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# Copyright

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World Intellectual Property Organization (WIPO)

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# World Intellectual Property Organization

## The World Intellectual Property Organization in 1976\*

### Membership

During 1976, the Governments of eight States deposited instruments of accession to the Convention Establishing the World Intellectual Property Organization: Bahamas, Burundi, Ghana, Libyan Arab Republic, Mauritania, Mauritius, Qatar, Turkey. In addition, the Government of Surinam deposited a declaration of continued application of the said Convention. The number of States party to the WIPO Convention is 74.<sup>1</sup>

### Major Organs and their Activities

#### *Governing Bodies*

*Membership.* The membership of the Governing Bodies and other Organs of WIPO and of the Unions administered by WIPO appears in the January 1977 issue of this review.

*Seventh Series of Meetings of the Governing Bodies.* The seventh series of meetings of the Governing Bodies of WIPO and of the Unions administered by WIPO was held in September/October 1976. During the said meetings, 19 bodies (including the Assembly and the Conference of Representatives of the Hague Union, which met for the first time) held their sessions. The main items discussed and the principal decisions taken by the Governing Bodies were as follows.

The WIPO General Assembly and the Assemblies of the Paris and Berne Unions reviewed and approved, respectively, the reports and activities of the Director General since their last sessions; they 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 Governing Bodies concerned approved the establishment of a new system for the date of payment of contributions to the budgets of the Unions, to be in-

roduced gradually over a transitional period of six years as from January 1, 1978. Under the new system, contributions will be due and payable at the beginning of, rather than after, the year to which they relate. The Governing Bodies concerned also approved the creation of working capital funds in fixed amounts for the Paris, Hague, Nice and Berne Unions, to be constituted through six yearly installments commencing in 1978.

As regards cooperation with other international organizations, the WIPO Coordination Committee approved a working agreement between WIPO and the Council for Mutual Economic Assistance (CMEA) (see p. 35). The Governing Bodies 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). Furthermore, seven international non-governmental organizations were newly admitted as observers to certain meetings of some of the Governing Bodies: the International Association of Conference Interpreters (AIIC), the International Federation of Pharmaceutical Manufacturers Association (IFPMA), the Licensing Executives Society (International) (LES), 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). The latter four had been admitted previously to meetings of certain other Governing Bodies.

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

The WIPO General Assembly agreed that the institution of a system for the international recording of scientific discoveries at the International Bureau for those countries which favor such a system should be effected by means of a treaty. The Director General was asked to make proposals to the 1977 session of

\* This article covers the main activities of the World Intellectual Property Organization as such (that is, as distinguished from those of the Unions administered by WIPO) in the year 1976. The main activities of the said Unions in 1976 will be covered by separate articles to be published in *Copyright and Industrial Property*.

<sup>1</sup> The Table of Member States as of January 1, 1977, was published in the January 1977 issue of this review.

the WIPO Coordination Committee concerning the diplomatic conference for the adoption of the said treaty.

The WIPO Conference approved the enlargement of the scope of the existing WIPO Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property and renamed the Program, giving it the title "WIPO Permanent Program for Development Cooperation Related to Industrial Property." It also reviewed the Organizational Rules of the Committee established under the same Program.

Furthermore, the WIPO Conference approved the establishment of a similar mechanism and a similar intergovernmental body — the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights and its Permanent Committee — to assist in the planning and implementation of development cooperation activities in those fields (see p. 40).

The WIPO Conference and the Assemblies of the Paris, Berne, Madrid, Hague, Nice, Lisbon, Locarno and IPC Unions adopted the program and budget of the International Bureau for the period 1977 to 1979. In addition, the Executive Committees of the Paris and Berne Unions approved the programs and budgets of these two Unions for 1977, and the Paris Union Executive Committee established the 1977 budgets for the programs of the Patent Cooperation Treaty (PCT) and the Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT). 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 an income of 23,092,000 Swiss francs and an expenditure of 24,458,000 Swiss francs. The number of staff posts budgeted for the year 1977 is 185.

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

During the seventh series of meetings of the Governing Bodies of WIPO and the Unions administered by WIPO, the Assembly and the Conference of Representatives of the Berne Union elected, respectively, 12 ordinary and 4 associate members of the Berne Union Executive Committee. The Assembly and the Conference of Representatives of the Paris Union elected, respectively, 15 ordinary and 5 associate members of the Paris Union Executive Committee. In addition, in accordance with the deci-

sion of the Assembly of the Paris Union, as soon as the number of its members reached 64 (which occurred on November 16, 1976, when Surinam deposited its declaration of continued application of the Stockholm Act (1967) of the Paris Convention for the Protection of Industrial Property), a country member of the Group of 77, namely Romania, automatically became an ordinary member of the Paris Union Executive Committee. The said 16 members of the Berne Union Executive Committee and the said 21 members of the Paris Union Executive Committee, together with Switzerland as the ex officio ordinary member of each Executive Committee, and the Sudan, which was designated by the WIPO Conference in the capacity of ad hoc member of the WIPO Coordination Committee, constitute the 39 members of the WIPO Coordination Committee (see List of Members of the Governing Bodies and other Organs of WIPO and of the Unions administered by WIPO, published in the January 1977 issue of this review).

**Cooperation Between WIPO  
and Other Organizations  
of the United Nations System**

*General Coordination of Policies and Activities*

The Director General and officials of the International Bureau participated in the work of the United Nations bodies established for the purpose of facilitating coordination of the policies and activities of the organizations of the United Nations system.

*United Nations Joint Staff Pension Fund*

The United Nations General Assembly in its Resolution 31/196 of December 22, 1976, decided to admit WIPO to membership in the United Nations Joint Staff Pension Fund with effect from January 1, 1977.

*Representation at Meetings of United Nations Bodies*

Following the invitation addressed by the Ad Hoc Committee on the Restructuring of the Economic and Social Sectors of the United Nations System to the executive heads of the specialized agencies to present their views on the question of restructuring, the Director General attended and delivered a statement at the second session of the Ad Hoc Committee held during February/March 1976.

The Director General also addressed, at its invitation, the Committee on Science and Technology for Development of the United Nations Economic and Social Council (ECOSOC) in New York in February 1976 and gave an address during the opening week of the meetings of the sixty-first session of ECOSOC, which were held in Abidjan in June/July 1976.

WIPO was also represented by officials of the International Bureau at meetings of other United Nations bodies, including the thirty-first session of

the United Nations General Assembly (September/December 1976) and the Fourth United Nations Conference on Trade and Development (UNCTAD IV) at Nairobi in May 1976.

#### *Information, Studies and Reports*

The International Bureau provided information on subjects of direct concern to WIPO for inclusion in reports prepared by the Secretary-General of the United Nations pursuant to resolutions adopted by the United Nations General Assembly and other organs of the United Nations on such matters as the restructuring of the economic and social sectors of the United Nations system, the proposed United Nations Conference on Science and Technology for Development, information exchange and the transfer of technology, the application of computer science and technology to development, and transnational corporations, or in reports prepared by the Administrator of the United Nations Development Programme (UNDP) pursuant to decisions of the Governing Council of the UNDP on such matters as technical cooperation among developing countries and on financial and administrative aspects of the execution of UNDP projects.

#### *Resolutions and Decisions of the United Nations General Assembly and of Other Organizations of the United Nations System*

A number of resolutions were adopted or decisions were taken late in the year 1975 by the General Assembly and in the year 1976 by the Economic and Social Council of the United Nations and by other organs of the United Nations as well as by organizations of the United Nations system which were relevant to the activities of WIPO during the year 1976 or are relevant to its future program of work.<sup>2</sup> A résumé of each of these resolutions and decisions, including the full text of some of them, was presented, together with comments and proposals by the Director General, to the Governing Bodies of WIPO and the Unions administered by WIPO at their seventh series of meetings in September/October 1976. The WIPO General Assembly, the WIPO Conference and the WIPO Coordination Committee noted these resolutions and decisions and the activities performed or planned by the Director General in respect of these resolutions and decisions. Three of them are expressly referred to in the following paragraphs, the first because it calls for widespread publicity, the other two because they deal with certain aspects of industrial property and the transfer of technology.

