Copyright

Review of the
WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO)

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Contents

WORLD INTELLECTUAL PROPERTY ORGANIZATION

Advisory Group of Non-Governmental Experts on the Protection of Computer Programs

Second Session

(Geneva, June 23 to 27, 1975)

Note *

1. Convened by the Director General of WIPO in accordance with a decision taken by the Executive Committee of the Paris Union in September 1974, the Advisory Group of Non-Governmental Experts for the Protection of Computer Programs (hereinafter referred to as "the Advisory Group") held its second session in Geneva from June 23 to 27, 1975. Experts had been designated by 21 non-governmental organizations, and the governments of five States and three intergovernmental organizations were represented by observers. The session was chaired by Mr. W. E. Schuyler, Jr. (International Association for the Protection of Industrial Property (AIPPI)). Mr. L. Baeumer (WIPO) acted as Secretary. The list of participants follows this Note.

2. The first subject to be discussed was the *legal protection of computer programs*, a question which the International Bureau has been studying with the aid of an Advisory Group of Governmental Experts, which met in 1971 [1], and with that of the present Advisory Group, whose first session was held in 1974 [2]. The Advisory Group had before it a document, prepared by the International Bureau, summarizing the information given at the earlier meetings on the question of the need for legal protection of computer programs and on the possibilities of protection under national laws [3]. The Advisory Group reaffirmed the need for legal protection and discussed existing forms of protection. It was stressed that computer programs should not be excluded *per se* from patent protection, but noted that probably only a few programs have sufficient inventiveness. It was moreover pointed out that copyright protection was applicable to many, and possibly all, forms of computer software, which comprises not only the program itself (as coded instructions to a computer) but also the related descriptive and explanatory material. However, in view of the uncertain state of the law, the Advisory Group concluded that a special type of protection should be established (see below).

3. The other subject discussed by the Advisory Group was the *registration of computer programs*, a question which had been raised at the Advisory Group's first session. The documents prepared by the International Bureau for the present meeting contained a survey on existing registration schemes operated by a number of private and governmental institutions and one intergovernmental institution, and made suggestions, as a basis for discussion, concerning the establishment of an international register for computer programs or of an internationally coordinated system of registers. Underlining the importance of registration as a means of disseminating information on computer software, particularly for developing countries, the Advisory Group recognized the need for development and refinement of existing schemes and discussed some of the problems requiring further investigation in this field. It was felt that WIPO's contribution should remain inside the framework of a registration scheme as an element in a system of legal protection (see below), with the possible exception of certain aspects of the problems of information dissemination (such as the classification of computer programs), the coordination of existing schemes (including standardization) and the exploration of the needs of developing countries.

4. The conclusions of the Advisory Group were the following:

(a) as regards *legal protection of computer programs*, a special type of protection should be established, without prejudice to the continuation of any existing forms of protection, in particular copyright, patent or unfair competition laws; this special type of protection would supplement those existing forms of protection and should be governed by the following *guiding principles:*

(i) protection should be available not only for the program (code) itself and parts or modules of it but also for the related material (descriptions, explanations for application, flow charts, etc.); improvements of a program, its accompanying material and its preparatory material should also be covered (the whole subject-matter of protection being referred to hereinafter as "software");

(ii) novelty in the sense that the software did not exist before should not be required; however, the software should be original in the sense that it should represent the result of independent intellectual effort;

(iii) the acts against which protection should be granted should be defined, taking into account the particular technology involved; although the use of a computer program in controlling the operation of a computer appeared necessarily

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* This Note has been prepared by the International Bureau.

[1] *Copyright*, 1971, p. 35.

[2] *Copyright*, 1974, p. 226.

