

# Copyright

Review of the  
WORLD INTELLECTUAL PROPERTY  
ORGANIZATION (WIPO)

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**BERNE UNION**

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**CHILE**

**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 Republic of Chile deposited, on March 25, 1975, 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.

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 Republic of Chile, three months after the date of this notification, that is, on July 10, 1975.

Berne Notification No. 72, of April 10, 1975.

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**NATIONAL LEGISLATION**

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**ARGENTINA**

I

**Law No. 20.115**

(Of January 23, 1973) \*

*Article 1.* — The General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection is hereby recognized as a civil, cultural and cooperative association of private character representing national and foreign creators of literary works, dramatic or dramatico-musical works, cinematographic, television and radio works, choreographic works and entertainments in dumb show, periodicals, works intended for entertainment and scripts for shows, whether they are in written form or diffused by radio, cinema or television, or fixed on an object capable of recording sounds or images or sound and images. It shall also represent the heirs and successors in title of the foreign authors or authors' societies brought into relationship with it by reciprocal assistance and representation agreements; it alone shall manage the said works and collect the amounts accruing to it for the use of works in its repertoire. The General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection shall be responsible for the collection, throughout the territory of

the Republic, of all royalties deriving from the use of the said works, whether they are used in public performances or diffused by radio, cinema or television or any other means of dissemination, existing or to be created in the future, or whether they are fixed on an object capable of recording sounds or images or sounds and images, by whatever means or techniques.

It shall also be responsible for issuing the authorizations provided for in Article 36 of Law No. 11.723, with the exception of the express prohibition of use made by the author, and for the representation and defense of the moral rights of authors of works. National or foreign natural persons or legal entities which have to collect royalties for themselves or their mandators shall operate through the intermediary of the General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection.

*Article 2.* — For the protection of the artistic heritage of authors and the effective implementation of copyright, the State shall exercise permanent control over the General Society of Authors of Argentina (ARGENTORES) for Reciprocal

\* The Spanish text of this Law and of Decree No. 461 was published in the *Boletín Oficial* of the Argentine Republic of January 31, 1973. — WIPO translation.

Protection, through the intermediary of the National Institute for Mutual Action.

*Article 3.* — This Law shall apply to the whole of the national territory, without prejudice to police powers conferred to provincial and municipal governments in their respective jurisdictions, notwithstanding any provision to the contrary.

*Article 4.* — Within forty-five (45) days from the publication of this Law, the corresponding Regulatory Decree shall be enacted, to the provisions of which the constitution and regulations of the Society shall conform.

*Article 5.* — This Law shall be communicated, published, submitted to the National Directorate of Official Registration and placed on record.

## II

### Decree No. 461

(Of January 31, 1973)

*Article 1.* — The General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection shall be competent to coordinate collection and administration procedures with other authors' societies of different type, bodies exercising a parallel activity, and with the National Art Fund.

*Article 2.* — The General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection shall be authorized, with respect to the use of works in its repertoire, to do the following:

- (a) determine the conditions to which the users shall conform, grant or deny the prior authorization provided for in Article 36 of Law No. 11.723 and corresponding provisions;
- (b) fix royalties;
- (c) demand of users that they produce sworn statements; examine and verify the accuracy of the contents thereof;
- (d) demand the preparation and submission of schedules of performances or uses, together with programs and other elements necessary for verification;
- (e) control admissions, booking agencies, ticket offices and other elements and modalities which have to be determined for the purpose of fixing royalties;
- (f) request the intervention of the judicial, administrative and police authorities for the implementation of Law No. 11.723;
- (g) carry out such other acts as are necessary for the attainment of the objectives of the Law.

*Article 3.* — Decree No. 8.478/65 enacted by the National Executive shall apply with respect to the performance or dissemination of works whose authors are subject to the law.

*Article 4.* — For the determination of its royalties, the General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection may apply the following maximum percentages:

- (a) twenty percent (20%) of the receipts in the case of events or shows for which an admission fee is charged or payment received which is equivalent to such charge,

or if a charge is inherent in the nature of the event or show. The organizers may not claim that free tickets were issued or that the event or show was free of charge. In the latter case the proceeds shall be determined by analogy;

- (b) fifteen percent (15%) of the receipts in the case of events or shows not included in the foregoing paragraph;
- (c) ten percent (10%) of receipts, tariff charges or the total or partial amount of the cost of producing the program, incurred by the broadcasting organization, or of the cost of retransmission or recording on videotape; of phonographic products, discs, tapes and the like; of graphic publications and of the exhibition of cinematographic works.

