Copyright

Review of the

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Published monthly
Annual subscription: Sw.fr. 95.—
Each monthly issue: Sw.fr. 10.—

11th year - No. 10 OCTOBER 1975

Contents	Page
BERNE UNION	
Upper Volta. Accession to the Paris Act (1971) of the Berne Convention	203
NATIONAL LEGISLATION	
— Australia. Copyright (International Protection) Regulations (S. R. No. 60 of 1969, as amended by S. R. No. 137 of 1974)	203
— Iran. Act governing translation and reproduction of books and publications and reproduction of recorded sound materials	209
CORRESPONDENCE	
— Letter from Portugal (Luiz-Francisco Rebello)	210
INTERNATIONAL ACTIVITIES	
— United Nations Educational, Scientific and Cultural Organization (UNESCO). International Copyright Information Centre. Meeting of officials of regional or national copyright information centres and specialists in the field of copyright or publishing (Paris, June 30 to July 4, 1975)	213
NEWS ITEMS	
— Iran	214
BOOK REVIEWS .	
— Le statut juridique de l'acteur cinématographique (Françoise Furkel)	214
— Het bestemmingsrecht van de auteur (Frank Gotzen)	214
CALENDAR OF MEETINGS	215
Amore Amount of vectors (Competition No. 270)	

BERNE UNION

UPPER VOLTA

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 the Upper Volta deposited, on October 20, 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 29(2)(a), the Paris Act (1971) of the said Convention will enter into force, with respect to the Republic of the Upper Volta, three months after the date of this notification, that is, on January 24, 1976.

Berne Notification No. 77, of October 24, 1975.

NATIONAL LEGISLATION

AUSTRALIA

Copyright (International Protection) Regulations

(S. R. No. 60 of 1969, as amended by S. R. No. 137 of 1974) *

Citation

1. — These Regulations may be cited as the Copyright (International Protection) Regulations.

Commencement

2. — These Regulations shall come into operation on the date fixed by Proclamation under section 2 of the Act 1.

Interpretation

3. — (1) In these Regulations, unless the contrary intention appears—

- * Statutory Rules (S. R.) made under the Copyright Act 1968-1973 and comprising S. R. No. 60 of 1969 as amended by S. R. No. 137 of 1974. S. R. No. 65 of 1969, which amended S. R. No. 60 of 1969, were repealed by S. R. No. 137 of 1974. S. R. No. 60 of 1969 and No. 65 of 1969 hoth entered into force on May 1, 1969; S. R. No. 137 of 1974 entered into force on August 8, 1974. To facilitate reading of the Regulations, they are presented here in a consolidated form.
 - ¹ See Copyright, 1970, p. 178.

- " at a material time " means—
 - (a) in relation to, or in relation to the application of the Act in respect of, a work or other subject-matter that is unpublished—
 - (i) at the time when the work or other subject-matter was made; or
 - (ii) if the making of the work or other subject-matter extended over a period — over a substantial part of that period; and
 - (b) in relation to, or in relation to the application of the Act in respect of, a work or other subject-matter that has been published — at the time when the work or other subject-matter was first published;
- " simultaneously " means-
 - (a) in relation to publications that took place before the date of commencement of these Regulations within a period of fourteen days; and
- (b) in any other case within a period of thirty days;

- "the country of origin " means-
 - (a) in relation to a published work or published cinematograph film the first publication of which took place in one country only, being a country that constitutes, or forms part of, the territory of a Country specified in Part I or Part II of the First Schedule to these Regulations the country so constituting or forming part of that territory;
 - (b) in relation to a published work or published cinematograph film the first publications of which took place simultaneously in a country that constitutes, or forms part of, the territory of a Country specified in Part I of the First Schedule to these Regulations and in a country that does not constitute, or form part of, the territory of a Country so specified the former country;
 - (c) in relation to a published work or published cinematograph film the first publications of which took place simultaneously in a country that constitutes, or forms part of, the territory of a Country specified in Part II of the First Schedule to these Regulations and in a country that does not constitute, or form part of, the territory of a Country specified in Part I or Part II of that Schedule—the former country;
 - (d) in relation to a published work or published cinematograph film the first publications of which took place simultaneously in two or more countries each of which constitutes, or forms part of, the territory of a Country specified in Part I of the First Schedule to these Regulations the country the law of which confers the shortest term of protection in the nature of copyright in relation to the work or film;
 - (e) in relation to a published work or published cinematograph film the first publications of which took place simultaneously in two or more countries each of which constitutes, or forms part of, the territory of a Country specified in Part II of the First Schedule to these Regulations the country the law of which confers the shortest term of protection in the nature of copyright in relation to the work or film;
 - (f) in relation to an unpublished work or in relation to a published work the first publication of which took place only in a country that constitutes, or forms part of, the territory of a Country not specified in Part I or Part II of the First Schedule to these Regulations whichever of the following countries confers the longest term of protection in the nature of copyright in relation to the work or other subject-matter:—
 - (i) a country of which the author was a national or citizen at a material time;
 - (ii) a country in which the author was resident at a material time; and
 - (g) in relation to an unpublished cinematograph film or in relation to a published cinematograph film the first publication of which took place only in a country that constitutes, or forms part of, the territory of a Country not specified in Part I or Part II of the First Schedule to these Regulations — whichever of the following coun-

