisfactory operation of the Office. He shall exercise hierarchical powers over the entire staff placed under his authority.

The Director General shall manage the staff and shall appoint and dismiss the officers placed under his authority, in

* The French text of this Ordinance was published in the *Journal officiel* of the Democratic and Popular Republic of Algeria of September 11, 1973. — WIPO translation.

¹ See *Copyright*, 1973, pp. 200 *et seq.*

accordance with the statutes and statutory contracts governing their activity, with the exception of officers in Category A or assimilated thereto, who shall be appointed by order of the Minister for Information and Culture, and of the Accountant.

Art. 10. — The Director General shall act on behalf of the Office in all civil acts and shall represent it before any jurisdictional body.

The Director General may, on his own responsibility, delegate his signatory powers to one or more members of the staff.

Art. 11. — The Director General shall draw up estimates of income and expenditure and shall be responsible for their implementation. To this end, he shall arrange for the preparation of income vouchers for the proper authorization and recording of commitments and expenditure. He shall make all transactions, agreements or conventions in accordance with the legislation in force.

Art. 12. — The supervisory authority may at any time appoint a committee of inquiry to verify the satisfactory management of the Office and the satisfactory implementation of the guidelines imposed on it.

The committee of inquiry shall, within the limits of its purpose, have, on the premises, the most extensive powers of access to, and communication of, administrative, financial and accounting documents.

Art. 13. — Orders issued by the Minister for Information and Culture shall determine the internal organization of ONDA.

Chapter II

The Administrative Board

Art. 14. — The Administrative Board of ONDA shall be presided over by a person appointed by the Minister for Information and Culture.

In addition to its Chairman, the Administrative Board shall be composed of:

- the Director of Cultural Affairs at the Ministry of Information and Culture, or his representative;
- a representative of the Office of the President of the Council of Ministers;
- a representative of the Ministry of the Interior;
- a representative of the Ministry of Primary and Secondary Education;
- a representative of the Ministry of Higher Education and Scientific Research;
- the Director General of RTA or his representative;
- the President of SNED or his representative;
- the Director of the National Educational Institute or his representative;
- the Director General of the TNA or his representative;
- the Director of ONCIC or his representative;
- eight (8) representatives of authors;
- two persons chosen by the Ministry of Information and Culture for their competence or qualifications, or for the interest they show in cultural expansion.

Art. 15. — The persons chosen by the Minister for Information and Culture shall be appointed for a period of two years.

The term of office of the eight members of the Administrative Board who represent authors shall be two years and shall be renewable. The members of the Administrative Board will serve in an honorary capacity, provided that expenditure occasioned by their activity shall be reimbursed on justification.

Art. 16. — The Director General and the Financial Controller shall attend meetings of the Administrative Board in an advisory capacity.

Art. 17. — The Administrative Board shall meet in ordinary session at least once every three months, on convocation by its Chairman. It shall meet also in extraordinary session at the request of the supervisory authority, the Director General or two-thirds of its members.

Art. 18. — The agenda of each meeting shall be drawn up by the Chairman of the Administrative Board on a proposal by the Director General.

Convocations, accompanied by the agenda, shall, except in pressing circumstances, be sent eight days prior to the date of the meeting. The Administrative Board may not validly conduct its business unless at least one-half of its members attends the meeting. If this quorum is not reached, a second meeting shall be held on expiration of a period of seven days. The Administrative Board shall then conduct its business irrespective of the number of members present. Decisions shall be taken by a simple majority of the members voting. In the event of equally divided votes, the Chairman shall have the casting vote. Members of the Administrative Board are bound to respect the secrecy of their deliberations.

Art. 19. — The deliberations of the Administrative Board shall be set down in minutes which shall be entered in a special register and signed by the Chairman and the Secretary. The minutes shall record the number of members present.

Art. 20. — A certified copy of the minutes of each meeting shall be sent to the supervisory authority within a week following the date on which the meeting was held.