*Article 5.* — The National Institute for Mutual Action may increase the maxima fixed in Article 4 at the request of the Assembly of the General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection.

*Article 6.* — The General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection may introduce surcharges, interest or other supplements to the royalty in cases of evasion or non-compliance in other forms on the part of users, in accordance with the rules laid down by the National Institute for Mutual Action.

*Article 7.* — The General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection, or the authors which it represents, may — when the consent of the users is given by contract — agree on the amount of royalties and introduce complementary charges or procedures, even if the maximum rates laid down in Article 4 are thereby exceeded.

*Article 8.* — The General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection may be party to legal proceedings as claimant, plaintiff or defendant or in any other judicial capacity, before any national, provincial or municipal judicial body or jurisdiction, within the country or

abroad, in matters within its legal competence. For the exercise of the correctional or penal measures provided for in Articles 71 *et seq.* of Law No. 11.723, the General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection shall be exempted from the requirement that special powers be obtained.

*Article 9.* — When the accounts of the General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection relating to its administrative costs show a figure in excess of thirty percent (30%) of the amounts collected by it, it shall inform the National Institute for Mutual Action accordingly and propose means whereby the said costs may be reduced.

*Article 10.* — Without prejudice to such other categories as it may establish under its constitution, the General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection shall recognize the following basic membership categories: (a) honorary members, (b) active members, (c) administered members, Category A, (d) administered members, Category B, (e) members by incorporation, (f) members by representation.

*Article 11.* — The status of honorary member shall be bestowed on those persons who, by the importance of services rendered by them to the Association or by the merit of their literary, artistic or musical production, qualify for such status. The designation of honorary members shall be within the competence of the General Assembly, on proposals by the Administrative Board or by at least twenty active members. They shall not enjoy the rights and benefits accorded to members of other categories.

*Article 12.* — An active member must be recognized as having created no fewer than eight acts performed within the country, the copyright in which has been administered by the Society. The counting of these acts shall be effected in the manner and form determined by the regulations of the Society, which must be approved by the National Institute for Mutual Action.

Active members may speak and vote at Assemblies, and may elect and be elected to vacant posts in the organs of the Society.

*Article 13.* — An administered member, Category A, must be recognized as having created no fewer than three and no more than eight acts performed within the country, the copyright in which has been administered by the Society. The counting of these acts shall be effected in the manner and form specified in Article 12.

Administered members, Category A, may speak and vote at Assemblies, and may elect, but not be elected, to vacant posts in the organs of the Society.

*Article 14.* — An administered member, Category B, must be recognized as having created three or fewer acts performed within the country, the copyright in which has been administered by the Society. The counting of these acts shall be effected in the manner and form specified in Article 12.

Administered members, Category B, may only speak at Assemblies: they may not vote, neither may they elect or be elected to vacant posts in the organs of the Society.

*Article 15.* — The status of member by incorporation shall be bestowed on those persons who join by exercising the right conferred on them by Article 13 of Decree-Law No. 24.499/45. They may neither speak nor vote, and shall enjoy only sickness and death benefits under the conditions specified in Article 12(c) of Decree-Law No. 24.499/45, Law No. 12.921.

*Article 16.* — The status of member by representation shall be bestowed on:

- (a) authors who have not applied for admission as members or who have lost this status, for whatever reason, or their successors in title;
- (b) bodies exercising related activities;
- (c) foreign societies.

This category of members shall have the rights deriving from the administration of their works and from the collection of their royalties, to the exclusion of the other rights and obligations belonging to members.

*Article 17.* — The constitution of the Society shall determine the conditions for the acquisition and forfeiture of membership.

*Article 18.* — The rights conferred on active members under this Decree may not be equalled by the rights of the remaining categories of members.

*Article 19.* — Every active member and administered member, Category A, shall have the right to vote on the day of payment of his membership fee.

