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Copyright

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World Intellectual Property Organization

CENTRAL AFRICAN EMPIRE

Ratification of the WIPO Convention

The Government of the Central African Empire deposited, on May 23, 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 Central African Empire, three months after the date of deposit of its instrument of ratification, that is, on August 23, 1978.

WIPO Notification No. 99, of June 5, 1978.

SRI LANKA

Accession to the WIPO Convention

The Government of the Republic of Sri Lanka deposited, on June 20, 1978, its instrument of accession to 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 Sri Lanka, three months after the date of deposit of its instrument of accession, that is, on September 20, 1978.

WIPO Notification No. 100, of June 23, 1978.

Berne Union

SRI LANKA

Ratification of the Paris Act (1971) of the Berne Convention

The Government of the Republic of Sri Lanka deposited, on June 20, 1978, its instrument of ratification of the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971, with a declaration to the effect that its ratification shall not apply to Articles 1 to 21 and the Appendix.

The Paris Act (1971) of the said Convention, with the exception of Articles 1 to 21 and the Appendix, will enter into force, with respect to the Republic of Sri Lanka, three months after the date of this notification, that is, on September 23, 1978.

Berne Notification No. 92, of June 23, 1978.

National Legislation

CYPRUS

The Copyright Law, 1976

A Law to make provision in respect of copyright and for matters connected therewith

(No. 59, of December 3, 1976) *

Short title

1. This Law may be cited as the Copyright Law, 1976.

Interpretation

2. (1) In this Law, unless the context otherwise requires —

“adaptation” includes any of the following —

(a) in relation to a literary work —

(i) in the case of a non-dramatic work, a version of the work (whether in its original language or a different language) in which it is converted into a dramatic work;

(ii) in the case of a dramatic work, a version of the work (whether in its original language or a different language) in which it is converted into a non-dramatic work;

(iii) a translation of the work;

(iv) a version of the work in which the story and action are conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, newspaper, magazine or similar periodical; and

(b) in relation to a musical work, an arrangement or transcription of the work;

“artistic work” means, irrespective of artistic quality, any of the following, or works similar thereto —

(a) paintings, drawings, etchings, lithographs, woodcuts, engravings and prints;

(b) maps, plans and diagrams;

(c) works of sculpture;

(d) photographs not comprised in a cinematograph film;

(e) works of architecture in the form of buildings or models;

(f) works of artistic craftsmanship not falling within any of the preceding paragraphs,

and subject to the provision of subsection (3) of section 3, includes pictorial woven tissues and articles of applied handicraft and industrial art;

“author” in the case of a cinematograph film or sound recording, means the person by whom the arrangements for the making of the film or recording were undertaken, or in the case of a broadcast transmitted from within a country, means the person by whom the arrangements for the making of the transmission from within that country were undertaken, and in the case of a photograph, means the person, who, at the time when the photograph is taken, is the owner of the material on which it is taken, and in any other case it includes the author, composer, painter, sketcher, sculptor, turner and engraver;

“broadcast” means a sound or visual broadcast by wireless telegraphy or wire or both and includes rebroadcast;

“broadcasting authority” means the Cyprus Broadcasting Corporation and any other person authorized under the Wireless Telegraphy Law, to operate a broadcast transmitting station on the territory of the Republic;

“building” includes any structure;

“cinematograph film” means the first and constant fixation of a sequence of visual images capable of being shown as a moving picture and of being the subject of reproduction and includes the recording of a soundtrack associated with the cinematograph film;

“communication to the public” includes, in addition to any live performance or delivery, every mode of visual or acoustic presentation, including a presentation by means of apparatus for

* Sections 2, 15 and 22 of the Law came into force on August 12, 1977 (Official Gazette of the Republic of Cyprus of the same date). On October 29, 1977, the Law was amended by Law No. 63/77 (see under section 16 below). The Law as amended entered into force on June 1, 1978 (Official Gazette No. 1449 (Part 3) of June 2, 1978). The English translation was prepared and duly certified by the Ministry of Justice.