- tries confers the longest term of protection in the nature of copyright in relation to the film:—
 - (i) a country of which the maker was a national or citizen at a material time;
 - (ii) a country in which the maker was resident at a material time;
- (iii) a country under the law of which the maker, being a body corporate, was incorporated at a material time:
- (iv) a country in which the recording or film was made;
- "the Act" means the Copyright Act 19682;
- "the International Convention for the Protection of Literary and Artistic Works" means the International Convention for the Protection of Literary and Artistic Works concluded at Berne on 9 September 1886 or that Convention as revised from time to time ³;
- "the Universal Copyright Convention" means the Universal Copyright Convention concluded at Geneva on 6 September 1952 or that Convention as revised from time to time ³.
- (2) A reference in these Regulations to a subject-matter other than a work shall be read as a reference to a sound recording, a cinematograph film or a published edition of a work or works.
- (3) Without limiting the application in relation to these Regulations of paragraph (a) of section 46 of the Acts Interpretation Act 1901-1966 ⁴, an expression used in any of these Regulations that—
 - (a) is also used in a section of the Act for the purposes of which, or of a provision of which, that regulation is made; and
 - (b) has, in that section, a defined or other specified meaning,

has the same meaning in that regulation.

- (4) For the purposes of these Regulations, unless the contrary intention appears—
 - (a) the overseas Departments and Territories of the French Republic shall be deemed to form part of the territory of that Republic;
 - (b) Land Berlin shall be deemed to form part of the territory of the Federal Republic of Germany;
 - (c) the Cook Islands (including Niue) and the Tokelan Islands shall be deemed to form part of the territory of New Zealand;
 - (d) the overseas Provinces of the Portuguese Republic shall be deemed to form part of the territory of that Republic:
 - (e) the Channel Islands, the Isle of Man, the British Solomon Islands Protectorate and the colonies of, and states associated with, the United Kingdom of Great Britain

Now the Copyright Act 1968-1973 [sections 10 and 46 of the Australian Acts Interpretation Act 1901-1973].

Definitions added by Regulation 1 of S. R. No. 137 of 1974.
 Now the Acts Interpretation Act 1901-1973.

- and Northern Ireland shall be deemed to form part of the territory of the United Kingdom of Great Britain and Northern Ireland; and
- (f) the Commonwealth of Puerto Rico, Guam, the Panama Canal Zone and the Virgin Islands of the United States of America shall be deemed to form part of the territory of the United States of America.
- (5) For the purposes of these Regulations, protection in the nature of copyright shall be deemed to be conferred in relation to a work or other subject-matter under the law of a country other than Australia if that law confers on the person entitled to the protection the exclusive right to do in that country in relation to the work or other subject-matter any one or more of the acts that are comprised in the copyright in the work or other subject-matter under the Act.

Application of Act to Convention countries

- 4. (1) Subject to these Regulations, the provisions of the Act apply in relation to literary, dramatic, musical and artistic works and editions first published, and sound recordings and cinematograph films made or first published, in a country that constitutes, or forms part of, the territory of a Country specified in Part I or Part II of the First Schedule to these Regulations in like manner as those provisions apply in relation to literary, dramatic, musical and artistic works and editions first published, and sound recordings and cinematograph films made or first published, in Australia.
- (2) Subject to these Regulations, the provisions of the Act apply in relation to artistic works that—
 - (a) are buildings situated in a country that constitutes, or forms part of, the territory of a Country specified in Part I or Part II of the First Schedule to these Regulations; or
 - (b) are attached to, or form part of, buildings situated in that country,

in like manner as those provisions apply in relation to artistic works that are buildings situated in Australia or are attached to, or form part of, buildings situated in Australia.

- (3) Subject to these Regulations, the provisions of the Act relating to works and other subject-matter apply in relation to persons who, at a material time, are citizens or nationals of a Country specified in Part I or Part II of the First Schedule to these Regulations in like manner as those provisions apply in relation to persons who, at a material time, are Australian citizens.
- (4) Subject to these Regulations, the provisions of the Act relating to works and other subject-matter apply in relation to persons who, at a material time, are resident in a country that constitutes, or forms part of, the territory of a Country specified in Part I or Part II of the First Schedule to these Regulations in like manner as those provisions apply in relation to persons who, at a material time, are resident in Australia.
- (5) Subject to these Regulations, the provisions of the Act apply in relation to bodies incorporated under the law of a country that constitutes, or forms part of, the territory of a

Country specified in Part I or Part II of the First Schedule to these Regulations in like manner as those provisions apply in relation to bodies incorporated under a law of the Commonwealth or of a State.

Term of copyright in overseas work or film not to exceed that under law of country of origin

5. — Copyright subsisting in a published work or a published cinematograph film by reason only of the operation of these Regulations ceases to subsist upon the expiration of the term of the protection in the nature of copyright that subsists in relation to such a work or film under the law of the country of origin of the work or film.