*Article 20.* — Active members and administered members, Categories A and B, shall be classified by the General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection according to the genre in which they work, as playwrights, or radio, cinema and television scriptwriters. Where an author might be classified in more than one genre, he shall be placed in the one which ostensibly comprises more important achievements on his part, and shall retain equal rights in all those in which he has eight acts performed.

*Article 21.* — The General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection shall be directed and administered by the following bodies: (a) a General Administrative Board, which shall be entrusted with the legal representation, directing and administration of the Society; (b) four Professional Councils, one for each of the fields mentioned in Article 20, which shall be entrusted with advising the General Administrative Board on matters falling within their respective provinces; (c) a Social Security Council, which shall be responsible for everything concerned with members' pensions, allowances and assistance; (d) a Control Board, which shall be entrusted with controlling the accounts and administration of the Society, ensuring compliance with the law and with the constitution and internal rules on the

part of the Society's bodies, particularly with respect to members' rights and the conditions under which social benefits are granted.

*Article 22.* — Candidates for membership of the bodies referred to in Article 21 must be nationals of Argentina by birth or naturalization, of age and active members with the right to vote.

*Article 23.* — The General Administrative Board shall be composed of fifteen titular members representing each of the fields mentioned in Article 20. The constitution of the Society shall determine the procedure for admission to the General Administrative Board. It shall also determine the number of alternates to be elected and the procedure to be observed for the filling of vacancies.

*Article 24.* — Each Professional Council shall be composed of four titular members and two alternates. One titular member of each Professional Council shall also be a member of the Social Security Council.

*Article 25.* — The Social Security Council shall be composed of six titular members, four of whom shall be delegates of the four Professional Councils, there being one such delegate for each Council. The other two members shall be elected directly by the Assembly; they must be beneficiaries of the Social Security Fund. The same Assembly shall elect two alternates under the same conditions.

*Article 26.* — The Control Board shall be composed of three members elected by the Assembly, which shall also elect three alternates.

*Article 27.* — The constitution of the Society shall specify the form in which the election sheet or sheets are to be drawn up.

*Article 28.* — Decisions of Assemblies, whether ordinary or extraordinary, shall be taken by a simple majority of the members present and having the right to vote.

*Article 29.* — The General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection shall lay down the minimum conditions which must be met by model contracts for each of the uses of the works of its members. It shall also be entitled to exercise control over works reproduced by whatever means.

*Article 30.* — The General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection shall, in accordance with the rules laid down by the National Institute for Mutual Action, verify by whatever means it considers appropriate the accuracy of statements made by copyright owners regarding income received and works used. With regard to performances attended by an audience, it may verify the volume of attendances. With regard to recordings of any kind, the user must be in possession of prior authorization relating specifically to the recording in question, and the General Society of Authors of Argentina (ARGENTORES) for Reciprocal Protection may verify fixations made, and the commercialization and distribution of those fixations.

*Article 31.* — This Decree shall be communicated, published, submitted to the National Directorate of Official Registration and placed on record.

## UNITED KINGDOM

### The Copyright Royalty (Records of Musical Works) (Inquiries Procedure) Regulations 1974

(No. 2190, of December 20, 1974, coming into force on February 1, 1975)

The Secretary of State in exercise of powers conferred by section 8 of the Copyright Act 1956 and now vested in him hereby makes the following Regulations:—

#### *Citation, commencement and interpretation*

1. — (1) These Regulations may be cited as the Copyright Royalty (Records of Musical Works) (Inquiries Procedure) Regulations 1974 and shall come into operation on 1<sup>st</sup> February 1975.

(2) The Interpretation Act 1889 shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations—  
“the Act” means the Copyright Act 1956;

“appointed person” means, in relation to an inquiry, the person appointed under regulation 3 of these Regulations by the Secretary of State to hold the inquiry;

“inquiry” means a public inquiry to which these Regulations apply;

“party” has, in relation to an inquiry, the meaning assigned to it by regulation 5(2) of these Regulations.

#### *Application of Regulations*

2. — These Regulations apply to public inquiries held by the Secretary of State under section 8(3) of the Act for the purpose of inquiring into the question as to whether the ordinary rate of royalty or the minimum amount thereof in accordance with the provisions of section 8(2) of the Act, or in

accordance with that section as last varied by an order under section 8(3) of that Act, has ceased to be equitable, either generally or in relation to any class of records.