[3] This document, amended on the basis of the suggestions of the Advisory Group, is annexed to the report of the present session.

to involve some form of reproduction of the program in the computer, consideration should be given to defining a special act of use of the program which would constitute an infringement; translation into another computer language and other forms of adaptation should also be included; it would also be necessary to clarify the acts which should be covered by the protection in the case of accompanying material and preparatory material; acts by which software is transferred to other persons without authorization and use of the software by those persons — even where they do not know that the transfer was unauthorized — should also be included;

(iv) the protection should not be limited to strict identity but might also cover similarity, possibly taking into account the degree of creativity, if any, of the software protected;

(v) the protection should be granted only against acts resulting from access to the software; an exclusive right against independent creations should not be granted;

(vi) further study should be given to the question whether the doctrine of "fair use" should be applicable at all; in any case, even a single reproduction in a commercial product should not be considered "fair use";

(vii) the term of protection should be relatively short, taking into account the short period of actual economic importance of particular software; thus five to 20 years appeared to be sufficient; the starting date for protection would require further study;

(viii) the sanctions should include the possibility of an injunction and damages; penal sanctions could be provided for if they existed for copyright infringement;

(b) as regards the *registration of computer software:*

(i) the possibility of registration of software in an international register or in a scheme of internationally coordinated existing and future registers *for the purposes of mere dissemination of information* without any effects on legal protection was considered useful in order to facilitate access to information on computer software, in particular for the purposes of acquisition of such software by interested parties; however, the majority of the experts expressed the view that for the time being WIPO should deal with such a registration scheme only in so far as it served the purposes of legal protection, the dissemination of information being an important objective of such a protection system; it was furthermore agreed that this question required further study, in particular as regards the needs of developing countries;

(ii) a system should be established providing for optional deposit of software *for the purposes of legal protection,* reinforcing any existing national protection; the deposit should in particular have the advantage of constituting a presumption of access in case of identity or close similarity of the software deposited and the software used by another person; consideration could also be given to making deposit a condition for any legal proceedings; although usually the full text of a program with accompanying material should be deposited, no requirements concerning the subject-matter to be deposited should be made since this was self-regulatory: only the subject-matter which had been deposited would benefit from the advantages of the deposit; the technical modalities of the deposit (deposit of hard copies, magnetic tape or recording in the depositary's computer) would have to be further studied, taking into account technological developments; deposit should in any case not entail an examination as to substance; in principle, the deposited material should be open to the public; however there should be the possibility of requesting that the deposited software, or part of it (e.g., the code), be kept secret, possibly by using a system of sealed cover; the term of secrecy was not resolved by the Advisory Group; suggestions ranged from one to 20 years; some experts proposed that it should be possible to maintain secrecy of at least the code during the period of protection; possibly the advantages of the deposit should not apply to those parts of the deposited software which had to be kept secret; the term of the deposit should be up to about 20 years, subdivided into maintenance periods of five years or shorter, and subject to the payment of maintenance fees; the possibility could also be considered of making the term of the protection referred to under *(a)* dependent on the maintenance of the deposit;

(c) as regards the *further action* to be taken, the International Bureau should prepare:

(i) model provisions for national laws on the protection of computer software following the principles of the special type of protection referred to above, with optional deposit carrying with it certain advantages for the depositor in the field of evidence; the provisions should contain alternatives for open and secret deposit;

(ii) draft treaty provisions providing for minimum protection according to the same principles on the international level; furthermore, provisions should be made in that treaty for the establishment of an international register and deposit system organized by the International Bureau; the use of such system would be optional and, where applicable, should give the said advantages and would replace any need for a deposit on the national level; the draft treaty should provide for the publication of abstracts (brief descriptions of the essence of the software), established by the depositor, useful for advertising the existence of the software and enabling reference thereto in any licensing contract.

List of Participants *

I. Non-Governmental Experts

American Bar Association (ABA): W. L. Keefauver; S. A. Diamond. 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. Council of European Industrial Federations (CEIF): W. Boekel. European Computer Manufacturers Association (ECMA): L. Perry. European Federation of Agents of Industry in Industrial Property (FEMIPI): R. Gallois; W. White. European Industrial Research Management Association (EIRMA): M. Kindermann. International Association for the Protection of Industrial Property (AIPPI): W. E. Schuyler, Jr.; G. D. Kolle. International Chamber of Commerce (ICC): L. Perry. International Confederation of Societies of Authors and Composers (CISAC): A. Hirst. International Federation for Information Proces-

