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# Copyright

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## Conventions Administered by WIPO

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

#### Working Group on the Implementation of the Satellites Convention

(Geneva, April 3 to 7, 1978)

#### Report

#### Introduction

1. In accordance with the decisions of their respective governing bodies, the Directors General of Unesco and WIPO convened a Working Group, comprised of intergovernmental and international non-governmental organizations concerned,<sup>1</sup> to examine draft model provisions for the implementation of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite adopted in Brussels on May 21, 1974 (hereafter referred to as the "Satellites Convention").

2. The Working Group met from April 3 to 5, 1978, at the headquarters of WIPO in Geneva under the chairmanship of Mr. André Kerever who, acting as a consultant to the Secretariats, had drawn up a preparatory document (SAT/WG/I/2).

#### General Debate

3. Before beginning the elaboration of the model provisions for national legislations, intended to "give effect" to the Satellites Convention, the Working Group felt it was necessary to make a certain number of preliminary remarks.

4.1 Firstly, it seemed indispensable to situate the model provisions in relation to those concerning the implementation of the Rome Convention inasmuch as that instrument afforded protection to broadcasting organizations.

4.2 In this respect, the Working Group noted that the commentary contained in the "Model Law concerning the Protection of Performers, Producers of Phonograms and Broadcasting Organizations", published jointly by ILO, Unesco and WIPO in 1974, on the subject of Section 6 of the Model Law referred to the transmission of programme-carrying signals by space satellites in the following terms:

"As regards programme-carrying signals transmitted via space satellites, four of the six members of the Intergovernmental Committee of the Rome Convention considered in 1971 that the transmission of the signal, for the ultimate purpose of the reception by the public, constituted 'broadcasting' within the meaning of Article 3 of the Rome Convention and since then another Member State of that Committee had also expressed the same opinion. If a country wishes to offer protection on the national level against 'poaching' of satellite signals, it should take this opinion

into account when considering the definitions in Section 1, or the wording of Section 6, or both."

It was evident that, interpreted in such a way, the Rome Convention more than covered the protection set up by the Satellites Convention.

4.3 The representative of the European Broadcasting Union (EBU) expressed the most explicit reservations on the reasoning behind the opinion quoted above. In his view, that interpretation created confusion between the transport of signals between the originating organization and the distributing organization by means of communication satellites, and broadcasting, which consisted of emitting signals capable of being received directly by the public. Broadcasting had been precisely defined by No. 28 of the Radio Regulations as "a radiocommunication service in which the transmissions are intended for direct reception by the general public." Those Regulations were binding on all member countries of the International Telecommunication Union (ITU), i.e., practically all countries of the international community.

Article 11<sup>bis</sup> of the Paris Act of the Berne Convention, concerning authors' rights in relation to the broadcasting of their works, had been drawn up bearing in mind the definition of broadcasting operations as it emerged from the Regulation No. 28 referred to. The EBU representative felt that it would be a source of confusion if the concept of "broadcasting" were to be used with different meanings depending on the type of rights affected by broadcasting.

4.4 After the representative of the International Confederation of Societies of Authors and Composers (CISAC) had pointed out that in the United Kingdom it was by no means evident that the existence of an author's right of broadcasting was dependent on transmission of the signals to the public being direct, the Working Group considered that, under its terms of reference, its task was to examine the Satellites Convention as it stood, as an independent instrument, without taking a stance on whether or not it was linked to the Rome Convention as regards the protection of broadcasting organizations.

5.1 The Working Group also discussed the transmission of signals by means of satellites permitting direct reception. The Chairman had expressed the view that, although Article 3 of the Satellites Convention explicitly excluded such transmission from the scope of the Convention, it was not impossible that the national legislator, to whom provisions intended to give effect to the Convention were submitted,

<sup>1</sup> The list of participants is annexed to this report.

would express the wish to see the same domestic instrument govern the protection of the broadcasting organizations in respect of the transmission of signals by means of all kinds of communication satellites.

5.2 The EBU representative pointed out that the point-to-point satellites, used to relay high-frequency low-power signals which could not be received directly by the general public, were technically very different from direct broadcast satellites, which were much heavier vehicles due to the fact that they contained the equipment needed to permit direct reception by the general public, and that, as a result, they called for a much bigger launch capability. Moreover, the use of the latter type of satellite was covered by specific and very precise international rules.

5.3 Following an exchange of views from which it emerged that the drawbacks of dealing with direct broadcast satellites in the model provisions would outweigh the advantages, it was decided that the model provisions should be restricted to the implementation of the Satellites Convention and, consequently, concern only transmissions by means of point-to-point satellites.

