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Administrative Bodies

Administrative Bodies of WIPO and the Unions Administered by WIPO

Seventh Series of Meetings

(Geneva, September 27 to October 5, 1976)

Note *

During the seventh series of meetings of the Administrative Bodies of the World Intellectual Property Organization (WIPO) and the Unions administered by WIPO, which took place in Geneva from September 27 to October 5, 1976, the following 19 bodies (hereinafter referred to as "the Administrative Bodies") held their sessions:

WIPO General Assembly, fourth session (3rd ordinary)

WIPO Conference, third session (3rd ordinary),

WIPO Coordination Committee, tenth session (7th ordinary),

Paris Union Assembly, third session (3rd ordinary),

Paris Union Conference of Representatives, fifth session (3rd ordinary),

Paris Union Executive Committee, twelfth session (12th ordinary),

Berne Union Assembly, third session (3rd ordinary),

Berne Union Conference of Representatives, third session (3rd ordinary),

Berne Union Executive Committee, tenth session (7th ordinary),

Madrid Union Assembly, seventh session (2nd ordinary),

Madrid Union Committee of Directors, seventh session (2nd ordinary),

Hague Union Assembly, first session (1st ordinary),

Hague Union Conference of Representatives, first session (1st ordinary),

Nice Union Assembly, fourth session (3rd ordinary),

Nice Union Conference of Representatives, third session (3rd ordinary),

Lisbon Union Assembly, second session (2nd ordinary),

Lisbon Union Council, ninth session (9th ordinary),

Locarno Union Assembly, fourth session (2nd ordinary)

IPC [International Patent Classification] Union Assembly, second session (2nd ordinary).

Sixty-three States members of WIPO, the Paris Union or the Berne Union, or of one or more of these, were represented at the sessions. In addition, eight other States, eleven intergovernmental organizations and eight international non-governmental organizations sent observers. The list of participants appears below.

The seventh series of meetings of the Administrative Bodies was convened by the Director General of WIPO, Dr. Arpad Bogsch. The sessions of the Administrative Bodies, with the exception of those of the Assembly and Conference of Representatives of the Hague Union, were opened in a joint meeting by the outgoing Chairman of the WIPO General Assembly, Mr. G. Borggård (Sweden). The sessions of the said Assembly and Conference of Representatives, the latter of which was established at the said seventh series of meetings by member States of the Hague Union not being members of the Hague Union Assembly, were opened by the Director General of WIPO.

Each of the Administrative Bodies elected its officers at the beginning of its session. The WIPO General Assembly elected Mr. Alvaro G. de Alencar (Brazil) as its new Chairman. A list of all the officers of the various Administrative Bodies is given below.

Items on the agendas of the Administrative Bodies which were common to two or more of the said bodies were considered in joint meetings of the bodies concerned.

The main items discussed and the principal decisions taken by the Administrative Bodies are reported on below.

* This Note has been prepared by the International Bureau on the basis of the documents of the sessions of the Administrative Bodies.

Past Activities

The WIPO General Assembly and the Assemblies of the Paris and Berne Unions reviewed and approved, respectively, the reports and activities of the WIPO Coordination Committee, the Paris Union Executive Committee and the Berne Union Executive Committee for the years 1973, 1974 and 1975. The Administrative Bodies also reviewed and approved, or noted with approval, the reports and activities of the Director General since their last sessions. In the course of that review, a number of delegations commended the Director General and the staff of the International Bureau on the activities undertaken in the execution of the program, particularly those for the benefit of the developing countries, and underlined the importance which their governments attached to those activities. The Director General expressed his appreciation of the contributions made by so many governments to the WIPO legal-technical assistance program, in particular as regards the training of officials from developing countries and the placing of technical experts at the disposal of the International Bureau for projects in developing countries and for work at the International Bureau in the field of development cooperation. The Director General also acknowledged the contribution of the Government of Austria to the WIPO legal-technical assistance activities for the benefit of developing countries, especially in the field of patent documentation and information.

The Administrative Bodies concerned noted the efforts of the Director General in promoting cooperation between WIPO and the organizations of the United Nations system, in particular the consultations which had taken place between the International Bureau and the Secretariats of the United Nations Conference on Trade and Development (UNCTAD) and the United Nations Industrial Development Organization (UNIDO) on matters relating to industrial property and the transfer of technology. The Administrative Bodies concerned also noted the activities performed or planned by the Director General in respect of those resolutions and decisions of the United Nations General Assembly, the United Nations Economic and Social Council and other organs and organizations of the United Nations system which called for action by the specialized agencies of the United Nations in general or which were relevant to the work of WIPO.

In the field of industrial property, the Administrative Bodies concerned noted the work accomplished by the Ad Hoc Group of Governmental Experts on the Revision of the Paris Convention, including its recommendations for the convening of a Diplomatic Conference and the establishment of a Preparatory Intergovernmental Committee.

The Administrative Bodies concerned also noted the recommendations of the Ad Hoc Committee for Coordination of the Technical Activities of WIPO and invited the Director General to present to the next session of that Committee, in November 1976, proposals for possible structural changes and new allocations of certain responsibilities to make more effective the coordination of the related technical activities carried out within the framework of the Patent Cooperation Treaty (PCT), the Strasbourg Agreement Concerning the International Patent Classification (IPC Agreement) and the Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT).

In the fields of copyright and neighboring rights, a number of delegations expressed their satisfaction with the work carried out by the International Bureau and stressed the importance of close cooperation in that work with other international organizations, including the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organisation (ILO).

Financial Matters

The Administrative Bodies concerned noted with approval the accounts of the International Bureau and the reports of the auditors on those accounts, as well as other information concerning finances in the years 1973, 1974 and 1975.

The Administrative Bodies concerned approved the establishment of a new system for the payment of contributions, to be introduced gradually over a transitional period of six years as from January 1, 1978, whereby contributions would be due and payable at the beginning of the year to which they related. The Administrative Bodies concerned approved the creation of working capital funds in fixed amounts for the Paris, Hague, Nice and Berne Unions, to be constituted through payments in six yearly installments commencing in 1978. The Administrative Bodies concerned expressed their thanks to the Swiss Government for its generosity in the past in granting interest-free advances to the International Bureau. The Swiss Government was designated auditor of the accounts of the Unions for the years 1977 to 1979.

Cooperation Between WIPO and Other International Organizations

Agreement Between WIPO and the CMEA. The WIPO Coordination Committee approved a working agreement between WIPO and the Council for Mutual Economic Assistance (CMEA). The following nine States are members of the CMEA: Bulgaria, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Romania, Soviet

Union. A specialized body of the CMEA — the Conference of Directors of Patent Offices of the CMEA Member Countries — functions to enhance and improve cooperation among the CMEA member countries in the field of invention and patenting.

Admission of Intergovernmental Organizations as Observers. The Administrative Bodies concerned adopted an up-dated list of intergovernmental organizations to be invited to attend their meetings as observers. The list includes three new intergovernmental organizations: the European Patent Organisation (EPO) (or, until it starts functioning, the Interim Committee of the EPO), the Association of South East Asian Nations (ASEAN) and the Latin American Economic System (SELA).

Admission of International Non-Governmental Organizations as Observers. The Administrative Bodies concerned decided to admit as observers to their meetings three additional international non-governmental organizations: the International Association of Conference Interpreters (AIIC) (in the category essentially concerned with copyright and neighboring rights) and the International Federation of Pharmaceutical Manufacturers Associations (IFPMA) and the Licensing Executives Society (International) (LES) (in the category essentially concerned with industrial property). In addition, four other international non-governmental organizations — the European Computer Manufacturers Association (ECMA), the European Federation of Agents of Industry in Industrial Property (FEMIP), the International Federation for Documentation (FID) and the Patent Documentation Group (PDG) — which had been admitted previously to the meetings of certain Administrative Bodies, were admitted to the meetings of certain other Administrative Bodies.

