

Published monthly  
Annual subscription:  
Sw.fr. 105.—  
Each monthly issue:  
Sw.fr. 10.—

# Copyright

**February 1980**  
16<sup>th</sup> year - No. 2

Monthly Review of the  
World Intellectual Property Organization (WIPO)

---

## Contents

WORLD INTELLECTUAL PROPERTY ORGANIZATION	
— The World Intellectual Property Organization in 1979 . . . . .	51
— Diplomatic Conference on the Double Taxation of Copyright Royalties (Madrid, November 26 to December 13, 1979)	
List of Participants . . . . .	71
Model Bilateral Agreement for the Avoidance of Double Taxation of Copyright Royalties . . . . .	76
— The WIPO Training Program in the Field of Copyright and Neighboring Rights for Developing Countries in 1979. <i>Corrigendum</i> . . . . .	84
BERNE UNION	
— <b>Czechoslovakia.</b> Ratification of the Paris Act (1971) of the Berne Convention . . . . .	84
CORRESPONDENCE	
— Letter from the Federal Republic of Germany ( <b>A. Dietz</b> ) ( <i>First Part</i> ) . . . . .	85
INTERNATIONAL ACTIVITIES	
— International Federation of Actors (FIA). XI <sup>th</sup> Congress (Budapest, September 25 to 29, 1979) . . . . .	104
BOOK REVIEWS	
— The USSR and International Copyright Protection ( <b>Mark Boguslavsky</b> ) . . . . .	106
CALENDAR OF MEETINGS . . . . .	107

---

© WIPO 1980

Any reproduction of official notes or reports, articles and translations of laws or agreements, published in this review, is authorized only with the prior consent of WIPO.

---



# World Intellectual Property Organization

## The World Intellectual Property Organization in 1979

### I. Membership of WIPO

During 1979, the Governments of four States deposited instruments of ratification of or accession to the Convention Establishing the World Intellectual Property Organization: Barbados, El Salvador, Indonesia, Uruguay. The number of States party to the WIPO Convention is 88.<sup>1</sup>

### II. Governing Bodies

#### A. Membership

The membership of the Governing Bodies of WIPO and of the Unions administered by WIPO appears in the January 1980 issues of *Copyright* and *Industrial Property*.

#### B. WIPO Budget Committee

The third session of the WIPO Budget Committee was held in May 1979. Thirteen of the 14 members designated by the WIPO Coordination Committee were represented. The Budget Committee considered documents presented by the Director General concerning program and budget cycles, the question of the use of Arabic, Portuguese, Russian and Spanish as working languages of WIPO, the form and content of reports on meetings, contribution systems and the draft program and budget for 1980, 1981 and 1982,

and plans for 1983, 1984 and 1985. Subject to certain recommendations and to positions taken by individual delegations, reflected in its report, the Budget Committee recommended that the documents considered by it be submitted for examination and decision to the competent Governing Bodies in their sessions in September and October, 1979.

In preparing the draft program for 1980, 1981 and 1982, and plans for 1983, 1984 and 1985, submitted to the Budget Committee, the Director General took into account suggestions made by governments in response to a request for such suggestions sent to member States in November 1978, and suggestions made by international non-governmental organizations both in writing and at a meeting held for that purpose in January 1979. The draft program concerning copyright and neighboring rights activities took into account, and was based on, the conclusions reached on a first draft of the said program at an extraordinary session of the Executive Committee of the Berne Union, with the participation of the Intergovernmental Copyright Committee established by the Universal Copyright Convention and representatives of the Secretariat of Unesco, in February 1979.

#### C. Tenth Series of Meetings

The tenth series of meetings of the Governing Bodies of WIPO and the Unions administered by WIPO was held in September/October 1979. Twenty Governing Bodies, including the WIPO General Assembly and Conference and the Assemblies of the Unions, held sessions; 81 States, members of WIPO, the Paris Union or the Berne Union or of one or more of these, were represented at the tenth series of meetings. In addition, eight other States, eleven intergovernmental organizations and nine international non-governmental organizations sent observers.

\* This article covers the main activities of the World Intellectual Property Organization as such (that is, as distinguished from those of the Unions administered by WIPO) in the year 1979. The main activities of the said Unions in 1979 will be covered in separate articles to be published in the March 1980 issues of *Copyright* and *Industrial Property*.

<sup>1</sup> The list of Member States as of January 1, 1980, appears in the January 1980 issue of this review.

On the basis of the nomination made by the WIPO Coordination Committee at its twelfth session, the WIPO General Assembly appointed Dr. Arpad Bogsch, unanimously and by acclamation, as the Director General of WIPO for a further period of six years.

The Governing Bodies reviewed reports by the Director General on the finances of the International Bureau in 1978, the accounts for 1976, 1977 and 1978 and the activities of the International Bureau from September 1976 to September 1979. The said reports, accounts and activities were approved by each of the Governing Bodies concerned.

The Governing Bodies concerned decided to change from the existing system of triennial and annual programs and budgets to a system of biennial programs and budgets for WIPO and the nine Unions which have independent budgets.

The Governing Bodies decided to extend the use of Arabic, Portuguese, Russian and Spanish by the International Bureau, mainly in the field of publications, and to the extent permitted by budgetary considerations. English and French remain the basic working languages.

The program approved for 1980 and 1981 includes, among many others, the following activities.

The International Bureau will continue its systematic, yearly training program for the training of government officials of developing countries, individually or in groups (in courses with pre-established curricula), in the law and the practical implications, including patent information, of industrial property and copyright and neighboring rights; it will cooperate, on request, with individual governments or groups of governments of developing countries on the adoption of new laws and regulations, or the modernization of existing laws and in the creation or modernization of institutions in the fields of industrial property and copyright and neighboring rights in order to ensure that they serve better their economic and social goals.

The Diplomatic Conference on the Revision of the Paris Convention for the Protection of Industrial Property will take place in 1980. The last major substantive revision of the Convention took place in 1958, whereas, in 1967, it was mainly the administrative provisions that were revised. The revision now contemplated should introduce new provisions and should change certain existing provisions to meet better the needs of developing countries as countries which are mainly importers of technology. Furthermore, the revision now contemplated should introduce new provisions giving full recognition to "inventors' certificates," a form of protection of inventions

existing in the Soviet Union and some other countries. The revision of the Paris Convention is expected to result in an increase in the membership of developing countries in the Paris Union (only about half of them are members today).

The Governing Bodies concerned adopted the budgets for 1980 and 1981 (each year approximately 30,000,000 Swiss francs) corresponding to the adopted programs. They also decided that a study of the possible reform of the contribution system of WIPO and the Unions administered by WIPO should be started, with the objective of finding a solution according to which the burden of contributions will be more equitably distributed among the member States than it is under the present system. The study should concentrate on finding such a solution, within the present multiple contribution system, having the effect of increasing the difference between the share of those countries paying the highest percentage of contributions and the share of those countries paying the lowest percentage of contributions.

Following the decision of the WIPO Coordination Committee in 1977, the Governing Bodies had on their agenda an item entitled "The exclusion of the racist régime of South Africa from any participation in meetings of WIPO and its bodies and Unions." After extensive discussions which lasted several days, the WIPO Conference voted on a proposal that "the WIPO Conference exclude from WIPO South Africa, which the United Nations has found to be flagrantly and persistently pursuing an official policy of racial discrimination in its legislation." Adoption of the proposal would have required a two-thirds majority. The proposal was voted upon in a secret ballot and was rejected by 37 votes in favor, 25 votes against and three abstentions. However, the decision made by the WIPO Coordination Committee in 1977 and according to which South Africa is not to be invited to the meetings of WIPO or the Unions administered by WIPO has not been repealed and will continue to be applied.

The Assemblies of the Paris and Berne Unions unanimously elected the members of the Executive Committees of the Paris and Berne Unions, respectively, and the WIPO Conference unanimously designated the ad hoc members of the WIPO Coordination Committee. With Switzerland continuing to occupy its *ex officio* membership, and as a consequence of the elections, the following States are members of the WIPO Coordination Committee: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Cuba, Czechoslovakia, Egypt, El Salvador, Finland, France, German Democratic Republic, Germany (Federal Republic of), Haiti, Hungary, India, Italy, Ivory Coast, Japan, Mexico, Mongolia, Morocco, Nigeria, Philippines, Poland, Senegal,

Soviet Union, Spain, Sri Lanka, Sudan, Switzerland, Tunisia, Turkey, United Kingdom, United States of America, Upper Volta, Uruguay, Yugoslavia, Zaire (43).