6. Continuing its examination of the scope of the model provisions, the Working Group considered that the purpose of Article 7 of the Satellites Convention, under which "This Convention shall in no way be interpreted as limiting the right of any Contracting State to apply its domestic law in order to prevent abuses of monopoly," was to preserve the liberty of the economic legislation of each State, particularly as regards monopolies and dominant positions. Conse-

quently, the Working Group felt that it was not required to take Article 7 into account when drawing up the model provisions since the latter should be restricted to setting out the statutory means by which a Contracting State could prevent the distribution of programme-carrying signals which were illicit under the Convention.

7. The Working Group also felt that it would be pointless to incorporate in the model provisions an alternative to accommodate those Contracting States that would intend to make a reservation under Article 8(3) of the Convention and would exclude distribution by wire or cable from protection. The possibility of making a reservation was clearly formulated and no particular problems were to be expected in its implementation.

8. After having dealt with the above preliminary questions, the Working Group considered that a Contracting State, which was required "to take adequate measures to prevent" prohibited distributions, had a choice between two legal systems. The first was to grant to the broadcasting organizations meeting the requirements of the definition of "originating organization" in Article 1 of the Satellites Convention the right to authorize or prohibit the distribution of their signals. Such right would constitute a privative right or copyright whose infringement would not only be prohibited but would also give rise to claims for damages. The other legal system consisted in prohibiting, subject to sanctions, a distributor from distributing programme-carrying signals which the originating organization had not intended for him.

As a result, the two texts given below were drawn up.

**I. Model Provisions Granting Specific Rights to Broadcasting Organizations with a View to the Implementation of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (Brussels 1974)**

COMMENTARY

*Article 1*

1.1 For the most part the definitions appearing in this Article are taken from the Satellites Convention. The Working Group felt it necessary to make some of them more explicit, however. This was done to the definitions under (iii) (satellite), (vi) (originating organization) and (viii) (distribution).

1.2 On the subject of the satellite, the Working Group referred to the General Report of the International Conference of States that adopted the Satellites Convention, and considered it necessary to make it clear that the definition did not rule out the case of certain satellites with a highly elliptical orbit that passed through the earth's atmosphere during part of their orbital path.

1.3 On the definition of the originating organization, the Working Group considered that, as the Satellites Convention covered, except in special cases, broadcasting organizations, a mention should be made in the opening provisions that the originating organization referred essentially to that category. It should be pointed out, however, that, in the United Kingdom and in some other countries with a broadcasting structure similar to that in the United Kingdom, the definition of "originating organization" would need amplification so as to make it clear whether the authorization

TEXT

*Article 1*

For the purposes of the application of this Law:

- (i) "signal" is an electronically generated carrier capable of transmitting programmes;
- (ii) "programme" is a body of live or recorded material consisting of images, sounds or both, embodied in signals emitted for the purpose of ultimate distribution;
- (iii) "satellite" is any device capable of transmitting signals that is situated, or whose orbit is at least partially described, in extraterrestrial space;
- (iv) "emitted signal" or "signal emitted" is any programme-carrying signal that goes to or passes through a satellite;
- (v) "derived signal" is a signal obtained by modifying the technical characteristics of the emitted signal, whether or not there have been one or more intervening fixations;

required under Article 2 should be given by the statutory authority (such as the Independent Broadcasting Authority in the United Kingdom) with supervisory and regulatory powers over the programme content of broadcasts or by the organization which decides in the first instance.

1.4 As for the definition of distribution, it seemed to the Working Group that an express mention had to be made of the broad conception of the manner of transmission, giving as examples the use of hertzian waves, cables or direct broadcasting satellites. Moreover, the Working Group used the word "means" in order to make it clear that the various methods contemplated were distinguished not only by the techniques used but also by their legal effects.

#### *Article 2*

2. On the subject of this Article, which confers a right of authorization on broadcasting organizations, the Working Group observed that Article 2 of the Satellites Convention specified that the undertaking on the part of Contracting States related to the distribution of signals not only on but also from their territories. With reference to the General Report on the Convention, mentioned earlier, it was also noted that the obligation to prevent unauthorized transmission applied also to cases where the pirating of signals was perpetrated by a ground station situated on the respective State's territory, even if the public for which the transmission was intended was situated outside that territory. The Working Group therefore considered it necessary to refer to that case at the end of Article 2.

#### *Article 3*

3. This Article requires no comment. It states the various means of distribution against which the right of authorization introduced by Article 2 may be invoked.

#### *Article 4*

4. The term of twenty years was written into this Article for purely indicative reasons, as the International Conference of States that adopted the Satellites Convention had considered that such a term might be reasonable.

#### *Article 5*

5. This Article requires no comment. It reproduces the provisions of Article 4 of the Satellites Convention.

- (vi) "originating organization" is any broadcasting organization or any other person or legal entity that decides what programme the emitted signals will carry;
- (vii) "distributor" is the person or legal entity that decides that the transmission of the derived signals to the general public or any section thereof should take place;
- (viii) "distribution" is the operation by which a distributor transmits derived signals to the general public or any section thereof, irrespective of the means of such transmission, whether for instance by means of hertzian waves, by cable or by means of a direct broadcast satellite.