Art. 21. — The Administrative Board shall hear the Director General's reports on the operation of the Office. It shall express its views on the Office's general program of activities, and in particular on:

- the estimates for the income and expenditure of the Office;
- the standing orders and financial regulations of the Office;
- the staff regulations and rules;
- medium and long-term loans;
- the purchase, sale and rent of real estate, which may not occur until joint approval has been obtained from the supervisory Minister responsible and the Minister for Finance;
- the creation of new offices.

PART III

Financial Organization

Art. 22. — The accounting year shall begin on January 1 and end on December 31 of each year.

Art. 23. — The accounting estimates for income and expenditure prepared by the Director General shall be sent simultaneously to the supervisory Minister responsible and to the Minister for Finance before September 1 of the year preceding the accounting year to which they relate.

Approval of the accounting estimates shall be deemed to have been given on the expiration of a period of forty-five days from the date of transmittal, provided that neither of the two Ministers concerned has opposed them. In the event of opposition, the Director General shall submit new estimates for approval within fifteen days of the opposition having been signified; approval shall be deemed to have been given on the expiration of a period of thirty days following the transmittal of the new estimates, if in the meantime the Ministers concerned have not raised any new opposition.

When the accounting estimates have not been approved by the beginning of the accounting year, the Director General shall be authorized to incur the expenditure necessary for the operation of the Office within the limits of the corresponding amounts in the accounting estimates for the preceding year, as approved.

Art. 24. — In his capacity as financial director, the Director General shall establish income vouchers. He shall incur, effect and order expenditure within the limits of the credit duly provided.

Art. 25. — The income of ONDA shall comprise:

- (1) royalties;
- (2) fees collected for the use of works belonging to the traditional cultural heritage and the folklore of the Democratic and Popular Republic of Algeria, and of the works of nationals which have fallen into the public domain;
- (3) interest from investment authorized under the legislation in force;
- (4) subsidies, gifts and legacies;
- (5) the proceeds of fines, penalties arising from transactions and civil reparations which the Office may be entitled to receive;

in general, all income received by ONDA in the exercise of its activity.

Art. 26. — The expenses of ONDA shall comprise:

- (1) operating and investment expenditure;
- (2) the portion of royalties accruing to authors;
- (3) miscellaneous expenditure and all expenditure necessary for the achievement of the objectives defined in Article 4 above.

Art. 27. — The Accountant appointed by order of the Minister for Finance shall, under the authority of the Director General, keep the accounts of the Office. He shall carry out his duties in accordance with the laws and regulations in force.

Art. 28. — The Accountant shall be responsible for the safekeeping of royalties and for the collection of fees, debts and other income of the Office. He shall be responsible for the income vouchers transmitted to him by the Director General. He shall ensure the collection of amounts due.

The Accountant may suspend proceedings only on the written instructions of the Director General.

Art. 29. — The Accountant may effect collections and payments in accordance with accepted business practice.

Art. 30. — The accounting estimates shall be drawn up for each accounting year. The management account drawn up by the Accountant shall be submitted to the supervisory authority and to the Minister for Finance for verification and approval. This account shall be accompanied by all the supporting documents required by the general rules of accountancy.

Art. 31. — A financial controller shall be assigned to the Office by the Minister for Finance.

Art. 32. — The funds of the Office must be placed in a deposit account at the Treasury, in accordance with the provisions of the legislation in force.

The supervisory authority may authorize the Office to open accounts in approved banks and credit institutions.

Art. 33. — The dissolution of ONDA may only be effected by means of a text of legislative character, which shall provide for the disposal of all its assets.

Art. 34. — This Ordinance shall be published in the *Journal officiel* of the Democratic and Popular Republic of Algeria.