- receiving broadcasts, but does not include a broadcast, and "communicate to the public" shall be construed accordingly;
- "copy" means a reproduction in written form, in the form of a recording, cinematograph film, or in any other material form, so however that an object shall not be taken to be a copy of an architectural work unless the object is a building or model;
- "copyright" means copyright provided for under this Law;
- "licence" means a lawfully granted licence permitting the performance of an act controlled by copyright;
- "literary work" means, irrespective of literary quality, any of the following, or works similar thereto:
- (a) novels, stories and poetical works;
 - (b) plays, stage directions, film scenarios and broadcasting scripts;
 - (c) textbooks, treaties, historical works, biographies, essays and articles;
 - (d) encyclopaedias and dictionaries;
 - (e) letters, reports and memoranda;
 - (f) lectures, addresses and sermons, not including speeches delivered from a pulpit and addresses delivered in the House of Representatives and Courts;
- "Minister" means the Minister of Commerce and Industry;
- "musical work" means any musical work, irrespective of musical quality;
- "photograph" means the product of photography or of any other process akin to photography other than a part of a cinematographic film;
- "rebroadcast" means a simultaneous or subsequent broadcast by one broadcasting authority of the broadcast of another broadcasting authority, whether situated in the Republic or abroad, and includes diffusion of such broadcast over wires, and "rebroadcasting" shall be construed accordingly;
- "reproduction" means the making of one or more copies of a scientific, literary, musical or artistic work, cinematograph film or sound recording;
- "Republic" means the Republic of Cyprus;
- "scientific work" includes any work of a scientific nature irrespective of the scientific quality thereof;
- "sound recording" means the first and constant fixation of a sequence of sound capable of being perceived aurally and of being reproduced, but does not include a soundtrack associated with a cinematograph film;
- "telegraph" has the meaning assigned to it by section 2 of the Telegraphs Law;

- "wireless telegraphy" has the meaning assigned to it by subsection (1) of section (2) of the Wireless Telegraphy Law;
- "work" includes translations, adaptations, new versions or arrangements of pre-existing works, and anthologies, collections or works which, by reason of the selection and arrangement of their content, present an original character;
- "work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of each author is not separable from the contribution of the other author or authors.

(2) For the purposes of this Law the following provisions shall apply with respect to publication —

- (a) a work shall be deemed to have been published if a copy or copies thereof have been made available with the consent of the author thereof in a manner sufficient to satisfy the reasonable requirements of the public;
- (b) where in the first instance a part only of a work is published, that part shall be treated for the purposes of this Law as a separate work;
- (c) a publication in any country shall not be treated as being other than the first publication by reason only of an earlier publication elsewhere, if the two publications took place within a period of not more than thirty days.

Works in which copyright shall subsist

3. (1) Subject to the provisions of this section, copyright shall subsist in the following works —

- (a) scientific works;
- (b) literary works;
- (c) musical works;
- (d) artistic works;
- (e) cinematograph films;
- (f) photographs;
- (g) sound recordings;
- (h) broadcasts.

(2) No copyright shall subsist in a literary, musical or artistic work unless it is of an original character, and has been reduced to writing, recorded or otherwise reduced to some material form.

(3) No copyright shall subsist in a scientific or artistic work if at the time when the work is made it is intended by the author to be used as a model or pattern to be multiplied by any industrial process.

(4) A work shall not be ineligible for copyright by reason only that the making of the work, or the doing of any act in relation to the work, involves an infringement of copyright in some other work.

Copyright by virtue of citizenship or residence

4. (1) Copyright shall be conferred under this section on every work eligible for copyright, of which the author or, in the case of a work of joint author-

ship, any of the authors thereof is, at the time when the work is made or, in the case of a broadcast, at the time when the broadcast takes place, a qualified person, that is to say —

- (a) an individual who is a citizen of the Republic, or has his habitual residence in the Republic; or
- (b) a body corporate incorporated and vested with legal personality under the laws of the Republic.

(2) The duration of copyright subsisting by virtue of this section shall be calculated in accordance with the following schedule —

<i>Type of Work</i>	<i>Date of Expiration of Copyright</i>
(i) Scientific, literary, musical or artistic works other than photographs.	Fifty years beginning from the end of the year in which the author dies.
(ii) Cinematograph films and photographs.	Fifty years beginning from the end of the year in which the work was first published.
(iii) Sound recordings.	Twenty years beginning from the end of the year in which the recording was made.
(iv) Broadcasts.	Twenty years beginning from the end of the year in which the broadcast took place.

(3) In the case of anonymous or pseudonymous scientific, literary, musical or artistic works the copyright therein shall expire fifty years beginning from the end of the year in which the work was first published, but in any case not later than the end of the year in which it is reasonable to presume that the author has been dead for fifty years:

Provided that in the event of the identity of the author becoming known the duration of copyright shall be calculated in accordance with the provisions of section 4(2)(i).

(4) In the case of a work of joint authorship, reference in the schedule in subsection (2) to the death of the author shall be taken to refer to the author who dies last, whether or not he is a qualified person.

Copyright by reference to country of origin

5. (1) Copyright shall subsist under this section in every work, other than a broadcast, which is eligible for copyright and which —

- (a) is a scientific, literary, musical or artistic work or a cinematograph film having been first published in the Republic;

- (b) is a work of architecture having been erected in the Republic or is another artistic work having been incorporated in a building located in the Republic; and

- (c) is a sound recording, having been made in the Republic, and which has not been the subject of copyright subsisting by virtue of section 4.

(2) Copyright subsisting in a work by virtue of this section shall have the same duration as provided for in section 4 in relation to the same type of work.

