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# Copyright

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## World Intellectual Property Organization

### SURINAM

#### Declaration of continued application of the WIPO Convention

The Government of the Republic of Surinam deposited, on November 16, 1976, a declaration to the effect that it considers that the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, which has been applied to the territory of Surinam, continues to apply to the territory of the Republic of

Surinam after the attainment of independence on November 25, 1975.

The Republic of Surinam is considered a party to the said Convention as from November 25, 1975.

WIPO Notification No. 93, of November 23, 1976.

## Berne Union

### SURINAM

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

The Government of the Republic of Surinam deposited, on November 16, 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 that it avails itself of the faculties provided for in Articles II and III of the Appendix thereof.

In accordance with Article I(2)(a) of the Appendix to the Paris Act (1971) of the said Convention, the declaration of the Republic of Surinam

availing itself of the faculties provided for in Articles II and III of the Appendix is effective until the expiration of a period of ten years from the entry into force, on October 10, 1974, of Articles 1 to 21 and the Appendix, that is, until October 10, 1984.

The said Convention as revised will enter into force, with respect to the Republic of Surinam, three months after the date of this notification, that is, on February 23, 1977.

Berne Notification No. 83, of November 23, 1976.

## National Legislation

BRAZIL

I

### Decree concerning the organization of the National Copyright Council and other provisions

(No. 76 275, of September 15, 1975) \*

*Article 1.* The National Copyright Council [*Conselho Nacional de Direito Autoral*], established by Law No. 5988, of December 14, 1973<sup>1</sup>, having its headquarters in Brasilia (Federal District), is a body entrusted with tasks in the fields of administration, regulation, supervision, consultation and assistance concerning copyrights and related rights. It is placed under the authority of the Ministry of Education and Culture.

*Sole paragraph.* The Council's competence shall be as provided in Article 117 of the said Law No. 5988, of December 14, 1973.

*Article 2.* The National Copyright Council shall be composed of five counsellors, including its Chairman, who shall be appointed by the President of the Republic; among them there shall be a representative of the Ministry of Education and Culture, who shall preside over the Council, a representative of the Ministry of Justice and a representative of the Ministry of Labor.

*Article 3.* The members of the Council shall be appointed for three years; their terms of office shall be renewed every eighteen months, the terms of two or three counsellors being alternately renewed at a time. The term of office of a counsellor may be renewed once only.

*Article 4.* The National Copyright Council shall meet, the majority of the counsellors being present, twice a month in ordinary session, and in extraordinary session whenever its Chairman convenes it.

*Sole paragraph.* The Council's decisions shall be taken by majority, the Chairman having a casting vote.

*Article 5.* Decisions of the National Copyright Council shall be published in the *Diário Oficial* of

the Union, with the exception of those relating to administrative matters of an internal nature.

*Article 6.* Appeals from decisions of the Council shall be made to the Minister of State for Education and Culture within five days from the date of the publication of the said decisions in the *Diário Oficial* of the Union.

*Sole paragraph.* Hierarchical appeals as provided for in this Article shall have devolutionary effect only, except where the purpose of the decision is cessation of the activities of associations of owners of copyrights and related rights or that of the Central Collection and Distribution Bureau [*Escritório Central de Arrecadação e Distribuição*], in which case the appeal shall have combined devolutionary and suspensive effect.

*Article 7.* The National Copyright Council shall have an Executive Secretariat, the organization and functions of which shall be specified in its internal rules.

*Sole paragraph.* The posts that constitute the Executive Secretariat shall be created according to its organizational needs, subject to compliance with legislative provisions in force.

*Article 8.* The Executive Secretariat shall be appointed by the President of the Republic on a proposal submitted by the Chairman of the Council to the Minister of State for Education and Culture.

*Article 9.* The administration of the Copyright Fund referred to in Articles 119 and 120 of Law No. 5988, of December 14, 1973, shall be incumbent on the Executive Secretary; such administration shall be supervised by the *Colegiado*, to which the accounts for and a report on the respective period shall be submitted every three months.

*Article 10.* The resources belonging to the Copyright Fund shall be deposited in a collective account at the *Banco do Brasil S. A.*

\* This Decree was published in the *Diário Oficial* of September 17, 1975. — WIPO translation.