Administration of New International Agreements

The WIPO General Assembly approved participation by WIPO in the administration of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, adopted at Brussels in May 1974.

Scientific Discoveries

After a full discussion, the WIPO General Assembly agreed that the institution at the International Bureau of a system for the international recording of scientific discoveries for those countries which favored such a system should be effected by means of a treaty, it being understood that it was the intention of all delegations, subject to final decisions to be made by their governments, that the conclusion of such a treaty among interested countries would not be pre-

vented at the Diplomatic Conference. It was further agreed that the above intention was based on the understanding that in substance the treaty would be as in the draft prepared by the Working Group on Scientific Discoveries at its fourth session in May 1976 and would include certain safeguards for States not participating in the system. The Director General was asked to make proposals to the 1977 session of the WIPO Coordination Committee concerning the Diplomatic Conference for the adoption of the said treaty.

Permanent Programs for Development Cooperation

The WIPO Conference approved the enlargement of the scope of the existing WIPO Permanent Program for the Acquisition by Developing Countries of Technology Related to Industrial Property. The new program, which is entitled "WIPO Permanent Program for Development Cooperation Related to Industrial Property," will bring under the review of the relevant Permanent Committee all appropriate development cooperation activities in the field of industrial property. Its objectives will be to promote inventive and innovative activity in developing countries with a view to strengthening their technological capacities, the acquisition by developing countries, under fair and reasonable terms and conditions, of technology related to industrial property, and the development of legislation and institutions in the field of industrial property in developing countries.

The WIPO Conference also established a similar mechanism and a similar intergovernmental body in the fields of copyright and neighboring rights to assist in the planning and implementation of development cooperation activities in those fields. The objectives of the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights are to promote the encouragement in developing countries of intellectual creation in the literary, scientific and artistic domains, the dissemination in developing countries, under fair and reasonable conditions, of intellectual creations in such domains protected by the rights of authors (copyright) and by the rights of performing artists, producers of phonograms and broadcasting organizations ("neighboring rights"), and the development of legislation and institutions in the fields of copyright and neighboring rights in developing countries.

Program and Budget for 1977 to 1979

The main features of the program and budget for the period 1977 to 1979, adopted by the WIPO Conference, by the Assemblies and the Executive Committees of the Paris and Berne Unions and by the Assemblies of the Madrid, Hague, Nice, Lisbon, Locarno and IPC Unions, are the following:

Development Cooperation Activities. The WIPO Conference adopted the triennial program of development cooperation activities. This program is intended to support the relevant objectives of international cooperation for development, especially those set forth in the resolutions of the United Nations General Assembly on development and international economic cooperation. In particular, the program is designed to promote creative intellectual activity and facilitate access to, and selection, adaptation and use of, technological, scientific and other information and literary and artistic works of all kinds, for the purposes of economic and social development. The activities of the program, which are mainly aimed at the strengthening of national infrastructures in developing countries, will be carried out within the framework of the two Permanent Programs (see above) and in accordance with the recommendations of the two Permanent Committees.

In relation to *industrial property*, the development cooperation activities foreseen for the years 1977, 1978 and 1979 include the following projects: a study of the legislative and institutional — both governmental and private — arrangements which exist in developing and developed countries for the promotion of invention, innovation, rationalization and adaptation of technology; a study of the technological information needs of users in developing countries and how to assist in meeting those needs through improved means of access to patent documentation; a survey of existing and planned patent information services and institutions and systems for documentation and technological information for users in developing countries; a survey of the functions, administration and role in the governmental structure of industrial property offices in selected developed and developing countries; an examination of the means of encouraging arrangements for cooperation among developing countries in the field of industrial property, including arrangements for the exchange of experience and information, for the harmonization of legislation and for the sharing of resources through the establishment of common institutions; a study of technological and other information services which could be designed to support and promote cooperation among developing countries in the transfer and acquisition of technology; continuation of the work on the preparation of a new Model Law for Developing Countries on Inventions and Know-How; the preparation of a new Model Law for Developing Countries on Trademarks and Related Matters; the preparation and publication of licensing guidelines for developing countries; the preparation of guidelines for the organization of patent and trademark activities of industrial enterprises in developing countries; the preparation of an industrial property glossary and manual for developing countries.

In relation to *copyright and neighboring rights*, the development cooperation activities foreseen for the years 1977, 1978 and 1979 include the following projects: a study of the arrangements which exist in the fields of copyright and neighboring rights in developing and developed countries for the support of national authors of literary and artistic works, performers and other creative artists; a study of the practical problems related to copyright and means of solving them in securing access to and national publication and dissemination of works of foreign origin, particularly for educational, instructional and scientific purposes; assistance to interested States in the adaptation of national copyright legislation and institutions capable of contributing to the protection of folklore; the publication of the Model Law for Developing Countries on Copyright; the preparation of a copyright glossary and manual for developing countries. These activities will be carried out in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organisation (ILO), as appropriate, in some cases jointly and, in others, in coordination with the said Organizations.

In addition, the development cooperation activities foreseen for the years 1977, 1978 and 1979 include training by means of fellowships enabling nationals of developing countries to be assigned to national industrial property offices or to the International Bureau or to governmental and non-governmental offices and institutions concerned with copyright and neighboring rights in both developed and developing countries, and the provision of expert services to assist national or regional authorities in developing countries in formulating or revising their legislation on industrial property or on copyright and neighboring rights, in establishing or strengthening national or regional institutions concerned with such matters and in preparing plans for projects on such matters to be financed by the United Nations Development Programme (UNDP) or from other sources and carried out by WIPO. Seminars and training courses in developing countries or regions will also be organized on one or more subjects of industrial property, copyright, neighboring rights or related matters.

Program and Budget of the Berne Union. The main features of the program and budget for the period 1977 to 1979 adopted by the Assembly of the Berne Union and noted with approval by the Conference of Representatives of that Union are the following:

Program. In addition to the activities mentioned in connection with the Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights (see above), the program for the period 1977 to 1979 provides for the continuation, in cooperation with Unesco and the ILO, of

the studies of the copyright and neighboring rights problems arising from audiovisual cassettes and discs and other similar devices and from the transmission by cable of television programs. A study will also be carried out, in cooperation with Unesco, of the copyright problems arising from the use of electronic computers and related facilities for access to or the creation of works. Committees of governmental experts and working groups will be convened, if necessary, to consider these studies.

The preparation of a multilateral treaty for the avoidance of double taxation of copyright royalties will be continued, jointly with Unesco. A diplomatic conference or a committee of governmental experts will be convened in 1977 to consider the draft of such a treaty.

As regards the implementation of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (1974), model provisions taking account of the different needs of different countries will be prepared jointly with Unesco.

The program for the period 1977 to 1979 also provides for the usual tasks relating to the existing publications in the fields of copyright and neighboring rights, in particular, the monthly periodical *Copyright/Le Droit d'auteur* and the collections of laws and treaties on copyright and on neighboring rights. As regards these two collections, a working group will survey existing activities in connection with the publication of legislative texts and make recommendations for rationalization and other improvements. In addition, a summary of all national legislations in the field of copyright will be prepared according to standard criteria and will be published in tabular form in the periodical *Copyright/Le Droit d'auteur*. A guide to the Berne Convention, in the form of a commentary on the Convention, will also be prepared and published during the period 1977 to 1979.

Budget. The Assembly of the Berne Union adopted the triennial (1977 to 1979) budget of the Berne Union. The Conference of Representatives noted with approval the triennial budget and fixed the ceiling of contributions in the Berne Union for the years 1977 to 1979. In addition, the Executive Committee of the Berne Union approved the budget of that Union for the year 1977.

Program and Budget of the Paris Union and the Special Unions. The main features of the program and budget for the period 1977 to 1979 adopted by the Assembly and the Executive Committee of the Paris Union and by the Assemblies of the Madrid, Hague, Nice, Lisbon, Locarno and IPC Unions are set forth in the December 1976 issue of *Industrial Property*.