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

sing (IFIP): H. Bloom; M. L. B. Anderson (Mrs.); O. Smoot. International Federation of Automatic Control (IFAC): M. Cuénod. International Federation of Operational Research Societies (IFORS): H.-J. Zimmermann. International Federation of Patent Agents (FICPI): J.-F. Boissel; J. Lecca. International Group of Scientific, Technical and Medical Publishers (STM): U. Güntzer. International Law Association (ILA): E. Martin-Achard. International League Against Unfair Competition (LICCD): E. Martin-Achard. International Literary and Artistic Association (ALAI): J. Lecca. Pacific Industrial Property Association (PIPA): W. L. Keefauver. Union of European Professional Patent Representatives (UNION): G. Korsakoff. Union of Industries of the European Communities (UNICE): W. Boekel.

II. Governments

Canada: M. Gordon. Japan: K. Takami. Netherlands: J. Dekker. Soviet Union: Y. I. Plotnikov. United States of America: L. C. Hamilton; H. L. Oler (Mrs.).

III. Intergovernmental Organizations

United Nations (UN): T. J. King; H. Einhaus; R. G. Basten. United Nations Educational, Scientific and Cultural Organization (UNESCO): D. de San. Intergovernmental Bureau for Informatics (IBI): F. Piera.

IV. Officers

Chairman: W. E. Schuyler, Jr. (AIPPI); *Secretary:* L. Baeumer (WIPO).

V. WIPO

A. Bogsch *(Director General)*; K. Pfanner *(Deputy Director General)*; R. Harben *(Counsellor, Acting Head, External Relations Division)*; L. Baeumer *(Counsellor, Head, Legislation and Regional Agreements Section, Industrial Property Division)*; D. Devlin *(Legal Officer, Industrial Property Division)*; P. Seipel *(Consultant)*.

CONGO

Accession to 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 People's Republic of the Congo deposited, on September 2, 1975, its instrument of accession to the Convention Establishing the World Intellectual Property Organization (WIPO).

The People's Republic of the Congo has fulfilled the conditions set forth in Article 14(2) of the Convention by concurrently acceding to the Stockholm Act (1967) of the Paris Convention and ratifying the Paris Act (1971) of the Berne Convention as provided for in Article 29bis of that Act.

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization will enter into force, with respect to the People's Republic of the Congo, three months after the date of deposit of the instrument of accession, that is, on December 2, 1975.

WIPO Notification No. 83, of September 5, 1975.

TUNISIA

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 Republic of Tunisia deposited, on August 28, 1975, its instrument of ratification of the Convention Establishing the World Intellectual Property Organization (WIPO).

By virtue of Article 29bis of the Paris Act (1971) of the Berne Convention for the Protection of Literary and Artistic Works, the Republic of Tunisia, which was not bound by Articles 22 to 38 of the Stockholm Act (1967) of the said Convention, having ratified the Paris Act (1971), fulfils 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 Republic of Tunisia, three months after the date of deposit of the instrument of ratification, that is, on November 28, 1975.

WIPO Notification No. 82, of August 29, 1975.

BERNE UNION

CONGO

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 People's Republic of the Congo deposited, on September 2, 1975, 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 People's Republic of the Congo, three months after the date of this notification, that is, on December 5, 1975.

Berne Notification No. 76, of September 5, 1975.

CONVENTIONS ADMINISTERED BY WIPO

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

BRAZIL

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 Federative Republic of Brazil deposited, on August 6, 1975, 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 Federative Republic of Brazil, three months after the date of the notification given by the Director General of WIPO, that is, on November 28, 1975.

* Phonograms Notification No. 21, of August 28, 1975.

NATIONAL LEGISLATION

CHILE

Regulations under Law No. 17,336 on Intellectual Property

(No. 1,122, of May 17, 1971) *

Article 1. — The provisions of these Regulations shall complete and supplement the principles laid down in Law No. 17,336 [1].

Article 2. — All the works indicated in Article 11 of the Law shall belong to the common cultural heritage, and whoever uses them shall pay the following royalties:

(a) one percent of the retail selling price, less taxes, of the copies that are published;

(b) in the case of works subject to conditions laid down in a performance contract, the royalties indicated in Articles 61 and 62 of the Law.