UNITED KINGDOM

Hong Kong: Copyright Regulations*

I

Copyright (Libraries) Regulations 1973

(No. 103 of 1973)

In exercise of the powers conferred by sections 7 and 15 of the Copyright Act 1956, as extended to Hong Kong by the Copyright (Hong Kong) Order 1972¹, the Governor in Council has made the following regulations—

Citation and commencement

1. — These regulations may be cited as the Copyright (Libraries) Regulations 1973 and shall come into operation on the expiration of the day next preceding the day on which they are published in the *Gazette*.

Interpretation

2. — In these regulations, unless the context otherwise requires —

“Act” means the Copyright Act 1956, as extended to Hong Kong by the Copyright (Hong Kong) Order 1972; and

“work” means a published literary, dramatic or musical work.

Prescribed classes of library under subsections (1) and (3) of section 7

3. — Each of the classes of library specified in the First Schedule shall be a class prescribed for the purposes of subsections (1) and (3) of section 7 of the Act:

Provided that this regulation shall not apply to any library established or conducted for profit.

Prescribed classes of library under subsection (5) of section 7

4. — (1) Each of the classes of library specified in the First or Second Schedule shall be a class prescribed for the purposes of subsection (5) of section 7 of the Act and, for the purposes of paragraph (a) of that subsection (which relates to the librarian to whom a copy is supplied), and any class of library so specified shall, where appropriate, be deemed to include any library of a similar class situated outside Hong Kong.

(2) This regulation shall apply to any library of a class so specified whether established or conducted for profit or not.

Prescribed conditions under subsections (1) and (3) of section 15

5. — Each of the classes of library specified in the First or Second Schedule shall be a class prescribed for the purposes of subsection (4) of section 15 of the Act.

Prescribed conditions under subsections (1) and (3) of section 7

6. — (1) The following conditions shall be conditions prescribed for the purposes of subsections (1) and (3) of section 7 of the Act (which relate, respectively, to copies of articles in periodical publications and copies of parts of other works) —

- (a) no copy of any work or any part of a work shall be made for or supplied to any person unless he has delivered to the librarian concerned, or to some person appointed by the librarian for that purpose, a declaration and undertaking in writing in relation to that work or part, substantially in accordance with the form set out in the Third Schedule and signed in the manner therein indicated;
- (b) for the purposes of subsection (1) (which relates to copies of articles in periodical publications) no copy extending to more than one article in any one publication shall be made;
- (c) for the purposes of subsection (3) (which relates to copies of parts of other works) no copy extending to more than a reasonable proportion of a work shall be made;
- (d) persons to whom copies are supplied shall be required to pay for such copies a sum not less than the cost (including a contribution to the general expenses of the library) attributable to their production.

(2) For the purposes of sub-paragraph (c) of paragraph (1) —

- (a) a reasonable proportion of a work means —
 - (i) in the case of a single extract, not more than 4,000 words;
 - (ii) in the case of a series of extracts, not more than 3,000 words per extract, with a total of not more than 8,000 words; and
 - (iii) in any case, not more than 10 per cent of the work; and

* Published in the *Legal Supplement No. 2 to the Hong Kong Government Gazette* of June 1, 1973.

¹ See *Copyright, 1973*, pp. 91 *et seq.*

- (b) poems, essays and other short literary works shall be regarded as whole works and not as parts of the volume in which they are published.

Prescribed conditions under subsection (5) of section 7

7. — The following conditions shall be the conditions prescribed for the purposes of subsection (5) of section 7 of the Act, (which relates to the making and supplying of copies of any works or parts of works to librarians) —

- (a) no copy of a work or a part of a work shall be made for or supplied to the librarian of any library, if a copy of that work or that part has already been supplied to any person as a librarian of that library, unless the librarian by or on behalf of whom the copy is made is satisfied that the copy already supplied has been lost, destroyed or damaged;
- (b) librarians to whom copies are supplied shall be required to pay for such copies a sum not less than the cost (including a contribution to the general expenses of the library) attributable to their production; and
- (c) no copy shall be supplied to the librarian of a library that is established or conducted for profit.