#### *Article 2*

The broadcasting organizations specified in Article 6 below shall enjoy the right to authorize the distribution, effected on the national territory, of programme-carrying signals emitted towards or passing through a satellite that does not permit of direct reception by the public, even where the said distribution is intended for a public situated outside that territory.

#### *Article 3*

The right established by Article 2 shall be applicable, whether distribution is effected simultaneously with or subsequently to the emission of signals towards the satellite, whether or not involving a fixation of the said signals or any reproduction of the said fixations.

#### *Article 4*

The duration of the right established by Article 2 shall be twenty years as from January 1 of the year following the year in which the signals were emitted towards a satellite that does not permit of direct reception by the public.

#### *Article 5*

By derogation from the provisions of Article 2, the broadcasting organizations referred to in that Article may not prohibit:

- (a) the distribution of short excerpts of the programme carried by the emitted signals, consisting of reports of current events, but only to the extent justified by the informative purpose of such excerpts;

*Article 6*

6.1 This Article deals with the matter of the country to which the broadcasting organization belongs. Here the Working Group used the terminology and criteria appearing in Articles 2(1) and 8(2) of the Satellites Convention. On the subject of the nationality concept, it was agreed that in principle a legal entity had the nationality of a country when its headquarters was situated in that country, although, in strict legal terms, its nationality is in fact that of the country to the laws of which its constitution is subject.

6.2 As for the other provisions of Article 6, they take into account the possibility available under the Satellites Convention of substituting the criterion of the territoriality of the place of emission of the signals for that of the nationality of the originating organization.

*Article 7*

7. In view of the differences existing in national laws on civil remedies and criminal sanctions, the Working Group preferred to confine itself to a provision of general character inviting legislators to refer, *mutatis mutandis*, to the measures provided for violations of intellectual property rights.

*Article 8*

8. This Article requires no comment. It corresponds to Article 6 of the Satellites Convention. It was pointed out here the reference to authors should be understood in the broad sense, in other words that it covered all owners of copyright, whether owners of original copyright or assignees.

*Article 9*

9. This Article requires no comment. It corresponds to Article 5 of the Satellites Convention.

*Article 10*

10. This Article requires no comment.

- (b) the distribution of short excerpts of the programme carried by the emitted signals, in the form of quotations, on condition that such quotations are compatible with fair practice and are justified by their informatory purpose;
- [(c) the distribution of programmes carried by the emitted signals, provided that such distribution is solely for the purpose of teaching, including teaching in the framework of adult education, or scientific research].\*

*Article 6*

The broadcasting organizations entitled to the benefit of the rights established by this Law shall be originating organizations:

- (a) that are nationals of . . . [that effect the emission of signals from the territory of . . .], or
  - (b) that are nationals of a State party to the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, signed at Brussels on May 21, 1974,
- [or (c) that effect the emission of signals from the territory of a State party to the said Convention that has deposited the notification provided for in Article 8 (2) thereof].

*Article 7*

Any violation of the rights established by this Law shall give rise to the same remedies and to the same sanctions as those provided for in the case of violation of intellectual property rights.

*Article 8*

The authorization provided for in Article 2 shall be binding only on the broadcasting organization that gives it. It shall have no effect on any rights that may be claimed by authors, performers, broadcasting organizations other than the one that has given the authorization provided for in Article 2, or producers of phonograms in works, performances, broadcasts or fixations incorporated in programmes carried by signals.

*Article 9*

This Law shall not apply to signals emitted towards a satellite prior to the date of its entry into force.

*Article 10*

This Law shall enter into force on . . . (date).

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\* Exception (c) may not be included unless the legislating country is a developing country in conformity with the established practice of the General Assembly of the United Nations.

## II. Model Provisions Prohibiting Operations Governed by the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (Brussels 1974)

### COMMENTARY

#### Article 1

1.1 For the most part the definitions appearing in this Article are taken from the Satellites Convention. The Working Group felt it necessary to make some of them more explicit, however. This was done to the definitions under (iii) (satellite), (vi) (originating organization) and (viii) (distribution).

1.2 On the subject of the satellite, the Working Group referred to the General Report of the International Conference of States that adopted the Satellites Convention, and considered it necessary to make it clear that the definition did not rule out the case of certain satellites with a highly elliptical orbit that passed through the earth's atmosphere during part of their orbital path.

1.3 On the definition of the originating organization, the Working Group considered that, as the Satellites Convention covered, except in special cases, broadcasting organizations, a mention should be made in the opening provisions that the originating organization referred essentially to that category. It should be pointed out, however, that, in the United Kingdom and in some other countries with a broadcasting structure similar to that in the United Kingdom, the definition of "originating organization" would need amplification so as to make it clear whether the authorization required under Article 3 should be given by the statutory authority (such as the Independent Broadcasting Authority in the United Kingdom) with supervisory and regulatory powers over the programme content of broadcasts or by the organization which decides in the first instance.

