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Copyright

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Declaration of continued adherence to the Berne Convention for the Protection of Literary and Artistic Works, as revised at Brussels on June 26, 1948

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Berne, August 31, 1976.

Note: The Government of the Bahamas has not yet fulfilled the condition set forth in Article 23(4) of the Brussels Act (1948) of the Berne Convention (choice of class of contribution).

National Legislation

POLAND

Law amending the Copyright Law

(No. 184, of October 23, 1975) *

Article 1. Article 26 of the Law of July 10, 1952, on Copyright (*Dz. U.* No. 34, text No. 234) shall read as follows:

" *Article 26.* Subject to the exceptions specified in this Law, the property rights of authors shall expire after a period of twenty-five years from:

(i) the death of the author and, in the case of works of joint authorship, from the death of the author who died last;

(ii) the date of the publication of an anonymous work or a work published under a pseudonym, unless the author has previously revealed his true name to the public;

(iii) the date of publication of the work, if the property rights belong to a legal entity."

Article 2. This Law shall enter into force on January 1, 1976, and shall apply equally to works in which pecuniary rights existed at the date of its entry into force.

* This Law was published in *Dziennik Ustaw PRL*, No. 34, of October 29, 1975. — WIPO translation.

General Studies

Some reflections on copyright and protection of the cultural heritage in Africa

E. NANA KOUANANG *

Correspondence

Letter from Algeria

Ali BENCHENEB *

1. Following its independence in July 1962, Algeria's immediate concern was not to legislate on copyright.

Apart from the need to channel energy for the settlement of a number of pressing problems, there are two explanations for this temporary neglect. One of them is that French legislation, which had been in force in Algeria prior to independence, was maintained by virtue of the Law of December 31, 1962. This text made application of French legislation subject to its provisions being free of any discriminatory or colonialist features.

In fact, however, the French Law of March 11, 1957, made applicable to Algeria by its Article 80, did not possess any such disqualifying feature, so that the existence of a usable text on literary and artistic property lessened the urgency of the Algerian sovereign body's need to intervene. Moreover, such intervention would have been theoretical and without immediate effect, owing to Algeria's cultural dependence and obvious underdevelopment.

Underdevelopment was indeed evident, the cultural situation being no more than a reflection of the country's economic underdevelopment. The illiteracy rate, estimated at nearly 80 % in 1962, was hardly conducive to literary and artistic production, and the stagnation in that area, in terms of quantity if not of quality, was clearly visible.

This was paralleled by almost total cultural dependence. Literary and music publishers were scarce, and more often than not limited to a special field.

Cinematographic production was non-existent, and there was visibly no incentive for creation.

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2. This situation was to change with the recovery of Algerian sovereignty, and the transformation, although barely perceptible, was nonetheless profound, as political independence and the socialist approach entail both economic and cultural independence.[1] If we disregard the first three years of independence, during which cultural matters lay alternately within the provinces of the Ministry of Information and the *Ministère de l'orientation nationale,* cultural policy has been determined since independence by the Ministry of Information and Culture.[2]

It was this Ministry, therefore, that was given the task of designing and proposing the creation of the public bodies, among them the National Copyright Office (*Office national du droit d'auteur* — ONDA), responsible for the management of copyright and the protection of the interests — both material and moral — of authors.[3]

This body is different from its counterparts, however, and especially from those of Western systems of liberal conception.[4]

Apart from the fact that ONDA has to administer copyright matters in general, which obviates delicate or arbitrary division of competence, its creation by the public authority endows it with two major characteristics. On the one hand, it has exclusive control over royalty collection and the issue of authorizations to the users of works; it follows from the latter competence that any activity on the part of other bodies is liable to legal action for unlawful representation of authors.[5] On the other hand, in relation to the Office, the author is regarded not as an associate but as a principal and the power of attorney which he gives is irrevocable.

3. It was in the framework briefly outlined above that the Algerian legislator proceeded to enact provisions on copyright, by Ordinance No. 73-14, of April 3, 1973.[6]

The Ordinance is a text of 82 articles enacted on the initiative of the Ministry of Information and Culture by the Government, which, since July 1965, has held the legislative authority delegated to it by the Council of the Revolution. The body of the Ordinance consists of 11 chapters dealing successively with protected works, the author, the content of copyright, limitations on copyright, exceptions to copyright, assignment, the term of protection, special provisions, the exercise of copyright, sanctions and procedure and, finally, miscellaneous provisions.

