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World Intellectual Property Organization

Regional Copyright Seminar for Latin American and Caribbean Countries

(Buenos Aires, November 5 to 9, 1979)

Pursuant to decisions taken by their governing bodies, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Intellectual Property Organization (WIPO) accepted the kind invitation extended by the Government of the Argentine Republic and organized a Regional Copyright Seminar for Latin American and Caribbean Countries, which was held at the Law and Social Science Faculty of the National University of Buenos Aires from November 5 to 9, 1979, in cooperation with the Ministry of Justice and with the participation of the Interamerican Copyright Institute (IIDA).

The aims of the Seminar were the following: "on the one hand, to analyze the specific function of copyright in contemporary Latin American Society and, on the other hand, to study copyright in the light of the Latin American situation as reflected in the copyright laws in force, with a view to devising a formulation for certain principles intended to facilitate the harmonization of those laws, due account being taken of the cultural peculiarities of the region, with the ultimate aim of strengthening copyright."

Specialists from Latin American and Caribbean countries with legal traditions based on Roman law had been invited in a personal capacity by the Directors General of Unesco and WIPO on the basis of proposals received from the governments concerned. Special invitations were also extended to intergovernmental and international non-governmental organizations concerned with copyright.

Experts from 14 countries of the area (Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Haiti, Honduras, Mexico, Panama, Peru, Uruguay, Venezuela), assisted by various observers, took part in the Seminar. It was also attended by 19 observers from 7 international non-governmental organizations. The list of participants appears at the end of this document.

The Seminar was opened on November 5, 1979, by Dr. Ricardo Tiscornia, Director of the National Copyright Directorate of the Argentine Republic, in the presence of Dr. Alberto Rodriguez Varela, Minister of Justice of the Nation, and Dr. Martin J. Casey,

Dean of the Law and Social Science Faculty of the National University of Buenos Aires.

Dr. Ricardo Tiscornia, the expert from Argentina, was elected Chairman of the Seminar by acclamation. Professor Antonio Chaves, the expert from Brazil, and Professor Victor Carlos Garcia Moreno, the expert from Mexico, were elected Vice-Chairmen.

The participants unanimously expressed their profound gratitude to the Government of the Argentine Republic for having agreed to provide the venue for the Seminar, for its generous hospitality and for all the kind attentions received.

The participants also expressed their appreciation to Unesco and WIPO for having made the Seminar possible and for the preparatory documentation provided, which gave the opportunity for a profitable exchange of ideas.

Recommendations

The Seminar,

Considering that the vitality of the copyright legislation of American countries with legal traditions based on Roman law and the continuous evolution of copyright legislation in the region are clearly important factors in the development of copyright throughout the world;

Considering further that certain countries have not yet been able to draft sufficiently effective legal instruments of protection, and have not acceded to the international multilateral conventions on the subject;

Noting that certain countries are not endowed with infrastructures that would allow provisions for the protection of copyright to be applied in practice, and that certain administrative systems are either non-existent or antiquated;

Bearing in mind that almost all the countries are seriously concerned with incorporating their copyright legislation in their cultural and educational policies with a view to promoting intellectual creativity, disseminating knowledge, encouraging national authors and affording more ready access to works protected by copyright;

Having established that a number of countries are interested in drafting or updating copyright laws and establishing or modernizing national offices for the safeguarding of the interests of authors, and that those countries require effective technical assistance from international bodies;

Considering that the absence of representatives of Latin American and Caribbean countries from international gatherings that deal with copyright matters prejudices their awareness of the specific problems of the area concerned;

Considering also that in many countries, especially developing countries, there is inadequate knowledge of copyright and of the international conventions that protect it,

Adopts the following recommendations:

(1) *To Governments:*

- (a) that they should enact the necessary legislation where adequate protection of copyright is not yet provided for;
- (b) that they should take the necessary action to strengthen copyright as far as both national legislation and practical application are concerned and that they should consider, in the process of drafting or revising national legislation, the results of conferences or meetings held by bodies concerned with copyright, such as the first Copyright Conference held in São Paulo in 1977;
- (c) that they should accede to the Berne Convention for the Protection of Literary and Artistic Works and to the Universal Copyright Convention, in their 1971 revised versions, which contain special provisions for developing countries;
- (d) that they should take the necessary action to create such administrative infrastructures as will guarantee the full exercise of copyright, and promote the creation of authors' associations in countries where none exist;
- (e) that they should consider the possibility of creating national copyright information centers where none exist;
- (f) that they should afford effective legislative assistance in the dissemination and preservation of the folklore of the various socio-cultural regions;
- (g) that they should endeavor to take an active part in all international gatherings that deal with subjects related to copyright, in order to ensure the most effective defense of their interests;

- (h) that they should take the necessary action to introduce the teaching of copyright at their law faculties, by means of courses, seminars, lectures, etc.;
- (i) that they should devise regulatory systems at both the national and the international level to facilitate the publication and free circulation of books in braille or produced according to other similar methods or in special clear type for the blind or visually handicapped;

(2) *To Unesco and WIPO:*

- (a) that they should continue and intensify as far as possible their legal-technical assistance to developing countries in the field of copyright;
- (b) that they should give all possible assistance to legislators in the elaboration and modernization of their laws on the subject, whether by prior analysis of drafts where the governments concerned consider this desirable, or by means of the collaboration of experts; to this end joint action with interested bodies, particularly CISAC and IIDA, in their respective fields of competence, should be sought;
- (c) that they should organize courses or seminars or grant fellowships with a view to facilitating the training of staff for the administration of the offices responsible for the practical aspects of copyright;
- (d) that they should continue to afford assistance in developing countries' negotiations for the copyright authorizations necessary for the use of protected works on reasonable and equitable terms;
- (e) that they should seek information from governments on the offices or agencies responsible for copyright, in order that direct relations may be established with those who deal specifically with such matters at the governmental level;
- (f) that they should by all means intensify their information campaign to impart better knowledge of copyright in collaboration with the circles concerned;
- (g) that they should keep their comparative studies of copyright legislation up to date in order that governments may be provided with the means of forming judgments that enable them to reconcile the differences existing in this area.

Appreciation

The participants in the Seminar formulated a vote of appreciation for the meritorious and remarkable work carried out by the Interamerican Copyright Institute (IIDA), in its efforts towards the dissemination of copyright, the improvement of national laws and a *rapprochement* of those who take part in such work.

List of Participants**Experts**

Ricardo Tiscornia
 Director Nacional del Derecho de Autor, Argentina

Ramón Rocha Monroy
 Director Ejecutivo del Instituto Boliviano de Cultura,
 Bolivia

Antonio Chaves
 Presidente del Instituto Interamericano de Derecho de Au-
 tor (IIDA), Brasil

Luz Myriam Montañes de Lorduy
 Asesora Jurídica del Ministro de Gobierno, Colombia

Carlos Manuel Arguedas
 Asesor Jurídico de la Asamblea Legislativa, Costa Rica

Dina Herrera Sierpe
 Conservador de Derechos Intelectuales, Chile

Roger Gaillard
 Profesor de la Universidad de Filosofía y Literatura Hai-
 tiana, Haití

Mercedes Hernández de Midence
 Asesor Legal del Ministerio de Educación, Honduras

Víctor Carlos García Moreno
 Profesor de Derecho Internacional, Facultad de Derecho,
 Universidad Nacional Autónoma de México, México

Lucila Valderrama Gonzales
 Jefa de la Oficina de Bibliografía Nacional y Registro Na-
 cional de Derechos de Autor, Perú

Vicente Garibaloi Camacho
 Asesor Legal de la Sociedad Panameña de Autores y Com-
 positores (SPAYC), Panamá

Domingo Ruíz Ditren
 Consultor Jurídico de la Secretaría de Educación y Encar-
 gado del Registro del Derecho de Autor, República
 Dominicana

Aamando Sciarra Quadri
 Asesor Letrado de AGADU, Uruguay

Ricardo Antequera Parilli
 Asesor Legal de la Sociedad de Autores de Venezuela,
 Venezuela

Observers**(a) States**

Argentina: J. A. Alende; H. Retondo de García Holgado.
Mexico: V. A. Ramirez Lugo; V. Blanco Labra; C. Pulido
 Rodriguez.

(b) International Non-Governmental Organizations

Interamerican Copyright Institute (IIDA): P. Lyons; A. Mille;
 W. Moraes; N. Silveira. **International Institute of Communi-
 cations (IIC):** A. A. Cocca. **International Confederation of
 Societies of Authors and Composers (CISAC):** H. Della
 Costa; R. Grompone; A. Italiano Di Pietro; C. Joubert;
 D. Lipszyc; C. Villalba; J.-A. Ziegler. **International Copy-
 right Society (INTERGU):** A. J. Aristegui. **International Fe-
 deration of Producers of Phonograms and Videograms
 (IFPI):** M. A. Emery. **International Publishers Association
 (IPA):** A. E. Augsburg; R. H. Bottaro. **World Council for
 the Welfare of the Blind (WCWB):** H. Garcia Garcilazo;
 D. de Gouvea Nowil; M. P. Olenka Reda.

Secretariat**World Intellectual Property Organization (WIPO)**

C. Masouyé (*Director, Copyright and Public Information
 Department*); A. Davila (*Officer, External Relations Section*).

**United Nations Educational, Scientific and Cultural Organi-
 zation (UNESCO)**

H. Schiro (*Program Specialist, International Copyright In-
 formation Centre*); E. Guerassimov (*Lawyer, Copyright Di-
 vision*).

Berne Union

Executive Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union)

Sixteenth Session (6th extraordinary)

(Paris, October 24 to 31, 1979)

Report

prepared by the Secretariat and adopted by the Committee

Introduction

Opening of the session

1. The Executive Committee of the Berne Union (hereinafter referred to as "the Committee"), convened by the Director General of the World Intellectual Property Organization (WIPO), met in extraordinary session at Unesco headquarters in Paris from October 24 to 31, 1979.