A note reporting more fully on the main items discussed and the principal decisions taken was published in the January 1980 issues of the reviews *Copyright* and *Industrial Property*.

### III. Development Cooperation Activities

#### A. Permanent Program and Permanent Committee (Industrial Property)

##### *Permanent Committee (Industrial Property)*

*Membership.* Six States—Benin, Indonesia, Mongolia, Niger, the Republic of Korea and Yemen—became members of the Permanent Committee (Industrial Property), bringing the total membership to 64.

*Sixth Session.* The Permanent Committee (Industrial Property) held its sixth session in March 1979, in Dakar, at the invitation of the Government of Senegal. The session was addressed by the Minister of Industrial Development of that Government. Thirty-nine States members of the Permanent Committee were represented; seven other States, three intergovernmental organizations and two international non-governmental organizations were represented by observers.

In accordance with the special provisions contained in the approved budget of WIPO, travel and subsistence expenses were paid by WIPO for one delegate from each of the countries represented at the session which are members of the Permanent Committee and are regarded as being among the least developed of the developing countries.

The Permanent Committee (Industrial Property) reviewed past and current activities and plans for future activities under the Permanent Program (Industrial Property). Its recommendations are referred to below in connection with the following summary of those activities.

##### *Permanent Program (Industrial Property)*

#### *Promotion of Technological Innovation in Developing Countries*

The Permanent Committee (Industrial Property) discussed the results achieved by the Working Group on Technological Innovation at its first session held in July 1978. It considered that the question of the

promotion of national inventive and innovative capabilities was of particular interest to all States, it approved proposals for a second meeting of the Working Group, composed of representatives of various institutions concerned from developing and developed countries, in June 1979, and it recommended that the results of the Working Group be made known as widely as possible.

The second meeting of the Working Group on Technological Innovation was held in June 1979. The participants were experts designated by national institutions from 16 States (Egypt, France, German Democratic Republic, Germany (Federal Republic of), Ghana, India, Ivory Coast, Japan, Kuwait, Mexico, Peru, Philippines, Senegal, Soviet Union, Sudan, Sweden), observers from three international organizations (International Labour Organisation (ILO), United Nations Industrial Development Organization (UNIDO), International Federation of Inventors' Associations (IFIA)) and two consultants, from the Andean Group Secretariat and from IFIA, specially invited by the Director General.

The Working Group examined and discussed papers presented by the two consultants on "Elements which Contribute to a Favorable National Innovative Climate in Developing Countries" and on "Draft Guidelines for the Creation and Administration of Appropriate Institutions in Developing Countries." After an exchange of experience and information, the Working Group addressed recommendations to WIPO concerning the patent system, training and institutional arrangements and, in particular, called for in-depth studies of typical institutional arrangements in a limited number of countries at different stages of development and with different social and economic systems, and for guidelines for institutional arrangements which could offer effective solutions to the problems encountered by developing countries.

#### *WIPO Prizes for Inventions*

From time to time, WIPO receives invitations to participate in manifestations organized by others for the recognition and encouragement of inventive activity, for example, the *Salon international des inventions et des techniques nouvelles* in December 1979 in Geneva (under the patronage of the Swiss authorities) and the Philippines Inventors' Week in April 1980 in Manila (partly sponsored by the Philippine authorities). In both these manifestations, prizes are awarded for inventors. The International Bureau agreed to offer two prizes at each of these events for inventors having made inventions particularly suited for exploitation in developing countries. Each prize consists of a medal and a diploma. In the Geneva *Salon*, the WIPO prizes were awarded for inventions in the field of solar energy.

It is believed that such participation by WIPO in the said and other similar events will not only underline WIPO's interest in inventive activity, particularly in and for developing countries, but will also contribute to a better understanding by the general public of the aims and activities of WIPO.

#### *Technological Information from Patent Documents*

*State-of-the-Art Search Reports.* On the basis of the agreement between the Government of Austria and WIPO for the furnishing by the Austrian authorities to developing countries, free of charge, of state-of-the-art search reports based on patent documentation, and taking into account the increasing number of requests for such reports, WIPO proposed arrangements for the processing of additional requests. The Austrian authorities agreed to increase the number of requests to be processed in 1980 to 200. During 1979, 211 search requests were submitted by 28 countries (Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Democratic People's Republic of Korea, Egypt, El Salvador, Guyana, Honduras, India, Iraq, Madagascar, Mauritania, Mexico, Nigeria, Peru, Philippines, Portugal, Republic of Korea, Senegal, Singapore, Sri Lanka, Syria, Thailand, Turkey, Uruguay) and by the Industrial Development Centre for Arab States (IDCAS). Sixty of the said requests were submitted through the Industrial Inquiry Services of the United Nations Industrial Development Organization (UNIDO) under an agreement of cooperation concluded in January 1979 between the Austrian authorities, WIPO and UNIDO. In the same period 198 search reports were furnished by the Austrian authorities to 24 countries (Algeria, Argentina, Brazil, Chile, Cuba, Democratic People's Republic of Korea, Egypt, El Salvador, Guyana, India, Madagascar, Mauritania, Mauritius, Mexico, Peru, Senegal, Singapore, Sri Lanka, Suriname, Syria, Thailand, Turkey, Uruguay, Zaire), as well as to the African Intellectual Property Organization (OAPI), to the Industrial Development Centre for Arab States (IDCAS) and to the United Nations Economic Commission for Africa (ECA).

In addition, the German Patent Office (of the Federal Republic of Germany) carried out six free searches on requests received through WIPO, in technical fields in which mechanized search systems are operational in that Office, from Brazil, Egypt, India and Thailand.

As a first result of discussions with the European Patent Office (EPO), with a view to the establishment of programs for the provision of search reports and similar technological information in response to requests from developing countries, a pilot project was commenced for the provision by the EPO of technological monographs in selected sectors.

In November 1979 agreement was reached between WIPO, the Patent Office of Sweden and the Swedish International Development Agency (SIDA) on a program to provide to developing countries, free of charge, search reports and consultancy services based on patent documents.

*Users' Guides to the International Patent Classification (IPC).* In cooperation with UNIDO, user-oriented Guides to the IPC were prepared in two sectors (iron and steel, fertilizers), the technical work being performed under contract by the European Patent Office (EPO). Further Guides are in the course of preparation for agro-industries and for agricultural machinery and implements.

*Availability of Patent Documents to Developing Countries.* WIPO continued its activity of arranging, and seeking to arrange, for collections of patent documents and related material to be made available and to be received by developing countries requesting them. A further circular letter seeking information on the availability of such collections was issued in July 1979. A collection of patent documents of the United States of America, made available by the Patent Office of the United Kingdom, was provided to China. An offer to make available a collection of abridgments of United Kingdom patents, made by the Patent Office of the United Kingdom, was accepted on behalf of the Industrial Property Organization for English-Speaking Africa (ESARIPO), for the purposes of its planned patent documentation and information center. A collection of patent documents of France, made available by the United States Patent and Trademark Office, was provided to Algeria. Collections were also provided to Brazil by the United States of America, and to OAPI by France and Switzerland. Offers of collections of documents of various countries, covering various periods of publication, were made by Austria, France, Hungary, Sweden, Switzerland and the United States of America.

#### *Strengthening National and Regional Infrastructures: Industrial Property Offices Survey and Study*

The Permanent Committee (Industrial Property) considered a report containing a general analysis of information received from 56 countries and one organization for the purposes of a survey of the functions, administration and role in the governmental structure of industrial property offices in selected developing and developed countries. The report, as requested by the Permanent Committee, contained also a study analyzing the possibilities open to developing countries and suggesting appropriate functions and structures. The report was accompanied by the interim results of the survey itself, which included a

published survey of the industrial property situation in 21 Arab States.

The Permanent Committee recommended that regional surveys on the state of industrial property similar to that done for the Arab States should be undertaken in the near future and that it should receive at its next session a study containing all necessary facts and proposals for organizing a World Intellectual Property Day.

### *Model Laws for Developing Countries*

*New Model Law for Developing Countries on Inventions and Know-How.* The eighth, and final, session of the Working Group on the Model Law for Developing Countries on Inventions and Know-How was held in March 1979. Experts from the following 15 countries participated: Algeria, Argentina, Cuba, Egypt, France, Germany (Federal Republic of), Hungary, Kenya, Mexico, Soviet Union, Spain, Tunisia, United Kingdom, United States of America, Zaire. Two intergovernmental organizations and seven international non-governmental organizations were represented by observers.

