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Berne Union

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

AUSTRALIA

The Government of the Commonwealth of Australia deposited, on November 28, 1977, 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.

The said instrument of accession contains the declaration that the said Convention shall be applicable to the entire territory of Australia.

The Paris Act (1971) of the said Convention will enter into force, with respect to the Commonwealth of Australia, three months after the date of this notification, that is, on March 1, 1978.

Berne Notification No. 89, of December 1, 1977.

GERMAN DEMOCRATIC REPUBLIC

The Government of the German Democratic Republic deposited, on November 16, 1977, 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.

This instrument of accession was accompanied by the following declaration:

“The German Democratic Republic does not consider itself bound by the provisions of Article 33, paragraph (1), of the Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886, revised at Paris on 24 July 1971, which provides that any dispute concerning the interpretation and application of this Convention, which is not settled by negotiation, shall at the request of any one of the parties to the dispute be referred to the International Court of Justice for decision, unless all the parties to the dispute stipulate another arrangement.

With regard to the competence of the International Court of Justice the German Democratic Republic holds the view that in each individual case the consent of all parties to the dispute is

necessary in order to refer a specific dispute to the International Court of Justice for decision.”
(*Translation*)

Furthermore, the said instrument of accession was accompanied by the following declaration:

“The German Democratic Republic, in its attitude towards Article 31 of the Convention, in so far as it concerns the application of the Convention to colonial and other dependent territories, is guided by the stipulations of the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples (res. 1514(XV) of 14 December 1960), which proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations.” (*Translation*)

The Paris Act (1971) of the said Convention will enter into force, with respect to the German Democratic Republic, three months after the date of this notification, that is, on February 18, 1978.

Berne Notification No. 88, of November 18, 1977.

Conventions Administered by WIPO

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

Asian/Pacific Seminar on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations

(Bangkok, October 25 to 28, 1977)

With the kind cooperation of the Government of Thailand, a seminar entitled "Asian/Pacific Seminar on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations" was convened at Bangkok from October 25 to 28, 1977, jointly by the International Labour Office (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Intellectual Property Organization (WIPO).

Experts from Asian and Pacific countries were invited in their private capacities by the Directors General of these three Organizations. Invitations to be represented as observers were extended to States party to the International Convention on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention, 1961), the Convention for the Protection of Literary and Artistic Works (Berne Convention) or the Universal Copyright Convention and to some interested intergovernmental and international non-governmental organizations.

The participants in the Seminar were experts nationals of nine Asian and Pacific countries. In addition 21 observers from ten States, as well as observers from six international non-governmental organizations, attended the Seminar. A list of participants is reproduced below.

Inaugural addresses to the Seminar were delivered, on behalf of the respective Directors General, by Dr. A. W. P. Guruge, Director a. i. of Unesco's Regional Office for Education in Asia, Mr. V. Chivers, Senior Personnel, Administrative and Finance Officer of ILO's Regional Office for Asia, and Mr. S. Alikhan, Director of the Copyright Division of WIPO.

The meetings were held in Darakarn Building where the Unesco Regional Office is located, the material arrangements and technical preparation for

the Seminar having been most efficiently undertaken by its Director, Mr. Raja Roy Singh, and its staff.

The Seminar elected Mr. Q. B. Bale, Crown Solicitor of the Crown Law Office, Fiji, as Chairman. Mr. S. Balakrishnan, Adviser on Copyright to the Government of India, and Mr. H. G. Shore, Principal Legal Officer in the Attorney-General's Department of Australia, were elected Vice-Chairmen.

The object of the Seminar was to make the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations better known in the Asian/Pacific area and to examine the current situation with regard to the national laws in this field.

Introductory lectures were delivered by Professor B. Knapp, the representative of ILO, on the international protection of performers, by Mr. S. Alikhan, the representative of WIPO, on the international protection of the producers of phonograms, and by Mr. D. de San, the representative of Unesco, on the international protection of the broadcasting organizations.

These lectures were followed by country reports delivered by the participating experts on the situation of relevant legislation in their countries. Each country paper was supplemented by answers to questions raised from the floor. Statements were also made by observers from States and from the international non-governmental organizations.