Copyright in certain sound recordings not to include the exclusive right to cause the recording to be heard in public ⁵

- 6. Where copyright subsists in a published sound recording by virtue only of the operation of these Regulations, or the operation of these Regulations and subsection (3) of section 89 of the Act, and—
 - (a) the recording has been published in Australia; or
- (b) a period of seven weeks has elapsed from the date of the first publication of the recording,

copyright in the recording does not include the exclusive right to cause the recording to be heard in public unless—

- (c) the maker of the recording was, at the time when the recording was made, a citizen or national of a Country specified in the Third Schedule;
- (d) the maker of the recording was, at that time, a person resident in, or a body corporate incorporated under the law of, a country that constitutes, or forms part of, the territory of a Country specified in the Third Schedule; or
- (e) the recording was made in a country that constitutes, or forms part of, the territory of a Country specified in the Third Schedule.

Copyright in certain sound recordings not to include rights in respect of broadcast 5

- 7. (1) Subject to sub-regulations (2) and (3), where copyright subsists in a published sound recording by virtue only of the operation of these Regulations, or the operation of these Regulations and sub-section (3) of section 89 of the Act, and—
 - (a) the recording has been published in Australia; or
- (b) a period of seven weeks has elapsed from the date of the first publication of the recording,

copyright in the recording does not include the exclusive right to broadcast the recording unless—

(c) the maker of the recording was, at the time when the recording was made, a citizen or national of a Country specified in the Third Schedule;

 $^{^5}$ Regulation 2 of S. R. No. 137 of 1974 repealed Regulations 6, 7 and 7A of S. R. Nos. 60 and 65 of 1969 and substituted the present Regulations 6 and 7.

- (d) the maker of the recording was, at that time, a person resident in, or a body corporate incorporated under the law of, a country that constitutes or forms part of the territory of a Country specified in the Third Schedule; or
- (e) the recording was made in a country that constitutes, or forms part of, the territory of a Country specified in the Third Schedule.
- (2) This regulation does not apply in relation to a sound recording that has not been published in Australia if—
 - (a) the recording consists of, or includes, a musical work in which copyright subsists;
 - (b) the musical work was made for the purpose of being performed, or has been performed, in association with a dramatic work or has been included in a cinematograph film; and
 - (c) records of the musical work have not been supplied (whether by sale or otherwise) to the public in Australia.
- (3) For the purposes of paragraph (c) of sub-regulation (2), a supply of records of a musical work shall be disregarded if the supply was done otherwise than by, or with the licence of, the owner of the copyright in the work.

Copyright not to subsist in overseas editions in certain cases

- 8. Where copyright subsists in a published edition of a work or works by reason only of the operation of these Regulations, that copyright subsists only so long as protection in the nature of copyright subsists in relation to the edition under the law of any of the following countries:—
 - (a) a country of which the publisher of the edition was a national or citizen at a material time, being a Country specified in Part I or Part II of the First Schedule to these Regulations;
 - (b) a country—
 - (i) in which the edition was first published;
 - (ii) in which the publisher of the edition was resident at a material time; or
 - (iii) under the law of which the publisher of the edition, being a body corporate, was incorporated at a material time,

being a country that constitutes, or forms part of, the territory of a Country specified in Part I or Part II of the First Schedule to these Regulations.

Certain provisions of the Act not to apply in relation to certain existing overseas recordings or works

- 9. (1) Section 89 of the Act does not apply in relation to a sound recording that was made before the commencement of these Regulations if copyright subsists in the recording by reason only of any one or more of the following:—
 - (a) the maker having been, at a material time, a national or citizen of a Country specified in Part II of the First Schedule to these Regulations;

- (b) the maker having been, at a material time, a body corporate incorporated under the law of a country that constitutes, or forms part of, the territory of a Country so specified;
- (c) the maker having been, at a material time, resident in a country that constitutes, or forms part of, the territory of a Country so specified;
- (d) the first publication of the recording having taken place in a country that constitutes, or forms part of, the territory of a Country so specified.
- (2) Section 210 of the Act does not apply in relation to a work first published before the commencement of these Regulations where—
 - (a) the first publication of the work took place in a country that constitutes, or forms part of, the territory of a Country specified in the Second Schedule to these Regulations;
 - (b) the author was, at a material time, resident in a country that constitutes, or forms part of, the territory of a Country so specified; or
 - (c) the author was, at a material time, a national or citizen of a Country so specified.
- (3) Division 5 of Part XI of the Act does not apply in relation to a work made before the first day of July, 1912, where—
 - (a) the first publication of the work took place in a country that constitutes, or forms part of, the territory of a Country specified in the Second Schedule to these Regulations;
 - (b) the author was, at a material time, a national or citizen of a Country so specified; or
 - (c) the author was, at a material time, resident in a country that constitutes, or forms part of, the territory of a Country so specified.

Restriction of the application of the Act to certain classes of published works and other subject-matter ⁶

- 10. (1) Notwithstanding regulation 4, copyright does not subsist in a published literary, dramatic, musical or artistic work, a published edition, a published sound recording or a published cinematograph film by reason of the fact that—
 - (a) the work or edition was first published or the sound recording or cinematograph film was made or first published in a designated country;
 - (b) the work, being an artistic work that consists of a building or an artistic work attached to or forming part of a building, is situated in a designated country; or
 - (c) the author of the work, the publisher of the edition or the maker of the sound recording or cinematograph film is a citizen or national of, a person resident in, or a body corporate incorporated under the law of, a designated country,

unless the work, edition, sound recording or cinematograph film was first published on or after the day on which the

⁶ Regulation 3 of S.R. No. 137 of 1974 repealed Regulation 10 of S.R. No. 60 of 1969 and substituted the present regulation.

designated country became a party to the Universal Copyright Convention.