1.4 As for the definition of distribution, it seemed to the Working Group that an express mention had to be made of the broad conception of the manner of transmission, giving as examples the use of hertzian waves, cables or direct broadcasting satellites. Moreover, the Working Group used the word "means" in order to make it clear that the various methods contemplated were distinguished not only by the techniques used but also by their legal effects.

#### Article 2

2.1 This Article deals with the matter of the country to which the broadcasting organization belongs. Here the Working Group used the terminology and criteria appearing in Articles 2(1) and 8(2) of the Satellites Convention. On the subject of the nationality concept, it was agreed that in principle a legal entity had the nationality of a country when its headquarters was situated in that country, although, in strict legal terms, its nationality is in fact that of the country to the laws of which its constitution is subject.

2.2 As for the other provisions of Article 2, they take into account the possibility available under the Satellites Convention of substituting the criterion of the territoriality of the place of emission of the signals for that of the nationality of the originating organization.

### TEXT

#### Article 1

For the purposes of the application of this Law:

- (i) "signal" is an electronically generated carrier capable of transmitting programmes;
- (ii) "programme" is a body of live or recorded material consisting of images, sounds or both, embodied in signals emitted for the purpose of ultimate distribution;
- (iii) "satellite" is any device capable of transmitting signals that is situated, or whose orbit is at least partially described, in extraterrestrial space;
- (iv) "emitted signal" or "signal emitted" is any programme-carrying signal that goes to or passes through a satellite;
- (v) "derived signal" is a signal obtained by modifying the technical characteristics of the emitted signal, whether or not there have been one or more intervening fixations;
- (vi) "originating organization" is any broadcasting organization or any other person or legal entity that decides what programme the emitted signals will carry;
- (vii) "distributor" is the person or legal entity that decides that the transmission of the derived signals to the general public or any section thereof should take place;
- (viii) "distribution" is the operation by which a distributor transmits derived signals to the general public or any section thereof, irrespective of the means of such transmission, whether for instance by means of hertzian waves, by cable or by means of a direct broadcast satellite.

#### Article 2

This Law shall apply to distributions in terms of Article 1 that meet all the following conditions:

- (a) the distribution concerns a programme emitted by an originating organization
  - (i) that is a national of . . . [that effects the emission of programme-carrying signals from the territory of . . .],
- or (ii) that is a national of a State party to the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, signed at Brussels on May 21, 1974,

2.3 On the subject of this Article, the Working Group observed that Article 2 of the Satellites Convention specified that the undertaking on the part of Contracting States related to the distribution of signals not only on but also from their territories. With reference to the General Report on the Convention, mentioned earlier, it was also noted that the obligation to prevent unauthorized transmissions applied also to cases where the pirating of signals was perpetrated by a ground station situated on the respective State's territory, even if the public for which the transmission was intended was situated outside that territory. The Working Group therefore considered it necessary to refer to that case at the end of Article 2.

#### Article 3

3. The purpose of this Article is to specify the "destination" concept as derived from Article 2 of the Satellites Convention. The Working Group considered that, for the distributor to be able to use a programme, he had in principle to provide proof of authorization from the originating organization that had decided that the signal emitted would carry such a programme. However, it was pointed out that express authorization was not required where the distributor provided proof that the originating organization does not object to distribution. It was also pointed out that, once distribution had been established as being lawful, any use of the signals made after such distribution would not be liable to prohibition, in conformity with Article 2(3) of the Satellites Convention.

#### Article 4

4. This Article requires no comment. It states the various means of distribution which may be subject to prohibition.

#### Article 5

5. The term of twenty years was written into this Article for purely indicative reasons, as the International Conference of States that adopted the Satellites Convention had considered that such a term might be reasonable.

#### Article 6

6. This Article requires no comment. It reproduces the provisions of Article 4 of the Satellites Convention.

- [or (iii) that effects the emission of signals from the territory of a State party to the said Convention that has deposited the notification provided for in Article 8(2) thereof];
- (b) the emission of programme-carrying signals by the originating organization is made towards a satellite that does not allow of direct reception by the public, or passes through such a satellite;
- (c) the distribution is effected on the national territory, even if the public for which it is intended is situated outside that territory.

#### Article 3

(1) The distributions referred to in Article 2 shall be prohibited where the distributor fails to provide proof of any authorization from the originating organization. This prohibition shall not apply where the distribution involves signals included in a distribution that is not itself prohibited.

(2) The absence of express authorization shall not result in prohibition where the distributor establishes that the originating organization does not object to the free distribution of its programmes.

#### Article 4

The prohibition provided for in Article 3 shall be applicable, whether distribution is effected simultaneously with or subsequently to the emission of signals towards the satellite, whether or not involving a fixation of the said signals or any reproduction of the said fixations.