Below we propose to show that the dominant concepts in the text relate to the conditions of protection (I) and the extent of protection (II).

I. Conditions of protection

4. Copyright protection is subject to the observance of two conditions, one relating to the work itself and the other to its author.

It is therefore a question of defining protected works and identifying the owners of copyright.

A. Protected works

5. Owing to the newness of the law governing literary and artistic creation, the concept of the work is difficult to define with any strictness. Moreover, creation would be hampered in its outward manifestation if the legislator were to treat it with too much severity. These two facts account for the pragmatic approach adopted by the Algerian legislator: the text contains a list of works susceptible of protection, but this list is not limitative.

It also establishes a number of criteria which serve to " refine " the concept of the work eligible for protection.

6. Using the guidelines in the Universal Copyright Convention, to which Algeria has acceded,[7] the Ordinance regards as works any writings of literary, artistic or scientific intent, musical, dramatic and cinematographic works, pictorial works, works of architecture, sculpture and engraving, works of folklore and all illustrations.[8]

This enumeration calls for some comment, to show how fastidious its authors were. Article 2, for instance, mentions engravings, which would be sufficient to include lithographs as protected works, but this category is nevertheless expressly provided for. Other items mentioned testify to the very broad notion of the protected work adopted by the legislator.

Item (vi) of Article 2, for instance, allows the protection of works produced by " a process analogous to cinematography " in the same way as actual cinematographic works, which in fact goes beyond the terms of the Universal Copyright Convention.

By the same token, " photographic works to which are assimilated works expressed by a process

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[1] The first report on this subject was prepared by J. Desjeux: " Principales manifestations culturelles depuis 1962," in *Annuaire de l'Afrique du Nord,* 1973, pp. 77-96.

[2] Cf., in the last analysis, Decree No. 71-124 of May 13, 1971, which defines the powers of the Ministry of Information and Culture.

[3] Ordinance No. 73-46 of July 25, 1973, which establishes the Office and fixes its statutes, *JORADP* 1973, p. 846. See also *Copyright,* 1975, p. 87.

[4] Cf. A. Schmidt: *Les sociétés d'auteurs: SACEM, SACD. Contrats de représentation.* Paris, LGDJ, 1971.

[5] Cf. Articles 71 and 75 of the Copyright Ordinance No. 73-14 of April 3, 1973.

[6] Text in *JORADP* 1973, p. 342. See also *Copyright,* 1973, p. 200.

[7] Accession to the Convention as revised in 1971, entry into force July 10, 1974. Cf. *Copyright,* 1976, p. 30.

[8] Cf. the full list as given in Articles 2 to 5 of Ordinance No. 73-14, referred to above.

analogous to photography" are protected under item (ix) of Article 2, apparently without any need for the works to have artistic character.

7. This list is clearly insufficient to cover fully the concept of the protected work, and so one is bound to examine the criteria proposed by the legislator for qualifying a creation as a protected work.

The approach is double: on the one hand the text denies the effectiveness of a certain number of criteria, while on the other it lays down as conditions of protection the novelty and originality of the creation.

8. The general principle of the Ordinance is written into Article 1. It is concerned with " any intellectual work."

It follows from this that type and form of expression have no bearing on the protection of the work, and Algerian legislation thus merely confirms the diversity of the enumeration in Article 2, at the same time conforming to the Universal Copyright Convention.

One could have imagined protection being contingent on the merit or purpose of the work, as a means of channeling inventive effort in relation to the all-important planning of intellectual creation. However, such a temptation is hard to reconcile with the actual concept of creation; it is incompatible with the principle of protection acquired without any formality and, furthermore, contrary to the dictates of comparative law.[9]

9. The only thing left that protection is subject to, therefore, is the condition that it be an original creation. The work concept is not defined in legislation, but unquestionably there has to be some indication of the form in which creation is expressed, as it is hard to imagine how protection can be afforded to a creation devoid of any tangible medium.

For instance, a lithographic process obviously cannot be afforded copyright protection.

This does not mean, however, that creation should be understood in a restrictive sense, and the legislator fully appreciates this: translations, adaptations and arrangements are recognized as creations, as are anthologies, collections and encyclopedias.[10] These creations also have to be original; failing this, they constitute an offense liable to penalties under Articles 390 *et seq.* of the Penal Code.