<sup>1</sup> Article 132 (see *Copyright*, 1974, p. 191).

*Article 11.* When it has been established, the National Copyright Council shall, within thirty days, draw up its internal rules and the provisions governing the constitution, operation and supervision of the Central Collection and Distribution Bureau.

*Article 12.* This Decree shall enter into force on the date of its publication, at which time all contrary provisions shall be repealed.

II

**Law on the Rights of Authors and other provisions**

(No. 5988, of December 14, 1973)

**Corrigendum**

The text of the above-mentioned Law, published in *Copyright*, 1974, pp. 181 *et seq.*, is to be corrected as follows:

In Article 73(2), the words "the producer of phonograms" are substituted for the words "the program producer."

GERMANY (FEDERAL REPUBLIC OF)

I

**Introductory Law to the Penal Code**

(of March 2, 1974)\*

SECTION V

Fourth Part

**Amendment of legislation in the fields of civil and penal law**

**Copyright Act**

*Article 144.* The Copyright Act of September 9, 1965<sup>1</sup> (*Bundesgesetzblatt I*, p. 1273), as last amended by the Law of August 17, 1973, concerning the Conventions signed in Paris on July 24, 1971, in the field of copyright (*Bundesgesetzblatt II*, 1973, p. 1069), shall be amended as follows:

1. In Articles 106 to 108 the words "with intent" and "intentionally" shall be deleted in each case and the words "a fine or imprisonment up to

one year" and "by fine, or by imprisonment up to one year" shall in each case be replaced by the words "imprisonment for up to one year or a fine" or "by imprisonment for up to one year, or by a fine," as appropriate.

2. The second sentence of Article 109 shall be deleted.

3. Article 110 shall be amended as follows:

- (a) in the first sentence, the word "offenses" shall be replaced by the words "punishable acts";
- (b) the second sentence shall have the following wording:

"The provisions of the Penal Code concerning seizure (Articles 74 to 76a) shall not apply to the objects mentioned in Articles 98 and 99."

4. Article 111 shall have the following wording:

*"Publication of the judgment"*

*Article 111.* If in cases covered by Articles 106 to 108 a penalty has been pronounced, the court shall, at the request of the injured party and if the latter can show a justified interest, order publication of the judgment. The

\* Published in *Bundesgesetzblatt I*, 1974, pp. 475 *et seq.*  
 — WIPO translation.  
<sup>1</sup> See *Copyright*, 1965, pp. 251 *et seq.*

nature of publication shall be determined in the judgment.”

**Law concerning copyright in works of art and photography**

*Article 145.* The Law concerning Copyright in Works of Art and Photography of January 9, 1907 (*Reichsgesetzblatt*, p. 7), as last amended by the First Law for the Reform of Penal Law, of June 25, 1969 (*Bundesgesetzblatt*, Part I, p. 645), shall be amended as follows:

1. Article 33 shall have the following wording:

“*Article 33.* (1) Any person who, in violation of Articles 22 and 23, distributes or publicly exhibits a portrait shall be liable to imprisonment for up to one year or a fine.

(2) Prosecution for the above acts shall occur only upon a complaint.”

2. Articles 35 and 41 shall be repealed.

. . . . .

II

**Notice pursuant to Article 121(5) of the Copyright Act**

(of November 4, 1975) \*

Pursuant to Article 121(5) of the Copyright Act of September 9, 1965 (*Bundesgesetzblatt* I, p. 1273),<sup>1</sup> last amended by the Law of March 2, 1974 (*Bundesgesetzblatt* I, p. 469), and in accordance with an

exchange of notes between the Embassy of the Federal Republic of Germany in Paris and the Ministry of Foreign Affairs of the French Republic, the following notice is hereby published:

The French Republic grants to German nationals a right corresponding to the *droit de suite* (Article 26 of the Copyright Act).

\* Published in *Bundesgesetzblatt* I, 1975, p. 2775. — WIPO translation.

<sup>1</sup> See *Copyright*, 1965, p. 265.