Copyright in works of Government and international bodies

6. (1) Copyright shall subsist by virtue of this section in every work which is eligible for copyright under this Law and which is made by or under the direction or control of the Government and of such international bodies or other government organisations as may be prescribed and which has not been the subject of copyright conferred by section 4 or 5.

(2) Copyright subsisting by this section in a scientific, literary, musical or artistic work, other than a photograph, shall expire fifty years after the end of the year in which it was first published.

(3) Copyright subsisting by this section in a cinematograph film, photograph, sound recording or broadcast shall have the same duration as provided for by section 4 in relation to the same type of work.

Nature of copyright in literary, musical or artistic works and cinematograph films

7. (1) Copyright in a scientific, literary, musical or artistic work or a cinematograph film or photograph shall consist in the exclusive right to control the doing in the Republic of any of the following acts, namely, the reproduction in any form, the communication to the public, the broadcasting, the translation, adaptation and other arrangement, of the whole work or a substantial part thereof:

Provided that copyright in any such work shall not include the right to control —

- (a) the doing of any of the aforesaid acts by way of fair dealing for purposes of research, private use, criticism or review, or the reporting of current events, on condition that, if such use is made in public, it shall be accompanied by an acknowledgement of the title of the work and its authorship, except where the work is incidentally included in a broadcast;
- (b) the inclusion in a cinematograph film or broadcast of any artistic work situated in a place where it may be viewed by the public;
- (c) the reproduction and distribution of copies of any artistic work permanently situated in a place where it may be viewed by the public;

- (d) the incidental inclusion of an artistic work in a cinematograph film or broadcast;
- (e) the inclusion of a work in a broadcast, communication to the public, sound recording, cinematograph film or collection of works, if such inclusion is made by way of illustration for teaching purposes and is compatible with fair practice and provided that mention is made of the source and of the name of the author which appears on the work thus used;
- (f) the quotation of passages from published works if they are compatible with fair practice and their extent does not exceed that justified by the purpose, including extracts from newspaper articles and magazines in the form of press summaries, provided that mention is made of the source and of the name of the author which appears on the work thus used;
- (g) the reproduction by the press and the inclusion in a broadcast or a communication to the public of articles published in newspapers or magazines on current economic, political or religious topics, if such reproduction or inclusion has not been expressly reserved and provided that the source is clearly indicated;
- (h) the making of a sound recording of a literary or musical work, as well as the reproduction of such sound recording by the maker or under licence granted by him, provided that the copies thereof are intended for retail sale in the Republic and that such work has already been previously recorded, whether in the Republic or abroad, under licence from the owner of the relevant part of the copyright, subject to such conditions and on payment of such reasonable compensation as the Minister may prescribe;
- (i) the reading or recitation in public or in a broadcast by one person of any reasonable extract from a published literary work if accompanied by a sufficient acknowledgement;
- (j) any use made of a work by such public libraries, non-commercial collection and documentation centres and scientific institutions as may be prescribed, where such use is in the public interest, no revenue is derived therefrom and no admission fee is charged for the communication, if any, to the public of the work thus used;
- (k) the reproduction of a work by or under the direction or control of a broadcasting authority where such reproduction or any copies thereof are intended exclusively for a lawful broadcast and are destroyed before the end of the period of six calendar months following immediately after making of the reproduction or such longer periods as may be agreed between the broadcasting authority and the owner of the relevant part of the copyright in the work:

Provided that any reproduction of a work made under this paragraph may, if it constitutes an exceptional portrayal or recording of objective facts, (documentary) be preserved in the archives of the broadcasting authority, which are hereby designated official archives for the purpose, but, nevertheless subject to the provisions of this Law, shall not be used for broadcasting or for any other purpose without the consent of the owner of the relevant part of the copyright in the work;

- (l) the broadcasting of a published work with which no licensing body referred to under section 15 is concerned, subject to the condition that, saving the provisions of this section, the owner of the broadcasting right in the work receives a fair compensation determined, in the absence of agreement, by the competent authority appointed under section 15;
- (m) any use made of a work for the purpose of a judicial proceeding or of any report of any such proceeding;
- (n) the reproduction by the press, the broadcasting and the communication to the public of lectures, addresses and other works of the same nature which are delivered in public, if such use is justified by its informatory purpose.

(2) The use of a work under the provisions of paragraphs (a), (e), (f), (g), (i), (j), (m) and (n), of the proviso to subsection (1) includes the use thereof in any of the languages in general use in the Republic.

(3) Copyright in a work of architecture shall also include the exclusive right to control the erection of any building which reproduces the whole or a substantial part of the work either in its original form or in any form recognizably derived from the original:

Provided that the copyright in any such work shall not include the right to control the reconstruction in the same style as the original, of a building to which that copyright relates.

(4) Copyright in a scientific, literary, musical or artistic work, in a cinematograph film or photograph includes the right of the author, during his lifetime, to claim authorship of the work and to object to any distortion, mutilation or other alteration thereof which would be prejudicial to his honour or reputation:

Provided that an author who authorizes the use of his work in a cinematograph film or a television broadcast may not oppose modifications which are absolutely required on technical grounds or for the purpose of commercial exploitation of the work.