Restriction on the making of copies

8. — Nothing in regulation 6 or 7 shall be taken to authorize the librarian of any library to make or supply a copy of any work or part of a work (other than an article in a periodical publication) for or to any other person (whether that person is the librarian of another library or not) if at the time when the copy is made the librarian knows the name and address of a person entitled to authorize the making of the copy or could by reasonable inquiry ascertain the name and address of such a person.

Prescribed conditions under subsection (4) of section 15

9. — (1) The provisions of paragraph (2) of this regulation shall be the conditions prescribed for the purposes of subsection (4) of section 15 of the Act (which relates to reproductions of the typographical arrangements of published editions of works).

(2) A reproduction of the typographical arrangement of a published edition of a work or a part thereof may be made or

supplied in pursuance of subsection (4) of section 15 only in the circumstances and upon the conditions in and upon which a copy of that work or part may, by virtue of the provisions of Part I of the Act, be made or supplied without infringing the copyright in that work under Part I:

Provided that for the purposes of subsection (4) of section 15 of the Act a reproduction of the typographical arrangement of a published edition of a work may be made without infringing the copyright in the published edition notwithstanding that the librarian by or on behalf of whom the reproduction is made knows, at the time it is made, the name and address of a person who is entitled to authorize the making of such a copy or such a reproduction or could by reasonable inquiry ascertain the name and address of such a person.

FIRST SCHEDULE

I. Any library in Hong Kong to which section 15 of the Copyright Act 1911 applied until the Copyright Act 1956 was brought into operation in Hong Kong.

II. Any library of a school (as defined by section 41(7) of the Act), university, college of a university or university college.

III. Any library administered under the public Health and Urban Services Ordinance.

IV. Any library administered as part of a Government Department.

V. Any library conducted for, or administered by any establishment or organization conducted for, the purposes of facilitating or encouraging the study of all or any of the following religion, philosophy, science (including any natural or social science), technology, medicine, history, literature, languages, education bibliography, fine arts, music or law.

SECOND SCHEDULE

Any library which makes works in its custody available to the public free of charge.

THIRD SCHEDULE

[This Schedule is not reproduced]

II

Copyright (Notice of Publication) Regulations 1973

(No. 104 of 1973)

In exercise of the powers conferred by section 7 of the Copyright Act 1956, as extended to Hong Kong by the Copyright (Hong Kong) Order 1972, the Governor in Council has made the following regulations —

Citation and commencement

1. — These regulations may be cited as the Copyright (Notice of Publication) Regulations 1973 and shall come into operation on the expiration of the day next preceding the day on which they are published in the *Gazette*.

Interpretation

2. — In these regulations, unless the context otherwise requires —

“Act” means the Copyright Act 1956 as extended to Hong Kong by the Copyright (Hong Kong) Order 1972; and

“old work” and “new work” have the meanings assigned to those expressions under subsection (7) of section 7 of the Act.

Notice to be given in a daily or Sunday newspaper

3. — Notice of an intended publication of a new work for the purposes of subsection (7) of section 7 of the Act shall be given by advertisement written in Chinese or English or both languages published in a daily or Sunday newspaper in Hong Kong.

Notice to be published twice

4. — Notice shall be given twice, on the first occasion to appear not less than three months, and on the second not less than two months, before the intended date of publication, with an interval of not less than one month between the two occasions.

Particulars to be given in the notice

5. — The notice referred to in regulation 3 shall be signed by or on behalf of the person giving it and shall include the following particulars —

- (a) the name and address of the person intending to publish and a statement of his intention to publish;
- (b) the title (if any) and a description of the old work and the date or estimated date of making;
- (c) the name of the author of the old work, if known to the person intending to publish;
- (d) the name and address of the library, museum or institution in which the manuscript or a copy of the old work is kept;
- (e) the name of the person from whom the library, museum or institution in which the manuscript or a copy of the old work is kept acquired it or a statement that the person intending to publish has failed after reasonable inquiries to discover the name of that person;
- (f) an invitation to any person claiming to be the owner of the copyright in the old work to give notice of his claim to the person intending to publish.