Thereafter a general discussion took place on the international aspects of the protection of performers, producers of phonograms and broadcasting organizations, as provided for in the respective conventions.

The conclusions drawn from the exchange of information and related discussions were set out by the Secretariat in cooperation with the Chairman and the Vice-Chairmen in the form of draft recommendations. After discussion, the following final text was unanimously adopted by the Seminar:

Recommendations

The participants in the Asian/Pacific Seminar on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, convened by the International Labour Office (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Intellectual Property Organization (WIPO), with the generous cooperation of the Government of Thailand, having met in Bangkok, from October 25 to 28, 1977, under the chairmanship of Mr. Q. B. Bale, Crown Solicitor, Crown Law Office, Fiji;

1. Express their appreciation of the initiative of the three Organizations in convening this Seminar, for the provision of all facilities, and for the very useful introductory statements by the representatives of the three convening Organizations on questions of international protection of performers, producers of phonograms and broadcasting organizations, which enabled an interesting and informative exchange of views by them and by representatives of governments and observers from interested international non-governmental organizations, on matters covered by the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention of 1961, administered jointly by ILO, Unesco and WIPO), by the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms (Phonograms Convention of 1971 administered by WIPO) and by the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (Brussels Convention of 1974, adopted under the auspices of Unesco and WIPO).

2. Express their gratitude to the Government of Thailand for having kindly rendered it possible to the three Organizations to hold the Seminar in Bangkok, and for their gracious hospitality.

3. Note with satisfaction the efforts being made in several countries of the region, to revise and update their national legislations so as to provide also for the protection of the rights of performers, producers of phonograms and broadcasting organizations.

4. Note with concern the problems confronting performers at the national level together with those facing the producers of phonograms and broadcasting organizations, and in order to improve the situation, express the wish that:

- (i) national legislation in countries where performers, producers of phonograms or broadcasting organizations are either not protected or not adequately protected should provide for such protection, in accordance with their national requirements; the Model Law concerning the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, prepared jointly by ILO, Unesco and WIPO, with the assistance of interested parties, and approved by the Intergovernmental Committee of the Rome Convention, may be used as a suitable basis for this purpose;
- (ii) the establishment of appropriate organizations should be encouraged and supported at the national level, with such assistance and technical advice from the convening Organizations as may be requested, in order to facilitate the exercise of the rights envisaged under the Rome Convention;
- (iii) countries which have provided for appropriate protection in this field should consider adhering to the Rome Convention, if they have not already adhered to it, in order to further an effective system of international protection of all the interests concerned, it being understood that the Rome Convention provides for options to the adhering countries depending on their respective

national requirements, and also provides that the protection of copyright in literary and artistic works will in no way be affected;

- (iv) countries which have not already done so should also consider becoming, in addition, party to the Phonograms Convention, which also grants protection for the producers of phonograms, and also consider ratifying or acceding to the Satellites Convention which deals with distribution of programme-carrying signals transmitted by satellite.

List of Participants

I. Experts

Mr. Subramania I. Balakrishnan
Adviser on Copyright to the Government of India
and Member of the Copyright Board
India

Mr. Q. B. Bale
Crown Solicitor
Crown Law Office
Fiji

Mr. B. L. Darby
Head of Management Services
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Mrs. Maria Luisa Padilla
Legal Officer
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Attorney-General's Department
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Mr. Manrat Srikaranonda
President
Musical Association of Thailand
Thailand

Mr. Akiyuki Tahara
Deputy Director
Copyright Division
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Mrs. Margarita A. Voronkova
Deputy Director
Legal Department
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Mr. J. A. I. Wijeyekoon
Registrar of Companies and Copyright
Sri Lanka

II. Observers

ARGENTINA

Mr. M. A. Cuneo
Second Secretary
Embassy of Argentina in Thailand

AUSTRALIA

Mr. J. L. Sturman
Australian Performing Rights Association

CANADA

Mr. B. A. McKean
Second Secretary
Embassy of Canada in Thailand

FRANCE

Mr. F. Blondet
Second Secretary
Embassy of France in Thailand

GERMANY (FEDERAL REPUBLIC OF)

Mr. H. M. Schwandt
Second Secretary
Embassy of the Federal Republic of Germany
in Thailand