Calendar Year 1977. Further, the WIPO General Assembly adopted the triennial budget of expenses common to the Unions, and the WIPO Coordination Committee established the 1977 common expenses budget. That part of the triennial (1977 to 1979) budgets of WIPO and the Unions administered by WIPO which relates to the calendar year 1977 shows income of 23,092,000 Swiss francs and expenditure of 24,458,000 Swiss francs. The number of staff posts covered by the budget for the year 1977 is 185.

Staff Matters

The WIPO Coordination Committee noted the information on the composition of the International Bureau and the progress made by the Director General to improve the geographical distribution of the staff in both the professional and higher categories. On September 1, 1976, the staff of the International Bureau comprised 174 persons, nationals of 37 different countries. The WIPO Coordination Committee gave favorable advice to the Director General on his proposal to promote to grade D.2 Mr. C. Masouyé, Director of the Copyright and Public Information Department, and to grade D.1 Mr. S. Alikhan, as Director of the Copyright Division, Mr. L. Baeumer, as Director of the Industrial Property Division, Mr. P. Claus, as Director of the Patent Information Division, Mr. G. Ledakis, Legal Counsel, and Mr. M. Pereyra, as Director of the Administrative Division.

Election of Members of the Executive Committees of the Paris and Berne Unions; Designation of an Ad Hoc Member of the WIPO Coordination Committee

Election of the Executive Committees of the Paris and Berne Unions. The Assembly of the Paris Union unanimously elected the following States as ordinary members of the *Executive Committee of the Paris Union*: Brazil, Cuba, Czechoslovakia, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Iraq, Ireland, Japan, Libyan Arab Republic, Soviet Union, Sweden, United Kingdom, United States of America (15); the Assembly of the Paris Union decided that as soon as the number of its members reached 64 a country member of the Group of 77, namely Romania, would automatically become an ordinary member of the Executive Committee of the Paris Union without its being necessary to convene a new meeting for that purpose. The Conference of Representatives of the Paris Union unanimously elected the following States as associate members of the Executive Committee of the Paris Union: Central African Republic, Nigeria, Philippines, Syrian Arab Republic, Zambia (5).

The Assembly of the Berne Union unanimously elected the following States as ordinary members of the *Executive Committee of the Berne Union*: Australia, Austria, Belgium, Bulgaria, Canada, Hungary, India, Ivory Coast, Mexico, Morocco, Spain, Tunisia (12). The Conference of Representatives of the Berne Union unanimously elected the following States as associate members of the Executive Committee of the Berne Union: Argentina, Italy, Poland, Sri Lanka (4).

Switzerland will continue to occupy its *ex officio* ordinary seat on the Executive Committees of the Paris and Berne Unions.

Designation of an Ad Hoc Member of the WIPO Coordination Committee. The WIPO Conference unanimously designated the Sudan in the capacity of ad hoc member of the WIPO Coordination Committee.

Composition of the WIPO Coordination Committee. As a consequence of the elections of the Executive Committees of the Paris and Berne Unions, the designation of an ad hoc member of the WIPO Coordination Committee and the taking into account of the *ex officio* ordinary seat of Switzerland, the following States are members of the WIPO Coordination Committee: Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Central African Republic, Cuba, Czechoslovakia, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Hungary, India, Iraq, Ireland, Italy, Ivory Coast, Japan, Libyan Arab Republic, Mexico, Morocco, Nigeria, Philippines, Poland, Soviet Union, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tunisia, United Kingdom, United States of America, Zambia (38).

List of Participants*

I. States members of one or several bodies convened

Algeria: F. Bouzid. **Argentina:** F. Jiménez Dávila; C. Pasalacqua. **Australia:** K. B. Petersson; R. J. McInnes. **Austria:** G. Mautner-Markhof. **Belgium:** G. L. de San; A. Schurmans; M. Servais. **Brazil:** A. Gurgel de Alencar; G. Hatab; G. R. Coaracy; G. F. Martins. **Bulgaria:** I. Ivanov; B. Todorov. **Byelorussian SSR:** V. Andryushin. **Cameroon:** E. Ngo-Bassé. **Canada:** D. E. Bond; D. J. French; R. D. Gould; M. Moher. **Chile:** J. Lagos; P. Oyarcé; D. Herrera Sierpe. **Cuba:** J. M. Rodríguez Padilla; J. Otero Solanes; C. González Izquierdo. **Czechoslovakia:** M. Bělohávek; J. Prošek; J. Zelko. **Denmark:** K. Skjødt; R. Carlsen; D. Simonsen. **Egypt:** O. El Shafei; F. El Ibrashi; A. Aboul Kheir; T. Dinana. **Finland:** E. Wuori. **France:** J. Fèvre; G. Vianès; A. Kerever; S. Balous; S. Bindel; J. Buffin; P. Fressonnet; R. Leclerc;

L. Nicodème. **German Democratic Republic:** J. Hemmerling; D. Schack; C. Micheel; M. Förster. **Germany (Federal Republic of):** A. Krieger; E. Steup; E. Häusser; T. Roetger; U. C. Hallmann; G. Wirth; M. Aúz Castro; S. Gees. **Ghana:** J. G. Okyne. **Greece:** A. Sideris. **Holy See:** O. Rouillet. **Hungary:** E. Tasnádi; M. Bognár; A. Benárd. **India:** V. Kitchlu; S. Balakrishnan. **Iran:** Y. Madani. **Ireland:** M. J. Quinn; J. F. Cogan. **Israel:** E. F. Haran. **Italy:** I. Papini; G. Trotta; S. Samperi; G. Catalini; G. Armento; M. Toma-juoli. **Ivory Coast:** A. Essy; K. Kra; Z. P. Any-Grah; M.-L. Boa. **Japan:** I. Katayama; K. Yanagawa; H. Takeuchi; A. Tamori; Y. Oyama; I. Umezawa; T. Yoshida. **Kenya:** D. J. Coward. **Libyan Arab Republic:** Y. Arebi; A. Embark; I. Zeidan; M. O. Caal. **Liechtenstein:** A. F. de Gerliczy-Burian. **Luxembourg:** J.-P. Hoffmann; H. Kronz. **Madagascar:** J.-J. Maurice; R. Raparson. **Mali:** G. Traore. **Mauritius:** A. G. Pillay. **Mexico:** G. E. Larrea Richerand; J. C. Barona. **Monaco:** J.-M. Notari. **Morocco:** M. Chraïbi. **Netherlands:** J. B. van Benthem; J. Bos; F. P. R. van Nouhuys. **Norway:** A. G. Gerhardsen; S. Røer; J. Aars-Rynning. **Pakistan:** I. Bukhari. **Philippines:** C. C. Sexton; J. M. Díaz. **Poland:** J. Szomański; J. Blaszczak; D. Januszkiewicz; E. Szelchaut; A. Krezelewski. **Portugal:** R. Serrão; J. Van-Zeller Garin; J. Mota Maia; A. M. Pereira. **Qatar:** A. El Amad. **Romania:** L. Marinete; V. Tudor; D. Stoenescu; C. Ion. **Senegal:** S. L. Ba; P. Crespin. **Soviet Union:** L. E. Komarov; V. F. Zubarev; S. Gorlenko; V. N. Roslov; A. Zaitsev; S. Egorov; V. I. Rohtchin. **Spain:** A. Villalpando Martínez; L. Padiál Martín; I. Fonseca Ruiz; L. García Cerezo. **Sri Lanka:** S. de Alwis. **Sudan:** S. el Khatim Zaki. **Sweden:** G. Borggård; C. Uggla; B. Van Der Giessen. **Switzerland:** P. Braendli; J.-L. Marro; F. Pometta; A. Kamer; J.-M. Salamolard; W. B. Gyger. **Thailand:** C. Kannawat; S. Kouptaromya. **Ukrainian SSR:** Y. Egorov. **United Arab Emirates:** J. Al Fardan. **United Kingdom:** E. Armitage; I. J. G. Davis; A. J. Needs; D. Cecil. **United States of America:** C. M. Dann; H. J. Winter; L. Schroeder; I. A. Williamson. **Upper Volta:** B. Bakyono. **Yugoslavia:** D. Bošković; D. Čemalović. **Zaire:** K'Habouji Lukabu.