Broadcasting of works incorporated in a cinematograph film

8. Where the owner of the copyright in any literary or artistic work authorizes a person or body

corporate to include the work in a cinematograph film, such authorization, shall, in the absence of express agreement to the contrary, be deemed to imply authority to communicate the film to the public and to broadcast it. This section shall not apply to musical works included in a cinematograph film.

Nature of copyright in sound recording

9. Copyright in a sound recording shall be the exclusive right to control in the Republic the direct or indirect reproduction of the whole or a substantial part of the recording either in its original form or any adaptation or in any form recognizably derived from the original:

Provided that the provisions of paragraphs (a), (e), (j), (k) and (m) of the proviso to subsection (1) of section 7 shall apply to the copyright in a sound recording in like manner as they apply to copyright in a literary, musical or artistic work or in a cinematograph film.

Nature of copyright in broadcasts

10. Copyright in a broadcast shall be the exclusive right to control the doing in the Republic of any of the following acts, namely, the recording and rebroadcasting of the whole or a substantial part of the broadcast and the communication to the public, in places where an admission fee is charged, of the whole or a substantial part of a television broadcast, either in its original form or any adaptation or in any form recognizably derived from the original:

Provided that —

- (a) the provisions of paragraphs (a), (e), (j) and (m) of the proviso to subsection (1) of section 7 shall apply to the copyright in a broadcast in like manner as they apply to copyright in a literary, musical or artistic work or a cinematograph film;
- (b) the copyright in a television broadcast shall include the right to control the taking of still photographs from such broadcasts.

First owner of copyright to be the author

11. (1) Copyright subsisting by virtue of this Law shall vest initially in the author:

Provided that, notwithstanding the provisions of subsection (5) of section 12, where the doing of a work —

- (a) is commissioned by a person or body corporate who is not the author's employer under a contract of service or apprenticeship, or
- (b) not having been so commissioned, is made in the course of the author's employment as part of his duties under his contract of employment, the copyright shall be deemed to be transferred to the person or body corporate who commissioned the

work or to the author's employer, subject to any agreement between the parties excluding or limiting such transfer.

(2) The name on a work purporting to be the name of its author shall be deemed as such, unless the contrary is proved.

(3) In the case of an anonymous or pseudonymous work, the publisher whose name is indicated on the work as such shall be deemed to be, unless the contrary is proved, the lawful representative of the anonymous or pseudonymous author and shall be entitled to exercise and protect the rights belonging to the author under this Law.

(4) In the case of an unpublished work where the identity of the author is unknown, but where there are reasons supporting the view that he is a citizen of the Republic the copyright subsisting by virtue of this Law shall be deemed to vest in the Minister of Education.

(5) The provisions of subsections (3) and (4) shall cease to apply as soon as the identity of the author becomes known.

Assignments and licences in respect of copyright

12. (1) Subject to the provisions of this section, copyright shall be transmissible by assignment, by testamentary disposition, or by operation of law, as movable property.

(2) An assignment or testamentary disposition of copyright may be limited so as to apply to some only of the acts which the owner of the copyright has the exclusive right to control, or to part only of the period for which the copyright is to subsist or to a specified country or other geographical area.

(3) No assignment of copyright and no exclusive licence to do an act the doing of which is controlled by copyright shall have effect unless it is or is granted in writing.

(4) A non-exclusive licence to do an act the doing of which is controlled by copyright may be written or oral, or may be inferred from conduct.

(5) An assignment, licence or testamentary disposition may be effectively granted or made in respect of a future work, or an existing work in which copyright does not yet subsist, and the prospective copyright in any such work shall be transmissible by operation of law as movable property.

(6) A testamentary disposition of the material on which a work is first written or otherwise recorded shall, unless the will has provided otherwise, be deemed to include any copyright or prospective copyright in the work which is vested in the deceased.

Infringements

13. (1) Copyright shall be infringed by any person who does, or causes or permits any other per-

son to do, without the licence of the owner thereof, an act the doing of which is controlled by copyright.

(2) Copyright shall also be infringed by any person who, without the licence of the owner of the copyright, imports into the Republic, otherwise than for his private and domestic use, or distributes therein by way of trade or exhibits in public, any article in respect of which copyright is infringed under subsection (1).

(3) In an action for infringement of copyright—

- (a) Copyright shall be presumed to subsist in the work, unless the defendant puts the question in issue;
- (b) where the subsistence of copyright is not in issue, the plaintiff is presumed to be the owner of the right claimed, unless the defendant puts his ownership in issue;
- (c) the work in question shall be presumed to be original, and in the case of a publication, the date and place alleged by the plaintiff shall be presumed to be correct, unless, in either case, the contrary is proved.