## **General Studies**

### **Diffusion by Wire in the Copyright Law of the Federal Republic of Germany and of Austria, with Particular Reference to the Rediffusion of Broadcasts**

Michel M. WALTER \*



























## International Activities

### International Federation of Actors (FIA)

#### X<sup>th</sup> Congress

(Vienna, September 13 to 17, 1976)

The International Federation of Actors (FIA) held its X<sup>th</sup> Congress in Vienna from September 13 to 17, 1976. Attending delegates represented 37 unions from the following 29 countries: Argentina, Australia, Austria, Bulgaria, Canada, Chile, Cuba, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Greece, Hungary, Ireland, Israel, Italy, New Zealand, Norway, Peru, Poland, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America, Uruguay, Yugoslavia.

A number of interested intergovernmental and international non-governmental organizations sent observers. WIPO was represented by Mr. Mihailo Stojanović, Counsellor, Senior Legal Officer, Copyright Division.

The Congress was opened in the presence of leading figures in the Vienna city administration and the Austrian trade unions. The opening was performed by Mr. Christian Broda, Austrian Minister for Justice. The Federal Chancellor, Mr. Bruno Kreisky, gave a reception for the participants.

Among issues of importance to the actors' professional associations, the agenda included a number of items concerning copyright and performers' rights, such as: the actor as a creative artist, the Rome Convention and performers' rights, problems raised by the "overspill" of television programs (e. g., by means of cable transmission or direct satellite transmissions), the primary and secondary uses of recorded performances and the specific problems of variety and circus artists.

At the outcome of its debates, the Congress adopted a number of resolutions of which certain are reproduced below.

At the close of its proceedings, the Congress elected the Executive Committee. Mrs. France Delahalle (France) was reelected President. Mr. Chester L. Migden (United States of America), Mr. Mihail Pashkov (Soviet Union), Mr. Luis Brandoni (Argentina) and Mr. Dermot K. Doolan (Ireland) were elected Vice-Presidents. The remaining six seats on the Committee were allocated to the organizations of Austria, Canada, the German Democratic Re-

public, Hungary, Sweden and the United Kingdom. Mr. Gerald Croasdell was re-elected General Secretary.

#### Resolutions

The X<sup>th</sup> Congress of the International Federation of Actors

*Notes* with satisfaction that more and more States are becoming aware of the importance and necessity of adhering to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations;

*Expresses* its appreciation of the work of the ILO, Unesco and WIPO in the preparation and dissemination of the model law and of their continuing activity in drawing the attention of governments to the importance of ratification of or adherence to the Convention not only to the "interested parties," but to the peoples whom they serve;

*Draws the attention* of affiliated unions in countries not yet parties to the Convention to the value of joint activity with the trade unions of musicians and the national organisations of phonogram producers to bring pressure on their governments to take all measures necessary for adherence to the Convention; and

*Recommends* to affiliated unions to make every effort to expedite the conclusion of bilateral or multilateral agreements between the relevant unions and/or collecting societies for the effective use of moneys arising from Article 12 of the Rome Convention for the benefit of performers.

#### II

*Considering* that the rapid technical development of sound and TV recording and distribution encourages broadcasters to multiply, with detrimental effect, secondary uses of recorded works, be it for commercial purposes (sales abroad, cassettes, videograms, videodiscs, cable), be it under the pretext of cultural exchange or assistance, be it by tolerating piracy;

*Considering* that this entails an invasion of foreign productions in the economically underprivileged countries, endangering the employment of indigenous artists;

*Considering* that the use of relays or recordings, far from promoting the development of live performances, has an adverse effect on their production; that such relays are used as substitutes for proper TV productions; that they are artistically to be condemned as the conditions of the live theatre demand a performance wholly different from that required for the camera or the small screen; and that the mechanics of relay or recording (lighting adjustments, improvised adaptations, etc.) impair the original quality of the work;

*Considering* that the systematic and extensive use of already existing recordings (commercial records in radio, cinema films or cosmopolitan television films) by radio and television organisations, prevents the creation of original works specially conceived for these two media of communication;

*Considering* that this practice reduces the employment opportunities and the quality of performance and that the damage thus caused is both material and artistic;

The performers gathered at the Congress in Vienna,

*Strongly recommend* all member unions of FIA to take vigorous action in their respective countries in order to obtain:

- (1) the right to authorise or to prohibit the secondary use of recorded performances in order to avoid uses contrary to the original purpose of the recording or contrary to the artistic or moral interests of performers;
- (2) an adequate additional remuneration negotiated by the union for any secondary use (including exchanges and sales for so-called cultural purposes or aid);
- (3) (a) the prohibition of television relays of live performances and of recordings of such performances (subject only to very limited exceptions requiring the express agreement of the union in each case);  
(b) the establishment of the principle that television broadcasting or recording of any play emanating from a live theatre production shall require reproduction of the play in accordance with the artistic and technical requirements of the TV medium, the working conditions and remuneration being subject to the collective agreements and contracts applied to the production of works specially created for TV;

- (4) the obligation on the part of broadcasting organisations to devote a major part of their programmes to the broadcasting of original radio and television transmissions, and in particular to works specially written and recorded for these two forms of expression;
- (5) a guaranteed volume of national production.

### III

The rapid development of the mass media — while contributing to the spread of culture in various productive ways — can also result in distorting our high concepts of the art of acting.

The delegates to this X<sup>th</sup> Congress hold: Dynamic objectives based on uniform artistic principles must be set before all members of our International Federation.

The X<sup>th</sup> Congress of the International Federation of Actors therefore

*Resolves:*

- (1) to issue an Actor's Charter, solemnly declaring
  - (a) that the actor's art is a creative art which implies certain rights and obligations;
  - (b) that this creative art is an integral part of the living national culture;
  - (c) that at the present level of technical development in the world, living national culture can only survive and develop if it receives protection as well as material and moral support; and
- (2) to instruct the new Executive Committee to draw up such an Actor's Charter by the end of the year following the Congress, for submission to the next Congress for adoption.

## International Confederation of Societies of Authors and Composers (CISAC)

### XXX<sup>th</sup> Congress

(Paris, September 26 to October 1, 1976)

At the invitation of the French societies of authors, the International Confederation of Authors and Composers (CISAC) held its XXX<sup>th</sup> Congress in Paris from September 26 to October 1, 1976.

This Congress, under the patronage of the President of the French Republic, Mr. Valéry Giscard d'Estaing, marked an important date in the history of this international non-governmental organization since it celebrated its 50<sup>th</sup> anniversary. This jubilee further coincided with the bicentenary of the foundation of the Société des auteurs et compositeurs dramatiques (SACD) and the 125<sup>th</sup> anniversary of the Société des auteurs, compositeurs et éditeurs de musique (SACEM).

The ceremony to commemorate the 50<sup>th</sup> anniversary of CISAC was presided over by Mr. Edgar Faure, President of the French National Assembly. These anniversaries were celebrated by a number of outstanding social and cultural events including the official dinner attended by Mrs. Françoise Giroud,

State Secretary for Culture in the French Government.

The Congress, chaired by Mr. Armand Salacrou of the Académie Goncourt, was particularly well attended by the societies of authors grouped together in CISAC, which wished to be fully associated with the event. The debates of the Congress saw the participation of delegations of member societies from the following 47 States: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, Czechoslovakia, Denmark, Egypt, Finland, France, German Democratic Republic, Germany (Federal Republic of), Greece, Hungary, Iceland, India, Israel, Italy, Japan, Mexico, Morocco, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Romania, Senegal, South Africa, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire.

WIPO, invited to attend as an observer, was represented by Mr. Claude Masouyé, Director of the Copyright and Public Information Department. Unesco and a number of other international organizations also sent observers.

In addition to matters of a purely administrative and internal nature, the Congress centered its debates on four themes:

- Contemporary literary and artistic creation and its dissemination: market economy or subsidy system (Report by Mr. Alain Decaux of the Société des auteurs et compositeurs dramatiques (SACD), France);
- Promotion of songs through the present economic structures (Report by Mr. Jean-Loup Tournier, Director General of the Société des auteurs, compositeurs et éditeurs de musique (SACEM), France);
- The future of the author's copyright (Report by Mr. Michael J. Freegard, General Manager, Performing Right Society (PRS), United Kingdom);
- Collaboration and assistance between confederated Societies (Report by Mr. Ulrich Uchtenhagen, Director General of the Société suisse des auteurs et éditeurs (SUISA), Switzerland).