The Working Group examined the remaining parts of the new Model Law, namely, those concerning know-how, the examination and registration of licensing contracts, inventors' certificates, technovations and transfer of technology patents.

The Permanent Committee (Industrial Property) noted that, according to the decisions of the Governing Bodies made in September 1978, Part I of the new Model Law, devoted to patents and examined by the Working Group at its seventh session held in May 1978, would be published in 1979. The said publication took place in August 1979. The Permanent Committee further noted and approved that, according to the same decisions, the texts of the remaining Parts would be submitted to it at its next session and would be published thereafter.

### *Trademarks*

In December 1979 consultants invited personally by the Director General from Bangladesh, Ghana, Singapore and Tunisia discussed and gave advice on a preliminary outline report entitled "Trademarks for Development."

### *License Agreements: Guide for Developing Countries*

The Permanent Committee (Industrial Property) noted with satisfaction the recent publication in

Arabic of the *WIPO Licensing Guide*, in addition to the English, French and Spanish versions, and the arrangements made, in cooperation with the Governments of Brazil and Portugal, for the preparation of a Portuguese language version; it also expressed the view that the question of the elaboration of a possible Licensing Guide for the specific use of government officials should wait at least until that part of the WIPO Model Law concerning the registration of licensing contracts was published.

The *WIPO Licensing Guide* was used as a basic working document in training workshops held in Bangalore (India) in August and September, and in Shanghai (China) in October and November 1979.

### *Industrial Property Glossary and Manual for Developing Countries*

*Industrial Property Glossary.* The Glossary was published in four languages (Arabic, English, French, Spanish), in one single volume, in March 1979, and made available to the participants in the sixth session of the Permanent Committee (Industrial Property). It is composed of some 350 main terms, some of which are subdivided into a number of other terms. The publication is composed of four main parts. In each part, i.e., Arabic, English, French and Spanish, the terms are listed in alphabetical order in the first column, with three corresponding columns setting out the equivalent terms in each of the other three languages. The first term in each part is followed by references to the relevant sources, that is to say, the various industrial property treaties administered by WIPO (but primarily the Paris Convention for the Protection of Industrial Property (Stockholm Act), the Patent Cooperation Treaty and the Trademark Registration Treaty), the draft WIPO Model Law on Inventions and Know-How, the BIRPI Model Law on Marks, Trade Names, and Acts of Unfair Competition and the WIPO Licensing Guide for Developing Countries.

The Permanent Committee (Industrial Property), noted with satisfaction the publication in Arabic, English, French and Spanish of the *WIPO Industrial Property Glossary*, noted that the Portuguese and Brazilian industrial property services were ready to prepare the part of the Glossary in Portuguese and that the industrial property services of the Soviet Union were ready to prepare the part of the Glossary in Russian, and recommended the publication of the Portuguese and Russian versions of the Glossary.

*Industrial Property Manual.* The Permanent Committee (Industrial Property) considered and approved general principles for the preparation of this Manual, as follows: the primary users would be developing countries in general, and the personnel of interested

government administrations, including existing and future industrial property offices, and professors and students of industrial property in particular; the Manual will be an introduction to industrial property in general and a guide supplying practical information; the form will be generally that of questions and answers.

*Training, Regional Meetings, Seminars, etc., in the Field of Industrial Property*

*Training.* One hundred and forty-one applications for training in the field of industrial property in 1979 were received by WIPO from 62 developing countries, from the African Intellectual Property Organization (OAPI) and from the United Nations High Commissioner for Refugees (UNHCR) (including applications, following consultations with the Organization for African Unity, from the Zimbabwe National Liberation Movement). Eighty-two of the persons nominated from the following 51 countries, OAPI and the UNHCR received training: Afghanistan, Algeria, Argentina, Bangladesh, Bahrain, Botswana, Burundi, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Yemen, Ecuador, Egypt, El Salvador, Fiji, Gambia, Ghana, India, Indonesia, Ivory Coast, Jamaica, Kenya, Kuwait, Madagascar, Malawi, Mauritania, Mexico, Niger, Nigeria, Pakistan, Panama, Philippines, Republic of Korea, Samoa, Senegal, Sierra Leone, Somalia, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Uganda, Upper Volta, Zaire, Zambia.

The training arranged in 1979 took the following forms:

(a) for 27 trainees, attendance at a general introductory course at Strasbourg, organized by WIPO and the Center for the International Study of Industrial Property (CEIPI), with the cooperation of the National Institute of Industrial Property (INPI) of France; this course was preceded by a visit to WIPO headquarters and followed, in most cases, by practical training in industrial property offices or other establishments of the following countries and organizations: Bulgaria, Czechoslovakia, Egypt, France, Germany (Federal Republic of), Hungary, Italy, Netherlands, Switzerland, United Kingdom, the European Patent Office (EPO) and the African Intellectual Property Organization (OAPI);

(b) for 27 trainees, practical training in the industrial property offices of the following countries and organization: Canada, Japan, Netherlands, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America and the European Patent Office (EPO);

(c) for 14 trainees, attendance at a training course in the use of patent documentation as a source of technological information, in Vienna, organized jointly by WIPO and the Government of Austria;

(d) for five trainees, study tours including visits to and discussions in institutions in from two to five of the following countries or WIPO: Belgium, Cameroon, Canada, France, Luxembourg, Sweden, Switzerland, United States of America;

(e) for 14 trainees, attendance at a Seminar organized by WIPO, the European Patent Office and the Commission of the European Communities (CEC) on technological information as an aid to industrial development:

(f) for nine trainees, attendance at a course organized by WIPO, the Spanish Government and the Industrial Property Registry in Madrid on the theoretical and practical aspects of industrial property.

To the extent possible, the arrangements for training in 1979 included visits to the headquarters of WIPO.

Taking together the training program in the field of industrial property and that in the field of copyright and neighboring rights, the total number of applications received in 1979 was 208 from 72 countries, UNHCR, OAPI, and the Palestine Liberation Organization (PLO), as compared with 102 applications received in 1978 from 57 countries and OAPI. In 1979, a total of 120 applications were accepted from 61 countries, UNHCR, OAPI and the PLO; in 1978, 88 applications were accepted from 46 countries and OAPI. In 1979, 25 applications were accepted (20% of the total acceptances) from 19 countries regarded as least developed among the developing countries, and 32 applications were accepted (25% of the total acceptances) in respect of women. In 1979, five developing countries and OAPI contributed to promoting cooperation among developing countries by receiving 17 trainees.

The following 15 countries, three intergovernmental organizations and one study center agreed to contribute in full or in part to the payment of the travel expenses and subsistence allowances of the trainees:

(i) full payment: Austria, Canada, France, Germany (Federal Republic of), Italy, Spain, Sweden, Switzerland, United Kingdom, European Patent Office (EPO), Economic Commission of the European Communities (CEC) and United Nations Development Programme (UNDP);

(ii) partial payment: Austria, Bulgaria, Czechoslovakia, Hungary, Japan, Netherlands, Soviet Union, Center for the International Study of Industrial Property (CEIPI).

The remainder of the cost was borne by the budget of the WIPO Legal-Technical Assistance Program.

Discussions were held with the government authorities of the Soviet Union in March 1979 in Moscow, with a view to planning a training course on patent information in 1980, with financing from UNDP funds held in non-convertible currency.

*Regional Meetings, Seminars, etc.* In January 1979, WIPO organized, with the cooperation of the *Junta del Acuerdo de Cartagena* (JUNAC), Introductory Courses in the Use of the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification), and in the Use of the International Patent Classification (IPC). Bolivia and Peru sent four participants to the Course on the Nice Classification; Bolivia, Ecuador and Peru were represented by 11 participants at the IPC Course. The Courses were designed to give a practical approach to the use and utility of these two Classifications.

Also in January 1979, WIPO organized, with the financial support of the Swedish International Development Authority (SIDA) and in cooperation with the United Nations Conference on Science and Technology for Development (UNCSTD) and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), a Seminar on Technological Information Contained in Patent Documents, held in Bangkok (Thailand). The following Governments nominated participants: Afghanistan, Bangladesh, Burma, China, Fiji, India, Indonesia, Malaysia, Mongolia, Nepal, Pakistan, Philippines, Republic of Korea, Samoa, Sri Lanka, Thailand. Australia, Japan and the United States of America, and the United Nations Development Programme (UNDP), sent observers.