- (2) For the purposes of this regulation, a reference to a designated country shall be read as a reference to—
 - (a) a country; or
- (b) a country that constitutes, or forms part of, the territory of a Country,

that is specified in Part II of the First Schedule and became a member of the Universal Copyright Convention after 1 May 1969.

Modification of application of the provisions of the Act 7

11. — (1) Where a person has, at any time before the date of commencement of these Regulations, taken action whereby he has incurred expenditure or liability in connexion with the doing of any act in relation to a work or other subject-matter in a manner that at that time was lawful, or for the purpose of or with a view to the doing of any act in relation to a work or other subject-matter at a time when the doing of that act would, but for the making of these Regulations, have been lawful, nothing in these Regulations diminishes or prejudices any right or interest arising from or in connexion with that action that is subsisting and valuable immediately before the date of commencement of these Regulations unless the person who by virtue of the operation of these Regulations has the exclusive right to do that act agrees to pay to the first-mentioned person such compensation as is reasonable in the circumstances.

(2) Where-

- (a) an amendment of these Regulations inserts the name of a country in, or adds the name of a country at the end of, a Part of the First Schedule; and
- (b) a person has, at any time before the date on which the amendment comes into operation, taken action whereby he has incurred expenditure or liability in connexion with the doing of any act in relation to a work or other subject-matter in a manner that at that time was lawful, or for the purpose of or with a view to the doing of any act in relation to a work or any subject-matter at a time when the doing of that act would, but for the amendment, have been lawful,

nothing in these Regulations diminishes or prejudices any right or interest arising from or in connexion with that action that is subsisting and valuable immediately before the date on which the amendment comes into operation unless the person who, by virtue of the operation of these Regulations upon the country being specified in that Part of that Schedule, has the exclusive right to do that act agrees to pay to the first-

⁷ Regulation 4(1) of S.R. 137 of 1974 amended Regulation 11 of S.R. No. 60 of 1969 by adding to Regulation 11 the present sub-regulations (2) and (3). Regulation 4(2) of S.R. No. 137 of 1974 reads as follows:

mentioned person such compensation as is reasonable in the circumstances.

- (3) Where—
- (a) a Part of the First Schedule is remade;
- (b) the name of a country is, upon the remaking of the Part, specified in the Part; and
- (c) the name of that country was not, immediately before the remaking of the Part, specified in the Part,

the remaking of that Part shall, for the purposes of the last preceding sub-regulation, be deemed to be an amendment of these Regulations that inserts the name of that country in that Part.

THE SCHEDULES

First Schedule

Regulations 3 and 4

PART I8

Argentine Republic Republic of Austria Kingdom of Belgium Federative Republic of Brazil People's Republic of Bulgaria Federal Republic of Cameroon Canada Republic of Chad Republic of Chile Republic of the Congo Republic of Cyprus Czechoslovak Socialist Republic Republic of Dahomey Kingdom of Denmark Fiji Republic of Finland French Republic Gabonese Republic German Democratic Republic Federal Republic of Germany Greece (Hellenic Republic) Holy See Hungarian People's Republic Republic of Iceland Republic of India Republic of Ireland State of Israel Italian Republic Republic of the Ivory Coast Japan Lebanese Republic Principality of Liechtenstein Grand Ducby of Luxembourg Malagasy Republic Republic of Mali Malta Islamic Republic of Mauritania Mauritius United Mexican States Principality of Monaco Kingdom of Morocco Kingdom of the Netherlands

follows:

"(2) Sub-regulations (2) and (3) of regulation 11 of the Copyright (International Protection) Regulations as amended by these Regulations apply in relation to the amendments of the Copyright (International Protection) Regulations effected by these Regulations and to each subsequent amendment of the Copyright (International Protection) Regulations."

⁸ As amended by Regulation 5 of S. R. No. 137 of 1974.

New Zealand

Republic of the Niger

Kingdom of Norway

Pakistan

Republic of the Philippines

Polish People's Republic

Portuguese Republic

Socialist Republic of Rumania

Republic of Senegal

Republic of South Africa

Spanish State

Sri Lanka

Kingdom of Sweden

Swiss Confederation

Kingdom of Thailand

Republic of Tunisia

Republic of Turkey

United Kingdom of Great Britain and Northern Ireland

Republic of the Upper Volta

Eastern Republic of Uruguay

Socialist Federal Republic of Yugoslavia

Democratic Republic of Zaire

PART II 9

Algerian Democratic People's Republic

Andorra

Republic of Costa Rica

Republic of Cuba

Republic of Ecuador

Republic of Gbana

Republic of Guatemala

Republic of Haiti

Republic of Kenya

Khmer Republic

Kingdom of Laos

Republic of Liberia

Republic of Malawi

Republic of Nicaragua

Federal Republic of Nigeria

Republic of Panama

Republic of Paraguay

Republic of Peru

Union of the Soviet Socialist Republics

United States of America

Republic of Venezuela

Republic of Zambia

Second Schedule 10

Regulations 9(2) and (3) and 10(1)