The Congress further approved the resolutions submitted by the International Councils of Authors as a result of their activities during the working term which had ended. Some of these resolutions are reproduced below, giving CISAC's position on various matters of current concern in the field of copyright.

At the close of its debates, the Congress elected the German composer Werner Egk to be CISAC's President for the new working term 1976 to 1978, and the Portuguese playwright Luis-Francisco Rebello to be Vice-President. The next CISAC Congress is planned to be held in autumn 1978 in Toronto (Canada).

### Resolutions

The XXX<sup>th</sup> Congress of CISAC adopted the following resolutions under the headings below:

#### *Reprographic reproduction of protected works*

*Noting* the growing number of reproductions of protected works which is the result of ever easier access to the techniques of reproduction by reprography,

*Considering* that, precisely because of their large number, the unauthorised reproductions thus made undeniably entail prejudice to the normal exploitation of works and cause definite injury to the legitimate interests of authors,

*Requests* urgently that, following in particular the studies carried out at Washington from June 16 to 21, 1975, by the reprographic reproduction Sub-Committees of the Executive Committee of the Berne Union and the Intergovernmental Copyright Committee, the various Governments decide at once on all the appropriate measures which, in particular by way of negotiated global licences and com-

pensation on the basis of material used, ensure effective protection of authors' economic interests,

*Recommends* to the confederated Societies that they make immediate representations to their respective Governments to speed the adoption of such measures.

#### *Geographical delimitation of authorisations to translate into languages of widespread use*

*Having examined* the problem of the publication of works translated into languages of widespread use,

*Considers* that authorisations to translate into such languages should be granted for one or specified countries and not for the entirety of the linguistic area,

*Recommends* consequently that contracts of translation concerning such languages should henceforward be established on the basis of this criterion,

*Invites* the confederated Societies to ensure that this recommendation is made known to those concerned.

#### *Geographical delimitation of authorisations for translation and stage performance in widely-spoken languages of dramatic works*

*After examining* the problem of the stage performance of dramatic works translated into widely-spoken languages,

*Having noted* the resolution adopted on the publication of literary works translated into such languages (see above),

*Considers* that authorisations for the translation and stage performance in widely-spoken languages of dramatic works should be granted country by country and not for the entirety of a linguistic area,

*Consequently recommends* that contracts to be concluded in this field should be drawn up on the basis of this principle,

*Invites* the confederated Societies to ensure that this recommendation is made known to those concerned.

#### *Use on television of cinematograph films*

*Noting* that television organisations have an increasing tendency to fill in their programmes with the broadcasting of cinematograph films intended for performance in cinema theatres,

*Considering* that such a system, on the one hand, is prejudicial to the special character of cinematograph creation and, on the other hand, impedes the development of an authentic art of specifically television creation,

*Invites* the confederated Societies to make representations to the television organisations of their respective countries in which attention is drawn to this situation and inviting them to restrict to the greatest possible extent the broadcasting of such films and at the same time to support and promote the creation of national works intended for the small screen.

#### *Mention of authors' and composers' names when their works are broadcast by radio and television*

*Noting* the depreciation in the standing of authors and composers in the public's mind because of the too frequent omission of any mention of the name of authors and composers when their works are broadcast by radio and television,

*Considers* that such omission constitutes in the highest degree moral prejudice to them but also material prejudice because of the commissions which can result from the linking of such or such a work with the name of such or such an author or composer,

*Recommends* to the confederated Societies that they make urgent representations in their respective countries to

the said organisations to ensure that full and lasting satisfaction is given to this fundamental claim by authors and composers.

*Capacity as author of film directors*

*In the light* of the report submitted to it about the capacity as author of television film directors,

*Considers* that this capacity must be recognized as appropriate to them each time there is in their production a creative contribution which respects the original work. It is for each authors' society to define the creative contribution, having regard to the national legislation and case-law;

*Recommends* to the Societies concerned that, within the framework of their statutory provisions, they envisage the adoption of all pertinent measures to give application to the principle defined above on the understanding that the director's remuneration in the capacity of author does not affect the vested rights of the authors of the work which is the basis of the television production.