Article 3. — For the use of works that belong to the common cultural heritage, users shall first provide proof of payment of the royalties laid down in the foregoing article, which royalties shall be deposited in the account referred to in the last paragraph of Article 76 of the Law and allocated for use in cultural activities.

Article 4. — The minimum remuneration that copyright owners are entitled to collect for authorization to use protected works shall be the percentages specified in Articles 50, 53, 61 and 62 of the Law, without prejudice to any contractual agreement.

Article 5. — The appropriate remuneration under Article 21 of the Law, in the absence of a contract between the parties, shall be fixed by the Small Rights Department in accordance with the provisions laid down under Title V of the Law, in the form and according to the responsibilities and prerogatives specified therein.

Article 6. — For the purposes of the provisions of Article 38 of the Law, " extract " shall mean the handwritten or typewritten reproduction of a passage of not more than ten lines from a literary work, provided that the reproduction is made for cultural, scientific or educational purposes, and that the source, the title of the work and the name of the author are mentioned. " Cultural, scientific or educational purposes " shall mean any reproduction without gainful intent.

Article 7. — For the purposes of the last paragraph of Article 54 of the Law, the copyright owner may demand of publishers who do not have their own printing press and who entrust their printing work to third parties that they present their work orders and account books for inspection. He may also make personally, or cause to be made, inventories of copies in stock, together with a statement of the number of copies sold or delivered on consignment according to the indications in the books and other documents of the publisher.

Article 8. — The sums collected in respect of related rights for national and foreign performers, to which Article 67 of the Law refers, shall be equal to those fixed by the Small Rights Department of the University of Chile for the right of public performance belonging to authors.

Fifty percent of the amount to be paid to foreign performers in respect of related rights shall be used for the objectives specified in Article 104 of the Law. This percentage shall be only twenty when the rights in question concern national performers.

Article 9. — The fee to be paid to broadcasting organizations in accordance with the provisions of Article 69 of the Law shall be one escudo.

The Department of Intellectual Rights and the Register of Intellectual Property

Article 10. — The Department of Intellectual Rights created by Article 90 of the Law shall be responsible for the Register of Intellectual Property, for attending to requests for consultations and information on the part of individuals and public bodies and for advising the Government on all matters concerning copyright and related rights or associated with such rights.

Article 11. — The Department of Intellectual Rights shall be under the responsibility of an Attorney-Registrar *(Conservador Abogado)* who shall attend to:

(1) the maintenance of the Register kept in the National Library in accordance with the Law of July 24, 1834;

(2) the maintenance of the Register established by Decree-Law No. 345 and the additional books established by the Regulations thereunder, and the keeping of such copies and documents as may be filed for the purposes of identification;

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* The original Spanish text of these Regulations was published in the *Diaro Oficial de la República de Chile*, No. 27,974, of June 17, 1971. — WIPO translation.

[1] See *Copyright*, 1971, pp. 210 *et seq.*

(3) the constitution and maintenance of the Register of Intellectual Property, in which the copyright and related rights established by Law No. 17,336 shall be registered.

Article 12. — For the registration of copyright, the Registrar of Intellectual Rights shall maintain the following registers and complementary books:

(a) a public register of property, transfers and judicial decisions;

(b) a private register of pseudonyms;

(c) two alphabetical indexes, one by authors and one by titles, for rapid consultation of the registered material;

(d) a record of registration numbers the benefit of which may be applied for by authors or publishers prior to the publication of the work in any form.

Article 13. — The same registers and additional books as those provided for in the foregoing articles shall be kept separately for the related rights established in Title II of the Law, with the exception of the Register of Pseudonyms, of which there shall be only one.

Article 14. — The registers of the Registrar of Intellectual Rights shall be kept in folioed annual records. The entries shall be numbered in continuous sequence.

Throughout the record there shall be no more space between two entries than is necessary for the signature and stamp of the Registrar, and all entries shall be made in full, without abbreviations. However, a reasonable space may be reserved in order that the works referred to in Article 12*(d)* may be entered, provided that the empty lines remaining after the final entry has been made are subsequently obliterated.

Nothing shall be written in the left-hand margin except the registration number in figures and references to other entries.