#### *Appointed person*

3. — The Secretary of State shall appoint a person to hold the inquiry on his behalf and may after consultation with the appointed person appoint not more than two persons to assist the appointed person.

#### *Notification of intention to hold an inquiry*

4. — (1) The Secretary of State shall send notice of his intention to hold an inquiry to every body which appears to him to be representative of a substantial number of persons who either own copyright in musical works or carry on business as manufacturers of records; and such notice shall state—

- (a) the name of the appointed person;
- (b) an address to which communications relating to the inquiry may be sent;
- (c) whether the inquiry is to extend to records generally or to be confined to any class of records and, if the latter, given a description of the class;
- (d) the period (not being less than 21 days) within which that body shall, if it wishes to be heard at the inquiry, so notify the appointed person; and
- (e) that any such notification must be accompanied by a statement of the nature of the evidence which the body proposes to adduce and a list of the documents, if any, which it proposes to produce or refer to, at the inquiry.

(2) Notwithstanding anything contained in paragraph (1) above, the Secretary of State shall—

- (a) cause notice of his intention to hold an inquiry to be published in the London, Edinburgh and Belfast Gazettes, and
- (b) take such steps as he may think appropriate to notify bodies and persons whose interests may, in his opinion, be touched upon by the inquiry of his intention to hold it and of the way in which leave to be heard at the inquiry may be obtained,

and the requirements as to the contents of the notice contained in paragraph (1) above shall apply to any such notice or notification.

#### *Right of audience at inquiry*

5. — (1) The following persons shall have a right to be heard at the inquiry:—

- (a) any body to whom the Secretary of State has sent a notice in pursuance of regulation 4(1) of these Regulations:

Provided that such body has, within the time specified in the notice or in the request of the appointed person, as the case may be (or by such later date as the appointed person may have specified under regulation 9 of these Regulations)—

- (i) notified the appointed person of its wish to be heard at the inquiry and at the same time sent to

the appointed person a statement of the nature of the evidence which it proposes to adduce and a list of the documents, if any, which it proposes to produce or refer to, at the inquiry;

- (ii) complied with any request made to it by the appointed person by virtue of regulation 6(2) of these Regulations, and
- (iii) fulfilled the requirements of regulation 6(3) of these Regulations; and

(b) any other body or person with leave of the appointed person:

Provided that such body or person has, within the time specified in the notices published by the Secretary of State in pursuance of regulation 4(2)(a) of these Regulations or in the request of the appointed person, as the case may be (or by such later date as the appointed person may have specified under regulation 9 of these Regulations)—

- (i) submitted to the appointed person a written application for leave to be heard at the inquiry, accompanied by a statement of the nature of the evidence which it or he proposes to adduce and a list of the documents, if any, which it or he proposes to produce or refer to, at the inquiry;
- (ii) complied with any request made to it or him by the appointed person by virtue of regulation 6(2) of these Regulations;
- (iii) fulfilled the requirements of regulation 6(3) of these Regulations; and
- (iv) fulfilled any conditions imposed upon it or him by the appointed person when granting such leave.

(2) Any body which or person who has a right to be heard pursuant to paragraph (1) of this regulation shall, for the purpose of these Regulations, be deemed to be a party to the inquiry.

(3) A body corporate may appear by its clerk or secretary or by any other officer appointed for that purpose, or by counsel or solicitor; and any other person may appear on his own behalf or be represented by counsel, solicitor or any other person.

#### *Amendments, further particulars, etc., and service of documents before inquiry*

6. — (1) At any time before the expiry of 21 days from the end of the period specified in the notices published by the Secretary of State in accordance with regulations 4(1) and (2)(a) above—

- (a) any body which has, in accordance with regulation 5(1)(a) above, notified the appointed person of its wish to be heard at the inquiry may send to him in writing amendments to or further particulars of its statement of the nature of the evidence which it wishes to adduce or additions to the list of documents which it wishes to produce or refer to at the inquiry; and

(b) any body which or person who has made a written application for leave to be heard at the inquiry in accordance

with regulation 5(1)(b) above and sent a statement and list of documents to the appointed person in compliance with that regulation or any conditions imposed by the appointed person thereunder may send to the appointed person in writing amendments to or further particulars of his statement of the nature of the evidence which it or he wishes to adduce or additions to the list of documents which it or he wishes to produce or refer to at the inquiry.