*Administration of public performance rights in Brazil*

*In the light* of the existing evolution of copyright protection in Brazil and particularly that of the organisation of this protection such as it emerges from Resolution No. 001/CNDA dated April 6, 1976, of the National Copyright Council,

*Expresses* its concern in the presence of such a resolution having regard to the long legal tradition in Brazil of ensuring to creative workers the effective protection which they need and which led this country, first among those

of the Latin-American Continent, to ratify as from 1922 the Berne Convention,

*Recalling*, moreover, the important role played by Brazil in the affirmation of such protection in the course of many international copyright meetings organised both directly by WIPO and Unesco or under their auspices,

*Is greatly disturbed* to note that the terms of the aforesaid Resolution seem to imply a reversal of the attitude taken by Brazil for many years in favour of respect for the fundamental and exclusive rights of authors as laid down in the aforesaid Convention,

*Appeals* to the Brazilian Government to ensure that these rights continue to be duly safeguarded and are not held at bay through the placing under subjection of their exercise, as provided for in the Resolution in question, which should remain the exclusive attribute of authors or those to whom they have voluntarily and freely entrusted them.

*Administration of dramatic authors' rights in the United Kingdom*

*Informed* of the result of the first contacts made with the Dramatic Agents Section of the "Personal Managers Association" about the organisation of the administration of dramatic authors' rights in the United Kingdom,

*Requests* its Working Group to continue the negotiations in this field with British dramatic authors and their agents with a view to the creation of a common organisation having in its initial stages a limited managerial sphere, in particular to the right of public reception.

## International Writers Guild (IWG)

### IV<sup>th</sup> World Congress

(Varna, October 11 to 15, 1976)

At the invitation of the Union of Bulgarian film workers, the International Writers Guild held its IV<sup>th</sup> World Congress in Varna (Bulgaria) from October 11 to 15, 1976.

The Congress was chaired by Mr. Jack Gray, President of IWG, and attended by delegates from the unions and associations, affiliated to this international non-governmental organization, of the following fourteen countries: Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Hungary, Israel, Japan, Poland, Soviet Union, United States of America.

WIPO was represented by Mr. Claude Masouyé, Director, Copyright and Public Information Department. Observers from Unesco and the International Confederation of Societies of Authors and Composers (CISAC) were also present.

The Congress was opened in the presence of Mr. Passirev, Deputy Minister for Culture of the People's Republic of Bulgaria.

In addition to administrative and internal matters, the agenda included the examination of current

problems in the field of copyright and neighboring rights. Discussions were held on the basis of a report presented by Mr. Roger Fernay, Chairman, IWG's Standing Copyright Committee, which dealt particularly with questions of reprographic reproduction of works protected by copyright, videograms, cable television, double taxation of copyright royalties, the Tunis Model Law on Copyright for developing countries and the protection of translators.

The Congress adopted, for the use of the unions and associations of radio, cinema and television writers, guiding principles which should govern the contractual relations between authors and radio and television organizations. It also adopted a statement of policy laying down the position of the International Writers Guild on a number of professional and legal issues.

The Congress renewed the Executive Committee. Mr. Jack Gray (Canada) and Mr. Alexis Kapler (Soviet Union) were re-elected President and Vice-President, respectively. The next IWG Congress is to be held in the Federal Republic of Germany in 1978.

## Conventions Not Administered by WIPO

### Universal Copyright Convention as revised in 1971

#### Accession

##### COLOMBIA

The instrument of accession by Colombia to the Universal Copyright Convention as revised at Paris on July 24, 1971, was deposited with the Director-General of Unesco on March 18, 1976. This instrument of accession did not

refer to Protocols 1 and 2 annexed to the revised Convention.

In accordance with the provisions of Article IX(2), the Convention came into force, in respect of Colombia, on June 18, 1976, that is, three months after the deposit of the instrument of accession.