<sup>2</sup> The resolutions and decisions of the United Nations General Assembly, at its thirty-first session (September/December 1976), will be the subject of a report to the Governing Bodies in September/October 1977 and will be referred to in the February 1978 issue of this review.

In operative paragraph 10 of its resolution adopted in June 1976, the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples invites the specialized agencies and other organizations within the United Nations system to take steps, as appropriate, to give widespread and continuous publicity through all media at their disposal to information on the situation in Zimbabwe and on the relevant decisions and actions of the United Nations, with particular reference to the application of sanctions against the illegal régime in the Territory of Southern Rhodesia (Zimbabwe).

In operative paragraph 2 of its resolution 388 (1976), the United Nations Security Council decides that "all Member States shall take appropriate measures to prevent their nationals and persons in their Territories from granting to any commercial, industrial or public utility undertaking in Southern Rhodesia the right to use any trade name or from entering into any franchising agreement involving the use of any trade name, trade mark or registered design in connexion with the sale or distribution of any products, commodities or services of such an undertaking." Further, in operative paragraph 3 of the said resolution, the Security Council urges, "having regard to the principle stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions" of the said resolution.

*Resolutions and Decisions of the United Nations Conference on Trade and Development (UNCTAD).* The Fourth United Nations Conference on Trade and Development (UNCTAD IV), which was held at Nairobi in May 1976, adopted two resolutions relevant to the work of WIPO, in particular as regards industrial property and the strengthening of the technological capacity of developing countries.

In resolution 88(IV) on industrial property, UNCTAD IV dealt with, among other aspects, the process of revision of the Paris Convention for the Protection of Industrial Property, the need to carry out an in-depth review of the provisions on trademarks, the role of UNCTAD with regard to the economic, commercial and developmental aspects of a review of the international field of industrial property and of the function of the international patent system in the transfer of technology, and the provision by UNCTAD, UNIDO and WIPO of technical assistance to developing countries for the development of their national capability and infrastructure with regard to industrial property as a means of promoting technological development.

In resolution 87(IV) on strengthening the technological capacity of developing countries, UNCTAD

IV recommends certain action to improve the institutional infrastructure and capacity of developing countries for development and transfer of technology, including steps to be taken among developing countries in coordination with relevant United Nations bodies, particularly UNCTAD, UNIDO and WIPO (operative paragraph 5(b)(v)), or by the Organization of African Unity (OAU) and the United Nations Economic Commission for Africa (ECA) in collaboration with UNCTAD, UNIDO, UNESCO and WIPO (operative paragraph 7), and decides to establish an Advisory Service on Transfer of Technology within UNCTAD to enable UNCTAD to meet the responsibilities assigned to it in the area of technical and operational assistance in cooperation with the international organizations concerned, particularly UNIDO and WIPO (operative paragraphs 12 and 13).

In paragraph 14 of resolution 31/159 of December 21, 1976, on the report of UNCTAD on its fourth session, the United Nations General Assembly "welcomes resolution 87 (IV) adopted by the United Nations Conference on Trade and Development on 30 May 1976, concerning the strengthening of the technological capacity of developing countries and, in particular, the establishment of an advisory service within the Conference, as well as Conference resolution 88 (IV) of 30 May 1976 on industrial property, which recognizes the respective important role of the Conference and the World Intellectual Property Organization in this area, and requests them to continue their co-operation in this field."

*Recommendations of the Conference of Ministers of Arab States Responsible for the Application of Science and Technology to Development (CASTARAB).* The Conference of Ministers of Arab States Responsible for the Application of Science and Technology to Development (CASTARAB) was organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) with the cooperation of the Arab Educational, Cultural and Scientific Organization (ALECSO) and the United Nations Economic Commission for Western Asia (ECWA) at Rabat in August 1976. The Conference discussed, among other topics, the protection of intellectual property and its relationship to the transfer of science and technology in the Arab States and made recommendations with respect thereto.

The Conference recommended to the Arab countries the promulgation or updating of national legislation concerning the protection of industrial property and copyright, the establishment, or reorganization where they already exist, of independent national bodies responsible for the protection of industrial property and copyright, the training of specialized

personnel in the field of industrial property and copyright, and participation in international activities relating to industrial property and copyright.

In addition, at the regional level, the Conference recommended the organization, starting in 1977, of periodic meetings of the heads of national bodies for the protection of industrial property and copyright, for the purpose of coordinating their work and adopting concordant positions in international organizations. The Conference further recommended the establishment of a committee of Arab experts to study the possibilities of establishing an Arab regional structure for the protection of industrial property and copyright. The Conference invited the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Conference on Trade and Development (UNCTAD), the World Intellectual Property Organization (WIPO), the United Nations Industrial Development Organization (UNIDO) and the United Nations Economic Commission for Western Asia (ECWA) to cooperate with the Industrial Development Centre for Arab States (IDCAS) and the Arab Educational, Cultural and Scientific Organization (ALECSO) in the execution of these two recommendations concerning regional matters.

#### *Relations with UNCTAD and UNIDO*

Consultations continued to take place between the Secretariats of the United Nations Conference on Trade and Development (UNCTAD) and WIPO and the United Nations Industrial Development Organization (UNIDO) and WIPO with respect to matters of mutual interest and the implementation of decisions taken by the governing bodies of the respective organizations.

In July 1976, an exchange of views took place in Geneva between the Director General of WIPO and the Executive Director of UNIDO on cooperation and coordination of the activities of WIPO and UNIDO.

#### *Relations with Regional Commissions*

*United Nations Economic Commission for Africa (ECA).* At the third meeting of the Follow-up Committee on Industrialization in Africa, convened by the ECA at Addis Ababa in November 1976 and at which WIPO was represented, a recommendation was adopted that the Governments of the States in Africa invited to participate in the WIPO Preparatory Intergovernmental Committee on the Revision of the Paris Convention should take an active interest in its meetings.

As regards cooperation with the ECA concerning the project for English-Speaking Countries in Africa, see pp. 36 *et seq.*

*United Nations Economic and Social Commission for Asia and the Pacific (ESCAP)*. See p. 38.

*United Nations Economic Commission for Latin America (ECLA)*. See p. 38.

#### *Relations with Unesco*

Close cooperation continued with the United Nations Educational, Scientific and Cultural Organization (UNESCO) on matters in the field of copyright and neighboring rights, particularly in connection with the publication of the Collection of Copyright Laws and Treaties of the World and of the Records of the International Conference of States on the Distribution of Programme-Carrying Signals Transmitted by Satellite (1974) and the carrying out of surveys and studies on the use of audiovisual cassettes and discs, on problems arising from the transmission by cable of television programs, on the avoidance of double taxation of copyright royalties remitted from one country to another, on the protection of folklore, on the application of the revised Paris texts of 1971 of the Berne Convention for the Protection of Literary and Artistic Works and the Universal Copyright Convention, on the preparation of the Model Law on Copyright for Developing Countries (see p. 39) and in organizing seminars on copyright and neighboring rights (see the March 1977 issue of this review). WIPO was represented at the nineteenth session of the General Conference of Unesco held in Nairobi in October/November 1976.

#### *Relations with Unesco and ILO*

Close cooperation was also maintained with Unesco and the International Labour Organisation (ILO) on matters relating to neighboring rights (see the March 1977 issue of this review).

### **Cooperation With Other Intergovernmental Organizations**

*African Intellectual Property Organization (OAPI)*. See p. 36.

*Arab Educational, Cultural and Scientific Organization (ALECSO)*. See p. 34.

*Caribbean Community (CARICOM)*. See p. 38.

*Council for Mutual Economic Assistance (CMEA)*. The WIPO Coordination Committee, at its session in September/October 1976, approved a working agreement between WIPO and the CMEA. A specialized body of the CMEA — the Conference of the Heads of Offices for Inventions of the CMEA member countries — functions to enhance and improve cooperation among the CMEA member countries in the field of inventing and patenting. WIPO

was represented in both sessions of the said Conference held in 1976, one in Poland and one in Cuba. The latter was attended by the Director General of WIPO himself.

*English-Speaking Countries in Africa*. See pp. 36 et seq.

*European Communities (ECE)*. Discussions have taken place between the International Bureau and the Commission of the European Communities concerning the possibilities of concluding an agreement of cooperation between WIPO and the European Communities.

*European Patent Organization (EPO)*. See *Industrial Property*.