HOLY SEE

Reverend Father Hugo Delbaere
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Joint Secretary
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JAPAN

Mr. Dairoku Katatani
Executive Director
Japan Council of Performers' Organizations

SPAIN

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Chargé d'affaires a. i.
Embassy of Spain in Thailand

THAILAND

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Director of Technical Division
Public Relations Department
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Mrs. Nanda Woraneti Wong
Art Officer 5
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Mrs. Pewpan Chavanakunakorn
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Mrs. Dibvan Boonveera
Art Officer 4
Translation and Copyright Section
Literature and History Division
Fine Arts Department
Ministry of Education

Mr. Chaivat Tuntipleng
Legal Officer 3
Translation and Copyright Section
Literature and History Division
Fine Arts Department
Ministry of Education

Mr. Amnarj Sornimsart
Owner, King Sound Company Limited

III. International Non-Governmental Organizations (Observers)

International Confederation of Societies of Authors and Composers (CISAC): J. L. Sturman. **International Federation of Actors (FIA):** G. Croasdell. **International Federation of Musicians (FIM):** G. Croasdell. **International Federation of Producers of Phonograms and Videograms (IFPI):** I. D. Thomas; D. J. Young; L. J. Palma. **International Institute of Communications (IIC):** S. Kaviya. **International Literary and Artistic Association (ALAI):** P. Banki.

IV. Secretariat

International Labour Office (ILO):

B. Knapp (*Salaried Employees and Professional Workers Branch*); V. Chivers (*Senior Personnel, Administrative & Finance Officer, ILO Regional Office for Asia*); S. E. G. Perera (*Conditions of Work & Remuneration Officer, ILO Regional Office for Asia*).

United Nations Educational, Scientific and Cultural Organization (UNESCO):

A. W. P. Guruge (*Director a. i., Unesco Regional Office for Education in Asia*); D. de San (*Jurist, Copyright Division*).

World Intellectual Property Organization (WIPO):

S. Alikhan (*Director, Copyright Division*); G. Boytha (*Head, Copyright Development Cooperation Section, Copyright Division*).

National Legislation

SOVIET UNION

I

Decree of the Presidium of the Supreme Soviet of the USSR on the addition to Article 103 of the Fundamentals of the Civil Legislation of the USSR and the Union Republics

(of October 13, 1976) *

The Presidium of the Supreme Soviet of the USSR decrees as follows:

(1) Add item 8 to Article 103 of the Fundamentals of the Civil Legislation of the USSR and the Union Republics, which were established by the Law

* This Decree was published in *Vedomosti Verhovnogo Soveta* of the USSR of October 20, 1976, No. 42, item 585. — WIPO translation. See also *Copyright*, 1973, pp. 162 and 163.

of the USSR of December 8, 1961 (*Vedomosti Verhovnogo Soveta* of the USSR, 1961, No. 50, item 525; 1973, No. 9, item 138), worded as follows:

“(8) publication of published works by means of raised-dot characters for the blind.”

(2) The Presidiums of the Supreme Soviets of the Union Republics are instructed to bring the legislation of the Union Republics to conformity with this Decree.

II

Decree of the Presidium of the Supreme Soviet of the RSFSR on the addition to Article 492 of the Civil Code of the RSFSR

(of October 18, 1976) *

In pursuance of the Decree of the Presidium of the Supreme Soviet of the USSR of October 13, 1976, “on the addition to Article 103 of the Fundamentals of the Civil Legislation of the USSR and the Union

* This Decree was published in *Vedomosti Verhovnogo Soveta RSFSR* of October 21, 1976, No. 42, item 1270. — WIPO translation. See also *Copyright*, 1975, pp. 151 *et seq.*

Republics,” the Presidium of the Supreme Soviet of the RSFSR decrees as follows:

Add item 8 to Article 492 of the Civil Code of the RSFSR, worded as follows:

“(8) publication of published works by means of raised-dot characters for the blind.”

UNITED KINGDOM

The Copyright (International Conventions) (Amendment No. 4) Order 1977

(No. 1632, of October 11, 1977, coming into force on November 9, 1977)

1. — (1) This Order may be cited as the Copyright (International Conventions) (Amendment No. 4) Order 1977, and shall come into operation on 9th November 1977.