The Seminar was organized as part of the preparatory phase of the UNCSTD, and dealt with the role of patent information in the transfer of technology, the technological and information needs of the Asian and Pacific region, international cooperation in the field of patent information, the value of patent documents as a source of technological information and means of access to that information, the IPC, etc.

The participants in the Seminar discussed each of eight main subjects and agreed on a number of conclusions, including the recognition of the fact that training based upon the international exchange of information and experience was a key element in the modernization and strengthening of scientific and patent information sources, the wish that particular attention be paid to the needs of users of patent information and the opinion according to which training of the users of the patent information services was as important as the training of the providers of such services.

In February 1979, WIPO organized jointly with the National Research Council and the Department of

Commercial Registration of the Government of Thailand a meeting of a Group of Experts on the Legal Protection of Inventions, Innovations and Know-How in the Countries of the ASEAN Region, in Pattaya, Thailand. The Governments of the five countries of the Association of South East Asian Nations (ASEAN) designated the experts. The Group, after an extensive discussion and exchange of information, recommended a framework for continuation in the future of similar contacts and exchanges of views.

In March and April 1979, WIPO organized a Training Course on the Use of the International Patent Classification (IPC), with the cooperation of the Japanese Patent Office, at the Patent Office of the Republic of Korea in Seoul. The Course was designed as an introduction to the use of the IPC for the examiners of the Korean Patent Office.

A Workshop for Government Officials on Industrial Property Licenses and Technology Transfer Arrangements was organized by WIPO in association with the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) and with the cooperation of the United Nations Development Programme (UNDP) at the ESCAP Regional Centre for Technology Transfer (RCTT) in Bangalore (India) in September 1979. Forty-two government officials from the following 19 countries participated in the Workshop: Afghanistan, Bangladesh, Bhutan, China, Democratic People's Republic of Korea, Fiji, India, Indonesia, Iran, Malaysia, Nepal, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Samoa, Sri Lanka, Thailand, Viet Nam. In addition, representatives of ESCAP, UNDP and RCTT attended the meeting.

The purposes of the Workshop were to advise the participants how to identify legal problems which are likely to arise in the negotiation and preparation of industrial property licenses and technology transfer agreements, to increase their awareness of existing commercial practices, and to indicate the possible solutions, and to promote among the participants the exchange of information and sharing of experience concerning such legal problems, practices and solutions. The discussions were primarily based on the *WIPO Licensing Guide for Developing Countries* and a series of background documents prepared by WIPO.

The participants concluded that the Workshop had been very valuable as an opportunity to exchange experiences, to have the benefit of consultations with a number of experts, to develop an awareness of the problems arising in the negotiation and preparation of license agreements, the difficulties encountered and possible solutions, and to improve their skills; they expressed the desire that similar workshops on a regional, sub-regional and national basis be organized, which could be devoted also to an in-depth

treatment of license agreements in given industrial sectors, and could include simulated negotiations and drafting of license agreements, with the participation of not only government officials but also members from industry and related professions; consideration should also be given to the possibility of making available experts to countries, at their request, to assist them in special problems connected with license agreements to be negotiated.

Immediately before the Workshop, similar discussions were organized at the national level for the benefit of government officials of India.

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

*In General.* At its sixth session, the Permanent Committee (Industrial Property) considered a report containing information on recent and current activities in providing advice and assistance to developing countries in legislation, institutions and related matters, and noted that information with satisfaction.

During 1979 assistance was given to the following developing countries or groups of developing countries, or requests for assistance were under active consideration, in connection with the preparation of legislation, the establishment or modernization of national or regional institutions or related matters.

#### *Countries*

*Algeria.* WIPO cooperated with the national authorities in organizing, and providing documents for and experts as lecturers in, two national seminars in Algiers, the first on the International Patent Classification in October, the second on industrial property licenses and technology transfer arrangements.

*Bangladesh.* Following the acceptance by the Government of the recommendations of a WIPO mission report and the preparation and transmission by WIPO of a preliminary draft of a new law on patents, WIPO prepared and transmitted in May 1979 a preliminary draft of a new law on trademarks. Discussions on the draft patent law took place at WIPO in December 1979.

*Barbados.* Mission by WIPO officials; establishment of proposals for assistance in modernizing industrial property laws and administration; preparation and sending of drafts of new legislation.

*Bolivia.* At the request of the Government, comments on a draft industrial property code are being prepared.

*Brazil.* WIPO is continuing to carry out the United Nations Development Programme (UNDP) project for the modernization of the Brazilian patent system, with the assistance of experts from Denmark, France, Germany (Federal Republic of), Israel, Japan, Netherlands, Norway, Sweden, the United Kingdom and the United States of America. The sixth tripartite review of the project was held in Rio de Janeiro in July 1979, with the participation of representatives of the Brazilian Government, the UNDP and WIPO. It was noted that the input from the project for the establishment of the patent bank of the Brazilian National Institute for Industrial Property (INPI) was virtually completed, the bank comprising some 13 million documents. On the other hand, it was recognized that a continuation of the training program for two more years was necessary in order to attain the objectives of the project. Consequently, prolongation of the project until the end of 1981 was decided; in this period 40 examiners would be trained, in addition to the 100 examiners who would be trained by the end of 1979, and the possibility would be explored of convening a sub-regional seminar for the training of experts from industry. The representatives of both the Brazilian Government and the UNDP expressed satisfaction with the progress of the project.

*Indonesia.* Mission by a WIPO consultant in November and December 1979 to study and advise on means to ensure adequate legal protection for Indonesian industrial designs.

*Iraq.* WIPO cooperated with the national authorities in organizing, and providing documents for and experts as lecturers in, a national seminar in Baghdad on industrial property in October 1979.

*Ivory Coast.* At the request of the Government, a WIPO consultant from the Federal Bureau of Intellectual Property of Switzerland undertook a mission in May 1979 to advise on the administration of the industrial property service, taking into account the responsibilities of that service in relation to OAPI.

*Madagascar.* Consultations by correspondence and in discussions during a WIPO mission in December 1979 with a view to achieving conformity between a draft new industrial property law and the Paris Convention and the Patent Cooperation Treaty.

*Mali.* Mission in July 1979 to assist in preparing a plan for WIPO cooperation in the introduction of new industrial property legislation, the establishment of administrative services and accession to international conventions.

*People's Democratic Republic of Korea.* Following the visit of a WIPO official in October 1979, planning of training at WIPO and of WIPO consultant missions.

*Republic of Korea.* At the request of the Government, following an expert mission in 1978, preliminary drafts of new industrial property laws were prepared and transmitted and, together with the Government's comments, were discussed during visits for that purpose to WIPO in June and October 1979 by officials of the Korean Patent Office. A training seminar on the IPC was held in Seoul.

*Sri Lanka.* Following discussions and the presentation by WIPO to the Government of a draft new code of intellectual property, a new code, based on the said draft, was adopted by the Parliament of Sri Lanka in May 1979. WIPO prepared and transmitted draft regulations and forms under the new Code of Intellectual Property Act, covering patents, marks and industrial designs; WIPO staff members and consultants undertook missions to Colombo in August, September and November 1979.

*Suriname.* A WIPO mission, composed of a staff member and a consultant from the Patent Office of the Netherlands, visited Suriname in February and March 1979 to advise on legislation, the organization of the industrial property office and the training of its staff. The report of the mission, including recommendations was transmitted to the Government in June 1979.

*Swaziland.* At the request of the Government, which was transmitted by the UNDP Resident Representative, a WIPO mission, composed of two staff members, had extensive discussions in Swaziland in June 1979 on possibilities of modernizing the industrial property system. Following those discussions, a report with detailed recommendations and a draft trademark law were prepared by the WIPO mission and submitted to the Government.

*Thailand.* A WIPO mission, composed of two staff members and consultants from the industrial property offices of Canada, Sweden and the United States of America, carried out in April 1979, at the request of the Government, extensive discussions on the implementation of the new Patent Act of Thailand, and presented to the Government a detailed report on the next steps to be taken, both nationally and with intergovernmental cooperation.