*Industrial Development Centre for Arab States (IDCAS)*. See p. 38.

### **Relations With International and National Non-Governmental Organizations**

*Admission of International Non-Governmental Organizations as Observers to Meetings of the Governing Bodies*. See p. 31.

*Representation at Meetings*. WIPO was represented at meetings of various international and national non-governmental organizations concerned with matters in the field of industrial property (see *Industrial Property*) and copyright and neighboring rights (see the March 1977 issue of this review) at which questions of direct interest to WIPO were discussed.

### **Developments in Major Programs and Major Fields**

In 1976, the main program activities of WIPO as such (as distinguished from those of the Unions administered by WIPO) were those concerned with development cooperation. These program activities are reported on here. The program activities of the Unions administered by WIPO in the field of industrial property are reported on in *Industrial Property* whereas those in the fields of copyright and neighboring rights are reported on in the March 1977 issue of this review. Prominent among the former is the work being undertaken towards the revision of the Paris Convention for the Protection of Industrial Property.

#### *Training Program*

Under the WIPO Legal-Technical Assistance Program for 1976, 63 applications for training from 48 developing countries were submitted to WIPO. In cooperation with the various industrial property offices or copyright offices, 38 traineeships for a duration of up to two months were organized for officials

from the following 33 countries: Algeria, Benin, Bolivia, Chad, Chile, Colombia, Costa Rica, Cuba, Ecuador, Ethiopia, Fiji, Gambia, Guatemala, India, Indonesia, Iraq, Jordan, Kenya, Madagascar, Malaysia, Mexico, Pakistan, Peru, Philippines, Republic of Korea, Rwanda, Sudan, Tanzania, Thailand, Trinidad and Tobago, Venezuela, Zaire, Zambia. Twenty-nine of these traineeships were awarded in the field of industrial property and nine in the field of copyright.

The training took place at the International Bureau, at the African Intellectual Property Organization (OAPI) and in the following 16 countries, the Governments of some of which covered fully or in part the costs of the training program of one to four trainees: Australia, Canada, Czechoslovakia, Egypt, France, Germany (Federal Republic of), Israel, Japan, Mexico, Netherlands, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America. The remainder of the costs was borne by WIPO.

A symposium on copyright matters for the benefit of seven of the trainees — from Algeria, Chad, Chile, India, Mexico, the Philippines and Rwanda — was organized in Geneva in September 1976 by the International Bureau with the participation of the International Publishers Association (IPA).

#### *Assistance to Certain Developing Countries and Regional Institutions of Developing Countries*

During 1976, WIPO gave assistance to the following developing countries or groups of developing countries, or requests for assistance from such countries and institutions were under active consideration by WIPO, on the matters indicated next to their name:

*Algeria:* modernization of the trademark legislation, partly with the help of an expert from the Swiss Intellectual Property Office;

*Brazil:* continuation of the project financed by the UNDP (United Nations Development Programme) for modernizing the Brazilian patent system, partly with the help of experts coming from the industrial property offices of Belgium, Germany (Federal Republic of), Israel, the Netherlands, Norway and the United States of America;

*Cuba:* training in the use of the International Patent Classification, partly with the help of an expert from the German Patent Office;

*Ecuador:* reorganization of the industrial property office (preparatory mission);

*Iraq:* modernization of the trademark system (preparatory missions);

*Madagascar:* modernization of the industrial property legislation and administration (preparatory missions);

*Mali:* establishment of an industrial property office (preparatory discussions);

*Mauritius:* modernization of the industrial property and copyright legislation (preparatory mission and discussions);

*Niger:* modernization of the copyright legislation (preparatory discussions);

*Nigeria:* modernization of the administration of the industrial property laws (preparatory mission and discussions);

*Philippines:* advice on the modernization of the industrial property and copyright legislation, partly through a study trip by an expert from the Philippines to Austria, Czechoslovakia, Hungary and Sweden;

*Rwanda:* organization of the administration of the industrial property laws (preparatory mission);

*Senegal:* training in patent licensing questions (preparatory missions);

*Sudan:* organization of the administration of the industrial property laws (preparatory discussions);

*Togo:* modernization of the copyright legislation and administration, through written advice;

*Tunisia:* modernization of the industrial property legislation, through written advice;

*Venezuela:* planning of a training program in the field of industrial property for Venezuelan government officials in Denmark, Mexico, Spain and the International Patent Institute;

*Zaire:* modernization of the industrial property legislation and administration, through consultations in Kinshasa and Geneva;

*African Intellectual Property Organization (OAPI):* establishment of a patent documentation center in Yaoundé (preparatory missions and discussions with the said Organization, the United Nations Development Programme (UNDP), the Commission of the European Communities and France); revision of the Libreville Agreement (through advice and the organization of meetings in Yaoundé and Geneva of specialists from member States of the said Organization);

*English-Speaking Countries in Africa: Diplomatic Conference.* The Diplomatic Conference for the Adoption of an Agreement on the Creation of an Industrial Property Organization for English-Speaking

Africa (hereinafter referred to as “the Diplomatic Conference”), convened jointly by the United Nations Economic Commission for Africa (ECA) and WIPO at the request of the Committees of the Conference on Industrial Property Laws of English-Speaking Africa (hereinafter referred to as “the Industrial Property Conference”), took place, at the invitation of the Government of Zambia, in Lusaka, from December 6 to 9, 1976.

Of the 18 States invited to take part in the Diplomatic Conference the following 13 sent delegations: Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Mauritius, Nigeria, Somalia, Swaziland, Uganda, United Republic of Tanzania, Zambia. Five inter-governmental organizations — the United Nations Conference on Trade and Development (UNCTAD), the United Nations Development Programme (UNDP), the African Intellectual Property Organization (OAPI), the Commonwealth Secretariat, the East African Community — and one international non-governmental organization — the International Association for the Protection of Industrial Property (AIPPI) — were represented by observers. The number of participants was about 40.

Mr. George E. Harre (Zambia) was elected Chairman and Mr. Benjamin W. Prah (Ghana) and Mr. David J. Coward (Kenya) were elected Vice-Chairmen of the Diplomatic Conference. The Secretaries General of the Diplomatic Conference were Mr. A. M. Akiwumi (ECA) and Mr. K. Pfanner (WIPO). The Credentials Committee was chaired by Mr. J. Mariano (Somalia) and the Drafting Committee by Mr. S. S. A. Ojomo (Nigeria). Mr. I. Thiam (WIPO) and Mr. D. Devlin (WIPO) were the respective Secretaries of the said Committees.

The Diplomatic Conference adopted the *Agreement on the Creation of an Industrial Property Organization for English-Speaking Africa*. A draft of that Agreement had been prepared by the Industrial Property Conference at its meeting in Addis Ababa in 1974. The Agreement establishes a regional industrial property organization (hereinafter referred to as “the Organization”) for the study and promotion of and cooperation in industrial property matters, including the harmonization and development of industrial property laws, the establishment of common services or organs for the coordination, harmonization and development of industrial property activities, and assistance in the acquisition and development of technology relating to industrial property matters. The Agreement calls for the Organization to collaborate with the ECA, WIPO and other appropriate organizations. The organs of the Organization will include a Council, consisting of the heads of offices dealing with the administration of industrial property matters or other persons having requisite knowledge of such matters, and a Secre-

tariat. A resolution adopted by the Diplomatic Conference requests the ECA and WIPO, in consultation with the Bureau of the Industrial Property Conference, to act as the interim secretariat until the Secretariat of the Organization is established; it further requests the Industrial Property Conference to prepare the entry into force of the Agreement.

The Agreement, which was unanimously adopted on December 9, 1976, was signed on that day on behalf of the following States: Ghana, Kenya, Mauritius, Somalia, Uganda, Zambia. The Agreement remains open for signature at Lusaka until December 31, 1977. Instruments of ratification or accession are to be deposited with the Government of the Republic of Zambia.

Membership of the Organization is open to Botswana, Ethiopia, Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mauritius, Nigeria, the Seychelles, Sierra Leone, Somalia, the Sudan, Swaziland, Uganda, the United Republic of Tanzania and Zambia; other States members of the ECA may become members of the Organization on such conditions as its Council may determine;

*English-Speaking Countries in Africa: Industrial Property Conference.* The second session of the Industrial Property Conference, convened jointly by the ECA and WIPO at the request of the Industrial Property Conference’s Committee for Patent Matters and its Committee for Trademark and Industrial Design Matters, was held at the invitation of the Government of Zambia, in Lusaka, from December 8 to 16, 1976.