III

Copyright Royalty System (Records) Regulations 1973

(No. 105 of 1973)

In exercise of the powers conferred by section 8 of the Copyright Act 1956, as extended to Hong Kong by the Copyright (Hong Kong) Order 1972, the Governor in Council has made the following regulations —

Citation and commencement

1. — These regulations may be cited as the Copyright Royalty System (Records) Regulations 1973 and shall come into operation on the expiration of the day next preceding the day on which they are published in the *Gazette*.

Interpretation

2. — In these regulations “the Act” means the Copyright Act 1956, as extended to Hong Kong by the Copyright (Hong Kong) Order 1972.

Notice

3. — (1) The notice required by subsections (1) and (5) of section 8 of the Act shall contain the following particulars —

- (a) the name and address of the person by whom the notice is given, hereinafter called “the manufacturer”;
- (b) the name of the work to which the notice refers, hereinafter called “the work”, a description sufficient to identify it and the name of the author or publisher;
- (c) a statement that the manufacturer intends to make records of the work or an adaptation thereof and the address at which he intends to make such records;
- (d) sufficient particulars to identify a record of the work or an adaptation thereof made in or imported into Hong Kong in such circumstances that section 8 of the Act applies to the records which the manufacturer intends to make;
- (e) the type or types of record on which it is intended to reproduce the work or adaptation, and an estimate of the number of records of each type initially intended to be sold or otherwise supplied for the purpose of retail sale;
- (f) the ordinary retail selling price (as hereinafter defined) of the records, or, where it is intended to reproduce the work on more than one type of record, the ordinary retail selling price of each type of record, the manufacturer intends to make and the amount of the royalty payable on each record;
- (g) the earliest date at which any of the records will be delivered to a purchaser or otherwise supplied as aforesaid;
- (h) whether any other musical, literary or dramatic work is to be reproduced on the same record with the work and, in relation to any such other work, the particulars specified in sub-paragraph (b).

(2) The notice shall, not less than 15 days before any record on which the work is reproduced is delivered to a purchaser or otherwise supplied as aforesaid, be sent by registered post or recorded delivery or published by advertisement as follows —

- (a) if the name and an address within Hong Kong of the owner of the copyright, or his agent for the receipt of notice, are known or can by reasonable inquiry be ascertained, the notice shall be sent to such owner or agent at such address;
- (b) if such name and address are not known and cannot by reasonable inquiry be ascertained, an advertisement shall be inserted in the *Gazette* giving the particulars specified in sub-paragraphs (a), (b), (c) and (d) of paragraph (1) and stating an address from which the particulars specified in sub-paragraphs (e), (f), (g) and (h) of paragraph (1) may be obtained.

Payment of royalties

4. — (1) Royalties may be paid in such manner and at such times as are specified in any agreement which may be made between the manufacturer and the owner of the copyright.

(2) In the absence of any agreement to the contrary, the following provisions of this regulation shall apply to the manner in and time at which royalties shall be paid and the steps to be taken to ensure the receipt of royalties by the owner of the copyright.

(3) (a) If within 7 days after the date of the notice specified in regulation 3 the owner of the copyright intimates to the manufacturer, by notice in writing sent by registered post or recorded delivery, some convenient place within Hong Kong from which adhesive labels can be obtained, the manufacturer shall by notice in writing specify the number and denomination of the labels he requires and at the same time tender a sum equivalent to the amount of royalty represented by the labels required.

(b) If, within 6 days after receipt of the notice required under sub-paragraph (a) to be given by the manufacturer, the copyright owner supplies the labels required, the manufacturer shall not deliver to a purchaser or otherwise supply for the purpose of its being sold by retail any record made by him to which the notice specified in regulation 3 refers unless there is attached thereto, or (if the type of record is such that it is not reasonably practicable to attach an adhesive label thereto) to the container in which it is intended to be delivered to a retail purchaser, a label supplied as aforesaid and representing the amount of the royalty payable in respect of that record.