II. Other States

Bolivia: V. Banzer. **Colombia:** A. Morales; C. Osorio. **Ecuador:** E. Tobar. **Honduras:** M. Carías; J. J. Cueva; H. Marconi. **Panama:** A. P. Villamonte R; D. Chevalier Villamonte. **Rwanda:** T. Mulisa. **Venezuela:** A. Benni de Ruiz.

III. Intergovernmental Organizations

United Nations (UN): T. S. Zoupanos; V. Lissitsky; G. M. Kirby; P. Roffe; R. Schmied. **International Labour Organisation (ILO):** S. Cornwell. **United Nations Educational, Scientific and Cultural Organization (UNESCO):** J. Behrstock; M.-C. Dock. **Benelux Trademark Office — Benelux Designs or Models Office:** L. van Bauwel. **African Intellectual Property Organization (OAPI):** D. Ekani. **European Patent Organisation (EPO):** V. Scordamaglia. **Industrial Development Centre for Arab States (IDCAS):** A. Abdul Hak. **Commission of the European Communities (CEC):** P. Luyten; B. Harris; H. Kronz. **Council for Mutual Economic Assistance (CMEA):** I. V. Cherviakov. **Organization of American States (OAS):** F. E. Hutardo de Mendoza.

IV. International Non-Governmental Organizations

Committee of Patent Agents (CNIPA): C. G. Wickham. **International Confederation of Professional and Intellectual Workers (CITP):** G. Poulle. **International Federation of Inventors' Association (IFIA):** S.-V. Angert. **International Federation of Producers of Phonograms and Videograms (IFPP):** G. Davies; E. Thompson. **International Publishers**

* A list may be obtained from the International Bureau containing the titles and functions of the participants and the bodies in which each State or Organization was represented.

Association (IPA): J. A. Koutchoumow. **Internationale Gesellschaft für Urheberrecht (INTERGU):** G. Halla. **International Organization for Standardization (ISO):** T. Földesi. **Union of European Patent Attorneys and Other Representatives before the European Patent Office (UNEPA):** A. Rossel.

V. International Bureau of WIPO

A. Bogsch (*Director General*); K. Pfanner (*Deputy Director General*); K.-L. Liguier-Laubhouet (*Deputy Director General*); F. Sviridov (*Deputy Director General*); C. Masouyé (*Director, Copyright and Public Information Department*); R. Harben (*Director, Development Cooperation and External Relations Division*); G. Ledakis (*Legal Counsel*); M. Pereyra (*Head, Administrative Division*); M. Porzio (*Head, Office of the Director General*); S. Alikhan (*Head, Copyright Division*); L. Baeumer (*Head, Industrial Property Division*); P. Claus (*Head, Patent Information Division*); L. Egger (*Head, International Registrations Division*); M. Haddrick (*Head, PCT Division*); J. Franklin (*Head, PCT Technical Section*); I. Grandchamp (*Head, Languages Section*); B. Hansson (*Head, IPC Section*); H. Konrad (*Head, ICIREPAT and Statistics Section*); M. Lagesse (*Head, Budget and Systems Section*); F. Moussa (*Head, External Relations Section*); I. Thiam (*Head, Development Cooperation Section*); I. Pike-Wanigasekara (*Assistant, Office of the Director General*); M. Qayoom (*Head, Conferences and Common Services Section*); H. Rossier (*Head, Mail and Documents Section*).

Officers

World Intellectual Property Organization (WIPO)

General Assembly: *Chairman:* A. Gurgel de Alencar (Brazil); *Vice-Chairmen:* A. Krieger (Germany Federal Republic of); J. Szomański (Poland).

Conference: *Chairman:* J. M. Rodriguez Padilla (Cuba); *Vice-Chairmen:* J. Hemmerling (German Democratic Republic); G. Borggård (Sweden).

Coordination Committee: *Chairman:* E. Armitage (United Kingdom); *First Vice-Chairman:* D. Čemalović (Yugoslavia); *Second Vice-Chairman:* F. Bouzid (Algeria).

Paris Union

Assembly: *Chairman:* C. M. Dann (United States of America); *Vice-Chairmen:* D. J. Coward (Kenya); L. Marinete (Romania).

Conference of Representatives: *Chairman:* S. de Alwis (Sri Lanka); *Vice-Chairmen:* F. Jiménez Dávila (Argentina); ... (Tanzania).

Executive Committee: *Chairman:* L. E. Komarov (Soviet Union); *Vice-Chairmen:* K. B. Petersson (Australia); E. Ngo-Bassé (Cameroon).

Berne Union

Assembly: *Chairman:* I. Katayama (Japan); *Vice-Chairmen:* E. Tasnádi (Hungary); A. Essy (Ivory Coast).

Conference of Representatives: *Chairman:* ... (Uruguay); *Vice-Chairmen:* A. M. Pereira (Portugal); C. Kannawat (Thailand).

Executive Committee: *Chairman:* D. E. Bond (Canada); *First Vice-Chairman:* V. Kitchlu (India); *Second Vice-Chairman:* C. Sexton (Philippines).

Madrid Union

Assembly: *Chairman:* F. El Ibrashi (Egypt); *Vice-Chairmen:* M. Bělohávek (Czechoslovakia); A. Schurmans (Belgium).

Committee of Directors: *Chairman:* A. Villalpando Martínez (Spain); *Vice-Chairmen:* S. Samperi (Italy); R. Serrão (Portugal).

Hague Union

Assembly: *Chairman:* P. Braendli (Switzerland); *Vice-Chairmen:* J.-M. Notari (Monaco); A. F. de Gerliczy-Burian (Liechtenstein).

Conference of Representatives: *Chairman:* M. Chraïbi (Morocco); *Vice-Chairmen:* J. Hemmerling (German Democratic Republic); ... (Indonesia).

Nice Union

Assembly: *Chairman:* E. Tasnádi (Hungary); *Vice-Chairmen:* E. Wuori (Finland); ... (Austria).

Conference of Representatives: *Chairman:* I. Papini (Italy); *Vice-Chairmen:* ... (Lebanon); ... (Tunisia).

Lisbon Union

Assembly: *Chairman:* ... (Togo); *Vice-Chairmen:* I. Ivanov (Bulgaria); E. Haran (Israel).

Council: *Chairman:* G. E. Larrea Richerand (Mexico); *Vice-Chairmen:* R. Serrão (Portugal); ... (Haïti).

Locarno Union

Assembly: *Chairman:* P. Fressonnet (France); *Vice-Chairmen:* A. Gerhardsen (Norway); M. Bělohávek (Czechoslovakia).

IPC Union

Assembly: *Chairman:* K. Skjødt (Denmark); *Vice-Chairmen:* J. B. van Benthem (Netherlands); G. Hatab (Brazil).

World Intellectual Property Organization

Copyright Symposium for Trainees

(Geneva, September 22 to 24, 1976)

Under the WIPO Program of Legal-Technical Assistance to Developing Countries for 1976, nine fellowships were awarded in the field of copyright to nationals of Algeria, Bolivia, Chad, Chile, Costa Rica, India, Mexico, the Philippines and Rwanda.

Within the framework of the training courses that took place in September and October 1976, a symposium on copyright matters for the benefit of the trainees was organized by the International Bureau of WIPO at its headquarters in Geneva from September 22 to 24, 1976. Nationals from Algeria, Chad, Chile, India, Mexico, the Philippines and Rwanda were scheduled to attend the Symposium. The list of the trainees, as well as of other participants in the Symposium, is reproduced below. The nationals of Bolivia and Costa Rica separately attended a course organized in the Copyright Office at Mexico through the kind cooperation of the Mexican Government.