2. Fifteen of the Committee's 18 member States were represented: Argentina, Austria, Belgium, Cameroon, Canada, Czechoslovakia, German Democratic Republic, Hungary, India, Mexico, Spain, Switzerland, Tunisia, Turkey, United Kingdom (15).

3. The following member States of the Berne Union were represented by observers: Australia, Brazil, Chile, Costa Rica, Denmark, Egypt, Finland, France, Germany (Federal Republic of), Holy See, Israel, Italy, Ivory Coast, Japan, Luxembourg, Madagascar, Morocco, Netherlands, Niger, Poland, Portugal, Senegal, Sweden, Togo (24).

4. As the Committee held joint meetings with the Intergovernmental Copyright Committee set up under the Universal Copyright Convention, the following delegations, who were taking part in the ses-

sion held concurrently by the Intergovernmental Copyright Committee, also attended the Committee's meetings: Algeria, Andorra, Colombia, Cuba, Ecuador, El Salvador, Indonesia, Jordan, Nepal, Panama, Soviet Union, United States of America, Venezuela (13).

5. Four intergovernmental organizations and 20 international non-governmental organizations were represented by observers.

6. The list of participants is annexed to this report.

7. The current extraordinary session was opened by Mrs. Milagros del Corral Beltran (Spain), Chairman of the Committee.

8. At the opening meeting, Mr. Federico Mayor, Deputy Director-General of Unesco, addressed the Committee and the Intergovernmental Copyright Committee, welcoming all the participants to Unesco's headquarters.

9. Dr. Arpad Bogsch, Director General of WIPO, cordially thanked Unesco for acting as host to the current session of the Committee.

Part I: Matters concerning the Committee alone

Adoption of the agenda

10. The agenda proposed in document B/EC/XVI/1 Rev. 2 was adopted.

Amendment of the Rules of Procedure

11. Document B/EC/XVI/10 was taken as a basis for discussion.

12. The Committee adopted the amendment proposed in that document, which consisted in inserting in Rule 3 of its Rules of Procedure, before the existing provision (which would then become paragraph (4)), three new paragraphs reading as follows:

"(1) At the first meeting of each session, the Executive Committee of the Berne Union shall elect a Chairman and two Vice-Chairmen.

(2) The officers thus elected shall remain in office until the election of new officers.

(3) The outgoing Chairman and Vice-Chairmen shall not be immediately eligible for re-election to the office that they have held, except where the election takes place at an extraordinary session."

Election of officers

13. As the above-mentioned amendment to the Committee's Rules of Procedure was immediately applicable, the Committee elected its officers. The following were elected unanimously: Mrs. Milagros del Corral Beltran (Spain), Chairman, and Mr. Mihály Ficsor (Hungary) and Mr. Henri Mevaondo (Cameroon), Vice-Chairmen.

Developments regarding the Paris Act (1971) of the Berne Convention

14. The Committee took note of the information contained in document B/EC/XVI/2, to which was to be added the fact that Uruguay had ratified the Paris Act (1971) of the Berne Convention, thus bringing the number of States which had accepted the said Act to 46 out of the 71 States members of the Berne Union. The Committee also noted the announcement made by the delegation of Czechoslovakia that that State's instrument of accession to the said Act would shortly be deposited.

Legal and technical assistance to States

15. The Committee noted with satisfaction the report of the Director General of WIPO, contained in document B/EC/XVI/3, concerning the activities of

WIPO in the field of legal and technical assistance to developing countries.

16. The Director General of WIPO called to the attention of the representatives of the developing countries that they would receive during the month of November 1979 an invitation by him to present candidates for training in 1980.

17. The Director General of WIPO called to the attention of the representatives of the industrialized countries that they would receive during the month of November 1979 an invitation by him to offer training possibilities in 1980 in their respective countries, sponsored by their governments or by non-governmental organizations in their countries.

18. The Director General of WIPO also said that, for the year 1980, no country had offered yet to host a training course for nationals of developing countries in the field of copyright, and that any offer for sponsoring such a training course would be welcomed by WIPO and doubtless also by the developing countries.

19. The Director General of WIPO thanked most warmly the Governments of Hungary and Sweden for having hosted, in 1979, training courses jointly organized by these Governments and WIPO. He also thanked all the governments and non-governmental organizations which have offered training, within the training program of WIPO, in 1979 to nationals of developing countries. Finally, his thanks were also extended to the Government of Argentina for having accepted to co-sponsor, with Unesco and WIPO, in November 1979, a regional seminar on copyright intended for the Latin American and Caribbean countries.

Part II: Matters concerning both the Committee and the Intergovernmental Copyright Committee

Approval of the list of intergovernmental and international non-governmental organizations to be invited to be represented by observers at the sessions of the Committees

20. The discussions took place on the basis of document B/EC/XVI/4-IGC(1971)/III/25.

21. The document reflected the current situation as regards the representation by observers of intergovernmental and international non-governmental organizations within the Intergovernmental Copyright Committee and the Executive Committee of the Berne Union (hereinafter referred to as "the Committees").

22. In order to harmonize representation within the Committees, which were required to hold joint

meetings for the consideration of questions in which they had a common interest, it appeared desirable, in the view of the majority of delegations, to standardize the lists of intergovernmental and international non-governmental organizations admitted to attend the discussions of the Committees.

23. For its part, the Executive Committee of the Berne Union noted with approval the statement by the Director General of WIPO to the effect that he would inform each of the international non-governmental organizations admitted as observers to the discussions of the Intergovernmental Copyright Committee, but not of the Executive Committee of the Berne Convention, that, if it wished also to have observer status in regard to the Governing Bodies of the

Berne Union, it was entitled to request such status; in that event, the Director General of WIPO would recommend to those Governing Bodies that observer status be granted to such organization.

24. For its part, the Intergovernmental Copyright Committee noted with approval the statement by the representative of the Director-General of Unesco inviting the intergovernmental and international non-governmental organizations admitted as observers at sessions of the Executive Committee of the Berne Union, and which wished to have observer status with regard to the Intergovernmental Copyright Committee, to forward appropriate requests to the Unesco Secretariat, which would transmit them to the Committee in accordance with its Rules of Procedure.

Application of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (Satellites Convention)

25. The discussions took place on the basis of document B/EC/XVI/5-IGC(1971)/III/26.

26. The Committees had before them the report of the Committee of Governmental Experts which met in Paris in June 1979 to draw up, on the basis of the conclusions of a Working Group which had met in Geneva in April 1978, the guiding principles for the implementation of the Satellites Convention by national legislators. These guiding principles consisted of two draft model provisions, one granting broadcasting organizations the right to authorize or prohibit the distribution of their programme-carrying signals (system of specific right) and the other prohibiting operations governed by the Convention (system of administrative and penal measures).

27. It was recalled that the purpose of preparing these guiding principles was to assist national legislators in deciding on the methods by which States might discharge the obligation laid on them under Article 2 of the Convention, namely to take adequate measures to prevent the distribution on or from their territories of any programme-carrying signal by any distributor for whom the signal emitted to or passing through the satellite was not intended.

28. Some delegations raised the question whether the first type of model provisions was in accordance with the spirit, and even the purpose, of the Convention adopted in Brussels in 1974.

29. Other delegations expressed the opinion that the choice of methods of implementing the Convention should be left entirely open, and that it was desirable to make several options available. In this connection, reference was made to the general report

of the Brussels Conference which had adopted the Convention, in particular paragraph 79, which stated that "Contracting States are left completely free to implement the basic requirements of the Convention in any way they see fit. While the obligation of the Convention might well be undertaken within the legal framework of intellectual property laws granting protection to signals under theories of copyright and neighboring rights, a Contracting State could just as rightly adopt administrative measures, penal sanctions, or telecommunications laws or regulations on the subject."

30. However, several delegations considered it premature to adopt the report of the Committee of Governmental Experts as it stood, and stated that a study should be made of some of the aspects of the methods proposed to facilitate the application of the Convention, in particular the implications of the first type of model provisions as regards the existence side by side of the specific right for which it provided, and copyright, the exercise of which should in their view come before that of the said specific right.

31. In conclusion, the Committees, while paying tribute to the work carried out by the governmental experts in accordance with the terms of reference assigned to them, noted that such terms of reference were limited to the preparation of model provisions based on the Satellites Convention, in particular Article 2 thereof, and did not cover other aspects of the problems, in particular the copyright problems, arising in connection with the distribution of programme-carrying signals transmitted by satellite. They therefore decided not to adopt any position for the time being on the report of the Committee of Governmental Experts, and to keep this item on their agenda. They requested their respective Secretariats to invite the States and organizations concerned to put forward comments on the draft model provisions and to submit an analysis of replies to their sessions in 1981. Concurrently, the two Secretariats would conduct an analysis of the interaction of the said provisions with copyright.

Application of the revised Paris texts of 1971 of the Berne Convention and of the Universal Copyright Convention in respect of access by the developing countries to works protected by copyright

32. The discussions took place on the basis of document B/EC/XVI/6-IGC(1971)/III/27.

33. As the first stage in the implementation of the resolutions adopted by the Committees at the 1977 sessions, the Secretariats had sent a questionnaire to States in order to gather the information needed for an overall study of questions concerning access by developing countries to protected works.

34. During the second stage, and after the preparation of an analytical study by the Secretariats on the basis of the replies to this questionnaire, a Working Group had met in Paris in July 1979 to review all the problems posed for the developing countries by access to protected works, dealing with the application of the revised texts of 1971 of the Berne Convention and of the Universal Convention and with practical arrangements which would assist such application.

35. At the conclusion of its discussions, the Working Group adopted recommendations for submission to the Committees.

36. The Committees noted those recommendations with approval, including the recommendation that they should be kept regularly informed at their joint meetings of relevant projects, activities and achievements.