Finally, the definition of protected works in Algerian law does not contain any important differences in relation to comparative law. This can also be said of the identification of authors.

[9] Cf., for instance, Article 96 of the Fundamentals of Civil Legislation of the USSR and the Union Republics, of December 8, 1961.

[10] Cf. Articles 3 and 4 of Ordinance No. 73-14, referred to above.

B. Identification of authors

10. Identification of the author does not call for any special comment, as the author is the creator of the work. Although it is clearly stated in Article 6 of the Ordinance, the principle becomes more delicate to apply in complex situations, and we should dwell on these for a moment.

11. On the subject of works of joint authorship, the contributions of the co-authors are inseparable, and so the right " shall belong jointly to the co-authors." The joint authorship concept does not seem to have been defined precisely enough: it leaves open the question whether or not the indivisibility of the work necessarily implies the absence of individuality in each of the contributions.

The fact that the preparatory work was not publicized does little to facilitate interpretation. Moreover, the actual status of works of joint authorship is non-existent.

There is no provision that deals with the rights and obligations of co-authors, so that these are a matter for independent decision.

12. The identification of the author of a collective work is to be found in Article 10 of the Ordinance. It is the logical consequence of the definition given of this particular category.

For if it is provided that the collective work requires the initiative of a natural person or legal entity for both its production and its distribution, and that the contributions of the authors cannot be individually recognized, it is logical that the copyright should vest in the initiator of the work. No doubt this is only a simple presumption, and it certainly underlines the somewhat exceptional nature of the qualification, but the significance of the latter is that the consent of the various authors is not required for the exercise of rights and that payment may be made to them in a lump sum.

The borderline has to be carefully drawn with the concept of the commissioned work, which is the subject of the second paragraph of Article 7 and which implies greater subordination, either for reasons of professional status or as a result of appropriate contractual relations, without any distinction being made between moral and economic rights.

13. A composite work consists in the incorporation in a new work of pre-existing works without any creative participation on the part of the authors of the latter. This is what makes the composite work different from the collective work.

Such a creation enjoys copyright protection. However, the rights attaching to the pre-existing work are safeguarded to the extent that, on the one hand, the consent of the author of the pre-existing work is required and, on the other hand, nothing precludes

the fragmentation of the work and therefore separate exploitation.

These two consequences derive from interpretation of Article 12 and may be observed in practice.

One could regret the fact that they do not appear expressly in the text, even at the risk of overloading it, as the juxtaposition of different creations can, in the long or the short term, give rise to conflict.

Care has also to be taken not to assimilate composite works completely to derived works, even if they have comparable status. The author of an adaptation or translation also has to obtain the prior consent of the owner of the copyright in the original work, and there is nothing to preclude the continuation of the original work.

The text does not specify whether the author has a right of control over the work of the adapter or translator, or, *a fortiori,* the extent of that control. The existence of such a right should be beyond dispute, otherwise the effect of authorization is reduced to nothing. As for the extent of control, it would seem that the legislator deliberately refrained from intervening, leaving interested parties to fix it themselves, and among other things to determine whether or not authorization should have exclusive character.

14. Finally, the identification of the author in the case of a cinematographic work occupies an important position owing to its special nature and the anticipated development of this form of artistic expression.

Below we shall concern ourselves only with the identification of the author, on the understanding that the rules are to be applied extensively on account of the fact that they concern also processes analogous to cinematography, especially television.[11]

The first principle that comes to light is that the maker is not the sole author. There is no ambiguity about the rejection of this system: on the one hand, the second paragraph of Article 16 considers that the only initiative the maker may take relates to the making, which is very different from the creation; on the other hand, Article 15 contains a non-limitative list of co-authors.

Finally, the first paragraph of Article 15 denies authorship to a legal entity, which is, in fact if not in law, the case with film-makers in Algeria.[12] The conclusion may be drawn from this that, under Algerian law, the National Cinematographic Industries Marketing Office (*Office national de commercialisation des industries cinématographiques* — ONCIC), which in spite of its name engages in film-making activities, cannot be the author, but only the assignee of the right of exploitation.[13]

The second principle concerns the grant of copyright to the author of the adapted work, which reinforces the latter's rights notwithstanding the adaptation contract.