After the last entry for the year has been made, the Registrar shall certify the number of entries made and shall explain any circumstance affecting the regularity of the record.

Article 15. — The Registrar of Intellectual Rights shall prepare an annual statistical report indicating the entries made, classified according to their nature.

Article 16. — The Registrar of Intellectual Rights shall be available to the public daily from Monday to Friday for a minimum of four hours, according to a timetable that shall be established for the purpose.

Article 17. — The Registrar shall issue certificates of registration on request, certify entries in the public documents that he places on record and, if the party concerned so requests, issue, at the time of making the entry, a receipt containing all the particulars that are essential for the identification of the work registered.

Article 18. — Any entry shall include:

(a) its serial number, written in words;

(b) the date and time of its being made;

(c) the name and address of the person requesting of the Registrar that it be made;

(d) the stamp and signature of the Registrar.

Article 19. — Entries shall also contain the following information:

(1) information relating to ownership: name, address and profession of the author, nature of the work, its title or designation, if any; pseudonymous works shall be entered with an indication of the pseudonym only;

(2) information relating to transfers: notary before whom the transfer is contracted and date of the corresponding entry or authenticated private deed; name and address of transferor and the transferee; subject of the transfer, and prior registration of the work to which the transfer relates;

(3) information relating to judicial and arbitral decisions: court that rendered the decision and date thereof; name and address of the person in whose favor the decision was rendered; rights to whieh the decision relates, and prior registration of the work;

(4) information relating to pseudonyms: real name, address and profession of the person concerned.

Article 20. — The Registrar shall record:

(a) the intellectual property of all kinds or writings, musical compositions, paintings, drawings, sculptures, maps and plans, engineering and architectural designs, theatrical, cinematographic and photographic works, phonograms, recorded performances and broadcasts, and generally any scientific, literary or artistic work that possesses original creative value;

(b) public records, or the authenticated private deed evidencing a partial or total transfer of the right to distribute, sell or exploit a work by printing, lithography, engraving, copying, molding or casting, photography, cinematograph film, phonogram, cylinders for mechanical instruments, performance, lecture, recitation, translation, adaptation, display, radio-telephone transmission, or by any other means of multiplication, reproduction or dissemination;

(c) court decisions ruling on legal disputes or confirming legal succession and arbitration which constitute rights relating to intellectual property or which annul entries;

(d) pseudonyms of persons who have used them publicly prior to registration, or which appear on works registered at the same time under a pseudonym.

Article 21. — The Registrar may oppose the registration of a work if he considers that, by reason of its nature, it is not included among the works protected by copyright, without prejudice to the right of the party concerned to appeal against such decision to the competent judge *(Juez de Letras de Mayor Cuantía)* of the department, whose ruling shall not be subject to further appeal. The appeal shall be entered within five days of the notification, either personal or by registered letter, of the Registrar's negative decision.

Article 22. — The Registrar shall refuse to make an entry:

(1) when it is applied for in favor of a person other than the person indicated as being the author on the copy or documents that are filed for registration, irrespective of whether the real name or a registered pseudonym is used;

(2) when it is applied for in respect of a work produced under a pseudonym that is neither previously nor simultaneously registered;

(3) when it is applied for in respect of pseudonyms that are not used publicly;

(4) when court decisions and other judicial acts are not enforceable, for which purpose the Registrar may demand authenticated evidence;

(5) when the public deeds or the private deeds authenticated by a notary attesting the transfer of rights *inter vivos* or by inheritance are not submitted; and

(6) when the registration requirements specified in the Law and the Regulations are not met.

Article 23. — Any person may, by appearing in person, apply for the registration of works or the recording of public documents or private documents, authenticated by a notary, without being obliged to provide proof that he is acting on instructions from the author or copyright owner. Such person shall, however, sign a statement containing his name, address, profession and the particulars referred to in Article 19, which shall further indicate whether a number has been reserved for the registration of the work and, if so, what that number is.