(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 1972¹, as amended², shall be further amended by the inclusion in Schedule 1 (which names the countries of the Berne Copyright Union) of a reference to the Central African Empire.

3. — This Order shall extend to all the countries mentioned in the Schedule hereto.

¹ See *Copyright*, 1972, p. 180.

² *Ibid.*, 1973, pp. 78, 109, 110, 218 and 250; 1974, p. 235; 1975, p. 177; 1976, pp. 56, 96 and 128; 1977, pp. 47, 69, 130, 253 and 273.

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 the accession of the Central African Empire to the Berne Copyright Convention.

The Order extends to dependent countries of the Commonwealth to which the 1972 Order extends.

UNITED STATES OF AMERICA

**Act for the general revision of the Copyright Law,
Title 17 of the United States Code, and for other purposes**

Amendment

The Copyright Law¹ (Title 17 of the United States Code) has been amended by the Legislative Branch Appropriation Act, 1978, Public Law 95-94 (91 Stat. 653, 676, 682), which was signed by President Carter on August 5, 1977. The amendment to the copyright law is contained in Section 406 of Title IV of the Appropriation Act and is reprinted hereinafter:

¹ See *Copyright*, 1977, pp. 151 *et seq.*, and pp. 198 *et seq.*

Sec. 406.

(b) Effective January 1, 1978, the first sentence of section 708(c) of title 17, United States Code, is amended to read as follows: "All fees received under this section shall be deposited by the Register of Copyrights in the Treasury of the United States and shall be credited to the appropriation for necessary expenses of the Copyright Office."

General Studies

The “Droit de Suite” in Article 14^{ter} of the Berne Convention and in the Copyright Law of the Federal Republic of Germany

Wilhelm NORDEMANN *

Correspondence

Letter from Algeria

The position of the author in relation to Algerian taxation of non-commercial profits

Ali BENCHENEB *

Calendar

WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible changes.)

1978

- January 16 and 17 (Geneva) — ICIREPAT — Plenary Committee
- January 16 to 30 (27) (Munich) — International Patent Classification (IPC) — Working Group IV
- January 18 to 20 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation
- February 6 to 10 (Geneva) — Patent Cooperation Treaty (PCT) — Preparatory Committee
- February 21 to 24 (Geneva) — Trademark Registration Treaty (TRT) — Interim Committee
- February 27 to March 7 (Geneva) — Diplomatic Conference for the Adoption of a Treaty Instituting an International Recording System of Scientific Discoveries
- February 27 to March 13 (10) (Vienna) — International Patent Classification (IPC) — Working Group I
- March 6 to 10 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services
- March 6 to 10 (Geneva) — Development Cooperation (Industrial Property) — Working Group on Technological Information derived from Patent Documentation
- March 13 to 15 and 17 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property
- March 14 to 17 (13 to 16) (Vienna) — International Patent Classification (IPC) — Ad Hoc Working Group on the Revision of the Guide
- March 16, 17 and 20 (Geneva) — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights
- April 3 to 7 (Geneva) — Patent Cooperation Treaty (PCT) — Preparatory Committee
- April 3 to 7 (Geneva) — Satellites Convention — Working Group on Model Provisions for the Implementation of the Convention (convened jointly with Unesco)
- April 3 to 17 (14) (London) — International Patent Classification (IPC) — Working Group II
- April 10 to 14 (Geneva) — Patent Cooperation Treaty (PCT) — Assembly
- April 10 to 14 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)
- April 17 to 21 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)
- April 17 to 24 (21) (Rijswijk) — International Patent Classification (IPC) — Working Group III
- April 24 to 28 (Geneva) — International Patent Classification (IPC) — Working Group V
- April 25 to 28 (Geneva) — Budapest Union (Microorganisms) — Interim Committee
- May 3 to 5 (Geneva) — WIPO — Budget Committee
- May 7 to 10 (Cairo) — Development Cooperation (Industrial Property) — Meeting of Arab States on Technical Information
- May 22 to 26 (Geneva) — Locarno Union — Committee of Experts
- May 22 to 26 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Inventions and Know-How
- June 5 to 7 (Geneva) — Berne Union — Working Group on New Copyright Laws
- June 5 to 9 (Geneva) — Patent Cooperation Treaty (PCT) — Working Group
- June 12 to 16 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names
- June 19 to 30 (?) (Geneva) — Revision of the Paris Convention — Preparatory Intergovernmental Committee
- June 26 to July 7 (Tokyo) — International Patent Classification (IPC) — Steering Committee
- July 3 to 6 (Geneva) — Paris Union — Working Group on Industrial Property Aspects of Consumer Protection