Even after these points have been made clear, the identification of the author can still give rise to conflict in spite of the wording of Article 15, as in fact these are no more than simple presumptions, and disputes may arise for instance on the question whether performers and technicians are to be afforded protection, albeit of a special nature. This has to be a legislative oversight, as technicians are taking an ever more important part in creation, and one might have given thought to drawing a line between technical participation and creative participation. As far as performers are concerned, infringements of their personal rights can always be remedied by the application of Article 47 of the Civil Code,[14] but their position is still highly precarious, and legislative intervention in this area is more than desirable.

15. We have seen how, with regard to the identification of authors, Algerian legislation is remarkable for its flexibility, even if this occasionally borders on timidity. The relative laxness of the Algerian Ordinance is not found, however, in its treatment of the extent of the protection afforded to authors, where cultural considerations are more apparent.

II. Extent of protection

16. The extent of the protection available under the Copyright Ordinance is conditioned by the content of copyright. A certain number of mitigating factors are applied to the principle laid down by the text, and we should do well to analyze these before considering the duration of copyright and jurisdictional matters.

A. Content of copyright

17. The content of the rights conferred on authors takes up Articles 22 (moral rights) and 23 (economic rights) of the Ordinance. Under Algerian legislation, there is little that is original about moral rights; indeed, Article 22 is a faithful reproduction of Article 6 of the French Law of 1957, with the exception of one detail, namely that the Algerian law on succession does not allow for the same liberalism in testamentary provisions as French law does. With that reservation, moral rights are inalienable, but

[11] For more extensive comment, cf. A. Bencheneb: " Les œuvres cinématographiques protégées en Algérie," in *Revue algérienne des sciences juridiques, écononmiques et politiques,* 1976 (yet to be published).

[12] Cf. the statutes of ONCIC: Ordinance No. 67-51 of March 17, 1967, *JORADP* 1967, p. 256. The entry into force of its monopoly is subject to the enactment of an Order. The monopoly does not concern commercial productions, however, except in the case of joint productions.

[13] Cf. Ordinance No. 73-14, referred to above, Article 16, third paragraph.

[14] Cf. Ordinance No. 75-58 of September 26, 1975, introducing the Civil Code, *JORADP* 1975, p. 819.

there is an exception to the principle in cinematographic law where either *force majeure* or refusal on the part of one or more co-authors has prevented completion of the work. Under Article 19 of the Copyright Ordinance, moral rights subsist in the part of the contribution actually made, but they are not allowed to create an obstacle to its exploitation. This is a corrective measure applied to inalienability by means of the abuse of rights theory, and it would be logical to extend recourse to this theory to other creations.

Furthermore, moral rights are perpetual (and imprescriptible), which distinguishes them from economic rights, and the protection of the honor of the author is sufficient justification for moral rights being transferable on the author's death to his heirs. The general characteristics of moral rights are respect for the author's name, his authorship and his work. The effect of this is a right of disclosure, a right of authorship that is useful in the case of anonymous or pseudonymous works,[15] while the right to respect for his work should allow him to exercise his right of withdrawal and correction, and to make alterations to his work.

18. Because it is of more immediate practical application, the content of economic rights is set out more clearly in the Ordinance. While it is in fact an " exclusive right " of exploitation, Article 23 does not fail to point out that its exercise is subject to respect for the monopolies established by the State, which means not only ONDA's monopoly but also other monopolies such as the publication monopoly enjoyed by the National Publication and Distribution Society (*Société nationale d'édition et de diffusion* — SNED). Respect for State monopolies testifies to the subordination of intellectual property to its national usefulness. Exercise of economic rights of authors, in Algerian socialist thinking, should not degenerate into ownership for the sake of exploitation,[16] as this would diminish the effectiveness of the effort to overcome cultural underdevelopment. The individual monopoly gives way to State monopolies. With these reservations, economic rights cover all forms of exploitation, whether reproduction, performance, communication, translation, adaptation or arrangement.

B. Mitigating factors

19. Apart from respect for monopolies, the exercise of copyright is conditioned by a number of mitigating factors which take the form of limitations and exceptions.

First of all, the Ordinance contains a certain number of limitations on the exercise of copyright. These limitations are in actual fact quite customary, and are determined by the non-profit-making character of the exploitation or by an educational and/or scientific purpose: they are provided for in Article 24. Thus, no authorization is required, and no collection made by ONDA, for " performances and communications of a broadcast work, made for school or university purposes or in vocational training."

Sometimes it is the informatory purpose of the work that justifies the limitation of the copyright; except where there is an express prohibition, this is true of journalistic writings and speeches made in public by personalities.