#### Notifications in accordance with Article V<sup>bis</sup>

##### ALGERIA

On June 11, 1976, the Government of the Democratic and Popular Republic of Algeria deposited with the Director-General of Unesco a notification by which, in accordance with Article V<sup>bis</sup>(1) of the Universal Copyright Convention as revised at Paris on July 24, 1971, it declared to avail itself "of all the exceptions which are provided for in Articles V<sup>ter</sup> and V<sup>quater</sup> of the Convention and which were drafted for the benefit of developing countries, referring to the right to translate and reproduce literary, artistic and scientific works protected by copyright and introducing compulsory provisions in respect of the granting of licences in favour of such countries."

##### MEXICO

On November 21, 1975, the Government of Mexico deposited with the Director-General of Unesco a notification by which, in accordance with Article V<sup>bis</sup>(1) of the Universal Copyright Convention as revised at Paris on July 24, 1971, it declared that it wished Mexico "to be regarded as a developing country for the purpose of the provisions which refer to such countries."

## Book Reviews

**Propriété littéraire et artistique**, by *Claude Colombet*. One volume of 348 pages, 18 × 11.5 cm. Dalloz, Paris, 1976. Précis Dalloz.

Another précis devoted to literary and artistic property has been written by Mr. Claude Colombet, professor at the Faculty of Law and Political Science, University of Caen.

The work deals essentially with French legislation and case law, following in its outline the structure of the Law of March 11, 1957, with allowances made for more recent development in this field.

One chapter is devoted to moral rights and contains a quite detailed account of that question together with a number of examples from case law.

One of the exceptions to economic rights dealt with by the author is that of reprographic reproduction. He underlines the views of the competent authorities that, rather than modifying the 1957 Law in this respect, agreements should be sought between the authors, publishers and bodies reproducing texts, as has already been done in a number of countries.

In the chapter devoted to "works of performers" (*œuvres d'interprétation*), the author expresses his hope that the rights of performers will be protected in future by domestic legislation. In the case of phonograph recordings, he notes that they merely constitute an activity ancillary to literary and artistic creation, enabling a passing phenomenon to be fixed in a more durable form. It would therefore, in his opinion, be illogical to attach copyright to such an act, just as it would be to do it in the case of sound or television broadcasting, and thus treat it as a creation. He concluded by advocating protection by means of neighboring rights which — he feels — would also apply to photographs.

The section devoted to international law contains a rather brief summary of the provisions of the Berne Convention and the Universal Copyright Convention.

M. S.

**Die urheberrechtliche Beurteilung von elektronischen und Mikrofilm-Datenbanken**, by *Dieter Goose*. One volume of XVI-91 pages, 21 × 14.5 cm. J. Schweitzer Verlag, Berlin, 1975. Schriftenreihe der UFITA, Heft 53.

The topical questions dealt with in this study are becoming more and more important in the field of copyright. The main problem is that of works protected by copyright which are used in computerized information procedures.

The author examines various aspects of this problem in the light of copyright legislation presently in force in the Federal Republic of Germany. Particular attention is drawn to extracts, summaries and various forms of adaptations. A special chapter is devoted to microfilm use of copyright works.

As for the question of whether input is to be considered as reproduction, the author joins the prevailing opinion according to which such use, as well as any fixation which precedes it, should in principle be regarded as reproduction.

The result of the author's research is summarized in a list of various cases which are categorized as lawful or unlawful use within the meaning of Article 54 of the 1965 Copyright Act of the Federal Republic of Germany.

The book contains a long bibliographical list of works dealing with the subject, most of them published in German.

M. S.

## Calendar

### WIPO Meetings

**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 Arab 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 (Rabat) — Development Cooperation — Arab Copyright Seminar**  
*Note: Meeting convened jointly with Unesco*
- June 1 to 3 (Geneva) — Paris Union — Advisory Group on Computer Software**
- June 6 to 10 (Geneva) — Development Cooperation — Working Group on the Model Law for Developing Countries on Inventions and Know-How**
- June 6 to 17 (Paris) — International Patent Classification (IPC) — Working Group I**
- June 13 to 17 (Paris) — Berne Union — Working Group on Cable Television**  
*Note: Meeting convened jointly with Unesco*
- June 20 to July 1 (Washington) — International Patent Classification (IPC) — Working Group II**
- June 27 to July 1 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services**
- June 27 to July 8 (Geneva) — Paris Union — Preparatory Intergovernmental Committee on the Revision of the Paris Convention**
- 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 November 2 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services
- October 31 to November 4 (Geneva) — Lisbon Union — Committee of Experts on the Revision of the Lisbon 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 16 to 18; November 15 to 17