Argentine Republic
Republic of Chad
Republic of Chile
German Democratic Republic
Islamic Republic of Mauritania
Mauritius
United Mexican States
Republic of the Philippines
Republic of Turkey
Eastern Republic of Uruguay

Third Schedule 11

Regulations 6 and 7

Countries where Copyright in a Recording Includes the Right to Cause the Recording to be Heard in Public or to Broadcast the Recording

> Argentine Republic Republic of Austria Federative Republic of Brazil Republic of Costa Rica Republic of Cyprus Czechoslovak Socialist Republic Kingdom of Denmark Republic of Ecuador Federal Republic of Germany Republic of India State of Israel Italian Republic United Mexican States New Zealand Federal Republic of Nigeria Pakistan

Republic of Paraguay

Spanish State

Sri Lanka

Kingdom of Sweden

United Kingdom of Great Britain and Northern Ireland

⁹ As amended by Regulation 6 of S. R. No. 137 of 1974.

As amended by Regulation 7 of S. R. No. 137 of 1974.
11 Regulation 8 of S. R. No. 137 of 1974 repealed the Third Schedule of S. R. No. 60 of 1969 which was related to Regulation 10(2) (also now repealed — see footnote 6 above) and substituted the present Third Schedule which is related to Regulations 6 and 7 which were also inserted by S. R. No. 137 of 1974.

IRAN

Act

Governing Translation and Reproduction of Books and Publications and Reproduction of Recorded Sound Materials *

Article 1. — The rights to reproduce, reprint, utilize, publish and/or distribute any translation shall be reserved to the translator or his legal heirs (and successors). The heirs (and successors) shall exercise such rights for a period of thirty (calendar) years as of the date of the translator's death.

The rights covered by this article may be assigned to other persons in which case the assignee(s) shall succeed the assignor(s) as far as enjoyment of these rights for the remaining period of the thirty years is concerned. However, the translator's name shall appear or be mentioned in every instance of the exercise of such rights.

Article 2. — Reproduction, for purposes of marketing and material benefits, of books and publications in the original language and form thereof by offset printing process, photography or any other similar processes shall be prohibited unless permission of the proprietors of the copyright thereof is duly obtained.

Article 3. — Copying, recording and/or reproduction, for purposes of sale, of any sound materials recorded on tapes, records and/or any other media shall be prohibited unless permission of the proprietors of the copyright, or exclusive producers, thereof or their legal successors is duly obtained.

The provisions of this article shall likewise apply to copying, recording or reproduction of radio and television programmes or of any other transmissions.

Article 4. — The musical and sound records and/or tapes will be protected (hereby) only if each individual record and/or tape or the cover thereof bears, within a circle, the international symbol "P" as well as the date of issue, name and address of the producer thereof or his exclusive agents and the relevant trade mark.

Article 5. — Books, publications and recorded sound materials covered by Articles 2 and 3 hereof may be copied and/or reproduced on a non-profit basis for educational and training or scientific research purposes subject to prior approval of the Ministry of Art and Culture.

Note: Copying of books, publications and recorded sound materials covered by Articles 2 and 3 hereof shall be in order if it is intended solely for personal use.

Article 6. — With regard to reproduction of books, publications and recorded sound materials, the protection provided herein shall also be extended to foreign nationals on condition that there are treaties (to this effect between Iran and the countries whose nationals are hereby protected) or reciprocal treatment (of Iranian nationals in such countries).

Article 7. — Any person who deliberately (a) acts incompatibly with the provisions of Articles 1, 2 and 3, or (b) imports or exports the recorded sound materials covered by Article 3, which materials are illegally produced abroad, shall be sentenced to an imprisonment term ranging from three months to one calendar year in addition to payment of damages to plaintiff(s).

Article 8. — In the event that the violator of (the provisions of) this Act is a legal person, damages to the plaintiff(s) shall be paid by this same legal person. However, the natural person, whose decision has resulted in the violation, shall also be suable. If the means and resources of the legal person alone are not adequate to meet the damages the difference thereof shall be paid by the real person.

Article 9. — Judicial authorities, while hearing the claims of the plaintiff(s), shall adopt appropriate measures, at the request of the plaintiff(s), for the prevention of publication, distribution and presentation of the books, publications and/or recorded sound materials involved and for the forfeiture of such materials.

Article 10. — The provisions hereof shall be applicable only if the works and materials covered hereby are not subject to the protection provided in the Protection of the Rights of Authors, Composers and Artists Act in which case the provisions of the latter Act shall apply.

Article 11. — The provisions hereof shall in no instance disregard or restrict the rights covered by the Protection of the Rights of Authors, Composers and Artists Act.

Article 12. — The offences herein mentioned shall be suable only if legal proceedings are instituted by plaintiff(s), and prosecution or execution of judgment shall be suspended upon the plaintiff(s) quitclaim.

^{*} In accordance with the Imperial Firman dated January 22, 1974, this Law came into force on January 6, 1974. — New official translation communicated by the Ministry of Foreign Affairs. An earlier version was published in the February 1975 issue of this review (p. 46).