It would seem also that the limitation introduced by Article 28 of the Ordinance is as important as those mentioned above.

Reproduction of literary, artistic or scientific works by public libraries and similar bodies may be authorized by the Minister for Information and Culture under conditions to be laid down by a later text. This provision is very interesting in the light of cultural development and the spread of documentation centers; its educational purpose is unquestionable, and it can also relate to reproduction of both the work and its translation.

20. In addition, the Ordinance lays down a certain number of exceptions to copyright which may be implemented by means of the grant of non-exclusive exploitation licenses. The application of these provisions could make an extremely valuable contribution in the struggle for cultural development, as their *raison d'être* is unquestionably their educational or scientific usefulness. There is serious incompatibility between the grant of licenses and the desire for profit.[17] Considering the legitimate aim of these provisions, it is to be hoped that the implementing decree will be issued without delay.

In substantive terms, the Ordinance regards three sets of circumstances as justifying the grant of a non-exclusive license by the Ministry of Information and Culture. The first two relate to the translation of works and the third to selling.

Translation licenses are granted by the Algerian authority, but only Algerian nationals may benefit from them. The applicant has to show that the writing that he wishes to translate has been published for at least three years, that he has applied to the owner of the right for authorization to translate and publish it, that the translation is intended for the purpose of teaching, scholarship or research, and finally that the translation of the work has not been

[15] Cf. Article 8 of Ordinance No. 73-14, referred to above.

[16] The principle is written into Article 690 of the Civil Code: " In the exercise of his rights, the owner shall comply with the legislation in force for the furtherance of the public good and that of private persons."

[17] Cf. Articles 30 to 34 of Ordinance No. 73-14, referred to above.

published in Algeria or is out of print. In view of the purpose of translation, the fact of allowing the grant of a license on the grounds that the translation is out of print seems a questionable provision as reprinting would save enlisting the effort of the translator.

A translation license may also be applied for by the Algerian Radio and Television Organization (RTA). It would seem that such a license can only be obtained for broadcasting purposes, which means that television cannot avail itself of this advantage. In view of the fact that the applicant here is a public body, the conditions of grant are seemingly more flexible: it is sufficient that the RTA undertakes to use the translation only for the purposes of scientific information or for educational broadcasts; the broadcast cannot be used for international cultural exchanges. The grant of the license does not seem to have the accompanying principle of remuneration of the owner of the right of translation, a regrettable omission which does not occur in other cases.

Finally, the Ordinance provides for a reproduction and publication license, the implementation of which is subject to stricter conditions with respect to time, but which nonetheless reflects the will to create an instrument of technology transfer. The grant of the reproduction license is subject to the condition that it concerns a literary, artistic or scientific work; this is broad, but it should also be pointed out that the work must not have been commercially distributed in Algeria and that its publication is for educational purposes; the grant of the license is subject above all to the expiration of a variable period, which gives an idea of Algeria's intentions: the license cannot be applied for until after three years following the publication of scientific and technological works, this period being increased to seven years for literary and musical works and art books, whereas it is five years in all other cases.

C. Duration of copyright

21. The overriding principle in this area is the shortening of the duration of copyright in favor of the national community; certain works are protected after the death of their authors. This is a principle of ordinary law introduced by Article 60 of the Ordinance, which provides for a 25-year period of protection of economic rights, which starts at the beginning of the calendar year that follows the author's death.

This solution applies to pseudonymous works if the identity of the author is disclosed to the public not later than 25 years after publication of the work. The text says nothing of anonymous works, however.

Article 61 of the Ordinance, on works of joint authorship, suffers from a drafting defect. It says that " the term of protection provided for in the preceding Article [18] shall expire at the end of the calendar year during which the last surviving author died." It has to be one thing or the other: either protection ends after the death of the last surviving author, or the starting point of the 25-year period is the end of the calendar year following the death of the last surviving author. The difference could be a major one. The first interpretation seems to us the most compatible with the overall structure of the text, and legislative action would be welcomed; moreover, such action would also affect the second part of Article 61, according to which, " where one of the co-authors has no heirs, his share in the joint work shall accrue " to ONDA. In the case of works of joint authorship contributions are inseparable, as specified by Article 9 of the Ordinance.

It should not, therefore, be a question of a share accruing to ONDA, but rather a question of the rights and obligations of the deceased co-author in relation to the whole work being transferred to ONDA.