(4) Subject to the provisions of this Law, infringements of copyright shall be actionable at the suit of the owner of the copyright, and in any action for such an infringement all such relief, by way of damages, injunction, accounts or otherwise, shall be available to the plaintiff as is available in any corresponding proceedings in respect of infringement of other rights.

(5) Where in an action for infringement of copyright it is proved or admitted—

- (a) that an infringement was committed, but
- (b) that at the time of the infringement the defendant was not aware, and had no reasonable grounds for suspecting, that copyright subsisted in the work to which the action relates,

the plaintiff shall not be entitled under this section to any damages against the defendant in respect of the infringement, but shall be entitled to an account of profits in respect of the infringement whether any other relief is granted under this section or not.

(6) Where in an action under this section an infringement of copyright is proved or admitted, and the Court, having regard (in addition to all other material considerations) to—

- (a) the flagrancy of the infringement; and
- (b) any benefit shown to have accrued to the defendant by reason of the infringement,

is satisfied that effective relief would not otherwise be available to the plaintiff, the Court, in assessing damages for the infringement, shall have power to award such additional damages by virtue of this subsection as the Court may consider appropriate in the circumstances.

(7) No injunction shall be issued in proceedings for infringement of copyright which requires a com-

pleted or partly built building to be demolished or prevents the completion of a partly built building.

(8) In this section—

“action” includes a counterclaim, and references to the plaintiff and to the defendant in an action shall be construed accordingly;

“Court” means a Court of competent jurisdiction;

“owner of copyright” means the first owner, an assignee or an exclusive licensee, as the case may be, of the relevant portion of the copyright.

Penalties and summary proceedings in respect of dealings which infringe copyright

14. (1) If any person knowingly—

- (a) makes for sale or hire any infringing copy of work in which copyright subsists; or
- (b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any such copy; or
- (c) distributes such copies either for the purposes of trade or to such an extent as to affect prejudicially the owner for the copyright; or
- (d) by way of trade exhibits in public any such copy; or
- (e) imports into Cyprus for sale or hire any such copy,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding two pounds for every copy dealt with in contravention of this section, but not exceeding five hundred pounds in respect of the same transaction; and in the case of a second or any subsequent conviction he shall be liable to a fine not exceeding one thousand pounds or to imprisonment for a term not exceeding three months or to both such penalties.

(2) Any person who knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists shall commit an offence and shall, on conviction, be liable to a fine not exceeding fifty pounds, or, in the case of a second or any subsequent conviction, he shall be liable to a fine not exceeding one thousand pounds or to imprisonment for a term not exceeding three months or to both such penalties.

(3) Any person who knowingly causes or permits a scientific, literary, artistic or musical work to be performed in public thereby infringing a copyright which subsists in such work shall commit an offence and shall, on conviction, be liable to a fine not exceeding five hundred pounds or in the case of a second or any subsequent conviction be liable to a fine not exceeding one thousand pounds or to imprisonment not exceeding three months or to both such penalties.

(4) The Court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender,

which appear to it to be infringing copies, or to be plates for the purpose of making infringing copies, shall be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the Court may think fit.

(5) For the purposes of this section "Court" means the President of the District Court or Senior District Judge or District Judge having territorial jurisdiction to try any offence under this section and impose the penalties prescribed thereunder.

Appointment of competent authority and duties of such authority

15. (1) In any case where it appears to the competent authority that a licensing body —

- (a) is unreasonably refusing to grant licences in respect of copyright; or
- (b) is imposing unreasonable terms or conditions on the granting of such licences,

the competent authority may direct that, as respects the doing of any act relating to a work with which the licensing body is concerned, a licence shall be deemed to have been granted by the licensing body at the time the act is done, provided the appropriate fees fixed by such competent authority are paid or tendered before the expiration of such period or periods as the competent authority may determine and such other reasonable terms and conditions as may be prescribed by the competent authority are fulfilled.

(2) In this section —

"competent authority" means the authority consisting of not more than five persons appointed by the Minister from amongst persons having experience in and knowledge of matters of copyright, at least three of which are not members of the public service, for the purpose of exercising jurisdiction under the provisions of this Law whenever any matter requires to be determined by such authority;

"licensing body" means a society, firm or other organization which has as its main object, or one of its main objects, the negotiation or granting of licences in respect of copyright works, and includes an individual carrying on the same activity.

(3) No person may be appointed under the provisions of this section, nor may any person so appointed act, as a competent authority, if he, his partner, his employer or any body (whether statutory or not) of which he is a member has any pecuniary interest in any matter which requires to be determined by such authority.

(4) The Minister may make regulations, published in the official Gazette of the Republic, governing the proceedings before the competent authority and, without prejudice to the generality of the foregoing may make Regulations —

- (a) prescribing the manner in which any matter may be referred to the competent authority;
- (b) prescribing the procedure to be adopted by the competent authority in dealing with any matter referred to it under this Law and the records to be kept by the competent authority;
- (c) prescribing the manner in which the competent authority shall be convened and the place where the competent authority shall hold its sittings;
- (d) prescribing the scale of fees and charges; and
- (e) relating generally to the better carrying out of the functions entrusted to the competent authority by this Law.