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

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

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

**Technical Working Party for Fruit Crops:** May 10 to 12 (Madrid - 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**

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

**May 5 and 6 (New York) — International Confederation of Societies of Authors and Composers — Legal and Legislation Committee**

**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)**

# WIPO



## WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

319-280

### ANNOUNCEMENT OF VACANCY

Competition No. 306\*

HEAD, COPYRIGHT DEVELOPMENT COOPERATION SECTION

Copyright Division

(Copyright and Public Information Department)

Category and grade: P.4

#### Principal duties:

Under the supervision of the Director of the Division, the incumbent will be responsible for carrying out the following tasks assigned to his Section:

- (a) Assistance to the Director of the Division in the formulation of proposals for the preparation and implementation of the Organization's program in the field of copyright and neighboring rights.
- (b) Implementation of the Organization's program in matters of copyright and neighboring rights within the framework of development cooperation activities, in particular:
  - drafting of legislative texts and planning of programs applicable at a national or regional level;
  - preparatory work relating to seminars, experts' committees and working groups;
  - receiving and giving guidance to trainees and holders of fellowships.
- (c) Undertaking legal studies and preparing working documents for meetings of the Organization.
- (d) Representing the Organization in meetings of inter-governmental and non-governmental organizations.

#### Qualifications required:

- (a) University degree in law or equivalent legal qualification.
- (b) Wide professional experience in the field of copyright and neighboring rights, including its international aspects.
- (c) Demonstrated ability to undertake studies and to participate in international meetings under limited guidance.
- (d) Excellent knowledge of either English or French and at least a good working knowledge of the other language. Ability to work in other languages would be an advantage.

#### Nationality:

Candidates must be nationals of one of the member States of WIPO or of the Paris or Berne Unions. Qualifications being equal, preference will be given to candidates who are nationals of States of which no national is on the staff of WIPO.

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\* Post subject to geographical distribution.

Age limit: 55 years at the date on which the appointment takes effect.

Date of entry on duty: March 1977

Conditions of employment:

The conditions governing employment are defined in the Staff Regulations and Rules of the International Bureau of WIPO. They are in conformity with those of the United Nations "common system."

- Type of appointment: fixed-term appointment of two years, with possibility of renewal. On completion of a minimum of three years' service, a staff member may be granted a permanent appointment at the discretion of the Director General.
- Medical examination: the appointment is subject to a satisfactory medical examination.
- \*Net annual salary: from 17,532 US dollars (starting salary) to 22,579.50 US dollars (final step) by annual increments.  
(according to present scale)\*\*  
Annual increments are subject to satisfactory service.  
The staff member's contribution to the pension fund represents approximately 12% of the above amounts.
- \*Post adjustment (according to present classification) from 15,606 US dollars (yearly amount corresponding to the starting salary) to 19,461.50 US dollars, with dependants; from 12,283.50 US dollars to 15,318 US dollars, without dependants.
- \*Dependency allowances: 400 US dollars per year for a dependent spouse; 450 US dollars per year for each dependent child; 200 US dollars for one dependent parent, brother or sister (where there is no dependent spouse), for whom the staff member contributes at least half the total support.
- \*Education grant: up to a maximum of 1,500 US dollars per scholastic year for each child under 21 years of age in full-time attendance at a school, or non-Swiss university (75% of actual costs).  
(present amount)
- Salary, post adjustment and allowances are not subject to Swiss taxes.
- Conditions also include: payment of travel and removal expenses; installation grant; five-day week; annual leave of 30 working days; home leave; pension scheme and medical benefit scheme.

Applications:

Persons wishing to apply should write to the Director of the Administrative Division, WIPO, 32 chemin des Colombettes, 1211 Geneva 20, Switzerland for application forms. These forms, duly completed, should reach WIPO not later than February 28, 1977.

Geneva, November 25, 1976

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\* Salaries and allowances are paid in Swiss francs at the official rate of exchange of the United Nations.

\*\* Salary figures indicated are after deduction of internal taxation.