Article 24. — Registration may be applied for by authors or copyright assignees who reside outside the city of Santiago, and by Chilean authors residing abroad, by the dispatch to the Registrar of Intellectual Rights, by registered mail, of the copy or the documents identifying the work or the transfer, together with a payment order for the amount of the fee and a statement indicating the particulars listed in Article 19 of these Regulations. The Registrar shall, in such case, send a receipt for the registration file to the party concerned.

Article 25. — Registration of works by foreign authors not residing in Chile shall be subject to the same provisions as those laid down for national authors, and the protection of their rights shall be governed by the applicable international conventions.

Article 26. — For the registration of the following categories of works, a complete copy, either printed or reproduced, shall be deposited at the time of filing; with regard to non-literary works, the following provisions shall apply:

(a) for works of painting, drawing, sculpture, engineering and architecture, it shall be sufficient to submit such sketches, photographs or plans of the original as are necessary for its identification, together with relevant explanations;

(b) for cinematographic works, it shall be sufficient to submit a copy of the story, the scenario and the subtitles of the work;

(c) for photographic works, it shall be sufficient to submit a copy of the photograph;

(d) for phonograms, it shall be sufficient to submit a copy of the record or magnetic tape containing the respective phonogram;

(e) for performances, it shall be sufficient to submit a copy of the fixation; the submission of such copy shall be dispensed with where the performance is embodied in a phonogram, magnetic tape or broadcast that is registered in accordance with paragraph *(d)* or *(f)* of this Article;

(f) for broadcasts, a copy of the radio or television broadcast shall be submitted; the submission of such copy shall be dispensed with when it has been sent to the Information and Broadcasting Office of the Presidency of the Republic, in accordance with legal provisions in force;

(g) for musical works, a written score shall be submitted; in the case of orchestral works, however, the submission of a transcription for piano shall be sufficient; in the case of works embodying a vocal part, the words shall be included.

Article 27. — Prior to the registration of a work, the parties concerned shall provide proof of payment of fees in the amount and manner specified in Article 76 of the Law.

Small Rights

Article 28. — The Regulations referred to in Article 92 of the Law shall be issued by the Governing Body of the University of Chile.

The Chilean Cultural Corporation

Article 29. — The Regulations by which the Chilean Cultural Corporation shall be governed shall be issued by the President of the Republic on the basis of a proposal by the Council of the Corporation, in accordance with the provisions of Article 105 of the Law.

Transitional Provisions

Article 1. — Until such time as the Regulations referred to in Article 92 of the Law have been issued, and while the Standing Committee on Small Rights is establishing general rules and tariffs and dealing with other matters indicated in Title V of the Law, the provisions that currently determine the functions, responsibilities and prerogatives of the Small Rights Department of the University of Chile shall prevail.

This transitional provision shall remain in force for a period not exceeding 90 days from the publication of these Regulations in the *Diario Oficial.*

Article 2. — The Registrar shall, in the new Register of Intellectual Property, continue the correlative numbering of entries according to those in the Register of Intellectual Property created by Decree No. 1,063 of March 19, 1925, in accordance with the provisions of Decree-Law No. 345 of March 17, 1925.

CORRESPONDENCE

Letter from Canada

Andrew A. KEYES *

INTERNATIONAL ACTIVITIES

Intergovernmental Copyright Committee (Universal Copyright Convention, 1971)

First Session

(Paris, June 2 and 3, 1975)

The Intergovernmental Committee of the Universal Copyright Convention as revised at Paris on July 24, 1971, held its first session at the headquarters of Unesco, Paris, on June 2 and 3, 1975.

The following States, members of the Committee, were represented: Algeria, Australia, Brazil, France, Germany (Federal Republic of), Ghana, India, Italy, Japan, Mexico, Senegal, Spain, Tunisia, United Kingdom, United States of America, Yugoslavia.

The following States were represented by observers:

States party to the Universal Copyright Convention: Andorra, Belgium, Costa Rica, Finland, German Democratic Republic, Greece, Holy See, Ireland, Kenya, Laos, Liberia, Mauritius, Netherlands, Nicaragua, Nigeria, Paraguay, Peru, Portugal, Soviet Union, Sweden, Switzerland.