(4) (a) If the owner of the copyright does not take the steps specified in sub-paragraphs (a) and (b) of paragraph (3) within the times therein respectively specified, the manufacturer may deliver to a purchaser or otherwise supply as aforesaid any record to which the notice specified in regulation 3 refers without complying with the requirements of paragraph (3).

(b) The manufacturer shall keep an account of all records delivered by him to a purchaser or otherwise supplied as aforesaid in accordance with this paragraph and the amount of the royalties due to the owner of the copyright in respect thereof shall be transferred to a special account and held in trust for the owner of the copyright.

(5) If the manufacturer takes in relation to any records the steps specified in paragraph (3) or (4), as the case may be, the taking of those steps shall be deemed to constitute the payment of royalties on those records in accordance with paragraph (d) of subsection (1) of section 8 of the Act.

(6) For the purposes of this regulation "the date of the notice specified in regulation 3" means —

- (a) in cases where the notice is required to be sent by registered post, the date when the notice would in ordinary course of post be delivered;
- (b) in cases when the notice is required to be sent by recorded delivery, the date when the notice is so delivered; and
- (c) in cases where the notice is required to be advertised in the *Gazette*, the date of such advertisement.

(7) (a) The adhesive label supplied as aforesaid shall be an adhesive label, square in shape, the design to be entirely enclosed within a circle and the side of the label to be not greater than $\frac{3}{4}$ inch in length.

(b) The label shall not contain the effigy of the Sovereign or any other person, nor any word, mark or design such as to suggest that the label is issued by or under the authority of the Government for the purpose of denoting any duty payable to the Government.

Ordinary retail selling price

5. — The ordinary retail selling price of any record shall be calculated at the marked or catalogued selling price of single records to the public, or if there is no such marked or

catalogued selling price, at the highest price at which single records are ordinarily to be sold to the public.

Inquiries

6. — (1) The inquiries referred to in subsection (7) of section 8 of the Act shall be directed to the owner of the copyright by name or (if his name is not known and cannot by reasonable inquiry be ascertained) in general terms as the owner of the copyright in the work in respect of which the inquiries are made and shall contain —

- (a) a statement of the name of the musical, literary or dramatic work in respect of which the inquiries are made, a description sufficient to identify it and of the name of the author or publisher;
- (b) a statement of the name and address of the person making the inquiries;
- (c) an allegation that a record of the work or an adaptation thereof has previously been made in or imported into Hong Kong for the purposes of retail sale, with the trade name (if known) and a description of such record sufficient to identify it;
- (d) an inquiry whether the record so described was made in or imported into Hong Kong for the purposes of retail sale by or with the licence of the owner of the copyright.

(2) The inquiries shall be sent by registered post or recorded delivery or published by advertisement as follows —

- (a) if an address within Hong Kong of the owner of the copyright or his agent is known or can by reasonable inquiry be ascertained, the inquiries shall be sent to such address;
- (b) if such an address is not known and cannot by reasonable inquiry be ascertained, the inquiries shall be advertised in the *Gazette*.

(3) The prescribed time for reply to such inquiries shall be —

- (a) to an inquiry duly sent by registered post, 7 days after the date when the inquiry would in ordinary course of post be delivered;
- (b) to an inquiry duly sent by recorded delivery, 7 days after the date of delivery;
- (c) to an inquiry duly advertised in the *Gazette*, 7 days after the date of such advertisement.