The mission's report was approved by the Government of Thailand in June, and its detailed recommendations, particularly as regards the preparation of draft Ministerial Regulations, Forms and Administrative Instructions, are being implemented by WIPO in

cooperation with the national industrial property offices which provided consultants for the mission. The possibility is being explored of further assistance through wider intergovernmental cooperation. Further missions by a WIPO official took place in July and October 1979.

*Trinidad and Tobago.* A mission took place in July 1979 to assist in the preparation of a project for the establishment of a patent system, to be executed by WIPO, provided for in the Government's UNDP Country Programme.

*Turkey.* A WIPO staff member undertook a mission in February 1979 to advise the industrial property office on the modernization of its trademark administration.

*Zaire.* Following earlier written advice and a preparatory mission, detailed discussions took place at WIPO in April 1979 with a delegation from Zaire on the final text of new industrial property legislation to be submitted for enactment.

### *Regional Institutions*

*African Intellectual Property Organization (OAPI).* Cooperation continued on the preparations for the entry into force of the revised Libreville Agreement. At the request of the Director General of OAPI, WIPO prepared and transmitted draft Administrative Instructions.

The project for the establishment by OAPI of a patent documentation and information center entered its operational phase in April 1979, following the adoption of the counterpart budget by the Administrative Council of OAPI and approval by the UNDP of the project document submitted by the Government of the host country (Cameroon) and endorsed by other member States. In addition to financing from the UNDP, the project is receiving support in the form of financing, expert services, training and equipment from the Governments of France, Germany (Federal Republic of) and Switzerland, and the European Development Fund has allocated money for the necessary extension of the OAPI headquarters building.

The first tripartite review (by OAPI, UNDP and WIPO) of the project for the establishment by OAPI of a patent documentation and information center was held in Yaoundé in August 1979. The work program for 1979 and 1980 was approved, and recommendations were made to OAPI and to WIPO concerning staff recruitment, equipment procurement and training. Both the UNDP and OAPI expressed satisfaction with the progress of the project.

*Industrial Property Organization for English-Speaking Africa (ESARIPO)*. Jointly with the Secretariat of the United Nations Economic Commission for Africa (ECA), WIPO continued to act as the Interim Secretariat of ESARIPO.

The text established by the ESARIPO Committee for Trade Mark and Industrial Design Matters, and endorsed by the ESARIPO Council at its second session, of the Model Law for English-Speaking African Countries on Trade Marks was prepared by WIPO in its final form and distributed to the Governments of the member and potential member States in June 1979.

With the cooperation and financial assistance of the UNDP, the United Kingdom Patent Office, the Commonwealth Fund for Technical Cooperation and the authorities of the Government of the Federal Republic of Germany, missions in preparation for the project to establish a patent documentation and information center in the framework of ESARIPO were undertaken in August 1979 to Somalia and Tanzania, in September 1979 to Botswana, Lesotho, Mauritius, Kenya and the Seychelles and in October and November 1979 to Ethiopia, the Gambia, Ghana, Liberia, Malawi, Nigeria, Sierra Leone and Zambia. Officers of the ESARIPO Council and members of the staff of ECA, WIPO and the United Kingdom Patent Office participated in the missions.

The third session of the *Council of ESARIPO* was held in Nairobi (Kenya) in December 1979. All States members of ESARIPO (the Gambia, Ghana, Kenya, Malawi, the Sudan, Uganda and Zambia) and six observer States (Ethiopia, Lesotho, Sierra Leone, Somalia, Swaziland and Tanzania) were represented. The session of the Council was preceded by a seminar (with participants from the States referred to above and also from Botswana and Liberia) and by the fifth session of the Committee for Trade Mark and Industrial Design Matters.

The *Seminar* was organized by the Interim Secretariat with assistance from the Governments of the Federal Republic of Germany and of the United Kingdom and from the Commonwealth Fund for Technical Cooperation. The topics discussed were international and regional cooperation in the field of industrial property, patent and trademark registration procedures under the ESARIPO Model Laws, the technical contents and structure of patent documents, and patent documents as the basis for state-of-the-art searches. These topics were introduced respectively by members of the staff of WIPO and the ECA, by the Comptroller-General of the Patent Office of the United Kingdom and by an official of the Patent Office of the Federal Republic of Germany.

The *Committee for Trade Mark and Industrial Design Matters* expressed continued support for the draft Protocol on the Protection of the Olympic Symbol to be considered at the Diplomatic Confer-

ence on the Revision of the Paris Convention in 1980. It considered draft model provisions on the protection of the Olympic symbol and a draft agreement between national authorities and the International Olympic Committee. It requested WIPO to revise the drafts, in the light of observations made during the discussions and the results of the Diplomatic Conference, to send the revised drafts, with commentaries, to the member and potential member States, and to submit them to the next session of the Committee. The Committee also requested WIPO to prepare, for its next session, a study of the possibilities of organizing efficient protection of geographical indications in the member and potential member States, taking into account questions raised in the discussion of this matter and the results of the Diplomatic Conference.

The *Council* approved the report and recommendations of the missions to member and potential member States referred to above, and requested the Interim Secretariat to proceed with negotiations for the operational phase of the establishment of a patent documentation and information center (ESAPADIC). It adopted a list of initial tasks of the Office of ESARIPO and decided on the basis for the payment of contributions to the budget and on the procedure for the appointment of the Director of the Office. The Council also dealt with questions concerning the headquarters agreement, the headquarters building, the choice of an emblem for ESARIPO, the protection of the words "ESARIPO" and "ESAPADIC" under the Paris Convention, representation at the Diplomatic Conference on the Revision of the Paris Convention, the introduction of modernized national legislation, prospects of increasing the membership of ESARIPO and cooperation with the African Intellectual Property Organization (OAPI) and its patent documentation and information center (CADIB).

*Latin American Industrial Property and Technology Transfer Data Service*. The number of countries participating in the Service increased by five, making a total of 14 (Bolivia,\* Chile,\* Colombia, Costa Rica, Ecuador,\* El Salvador, Honduras, Mexico, Nicaragua, Panama,\* Paraguay, Peru,\* Uruguay, Venezuela). The third issue of the *Bulletin*, containing data relating to patents, trademarks and offers and requests to supply technology for the period from October to December 1978, was published in January 1979, and the fourth issue, covering the period from January to March 1979, was published in July 1979.

*Andean Group*. A five-year agreement on a program of technical cooperation between WIPO and the Council (*Junta*) of the Cartagena Agreement (An-

\* New participant.

dean Group) was signed in November 1979. Introductory courses on classification were jointly organized in January 1979 in Lima (Peru).

*Organization of Patent and Trademark Activities of Enterprises in Developing Countries*

The Permanent Committee (Industrial Property) approved plans for the preparation of guidelines which would give advice and provide a practical source of information on the organization of activities of enterprises in developing countries relating to the securing and defense of industrial property rights and to the use of information resulting from the industrial property system, as well as on policy and internal procedures, with the aim of stimulating creative activity within the enterprises and of reinforcing their positions in national and international markets.

The Permanent Committee recommended the sending of a questionnaire on this subject to developing countries members of the Committee, and the establishment of a working group of experts selected after consultation with governments.

*Cooperation Among Developing Countries*

The Permanent Committee (Industrial Property) took note with appreciation of information concerning the measures taken by WIPO to support and assist cooperation among developing countries. The said information included reports on cooperation with OAPI and with ESARIPO, on the organization of the Latin American Industrial Property and Technology Transfer Data Service, and on cooperation with the countries of ASEAN, with IDCAS, with the United Nations regional commissions, particularly in respect of regional centers for technology, and with the UNDP in following up the results of the 1978 United Nations Conference on Technical Cooperation among Developing Countries.

Cooperation among developing countries in the WIPO training program for 1979 is referred to under "Training," above.

*United Nations Conference on Science and Technology for Development (UNCSTD)*

WIPO continued to cooperate with the Secretariat of UNCSTD, and was represented at the third (January/February 1979) and fourth (April/May) sessions of the Preparatory Committee for the Conference, in New York, and at related interagency meetings in New York and Geneva. A seminar on Technological Information Contained in Patent Documents was held in January 1979 in Bangkok.

At the request of the Secretary-General of UNCSTD, WIPO provided office premises and part of the time of a senior official to serve as the UNCSTD Liaison Office in Geneva.