CORRESPONDENCE

Letter from Portugal

Luiz-Francisco REBELLO *

INTERNATIONAL ACTIVITIES

United Nations Educational, Scientific and Cultural Organization (UNESCO) International Copyright Information Centre

Meeting of officials of regional or national copyright information centres and specialists in the field of copyright or publishing

(Paris, June 30 to July 4, 1975)

A meeting of officials of regional or national copyright information centres and specialists in the field of copyright or publishing was convened by the United Nations Educational, Scientific and Cultural Organization (Unesco) in connection with its International Copyright Information Centre (ICIC), at Unesco House, Paris, from June 30 to July 4, 1975.

Experts from Africa, Asia, Europe, North and South America, Professor H. Desbois (consultant) and observers from four intergovernmental organizations and nine international non-governmental organizations took place in the meeting.

The meeting followed a similar meeting convened at Paris in May 1973 and a working group convened at Paris in December 1974 to assist the International Copyright Information Centre in drafting guidelines intended to facilitate the conclusions of contracts for translation, reproduction and other rights required by developing countries.

Dr. S. M. El-Sheniti, First Under-Secretary of State and Chairman of the General Egyptian Book Organization, was elected Chairman of the meeting, Mr. E. Nolla Lopez, Secretary-General of the National Spanish Book Institute, Mr. B. Haïd, Director of the Copyright Information Centre of the German Democratic Republic, and Mr. R. N. Menon, Secretary-General of the Association of South-East Asian Publishers, were elected Vice-Chairmen, and Mr. J. F. da Costa, Chairman of the Intergovernmental Committee of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations and Deputy Permanent Delegate of Brazil to Unesco, was elected Rapporteur.

The World Intellectual Property Organization was represented by Mr. Murray Haddrick, Counsellor, Head of the Copyright Division.

The discussions at the meeting covered the activities of the ICIC since the May 1973 meeting as well as its future activities. In the course of the discussions, consideration was given to draft model contracts prepared in relation to (i) the authorization of the publication of translations, (ii) the authorization of the publication of reproductions of published works, and (iii) the translation of works.

At the conclusion of the discussions, the meeting adopted recommendations which, after referring to the previous work of the ICIC; recalling the importance to the developing countries of being able to reproduce and print works protected by copyright, and to publish translations and adaptations of them, under preferential conditions; stressing the increasingly important role of audiovisual works in education as well as in the dissemination of science and culture; and specifying areas in which problems arose for developing countries in gaining access to works protected by copyright, outlined the views of the meeting as to what the main activities of the ICIC should be. The activities were under the general headings of collection of data, negotiations for obtaining required authorizations, translation possibilities, economic situation (financial measures to facilitate the transfer of rights), and audiovisual materials. The ICIC was also invited to study the possibility of a standing committee being set up to follow the planning and the implementation of the program of the ICIC.

NEWS ITEMS

IRAN

Mr. Mehdi Naraghi, former Director of the Office for the Registration of Companies and Industrial Property, was appointed as Director-General of the Legal and Parliamentary Affairs Division, at the Ministry of Culture and Arts.

BOOK REVIEWS

Le statut juridique de l'acteur cinématographique [The legal status of the film actor], by Françoise Furkel. One volume of XIX-142 pages, 21 × 15 cm. Carl Heymanns Verlag, Cologne, 1974. Schriftenreihe "Annales Universitatis Saraviensis", Rechts- und Wirtschaftswissenschaftliche Abteilung.

The question of copyright in a cinematographic work is one of the most complex in the field of literary and artistic property. The regime adopted by the legislator varies from one country to another, making it extremely difficult to arrive at the adoption of a more or less uniform system at the international level.

The categories concerned include film actors, whose activity is undoubtedly one of the most important in the making of a film. Nevertheless, the legal status of the film actor is somewhat neglected in national copyright legislation. At best, he has the status of a performer, with all the consequences that implies.

The author of this study, which is a thesis based on French law, compares the film actor with the stage actor and with the translator. She points out that the stage actor imprints his personality on his interpretation, just as the translator does on his translation. But if in her view the activities of the stage actor and of the translator are analogous, it is when one comes to compare the contribution of the film actor with that of the translator that one must speak of a difference in nature, since the role of the film actor — unlike that of the translator or the stage actor — is not to make a work accessible to the public, but to participate in the actual creation of the work. In the view of the author, the film actor should therefore be recognized as having a copyright in the cinematographic work itself, and not merely in his performance.

The second part of this interesting study is devoted to the legal nature of the actor's engagement contract (employment contract). In the final analysis, the author's objective is to seek a system that would reconcile the film actor's capacity as an author with his capacity as an employee. It is her view that, rather than a general status for authorsemployees, the establishment of individual statuses for each creative activity exercised under an employment contract would seem consistent with the present-day legal trend.

A very comprehensive bibliography and an alphabetical index appear at the end of the book.

M.S.

Het bestemmingsrecht van de auteur [The author's right of destination], by Frank Gotzen. One volume of 404 pages, 24 × 16 cm. Ferdinand Larcier, N. V., Brussels, 1975. Preface by G. van Hecke.

F. Gotzen's book, written and published in Dutch, fortunately includes an excellent summary in French, thus making this interesting study accessible to a much larger reading public.

According to the definition given in the introduction, the right of destination is a power of control that the author enjoys in regard to the use that third parties can make of copies of the work in trade circulation. The term used seems preferable in the author's view to the expression "distribution". Indeed, it is much broader since it covers not only the putting into circulation but also any other use of reproductions of a work (broadcast use of records hought from the trade, loan or rental of books, periodicals, records, etc.). This is all the more so if one takes account of the principle of so-called "exhaustion" of the right of distribution.