- July 3 to 13 (Paris) — Berne Union — Committee of Governmental Experts on Double Taxation of Copyright Royalties** (convened jointly with Unesco)
- July 19 to 21 (Geneva) — Development Cooperation (Industrial Property) — Working Group on Promotion of Domestic Inventive and Innovative Capacity**
- September 4 to 8 (Geneva) — International Patent Classification (IPC) — Committee of Experts**
- September 13 to 15 (Geneva) — Patent Cooperation Treaty (PCT) — Working Group**
- September 18 and 19 (Geneva) — ICIREPAT — Plenary Committee**
- September 18 to 22 (Paris) — Berne Union — Committee of Governmental Experts on Videocassettes** (convened jointly with Unesco)
- September 19 to 22 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation**
- September 25 to October 3 (Geneva) — Governing Bodies (WIPO Coordination Committee and Executive Committees of the Paris and Berne Unions)**
- September 27 to 29 (Geneva) — International Patent Classification (IPC) — Ad Hoc Working Group on the Revision of the Guide**
- October 2 to 6 (Geneva) — International Patent Classification (IPC) — Working Group I**
- October 16 to 20 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)**
- October 23 to 27 (Hull, Canada) — ICIREPAT — Technical Committee for Standardization (TCST)**
- October 23 to 27 (Geneva) — Nice Union — Preparatory Working Group on International Classification**
- October 23 to 27 (Geneva) — International Patent Classification (IPC) — Working Group IV**
- November 13 to 17 (Geneva) — International Patent Classification (IPC) — Working Group II**
- November 27 to December 1 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names**
- December 4 to 8 (Geneva) — Paris and Madrid Unions — Committee of Experts on the Use of Computers in Trademark Operations**
- December 4 to 8 (Geneva) — International Patent Classification (IPC) — Working Group III**
- December 11 to 19 (Geneva) — Berne Union — Committee of Governmental Experts on Cable Television** (convened jointly with Unesco)

1979

- January 8 to 12 (?) (Geneva) — International Patent Classification (IPC) — Committee of Experts**
- September 24 to October 2 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT 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 1978

Council: December 6 to 8

Diplomatic Conference on the Revision of the UPOV Convention: October 9 to 23

Consultative Committee: April 20 and 21; December 5 and 8

Technical Steering Committee: March 7 to 9; November 13 to 15

Committee of Experts on International Cooperation in Examination: November 16 and 17

Committee of Experts on the Interpretation and Revision of the UPOV Convention: September 11 to 15

Committee of Experts on a Model Law for the Protection of New Plant Varieties: April 17 to 19

Working Group on Variety Denominations: one day between September 11 and 15

Fee Harmonization Working Party: November 16 or 17

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

Technical Working Party for Agricultural Crops: May 23 to 25 (Zürich-Reckenholz - Switzerland)

Technical Working Party for Vegetables: June 6 to 8 (Rethmar, Hanover - Federal Republic of Germany)

Technical Working Party for Ornamental Plants: June 20 to 22 (Paris - France)

Technical Working Party for Fruit Crops: September 5 to 7 (Florence - Italy)

Technical Working Party for Forest Trees: September 19 to 21 (Melle - Belgium)

Meetings of Other International Organizations Concerned with Intellectual Property

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 16 to 19 (Athens) — International Copyright Society (INTERGU) — Congress

May 29 to June 3 (Paris) — International Literary and Artistic Association — Congress

September 25 to 29 (Toronto and Montreal) — International Confederation of Societies of Authors and Composers — Congress

October 1 to 7 (Santiago de Compostela) — International Federation of Patent Agents — Congress