At its sixth session, the Permanent Committee (Industrial Property) recommended that the Director General should continue to give, so far as resources permit, full support to the Secretary-General of UNCSTD, and should present to the next session a report on the contribution which the Permanent Program (Industrial Property) could and ought to make to the implementation of any action program approved by the Conference. The Permanent Committee also recommended that governments should help to ensure, in the positions that would be adopted by their representatives in the Preparatory Committee and the Conference, that the Conference stress the importance of the technological information contained in patent documents.

In June 1979, WIPO distributed to governments' national focal points for UNCSTD a background paper prepared for the Conference at the request of the Preparatory Committee; this paper sets out the experience of WIPO in the application of science and technology to development.

The Conference was held in Vienna in August 1979. WIPO was represented by the Director General (during part of the Conference) and two officials of the staff of WIPO (during the whole Conference). The Director General addressed the Conference in plenary session during the general debate.

The program of action adopted by the Conference contains references to the need to include in scientific and technological information services for the benefit of developing countries the technological information contained in patent documents, to the modernization of national industrial property systems and to the revision of the Paris Convention for the Protection of Industrial Property.

The Governing Bodies of WIPO, at their tenth series of meetings, noted, on the basis of the documentation available concerning the conclusions reached by the Conference, that the implementation of the results of the Conference by WIPO within its area of competence was fully provided for in the program for 1980 and 1981 and plan for subsequent years adopted at the said meetings.

**B. Permanent Program and Permanent Committee (Copyright and Neighboring Rights)**

*Permanent Committee (Copyright)*

*Membership.* Five States—Japan, Malaŵi, Soviet Union, Togo and Yemen—became members of the Permanent Committee (Copyright), bringing the total membership to 48.

*Third Session.* The Permanent Committee (Copyright) held its third session in March 1979 in Dakar, at the invitation of the Government of Senegal. The session was addressed by the Minister for Industrial Development of that Government. Thirty-three States members of the Permanent Committee were represented; 16 other States, three intergovernmental organizations and eight international non-governmental organizations were represented by observers.

The Permanent Committee (Copyright) reviewed past and current activities and plans for future activities under the Permanent Program (Copyright). Its recommendations are referred to below in connection with the following summary of those activities.

### *Permanent Program (Copyright)*

#### *Support of National Authors and Performers*

The Permanent Committee (Copyright) noted that replies had been received from 33 countries to a circular requesting information for the purposes of a study, to be submitted to a working group, of the legislative and institutional arrangements in the field of copyright and neighboring rights in developed and developing countries for the support of national authors of literary and artistic works (including musical works) and other creative artists. Progress was also noted in the evaluation of statutes and decrees governing the activities of societies of authors in more than 30 countries (including ten developing countries), an evaluation undertaken with a view to the preparation, in consultation with Unesco, of model statutes for such societies, taking into consideration the more important aspects of existing statutes and the needs and interests of developing countries in different continents, as reflected by the recent developments of national laws and international conventions.

The Working Group on the Support of National Authors and Performers was convened by WIPO in September 1979. The Group consisted of experts from 15 countries, who participated in the meeting in a personal capacity. The meeting was also attended, in an observer capacity, by representatives of one intergovernmental and eight international non-governmental organizations. The study submitted to the Group was based on relevant information provided, in response to a request by the International Bureau, by 34 countries (19 developing and 15 developed), and on other available information.

The Working Group felt that the problem of support of national authors and performers should be viewed not only from the legal, institutional and contractual angles, but also in the context of the socio-economic, fiscal and technological conditions

influencing the development of creative and performing activities, and the public use of works and performances. In any case it felt that WIPO's activities in this field should be extended and continued. The Working Group adopted detailed recommendations, with special regard to the needs of developing countries, which were published in the November 1979 issue of this review.

#### *Access to and Dissemination of Protected Works*

In accordance with decisions of the Executive Committee of the Berne Union and the Intergovernmental Committee of the Universal Copyright Convention, a Working Group on the Overall Problems Posed for Developing Countries by Access to Works Protected under Copyright Conventions was convened by WIPO and Unesco in Paris in July 1979. Experts from 14 countries participated in a personal capacity. Six national copyright information centers and 11 international non-governmental organizations were represented by observers.

The Working Group based its discussions on replies received from 25 States to a questionnaire sent by WIPO and Unesco in June 1978, and on an analysis of those replies. It was noted that the problems examined were not confined to legal aspects but extended also to practical aspects such as information dissemination, economic, financial and others. The Working Group considered measures for facilitating and promoting the licensing systems provided for in the revised 1971 texts of the two Copyright Conventions for the benefit of developing countries.

The Working Group adopted extensive recommendations for submission to the October 1979 sessions of the Copyright Committees, with a view to facilitating the effective application of the said revised texts in order to permit easier and quicker access to the international repertoire of protected works, and thus to encourage translation and reproduction of these works in developing countries as a means of promotion of teaching, scholarship and research.

The said recommendations, addressed to governments, private or public organizations concerned, WIPO and Unesco, are directed towards, *inter alia*, the adoption or updating of legislation, accession to the revised texts of the Copyright Conventions, assistance by WIPO and Unesco in legislation, training and strengthening infrastructure, the preparation of guidelines and model procedures, the granting of rights at preferential rates, the establishment of national bibliographies, the dissemination of publishers' lists of newly published titles, the operations of national copyright information centers, and evaluation of the implementation of the recommendations by WIPO, Unesco and the Copyright Committees.

In February 1979, the Director General of WIPO made concrete suggestions to Unesco for the joint administration by Unesco and WIPO of the present International Copyright Information Centre of Unesco, including suggestions for the division of work. Following correspondence and discussion, agreement was reached in November 1979 between WIPO and Unesco on the establishment of a Joint International Unesco-WIPO Service for Facilitating the Access by Developing Countries to Works Protected by Copyright, and a Joint Consultative Committee, and on the division of work.

#### *Glossary of Terms of the Law of Copyright*

The Permanent Committee (Copyright) considered a draft Glossary of Terms of the Law of Copyright and Neighboring Rights, containing 265 terms with their equivalents in five languages (Arabic, English, French, Portuguese and Spanish) with explanations, at the then incomplete stage of drafting, in one language (English). The Permanent Committee noted with appreciation that suggestions for improving the draft would be taken into account in preparing the final edition, and that the possibility of including the Russian language was being studied. The manuscript of a first edition in three languages (English, French and Spanish), including the explanations, was prepared in 1979 for printing and publication in 1980.

#### *Protection of Folklore*

Taking into account a report on the February 1979 session of the Executive Committee of the Berne Union, at which the draft program of work for 1980 to 1982 was considered and Unesco's work was noted on a study on all aspects—cultural, social, legal, etc.—of folklore, the Permanent Committee (Copyright) noted with appreciation that WIPO had prepared a draft text of provisions for the protection of folklore, with a draft definition of the concept of folklore; it recommended that a working group be convened jointly by WIPO and Unesco as soon as possible. The said working group was convened for January 1980.

#### *Guide to the Berne Convention*

The Permanent Committee (Copyright) noted with appreciation that reasonable quantities of the *Guide to the Berne Convention* could be made available free of charge to governments.

In addition to the original French and the English version published in 1978, a Spanish version was published in April 1979; Arabic and Japanese trans-

lations have also been prepared and printed; arrangements have been made for translation and publication in the German, Portuguese and Russian languages.

#### *Training Program in the Field of Copyright and Neighboring Rights*

A separate report on the 1979 training program in the field of copyright and neighboring rights was published in the January 1980 issue of this review.

#### *Regional Meetings*

At the invitation of the Government of Argentina, a Regional Copyright Seminar for Latin American and Caribbean Countries was convened in Buenos Aires in November 1979. The Seminar was organized jointly by WIPO and Unesco, in cooperation with the Interamerican Copyright Institute, on the basis of recommendations made by the Group of Latin American Experts on Copyright which met in Geneva in March 1978. Thirty-eight participants from 14 countries and seven non-governmental international organizations attended the Seminar; recommendations were adopted, addressed to governments and to WIPO and Unesco, on the strengthening of copyright protection by the adoption of new national laws and accession to international conventions, and on the continuation of legal-technical assistance to the countries of the region.

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

*In General.* The Permanent Committee (Copyright) noted with satisfaction a report on recent and current activities in providing advice and assistance to developing countries in legislation, institutions and related matters.