37. The Committees also noted with keen satisfaction that the Directors General of Unesco and WIPO were nearing conclusion of an agreement for the establishment of a joint international Unesco/WIPO service for access by developing countries to works protected by copyright.

38. They noted that this agreement still required the approval of the General Conference of Unesco at its twenty-first session, to be held in 1980, and that consequently it could not enter into operation until January 1, 1981, but that preparations for the establishment of the aforesaid service would begin in 1980.

39. Furthermore, the Committees were informed that, in pursuance of the recommendations of the above-mentioned Working Group with regard to the formulation of guiding principles, their respective Secretariats planned to convene jointly during 1980 a new working group, the results of whose deliberations could be taken into account within the context of the activities of the proposed joint international service.

Copyright problems arising from the use of computers for access to protected works or the creation of works

40. The discussions took place on the basis of document B/EC/XVI/7-IGC(1971)/III/28.

41. The Committees had before them the report of the Working Group which had met in Geneva in May 1979 in accordance with the recommendations made by them at their sessions in December 1977 and February 1979, in order to study the copyright problems arising from the use of computers for access to protected works or the creation of works.

42. The Committees noted, with gratitude and appreciation, the report of the Working Group. They took the view that, since the question was essentially

an evolving one, it needed to be kept under active consideration. They noted in this respect that the Secretariats would convene at the end of 1980 a committee of governmental experts in order to analyze further the impact of computer storage and retrieval of works protected by copyright on their protection and the possible need for express recognition of copyright protection for works created with the help of computers, and to formulate tentative recommendations applicable at the national and international levels.

43. During consideration of the question of copyright ownership when abstracts were prepared within documentation services, the attention of the Committees was moreover drawn to the general aspect of copyright ownership and its consequences for the relations between employers and employed or salaried authors since national legislations differed in this respect.

44. Aware of the growing importance of this question, within the context of technological developments in procedures for the creation and dissemination of works, the Committees asked their Secretariats to undertake studies on this subject with a view to the possible inclusion in their program of activities of a meeting in 1982 to discuss the question.

45. The Committees noted that the International Labour Office wished to be associated in this activity.

Problems arising from the use of audiovisual cassettes and discs

46. The discussions took place on the basis of documents B/EC/XVI/8 and 8 Add.1-IGC(1971)/III/14 and 14 Add. 1.

47. The Committees had before them the report of their respective subcommittees which met in Paris in September 1978, in accordance with the decisions taken at their sessions in December 1977, to examine the legal problems arising with regard to copyright as a result of the use of audiovisual cassettes and discs.

48. The Committees expressed their warm appreciation of the work accomplished by the subcommittees and endorsed the main lines of the recommendations adopted by them with a view to resolving these problems. They noted that in certain countries national legislators had already drawn up texts along the lines proposed or were in the process of doing so.

49. However, several delegations voiced reservations concerning the very principle of instituting a compensatory charge in the case of private use, as well as questioning the basis of assessment for this charge which could bear either on recording equipment, or on material supports, or again on both. Views were expressed to the effect that any levy af-

fecting the sales price should only be made on one or other of the above-mentioned elements.

50. Again, certain delegations wondered what economic impact such a compensatory charge might have on countries importing such elements, the impact being particularly heavy for developing countries. In any event, the delegations of the latter countries expressed the wish that if such a compensatory charge were to be instituted it should be made only in the marketing countries.

51. It was suggested by the observer from the International Federation of Producers of Phonograms and Videograms that the definition of videogram should put more emphasis on the notion of fixation and in this respect he proposed that a videogram should be defined as any first fixation of sequences of images, with or without sounds, capable of reproduction on film, videodisc, videocassette or any other material support.

52. The general view was that the definition drawn up by the subcommittees was the correct one and certain delegations stressed that any definition in this area should restrict the protection to the intellectual content incorporated in the fixation.

53. Noting that some problems still needed to be considered in greater depth, the Committees expressed the wish that the group of independent experts that would be convened in 1980 to examine certain aspects of the impact of cable television in the area of copyright might, within the context of the second part of its terms of reference, also take into account the problems raised by the economic repercussions of the utilization of audiovisual cassettes and discs and particularly the impact that might result from the introduction of compensatory charges.

54. Lastly, the Committees asked their Secretariats to take the necessary steps to ensure the publication and wide dissemination of information covering the studies and reports already produced and providing an overall view of the problems in question.

Problems arising from the transmission by cable of television programs

55. The discussions took place on the basis of documents B/EC/XVI/9 and 9 Add.-IGC(1971)/III/15 and 15 Add.

56. The Committees had before them the report of their respective subcommittees which met in Geneva in July 1978, in accordance with the decisions taken at their sessions in December 1977, to examine the problems arising from the transmission by cable of television programs.

57. The Committees expressed their keen appreciation of the work done by their subcommittees and took note of the report of their deliberations.

58. Observing that certain of the problems were still in need of further study, they asked their Secretariats to look into the ways and means of pursuing such a study.

59. In this respect, the Committees noted that independent experts would be called upon by the two Secretariats to meet at the beginning of 1980 with the following terms of reference:

- (a) to discuss the question of the impact of cable television in the sphere of copyright, particularly in respect of cinematographic works and works expressed by a process analogous to cinematography;
- (b) to give their advice as regards the preparation of a worldwide forum in 1981 on combating the piracy of phonograms, films and other audiovisual recordings, a question which should be discussed more especially from the point of view of authors, producers of films, performers, producers of phonograms, broadcasting organizations and the general public.

60. Lastly, the Committees asked their Secretariats to take necessary steps to ensure publication and wide distribution of the documentation, including the reports already established and making possible a general view of the problems involved.

Part III: Other matters concerning the Committee alone

Date and place of the next session to be held jointly with the Intergovernmental Copyright Committee

61. Participants were reminded that, since the present session was being held at Unesco headquarters in Paris, the next session of the Committee at which joint meetings will be held with the Intergovernmental Copyright Committee should, as was customary, take place in 1981 at WIPO headquarters in Geneva.

62. However, the delegation of India informed the Committees of the invitation extended by its Government to host the 1981 sessions of the Executive Committee of the Berne Union and the Intergovernmental Copyright Committee in New Delhi.

63. The Committee noted the kind invitation and expressed its sincere thanks to the Indian authorities for the hospitality they were offering. It

expressed the wish that all administrative and budgetary measures be taken that would make it possible to accept the invitation.

Adoption of the report

64. The Committee unanimously adopted this report.

Closing of the session

65. After the usual thanks, the Chairman declared the session closed.

List of Participants

I. Member States of the Committee

(a) Ordinary Members

Austria: R. Dittrich. **Belgium:** G. de San; F. van Isacker. **Cameroon:** H. Mevaondo. **Canada:** B. Torno. **German Democratic Republic:** B. Haid. **Hungary:** M. Ficsor. **India:** S. Singh. **Mexico:** V. A. Ramírez Lugo; A. Cué Bolaños; J. R. Bustillas. **Spain:** M. del Corral Beltran; E. de la Fuente. **Switzerland:** J.-L. Marro. **Tunisia:** A. Mezoughi; K. Sassi. **United Kingdom:** V. Tarnofsky; A. Holt.

(b) Associate Members

Argentina: H. Della Costa. **Czechoslovakia:** M. Jelínek. **Turkey:** H. N. Ayiter.

II. Observer States Members of the Berne Union

Australia: H. Shore. **Brazil:** J. C. Costa Netto; I. de Freitas; C. de Souza Amaral. **Chile:** J. J. Fernández; J. M. Heiremans. **Costa Rica:** I. Leiva de Billault; C. Corrales. **Denmark:** W. Weincke; J. Nørup-Nielsen. **Egypt:** A. F. Abdel Baki. **Finland:** R. Meinander. **France:** A. Kerever; A. Françon; A. Bourdalé-Dufau; A. Tramoni-Venerandi; G. Valter; H. Dupuy; F. Briquet. **Germany (Federal Republic of):** M. Möller; J. Reinbothe. **Holy See:** L. Rousseau. **Israel:** M. Gabay. **Italy:** I. Papini; G. Aversa; G. Catalini; M. Fabiani; M. Ferrara. **Ivory Coast:** G. Fagnidi. **Japan:** T. Araki; Y. Oyama; H. Gyoda. **Luxembourg:** E. Emringer; J. Jungers. **Madagascar:** E. Rahary. **Morocco:** A. Kandil. **Netherlands:** M. Reinsma; R. Kramer; F. Klaver. **Niger:** A. T. Mahaman; O. Alou. **Poland:** E. Szelchauz. **Portugal:** A. M. Pereira. **Senegal:** N. Ndiaye. **Sweden:** A. H. Olsson; L. C. Berg; E. M. A. Böttiger. **Togo:** N. Agblemagnon; W.-Y. Aladji; M.-P. Ketchouli.

III. Other States

Algeria: S. Abada; A. Bencheneb. **Andorra:** M. A. Canturri-Montana; A. Pintat. **Colombia:** N. Elkhazen. **Cuba:** R. Solís Ferreiro. **Ecuador:** A. Ortiz. **El Salvador:** R. Alvarez Lemus. **Indonesia:** I. Hardjito; A. M. Zaini. **Jordan:** A. Tawil. **Nepal:** I. B. Singh. **Panama:** R. Decerega. **Soviet Union:** B. Pankin; N. Voshchinin; R. Gorelik; V. Pogouliaev. **United States of America:** H. J. Winter; D. Schrader; L. Flacks; M. Keplinger; B. Lehman. **Venezuela:** A. Rosales; J. Lopez Bosch; M. B. Leza Dominguez; O. Arreaza.

IV. Intergovernmental Organizations (Observers)

International Labour Office (ILO): S. C. Cornwell. **United Nations Educational, Scientific and Cultural Organization (UNESCO):** M.-C. Dock. **Arab Educational, Cultural and Scientific Organization (ALECSO):** M. Ben-Amor. **Council of Europe:** H.-P. Furrer.