Other works are protected as from publication. These include pseudonymous works in so far as the author's real identity is not disclosed, as well as collective works and posthumous works. The term is 25 years.

This term is reduced to ten years for photographic works and works of the applied arts, which is in line with the dictates of comparative law.

D. Jurisdictional provisions

22. The powers of ONDA were mentioned briefly at the beginning of this study. ONDA is allowed to be a party to legal proceedings, as the text establishing it gives it the status of legal entity. Being a public institution of industrial and commercial character, by virtue of Article 1 of the Ordinance establishing it, it is subject to the jurisdictional provisions of ordinary law and thus escapes Article 7 of the Algerian Code of Civil Procedure, under which disputes to which the State, local communities and public institutions of administrative character are party are subject to the jurisdiction of the court which rules on administrative matters.

On the other hand, the Article is applicable at the outset to the State, which henceforth may be party to a copyright action on the strength of the translation or publication licenses which it can now issue through the agency of the Minister for Information and Culture.

Under such circumstances, actions for indemnification would be brought before the court ruling on administrative matters, and actions for invalidation would be brought before the Supreme Court — as licenses are administrative instruments — to be

[18] The 25-year period is meant.

International Activities

East Asian — Pacific Copyright Seminar

(Sydney, August 15 to 20, 1976)

An East Asian — Pacific Copyright Seminar, organized jointly by the Australian Government and certain non-governmental organizations from the authors' and publishers' circles of Australia, with the cooperation of WIPO and Unesco, was held in Sydney, from August 15 to 20, 1976.

The purpose of this Seminar was to stimulate interest and cooperation in the copyright and neighboring rights fields in the East Asian and Pacific area, and to provide a forum for discussion and exchange of information.

WIPO extended its cooperation through its representative, who delivered a lecture on " The Protection of Intellectual Works and the Activities of WIPO in This Field," chaired several working sessions of the Seminar, participated actively in the deliberations and furnished the participants with documentation on the subject.

The delegations to the Seminar came from the following 14 countries or territories: Australia, Fiji, Hong Kong, Indonesia, Japan, Malaysia, Mongolia, New Hebrides, New Zealand, Papua New Guinea, Philippines, Republic of Korea, Thailand and Tonga. Unesco was represented. The International Federation of Producers of Phonograms and Videograms (IFPI) had sent observers. The Seminar was also attended, in an individual capacity, by lawyers, legal advisers and representatives of associations or organizations of authors, publishers, record manufacturers, film producers, artists, journalists, etc. The total number of participants was about 120.

The Australian Delegation, led by Mr. Lindsay J. Curtis, First Assistant Secretary, Commonwealth Attorney-General's Department, included representatives of interested circles, and of the Australian Copyright Council.

WIPO was represented by Mr. Claude Masouyé, Director, Copyright and Public Information Department.

The Seminar was opened by the Honourable R. J. Ellicott, Q. C., M. P., Attorney-General of the Commonwealth of Australia, who also favored with his presence the receptions given by the Australian Government at the opening and the closing of the Seminar.

As during a similar seminar, organized at Tokyo in 1973 by the Government of Japan *, the agenda included the presentation, by each governmental delegation, of " country reports " comprising, in each case, an outline of the copyright and/or neighboring rights laws or regulations and their application, the current status of international relations and the activities of national organizations of authors, composers, publishers and producers of phonograms. In addition, lectures were delivered (in chronological order) on the following subjects:

— current developments in the law of copyright, by Ms. Barbara Ringer (Register of Copyrights, United States of America);
— publishing and mechanical rights in musical works and their utilization, by Mr. Colin Marks (Solicitor of the Supreme Court of New South Wales);
— performing rights in musical works and their utilization, by Mr. John Sturman (Managing Director, Australasian Performing Right Association (APRA));
— copyright and the arts, by Mr. James Lahore (Senior Lecturer in Law, Monash University, Australia);
— publishing rights in literary and dramatic works and their utilization, by Mr. David Catterns (Legal Research Officer, Australian Copyright Council) and Mr. George Fergusson (past President, Australian Book Publishers Association), dealing respectively with legal aspects and practical aspects of the matter;
— copyright and broadcasting, by Mr. Yoshio Nomura (Chairman, Japanese Government Copyright Council);
— copyright and performers, by Mr. Claude Pickford (former Executive Director, Australian Record Industry Association);
— enforcement of copyright in sound recordings, by Mr. David Young (Director, International Federation of the Record Industry, Hong Kong);
— the protection of folklore, by Mr. Peter Banki and Mr. Robert Edwards (members of the Australian Working Party on the Protection of Aboriginal Folklore).