The Permanent Committee took note of the fact that the recommendations of the Subcommittee of the Intergovernmental Committee of the Rome Convention, at its meeting held in January and February 1979, would, before being submitted to the Intergovernmental Committee for endorsement, be published by WIPO, so that governments could already make use of them as a basis for domestic measures to establish infrastructures for neighboring rights. The said recommendations were published in the April 1979 issue of this review.

During 1979, advice and assistance were given to the following developing countries or their regional institutions, or requests for advice and assistance were

under active consideration, in connection with the preparation of legislation, the establishment or modernization of national or regional institutions or related matters.

### Countries

*Angola.* Discussions with Government officials on training requirements, and preparation of comments on, and discussion of, draft copyright legislation.

*Barbados.* Preparation and transmission of draft copyright law.

*Bolivia.* Preparation of comments on draft copyright legislation. Communication of the same to the Government of Bolivia.

*Cameroon.* Mission by a WIPO staff member in October 1979; discussion with Government officials on training, new legislation and the possibility of organizing a national or regional seminar.

*Congo.* Preparation and transmission of comments on draft copyright legislation.

*The Gambia.* Request for assistance in preparing draft copyright legislation and acceding to international conventions.

*Ivory Coast.* Preparation of draft implementing provisions for legislation on authors' societies. Mission in March 1979 by a Deputy Director General, accompanied by a consultant from the International Federation of Producers of Phonograms and Videograms (IFPI), to discuss with Government officials the national legislation necessary for the implementation of the Rome Convention and the Phonograms Convention. Preparation of draft legislation for this purpose.

*Madagascar.* Preparation and transmission of comments on draft copyright legislation; agreement on assistance in establishing administrative services.

*Niger.* Preparation and transmission of comments on draft copyright legislation.

*Rwanda.* Participation by a WIPO official in, and financial contribution to, a National Congress of Artists, Composers and Publishers; comments on draft legislation establishing an authors' society.

*Sri Lanka.* New copyright law adopted in May 1979 by the Parliament on the basis of a draft prepared by WIPO, following the Tunis Model Law. Preparation

and transmission of draft legislation on neighboring rights (which would enable Sri Lanka to accede to the Rome Convention).

*Suriname.* Mission by a WIPO staff member and a consultant from the Netherlands in February and March 1979; report advising on intellectual property legislation and administration, including copyright.

*Togo.* Preparation and transmission of comments on draft copyright legislation.

*Zaire.* Preparation and transmission of comments on draft copyright legislation; discussion at WIPO with an official of the Ministry of Culture and Arts.

### Regional Institutions

*African Intellectual Property Organization (OAPI).* Assistance in preparing for the entry into force of the revised Libreville Agreement.

### C. Training Opportunities in the Fields of Industrial Property and Copyright and Neighboring Rights

In October 1979, the International Bureau announced the program for training opportunities in 1980 and subsequent years in the fields of industrial property and copyright and neighboring rights, and invited the governments of developing countries to propose candidates for the 1980 general introductory courses and/or for training at national patent offices or copyright offices of certain countries.

### D. Special Contributions by Certain Countries to Development Cooperation Activities in the Fields of Industrial Property, Copyright and Neighboring Rights

For the purposes of the development cooperation activities in the fields of industrial property, copyright and neighboring rights, referred to above, the governments of certain countries made the following special contributions in the form of the provision of the services of experts, or documents, or the payment of all or part of the cost of certain activities, in addition to the contributions referred to above in the provision of search reports, the organization of training courses, etc.

(a) The Government of France has made available experts from its National Institute of Industrial Property (INPI) and has provided training facilities and equipment for the OAPI project for the establishment of a patent documentation and information center.

(b) The Government of the Federal Republic of Germany continued to assign one of the officials of its Patent Office to work full time in the International Bureau on WIPO projects on development cooperation. The official was selected in agreement with the Director General of WIPO. The Government of the Federal Republic of Germany not only covers the salary of the said official but also reimburses the International Bureau's overhead expenses due to the presence of that official in the International Bureau and the expenses of that official's missions. From a fund of 895,000 Swiss francs, placed at the disposal of the International Bureau by the Government of the Federal Republic of Germany pursuant to an agreement concluded in August 1977 between WIPO and that Government for the financing of specified development assistance projects between 1977 and 1982, allocations were made for the services of the consultant official provided by that Government to work on development cooperation projects and for the provision of expert services, training facilities and equipment. The said agreement was revised in December 1979.

(c) The Government of Hungary organized in cooperation with WIPO a general introductory training course on copyright and neighboring rights in Budapest in October and November 1979, contributing the major part of the subsistence allowances of the 22 trainees and the accommodations and honoraria of four lecturers.

(d) The Swedish International Development Authority (SIDA) provided funds to assist in the organization of the Seminar held in Bangkok in January 1979 on Technological Information Contained in Patent Documents, and the Symposium on Copyright and Neighboring Rights held in Stockholm in June 1979. SIDA also agreed to provide funds for consultative services and state-of-the-art searches to be provided by the Swedish Patent Office.

(e) The Government of Switzerland has provided funds, expert services and training facilities for the OAPI project for the establishment of a patent documentation and information center.

(f) The Government of the United Kingdom provided funds and expert services for the purposes of missions to member and potential member States of the Industrial Property Organization for English-Speaking Africa (ESARIPO) in preparation for the project to establish a patent documentation and information center in the framework of ESARIPO, and in organizing a seminar preceding the third session of the Council of ESARIPO. It also sent experts to Sri Lanka to assist in the preparations for the putting into effect of the new Code of Intellectual Property Act.

(g) Full or partial payment of the travel expenses and subsistence allowances of trainees in the fields of industrial property and of copyright and neighboring

rights under the WIPO Fellowships Program for 1978 was made by the following countries: Austria, Bulgaria, Canada, Czechoslovakia, France, Germany (Federal Republic of), Hungary, India, Italy, Japan, Mexico, Netherlands, Soviet Union, Spain, Sweden, Switzerland and the United Kingdom.

(h) Collections of patent documents were provided to Algeria and to Brazil by the United States of America, to China by the United Kingdom, to OAPI by France and Switzerland. State-of-the-art search reports were provided by Austria and Germany (Federal Republic of) to a number of developing countries.

## E. Other Relations with Developing Countries

### *Missions and Visits to WIPO*

On the occasion of his participation in the Bangkok Seminar on Technological Information Contained in Patent Documents and in the Pattaya Meeting of a Group of Experts on the Legal Protection of Inventions, Innovations and Know-How in the Countries of the ASEAN Region, in January and February 1979, the Director General met a Deputy Prime Minister, the Ministers for Foreign Affairs and for Commerce and other high officials of the Government of Thailand.

On the occasion of his participation in the sessions in Dakar of the Permanent Committees (Industrial Property and Copyright) in March 1979, the Director General was received by the President and by the Prime Minister of Senegal.

The Director General participated in the 6th Congress of the Law Association for Asia and the Western Pacific ("Lawasia"), held in Colombo in August 1979. He gave the keynote address in the Industrial Property Law Committee of the Congress. On this occasion he met the President, the Minister of Trade and Shipping and other high officials and personalities of Sri Lanka.

In June 1979, the Director General received a visit by the President of the Republic of Colombia.

Missions were undertaken by WIPO officials to Algeria, Argentina, Barbados, Bolivia, Botswana, Brazil, Cameroon, Democratic People's Republic of Korea, Ethiopia, the Gambia, Ghana, Guinea Bissau, India, Iraq, Ivory Coast, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Nigeria, Peru, Philippines, Republic of Korea, Rwanda, Senegal, Seychelles, Sierra Leone, Somalia, Sri Lanka, Suriname, Tanzania, Thailand, Togo, Trinidad and Tobago, Turkey, Upper Volta and Zambia for the purpose of exchanging views with the Government authorities of those countries on matters

relating to WIPO, particularly industrial property, transfer of technology and copyright and neighboring rights. In a number of instances, these discussions took place at the time when WIPO officials were participating also in meetings organized by WIPO or by organizations of the United Nations system.

A delegation from Zaire had discussions with members of the staff of WIPO in Geneva in April 1979 for the purpose of establishing a final draft of industrial property legislation to be submitted for enactment. Officials of the Government of the Republic of Korea visited WIPO in June and October 1979 and held discussions with the Director General and other officials of WIPO for the same purpose.

#### IV. Relations with States and Organizations

##### A. In General

WIPO pursued its contacts with States and international organizations during the period under review.

##### B. Relations with States

###### *Relations with Developing Countries*

See Section E of Chapter III of this report.