V. International Non-Governmental Organizations (Observers)

European Broadcasting Union (EBU): M. Cazé; M. Larrue. **International Alliance for Distribution by Wire (AID):** G. Moreau. **International Association of Conference Interpreters (AIIC):** B. Hetier; C. Marteau. **International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM):** J. Elissabide. **International Confederation of Societies of Authors and Composers (CISAC):** J. Elissabide. **International Council on Archives (ICA):** J. d'Orléans. **International Copyright Society (INTERGU):** G. Halla. **International Federation for Documentation (FID):** H. Arntz. **International Federation of Actors (FIA):** G. Croasdel. **International Federation of Associations of Film Distributors (FIAD):** G. Grégoire; J.-Y. Grégoire. **International Federation of Film Producers Associations (FIAPF):** A. Brisson. **International Federation of Library Associations and Institutions (IFLA):** M. Chauveinc. **International Federation of Musicians (FIM):** R. Leuzinger. **International Federation of Producers of Phonograms and Videograms (IFPI):** J. Hall; S. Stewart; G. Davies; E. Thompson; J. C. Müller-Chaves. **International Group of Scientific, Technical and Medical Publishers (STM):** P. Nijhoff Asser. **International Literary and Artistic Association (ALAI):** H. Desbois; J. Elissabide. **International Music Council (IMC):** J. Masson-Forestier. **International Publishers Association (IPA):** J. A. Koutchoumow; S. Forbes. **International Union of Cinematograph Exhibitors (UIEC):** J. Handl. **International Writers Guild (IWG):** R. Fernay; E. Le Bris.

VI. World Intellectual Property Organization

A. Bogsch (*Director General*); K.-L. Liguier-Laubhouet (*Deputy Director General*); C. Masouyé (*Director, Copyright and Public Information Department*); S. Alikhan (*Director, Copyright Division*).

VII. Officers

Chairman: M. del Corral Beltran (Spain). *Vice-Chairmen:* M. Ficsor (Hungary); H. Mevaondo (Cameroon). *Secretary:* C. Masouyé (WIPO).

Conventions Administered by WIPO

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

Seventh Ordinary Session

(Paris, October 22 and 30, 1979)

Report

submitted by the Secretariat and adopted by the Committee

Introduction

1. The Intergovernmental Committee of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention), convened in accordance with paragraph 6 of Article 32 of the Rome Convention and Rule 10 of the Rules of Procedure of the Committee, hereinafter referred to as "the Committee," held its seventh ordinary session on October 22 and 30, 1979, at the headquarters of Unesco, Paris.

2. Nine out of the 12 member States of the Committee (Austria, Brazil, Colombia, Czechoslovakia, Denmark, Ecuador, Mexico, Sweden, United Kingdom) were represented. The Governments of six States party to the Rome Convention but not members of the Committee (Chile, Costa Rica, Germany (Federal Republic of), Italy, Luxembourg, Norway) and 16 States not party to the Convention (Argentina, Cuba, Egypt, France, Holy See, Indonesia, Japan, Netherlands, Panama, Portugal, Saudi Arabia, Spain, Switzerland, Togo, United States of America, Venezuela) were represented by observers.

3. One intergovernmental organization and 11 international non-governmental organizations attended the session as observers.

4. The list of participants is annexed to this report.

Opening of the session

5. Mr. W. Weincke (Denmark), the outgoing Chairman of the Committee, opened the session. He noted that, since the previous ordinary session of the Committee, three subcommittees had met to discuss

specific technical issues related to the application of the Convention. He was pleased to draw the Committee's attention to the continued success of the Convention reflected in the additional number of States that have adhered to it.

6. Miss M.-C. Dock, representative of the Director-General of Unesco, welcomed the participants on behalf of the joint Secretariat of the Committee constituted by ILO, Unesco and WIPO.

Election of the officers

7. On a proposal by the delegation of Austria, seconded by the delegations of Sweden and the United Kingdom, Mr. Miroslav Jelínek (Czechoslovakia) was unanimously elected chairman. Mr. Jelínek, in taking the chair, mentioned that, although Czechoslovakia is presently the only Socialist State party to the Rome Convention, other Socialist States were expected to adhere to the Convention soon.

8. The delegation of Denmark proposed as Vice-chairmen Mr. Victor Tarnofsky (United Kingdom) and Mrs. Ramirez Lugo (Mexico). This proposal was seconded by the delegation of Austria and unanimously adopted.

Adoption of the agenda

9. The provisional agenda (document ILO/UNESCO/WIPO/ICR.7/1) was adopted.

State of accession to and ratification of the Rome Convention

10. Based on the information presented in document ILO/UNESCO/WIPO/ICR.7/2, the Committee took note of the fact that, since December 1977, date of the sixth ordinary session of the Committee,

two States had acceded to the Convention (Norway and El Salvador) and one State had ratified it (Ireland). With these new accessions and ratification, 23 States were now party to the Rome Convention. The delegation of Japan informed the Committee that its Government would soon study the possibility of adhering to the Convention.

Subcommittee of the Intergovernmental Committee of the Rome Convention on implementation of that Convention

11. Discussion was based on document ILO/UNESCO/WIPO/ICR.7/3 which contained the report of the Subcommittee as well as recommendations concerning the protection of performers, producers of phonograms and broadcasting organizations (Annex I of the said report). The Committee noted that the Subcommittee had concluded that the Rome Convention is a flexible instrument, which was an attribute that could serve to facilitate adherence to the Convention. The Convention has been a success in that since its adoption a large number of States had legislated in matters related to the Convention. The Committee also noted that no evidence had been submitted concerning the possible adverse effect of Article 12 rights on copyright royalties and that, even if that were the case, it would not constitute sufficient reason for denying the rights provided for in the Rome Convention in respect of secondary use of phonograms. On the question of the administration of rights of performers and producers of phonograms granted in accordance with Article 12, the Committee noted that the Subcommittee had concluded that practical and economical arrangements had been found and that the administration of such rights was not difficult. It also noted the guidelines elaborated by the Subcommittee, which took into account alternative arrangements and practical considerations on the establishment and operations of collecting societies and on international bilateral agreements.

12. The Committee decided that Annex I of the Subcommittee's report should be published separately by the Secretariat of the Committee and distributed to all members of the United Nations system. The working document of the Subcommittee (ILO/UNESCO/WIPO/ICR/SC1/IMP/2 together with the addendum (ILO/UNESCO/WIPO/ICR.7/3 Add. 1) containing modifications and additions to the information in the said working document should be made available in their present form. The Committee noted that the Subcommittee's work was particularly important for all beneficiaries of the Convention since it underscored the threat of technological development in the media to the artistic professions. The Committee felt that attention should also be given to the particular conditions in developing countries

where oral art forms are prevalent and which called for a model infrastructure of protection in these countries.

13. The Committee was also informed that an informal exchange of views among a group of some collecting societies would take place in Vienna in December 1979 to discuss an idea put forward during the sixth ordinary session of the Committee by the delegation of Czechoslovakia to establish an international confederation of national organizations for the protection of performers' rights. This exchange of views was in no way intended to compete with existing organizations in this field.

14. Turning to the text of the report of the Subcommittee, the delegation of Brazil informed the Committee that it withdrew its reservation expressed in paragraph 35 of the said report concerning the guidelines on international bilateral agreements.

15. On the question of a Guide to the Rome Convention, referred to in paragraph 30 of the report, the Committee unanimously felt that such a guide would be useful to promote the Convention and that it should be published as soon as possible. The Committee considered several possibilities: (i) a guide published by Mr. Masouyé in his personal capacity; (ii) a guide prepared by Mr. Masouyé and published by WIPO; (iii) a guide published under the auspices of the Intergovernmental Committee; and (iv) a guide published by the three Organizations constituting the Secretariat.

16. The representative of Unesco informed the Committee that Unesco considers that the preparation of such a guide would constitute an interpretation of the Convention. Given that Unesco felt that it should not interpret international instruments, it requested that a note to this effect, disclaiming its responsibility, should appear in the guide.

17. The representative of ILO expressed the opinion that, if the guide were to be published by WIPO, rather than by Mr. Masouyé in his personal capacity, ILO as a member of the Secretariat and as an organization with a particular interest in performers' rights would wish to make a contribution to the sections of the guide dealing with this question.

18. Given Mr. Masouyé's (WIPO) expertise in this field and given that provisions existed in WIPO's budget for 1980-1981 to publish such a guide, the Committee felt that the most practical approach would be one of the first two possibilities mentioned in paragraph 15 above, and that it was up to the Director General of WIPO to choose between these two possibilities. The other approaches were deemed to involve unduly lengthy procedures. It was understood that, during the preparation of the guide, information

would be sought from the interested circles, in particular on the practical application of Articles 7 and 12 of the Convention. The Committee also noted WIPO's intention to consult the other members of the Secretariat if they so desire.

19. Although a guide to the Convention was not yet available, the Committee stressed that the Model Law and its commentary provided immediate practical guidance to States wishing to enact legislation in this field.

20. With reference to paragraph 31 of the report concerning the desirability of holding a regional seminar on neighboring rights in Africa, the Committee noted that the programs of Unesco and WIPO provide for regional meetings in Africa in 1980 on copyright and neighboring rights. The Committee was of the opinion that the seminar on neighboring rights should be held separately, but for financial reasons it could be held either immediately before or immediately after the copyright seminar at the same place.

Application of the Phonograms Convention: State of accessions, ratifications and acceptances

21. The Committee took note of document ILO/UNESCO/WIPO/ICR.7/4 which listed the six States (Egypt, El Salvador, Israel, Japan, Norway, Paraguay) that had since July 31, 1977 (date indicated in the document submitted to the Committee at its sixth ordinary session), ratified or acceded to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms, as also the full list of the 32 States party to this Convention as on July 15, 1979.