Of the 18 States invited to take part in the work of the Industrial Property Conference and its two Committees (for Patent Matters and for Trademark and Industrial Design Matters) the following 12 were represented: Botswana, Gambia, Ghana, Kenya, Lesotho, Mauritius, Nigeria, Somalia, Swaziland, Uganda, United Republic of Tanzania, Zambia. The ECA and WIPO acted as the Interim Secretariat of the Industrial Property Conference.

The Committee for Patent Matters examined a draft Model Law for English-Speaking African Countries on Patents, Utility Certificates and Innovations, together with a Commentary, prepared by the International Bureau of WIPO in consultation with the ECA and with the assistance of consultants from the patent offices of English-speaking African countries. The said Committee requested that its suggestions and observations, as well as further developments in the work of the WIPO Working Group on the Model Law for Developing Countries on Inventions and Know-How, be taken into account by the Interim Secretariat in preparing a revised draft of the Model Law and the Commentary for consideration at the Committee’s next session.

The Committee for Trademark and Industrial Design Matters examined a report on the results of a trademark questionnaire sent to the trademark offices of all English-speaking African countries, prepared by the Secretariat of the ECA, and an outline of provisions on marks, prepared by the International Bureau of WIPO. The Committee gave guidance to the Interim Secretariat concerning the drafting of a Model Law on Marks for English-Speaking African Countries. In addition, the Committee requested the Interim Secretariat to carry out a survey on the desirability of establishing independent industrial design systems in the region and to prepare an outline of possible model provisions on industrial designs;

*Industrial Development Centre for Arab States (IDCAS)*: establishment of a patent documentation center (preparatory discussions); publication of the WIPO-IDCAS Model Law for Arab States on Trademarks; preparation of a WIPO-IDCAS-UNIDO meeting, in cooperation with the Government of Iraq, in Baghdad (preparatory missions);

*United Nations Economic Commission for Latin America (ECLA)*: research program within the field of patents (preparatory discussions);

*Caribbean Community (CARICOM)*: harmonization of the industrial property legislations of the member States (advice and preparatory discussions);

*Round Table Conference in Mexico City on the Revision of the Paris Convention (May 1976)*. See *Industrial Property*.

#### *Other Relations With Developing Countries*

*Meetings*. WIPO was represented in the Third Ministerial Meeting of the Group of 77 at Manila in January/February 1976, the Conference on Economic Cooperation Among Developing Countries organized by the Group of 77 at Mexico City in September 1976, the sixteenth session of the General Assembly of the Union of National Radio and Television Organizations of Africa (URTNA) in Yamoussokro and Abidjan (Ivory Coast) in February 1976, and the International Conference on National and Regional Planning for Scientific and Technological Information Systems and Services for Development in the Arab Countries, convened by Unesco, UNIDO, the World Federation of Engineering Organizations (WFEO) and the Federation of Arab Engineers (FAE), in Tunis in April 1976.

*Missions*. The Director General made visits to the Ivory Coast, Mexico and Tunisia, meeting, on each occasion, with the President of the country and with high-ranking government officials responsible

for industrial property, transfer of technology and copyright matters. On the occasion of his visit to Cuba, the Director General met with several Cuban government officials in charge of industrial property or general relations with United Nations agencies.

Visits were made by other officials of the International Bureau to Algeria, Bolivia, Brazil, Cameroon, Ghana, India, Ivory Coast, Madagascar, Malaysia, Morocco, Pakistan, Peru, Senegal, Singapore, Sri Lanka, Venezuela, Zaire and Zambia, for the purpose of exchanging views with the government authorities of those countries on matters concerning industrial property or copyright.

Similarly, talks took place on such matters with the Secretariats of the United Nations Economic Commission for Africa (ECA) in Addis Ababa in September 1976, the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) in Bangkok in July 1976, the Organization of African Unity (OAU) in Mauritius in July 1976, the African Intellectual Property Organization (OAPI) in Yaoundé in July 1976 and the Latin American Economic System (SELA) in November 1976.

#### *Model Laws for Developing Countries*

*Inventions and Know-How*. The Working Group on the Model Law for Developing Countries on Inventions and Know-How held its fourth and fifth sessions in 1976. The Working Group is responsible for advising the Director General on the revision of the BIRPI Model Law for Developing Countries on Inventions published in 1965.

Experts from the following countries participated in the fourth and fifth sessions: Algeria, Argentina, Cameroon, Cuba (fourth session only), Egypt, France, Germany (Federal Republic of), Hungary (fifth session only), Indonesia, Israel, Kenya, Mexico (fourth session only), Poland, Soviet Union, Spain (fourth session only), Sri Lanka, Tunisia (fourth session only), United Kingdom, United States of America, Zaire (20). The United Nations Conference on Trade and Development (UNCTAD), the United Nations Industrial Development Organization (UNIDO) and the African Intellectual Property Organization (OAPI), as well as a number of international non-governmental organizations, were represented by observers (the first two organizations at the fourth session only). On the basis of the discussions at the first three sessions (held in November 1974, May 1975 and November 1975), the International Bureau had prepared new drafts of the model provisions: for the fourth session, draft model provisions on patentability, the right to the patent and the naming of the invention, the application, the grant of the patent and the refusal of the grant, the duration of the patent, annual fees, and the rights and obligations of the applicant or the owner of the patent; and,

for the fifth session, draft model provisions on change in ownership and joint ownership of patent applications and patents, contractual licenses, exploitation of patented inventions without the authorization of the owner of the patent, surrender and invalidation, infringement, the patent office, and know-how. The new drafts were accompanied by a draft commentary and by draft regulations. At its fourth and fifth sessions, the Working Group made recommendations for improving these drafts. The Working Group will continue the consideration of the draft of the new Model Law at its forthcoming sessions in 1977 and 1978.

*Model Law on Copyright for Developing Countries.* A committee of governmental experts to prepare a model law on copyright for developing countries was convened by the Government of Tunisia with the assistance of WIPO and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Tunis in February/March 1976. Delegations from the following 27 countries took part in the work of the committee: Brazil, Cameroon, Central African Republic, Egypt, Gabon, Ghana, India, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Libyan Arab Republic, Mali, Mauritania, Mauritius, Mexico, Morocco, Qatar, Senegal, Syrian Arab Republic, Tunisia, United Arab Emirates, Upper Volta, Yugoslavia and Zaire. The Palestine Liberation Organization, four intergovernmental organizations and 16 international non-governmental organizations sent observers.

The discussions were based on a draft model law, finalized by the International Bureau of WIPO and the Secretariat of Unesco following the meeting of a Committee of African Experts in Abidjan in October 1973, and a commentary on that draft prepared by the two secretariats, as well as on the comments received from States and from interested international organizations.

After a general discussion, the Committee proceeded to a detailed article-by-article study of the draft model law, made a certain number of changes in that draft, adopted the text of the Tunis Model Law on Copyright for Developing Countries, and asked the two secretariats to revise the text of the commentary which accompanied the draft model law in the light of its discussions and decisions.

#### *WIPO Permanent Program for Development Cooperation Related to Industrial Property*

*Establishment and Objectives.* As to the new name and enlarged scope of this Program, see p. 32 above.

The new orientation of the WIPO Permanent Program for Development Cooperation Related to Industrial Property takes into account resolution

3362 (S-VII) on "Development and International Economic Co-operation" adopted by the General Assembly of the United Nations at its seventh special session in September 1975.

The objectives of the enlarged Permanent Program include promoting not only the acquisition by developing countries of technology but also promoting inventive and innovative capacity and the development of legislation and institutions in the field of industrial property.

The activities of the International Bureau carried out within the framework of the Permanent Program and the work of the Permanent Committee are summarized in the following paragraphs. (For the most part, these activities related to the corresponding former Permanent Program and former Permanent Committee.)