GENERAL STUDIES

Reprography and Copyright

Helmut ARNTZ *

CALENDAR

WIPO Meetings

- 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 for Developing Countries
- 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 13, 1975 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee
- June 16 to 21, 1975 (Washington) — Sub-Committee on Reprographic Reproduction of the Executive Committee of the Berne Union
(Meeting held jointly with the Sub-Committee of the Intergovernmental Copyright Committee established by the Universal Copyright Convention)
- June 16 to 27, 1975 (Rijswijk) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee
- June 23 to 27, 1975 (Geneva) — Protection of Computer Programs — Advisory Group
- August 28 and 29, 1975 (Geneva) — Hague Union — Conference of Plenipotentiaries
- September 8 to 12, 1975 (Geneva) — International Classification of Goods and Services for the Purposes of the Registration of Marks — Preparatory Committee and Committee of Experts
- 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 1 to 3, 1975 (Geneva) — International Patent Classification (IPC) — Bureau
- October 6, 1975 (Geneva) — International Patent Classification (IPC) — Joint ad hoc Committee
- October 7 to 9, 1975 (Geneva) — International Patent Classification (IPC) — Assembly and Committee of Experts
- October 13 to 17, 1975 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)
- October 20 to 24, 1975 (Washington) — ICIREPAT — Technical Committee for Standardization (TCST)
- October 27 to 31, 1975 (Mexico City) — Latin American and Caribbean Seminar on the Rights of Performers, Producers of Phonograms and Broadcasting Organizations
(Meeting organized jointly with ILO and Unesco)
- October 27 to November 3, 1975 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Committees
- November 3 to 14, 1975 (Berne) — International Patent Classification (IPC) — Working Group II
- November 10 to 14, 1975 (Geneva) — Revision of the Model Law on Inventions — Working Group (3rd session)
- December 1 to 5, 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
- 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
- December 15 to 22, 1975 (Geneva) — Revision of the Paris Convention for the Protection of Industrial Property — Group of Governmental Experts
- March 15 to 19, 1976 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Permanent Committee (3rd session)
- September 27 to October 5, 1976 (Geneva) — WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Nice, Lisbon, Locarno, IPC and Berne Unions; Conferences of Representatives of the Paris, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Council of the Lisbon Union — Ordinary Sessions
- March 14 to 18, 1977 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Permanent Committee (4th session)
- September 26 to October 4, 1977 (Geneva) — WIPO Coordination Committee and Executive Committees of the Paris and Berne Unions — Ordinary Sessions

UPOV Meetings

Council: October 7 to 10, 1975 — **Consultative Committee:** October 6 and 10, 1975 — **Technical Steering Committee:** November 6 and 7, 1975 — **Committee of Experts on International Cooperation in Examination:** November 3 to 5, 1975 — **Committee of Experts on the Interpretation and Revision of the Convention:** December 2 to 5, 1975; February 17 to 26, 1976

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 **Agricultural Crops:** June 4 to 6, 1975 (Cambridge - United Kingdom); (iii) for **Fruit Crops:** June 17 to 19, 1975 (Bordeaux - France); (iv) for **Forest Trees:** August 19 and 20, 1975 (Hannover - Federal Republic of Germany); (v) for **Ornamental Plants:** September 9 to 11, 1975 (Hornum - Denmark)

Meetings of Other International Organizations concerned with Intellectual Property

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

June 2 and 3, 1975 (Paris) — United Nations Educational, Scientific and Cultural Organization (UNESCO) — Intergovernmental Copyright Committee established by the Universal Copyright Convention (as revised at Paris in 1971)

June 12 and 13, 1975 (Stockholm) — Union of European Professional Patent Representatives — Executive Committee

June 15 to 22, 1975 (Madrid) — International Chamber of Commerce — Congress

June 18 to 20, 1975 (Rijswijk) — International Patent Institute — Administrative Board

September 16 to 19, 1975 (Budapest) — International Federation of Musicians — Executive Committee

September 17 to 20, 1975 (London) — Union of European Professional Patent Representatives — General Assembly

October 1 to 3, 1975 (Berlin) — International Literary and Artistic Association — Working Session

November 17 to 26, 1975 (Paris) — United Nations Educational, Scientific and Cultural Organization (UNESCO) — Committee of Governmental Experts on the Double Taxation of Copyright Royalties