The author takes as the starting-point for his thesis a decision by the Belgian Supreme Court in 1956, according to which, independently of the requirement that for any hroadcast of protected works the right of public performance must first be acquired, the use by a broadcasting organization of records bought from the trade is subject to authorization being obtained from the owner of the reproduction right.

On the basis of an analysis of the situation in comparative law, it appears that the only legislative provision confirming this thesis is Article 31 of the French Law of 1957, which allows the author to determine the purpose for which copies are used.

In the second part of the work, the author examines the limits of this new right and, in particular, the theory of abuse of rights and the rules on competition of the European Economic Community.

Like many other new ideas, at first sight this one seems difficult to defend — at least if one starts from the situation de lege lata. However, given the fairly recent introduction of the public lending right in certain countries, the least one can say is that this is a work of topical interest for countries where the adoption of provisions concerning this right is under consideration.

M. S.

CALENDAR

WIPO Meetings

October 27 to 31, 1975 (Mexico City) — Latin American and Caribhean 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) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Working Group on the Model Law for Developing Countries on Inventions and Know-How

December 1 to 5, 1975 (Geneva) — Paris Union — 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 (organized jointly 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

January 19 to 23, 1976 (Geneva) — International Patent Classification (IPC) — Steering Committee

January 26 to 30, 1976 (Geneva) — International Patent Classification (IPC) — Committee of Experts

February 2 to 4, 1976 (Geneva) - ICIREPAT - Plenary Committee (PLC)

Fehruary 2 to 10, 1976 (Geneva) — Nice Union — Temporary Working Group

February 4 to 13, 1976 (Geneva) — Paris Union — Microorganisms — Working Group

February 16 to 20, 1976 (Geneva) — Hague Union — Regulations — Working Group

February 16 to 27, 1976 (Paris) — International Patent Classification (IPC) — Working Group IV

February 23 to March 2, 1976 (Tunis) — Committee of Governmental Experts for the Preparation of a Model Law on Copyright for Developing Countries

(Meeting convened by the Government of Tunisia in cooperation with WIPO and Unesco)

March 1 to 5, 1976 (Geneva) — Nice Union — Revision of the Nice Agreement — Committee of Experts

March 9 to 12, 1976 (Geneva) — Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Working Group on the Use of the International Patent Classification

March 15 to 19, 1976 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition hy Developing Countries of Technology Related to Industrial Property — Permanent Committee (3rd session)

March 22 to April 2, 1976 (Munich) — International Patent Classification (IPC) — Working Group I

March 29 to 31, 1976 (Geneva) — Paris Union — Ad hoc Coordinating Committee for Technical Activities

April 26 to 30, 1976 (Geneva) - ICIREPAT - Technical Committee for Search Systems (TCSS)

April 26 to May 1 [or June 8 to 14], 1976 (Geneva) - Paris Union - Group of Governmental Experts for the Revision of the Paris Convention

May 3 to 7, 1976 (Geneva) - ICIREPAT - Technical Committee for Standardization (TCST)

May 3 to 7, 1976 (Geneva) — Paris and Madrid Unions — Working Group on the Use of Computers in Trademarks Operations

May 10 to 15, 1976 (Geneva) — Paris and Berne Unions — Committee of Experts on Scientific Discoveries

May 17 to 21, 1976 (Geneva) — International Patent Classification (IPC) — Working Group V

May 17 to 21, 1976 (Geneva) — Paris Union — Computer Programs — Committee of Experts

May 24 to 31, 1976 (Geneva) — Nice Union — Temporary Working Group

June 14 to 18, 1976 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition hy Developing Countries of Technology Related to Industrial Property — Working Group on the Model Law for Developing Countries on Inventions and Know-How

June 21 to 25, 1976 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition hy Developing Countries of Technology Related to Industrial Property — Working Group on Licensing Gnidelines

September 6 to 17, 1976 (Washington) — International Patent Classification (IPC) — Working Group III

September 21 to 24, 1976 (Geneva) — ICIREPAT — Plenary Committee (PLC)

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

September 27 to October 8, 1976 (Rijswijk) — International Patent Classification (IPC) — Working Group II

October 6 to 8, 1976 (Geneva) — Trademark Registration Treaty (TRT) — Interim Advisory Committee

October 11 to 15, 1976 (Geneva) - Paris and Madrid Unions - Working Group on the Use of Computers in Trademarks Operations

October 11 to 15, 1976 (Geneva) - International Patent Classification (IPC) - Steering Committee

October 13 to 21, 1976 (Geneva) - Nice Union - Temporary Working Group

October 18 to 22, 1976 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)

October 18 to 22, 1976 (Geneva) - International Patent Classification (IPC) - Committee of Experts

October 18 to 29, 1976 (Geneva) — Paris Union — Microorganisms — Committee of Experts

October 25 to 29, 1976 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)

October 25 to 30, 1976 (Beirut) — Regional Conference for Arab States on Industrial Property (Meeting organized jointly with UNIDO and IDCAS)

November 1 to 6, 1976 (Geneva) - Patent Cooperation Treaty (PCT) - Interim Committees