States not party to the Universal Copyright Convention: Bulgaria, Dominican Republic, Egypt, Indonesia, Iran, Iraq, Jordan, Madagascar, Poland, Republic of Korea, Rwanda, Togo, Trinidad and Tobago, United Republic of Tanzania, Upper Volta.

WIPO was represented by Mrs. K.-L. Liguer-Laubhouet, Deputy Director General.

After a welcoming speech to participants delivered by Mr. Amadou-Mahtar M'Bow, Director-General of Unesco, Ms. Barbara Ringer, Head of the Delegation of the United States of America, was elected, by acclamation, Chairman of the session.

The main business of the session was the adoption of the Rules of Procedure of the Committee. The draft established by the Secretariat of Unesco was, with some modifications, unanimously adopted.

The Committee also proceeded to its renewal by the drawing of lots. The outgoing members determined by the drawing of lots will be:

— at the end of the second ordinary session of the Committee: Argentina, Japan, Senegal, Spain, United Kingdom, United States of America;

— at the end of the third ordinary session: Algeria, Australia, Ghana, India, Israel, Italy.

Consequently, the outgoing members at the end of the fourth ordinary session will be: Brazil, France, Germany (Federal Republic of), Mexico, Tunisia, Yugoslavia.

In addition to the Director-General of Unesco, the Director General of WIPO and the Secretary-General of the Organization of American States, who are entitled under Article XI of the Universal Copyright Convention to attend meetings of the Committee in an advisory capacity, the heads of three other intergovernmental organizations, or their representatives, were admitted to attend meetings of the Committee in the same capacity: the Secretary-General of the Council of Europe, the Secretary-General of the Organization of African Unity, the Director-General of the Organization of Arab States for Education, Culture and Science.

Mr. Larrea Richerand, Head of the Delegation of Mexico, was elected, by acclamation, Chairman of the Committee for the next session; Mr. Kerever, Head of the Delegation of France, and Mr. Spaić, Head of the Delegation of Yugoslavia, were elected Vice-Chairmen.

CONVENTIONS NOT ADMINISTERED BY WIPO

Universal Copyright Convention

BULGARIA

Accession to the Convention as revised at Paris in 1971

The Director-General of the Unitcd Nations Educational, Scientific and Cultural Organization (UNESCO) has iuformed the International Bureau of WIPO that the instrument of accession of Bulgaria to the Convention as revised at Paris on July 24, 1971, was deposited with that Organization on March 7, 1975.

The instrument of accession contained the following statement:

"The People's Republic of Bulgaria considers that the provisions of Article XIII of the Universal Copyright Convention, as revised at Paris on 24 July 1971, are at variance with the Declaration of the United Nations General Assembly on the granting of independence to colonial countries and peoples, adopted by resolution 1514(XV) of 14 December 1960, which proclaimed the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations." *(Translation)*

TUNISIA

Ratification of the Convention as revised at Paris in 1971

The Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) has informed the International Bureau of WIPO that the instrument of ratification by Tunisia of the Convention as revised at Paris on July 24, 1971, and of Protocols 1 and 2 annexed to the Convention was deposited with tbat Organization on March 10, 1975.

By a notification deposited with Unesco, in accordance with Article V^{bis} of the Convention, at the time of ratification of the Convention, Tunisia asked to avail itself of all the exceptions provided for in Articles V^{ter} and V^{quater} of the Convention.

BOOK REVIEWS

Urheberrecht, Meyers Taschenlexikon edited by *Heinz Püschel;* contributions by *Anselm Glücksmann, Georg Münzer, Heinz Püschel, Friedrich Staat, Dieter Wendt.* One volume of 539 pages, 19 × 15 cm. VEB Bibliographisches Institut, Leipzig, 1975.

The purpose of this "Taschenlexikon" is to acquaint the public with the basic principles and the most important questions in the field of copyright in the German Democratic Republic. It is composed of three parts: a general introduction, an encyclopedic dictionary and a selection of texts (legislative and others).

The first part consists of four sections prepared respectively by Heinz Püschel, Friedrich Staat, Georg Münzer and Dieter Wendt. The third section, devoted to international copyright (author: Georg Müuzer), contains a summary of the historical background and the general principles of the Berne Convention as well as a brief information on the Universal Copyright Convention and the bilateral Agreement concluded between the German Democratic Republic and the Soviet Union.