#### Article 5

The prohibition provided for in Article 3 shall be applicable during a term of twenty years as from January 1 of the year following the year in which the signals were emitted towards a satellite that does not permit of direct reception by the public.

#### Article 6

By derogation from the provisions of Article 3, prohibition shall not be applicable to:

- (a) the distribution of short excerpts of the programme carried by the emitted signals, consisting of reports of current events, but only to the extent justified by the informatory purpose of such excerpts;
- (b) the distribution of short excerpts of the programme carried by the emitted signals, in the form of quotations, on condition that such quotations are compatible with fair practice and are justified by their informatory purpose;
- [(c) the distribution of programmes carried by the emitted signals, provided that such distribution

is solely for the purpose of teaching, including teaching in the framework of adult education, or scientific research].\*

#### Article 7

7. The Working Group considered it sufficient to confine itself to introducing a provision of general character specifying that any authorized distribution is an offense. It would be for the national legislator to decide whether the offense was a criminal or administrative one, or both, and to decree suitable measures under national law to punish it and where appropriate to remedy any prejudice caused by it.

#### Article 8

8. This Article requires no comment. It corresponds to Article 6 of the Satellites Convention. It was pointed out here that the reference to authors should be understood in the broad sense, in other words that it covered all owners of copyright, whether owners of original copyright or assignees.

#### Article 9

9. This Article requires no comment. It corresponds to Article 5 of the Satellites Convention.

#### Article 10

10. This Article requires no comment.

#### Article 7

Any distribution that violates the prohibition provided for in Article 3 shall constitute an offense.

#### Article 8

No provision of this Law shall affect the rights that may be claimed by authors, performers, broadcasting organizations or producers of phonograms whose works, performances, broadcasts or fixations are incorporated in programmes that are the subject of distributions governed by this Law.

#### Article 9

This Law shall not apply to the distribution of signals emitted towards a satellite prior to the date of its entry into force.

#### Article 10

This Law shall enter into force on . . . (date).

\* Exception (c) may not be included unless the legislating country is a developing country in conformity with the established practice of the General Assembly of the United Nations.

## List of Participants

### I. Members of the Working Group

#### (a) Intergovernmental Organizations

**United Nation (UN):** N. Jasentuliyana. **Arab Educational, Cultural and Scientific Organization (ALECSO):** A. F. Sorour.

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

**European Broadcasting Union (EBU):** M. Cazé; W. Rump-horst. **Inter-American Copyright Institute (IIDA):** P. Paes. **International Confederation of Societies of Authors and Composers (CISAC):** D. de Freitas. **International Copyright Society (INTERGU):** G. Halla. **International Federation of Actors (FIA):** E. Thompson. **International Federation of Associations of Film Distributors (FIAD):** G. Grégoire. **International Federation of Musicians (FIM):** E. Thompson. **International Federation of Producers of Phonograms and Videograms (IFPI):** E. Thompson. **International Literary and Artistic Association (ALAI):** E. Martin-Achard; F. Perret.

**Union of National Radio and Television Organizations of Africa (URTNA):** R. Hamimi.

### II. Consultant

A. Kerever.

### III. Joint Secretariat

#### World Intellectual Property Organization (WIPO):

C. Masouyé (*Director, Copyright and Public Information Department*); S. Alikhan (*Director, Copyright Division*); M. Stojanović (*Head, Legislation and Periodicals Section, Copyright Division*).

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

M.-C. Dock (*Director, Copyright Division*).

## Bilateral Agreements

HUNGARY—U. S. S. R.

### Agreement between the Government of the Hungarian People's Republic and the Government of the Union of Soviet Socialist Republics on the Reciprocal Protection of Copyrights

The Government of the Hungarian People's Republic and the Government of the Union of Soviet Socialist Republics,

Acting in accordance with the principles of the Convention on friendship, cooperation and reciprocal aid concluded between the Hungarian People's Republic and the Union of Soviet Socialist Republics on September 7, 1967,

Inspired by the desire to further extend, through the utilization of scientific, literary and artistic works, their cooperation in the field of the mutual exchange of cultural values,

Taking into consideration the provisions of the Final Act of the Conference on Security and Cooperation in Europe, signed in Helsinki on August 1, 1975,

Taking into consideration the participation of both Contracting Parties in the Universal Copyright Convention of September 6, 1952, and

Being based on the experiences gained by the implementation of the Convention on the Reciprocal Protection of Copyright concluded between the People's Republic of Hungary and the Union of Soviet Socialist Republics on November 17, 1967,

Have agreed as follows:

#### Article 1

Each Contracting Party shall:

1. encourage the publication of scientific, literary and artistic works created by citizens of the other Contracting Party and their wide dissemination in its territory through the press, radio and television;
2. encourage theaters, orchestras, musical ensembles and soloists of its country to include in their repertoires dramatic and musical works created by the citizens of the other Contracting Party.