22. The Committee further noted that in the past twelve months, since October 30, 1978, when Paraguay deposited its instrument of accession to this Convention, there had been no further ratifications or accessions. While accepting that procedural formalities in many countries may be under way to enable this being done, it agreed to adopt a recommendation to all Member States of the United Nations, any of the specialized agencies brought into relationship with the United Nations, or the International Atomic Energy Agency or party to the Statute of the International Court of Justice that have not yet adhered to this Convention to do so as soon as it is possible.

23. The Committee decided that, along with the proposed recommendation to the concerned States, the Secretariat should send an explanatory note indicating briefly the background and objectives of the Convention. The text of the recommendation is as follows:

24. "The Intergovernmental Committee of the International Convention for the Protection of Per-

formers, Producers of Phonograms and Broadcasting Organizations (Rome Convention) meeting at its seventh ordinary session in Paris on October 22 and 30, 1979,

Draws attention to the widespread and increasing unauthorized duplication of phonograms and the prejudice it brings to the interests of authors, performers and producers of phonograms,

Stresses that, as the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome, 1961) provides protection against the unauthorized duplication of phonograms, as well as a balanced protection of the rights of the three beneficiaries, the adherence to this Convention should be widely promoted,

Recognizes however that wide adherence may not be immediately possible,

Recommends strongly that, pending adherence to the Rome Convention, if compliance with the provisions of the Phonograms Convention can be more rapidly achieved, countries not having yet ratified or acceded to the Phonograms Convention should do so as soon as possible."

Application of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (Satellites Convention)

25. The Committee took note of document ILO/UNESCO/WIPO/ICR.7/5, which, besides listing the States party to the Satellites Convention as of July 15, 1979, indicated the coming into force of the Convention with effect from August 25, 1979. The Committee expressed satisfaction at the entry into force of the Convention and hoped that more States would adhere to this Convention.

26. The Committee also noted the contents of document ILO/UNESCO/WIPO/ICR.7/6 which had as its Annex the report of the Committee of Governmental Experts on the Implementation of the Satellites Convention, including the texts of two model provisions for the implementation of the said Convention, one granting specific protection to broadcasting organizations and the other prohibiting operations governed by the Convention.

Subcommittee of the Intergovernmental Committee of the Rome Convention on the transmission of television programs by cable

27. Discussion was based on document ILO/UNESCO/WIPO/ICR.7/7 and the report of the Subcommittee annexed to that document.

28. The Committee felt that legal problems arising from the transmission of television programs by cable in regard to protection of the interests of the beneficiaries of the Rome Convention cannot be solved in a uniform manner in all countries. It was of

the view that the report adopted by the Subcommittee on television by cable, in so far as it offers possibilities to national legislators on the basis of legislative solutions adopted or planned in different countries, as well as current practice in respect of contractual relationship between different interests concerned, contained valuable guidelines for the States. On this point, the Committee noted that the report of the Subcommittee recommended that domestic laws should treat the transmission of television programs by cable as broadcasts.

29. However, with regard to paragraph 39 of the report adopted by the said Subcommittee, several delegations expressed the opinion that its drafting could lead to too wide an interpretation of the scope of Article 12 of the Rome Convention for a remuneration in the event cable television is considered as a communication to the public. They referred in this connection to the wording of Article 12 to the effect that remuneration shall be paid only if phonograms are used directly for broadcasting or for any communication to the public, and they felt that Article 12 did not cover the situation dealt with in paragraphs 34 to 39 of the report of the Subcommittee which concern retransmission of captured transmissions.

30. The Committee decided that the report of the Subcommittee should be circulated to all States party to the Rome Convention, drawing their attention also to the above comments on paragraph 39.

31. It was brought to the notice of the Committee, for its information, that the Assembly and the Executive Committee of the Berne Union, at their recent session in Geneva, decided that a meeting of independent experts be convened early in 1980 on the question of copyright implications of cable television, particularly as it concerns cinematographic works. The proposed meeting would be convened by WIPO jointly with Unesco, subject to further consultation with that Organization.

32. The Committee was further informed that the said group of experts would be entrusted with making an objective evaluation of action that might be proposed on the basis of existing national legislations and international copyright conventions, or on the basis of possible amendments to such legislations or conventions, to prevent cable television from being a cause of erosion of the rights attaching to works protected by copyright.

33. Another purpose of the evaluation would be the preparation of a worldwide forum on combating the piracy of phonograms, motion pictures and other audiovisual recordings, which is included in the WIPO program adopted for 1980-1981 and would be carried out in conjunction with ILO and Unesco, if they so agree.

34. The Committee took note of this information and expressed the wish that within the framework of the mandate of the said group of experts attention should also be paid to the problems concerning the beneficiaries of the Rome Convention.

35. During the adoption of this report, the Committee's attention was drawn, as a point of information, to the work of the Subcommittees which examined the problems arising from the transmission of television programs by cable in regard to copyright protection and which felt that the solution to these problems did not call for a revision of the existing international copyright conventions.

Subcommittee of the Intergovernmental Committee of the Rome Convention on the Legal Problems Arising from the Use of Videocassettes and Audiovisual Discs

36. Discussion was based on documents ILO/UNESCO/WIPO/ICR.7/8, 8 Add. and 8 Add. Corr.

37. The observer of INTERGU informed the Committee that the last sentence in paragraph 3 of document ILO/UNESCO/WIPO/ICR.7/8 Add. should be amended to read as: "It has been accordingly suggested (*by the author of this study*) to the Federal Government that paragraph 5 of Article 53 of the Copyright Law. . ."

38. The observer of IFPI expressed the hope that Governments would take necessary measures to resolve the problems considered by the Subcommittee. In the opinion of his organization, the definition of "videogram" appearing in Appendix I of the report of the Subcommittee should be modified because it places greater stress on the material support than on the fixation. He proposed the following definition for the term "videogram": any first fixation of sequences of images, with or without sounds, capable of reproduction on film, videodisc, videocassette or any other material support.

39. Several delegations expressed the view that the definition of the term "videogram" should be reviewed taking into account the definition of phonogram contained in the Rome and Phonograms Conventions.

40. The Committee felt that the terminology used for videogram should be the same in respect of both copyright and neighboring rights fields, and decided to postpone its decision until after the meeting of the Copyright Committees. During the adoption of this report, the Committee noted that the Copyright Committees decided not to change the definition of videogram.

41. In connection with paragraph 17 of the report of the Subcommittee which recommends that a compensation for the prejudice caused by the private

use of videograms to those concerned should be based on a levy on both the equipment and material support, a number of delegations indicated that alternative systems of levies existed in their countries. For example, a levy could be based either on the equipment or on the material support or on both.

42. The Committee noted that, in any event, all contributors and copyright owners should be beneficiaries of the levy envisaged.

Promotion of the Rome Convention, the Phonograms Convention and the Satellites Convention

43. The Committee noted the contents of documents ILO/UNESCO/WIPO/ICR.7/9 and 10, and the fact that, as a follow-up of the Asian/Pacific Seminar on the Protection of Performers, Producers

of Phonograms and Broadcasting Organizations held in Bangkok in October 1977, the proceedings of that Seminar had been published and circulated.

44. The Committee also noted the recommendations adopted by the Regional Seminar on Copyright and Neighboring Rights for Asian and Pacific States and territories held in New Delhi in December 1978. The Committee was informed that the proceedings of this latter Seminar along with all statements made and lectures delivered at it together with its recommendations had also been recently published and circulated.

Adoption of the report and closing of the session

45. The Committee unanimously adopted this report and, after the usual thanks, the Chairman declared the session closed.

List of Participants

I. States Members of the Committee

Austria: R. Dittrich. **Brazil:** J. C. Costa Netto; I. de Freitas; C. de Souza Amaral. **Colombia:** P. Mendoza; N. Elkhazen. **Czechoslovakia:** M. Jelínek. **Denmark:** W. Weincke; J. Nørup-Nielsen. **Ecuador:** A. Ortiz. **Mexico:** V. A. Ramírez Lugo; A. Cué Bolaños; J. R. Bustillas. **Sweden:** A. H. Olsson; L. C. Berg; E. M. A. Böttiger. **United Kingdom:** V. Tarnofsky; A. Holt.

II. Observers

(a) States party to the Convention who are not members of the Committee

Chile: J. Retamal Favereau; W. Hayes Gonzales; H. Zamorano; G. Villota Alderete. **Costa Rica:** I. Leiva de Billault; C. Corrales. **Germany (Federal Republic of):** M. Möller; J. Reinbothe. **Italy:** I. Papini; G. Aversa; G. Catalini; M. Fabiani. **Luxembourg:** J. Jungers. **Norway:** S. Gramstad.

(b) Other States

Argentina: H. Della Costa. **Cuba:** R. Solís Fereiro. **Egypt:** A. F. Abdel Baki. **France:** A. Françon; A. Bourdalé-Dufau; A. Trameni-Venerandi. **Holy See:** L. Rousseau. **Indonesia:** A. M. Zaini. **Japan:** T. Araki; Y. Oyama; H. Gyoda. **Netherlands:** E. Lukács; R. Kramer. **Panama:** R. Decerega. **Portugal:** A. M. Pereira. **Saudi Arabia:** M. El Husayni. **Spain:** M. del Corral Beltran; V. García Valero. **Switzerland:** J.-L. Marro. **Togo:** N. Agblemagnon; M.-P. Kethouli. **United States of America:** H. J. Winter; D. Schrader. **Venezuela:** T. Alvarenga de Rodríguez; N. Coronil de Pagelson.

(c) Intergovernmental Organization

Council of Europe: H.-P. Furrer.