The Symposium in Geneva was the first attempt of its kind in getting all trainees together with the objective of putting them through a program of lecture discussions concerning general information on existing legal instruments and the present situation in the field of international copyright and neighboring rights before they started their practical training in national copyright offices or authors' societies. This provided them with an opportunity of exchanging information and ideas with reference to the status in their respective countries.

The program of the Symposium included lectures delivered by WIPO officers on the followings subjects:

- (i) the World Intellectual Property Organization (historical background, administrative structure, objectives and activities);
- (ii) the Berne Convention for the Protection of Literary and Artistic Works (historical development, basic principles, subject matter and content of protection, special provisions in favor of developing countries);
- (iii) the International Conventions in the field of neighboring rights: the Rome Convention (1961), the Phonograms Convention (Geneva, 1971) and the Satellites Convention (Brussels, 1974);

- (iv) WIPO activities in the field of legal-technical assistance to developing countries;
- (v) the Tunis Model Law on Copyright and its implementation.

Representatives of the International Publishers Association (IPA) kindly participated in the Symposium and dealt, in two lectures, with the questions relating to the publishing industry, in particular the relations between authors and publishers and the special problems of the publishing industry in developing countries.

The lectures were followed by a number of questions and answers.

During the week following the Symposium, the trainees had the opportunity of attending the session of the General Assembly of WIPO and the concurrent meetings of the Administrative Bodies of WIPO and the Unions administered by it, in order to enable them to become familiar with the structure and activities of WIPO.

In view of the experience with this new approach, it is expected to organize a similar symposium towards the end of 1977.

List of Participants

Trainees

ALGERIA

Slimane Khelifa
Responsable du Bureau documentation, Office national du droit d'auteur, Alger

CHAD

Laobele Dangde
Responsable des activités culturelles, Ministère de l'éducation nationale et de la culture, Fort-Lamy
[attended from meetings of Administrative Bodies onwards]

CHILE

Dina Herrera Sierpe (Sra.)
Jefe, Departamento de Derechos Intelectuales, Santiago

INDIA

Daya Nand Sharma
Special Officer (Book Imports) and Deputy Registrar (Copyright), Ministry of Education, New Delhi

MEXICO

Pedro Luis Hernandez
Jefe, Departamento de Registro, Dirección General del
Derecho de Autor, Mexico

PHILIPPINES

José M. Diaz
Legal Officer and Copyright Examiner, National Library,
Manila

RWANDA

Thomas Mulisa
Secrétaire d'administration, Direction générale de la
culture, Ministère de l'éducation nationale, Kigali

International Publishers Associations (IPA)

P. M. Alves
Vice-Chairman IPA; Director, Libros Technicos e Cientifi-
cos Editora S. A., Rio de Janeiro
J. A. Koutchoumow
Secretary-General IPA, Geneva

World Intellectual Property Organization

K.-L. Liguier-Laubhouet (Mrs.) (*Deputy Director General*);
C. Masouyé (*Director, Copyright and Public Information
Department*); S. Alikhan (*Head, Copyright Division*);
I. Thiam (*Counsellor, Head, Development Cooperation Sec-
tion*); M. Stojanović (*Counsellor, Senior Legal Officer,
Copyright Division*).

BAHAMAS

Accession to the WIPO Convention

The Government of the Commonwealth of the Bahamas deposited, on October 4, 1976, its instrument of accession to the Convention Establishing the World Intellectual Property Organization (WIPO).

The Commonwealth of the Bahamas fulfills the condition set forth in Article 14(2) of the said Convention by concurrently acceding to the Paris Act (1971) of the Berne Convention for the Protection of Literary and Artistic Works, as provided for in Article 29^{bis} of the said Act and with the declaration

provided for in Article 28(1)(b) to the effect that its accession shall not apply to Articles 1 to 21 and the Appendix.

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization will enter into force, with respect to the Commonwealth of the Bahamas, three months after the date of deposit of its instrument of accession, that is, on January 4, 1977.

WIPO Notification No. 92, of October 8, 1976.

Berne Union

BAHAMAS

Accession to the Paris Act (1971) of the Berne Convention

The Government of the Commonwealth of the Bahamas deposited, on October 4, 1976, 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, with the declaration provided for in Article 28(1)(b) to the effect that its accession shall not apply to Articles 1 to 21 and the Appendix.

Furthermore, the instrument of accession contains the declaration that, in respect of Article 33(2) of

the Paris Act (1971), the Commonwealth of the Bahamas does not consider itself bound by the provisions of Article 33(1) of the said Act.

Pursuant to the provisions of Article 28(3) of the Paris Act (1971) of the Convention, Articles 22 to 38 will enter into force, with respect to the Commonwealth of the Bahamas, three months after the date of this notification, that is, on January 8, 1977.

Berne Notification No. 82, of October 8, 1976.

Conventions Administered by WIPO

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

GUATEMALA

Accession to the Convention

The Director General of the World Intellectual Property Organization (WIPO) has informed the Governments of the States invited to the Diplomatic Conference on the Protection of Phonograms * that, according to the notification received from the Secretary-General of the United Nations, the Government of Guatemala deposited, on October 14, 1976, its instrument of accession to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms.

Pursuant to the provisions of Article 11(2), the Convention will enter into force, with respect to Guatemala, three months after the date of the notification given by the Director General of WIPO, that is, on February 1, 1977.

* Phonograms Notification No. 25, of November 1, 1976.

International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention)

GUATEMALA

Accession to the Convention

The Secretary-General of the United Nations, in a letter dated October 28, 1976, informed the Director General of the World Intellectual Property Organization that the Government of Guatemala deposited, on October 14, 1976, its instrument of accession to the International Convention for the Protection of Per-

formers, Producers of Phonograms and Broadcasting Organizations, done at Rome on October 26, 1961.

Pursuant to Article 25(2), the Convention will enter into force, for Guatemala, three months after the date of deposit of the instrument of accession, that is, on January 14, 1977.

National Legislation

FINLAND *

I

Act amending the Act on Rights in Photographic Pictures

(No. 647, of July 31, 1974)

Pursuant to decision of the Parliament, §§ 9 and 24 of the Act of July 8, 1961, on Rights in Photographic Pictures (405/61)¹ shall be amended as follows and a new § 24a added with the following wording:

§ 9. Where current events are the subject of reports disseminated by television or by means of cinematography, photographic pictures seen in the course of the event may be presented in the sequence determined by the informatory purpose.

§ 24. This Act shall apply:

- (i) to photographic pictures produced by Finnish nationals or persons who have their permanent residence in Finland;

- (ii) to photographic pictures first published in Finland, or published in Finland within thirty days of their first publication in another country; and
- (iii) to photographic pictures affixed permanently to buildings or installations located in Finland.

§ 24a. The Committee of Experts referred to in § 55 of the Act on Copyright in Literary and Artistic Works (404/61)² shall also assist the competent Ministry in the examination of questions arising from this Act.

This Act shall enter into force on October 1, 1974.

² *Ibid.*, p. 25.

* WIPO translation of the two Acts and the Decree, based on the official text in Swedish.

¹ See *Le Droit d'Auteur (Copyright)*, 1963, pp. 27 *et seq.*

II

Act amending the Act on Copyright in Literary and Artistic Works

(No. 648, of July 31, 1974)

Pursuant to decision of the Parliament, § 19(1) of the Act of July 8, 1961, on Copyright in Literary and Artistic Works (404/61)¹ shall be repealed and §§ 8(2), 21, 39(1), 54, 63 and 64(2) shall be amended as follows:

§ 8.

A work shall be considered published when copies have first been placed on sale or otherwise distributed to the public with the consent of the author.

§ 21. Where current events are the subject of reports disseminated by radio, television or film, the work seen or heard in the course of the event may be presented in the sequence determined by the informatory purpose.