Regulations

16.* (1) The Council of Ministers may make Regulations, published in the official Gazette of the Republic, for the better carrying out of the provisions of this Law, and for prescribing anything which is required or may be prescribed under this Law.

(2) Without prejudice to the generality of subsection (1) Regulations made by the Council of Ministers under this section may provide for an extension of the provisions of this Law in respect of some or all of the works referred to in subsection (1) of section 3 by —

- (a) individuals who are citizens or have their habitual residence in;
- (b) bodies corporate incorporated in or according to the law in force in;
- (c) works, other than sound recordings or broadcasts first published in;
- (d) works of architecture erected in, or other artistic works incorporated in a building in;
- (e) sound recordings made in,

a country which is a party to a convention to which the Republic is also a party and in which there is provision for the protection of copyright in works protected by this Law.

Laying of Regulations before the House of Representatives

17. Regulations made under this Law shall be laid before the House of Representatives. If within thirty days of such laying the House of Representatives does not by resolution amend or annul, in whole or in part, the Regulations so laid, they shall then, soon after the expiry of the period hereinafter mentioned, be published in the official Gazette of the Republic and they shall come into force as from such publication. In the event of their amendment, in whole or in part, by the House of Representatives, such Regulations shall be published in the official

* This section was amended by the Copyright (Amendment) Law, 1977, of October 29, 1977.

Gazette of the Republic as amended by the House of Representatives and they shall come into force as from such publication.

Extent of application of the Law

18. This Law shall apply in relation to works made before the commencement thereof in the same manner as it applies in relation to works made subsequently. This Law shall apply also to works which should be eligible for protection by virtue of international treaties or international conventions binding the Republic.

Abrogation of common law rights

19. No copyright or right in the nature of copyright shall subsist otherwise than by virtue of this Law or of some other enactment in that behalf.

Existing contracts

20. Any contract entered into under any other Law and being valid on the date of the commencement of this Law shall be governed until the termination or expiry thereof by the Law which was in force on the date when it was entered into.

Repeal

21. The Copyright Law is hereby repealed and the provisions of the United Kingdom Copyright Act, 1911, which are in force thereunder shall cease to have effect.

Commencement of this Law

22. This Law shall come into operation on a date to be fixed by the Council of Ministers by notice published in the official Gazette of the Republic.

Correspondence

Letter from Argentina

Legal Protection of Ideas (Copyright Law and Industrial Property Law)

Carlos MOUCHET, Delia LIPSZYC and Carlos Alberto VILLALBA *

International Activities

International Literary and Artistic Association (ALAI)

Centenary Congress

(Paris, May 29 to June 3, 1978)

The International Literary and Artistic Association (ALAI), founded in Paris in June 1878, commemorated its centenary with a Congress held in Paris from May 29 to June 3, 1978.

Under the chairmanship of Professor Henri Desbois, President of ALAI, assisted by Professor André Françon, Perpetual Secretary of ALAI, the Congress brought together some 200 participants representing various national groups of ALAI or from the intellectual property circles of Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany (Federal Republic of), Greece, Italy, the Netherlands, Norway, Poland, the Soviet Union, Sweden, Switzerland, Turkey, the United Kingdom and the United States of America. WIPO was represented by its Director General, Dr. Arpad Bogsch, Mrs. K.-L. Liguier-Laubhouet, Deputy Director General, and Mr. Claude Masouyé, Director, Copyright and Public Information Department.

Unesco and a number of international non-governmental organizations were represented by observers, including the European Broadcasting Union (EBU), the International Association for the Protection of Industrial Property (AIPPI), the International Confederation of Societies of Authors and Composers (CISAC), the International Publishers Association (IPA) and the International Writers Guild (IWG).

The opening session of the Congress took place in the presence of Mr. Maurice Schumann, member of the French Academy and Vice-President of the Senate. Also present or represented were the Minister for Culture and Communication of the French Government, the First President of the Cour of Cassation, the Mayor of Paris, the Rector of the Academy and Chancellor of the Universities of Paris, the President of the Appeal Court of Paris, the Counsellor of State and President of the Intellectual Property Commission. At this inaugural ceremony, the Director General of WIPO delivered an address, of which the text is reproduced below.

The opening session and the subsequent working sessions were held in the Debussy-Ravel Auditorium

at the headquarters of the Société des auteurs, compositeurs et éditeurs de musique de France (SACEM). The general theme of the Congress was "Copyright faces the future." As indicated, this approach afforded an opportunity to link up the past with the future and to review, mindful of ALAI's unceasing participation in preparing the conventions relating to copyright and neighboring rights,* the problems to which ALAI was to devote its studies and reflections.