* See *Copyright*, 1973, p. 259.

All these lectures, as well as the reports submitted by the governmental delegations, gave rise to a wide exchange of views. No formal resolution was submitted to the Seminar for approval, but, at the end of the proceedings, the Secretariat, under the direction of Mr. Harry G. Shore (Principal Legal Officer, Intellectual Property Branch, Commonwealth Attorney-General's Department), gave the participants a report summarizing the interventions of the speakers and the discussions on the various topics. On the other hand, the deliberations resulted in the general feeling that the Sydney Seminar should be followed by other meetings of that kind, in order to continue the study of copyright and neighboring rights problems in East Asia and the Pacific and to strengthen cooperation in that part of the world, both at the governmental and at private levels, for a better protection of intellectual property.

The kind hospitality of the Australian authorities and their efforts to ensure the full success of the meeting were particularly appreciated by the participants in this East Asian — Pacific Copyright Seminar.

Book Reviews

Aspects juridiques de la radiodiffusion par satellite, by *Jean-Bernard Münch.* One volume of 272 pages, 21 × 15 cm. Herbert Lang, Berne — Peter Lang, Frankfurt am Main, 1975. Publications universitaires européennes, série II, sciences juridiques.

Of all works dealing with the legal problems raised by satellite broadcasting, this is probably one of the most complete: having said that the work is concerned only with those aspects of the subject that are governed by international public law and does not claim to enlighten the reader on the social and political aspects of the question, the author nevertheless starts by reviewing the technical elements of the problem (electromagnetic space, satellite broadcasting) and the legal regime to which it is subject, then considers the questions of program content and of liability and sanctions, and ends with a brief account of the protection of copyright and so-called neighboring rights.

In this last chapter, which is of particular interest to our readers, there is a part devoted to the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite. In his conclusion the author expresses the hope that, in the field of copyright and neighboring rights, satellite broadcasting may benefit from the progress made before it became a reality, and that it will contribute to a small extent to the unification of national legislations on a regional basis.

As regards the possible adoption of a universal convention covering every aspect of the problem, such a convention should — in the author's opinion — be confined to a few general rules on basic elements, referring for the rest to agreements of regional scope.

An appendix contains a very complete bibliography and various documents. M. S.

Reciprocidad Española en el Derecho Internacional de Autor, by *Antonio Miserachs-Rigalt.* One volume of 430 pages, 23 × 16 cm. Edición del I. N. L. E., Madrid, 1975.

The author's aim is to present a "basis for coordination" of the international copyright protection systems with a view to establishing the degree of reciprocity applicable in relation to Spain. In order to do this, he provides the reader with a summary *(prontuario),* arranged in alphabetical order of the countries, containing firstly a number of basic data (capital, surface area, geographical limits, number of inhabitants, language) followed by information on the current national legislation and membership of multilateral or bilateral conventions under which reciprocal treatment is provided for between the country concerned and Spain. A very full summary of domestic Spanish legislation is also included.

The texts, in Spanish, of a number of conventions are reproduced as annexes: Berne Convention (Rome, Brussels and Paris Acts), WIPO Convention, Universal Copyright Convention (1952 text and 1971 revised text). M. S.

Calendar

WIPO Meetings

1976

October 11 to 18 (Geneva) — International Patent Classification (IPC) — Steering Committee

October 13 to 21 (Geneva) — Nice Union — Temporary Working Group

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

October 19 to 22 (Geneva) — International Patent Classification (IPC) — Committee of Experts

October 25 to 29 (Geneva) — ICIREPAT — Technical Committee for Searcb Systems (TCSS)

November 1 to 8 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Committees

November 8 to 19 (Stockholm) — International Patent Classification (IPC) — Working Group IV

November 23 to 30 (Geneva) — Paris Union — Preparatory Intergovernmental Committee on tbe Revision of the Paris Convention

November 29 to December 3 (Geneva) — Permanent Legal-Technical Program — Working Gronp on the Model Law for Developing Countries on Inventions and Know-How

November 29 to December 10 (Rijswijk) — International Patent Classification (IPC) — Working Gronp I