*Permanent Committee.* During the year 1976, 11 States informed the Director General of their desire to be members of the Permanent Committee: Bulgaria, Congo, German Democratic Republic, Ghana, Italy, Mauritius, Morocco, Norway, Soviet Union, Uganda, United Arab Emirates. Taking into account the members of the former Permanent Committee and the wishes of countries desiring to be members of the new Permanent Committee, the total number of States members of the new Permanent Committee at the end of 1976 was 51 (see List of States published in the January 1977 issue of this review).

The Permanent Committee held its third session in March 1976. Forty-two States members of the Permanent Committee were represented at the session; 18 other States and 7 intergovernmental and 10 international non-governmental organizations were represented by observers.

The Permanent Committee reviewed the activities carried out under the Permanent Program. Its recommendations are referred to below in connection with the following summary of activities of the Permanent Program.

*Industrial Property Licensing in Developing Countries.* A Working Group on Guidelines for Industrial Property Licensing in Developing Countries met in June 1976.

Twenty-four States designated experts to participate in the meeting. Ten States sent observers. Six consultants who had advised the International Bureau in the course of the preparation of the documentation for the Working Group took part in the discussions. Three United Nations bodies and two intergovernmental and four international non-governmental organizations also sent observers.

The Working Group examined the draft text of a Guide on the Legal Aspects of the Negotiation and Preparation of Industrial Property Licenses and Technology Transfer Agreements Appropriate to the

Needs of Developing Countries, prepared by the International Bureau taking into account the advice of consultants. The Working Group made a number of suggestions to improve the scope, content and presentation of the Guide, the final version of which will be prepared by the International Bureau on the basis of the discussions in the Working Group.

*Expert Working Group on Information from Patent Documents.* An Expert Working Group on Information from Patent Documents was convened in March 1976. It consisted of experts appointed by the Governments of Algeria, Chile, Cuba, Egypt, France, Germany (Federal Republic of), Indonesia, Kenya, Mexico, Sudan and Zaire and by the International Development Research Centre (Ottawa), consultants to the International Bureau from the Junta del Acuerdo de Cartagena (Andean Group), Austria, Czechoslovakia and India, and observers from the United Nations, the United Nations Conference on Trade and Development (UNCTAD), the United Nations Industrial Development Organizations (UNIDO) and the Commission of the European Communities (CEC).

The Expert Group considered not only practical steps concerning the use of the International Patent Classification (IPC), but also the policy, objectives and future direction of activities within the framework of the Permanent Program which are aimed at facilitating access by users in developing countries to technological information in patent documents, for the purposes of strengthening national capacities for technological innovation, adaptation and selection.

The Expert Group adopted a statement containing a factual account and an appraisal of patent documentation as a source of technological information.

Finally, the Expert Group made a number of recommendations concerning international cooperation in the development of technological information services based on patent documentation for users in developing countries, the planning and establishment of national or regional patent documentation and information services and the desirable role of WIPO in such activities.

*State-of-the-Art Search Reports: Proposals by Austria.* Under agreements concluded in 1975 and 1976 between the Government of Austria and WIPO, the Austrian authorities agreed to provide, free of charge, search reports on the state of the art in response to search requests submitted by developing countries.

Requests were received from Algeria, Argentina, Cuba, Egypt, Israel, Uruguay, Yugoslavia and Zaire and were submitted to the Austrian Patent Office, which established the corresponding search reports.

### *WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights*

*Establishment and Objectives.* The WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights was established by the WIPO Conference at its session in September/October 1976. The objectives of the Permanent Program are to promote in favor of developing countries the encouragement in developing countries of intellectual creation in the literary, scientific and artistic domain, the dissemination, within the competence of WIPO as defined in the WIPO Convention, in developing countries, under fair and reasonable conditions, of intellectual creations in the literary, scientific and artistic domain 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.

*Permanent Committee.* The Organizational Rules adopted by the WIPO Conference for the Permanent Program provide for a Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights. Its functions are to keep the Permanent Program under review and to make recommendations to the WIPO Conference and, between sessions of that Conference, to the WIPO Coordination Committee. On the basis of statements made by delegations at the third session of the WIPO Conference in September/October 1976, to the effect that their countries wished to be members of the Permanent Committee, the latter consists of 24 States (see List of States published in the January 1977 issue of this review).

As in the case of the WIPO Permanent Committee for Development Cooperation Related to Industrial Property, the WIPO Conference also approved special budgetary provisions for the purpose of facilitating participation in the meetings of the Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights by the least developed among the developing countries which are members of the Permanent Committee.

### *Special Aid Given to the International Bureau by Certain Developed Countries*

The Federal Republic of Germany has assigned one of the officials of the German Patent Office to work full-time in the International Bureau on WIPO projects on development cooperation.

The United States Patent and Trademark Office has assigned one of its officials to work full-time in the International Bureau on WIPO projects on development cooperation.

### WIPO Publications

Updated versions of the WIPO *General Information* brochure were published in English, French, German, Russian and Spanish in February 1976 and in Japanese in November 1976. A catalogue of WIPO Publications (1976) was published in February 1976; the catalogue of WIPO Publications (1977) was published in December 1976.

The WIPO *General Rules of Procedure* (1977 Edition) was published in December 1976.

### WIPO Headquarters Building

Further progress was made in the construction of the new building. The main structure has been completed. Much of the heating and air-conditioning equipment, some of the elevators and part of the electrical and plumbing equipment have been installed. The work on the glass building facade was nearing completion.

## ITALY

### Ratification of the WIPO Convention

The Government of the Republic of Italy deposited, on January 20, 1977, its instrument of ratification of the Convention Establishing the World Intellectual Property Organization (WIPO).

The Convention Establishing the World Intellectual Property Organization will enter into force,

with respect to the Republic of Italy, three months after the date of deposit of its instrument of ratification, that is, on April 20, 1977.

WIPO Notification No. 95, of January 24, 1977.

## Berne Union

### Committees of Governmental Experts on the Double Taxation of Copyright Royalties Remitted from One Country to Another

(Paris, November 3 to 10, 1975, and December 8 to 16, 1976)

#### Committee of Experts of 1975

Pursuant to a resolution adopted by the Unesco General Conference at its 18<sup>th</sup> session (1974), the Director-General of Unesco convened a Committee of Governmental Experts on the Double Taxation of Copyright Royalties Remitted from One Country to Another. The Committee's meeting, organized in cooperation with WIPO, was held in Paris at Unesco Headquarters from November 3 to 10, 1975.

Thirty-eight States sent experts to the meeting; three States were represented by observers, three intergovernmental organizations and eleven international non-governmental organizations took part as observers. The list of participants is given below.

The Committee elected the following officers: Mr. Abderrahmane Amri (Tunisia), Chairman; Mr. J. F. da Costa (Brazil), Mr. G. K. O. Turkson (Ghana), Mr. Y. Kawahara (Japan), Mr. E. P. Gavrilov (Soviet Union), Ms. D. Schrader (United States of America), Vice-Chairmen; Mr. A. Kerever (France), Rapporteur.

The documents prepared for the participants by the Unesco Secretariat included a report on the advisability of preparing an international agreement for the purpose of avoiding the double taxation of such royalties and a survey of the replies received from governments and interested organizations to a questionnaire on this subject.

The Committee's general discussion focussed on the following three points: (i) the advisability of preparing such agreement, (ii) the scope of the proposed agreement, and (iii) the criterion for determining the State of taxation. The Committee subsequently set up a working group under the chairmanship of Mr. J. F. da Costa (Brazil) which examined three fundamental problems: that of the machinery, that of the relations between the proposed multilateral convention and existing or future bilateral instruments and that of the field of application of a possible convention.

As regards the machinery of taxation, it was felt that a possible compromise between the various tendencies could be to accept that the State of residence would be entitled to levy most of the tax on royalties but that a taxation margin, on the size of

which different views were expressed, would be granted to the State of source. In this context, a study was also made of how to fix the maximum rates for taxation at source, of material reciprocity in the relations between developed and developing countries and of the repercussions of a so-called tax sparing clause.

As regards relationships with existing or future bilateral agreements, it was stressed that the proposed multilateral instrument was only to concern copyright royalties and that such was not the case of the bilateral agreements. Various solutions were discussed in order to settle this question.

As regards the field of application of a possible multilateral convention, the working group studied the rights which could be covered by the convention, the problems of including district or regional taxes in the field of application and the nature of the taxes to be taken into consideration.