(d) International Non-Governmental Organizations

International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM): J. Elissabide. **International Confederation of Societies of Authors and Composers (CISAC):** J. Elissabide. **International Copyright Society (INTERGU):** G. Halla. **International Federation of Actors (FIA):** F. Delahalle; G. Croasdell. **International Federation of Film Producers Associations (FIAPF):** A. Brisson. **International Federation of Musicians (FIM):** J. Morton; R. Leuzinger. **International Federation of Producers of Phonograms and Videograms (IFPI):** J. Hall; G. Davies; E. Thompson; S. M. Stewart; J. C. Müller-Chaves. **International Literary and Artistic Association (ALAI):** R. Meinander; J. Elissabide. **International Music Council (IMC):** J. Masson-Forestier. **International Union of Cinematograph Exhibitors (UIEC):** J. Handl. **International Writers Guild (IWG):** R. Fernay; E. Le Bris.

III. Secretariat

International Labour Office (ILO)

G. Bohère (*Chief, Salaried Employees and Professional Workers Branch, Sectoral Activities Department*); S. C. Cornwell (*Salaried Employees and Professional Workers Branch, Sectoral Activities Department*).

United Nations Educational, Scientific and Cultural Organization (UNESCO)

M.-C. Dock (*Director, Copyright Division*); A. M. Alam (*Legal Officer, Copyright Division*).

World Intellectual Property Organization (WIPO)

K.-L. Liguier-Laubhouet (*Deputy Director General*); C. Masouyé (*Director, Copyright and Public Information Department*); S. Alikhan (*Director, Copyright Division*).

National Legislation

NORWAY

I

Law amending the Copyright Act (No. 2, of May 12, 1961) and the Law on Rights in Photographic Pictures (No. 1, of June 17, 1960)

(No. 51, of June 3, 1977) *

1. The following provisions of the Copyright Act (No. 2, of May 12, 1961) shall read as follows:

Article 16, second paragraph

Pursuant to more detailed regulations to be issued by the King, published intellectual works may be recorded in connection with educational activities on instruments capable of reproducing the said works. This shall not, however, include the right to make reproductions directly from phonographic records or recording tapes produced for commercial purposes, neither shall it include the right to make reproductions of cinematographic works that are also intended for showing by means other than television, except where only short extracts from the work are used in the broadcast. Copies of works made pursuant to this provision may not be used for other purposes.

Article 43, third paragraph

The provisions of Article 11, first paragraph, Article 13 and Article 16, second paragraph, shall apply correspondingly.

2. The following provisions of the Law on Rights in Photographic Pictures (No. 1, of June 17, 1960) shall read as follows:

5. A photographic picture may be reproduced in single copies for private use.

The provisions of Article 16, second paragraph, of the Copyright Statute shall apply correspondingly to photographic pictures.

A copy of a photograph produced under this Article may not be used for other purposes.

12. Where photographic pictures are reproduced pursuant to Article 5, second paragraph, and Articles 7, 8, 9 and 10 above without the consent of the photographer, the name of the latter shall be mentioned according to usual practice.

3. This Law shall enter into force when the King so decides. **

* See *Le Droit d'auteur (Copyright)*, 1962, p. 106, and 1963, p. 31. — WIPO translation.

** Royal Decree of December 23, 1977, entered into force en January 1, 1978.

II

Provisions governing the right to make phonograms and videograms of school and assimilated broadcasts for use in educational activities

(Royal Decree of December 23, 1977) *

1. It shall be permissible to make sound and visual recordings of broadcast programs for schools, or of any other broadcast program of essentially edu-

cational character, for use in teaching at schools. Such recordings may only be made by schools or recording centers approved by the Ministry. The recordings made may not be used for other purposes or outside the confines of the school.

* WIPO translation.

The right to make recordings shall not apply to dancing schools or to schools specified in special decisions issued by the Ministry of Church and Education as being not concerned by these provisions.

These provisions shall not afford the right to make recordings of films intended for showing by means other than television, except where only short extracts from the work are used in the broadcast.

Regardless of the character or composition of the program, the recording center shall pay a fixed royalty for each copy made. This royalty shall be fixed by negotiation and distributed proportionally to the Performers' Fund, the Mutual Aid Fund of the Norwegian Film Association, the Norwegian Association of Authors and Translators and the International Music Bureau of the Norwegian Association of

Composers TONO. The Ministry of Church and Education may decide on the distribution of a portion of the royalty to other funds or bodies.

If no agreement is reached concerning the amount or the distribution of the royalty, the dispute shall be settled according to the rules laid down under Article 51 of the Law on Remuneration for Intellectual and Assimilated Works.

2. These provisions shall enter into force on January 1, 1978.

The provisions enacted in the Royal Decree of October 20, 1967, by virtue of Article 16, second paragraph, of the Copyright Act shall be repealed as of the same date.

PORTUGAL

I

Decree-Law

(No. 433/78, of December 27, 1978)*

Article 67 of the Copyright Code,** approved by Decree-Law No. 46 980, of April 27, 1966, provides that national or foreign associations constituted for the exercise and protection of the rights and interests of authors carry out that function in the capacity of the author's agents, having such capacity by the mere fact that an author is a member or is registered, under any name, as a beneficiary of the services provided by such associations; membership or registration as a beneficiary must be duly recorded in a public register.

No public register as provided for in the Copyright Code has yet been established except for the authors of literary or musical works intended for public entertainments or shows, for whom registration is governed by Decree No. 42 661, of November 20, 1959.

This document organizes such a registration system in a general way.

This opportunity is being taken to group, in a standardized table, the fees payable for all acts of registration that are within the competence of the Directorate of Copyright Services, and also to bring the amounts of those fees up to date.

Pursuant to Article 201(1)(c) of the Constitution of the Republic, the Government decrees the following:

Article 1. The functions of agent, whether expressly conferred or derived from any of the capacities referred to in Article 67(1) of the Copyright Code, may not be exercised until after registration with the Directorate of Copyright Services of the Secretariat of State for Culture.

Article 2. (1) Recording in the Register shall take place in the following manner:

- (a) at the request of the agent, the principal or his legal representative or competent procurator, which request shall be accompanied by a document attesting the agency; where the document is written in a foreign language, a translation may be demanded;
- (b) in the cases provided for in Article 67(1) of the Copyright Code, the request shall be accompanied by lists indicating the names of the members or beneficiaries of the associations or societies and a copy of their regulations or articles of association.

(2) The lists mentioned in paragraph (1)(b) shall bear the seal of the association or society in white or in color, and shall be initialled by an authorized person.

(3) The provisions of the last part of paragraph (1)(a) shall apply to the text that accompanies the names of the authors represented where it is written in a foreign language.

* This Decree-Law was promulgated on December 6, 1978. — WIPO translation.

** See *Copyright, 1967*, pp. 301 *et seq.*

(4) The lists mentioned in paragraph (2) shall be accompanied by cards concerning each author made out according to the pattern specified in Order No. 102 of March 2, 1977, failing which they shall not be accepted; after having been recorded and numbered, the lists shall be regarded as an integral part of the Register.

Article 3. The Directorate of Copyright Services shall, at the request of any person proving a legitimate interest, record such facts as have to be recorded pursuant to the foregoing Articles.

Article 4. Entries made according to the provisions of Articles 80 *et seq.* of Decree No. 42 661, of November 20, 1959, shall be officially transcribed at the Directorate of Copyright Services, remaining valid until such time transcription has been effected.

Article 5. The fees specified in the table appended to and forming an integral part of this document shall

be payable for the registrations and certifications provided for in Articles 1 and 4.

Article 6. Articles 80, 81, 82, 83, 84 and 85 of Decree No. 42 661, of November 20, 1959, and the fees payable to the Registration Service for Literary, Scientific and Artistic Property, are hereby repealed and are replaced by the standardized table of fees payable for registrations effected with the Directorate of Copyright Services.

Article 7. The fees shall be paid to the State Treasury by the tenth day of the month following that during which they became payable.

Article 8. The associations referred to in Article 67 of the Copyright Code, and societies intending to pursue similar aims which, on the date of publication of this document, are legally carrying on their activity, shall effect their registration under these provisions within 180 days, which period may be extended if the reasons therefor are found to be justified.

II

Decree-Law

(No. 411/78, of December 19, 1978)*

Considering that the authors of works intended for public entertainments and shows enjoy administrative protection inasmuch as authorization by the Directorate of Entertainment Services is granted on presentation of the written authorization granted by the authors of the works to be used;

Considering that it is fair that the authors of graphically or phonographically published works should enjoy comparable protection;

Pursuant to Article 201(1)(a) of the Constitution, the Government decrees the following:

Sole Article. In the instrument of legal deposit of any graphically or phonographically published intellectual work, the publisher shall provide proof that the owner of the copyright has given his authorization for such publication.

* This Decree-Law was promulgated on November 30, 1978. — WIPO translation.

SWEDEN

I

**Law amending the Law of 1960 (No. 729) on Copyright
in Literary and Artistic Works**

(No. 488, of June 8, 1978) *

Pursuant to the decision of Parliament concerning the Law of 1960 (No. 729) on Copyright in Literary and Artistic Works,** it is hereby prescribed that:

- in § 12, in the second paragraph of § 18, in §§ 22, 51 and 62, the word “King” in its various grammatical forms shall be replaced by the word “Government” in the appropriate form,
- §§ 45, 46, 48 and 49 shall be reworded as set out below,
- three new sections numbered 22a to 22c shall be incorporated in the Law with the wording set out below:

§ 22a. Where the organization referred to in the first paragraph of § 22 has the right to broadcast the reproduced work, that organization may, in order to secure future evidence of the contents of the broadcast, record the work on a medium enabling it to be reproduced. Where such recording has a documentary value, it may be preserved in the Archive referred to in the Law of 1978 (No. 487) on the Statutory Deposit of Writings and of Sound and Visual Recordings.

The recordings referred to in the first paragraph may only be used for purposes of evidence, except as provided by § 22c.