The contributions, followed by discussions, were grouped under the following three headings:

1. Legal relations between authors and the bodies responsible for distributing their works:
 - (a) "The author's place in society" by Professor Herman Cohen Jehoram, of the University of Amsterdam;
 - (b) "The author, his work and his authors' rights society" by Mr. Robert Du Bois, Head of the Legal Department of the Netherlands Societies of Authors and Composers.
2. The legal and practical implications of technological progress in relation to the use of intellectual works:
 - (a) "The right of reproduction and technological progress" by Professor Georges Koumantos, of the University of Athens;
 - (b) "The right of performance and technological progress" by Dr. Dietrich Reimer, attorney-at-law, Munich.
3. International relations in the field of copyright and neighboring rights:
 - (a) "The international copyright conventions" by Mr. Valerio De Sanctis, attorney-at-law, Rome;
 - (b) "The multilateral conventions relating to neighboring rights" by Professor Jan Corbet, of the University of Brussels.

* See *Copyright*, 1978, pp. 120 *et seq.*: "The Role of ALAI in the Development of International Copyright Law."

At the outcome of its debates, the Congress adopted resolutions concerning the various topics; the text thereof is reproduced below.

The Centenary Congress of ALAI was accompanied by a number of receptions given by the French authorities or by the Association itself. The closing dinner took place in the Senate rooms and was honored by the presence of the President of the Senate, Mr. Alain Poher, and the Vice-President of the Senate, Mr. Maurice Schumann. These special events, together with the quality of the debates, contributed to make the Congress a noteworthy occasion in the history of ALAI.

**Address delivered by Dr. Arpad Bogsch,
Director General of WIPO**

Mr. Minister,
Mr. President of ALAI,
Ladies and Gentlemen,

We here this morning are witnessing a historic moment since, with the opening of this Congress, we are to celebrate the centenary of ALAI. It is therefore with deep emotion that I present to your Association, on behalf of the World Intellectual Property Organization, my congratulations on its anniversary, and to this assembly, my best wishes for the full success of its debates.

This is quite an exceptional event since, if it is not all that frequent for a man to reach a hundred years of age, it is all the more rare for an international organization. This venerable age attained by ALAI is not only a sign of great maturity, however; it is also, particularly for us, a symbol. Indeed, how could we forget the all-important role played by ALAI in establishing international relations in copyright which were to lead to the signing of the Berne Convention.

ALAI was the first to define the bases of international legislation in this field and to exert its influence to achieve agreement between the States on a certain number of principles. The origins of the Berne Union are to be found in ALAI; it was ALAI that first mooted the idea and it was ALAI that worked hard towards its realization. You will therefore understand all the more easily that relations between the International Bureau of WIPO, the successor to the old Berne Bureau, and ALAI are more than just a matter of courtesy. We are "old friends," if you will permit me to say so, not only because our close cooperation goes back to the origins of the Berne Convention but also because throughout the hundred years we are now celebrating bonds of friendship have been formed between the prominent persons who have left their mark on the histories of both our organizations.

It has always been ALAI's virtue to attract to its ranks men of the highest competence and of the greatest goodwill, and to create between them an atmosphere of mutual esteem which places its debates on a high legal level. The orthodoxy of its positions, the impartiality of its views, the purity of its aims make ALAI a focal point for developing copyright doctrine and afford its opinions a most special worth. That is why I would like to emphasize the importance WIPO attaches to obtaining ALAI's point of view on the problems that arise in the field of intellectual property.

Some of these problems at least you will be examining during this Congress whose theme "Copyright faces the future" perfectly demonstrates the dynamic nature of your

Association and its aim to guide the evolution of law. I am convinced that you will undertake this examination, armed with the long experience and vast knowledge of which you can boast, and will arrive at solutions which will be a precious guide for WIPO in the pursuance of its activities.

International life is in a constant state of change, modern technology is revolutionizing communication between men and between nations, society is being transformed, a new world economic order is being sought which is more balanced and corresponds better to the aspirations of the peoples — all of which is not without affecting the concept of intellectual property nor without influencing the conditions under which it is exercised.

Yet again, ALAI is preparing to make its wide and reasoned contribution to a cause among the noblest of them all, that of safeguarding the interests of the creators of works of the mind, that is to say, those whose imagination, inventiveness and talent enhance our lives. Despite the various shades of opinion born of diversity, ALAI will certainly, as it has always done in the past, lend strength to the international vocation of copyright and suggest how its problems may best find a solution in law.

To close, I would like to pay my respect to the French authorities whose presence here lends even more brilliance to the occasion. That Paris should have been chosen to commemorate ALAI's one hundred years is most natural since it was here that ALAI was born. But it also constitutes a homage to the French lawyers of prestige and renown who deserve the gratitude of authors throughout the world for having played a preponderant part in drafting the Berne Convention and for having on many occasions been the instigators of the improvements made to it.