At the conclusion of its discussions, the Committee noted with satisfaction that, despite the difficulties of the task entrusted to it, extremely fruitful contact had been established between taxation experts and copyright experts. The Committee then expressed in the resolution reproduced below its wishes concerning the continuation of the work in this field:

The Committee of Governmental Experts on the Double Taxation of Copyright Royalties Remitted from One Country to Another, convened by Unesco in co-operation with WIPO and meeting at Unesco Headquarters, Paris, from November 3 to 10, 1975,

1. *Having noted*, in the course of its deliberations, that the double taxation of copyright royalties is prejudicial to the interests of authors and so raises serious obstacles to the dissemination of works, which is an essential factor in development,
2. *Considering* that the most effective measures possible should be taken at intergovernmental level in order to eliminate the double taxation of the said royalties when they are remitted from one country to another,
3. *Noting* that the fruitful exchange of views within the Committee made it possible to highlight a few principles and means to avoid double taxation that should be the subject of further study,
4. *Recommends*:
  - (a) that the Secretariat prepare a preliminary draft for a multilateral convention, accompanied by explanatory comments, on the basis of the ideas put forward

in the course of the discussions of the present Committee of Governmental Experts;

- (b) that the above-mentioned draft and the comments thereon, together with the report of the present Committee, be sent to the governments of all Member States of Unesco, as well as to the intergovernmental organizations and international non-governmental organizations concerned, for their observations;
- (c) that another Committee of Governmental Experts be convened in 1976 in order to examine these texts, together with the observations received, and draw up a draft multilateral convention designed to avoid the double taxation of copyright royalties remitted from one country to another, with the object of submitting this draft to an international conference of States for adoption;
- (d) that all appropriate administrative and budgetary measures be taken to enable such a conference to be convened in 1977.

### Committee of Experts of 1976

Pursuant to the decisions taken by the Governing Bodies of WIPO in September 1975 and by the Executive Board of Unesco at its 99<sup>th</sup> session, a Second Committee of Governmental Experts on the Double Taxation of Copyright Royalties Remitted from One Country to Another was convened jointly by the Directors General of WIPO and Unesco. The Committee met in Paris at Unesco Headquarters from December 8 to 16, 1976.

Thirty-seven States sent experts to the meeting; one State, two intergovernmental organizations and ten international non-governmental organizations were represented by observers. The list of participants at this meeting is also given below.

The Committee elected the following officers: Mr. J. F. da Costa (Brazil), Chairman; Mr. Ch. Hiraoka (Japan), Mr. K. G. Fathallah (Libyan Arab Republic), Mr. V. N. Maslennikov (Soviet Union) Vice-Chairmen; Mr. A. Kerever (France), Rapporteur.

The documents prepared for the participants by the Secretariat of the Committee included a preliminary draft double taxation convention on copyright royalties, a preliminary draft protocol annexed to the convention (concerning so-called neighboring rights), a commentary on these preliminary drafts and observations received from governments and interested organizations.

The Committee added to its agenda the consideration of the elaboration of a possible model bilateral agreement designed to avoid the double taxation of copyright royalties remitted from one country to another. Following the submission of a draft agreement of this kind by the delegation of the United States of America, the Committee decided to carry out a detailed and comparative examination of the two texts and thus take stock of the problems existing. One of the possible solutions envisaged was the establishment of a multilateral instrument defining

certain major governing principles, accompanied by a model bilateral agreement designed to provide the procedures to give practical effect to such instrument, procedures which would be the subject of bilateral negotiations.

At the conclusion of its discussions, the Committee adopted the resolution reproduced below, subject to the comments made by a number of governmental experts being entered in the report of the meeting:

The Second Committee of Governmental Experts on the Double Taxation of Copyright Royalties Remitted from One Country to Another, convened jointly by Unesco and WIPO and meeting at Unesco House, Paris, from December 8 to 16, 1976,

*Having considered* the preliminary draft text of a multilateral convention on this subject prepared in accordance with the resolution adopted by the First Committee, which met in 1975,

*Having also considered*, in pursuance of resolution 5.16 adopted by the Unesco General Conference at its nineteenth session held in Nairobi from October 26 to November 30, 1976, the possibility of working out a model bilateral agreement designed to obviate such double taxation,

*After having carried out* a comparative study of the solutions which might be envisaged within the framework of one or the other of these two approaches,

*Reaffirms* the necessity of eliminating by all appropriate means the double taxation of copyright royalties remitted from one country to another so as to avoid prejudicing the interests of authors whose works contribute to development, particularly in developing countries;

*Believes*, in the light of its discussions, that the solution of the problems in question may be found in the adoption of a multilateral instrument restricted to general principles and accompanied for its implementation by a model bilateral agreement, certain provisions of which might be drawn up in several alternative versions, so as to govern the measures taken to give practical effect to the principles contained in the said instrument, in the relations between Contracting States;

*Notes* that this solution demands the elaboration of new texts and that, owing to the complexity of the subject and the widening of the Committee's terms of reference as a result of the aforementioned resolution of the Unesco General Conference, it is not in a position to elaborate the said texts despite the excellent preparatory work done by the Secretariat;

*Consequently recommends:*

- (a) that the Unesco Secretariat and the International Bureau of WIPO, with the help of consultants who are specialists in taxation and in the light of the Committee's discussions, prepare such texts together with a commentary;
- (b) that they submit them to the governments and organizations concerned for their observations;
- (c) that a Third Committee of Governmental Experts be convened during the 1977-1978 period to prepare proposals for submission to an international conference of States for adoption;
- (d) that the competent organs of Unesco and WIPO take the necessary administrative and budgetary measures to enable this conference to be convened in 1979.

## Lists of Participants

### Committee of Experts of 1975

#### I. Member States

**Austria:** H. Berger. **Belgium:** G. L. de San; F. Van Isacker. **Benin** (then Dahomey): P. Agboton. **Bolivia:** R. Botelho Gonsálvez. **Brazil:** J. F. da Costa; J. D. Diniz; D. da Silva Rocha; C. de Souza Amaral. **Bulgaria:** I. Peev. **Czechoslovakia:** M. Koráb; V. Strhan. **Denmark:** E. Willumsen; A.-M. Langberg. **Egypt:** H. M. El Baroudi. **Finland:** H. Skurnik; R. Meinander. **France:** A. Kerever; R. Plaisant; P. Kerlan; J. Buffin; J.-F. Court; M. Astruc. **Germany (Federal Republic of):** E. Weber. **Ghana:** G. K. O. Turkson; E. B. Odoi-Anim; D. Kusi. **Hungary:** I. Timár; G. Köszeghy; P. Solt. **India:** I. P. Gupta; A. Hasan. **Iraq:** U. Al-Mallah; A. A. A. Hidar. **Italy:** V. De Sanctis. **Ivory Coast:** R. Faulet. **Japan:** Y. Kawahara. **Jordan:** A. Nsour. **Liberia:** N. Dukuly Tolbert. **Libyan Arab Republic:** S. B. Sharif; K. G. Fathallah. **Mauritius:** R. Bourdet; L. Legris. **Mexico:** G. E. Larrea Richerand; C. Gomez Barrera; J. L. Caballero; V. Blanco Labra. **Morocco:** H. Bekkari. **Netherlands:** W. J. Blackstone; H. M. A. L. Hamaekers. **Nigeria:** T. Oyekunle; J. A. Onuorah. **Norway:** A. Scheel. **Peru:** J. R. Ribeyro. **Senegal:** N'D. N'Diaye; D. Diène. **Soviet Union:** E. P. Gavrilov. **Spain:** J. R. Fernández Pérez; B. Revuelta García; A. Miserachs-Rigalt. **Sweden:** Y. Hallin; A. H. Olsson. **Switzerland:** M. Widmer; J.-L. Marro. **Togo:** M. Mathey; A. Segla. **Tunisia:** A. Amri; A. Saada. **United Kingdom:** P. W. Fawcett. **United States of America:** D. Schrader; R. A. Gordon; C. Warvariv.