December 6 to 9 (Lusaka) — Diplomatic Conference for tbe Adoption of an Agreement on tbe Creation of an Industrial Property Organization for English-Speaking Africa

December 8 to 17 (Lusaka) — Conference on Industrial Property Laws of Englisb-Speaking Africa, and of its Committee for Patent Matters and its Committee for Trademark and Industrial Design Matters

December 8 to 17 (Paris) — Berne Union — Committee of Governmental Experts on the Donble Taxation of Copyright Royalties
Note: Meeting convened jointly with Unesco

December 13 to 17 (Geneva) — Nice Union — Committee of Experts

1977

January 17 to 21 (Geneva) — International Patent Classification (IPC) — Steering Committee

Jannary 25 to 28 (Geneva) — Trademark Registration Treaty (TRT) — Interim Committee

January 25 to 28 (Bangkok) — Permanent Legal-Technical Program — Asian Seminar on the Rights of Performers, Producers of Phonograms and Broadcasting Organizations
Note: Meeting convened jointly with ILO and Unesco

February 16 to 18 (Colombo) — Permanent Legal-Technical Program — Regional Seminar on Industrial Property

February 21 to 24 (Colombo) — Permanent Legal-Technical Program — World Symposium on tbe Importance of the Patent System to Developing Countries

February 21 to 25 (Geneva) — Berne Union — Working Gronp on Videocassettes
Note: Meeting convened jointly with ILO and Unesco

March 7 to 11 (Geneva) — Permanent Legal-Tecbnical Program — Working Group on Tecbnological Information derived from Patent Documentation

March 14 to 18 (Geneva) — Permanent Legal-Technical Program — Permanent Committee concerning Cooperation for Development relating to Industrial Property (4th session)

Marcb 28 to April 1 (Paris) — Berne Union — Working Group on Cable Television
Note: Meeting convened jointly with Unesco

April 18 to 22 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services

April 25 to 29 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)

May 2 to 6 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)

May 12 to 14 (Geneva) — Paris Union — Ad boc Coordinating Committee for Tecbnical Activities

May 23 to 27 (Rabat) — Permanent Legal-Technical Program — Arabic Copyright Seminar
Note: Meeting convened jointly with Unesco

May 23 to 27 (Geneva) — International Patent Classification (IPC) — Working Group V

June 6 to 10 (Geneva) — Permanent Legal-Technical Program — Working Group on the Model Law for Developing Countries on Inventions and Know-How

June 27 to July 1 (Geneva) — Paris Union — Committee of Experts on Computer Software

June 27 to July 1 (Geneva) — Nice Union — Preparatory Working Group on the Systematic Review of the Classification

September 26 to October 4 (Geneva) — WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions; Assemblies of the Madrid and Hague Unions; Committee of Directors of the Madrid Union; Conference of Representatives of the Hague Union

November 2 to 18 (Paris) — Berne Union — Diplomatic Conference (or Committee of Governmental Experts) on Double Taxation of Copyright Royalties

Note: Meeting convened jointly with Unesco

November 28 to December 5 (Paris) — Berne Union — Executive Committee — Extraordinary Session

December 6 to 8 (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 9 (Geneva) — Berne Union — Working Group on the Rationalization of the Publication of Laws and Treaties in the Fields of Copyright and Neighboring Rights

1978

September 25 to October 2 (Geneva) — WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions

UPOV Meetings in 1976

Council: October 13 to 15

Consultative Committee: October 12 and 15

Technical Steering Committee: November 17 to 19

Committee of Experts on International Cooperation in Examination: November 16

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

Meetings of Other International Organizations concerned with Intellectual Property

1976

October 11 and 12 (Rijswijk) — International Patent Institute — Administrative Board

October 11 to 16 (Varna) — International Writers Guild — Congress

November 9 to 11 (Hakone) — Pacific Industrial Property Association — International Congress

1977

January 14 (Paris) — International Literary and Artistic Association — Executive Committee and General Assembly

January 17 to 21 (Strasbourg) — Council of Europe — Legal Committee on Broadcasting and Television

May 1 to 4 (Amsterdam) — Union of European Patent Attorneys — Congress and General Assembly

May 23 to 27 (Rio de Janeiro) — Inter-American Association of Industrial Property — Congress

November 28 to December 5 (Paris) — United Nations Educational, Scientific and Cultural Organization (UNESCO) — Intergovernmental Copyright Committee established by the Universal Copyright Convention (as revised at Paris in 1971)