The encyclopedic dictionary (author: Anselm Glücksmann), which takes up the central portion of the book, is also the most developed one. Runuing into 240 pages, it contains all the important terms relating to the subject which are defined or explained in a systematic manner (in alphabetical order, with numerous references). This part will, undoubtedly, be useful to readers especially since works of this kind are rather infrequent in legal literature.

The third and last part comprises several legislative and other texts (laws, ordinances, statutes, model contracts, etc.) as well as the German translation of the Convention establishing WIPO, the Berne Convention (Rome and Stockholm Acts) and the Universal Copyright Convention.

M. S.

Österreichisches und internationales Urheberrecbt [Austrian and international copyright], by *Robert Dittrich.* One volume of XVI-732 pages, 18 × 12 cm. Manzsche Verlags- und Universitätsbuchhandlung, Vienna, 1974. Manzsche Gesetzausgaben, Sonderausgabe No. 33.

The author of this work, who is a *Ministerialrat* at the Federal Ministry of Justice in Vienna, is a well-known figure in international copyright circles.

The first part of the book is a compilation of Austrian legislative texts currently in force (laws, regulations, etc.), with comments by the author and notes in which he refers to case law and doctrine.

The second part contains an introductory account of the development of Austria's international relations in the copyright field, followed by the texts (in English, French and German) of all the multilateral conventions that are of practical importance, together with a recapitulatory table indicating the various countries party to these international treaties.

The texts of the bilateral treaties concluded by Austria with a number of countries (Brazil, France, Germany (Federal Republic of), Italy, Norway, Spain), which relate mainly to the extension of the term of protection, are also reproduced in this sccond part; they will be of special interest to foreign readers.

The third part of the book is devoted to authors' societies. In addition to the law governing them and an exposition of the motives underlying the drafting of the law, the reader will find the statutes of all the Austrian societies. The information provided by these texts will surely be valuable to all those who wish to know the manner in which copyright protection is organized in Austria, not least because such information is not always readily accessible in the form of a publication of this kind.

M. S.

CALENDAR

WIPO Meetings

September 23 to 30, 1975 (Geneva) — WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions; Assembly and Committee of Directors of the Madrid Union; Assembly of the Nice Union

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 (Nairobi) — Conference on Industrial Property Laws of English-Speaking Africa — Committees of Experts (convened jointly with the Economic Commission for Africa of the United Nations)

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 7, 1975 (Geneva) — International Classification of Goods and Services for the Purposes of the Registration of Marks — Committee of Experts

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 ILO 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

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 4 and 5, 1975 — **Committee of Experts on the Interpretation and Revision of the Convention:** December 2 to 5, 1975; February 17 to 20, 1976

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

Meetings of Other International Organizations concerned with Intellectual Property

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

October 13 and 14, 1975 (Paris) — International Confederation of Societies of Authors and Composers — Legal and Legislative Commission

October 21 to 23, 1975 (Rijswijk) — International Patent Institute — Administrative Board

November 2 to 4, 1975 (London) — International Association for the Protection of Industrial Property — Council of Presidents

November 3 to 12, 1975 (Paris) — United Nations Educational, Scientific and Cultural Organization (UNESCO) — Committee of Governmental Experts on the Double Taxation of Copyright Royalties

November 17 to December 15, 1975 (Luxembourg) — General Secretariat of the Council of Ministers of the European Communities — Luxembourg Conference on the Community Patent

November 24 to 28, 1975 (Sydney) — East Asian Pacific Copyright Seminar

December 10 to 16, 1975 (Geneva) — United Nations Educational, Scientific and Cultural Organization (UNESCO) — Intergovernmental Copyright Committee established by the Universal Copyright Convention (as revised at Paris in 1971) — First extraordinary session

December 17 to 19, 1975 (Rijswijk) — International Patent Institute — Administrative Board

February 2 to 6, 1976 (Strasbourg) — Council of Europe — Legal Committee on Broadcasting and Television

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

September 26 to October 2, 1976 (Montreux) — International Association for the Protection of Industrial Property — Executive Committee