May 25 to June 1, 1976 (Tokyo) — International Publishers Association — Congress



WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

ANNOUNCEMENT OF VACANCY

Competition No. 269

DIRECTOR
EXTERNAL RELATIONS DIVISION

ERTY
VIPO)

No. 5
1975

Category and grade: D.1

Principal duties:

Subject to general directions, the incumbent will be responsible for the direction of the External Relations Division. In this capacity, the incumbent will be called upon, particularly in matters concerning coordination within the United Nations system, to give advice on the program of WIPO, to represent the Organization at a senior level, and to supervise the activities of the Division, which include:

Page

- (a) relations with member and non-member States; . 106
- (b) relations with international organizations; . 106
- (c) representation of WIPO at intergovernmental and international non-governmental meetings; . 107
- (d) formulation of proposals for the program of activities of WIPO; . 107
- (e) participation in the implementation of the program of legal-technical assistance; . 108
- (f) preparation of working documents and reports relating to the matters referred to above. . 110

Qualifications required:

- (a) University degree in law or equivalent legal qualifications (preferably) or other university degree in a relevant field. . 113
- (b) Experience in the field of intellectual property, particularly its international aspects. . 119
- (c) Experience at the international and intergovernmental level, involving senior supervisory responsibilities. Familiarity with the activities and procedures of the United Nations, its bodies and its specialized agencies.
- (d) Ability to act as a senior representative of WIPO at international meetings.
- (e) Excellent knowledge of either English or French and at least a good knowledge of the other language. Ability to work in other major languages would be an advantage.

Nationality:

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

Age limit:

The candidate designated must be less than fifty-five years of age at date of appointment in the event of a probationary period appointment being granted. However, this limit is not applicable to a fixed-term appointment, where the desirable age limit would be sixty.

Counc:
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Note:

Date of entry on duty: as soon as possible.

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Conditions of employment:

The conditions governing employment are defined in the Staff Regulations and Rules of the International Bureau of WIPO. They follow generally those of the United Nations "common system."*

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- Type of appointment: fixed term appointment of two years, with possibility of renewal; or probationary period of two years, after satisfactory completion of which a permanent appointment will be offered.
- Medical examination: the appointment is subject to a satisfactory medical examination.
- Net annual salary:** from 57,717 Swiss francs (starting salary) to 66,598 Swiss francs (final step).
Salary step increments are subject to satisfactory service. The staff member's contribution to the pension fund represents approximately 9.5% of the above amounts.
- Annual post adjustment: from 30,623 Swiss francs (amount corresponding to the starting salary) to 33,933 Swiss francs, without dependants;
from 45,934 Swiss francs (amount corresponding to the starting salary) to 50,900 Swiss francs, with dependants.
- Dependency allowances: 1,089 Swiss francs per year for dependent spouse;
968 Swiss francs per year for each dependent child;
484 Swiss francs for one dependent parent, brother or sister (where there is no dependent spouse), for whom the staff member contributes at least half the total support.
- Education grant: up to a maximum of 3,630 Swiss francs per scholastic year for each child under 21 years of age in full-time attendance at a school, university or similar educational institution (75% of actual costs).
- Salary, post adjustment and allowances are not subject to Swiss taxes.
- Conditions also include: payment of travel and removal expenses; installation grant; five-day week; annual leave of 30 working days; home leave; pension scheme and medical benefit scheme.

Applications:

Persons wishing to apply should write to the Director of the Administrative Division, WIPO, 32 chemin des Colombettes, 1211 Geneva 20, Switzerland, for application forms. These forms, duly completed, should reach WIPO not later than June 16, 1975.

Geneva, March 14, 1975

* The amounts of salary and various allowances indicated are subject to modification arising from fluctuations in the rate of exchange between the US dollar and the Swiss franc (the applicable scales are based on those of the UN expressed in dollars).

** After deduction of internal taxation.