#### II. Observers

##### (a) States

**Canada:** M. Raletich-Rajcic. **Greece:** G. Averoff. **Holy See:** R. Frana; L. Rousseau; M. S. de Chalus.

##### (b) Palestine Liberation Organization (PLO)

S. El-Omari.

##### (c) Intergovernmental Organizations

**Agency for Cultural and Technical Cooperation (ACCT):** X. Campion. **Arab Educational, Cultural and Scientific Organization (ALECSO):** A. F. Sorour. **Joint Afro-Mauritian Organization (OCAM):** C. Johnson.

##### (d) International Non-Governmental Organizations

**European Broadcasting Union (EBU):** G. Straschnov. **International Association of Art (IAA):** J. Alexander-Sinclair. **International Confederation of Professional and Intellectual Workers (CITI):** G. Poulle; C. Boutry; M. Le Gall. **International Confederation of Societies of Authors and Composers (CISAC):** E. Hoolants; M. J. Freegard; V. Blake. **International Copyright Society (INTERGU):** G. Halla. **International Federation of Producers of Phonograms and Videograms (IFPI):** P. Chesnais. **International Film and Television Council (IFTC):** A. Brisson; P. Chesnais. **International Group of Scientific, Technical and Medical Publishers (STM):** J. A. Koutchoumow. **International Literary and Artistic Association (ALAI):** R. Fernay; A. Géranton. **International Publishers Association (IPA):** J. A. Koutchoumow; A. Géranton. **International Writers Guild (IWG):** R. Fernay; E. Le Bris.

#### III. International Bureau of WIPO

C. Masouyé (*Director, Office of the Director General*); M. Haddrick (*Counsellor, Head, Copyright Division*).

#### IV. Unesco Secretariat

J. M. Harrison (*Acting Director-General*); C. Lussier (*Director, Office of International Standards and Legal Affairs*); M.-C. Dock (*Director, Copyright Division*); J. M. de Azaola (*International Copyright Information Centre*); D. de San (*Lawyer, Copyright Division*); P. Lyons (*Lawyer, Copyright Division*).

### Committee of Experts of 1976

#### I. Member States

**Argentina:** M. A. Emery; A. Corti; I. Viale. **Australia:** H. G. Shore; E. A. Evans; R. Gelski. **Austria:** H. Berger. **Belgium:** G. L. de San; F. Van Isacker; J. Coremans; G. Daumerie. **Brazil:** J. F. da Costa; J. D. Diniz; O. E. Pieta; G. Tavares Bastos; C. de Souza Amaral. **Canada:** Y. Beaulne. **Central African Empire:** A. Jonas. **Chile:** J. M. Heiremans. **Czechoslovakia:** M. Koráb. **Denmark:** R. Mikkelsen; J. Nørup-Nielsen; A.-M. Langberg. **Ecuador:** R. Carrasco Baquero; M. A. Proaño Maya; A. Durán Ponce. **Finland:** R. Meinander; H. Skurnik. **France:** A. Kerever; R. Plaisant; P. Kerlan; J.-F. Court; J. L. Donnadiou; M. Féjoz; J. Buffin; M. Astruc. **Germany (Federal Republic of):** E. Weber. **Ghana:** G. K. O. Turkson; E. Odoi-Anim; B. Atepor. **Guatemala:** O. Bertholin y Gálvez. **Hungary:** M. Ficsor; G. Köszeghy; P. Solt; C. Mohi. **India:** J. C. Kalra; A. Hasan. **Iran:** M.-H. Karimi; P. Porkar; H. H. Tehrani; M. Mansouri. **Iraq:** A. J. D. Al-Basri. **Italy:** N. Faiel Dattilo; G. Somma; M. Fabiani. **Ivory Coast:** E. Lavri. **Jamaica:** B. Allaey. **Japan:** C. Hiraoka; Y. Kawahara. **Libyan Arab Republic:** K. G. Fathallah; S. B. Sharif. **Mexico:** J. L. Caballero. **Netherlands:** W. J. Blackstone; H. M. A. L. Hamaekers. **Norway:** A. Scheel. **Portugal:** A. M. Pereira. **Senegal:** N'D. N'Diaye; D. Diène. **Soviet Union:** V. N. Maslennikov; Y. Roudakov; V. Tchernichov. **Spain:** I. Fonseca Ruíz; J. R. Fernández Pérez; B. Revuelta Garcia. **Sweden:** C. Söderström; A. H. Olsson. **Switzerland:** G. Ménétrey. **Tunisia:** A. Saada; H. Boussofara. **United Kingdom:** C. Hubbard; B. Pollard. **United States of America:** M. D. Field; S. Pruet; P. Lyons; S. P. Hannes; D. H. Kaeuper.

#### II. Observers

##### (a) States

**Holy See:** R. Frana; L. Rousseau; M. S. de Chalus.

##### (b) Intergovernmental Organizations

**Commission of European Communities (CEC):** M. Burgio. **Organization for Economic Co-operation and Development (OECD):** J.-L. Liénard.

##### (c) International Non-Governmental Organizations

**European Broadcasting Union (EBU):** M. Cazé; G. Delaume. **International Confederation of Professional and Intellectual Workers (CITI):** G. Poulle; C. Boutry; M. Le Gall. **International Confederation of Societies of Authors and Composers (CISAC):** J. A. Ziegler; M. J. Freegard; E. Hoolants. **International Copyright Society (INTERGU):** G. Halla. **International Federation of Producers of Phonograms and Videograms (IFPI):** J. Goldsmith; P. Chesnais. **International Film and Television Council (IFTC):** A. Brisson; G. Grégoire. **International Literary and Artistic Association (ALAI):** H. Desbois; A. Françon; D. Gaudel; R. Blaustein. **International Organization of Journalists (OIJ):** G. Gatnot. **International Publishers Association (IPA):** J. A. Koutchoumow; A. Géranton. **International Writers Guild (IWG):** R. Fernay; E. Le Bris.

**III. Secretariat****(a) International Bureau of the World Intellectual Property Organization (WIPO)**

C. Masouyé (*Director, Copyright and Public Information Department*); S. Alikhan (*Director, Copyright Division*).

**(b) United Nations Educational, Scientific and Cultural Organization (UNESCO)**

J. Fobes (*Deputy Director-General*); C. Lussier (*Director, Office of International Standards and Legal Affairs*); M.-C. Dock (*Director, Copyright Division*); J. M. de Azaola (*Head, International Copyright Information Centre*); A. Amri (*Program Specialist, International Copyright Information Centre*); D. de San (*Lawyer, Copyright Division*).

## Conventions Administered by WIPO

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

ITALY

#### Declaration pursuant to Article 7(4)

In a notification deposited with the Director General of WIPO on January 20, 1977, pursuant to Article 7(4) of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms, the Government of the Republic of Italy declared that, in accordance with its national legislation, it will apply the criterion

according to which it affords protection to producers of phonograms solely on the basis of the place of first fixation instead of the criterion of the nationality of the producer.

Phonograms Notification No. 29, of January 24, 1977.

### Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite

YUGOSLAVIA

#### Ratification of the Convention

The Secretary-General of the United Nations notified the Director General of the World Intellectual Property Organization, on January 18, 1977, that the Government of Yugoslavia deposited, on December 29, 1976, its instrument of ratification of the Convention Relating to the Distribution of

Programme-Carrying Signals Transmitted by Satellite, adopted at Brussels on May 21, 1974.

A separate notification will be made on the entry into force of the Convention when the required number of ratifications or accessions is reached.

## National Legislation

ITALY

**Decree of the President of the Council of Ministers  
concerning the fixing of the amount and the distribution of remuneration payable under  
Article 73 of Law No. 633 of April 22, 1941, for the protection of copyright  
and other rights connected with the exercise thereof**

(of September 1, 1975) \*

The President of the Council of Ministers,

Having regard to Law No. 865 of November 22, 1973, concerning the ratification of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, signed at Rome on October 26, 1961;

Having regard to Decree No. 490 of the President of the Republic of May 14, 1974, concerning the implementation of the aforementioned International Convention, in particular Article 4 of the said Decree;

Having regard to the need to provide for the fixing of the amount of remuneration payable under Article 73 of Law No. 633 of April 22, 1941, as well as the percentages and modalities for sharing the said remuneration with the performers;

Acting on a proposal by the Standing Consultative Committee on Copyright, sitting in general assembly;

Hereby decrees:

*Article 1.* Unless otherwise agreed between the parties, the amount of remuneration in respect of direct use, with gainful intent, of discs or other like contrivances, payable to the producer under Article 73 of Law No. 633 of April 22, 1941, on the protection of copyright and other rights connected with the exercise thereof, and under Article 23 of the Regulations for its application, is fixed at 2 percent of the gross receipts or of the percentages of the gross receipts that correspond to the proportion represented by the public use of the disc or contrivance by the categories of users mentioned in the first

paragraph of the said Article 73 of the Law, with the exception of uses by the licensee of the closed-circuit broadcasting service. The amount of remuneration payable to the producer by the body providing the closed-circuit broadcasting service shall be fixed in a later decree.