November 8 to 13, 1976 (Colombo) — Seminar on the Interest of the Patent System for Industrial Development

November 8 to 19, 1976 (Munich) - International Patent Classification (IPC) - Working Group IV

November 15 to 17, 1976 (Colombo) - Regional Conference for Asian States on Industrial Property

November 22 to 26 [or 30], 1976 (Geneva) — Paris Union — Group of Governmental Experts for the Revision of the Paris Convention

November 29 to December 3, 1976 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Working Group on the Model Law for Developing Countries on Inventions and Know-How

November 29 to December 10, 1976 (Rijswijk) — International Patent Classification (IPC) — Working Group I

December 6 to 14, 1976 (Geneva) — Paris Union — International Protection of Appellations of Origin and Other Indications of Source — Committee of Experts

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 13 to 15, 1976 — Consultative Committee: March 10 and 11, 1976; October 12 and 15, 1976 — Technical Steering Committee: November 6 and 7, 1975; May 6 and 7, 1976; November 18 and 19, 1976 — Committee of Experts on International Cooperation in Examination: November 4 and 5, 1975; May 3 to 5, 1976; November 15 to 17, 1976 — Committee of Experts on the Interpretation and Revision of the Convention: December 2 to 5, 1975; February 17 to 20, 1976; September 14 to 17, 1976

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

Meetings of Other International Organizations concerned with Intellectual Property

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

January 16, 1976 (Paris) - International Literary and Artistic Association - Executive Committee and General Assembly

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

May 9 to 13, 1976 (Munich) — International League Against Unfair Competition — Congress

May 24 to 29, 1976 (Athens) — International Literary and Artistic Association — Congress

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

September 27 to October 1, 1976 (Paris) — International Confederation of Societies of Authors and Composers — Congress

October 11 to 16, 1976 (Varna) - International Writers Guild - Congress





WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

292-280

ANNOUNCEMENT OF VACANCY

Competition No. 279

LEGAL EDITORIAL OFFICER

General and Periodicals Section

(Industrial Property Division)

<u>Category and grade</u>: P.3/P.2 according to the qualifications and experience of the selected candidate.

Principal duties:

Under the supervision of the Head of the Section, the incumbent will be in particular entrusted with the following tasks:

- (a) organizing and performing the editing of the monthly reviews "Industrial Property" and "La Propriété industrielle" (including supervision of editorial assistance);
- (b) proposing the general publication program of the Section: drawing up the plan for the publication of articles received and expected, suggesting the subject matter and authors of new articles and drafting related correspondence;
- (c) submitting to the Head of the Section critical comments on articles produced by external collaborators (recommending acceptance or refusal and proposing improvements as to substance).

Other duties:

As necessary, collaborating in the preparation of studies concerning general questions of industrial property and the application of industrial property conventions; assisting in the work for the revision of such conventions or the preparation of new conventions; assisting in preparatory work for international meetings.

Qualifications required:*

- (a) University degree in law or qualifications equivalent to such degree.
- (b) Proven ability in planning and carrying out a publications program as well as in performing and supervising editorial work.
- (c) Good knowledge and professional experience in the field of industrial property.
- (d) Excellent knowledge of English and at least a good knowledge of French. Very good knowledge in both these languages of legal and industrial property terminology. Ability to work in other major languages (especially in relation to the relevant terminology) 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.

^{*} The full range of these qualifications corresponds to an appointment at the P.3 level.

Age limit applicable to appointment for a probationary period:

Less than 50 years of age at the date on which the appointment takes effect.

Date of entry on duty: as soon as possible.

Conditions of employment:

The conditions of employment are those applicable according to the Staff Regulations and Rules of the International Bureau of WIPO. They are in conformity with those of the United Nations common system.*

- 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: ** (present scale)

P.3 level: from 40,110 Swiss francs (starting salary) to 53,576 Swiss francs (final step), by annual increments.

P.2 level: from 33,069 Swiss francs (starting salary) to 42,934 Swiss francs (final step), by annual increments.

Annual increments are subject to satisfactory service.

The staff member's contribution to pension fund represents approximately 9.5% of the above amounts.

(present scale)

- Annual post adjustment: P.3 level: from 18,361 Swiss francs (amount corresponding to the starting salary) to 24,024 Swiss francs, without dependants; from 27,542 Swiss francs (amount corresponding to the starting salary) to 36,036 Swiss francs, with dependants.

> P.2 level: from 15,272 Swiss francs (amount corresponding to the starting salary) to 19,562 Swiss francs, without dependants; from 22,909 Swiss francs (amount corresponding to the starting salary) to 29,344 Swiss francs, with dependants.

(present amounts)

- Dependency allowances: 1,100 Swiss francs per year for dependent spouse; 1,237.50 Swiss francs per year for each dependent child; 550 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: (present amount) up to a maximum of 4,125 Swiss francs per scholastic year for each child under 21 years of age in full time attendance at a school, or non-Swiss university (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, Administrative Division, WIPO, 32 chemin des Colombettes, 1211 Geneva 20, Switzerland, for application forms. These forms, duly completed, should reach WIPO not later than January 10, 1976.

Geneva, October 10, 1975

The amounts of the salary and the various allowances and grants indicated below 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.