§ 39. Transfer of the right to produce a film of a literary or artistic work shall include the right to make the work available to the public by showing the film in cinemas, on television or by any other means, including the text of the scenario reproduced in the film and dubbing in another language.

¹ See *Le Droit d'Auteur (Copyright)*, 1963, pp. 21 *et seq.*

§ 54. In cases of dispute, the compensation provided for in §§ 14(2), 16(2), 22(2) or 47(1) shall be determined in the manner prescribed by decree.

§ 63. The provisions of this Act relating to copyright shall apply:

- (i) to works of which the author is a Finnish national or a person having his permanent residence in Finland;
- (ii) to works first published in Finland or published in Finland within thirty days of their first publication in another country;
- (iii) to cinematographic works of which the maker has his headquarters or permanent residence in Finland;
- (iv) to architectural works erected in Finland; and

- (v) to works of art incorporated in a building located in Finland or fixed to the ground by any other means.

For the purposes of implementing item (iii) above, the maker of the cinematographic work shall, unless otherwise indicated, be deemed to be the person or company whose name is mentioned in the usual manner in the cinematographic work.

§ 64.

The provisions of §§ 49 and 50 shall apply where the person whose right is involved is a Finnish national, a Finnish company or a person having his permanent residence in Finland, or where the work referred to in § 49 has been first published in Finland.

This Act shall enter into force on October 1, 1974.

III

Decree amending the Decrees on the Application of the Act on Copyright in Literary and Artistic Works and of the Act on Rights in Photographic Pictures

(No. 900, of December 5, 1974)

In accordance with a report by the Minister of Education, §§ 18 and 19 of the Decree of August 25, 1961, on the Application of the Acts on Copyright in Literary and Artistic Works and on Rights in Photographic Pictures (441/61)¹ and, in the case of Article 19, in its wording pursuant to the Decree of August 21, 1964 (444/64), shall be amended as follows:

§ 18. The Council of State shall set up a Committee of Experts to assist the Ministry of Education in the examination of matters within the purview of the Acts on Copyright in Literary and Artistic Works and on Rights in Photographic Pictures.

§ 19. On a proposal by the Ministry of Education, the Council of State shall appoint for a term of three years the Chairman of this Committee and up to fourteen members, together with a personal alternate for each member. One of the members of the Committee shall be appointed Deputy Chairman.

The Committee should include persons representing literature, the plastic arts, music, the applied arts, newspaper and magazine editors, radio and television, book publishers, music publishers, publishers of newspapers and magazines, producers of films, producers of phonograph records and photographers. The Committee should also include lawyers well-versed in copyright legislation law, not representing any particular copyright lobby.

¹ See *Le Droit d'Auteur (Copyright)*, 1963, pp. 28 et seq.

ISRAEL

Copyright Regulations (Rules of Procedure for the Committee on the Determination of Royalties), 5731-1971

(of February 16, 1971) *

Chapter A: Interpretation

Definitions

1. In these Regulations —
 “application” shall mean an application to fix the rate of royalties consequent on the use of a work;
 “Committee” shall mean the Committee appointed by the Minister of Justice under section 7A(d) of the Ordinance;
 “draft agreement” shall mean a draft agreement as to the extent of royalties submitted to the Committee by the representative organization for authors of works of the type in question.

Meaning

2. In the absence of any other express intention to the contrary the remaining expressions in these Regulations shall bear the same meaning as these have in the Copyright Ordinance.

Chapter B: Applications

Application particulars

3. (a) These are the particulars to be included in an application: —
 - (1) the name, description, address, and occupation of the applicant, and the address for service of documents;
 - (2) name, description, and addresses of the representative organization to the extent that these can be established;
 - (3) particulars of the work and the use made thereof;
 - (4) the date when use of the work is made;
 - (5) the rate of royalty requested or proposed;
 - (6) grounds of the application, including legal reasoning, every such ground being set out in brief and in separate paragraphs.
- (b) The application shall be signed by the applicant or his representative.

(c) The facts set out in the application shall be authenticated by a declaration made by the applicant or other person.

(d) If the application is filed by a representative organization a draft agreement shall be annexed to the application.

Filing of application

4. (a) The application and documents annexed thereto shall be lodged with the Committee in quintuplicate.

(b) The Chairman of the Committee shall serve one copy on the respondent.

Respondent's reply

5. (a) The respondent is entitled to lodge with the Committee a counter-statement of case in five copies and shall set out therein details of his opposition and the grounds thereof.

(b) The counter-statement of case shall be lodged with the Committee not later than fifteen days from the date the application is served on the respondent.

(c) The Chairman of the Committee is authorized to extend the period for lodging the counter-statement of case if he considers there is sufficient reason for doing so.

(d) The Chairman of the Committee shall serve a copy of the counter-statement of case on the applicant.

Fixing the application hearing date

6. Within two months from the lodging of the application the Chairman of the Committee shall fix a date for the hearing of the application, and shall serve on the applicant and respondent not less than fifteen days prior notice of such date.

Presence at cross-examination

7. (a) If the respondent wishes to cross-examine a person who has made a declaration as to the veracity of the facts set out in the application, he shall notify the Chairman of the Committee and the applicant thereof at least seven days prior to the date fixed for the hearing of the application.

* These Regulations came into force on February 16, 1971. Non-official English translation communicated to WIPO by courtesy of the Ministry of Justice (Patent Office) of the State of Israel.

(b) On the date fixed for the hearing of the application the applicant shall produce to the Committee the person whose cross-examination is required as aforesaid.

(c) If the applicant shall fail to produce a person for cross-examination as set out in the preceding sub-regulation (b) or if the person concerned, in the absence of any reason acceptable to the Committee, shall refuse to reply to questions put to him in cross-examination, the declaration of that person shall not be used as evidence except where the Committee is persuaded that acceptance of the declaration as evidence is required in the interests of justice.

Order of pleading

8. Subject to what is set out in these Regulations and in section 7A of the Ordinance, the application proceedings shall be conducted as if the applicant were the plaintiff and the respondent were the defendant, and the Civil Procedure Regulations, 1963, shall apply to the proceedings with such modification as may be required according to the subject-matter.

Proceedings in the absence of the parties

9. In the event of parties properly summoned failing to appear before the Committee on the day fixed for hearing of the application, or the adjourned date therefor, the following provisions shall apply:—

- (1) if the applicant but not the respondent is present, the Committee is empowered to adjourn the hearing of the application or to hear the application in the absence of the respondent;
- (2) if the applicant is absent, or both the parties fail to appear, the Committee is empowered to adjourn the hearing of the application or to annul the application.

Hearing confined to written arguments

10. At the hearing of the application the Committee shall not be bound by any argument or fact

not set out in the application or in the counter-statement of case save where it is convinced that the omission thereof did not occur by reason of the default of the applicant seeking to rely on such argument, or where the hearing of such additional argument is required to serve the interests of justice.

Adjournment of hearing

11. The Committee is empowered to adjourn the hearing of the application, and where the hearing has commenced to adjourn the further hearing thereof if, in its view, such adjournment is required to serve the interests of justice.

Decision of the Committee

12. (a) The Committee is empowered to arrive at a decision on a majority opinion.

(b) The decision shall be set out in writing and shall be signed by the Chairman and members of the Committee.

(c) A copy of the decision, certified by the Chairman, shall be delivered to the applicant and respondent as soon as possible after the decision has been given.

Costs in the application

13. The Committee is empowered to adjudicate on the question of costs and to determine by whom such costs shall be borne.

Joinder of parties

14. The Committee is empowered at any stage of the proceedings to join as applicant or respondent to an application before it any person who appears to the Committee to be an interested party in the application.

Title

15. These Regulations shall be called the "Copyright Regulations (Rules of Procedure for the Committee on the Determination of Royalties), 5731-1971."