(2) Whenever requested by the appointed person so to do, any body which has notified the appointed person of its wish to be heard at the inquiry or any body which or person who has made written application to him for leave to be heard at the inquiry shall, within such period as may be specified in such request, send to the appointed person

- (a) such further particulars as the appointed person may request of its or his statement of the nature of the evidence which it or he wishes to adduce at the inquiry;
- (b) such number of copies as the appointed person may specify of any document which it or he has sent to the appointed person in accordance with these Regulations; and
- (c) a copy of any document which it or he wishes to produce or refer to at the inquiry.

(3) The appointed person shall cause copies of any documents which have been sent to him by any body or person in accordance with these Regulations (other than regulation 6(2)(c)) to be sent to the other bodies which have sent him notice of their wish to be heard at the inquiry and to the other bodies which and persons who have made written application to him for leave to be heard at the inquiry, other than any to which or to whom such leave has been refused; and any body which or person who has sent such a notice or made such an application shall take all reasonable steps to afford to any other such body or person an opportunity to examine the documents mentioned in its or his list, other than such documents as are readily available to that other body or person without recourse to the one in whose list the documents appear.

#### *Notice of inquiry*

7. — When the appointed person is satisfied that the procedures set out in the foregoing regulations have been completed, he shall send to each party notice of the date, time and place of the inquiry and of any directions he thinks necessary to give as to the conduct of the inquiry.

#### *Procedure at inquiry*

8. — (1) Except as otherwise provided in these Regulations, the procedure at and in connection with the inquiry shall be such as the appointed person shall in his discretion determine and any evidence shall be admitted at his discretion.

(2) The parties shall be entitled to give evidence and they or their representatives may call witnesses and produce or refer to documents and be given an opportunity to put questions directly to other persons giving evidence:

Provided that no party shall, without the leave of the appointed person, be entitled to produce or refer to any document not mentioned in the list of documents sent by that party to the appointed person in accordance with regulation 5(1)(a)(i) or 5(1)(b)(i) above, or in any addition to such list sent to the appointed person under regulation 6(1) above, unless such document is mentioned in any such list of documents, or any amendment thereto, sent to the appointed person by any other body or person or has been produced or referred to at the inquiry by any other party.

(3) If any party fails to appear, the appointed person may, at his discretion, proceed with the inquiry in that party's absence or may adjourn the hearing until a later date. Before concluding the inquiry in the absence of any party, the appointed person shall consider any documents sent to him by such party in accordance with these Regulations, provided such documents have been disclosed to the other parties before or at the inquiry.

(4) The appointed person may from time to time adjourn the inquiry, and, if the date, time and place of the adjourned inquiry are announced at the inquiry, no further notice thereof shall be required.

#### *Extension of time*

9. — The appointed person may himself, and in (b) below in place of the Secretary of State, extend the time for doing any act—

- (a) appointed by these Regulations,
  - (b) specified in any notice or notification sent or caused to be published by the Secretary of State in pursuance of regulation 4(1) or (2),
  - (c) contained in any request made by the appointed person by virtue of regulation 6(2),
- notwithstanding that the time may have expired.

#### *Report of the appointed person*

10. — (1) As soon as practicable after the conclusion of the inquiry, the appointed person shall make a report to the Secretary of State, which shall include his findings of fact and recommendations, if any.

(2) The Secretary of State shall, as soon as reasonably practicable after receipt of such report, send a copy thereof to each party.

#### *Notices etc.*

11. — Any notice or other document required to be sent to any body or person by virtue of these Regulations may be sent by post.

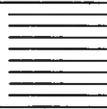
#### EXPLANATORY NOTE

*(This Note is not part of the Order)*

These Regulations prescribe the procedure to be followed at and in connection with an inquiry under section 8(3) of the Copyright Act 1956 to inquire into the question whether the ordinary rate of royalty, or the minimum amount thereof, provided for in that section in relation to records of musical works, has ceased to be equitable.



*GENERAL STUDIES*



**Copyright — Shield or Shroud**

Roy. C. SHARP \*













## 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

**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

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