The amount and the methods of payment of remuneration may be fixed globally by general agreements entered into periodically by the representatives of the two interested parties.

*Article 2.* The percentage share of the remuneration collected by producers in accordance with Article 1 which accrues to the performers whose performances are recorded on the disc or other like contrivance shall be equal to 50 percent of the total amount of the said remuneration.

*Article 3.* The amount corresponding to the percentage share mentioned in Article 2 which accrues to the performers shall be deposited by the producer of discs in a special, interest-bearing account with a national banking establishment, which account shall be at the disposal of the performers concerned, to whom the said amount shall be paid in accordance with a payment order issued by the depositor.

*Article 4.* Unless otherwise provided, any general periodic agreements that may have been entered into by the associations or bodies representing the two parties shall remain in force, even after they have lapsed, until such time as new agreements have been entered into.

This Decree shall be published in the *Gazzetta Ufficiale* of the Italian Republic.

\* Published in the *Gazzetta Ufficiale della Repubblica Italiana* of September 20, 1975. — WIPO translation.

## UNITED KINGDOM

**The Copyright (International Conventions) (Amendment No. 2) Order 1976**

(No. 1784, of October 27, 1976, coming into force on November 25, 1976)

1. — (1) This Order may be cited as the Copyright (International Conventions) (Amendment No. 2) Order 1976, and shall come into operation on 25<sup>th</sup> November 1976.

(2) The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. — The Copyright (International Conventions) Order 1972<sup>1</sup>, as amended<sup>2</sup>, shall be further amended as follows:

- (a) in Schedule 1 (which names the countries of the Berne Copyright Union) there shall be included a reference to Libya;
- (b) in Schedule 2 (which names the countries party to the Universal Copyright Convention but not Members of the Berne Union) there shall be included a reference to Colombia and a related reference to 18<sup>th</sup> June 1976;
- (c) in Schedule 3 (countries in whose case copyright in sound recordings includes the exclusive right of public performance and broadcasting) there shall be included a reference to Colombia;
- (d) in Schedules 4 and 5 (countries whose broadcasting organisations have copyright protection in relation to their sound and television broadcasts) there shall be included references to Colombia and related references to 17<sup>th</sup> September 1976 in the list of dates in those two Schedules.

3. — (1) This Order except for Article 2(d) shall extend to all countries mentioned in the Schedule hereto.

(2) Article 2(d) shall extend to Gibraltar and Bermuda.

## SCHEDULE

*Countries to which this Order extends*

Bermuda	Gibraltar
Belize	Hong Kong
British Virgin Islands	Isle of Man
Cayman Islands	Montserrat
Falkland Islands	St. Helena and
and Dependencies	its Dependencies

## EXPLANATORY NOTE

*(This Note is not part of the Order)*

This Order further amends the Copyright (International Conventions) Order 1972.

It takes account of:

- (a) the accession of the Libyan Arab Republic to the Berne Copyright Convention;
- (b) the accession of Colombia to the Universal Copyright Convention; and
- (c) the accession of Colombia to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations.

The Order extends, so far as is appropriate, to dependent countries of the Commonwealth to which the 1972 Order extends.

<sup>1</sup> See *Copyright*, 1972, p. 180.

<sup>2</sup> *Ibid.*, 1973, pp. 78, 109, 110, 218 and 250, 1974, p. 235, 1975, p. 177, and 1976, pp. 56, 96 and 128.

## **General Studies**

### **Cable Distribution and Copyright in French Law and in the International Conventions**

André KEREVER \*



















## International Activities

### International Literary and Artistic Association (ALAI)

Executive Committee and General Assembly

(Paris, January 14, 1977)

The Executive Committee and the annual General Assembly of ALAI met in Paris on January 14, 1977, under the chairmanship of Professor Henri Desbois.

Delegates from the national groups of ALAI in the following countries took part in the meetings: France, Germany (Federal Republic of), Italy, Netherlands, Sweden, United Kingdom. Also present were observers from Unesco and some international non-governmental organizations, together with ALAI members from societies of authors and the interested legal circles.

WIPO was represented by its Director General, Dr. Arpad Bogsch, by Mrs. K.-L. Liguier-Laubhouet, Deputy Director General, and Mr. Claude Masouyé, Director, Copyright and Public Information Department.

The President of ALAI paid homage to the memory of Sture Petré, Judge at the International Court of Justice and First Vice-President of ALAI, and J. P. Palewski, former President of the French Conseil supérieur de la propriété industrielle, both of whom died recently.

The Executive Committee discussed a number of matters of an administrative and financial nature and was renewed in office by the General Assembly

for a further term. The members of the Executive Committee are Professor H. Desbois (Paris), President; Dr. V. De Sanctis (Rome), First Vice-President; Dr. Th. Limperg (Amsterdam), Professor S. Ljungman (Stockholm) and Dr. D. Reimer (Munich), Vice-Presidents; Professor A. Françon (Paris), Perpetual Secretary; Mme R. Blaustein (Paris), Administrative Secretary; Mme D. Gaudel (Paris), Treasurer.

In addition to these internal matters, discussions dealt with current problems of international copyright, and reference was made in this context to the results of the ALAI Congress held in Athens in May 1976.

Turning towards its future activities, the Executive Committee of ALAI accepted the invitation of the Belgian group to organize a working session in Antwerp on September 8 and 9, 1977, on the subject of the public lending right.

Finally, lengthy debates were held in both the Executive Committee and the General Assembly to decide on possible topics for discussion at the next Congress which will mark the centenary of ALAI's founding. This Congress will take place in Paris from May 29 to June 3, 1978, and full information on the program will be given at a later date.

### International Federation of Producers of Phonograms and Videograms (IFPI)

#### *Corrigendum*

In the note on the meetings of the *International Federation of Producers of Phonograms and Videograms (IFPI)*, published in the November 1976 issue of this review (p. 268), the following countries should

be added to the list of those which were represented at the said meetings: Argentina, Australia, Brazil, Czechoslovakia, Hungary, Mexico, Nigeria, Peru, Philippines, United States of America.

## Calendar

### WIPO Meetings

1977

- 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**
- March 29 to April 1 (Bangkok) — Development Cooperation — Asian/Pacific Seminar on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations**  
*Note:* Meeting convened jointly with ILO and Unesco
- 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 — Seminar on Copyright intended for Arab Countries**  
*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**
- 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 25 (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

- February 15 to 24 (Paris) Berne Union — Committee of Governmental Experts on Double Taxation of Copyright Royalties  
*Note:* Meeting convened jointly with Unesco
- September 25 to October 2 (Geneva) — WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions

### 1979

- September 26 to October 3 (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

- May 1 to 4 (Amsterdam) — Union of European Patent Attorneys — Congress and General Assembly
- May 4 to 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 25 (Dublin) — European Space Agency/European Broadcasting Union — Symposium on Direct Satellite Broadcasting
- May 23 to 27 (Rio de Janeiro) — Inter-American Association of Industrial Property — Congress
- September 8 and 9 (Antwerp) — International Literary and Artistic Association — Working Session and Executive Committee
- September 18 to 21 (Edinburgh) — International League Against Unfair Competition — Working Session
- October 25 to 27 (Belgrade) — Council of the Professional Photographers of Europe (EUROPHOT) — 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)

### 1978

- May 8 to 12 (Strasbourg) — Council of Europe — Legal Committee on Broadcasting and Television
- May 12 to 20 (Munich) — International Association for the Protection of Industrial Property — Congress
- May 29 to June 3 (Paris) — International Literary and Artistic Association — Congress
- October 1 to 7 (Santiago de Compostela) — International Federation of Patent Agents — Congress