General Studies

The Moral Rights of the Performing Artist in Hungary

A recent decision of the Supreme Court of Hungary

by Attila BOGSCH * and József SÓLYI **

International Activities

International Publishers Association (IPA)

XXth Congress

(Kyoto-Tokyo, May 25 to June 1, 1976)

The International Publishers Association held its XXth Congress at Kyoto-Tokyo from May 25 to June 1, 1976. Representatives of national member associations of the following 33 countries took part: Australia, Austria, Belgium, Brazil, Canada, Denmark, Finland, France, Germany (Federal Republic of), India, Indonesia, Ireland, Israel, Italy, Japan, Malaysia, Mexico, Netherlands, Nigeria, Norway, Philippines, Portugal, Republic of Korea, Singapore, Spain, Sri Lanka, Sweden, Switzerland, Thailand, United Kingdom, United States of America, Venezuela, Yugoslavia. The Congress was also attended by observers representing national associations of publishers of Colombia, the Soviet Union and Turkey, as well as a number of international organizations.

The agenda included several important questions, among which were those concerning the relations between publishers from developed and developing countries, the international copyright and the situation in developing countries, the membership in international conventions, the reprographic reproduction, the rights of translation, the public lending right, etc.

The Congress adopted a number of recommendations. Three of them are reproduced below.

At the end of its session, the International Committee elected Mr. P. Sjögren (Sweden) new President and Mr. P. M. Alves (Brazil) Vice-President of IPA.

The next Congress is to be held at Stockholm in 1980.

Recommendations

The IPA Congress, meeting in Kyoto from May 25 to June 1, 1976:

I

Recognizing that uncontrolled photocopying will undermine and destroy the basis of primary publishing of books, journals, music or other media and hence the free flow of information,

Aware that licensing reprographic reproduction of educational and performance music could destroy a large and important area of publishing throughout the world,

Recognizing that the principles of appropriate compensation for the use of the author's intellectual property must be respected, and, further,

Aware that the regulation of reprographic reproduction must rest upon existing copyright legislation, and that such concepts as personal use, fair use and fair dealing need to be reexamined, therefore,

Recommends that an action committee of IPA be immediately established to recommend to the Executive Committee of IPA effective action at national and international levels for the protection and dissemination of intellectual property.

II

Aware of the important role of publishers as carriers of culture around the world, and

Aware of the particular difficulties publishers in developing countries face in their efforts to supply high-quality, low-costs books to their countrymen, and, further,

Aware of the impracticality of arranging co-publications and co-editions of books between developed and developing countries,

Suggests that publishers in developed countries offer translation rights of their books to publishers in developing countries at extremely low royalty rates, such as 4 percent for the first edition and, say, 7 or 8 percent for later editions.

III

Considering the need to provide books at low cost to the people living in developing countries, and

Aware of the burden posed by high selling prices of imported books in these countries as well as the cost of obtaining reprint rights for local editions,

Aware of the usefulness of effecting reprints in developing countries on commercially viable terms within the framework of International Copyright Conventions,

Recommends that members transfer reprint rights to developing countries whenever possible in order to effect substantial reductions in the selling prices of such books as compared with those of the original editions. Transfers are to be effected within the framework of International Copyright Conventions.

International Federation of Producers of Phonograms and Videograms (IFPI)

Council Meeting and Ordinary General Meeting

(Vienna, June 1 and 2, 1976)

The Council Meeting and the Ordinary General Meeting of the International Federation of Producers of Phonograms and Videograms (IFPI) were held in Vienna on June 1 and 2, 1976. The phonograph industries of the following countries were represented: Austria, Belgium, Canada, Denmark, Finland, France, Germany (Federal Republic of), Greece, India, Israel, Italy, Kenya, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, United Kingdom. A number of observers were also present at the meeting.

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

In addition to matters of an administrative or statutory nature, the agenda contained a number of items concerning the situation of the phonographic industry in various countries, the revision of the Agreement on the Importation of Educational, Scientific and Cultural Materials (Florence Agreement) and IFPI relations with performers. The Council adopted a resolution, reproduced below, on this latter item.

Resolution concerning relations with performers

The International Federation of Producers of Phonograms and Videograms (IFPI),

Representing 505 producers of phonograms and videograms in 59 countries at its Council Meeting held in Vienna on June 2, 1976,

Considering

- that the interests of producers of phonograms and videograms and those of performers are closely related and complementary;
- the existence of the Agreement between IFPI and the International Federation of Musicians (FIM) on the participation in broadcasting revenues (1954), the five FIM Principles of August 1962 concerning the use of sound recordings for purposes other than private use, the London Principles relating to undistributable revenue

due to performers, 1969, and the Videogram Principle, 1973;

- the effect of technological change on the employment and working conditions of performers and the need to preserve live music and theatre in the interests of maintaining the highest standards of execution and performance so as to conserve and enrich the world's cultural heritage;
- the need to promote contemporary musical creation;

Recognising

- the need to maintain and promote, as a matter of principle, good relations with international organisations representing performers so as to further the mutual interests of both producers and performers;
- the particular importance of strengthening these relations at the international level with a view to furthering co-operation between producers and performers so as to obtain the widest possible protection through international instruments and national legislation;
- the desirability for relations between producers and performers to be established on the basis of reciprocal support and in mutual respect of the other's independence and integrity;

Resolves

1. to continue to cooperate with international and national organisations of performers in all matters of common concern;
2. to seek in collaboration with international and national organisations of performers the widest possible acceptance of the Convention for the protection of performers, producers of phonograms and broadcasting organisations, Rome, 1961, and the Convention for the protection of producers of phonograms against the unauthorised duplication of their phonograms, Geneva, 1971;
3. to propose to Governments considering the introduction of legislation on neighbouring rights and ratification of the Convention for the protection of performers, producers of phonograms and broadcasting organisations that any equitable remuneration payable in respect of broadcasting and/or public performance rights in phonograms should be shared equally between the producers and performers following the entry into force of the Convention in the countries in question.

International Federation of Musicians (FIM)

9th Ordinary Congress

(Stockholm, August 30 to September 3, 1976)

The International Federation of Musicians held its 9th Ordinary Congress at Stockholm (LO-Skolan Hasseludden) from August 30 to September 3, 1976.

Delegates representing member organizations from the following 23 countries participated in the work of the Congress: Australia, Austria, Denmark, Finland, France, Germany (Federal Republic of), Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Netherlands, Norway, Poland, South Africa, Spain, Sweden, Switzerland, United Kingdom, Yugoslavia. Observers from the following countries also attended the meeting: Australia, Austria, Bulgaria, Germany (Federal Republic of), Hungary, Spain.

Several intergovernmental or international non-governmental organizations had sent observers, including Unesco, ILO, the International Federation of Actors (FIA), the International Federation of Producers of Phonograms and Videograms (IFPI) and the International Federation of Unions of Audio-Visual Workers (FISTAV). WIPO was represented by Mrs. K.-L. Liguier-Laubhouet, Deputy Director General. The President of the Intergovernmental Committee of the Rome Convention also attended the Congress.

The Congress was opened by Mr. Bertil Zachrisson, the Swedish Minister for Culture and Education.

A report on the activity covering the period between the two congresses (mid May 1973 to end of March 1976) as well as several motions had been submitted to the participants. The agenda included, among other questions of importance for the professional organizations of musicians, a number of problems in the field of copyright and performers' rights.

At the outcome of its debates, the Congress adopted several resolutions. Some of them are reproduced below.

Resolutions

Rome Convention (October 1961)

The Congress welcomes the indications of wider ratification of the Rome Convention.

The Congress asserts the view that all efforts should be made to encourage the more widespread acceptance of the Convention both because of its legal and educational effects.

The Congress believes that immediate revision of the Convention should not be undertaken in view of its possible effects on pending ratifications. The Congress expresses the view, however, that consideration needs to be given to improving the protection afforded by the Convention; in particular that it should be extended to cover cable dissemination of programmes, that the performers' increasing interest in the secondary and subsequent uses of performances should be recognised to a greater extent and that the term of protection stipulated in Article 14 of the Convention and in national legislation should be extended to 50 years.