§ 22b. For the purposes of preservation in accordance with 22a, the Archive may record published cinematographic works on a medium enabling them to be reproduced.

§ 22c. Where a copy of a published work is preserved in accordance with § 22a, the Archive may make single copies of the work if required for emergency or defense reasons. The Archive may also make single copies for research purposes. The copies made under this section shall not be used for other purposes.

§ 45. A performing artist's performance of a literary or artistic work may not without his consent be recorded on gramophone records, films, or other mechanical instruments by means of which it can be reproduced, nor may it, without such consent, be

broadcast by radio or television or made available to the general public by direct transmission.

The recording of a performance on a mechanical instrument, as referred to in the first paragraph, may not be transferred to another such instrument without the consent of the performer, until twenty-five years have elapsed from the year in which the first recording took place.

The provisions of §§ 3 and 9, § 11, first paragraph, § 14, first paragraph, §§ 17, 20 and 21, § 22, first paragraph, and §§ 22a to 22c, 24, 24a, 27, 28, 41 and 42 shall apply to the recording, broadcasting, transmission, and re-recording mentioned in this section.

§ 46. A gramophone record or other sound recording may not be copied without the consent of the producer, until twenty-five years have elapsed from the year in which the recording was made. The transfer of a sound recording from one mechanical instrument to another shall also be regarded as copying.

The provisions of § 9, § 11, first paragraph, § 14, first paragraph, §§ 17 and 21, § 22, first paragraph, and §§ 22a to 22c, 24 and 24a shall apply to any procedure which, pursuant to this section, requires the consent of the producer.

§ 48. A radio or television broadcast may not be rebroadcast or recorded on mechanical instruments by means of which it can be reproduced without the consent of the radio or television organization. Nor may a television broadcast, without such consent, be made available to the general public in a cinema or similar premises.

If a broadcast has been recorded on a mechanical instrument referred to in the first paragraph, it may not be transferred to another instrument without the consent of the radio or television organization before twenty-five years have elapsed from the year in which the broadcast took place.

The provisions of § 9, § 11, first paragraph, § 14, first paragraph, §§ 17, 20 and 21, § 22, first paragraph, and §§ 22a to 22c, 24 and 24a shall apply to cases specified in this section.

§ 49. Catalogues, tables, and similar compilations in which a large number of particulars have been summarized may not be reproduced without the

* Published in *Svensk författningssamling* of June 22, 1978.

** See *Le Droit d'auteur (Copyright)*, 1962, p. 76, and *Copyright*, 1972, p. 170; 1974, pp. 42 and 48; 1977, p. 68.

consent of the producer before ten years have elapsed from the year in which the production was published.

The provisions of § 9, § 11, first paragraph, §§ 14, 22a to 22c, 24 and 24a shall apply to the productions mentioned in this section. If a production of this kind or a part thereof is subject to copyright, the copyright may also be claimed.

This Law shall enter into force on July 1, 1978. It shall also apply to works created prior to its entry into force. The provisions on works shall apply by analogy to performances and to sound or visual broadcasts in accordance with §§ 45, 46 and 48, and to the works referred to in § 49.

II

Law amending the Law of 1960 (No. 730) on Rights in Photographic Pictures

(No. 489, of June 8, 1978) *

Pursuant to the decision of Parliament concerning the Law of 1960 (No. 730) on Rights in Photographic Pictures,** it is hereby prescribed that:

- in §§ 6, 9, 11 and 23, the words “ King ” in its various grammatical forms shall be replaced by the word “ Government ” in the appropriate form,
- § 12 shall be reworded as set out below:

§ 12. A photographic picture may be used freely in the interest of the administration of justice and public safety.

The provisions of §§ 9 and 24 of the Law of 1960 (No. 729) on Copyright in Literary and Artistic

Works shall apply by analogy to the right in photographic pictures, but the provisions on works of picture laid down in that Law shall instead apply to photographic pictures of an artistic or scientific value.

Notwithstanding the right in photographic pictures, official documents shall be made available to the public as prescribed in chapter 2 of the Freedom of the Press Act.

With regard to the right in photographic pictures, §§ 22a to 22c of the Law of 1960 (No. 729) on Copyright in Literary and Artistic Works shall apply by analogy.

This Law shall enter into force on July 1, 1978. It shall also apply to photographic pictures created prior to its entry into force.

* Published in *Svensk författningssamling* of June 22, 1978.

** See *Le Droit d'auteur (Copyright)*, 1962, p. 82, and *Copyright*, 1974, p. 44.

UNITED KINGDOM

I

Public Lending Right Act 1979

An Act to provide public lending right for authors, and for connected purposes

(Of March 22, 1979)

Establishment of public lending right

1. (1) In accordance with a scheme to be prepared and brought into force by the Secretary of State, there shall be conferred on authors a right, known as “ public lending right ”, to receive from time to time out of a Central Fund payments in respect of such of their books as are lent out to the public by local library authorities in the United Kingdom.

(2) The classes, descriptions and categories of books in respect of which public lending right subsists, and the scales of payments to be made from the Central Fund in respect of it, shall be determined by or in accordance with the scheme; and in preparing the scheme the Secretary of State shall consult with representatives of authors and library authorities and of others who appear to be likely to be affected by it.

(3) The Secretary of State shall appoint an officer to be known as the Registrar of Public Lending Right; and the Schedule to this Act has effect with respect to the Registrar.

(4) The Registrar shall be charged with the duty of establishing and maintaining in accordance with the scheme a register showing the books in respect of which public lending right subsists and the persons entitled to the right in respect of any registered book.

(5) The Registrar shall, in the case of any registered book determine in accordance with the scheme the sums (if any) due by way of public lending right; and any sum so determined to be due shall be recoverable from the Registrar as a debt due to the person for the time being entitled to that right in respect of the book.

(6) Subject to any provision made by the scheme, the duration of public lending right in respect of a book shall be from the date of the book's first publication (or, if later, the beginning of the year in which application is made for it to be registered) until 50 years have elapsed since the end of the year in which the author died.

(7) Provision shall be made by the scheme for the right—

- (a) to be established by registration;
- (b) to be transmissible by assignment or assignation, by testamentary disposition or by operation of law, as personal or moveable property;
- (c) to be claimed by or on behalf of the person for the time being entitled;
- (d) to be renounced (either in whole or in part, and either temporarily or for all time) on notice being given to the Registrar to that effect.

The Central Fund

2. (1) The Central Fund shall be constituted by the Secretary of State and placed under the control and management of the Registrar.

(2) There shall be paid into the Fund from time to time such sums, out of money provided by Parliament, as the Secretary of State with Treasury approval determines to be required for the purpose of satisfying the liabilities of the Fund; but in respect of the liabilities of any one financial year of the Fund the total of those sums shall not exceed £2 million less the total of any sums paid in that year, out of money so provided, under paragraph 2 of the Schedule to this Act (pay, pension, etc. of Registrar).

(3) With the consent of the Treasury, the Secretary of State may from time to time by order in a statutory instrument increase the limit on the sums to be paid under subsection (2) above in respect of financial years beginning after that in which the order is made; but no such order shall be made unless a

draft of it has been laid before the House of Commons and approved by a resolution of that House.

(4) There shall be paid out of the Central Fund—

- (a) such sums as may in accordance with the scheme be due from time to time in respect of public lending right; and
- (b) the administrative expenses of the Registrar and any other expenses and outgoings mentioned in this Act which are expressed to be payable from the Fund.

(5) Money received by the Registrar in respect of property disposed of, or otherwise in the course of his functions, or under this Act, shall be paid into the Central Fund, except in such cases as the Secretary of State otherwise directs with the approval of the Treasury; and in any such case the money shall be paid into the Consolidated Fund.

(6) The Registrar shall keep proper accounts and other records and shall prepare in respect of each financial year of the Fund statements of account in such form as the Secretary of State may direct with Treasury approval; and those statements shall, on or before 31st August next following the end of that year, be transmitted to the Comptroller and Auditor General, who shall examine and certify the statements and lay copies thereof, together with his report thereon, before each House of Parliament.

The scheme and its administration

3. (1) As soon as may be after this Act comes into force, the Secretary of State shall prepare the draft of a scheme for its purposes and lay a copy of the draft before each House of Parliament.

(2) If the draft scheme is approved by a resolution of each House, the Secretary of State shall bring the scheme into force (in the form of the draft) by means of an order in a statutory instrument, to be laid before Parliament after it is made; and the order may provide for different provisions of the scheme to come into force on different dates.

(3) The scheme shall be so framed as to make entitlement to public lending right dependent on, and its extent ascertainable by reference to, the number of occasions on which books are lent out from particular libraries, to be specified by the scheme or identified in accordance with provision made by it.

(4) For this purpose, "library" —

- (a) means any one of a local library authority's collections of books held by them for the purpose of being borrowed by the public; and
- (b) includes any such collection which is taken about from place to place.

(5) The scheme may provide for requiring local library authorities—

- (a) to give information as and when, and in the form in which, the Registrar may call for it or the Secretary of State may direct, as to loans made by them to the public of books in respect of which public lending right subsists, or of other books; and
- (b) to arrange for books to be numbered, or otherwise marked or coded, with a view to facilitating the maintenance of the register and the ascertainment and administration of public lending right.

(6) The Registrar shall, by means of payments out of the Central Fund, reimburse to local library authorities any expenditure incurred by them in giving effect to the scheme, the amount of that expenditure being ascertained in accordance with such calculations as the scheme may prescribe.

(7) Subject to the provisions of this Act (and in particular to the foregoing provisions of this section), the scheme may be varied from time to time by the Secretary of State, after such consultation as is mentioned in section 1(2) above, and the variation brought into force by an order in a statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament; and the variation may comprise such incidental and transitional provisions as the Secretary of State thinks appropriate for the purposes of continuing the scheme as varied.

(8) The Secretary of State shall in each year prepare and lay before each House of Parliament a report on the working of the scheme.