#### Article 2

Each Contracting Party shall recognize the copyrights of the citizens and their successors in title of

the other Contracting Party in scientific, literary and artistic works.

Each Contracting Party shall also recognize the copyrights of the citizens and their successors in title of third countries in the works first made public in the territory of the other Contracting Party.

Each Contracting Party shall be obliged to ensure in its territory the protection of the said rights under the same conditions as those which its legislation provides in respect of its own citizens.

#### Article 3

The copyright protection shall endure for the term fixed by the legislation of each of the Contracting Parties; however, no Contracting Party shall be obliged to ensure such protection for a term longer than that laid down by the legislation of the other Contracting Party.

The name of the author and the inviolability of the work shall enjoy protection without any limitation in time.

#### Article 4

Settlement of copyright royalties shall be effected in the currency of the State in whose territory the work has been utilized and in accordance with the procedure laid down for the settlement of non-commercial payments.

#### Article 5

Incomes of persons due on the basis of copyright and resulting from the use of scientific, literary and artistic works in the territory of one Contracting Party shall be subject to taxation and dues of the country of permanent residence of the persons concerned. Such incomes payable under this Agreement shall not be subject to taxation or dues in the territory of the Contracting Party where the work was used.

#### Article 6

The practical implementation of this Agreement shall be the task of the organizations competent for the protection of copyrights of the Contracting Parties. These organizations shall, for that purpose, conclude between them a working agreement concerning the procedure for the granting of rights to the use of works protected under this Agreement, the cooperation in the protection of copyrights of their authors and the system for the mutual settlement of accounts between the organizations.

The organizations of the Contracting Parties mentioned in this Article shall endeavor that the general conditions of authors' licensing agreements concluded with their participation should be identical.

#### Article 7

The Contracting Parties mutually agree to respect and implement the normative provisions in force in the Hungarian People's Republic and the Union of Soviet Socialist Republics relating to the procedure for the practical implementation of this Agreement.

#### Article 8

This Agreement shall be applicable to the use, after the coming into force of the Agreement, of works listed in Article 2 in respect of which the terms specified in Article 3 have not expired at the moment of use.

#### Article 9

This Agreement shall also be applicable to rights originated under the Convention on the Reciprocal

Protection of Copyright concluded between the Hungarian People's Republic and the Union of Soviet Socialist Republics on November 17, 1967, and to such obligations which have not been fulfilled before the coming into force of this Agreement.

#### Article 10

This Agreement shall not affect the rights and obligations of the Contracting Parties under other international agreements.

#### Article 11

This Agreement is concluded for a period of three years and shall enter into force on January 1, 1978. Its validity shall be extended automatically every time for three years if neither of the Parties notifies in writing the other Contracting Party, at least six months before the expiration of the corresponding period, of its desire to terminate it.

Done at Budapest on the sixteenth day of November 1977, in two copies, each in Hungarian and Russian, both texts being equally authentic.

On behalf of the  
Government of the  
Hungarian  
People's Republic

I. POZSGAY

On behalf of the  
Government of the  
Union of Soviet  
Socialist Republics

B. PANKIN

**General Studies**

**The Protection of Neighboring Rights in the Federal Republic of Germany**

Erich SCHULZE \*



**The Protection of Authors' Interests in the Context  
of Radio and Television Broadcasting in Poland**

Maria POZNIAK-NIEDZIELSKA \*







## International Activities

### Internationale Gesellschaft für Urheberrecht (INTERGU) (International Copyright Society)

VII<sup>th</sup> Congress (Athens, May 16 to 19, 1978)

The International Copyright Society (INTERGU) held its VII<sup>th</sup> Congress in Athens from May 16 to 19, 1978, under the chairmanship of Professor Erich Schulze, President of INTERGU.

The Congress, which was placed under the patronage of His Excellency Dr. Konstantin Tsatsos, President of the Greek Republic, was attended by about a hundred participants (lawyers, professors of law, attorneys, directors or legal advisers of societies of authors, individual members of INTERGU, etc.) from the following 31 countries: Argentina, Austria, Belgium, Canada, Denmark, Finland, France, Germany (Federal Republic of), Ghana, Greece, Holy See, Hungary, India, Iran, Italy, Mexico, Morocco, Netherlands, Norway, Senegal, South Africa, Soviet Union, Spain, Sudan, Sweden, Switzerland, Tunisia, United Kingdom, United States of America, Venezuela, Yugoslavia.

WIPO was represented by Mr. Claude Masouyé, Director, Copyright and Public Information Department. A number of intergovernmental organizations (Unesco, Council of Europe, Commission of the European Communities) and international non-governmental organizations (International Confederation of Societies of Authors and Composers, International Federation of Musicians) had delegated observers.