Videograms

The Congress affirms the view that the videogram, if it develops as a mass medium, should represent new opportunities and potentialities for creative performance. Recognising that this development may also be a medium for the international dissemination of existing television material, the Congress invites the Executive Committee to seek to standardise the approaches of member unions to the incorporation of existing television material into videograms.

The Congress instructs the Executive Committee to consider afresh the principles laid down at the Cassettes Conference of March 1971, in Geneva. Particular attention shall be given to the use of videograms in the light of experience gained in this area so far.

Administration of performers' rights

The Congress instructs the Executive Committee

- (1) to give maximum priority to urging member unions, as also unions of performing artists neither affiliated to FIM nor to FIA,
 - (a) to establish, in each country, a single organisation competent in the domain of performers' rights in order to represent, at both national and international level, all performers permanently residing in the relevant country;
 - (b) to take all necessary steps to make the aforesaid organisation also representative — in the legal domain and to the extent deemed desirable — of all those performers who are not members of a performers' union;
 - (c) on the basis of available information and documents and of the principles adopted by the FIM, to inform and advise the aforesaid organisation with regard to its form and structure, the establishment of its Rules, national and international agreements and rules concerning the distribution and use of remunerations paid for the exploitation of artists' recorded performances;
- (2) to elaborate guidelines and principles for bilateral agreements on performers' rights;
- (3) to intensify its efforts to reach such bilateral agreements;
- (4) to co-operate closely with the FIA in realizing the above-mentioned objectives.

Performers' rights conference

The Congress instructs the Executive Committee, at a time it deems appropriate and in conjunction with the International Federation of Actors, to convene an international conference to deal with the protection of performing artists and with performers' rights.

Ballet performance and recorded music

The Congress expresses grave concern at the use of recorded music in ballet performances.

Such uses

- (a) seriously affect the right of the ballet performances in question to be regarded as live art;

(b) contribute to the erosion of employment opportunities necessary for the maintenance of a healthy music profession, and

(c) degrade public appreciation of live performance.

The Congress therefore calls upon all arts support and subsidy organisations, the International Music Council and fellow performers' organisations to collaborate in reducing the extent of this practice. The Congress further invites all member unions to press this point within their countries.

Calendar

WIPO Meetings

1976

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

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

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

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

December 8 to 17 (Lusaka) — Conference on Industrial Property Laws of English-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 Double Taxation of Copyright Royalties

Note: Meeting convened jointly with Unesco

1977

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

January 25 to 28 (Bangkok) — Development Cooperation — Asian Pacific Seminar on the Rights of Performers, Producers of Phonograms and Broadcasting Organizations

Note: Meeting convened jointly with ILO and Unesco

February 7 to 9 (Geneva) — ICIREPAT — Plenary Committee

February 14 to 25 (Munich) — International Patent Classification (IPC) — Working Group III

February 16 to 18 (Colombo) — Development Cooperation — Regional Seminar on Industrial Property

February 21 to 24 (Colombo) — Development Cooperation — World Symposium on the Importance of the Patent System to Developing Countries

- February 21 to 25 (Geneva) — Berne Union — Working Group on Videocassettes**
Note: Meeting convened jointly with Unesco
- March 5 to 10 (Baghdad) — Conference on Industrial Property and Transfer of Technology for Arah States**
Note: Meeting convened jointly with UNIDO, IDCAS and the Government of Iraq
- March 7 to 11 (Geneva) — Permanent Program — Working Group on Technological Information derived from Patent Documentation**
- March 14 to 18 (Geneva) — Permanent Program — Permanent Committee for Development Cooperation Related to Industrial Property**
- March 17 to 21 (Geneva) — Permanent Program — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights**
- March 21 to 28 (Geneva) — International Patent Classification (IPC) — Steering Committee**
- March 29 to April 1 (Geneva) — International Patent Classification (IPC) — Ad hoc Working Group on the Revision of the IPC Guide**
- April 14 to 28 (Budapest) — Diplomatic Conference for the Conclusion of a Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure**
- April 18 to 22 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services**
- April 25 to 29 (Geneva) — International Patent Classification (IPC) — Working Group V**
- April 25 to 29 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)**
- May 2 to 6 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)**
- May 4 to 13 (Geneva) — Nice Union — Diplomatic Conference on the Revision of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks**
- May 11 to 13 (Geneva) — Paris Union — Ad hoc Coordinating Committee for Technical Activities**
- May 16 to 27 (Moscow) — International Patent Classification (IPC) — Working Group IV**
- May 23 to 27 (Rahat) — Development Cooperation — Arah Copyright Seminar**
Note: Meeting convened jointly with Unesco
- June 1 to 3 (Geneva) — Paris Union — Committee of Experts on Computer Software**
- June 6 to 17 (Paris) — International Patent Classification (IPC) — Working Group I**
- June 13 to 17 (Paris) — Berne Union — Working Group on Cahle Television**
Note: Meeting convened jointly with Unesco
- June 13 to 25 (Geneva) — Paris Union — Preparatory Intergovernmental Committee on the Revision of the Paris Convention**
- June 20 to July 1 (Washington) — International Patent Classification (IPC) — Working Group II**
- June 27 to July 1 (Geneva) — Development Cooperation — Working Grnp on the Model Law for Developing Countries on Inventions and Know-How**
- June 27 to July 1 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services**
- September 21 to 23 (Geneva) — ICIREPAT — Plenary Committee**
- 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**
- October 10 to 18 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Committees**
- October 17 to 28 (London) — International Patent Classification (IPC) — Working Group III**
- October 19 to 22 (Geneva) — Trademark Registration Treaty (TRT) — Interim Committee**
- October 24 to 28 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)**
- October 24 to Novemher 2 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services**
- October 31 to Novemher 4 (Geneva) — Lishon Union — Committee of Experts on the Revision of the Lishon Agreement on Appellations of Origin**
- 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 7 to 11 (Geneva) — Development Cooperation — Working Group on the Model Law for Developing Countries on Trademarks**
- November 7 to 11 (Paris) — ICIREPAT — Technical Committee for Standardization (TCST)**
- November 14 to 21 (Geneva) — International Patent Classification (IPC) — Steering Committee**

November 14 to 26 (Geneva) — Paris Union — Preparatory Intergovernmental Committee on the Revision of the Paris Convention

November 22 to 25 (Geneva) — International Patent Classification (IPC) — Committee of Experts

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

1979

September 24 to October 2 (Geneva) — WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union

UPOV Meetings in 1977

Council: October 26 to 28

Consultative Committee: March 11; October 25 and 28

Technical Steering Committee: May 18 to 20 (?); November 15 to 17

Committee of Experts on the Interpretation and Revision of the Convention: March 8 to 10; September 20 to 23

Committee of Experts on International Cooperation in Examination: May 16 or 17 (?)

Working Group on Variety Denominations: in the time between September 20 to 23

Fee Harmonization Working Party: May 16 or 17 (?)

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

Technical Working Party for Fruit Crops: May 10 to 12 (Spain)

Technical Working Party for Agricultural Crops: May 24 to 26 (Hanover - Federal Republic of Germany)

Technical Working Party for Ornamental Plants: June 7 to 9 (Wageningen - Netherlands)

Technical Working Party for Forest Trees: June 14 to 16 (Orleans - France)

Technical Working Party for Vegetables: September 6 to 8 (Aarslev - Denmark)

Meetings of Other International Organizations Concerned with Intellectual Property

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

April 28 and 29 (New York) — International Confederation of Societies of Authors and Composers — Legal Committee

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

May 16 to 18 (Munich) — Deutsche Gesellschaft für Dokumentation — International Symposium on Patent Information and Documentation (organized in cooperation with WIPO and the German Patent Office)

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)