The register

4. (1) The register shall be kept in such form, and contain such particulars of books and their authors, as may be prescribed.

(2) No application for an entry in the register is to be entertained in the case of any book unless it falls within a class description or category of books prescribed as one in respect of which public lending right subsists.

(3) The scheme shall provide for the register to be conclusive both as to whether public lending right subsists in respect of a particular book and also as to the person (if any) who are for the time being entitled to the right.

(4) Provision shall be included in the scheme for entries in the register to be made and amended on application made in the prescribed manner and supported by prescribed particulars (verified as prescribed) so as to indicate, in the case of any book who (if any one) is for the time being entitled to public lending right in respect of it.

(5) The Registrar may direct the removal from the register of every entry relating to a book in whose case no sum has become due by way of public

lending right for a period of at least 10 years, but without prejudice to a subsequent application for the entries to be restored to the register.

(6) The Registrar may require the payment of fees, according to prescribed scales and rates, for supplying copies of entries in the register; and a copy of an entry, certified under the hand of the Registrar or an officer of his with authority in that behalf (which authority it shall be unnecessary to prove) shall in all legal proceedings be admissible in evidence as of equal validity with the original.

(7) It shall be an offence for any person, in connection with the entry of any matter whatsoever in the register, to make any statement which he knows to be false in a material particular or recklessly to make any statement which is false in a material particular; and a person who commits an offence under this section shall be liable on summary conviction to a fine of not more than £ 1 000.

(8) Where an offence under subsection (7) above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he (as well as the body corporate) shall be guilty of that offence and be liable to be proceeded against accordingly.

Where the affairs of a body corporate are managed by its members, this subsection applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Citation, etc.

5. (1) This Act may be cited as the Public Lending Right Act 1979.

(2) In this Act any reference to "the scheme" is to the scheme prepared and brought into force by the Secretary of State in accordance with sections 1 and 3 of this Act (including the scheme as varied from time to time under section 3(7)); and—

"local library authority" means—

- (a) a library authority under the Public Libraries and Museums Act 1964,
- (b) a statutory library authority within the Public Libraries (Scotland) Act 1955, and
- (c) an Education and Library Board within the Education and Libraries (Northern Ireland) Order 1972;

"prescribed" means prescribed by the scheme;

"the register" means the register required by section 1(4) to be established and maintained by the Registrar; and

"the Registrar" means the Registrar of Public Lending Right.

(3) This Act comes into force on a day to be appointed by an order made by the Secretary of State in a statutory instrument to be laid before Parliament after it has been made.

(4) This Act extends to Northern Ireland.

SCHEDULE Section 1(3)

The Registrar of Public Lending Right

1. The Registrar shall hold and vacate office as such in accordance with the terms of his appointment; but he may at any time resign his office by notice in writing addressed to the Secretary of State; and the Secretary of State may at any time remove a person from the office of Registrar on the ground of incapacity or misbehaviour.

2. (1) There shall be paid to the Registrar out of money provided by Parliament such remuneration and allowances as the Secretary of State may determine with the approval of the Minister for the Civil Service.

(2) In the case of any such holder of the office of Registrar as may be determined by the Secretary of State with that approval, there shall be paid out of money so provided such pension, allowance or gratuity to or in respect of him, or such contributions or payments towards provision of such a pension, allowance or gratuity, as may be so determined.

3. If, when a person ceases to hold office as Registrar, it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, there may (with the approval of the Minister for the Civil Service) be paid to him out of the Central Fund a sum by way of compensation of such amount as may be so determined.

4. In the House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices), the following shall be inserted at the appropriate place in alphabetical order—

“ Registrar of Public Lending Right ”;

and the like insertion shall be made in Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

5. (1) The Registrar of Public Lending Right shall be by that name a corporation sole, with a corporate seal.

(2) He is not to be regarded as the servant or agent of the Crown.

6. The Documentary Evidence Act 1868 shall have effect as if the Registrar were included in the first column of the Schedule to that Act, as if the Registrar and any person authorised to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any documents issued by the Registrar or by any such person.

7. (1) The Registrar may appoint such assistant registrars and staff as he thinks fit, subject to the approval of the Secretary of State as to their numbers; and their terms and conditions of service, and the remuneration and allowances payable to them, shall be such as the Registrar may determine.

(2) The Registrar may direct, in the case of persons appointed by him under this paragraph—

(a) that there be paid to and in respect of them such pensions, allowances and gratuities as he may determine;

(b) that payments be made towards the provision for them of such pensions, allowances and gratuities as he may determine; and

(c) that schemes be provided and maintained (whether contributory or not) for the payment to and in respect of them of such pensions, allowances and gratuities as he may determine.

(3) Any money required for the payment of remuneration and allowances under this paragraph, and of pensions, allowances and gratuities, and otherwise for the purposes of sub-paragraph (2) above, shall be paid from the Central Fund.

(4) The approval of the Secretary of State and the Minister for the Civil Service shall be required for any directions or determination by the Registrar under this paragraph.

8. Anything authorised or required under this Act (except paragraph 7 of this Schedule), or by or under the scheme, to be done by the Registrar may be done by any assistant registrar or member of the Registrar's staff who is authorised generally or specially in that behalf in writing by the Registrar.

II

The Copyright (International Conventions) (Amendment) Order 1979

(No. 577, of May 23, 1979, coming into force on June 21, 1979)

1. This Order may be cited as the Copyright (International Conventions) (Amendment) Order 1979, and shall come into operation on 21st June 1979.

2. The Copyright (International Conventions) Order 1972¹ shall be further amended by the inclusion in Schedule 2 (which names the countries party to the Universal Copyright Convention but not members of the Berne Copyright Union) of a reference in the left-hand column to El Salvador and in relation thereto in the right-hand column the date 21st June 1979.

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

¹ See *Copyright*, 1972, p. 180.

SCHEDULE

Countries to which this Order extends

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

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order further amends the Copyright (International Conventions) Order 1972. It takes account of the accession of El Salvador to the Universal Copyright Convention.

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

General Studies

The Public Lending Right Act 1979 in the United Kingdom

Gavin McFARLANE*

Correspondence

Letter from the U.S.S.R.

E.P. GAVRILOV *

Calendar

WIPO Meetings

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

1980

- January 7 to 9 (Geneva) — Development Cooperation (Copyright) — Working Group on Intellectual Property Aspects of Folklore Protection** (convened jointly with Unesco)
- January 14 to 17 (Geneva) — Paris Union — Working Group on Industrial Property Aspects of Consumer Protection**
- January 21 to 25 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on General Information**
- January 28 to February 1 (Bissau) — Development Cooperation — Intellectual Property Seminar for Newly Independent Countries in Africa** (convened jointly with UNECA and OAU)
- January 28 to February 1 (Geneva) — Permanent Committee for Patent Information (PCPI) — Working Group on Search Information**
- February 4 to March 4 (Geneva) — Revision of the Paris Convention — Diplomatic Conference**
- February 11 to 15 (Rio de Janeiro) — Permanent Committee for Patent Information (PCPI) — Working Group on Planning**
- March 17 to 21 (Geneva) — Nice Union — Preparatory Working Group**
- March 17 to 28 (Geneva) — International Patent Cooperation (PCT) Union — PCT Budget Consultants Meeting**
- April 28 to 30 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property**
- June 9 to 16 (Geneva) — International Patent Cooperation (PCT) Union — Assembly (Extraordinary Session)**
- June 13 to 19 (Geneva) — Budapest Union (Microorganisms) — Interim Committee**
- June 23 to 27 (Geneva) — Permanent Committee for Patent Information (PCPI) — Working Group on Search Information**
- September 8 to 12 (Rijswijk) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning**
- September 22 to 26 (Geneva) — Governing Bodies (WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions; Assembly of the International Patent Cooperation (PCT) Union)**
- October 14 to 17 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Patent Information for Developing Countries**
- October 20 to 24 (Geneva) — Permanent Committee on Patent Information (PCPI)**
- December 8 to 12 (Paris) — Berne Union — Committee of Experts on Problems Arising from the Use of Computers** (convened jointly with Unesco)

UPOV Meetings

1980

March 18 and 19 (Geneva) — Technical Committee
April 14 and 15 (Geneva) — Subgroups of the Administrative and Legal Committee
April 16 (Geneva) — Consultative Committee
April 17 and 18 (Geneva) — Administrative and Legal Committee
April 27 to May 11 (Nelspruit) — Technical Working Party for Fruit Crops
May 12 to 14 (Wageningen) — Technical Working Party for Agricultural Crops
June 23 to 25 (Geneva) — Subgroups of the Administrative and Legal Committee
August 26 to 28 (Hanover) — Technical Working Party for Forest Trees
September 16 to 18 (Lund) — Technical Working Party for Ornamental Plants
September 23 to 25 (Lund) — Technical Working Party for Vegetables
October 14 (Geneva) — Consultative Committee
October 15 to 17 (Geneva) — Council
November 10 to 12 (Geneva) — Technical Committee
November 13 and 14 (Geneva) — Administrative and Legal Committee

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

Non-Governmental Organizations

1980

International Confederation of Societies of Authors and Composers (CISAC)

Legal and Legislation Committee — March 20 and 21 (Budapest)

Congress — November 3 to 7 (Dakar)

International Federation of Library Associations and Institutions (IFLA)

Congress — August 18 to 23 (Manila)

International Federation of Musicians (FIM)

Executive Committee — February 25 to 28 (Vienna)

Congress — May 5 to 9 (Geneva)

International Literary and Artistic Association (ALAI)

Executive Committee and General Assembly — January 25 and 26 (Paris)

Study Session — May 26 to 28 (Helsinki)

International Publishers Association (IPA)

Congress — May 18 to 22 (Stockholm)

1981

Internationale Gesellschaft für Urheberrecht (INTERGU)

Congress — September 21 to 25 (Ottawa)