The opening meeting of the Congress took place in the presence of Mr. Athanassios Tsaldaris, Secretary of State to the Prime Minister President of the Council of the Greek Government, Professor Michael Stassinopoulos, President of the Academy of Athens and former President of the Greek Republic, several other Greek authorities and Mr. Georg Kahn-Ackermann, Secretary-General of the Council of Europe.

In the course of the working meetings the Congress participants heard statements on a certain number of problems that are currently preoccupying interested circles in the field of international copyright. The statements were on the following five categories of subjects, in the order in which the lectures were given:

(1) *Problems of doctrine in copyright*

“Protection of the author’s moral interests after his death as a cultural postulate” by Professor Georges Michaelidès-Nouaros of the Academy of Athens;

“Reproduction for personal use” by Dr. Reinhold Kreile, Deputy at the Parliament of the Federal Republic of Germany;

“Penal problems in Greek copyright” by Professor Christos Dédès of Athens University.

(2) *Problems of the harmonization of copyright*

“Harmonization of copyright in Europe” by Dr. Gerhard Reischl, Attorney-General at the Court of Justice of the European Communities;

“The copyright laws of Arab countries” by Mr. Abderrazak Zerrad, former Director General of the Moroccan Copyright Office and Chairman of the Seminar on Copyright for Arab Countries organized in Rabat in May 1977 by WIPO and Unesco.

(3) *Problems relating to folklore*

“The Unesco program in the field of folklore” by Mr. Abderrahmane Amri, Acting Head of the International Copyright Information Centre;

“The protection of folklore” by Mr. Narayana Menon, Director, National Centre for the Performing Arts, Bombay (India);

“African folklore traditions” by Professor J.H. Kwabena Nketia of the Institute of African Studies, University of Ghana;

“Folklore of the Americas” by Professor Johannes Riedel of the University of Minnesota (United States of America);

“The protection of folklore in Senegal and other States members of OAPI” by Mr. Ndene Ndiaye, Director General of the Senegalese Copyright Office;

“The protection of folklore in the Soviet Union” by Mr. Vladimir Barnashov of the VAAP Agency, Moscow.

**(4) Copyright problems in the use of communications satellites**

“Technical information on the various types of satellite” by Mr. J. B. J. M. Broekman, engineer, Netherlands;

“The legal problems raised by the distribution of programme-carrying signals transmitted by satellite” by Mr. Claude Masouyé, WIPO;

“The Nordic direct satellite broadcasting project and copyright problems” by Mr. Agne Henry Olsson, Legal Counsellor, Ministry of Justice, Stockholm;

“Direct radio and television transmission by satellite and its protection” by Mr. Emilio Santoro, Attorney, Director of the Telecommunications Service, Italian Radio and Television Organization (RAI).

**(5) Copyright problems of cable television**

“The technical possibilities of cable communication” by Dr. Walter M. Lämmle, Ministerial Counsellor, Bavarian Ministry of State for Economy and Transport, Munich (Federal Republic of Germany);

“Cable television and copyright problems” by Dr. Robert Dittrich, Legal Counsellor, Federal Ministry of Justice, Vienna (Austria).

The texts of the talks presented will be reproduced in a publication on the Congress issued by INTERGU.

The next INTERGU Congress will take place in Canada in 1981.

## Calendar

### WIPO Meetings

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

#### 1978

**June 26 to July 7 (Tokyo) — International Patent Classification (IPC) — Steering Committee**

**July 3 to 11 (Geneva) — Berne Union, Universal Convention and Rome Convention — Subcommittees of the Intergovernmental Committees on Cable Television** (convened jointly with ILO and 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) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning**

**September 13 to 22 (Paris) — Berne Union, Universal Convention and Rome Convention — Subcommittees of the Intergovernmental Committees on Videocassettes** (convened jointly with ILO and Unesco)

**September 18 and 19 (Geneva) — ICIREPAT — Plenary Committee**

**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, Executive Committees of the Paris and Berne Unions, Assembly and Conference of Representatives of the Hague Union and Assembly of the International Union PCT)**

**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 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
- December 4 to 8 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names
- December 4 to 8 (Geneva) — International Patent Classification (IPC) — Working Group III
- December 4 to 8 (Paris) — Berne Union and Universal Convention — Working Group on questions concerning access to protected works for developing countries, including the implementation of the 1971 revised texts of the Berne Convention and of the Universal Convention (tentative title) (convened jointly with Unesco)
- December 17 to 22 (New Delhi) — Development Cooperation (Copyright) — Copyright Seminar (convened jointly with Unesco)

## 1979

- January 8 to 12 (Geneva) — International Patent Classification (IPC) — Committee of Experts
- January 29 to February 2 (Geneva) — Rome Convention — Subcommittee of the Intergovernmental Committee on the Administration of Rights under the Rome Convention (convened jointly with ILO and Unesco)
- 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