ALAI has often indicated the right direction. My wish it that, once more, the path of progress will be illuminated from Paris. This Congress will achieve the widespread recognition that ALAI deserves since, in the words of that illustrious French writer, Victor Hugo, in his admirable collection *Les Châtiments*, this Congress will

"Ainsi qu'en une urne profonde,
Mêler races, langues, esprits,
Répandre Paris sur le monde,
Enfermer le monde en Paris!"

Resolutions

*The author's place in society and the legal relations
between authors and the bodies responsible for distributing
their works*

ALAI

Notes with satisfaction the trend which has appeared in a number of countries towards promulgating measures, particularly as regards social security, to improve the situation of the author in society, and expresses the wish that other countries should take similar measures;

Considers that authors who create works under a work contract can be more effectively protected when they are recognized as the original owners of the copyright; in any event, it is desirable that the employer should not be able to claim greater rights in respect of such works than are necessary for the normal pursuit of his activities;

Consider that authors who create works on a commission should enjoy full copyright protection;

Considers further that the setting-up of associations of authors and the activities of such associations should be encouraged in order to defend authors against the excessive claims made by users who are powerful enough to impose

their will and in order to cope with the massive and widespread utilization of works, preferably through the collective management of authors' rights.

The right of reproduction and technological progress

ALAI

Considers that the respect of the prerogatives afforded to authors, particularly the right of reproduction, is a necessary condition for safeguarding the independence of authors;

Notes that technological progress in the field of reproduction makes it increasingly difficult for authors to exercise their right of reproduction and that the very principle of this right is in jeopardy;

Considers it desirable that national legislations should avoid introducing restrictions on the right of reproduction whose compliance with the exceptions provided for by the international conventions could be debatable;

Therefore recommends:

- (a) that all national or international regulations should take as their point of departure the recognition of the exclusive right of reproduction afforded to authors;
- (b) that national legislations should include appropriate measures to facilitate the conclusion of collective agreements ensuring the effective exercise of this right of reproduction;
- (c) that the States should envisage setting up, with the aid of scientific research, technical devices enabling reproduction to be effectively supervised and thus ensure the strict application of the relevant regulations;
- (d) that the efforts to achieve uniform solutions at international level be continued.

The implications of new methods of dissemination for the right of performance

ALAI,

Having examined the various problems arising from technological progress in respect of the right of performance of works, particularly in the case of transmission by wire or cable,

Confirms its Resolution adopted at the Athens Congress and according to which solutions to these problems at international level were to be found by applying the provisions of the multilateral conventions;

Believes, however, that studies in this field should be pursued, as in the case of transmission by satellites.

International relations in the field of copyright

ALAI

Pays homage to the activities undertaken by WIPO and Unesco to ensure the greatest possible protection at international level of the material and moral interests of authors in view of both the rapid development of modern means of disseminating works and the necessity of adapting protection to the specific needs of the developing countries;

Wishes efforts to be made at national level to improve protection or to organize the management of rights recognized by the multilateral conventions.

International relations in the field of neighboring rights

ALAI

Reaffirms its wish that, while respecting the rights of authors, an effective international protection of neighboring rights be instituted;

Considers that, without ignoring the legitimate interests of the broadcasting organizations and the phonogram producers, it would be fair to give special consideration to the protection of the performers whose talents permit the works to receive wide dissemination;

Deplores the fact that the Rome Convention providing for such protection has not met with the success it deserves;

Welcomes the fact that legal means (including the Model Law on neighboring rights, the 1974 Additional Protocol to the European Agreement on the Protection of Television Broadcasts, ongoing studies into the conditions under which the Rome Convention is applied) are currently being implemented to speed up such a success, and hopes that they will attain their goal.

The universalization of copyright

ALAI,

Noting that, in certain parts of the world, copyright is not as yet recognized by the legislators or, where it is, the conditions under which it is implemented remain uncertain;

Wishes that strong encouragement be given to all initiatives to improve the situation, particularly those making the interested circles in the countries concerned aware of the interest they have in effectively protecting copyright, which, in addition, would assist in promoting the country's cultural heritage;

ALAI, for its part, will endeavor to establish relations with those circles.

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Calendar

WIPO Meetings

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

1978

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

November 20 to 24 (Geneva) — Revision of the Paris Convention — Working Group on Conflict Between an Appellation of Origin and a Trademark

November 27 to December 1 (Geneva) — Revision of the Paris Convention — Working Group on Inventors' Certificates

November 28 to December 6 (Geneva) — Revision of the Paris Convention — Preparatory Intergovernmental Committee

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 18 to 22 (New Delhi) — Development Cooperation Copyright — Seminar on Copyright and Neighboring Rights (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)

March 12 to 16 (Dakar) — Permanent Committees for Development Cooperation (Industrial Property and Copyright)

September 24 to October 2 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hagne, 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)