### 1978

- September 5 to 7 (Florence) — Technical Working Party for Fruit Crops
- September 11 to 15 (Geneva) — Ad Hoc Committee on the Revision of the UPOV Convention
- September 19 to 21 (Melle, Belgium) — Technical Working Party for Forest Trees
- October 9 to 23 (Geneva) — Diplomatic Conference on the Revision of the UPOV Convention
- November 13 to 15 (Geneva) — Technical Committee
- November 16 and 17 (Geneva) — Administrative and Legal Committee
- December 5 and 8 (Geneva) — Consultative Committee
- December 6 to 8 (Geneva) — Council

## Other Meetings in the Field of Copyright and/or Neighboring Rights

### 1978

#### Non-Governmental Organizations

- International Confederation of Societies of Authors and Composers (CISAC)**  
Congress — September 25 to 29 (Toronto and Montreal)
- International Federation of Actors (FIA)**  
Executive Committee — September 27 to 29 (Iceland)
- International Writers Guild (IWG)**  
Congress — October 10 to 13 (Mannheim)

### 1979

- International Federation of Musicians (FIM)**  
Symposium on the International Protection of Performers and of their Rights — January 10 to 12 (Geneva)

# WIPO



## WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

365-280

ANNOUNCEMENT OF VACANCY

Competition No. 351\*

ASSISTANT  
Development Cooperation Section  
(Development Cooperation and External Relations Division)

Category and grade: P.2

Principal duties:

The incumbent will assist the Head of the Development Cooperation Section and other senior staff members of the Development Cooperation and External Relations Division in work relating to the WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property, and in other tasks carried out by the Division, primarily in the field of relations with other international organizations and governments.

His duties will include, in particular:

- (a) search for and evaluation of information concerning policies and activities of the organizations of the United Nations system in fields in which WIPO is concerned; preparation of relevant working papers;
- (b) when required, preparation of preliminary drafts of documents and statements for WIPO meetings and other meetings in which WIPO is represented; in this connection, liaison with legal and technical services of the Organization;
- (c) contacts with delegations and permanent missions on specific questions relating to the implementation of WIPO's program or to the transmission of information concerning WIPO's recent or planned activities;
- (d) assistance in the administration of training schemes for government officials from developing countries;
- (e) administrative tasks connected with WIPO meetings (invitations, reminders, documentation, etc.);
- (f) attending meetings of other organizations;
- (g) drafting of correspondence relating to the above-mentioned duties.

Qualifications required:

- (a) University degree in law or in another relevant field (such as political sciences or economics) or professional qualifications equivalent to such a degree.

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\* Post subject to geographical distribution.

- (b) Excellent knowledge of English or French and at least a good knowledge of the other language. Knowledge of Spanish would be an advantage.
- (c) Accuracy and facility in drafting correspondence and working documents. Ability to formulate proposals clearly. Ease and tact in personal contacts.
- (d) Some years' professional experience within the framework of duties similar to those described above, in the sphere of international organizations (preferably of the UN family) or national authorities.

Nationality:

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

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

Date of entry on duty: as soon as possible after the closing date.

Conditions of employment:

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

- Type of appointment: fixed-term appointment of two years, with possibility of renewal.
- Medical examination: the appointment is subject to a satisfactory medical examination.
- \*Net annual salary: (according to present scale)\*\*  
staff member with eligible dependant(s): from 15,096.00 US dollars (starting salary) to 19,432.00 US dollars (final step) by annual increments; staff member without eligible dependant: from 14,149.00 US dollars (starting salary) to 18,104.00 US dollars (final step) by annual increments.  
  
Annual increments are subject to satisfactory service.
- \*Post adjustment: (according to present classification)  
staff member with eligible dependant(s): from 13,874.00 US dollars (yearly amount corresponding to the starting salary) to 17,784.00 US dollars; staff member without eligible dependant: from 13,021.00 US dollars to 16,578.00 US dollars.
- \*Dependency allowances: (present amounts)  
450 US dollars per year for a dependent child; 300 US dollars per year for one dependent parent, brother or sister (where there is no dependent spouse), for whom the staff member contributes at least half the total support.

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

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

- \*Education grant: participation of the Organization up to a maximum of 2,250 US dollars per scholastic year for each child under 21 years of age in full-time attendance at a school, or non-Swiss university.  
(present amount)
- Salary, post adjustment and allowances are not subject to Swiss taxes.
- Conditions also include: payment of travel and removal expenses; installation grant; five-day week; annual leave of 30 working days; home leave, medical benefit scheme, and pension scheme.

Applications: persons wishing to apply should write to the Director of the Administrative Division, WIPO, 34, chemin des Colombettes, 1211 Geneva 20, Switzerland, for application forms. These forms, duly completed, should reach WIPO not later than September 15, 1978.

Geneva, June 20, 1978

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