###### *Relations with Other States*

A delegation, mainly consisting of high officials of the State Science and Technology Commission of China, visited the headquarters of WIPO from May 18 to 20, 1979. It discussed with the Director General matters of mutual interest, including in particular plans for technical cooperation between China and the International Bureau. It is foreseen that in part of such technical cooperation the national industrial property offices of several States members of the Paris Union will be involved under the overall responsibility of WIPO.

Following on the said discussions, WIPO organized two national seminars in China in 1979. The first, which took place in Shanghai in October and November 1979, and lasted two weeks, dealt with industrial property licenses and technology transfer arrangements. About 100 participants took part in the discussions, which were prepared by working papers and lectures given by a WIPO official and consultants from Japan, the Netherlands, Switzerland and the United States of America. The second seminar was

held in Beijing in November 1979 and lasted three weeks; it dealt with patent information and the International Patent Classification. About 75 participants took part in the discussions, which were prepared by working papers and lectures by two officials of WIPO and consultants from the Netherlands, the United Kingdom and the United States of America.

At the invitation of the Government of China, the Director General paid an official visit to China in November 1979. He was accompanied by three other officials of WIPO. He held discussions with the Head of the State Science and Technology Commission (a Deputy Prime Minister, member of the State Council and a Vice-Chairman of the Central Committee) and with other high officials of the Government of China. Plans for technical cooperation within the framework of WIPO were prepared, particularly for the implementation of the future patent law of China.

Training visits were arranged, and partly financed, by WIPO for 14 Chinese officials in the national industrial property offices of Canada and the United States of America, and in the International Bureau.

The Director General paid an official visit to Poland in May 1979 at the invitation of the Government of that country. He was received by the Deputy Chairman of the Council of Ministers, the Ministers for Foreign Affairs and for Culture and Fine Arts and other high officials concerned with industrial property and copyright. He visited Warsaw and other places in Poland.

In April 1979 the Director General received a visit by the President of the Swiss Confederation.

Other missions were undertaken by the Director General to Austria, Hungary, Spain, Sweden and the United States of America and by officials of WIPO to the same countries and to Australia, Belgium, Bulgaria, France, Germany (Federal Republic of), Greece, Netherlands, Soviet Union and the United Kingdom to discuss with Government authorities matters relating to WIPO, industrial property, copyright and neighboring rights. In a number of instances, these discussions took place at the time when WIPO officials were participating also in meetings organized by WIPO or by organizations of the United Nations system or in other meetings. In Austria, the Director General delivered an address on the occasion of the celebration of the 80th anniversary of the Austrian Patent Office; in Hungary and Sweden, he opened the training course and the symposium, respectively, on copyright and neighboring rights; also in Hungary he attended the 20th anniversary of the Conference of Heads of Offices for Inventions of the CMEA countries; in Spain, he attended the Diplomatic Conference on the Avoidance of Double Taxation of Copyright Royalties; in the United States of America, he met with representatives of private organizations to discuss with them the prospects of accession by the said country to the Berne Convention.

### C. Relations with Other Organizations of the United Nations System

#### *General Coordination of Policies and Activities*

The Director General and other officials of WIPO participated in the work of a number of inter-secretariat bodies of the United Nations system established for the purpose of facilitating coordination of the policies and activities of the organizations of the system. These bodies included the Administrative Committee on Coordination (ACC), composed of the executive heads of all the organizations and programs of the system under the chairmanship of the Secretary-General of the United Nations, which met at the headquarters of WIPO in April 1979, and its Organizational Committee, which met in March, June and October 1979, the Consultative Committee on Substantive Questions (Programme) (CCSQ (Prog)) and the Consultative Committee on Administrative Questions (CCAQ), which met in March, February and October 1979, as well as other subsidiary bodies of the ACC, working groups and interagency meetings convened to deal with various matters of common interest, including procurement of goods and services, indexing of documents, information systems, legal questions, publications, consumer protection, assistance to the Palestinian people, action against apartheid, public information, statistical activities, science and technology, technical cooperation among developing countries and preparations for the new international development strategy, for the United Nations Conference on New and Renewable Sources of Energy and for the special session of the General Assembly to be held in 1980. WIPO was also represented at a meeting of the Board of the United Nations Joint Staff Pension Fund in Manila in July 1979. A special agreement extending the jurisdiction of the United Nations Administrative Tribunal to the World Intellectual Property Organization with respect to applications by staff members of WIPO alleging non-observance of the regulations of the UN Joint Staff Pension Fund was signed on behalf of WIPO and the United Nations in August and September 1979, respectively. The agreement entered into force on October 6, 1979.

#### *Representation at Meetings of United Nations Bodies*

WIPO was represented at various meetings of United Nations bodies at which questions of direct interest to WIPO were discussed. These included: the Committee of the Whole established by the United Nations General Assembly in order to assess and review the progress of the implementation of United Nations resolutions related to the New International

Economic Order, in New York in February 1979; the Preparatory Committee for the new International Development Strategy (a committee of the whole of the General Assembly of the United Nations) in New York in February and in June 1979 (on the latter occasion the Director General addressed the Preparatory Committee); the Preparatory Committee for the United Nations Conference on Science and Technology for Development, in New York in January and February and in April and May 1979 and the Conference itself (UNCSTD) in Vienna in August 1979; the Economic and Social Council in Geneva in July 1979; and the United Nations Advisory Committee on the Application of Science and Technology to Development, in Geneva in March 1979.

WIPO was represented at the African Preparatory Meeting for the Fifth United Nations Conference on Trade and Development (UNCTAD V), held in Addis Ababa in January and February 1979, at the Group of 77 preparatory meeting for UNCTAD V, held in Arusha (Tanzania) in February 1979, and at UNCTAD V, held in Manila in May and June 1979. At that Conference a resolution was adopted on UNCTAD's contribution to economic, commercial and development aspects of the industrial property system in the context of its ongoing revision; the resolution welcomed the decision of WIPO to convene the Diplomatic Conference for the Revision of the Paris Convention, stressed that one of the main objectives of the revision should be the promotion of indigenous inventive and innovative capacity and the working of protected inventions, reaffirmed certain conclusions and recommendations relating to trademarks endorsed by UNCTAD's Committee on Transfer of Technology, and urged all States members of UNCTAD to attend the said Diplomatic Conference.

WIPO was represented at two sessions of the United Nations Conference on an International Code of Conduct on Transfer of Technology held in Geneva in February and in October and November 1979, at sessions of the Trade and Development Board of UNCTAD in Geneva in March and October 1979, at the United Nations Conference on Olive Oil, also in Geneva in March 1979, at the Fifth Conference of Ministers of the Economic Commission for Africa held in Rabat in March 1979, at an UNCTAD meeting of a group of experts on restrictive business practices in Geneva in April 1979, at the session of the Governing Council of the UNDP held in New York in June 1979, and at the United Nations Conference on Restrictive Business Practices in Geneva in November and December 1979.

WIPO was also represented at a session of the United Nations Special Committee on the Policies of Apartheid held in Atlanta (United States of America) in January 1979 in conjunction with a ceremony commemorating the late Dr. Martin Luther King, and

at an Interregional Symposium on Development Process and Technological Options in Developing Countries, organized by the United Nations in cooperation with the Government of Togo, in Lomé in May 1979. The conclusions and recommendations of the Lomé Symposium were submitted to UNCSTD.

*Resolutions and Decisions of the United Nations General Assembly and of the United Nations Economic and Social Council (ECOSOC)*

*Resolutions and Decisions of the United Nations General Assembly and Economic and Social Council.* The United Nations General Assembly at its thirty-third session (September-December 1978) and the Economic and Social Council at its sessions in April/May and July/August 1979 adopted a number of resolutions and decisions which call for action by the organizations of the United Nations system in general or are otherwise relevant to the work of WIPO. They were brought to the attention of the Governing Bodies of WIPO together with comments and proposals by the Director General.

*Information for Studies and Reports of the United Nations*

WIPO provided information for inclusion in reports prepared by the Secretary-General of the United Nations for the General Assembly, the Economic and Social Council and other organs of the United Nations.

Among the subjects of direct concern to WIPO which these reports dealt with were science and technology, consumer protection, assistance to developing island countries, assistance to South African student refugees, cooperation with the Organization of African Unity, assistance to African countries facing special difficulties, assistance to the Palestinian people, and the status and role of women.

*Reports to United Nations Bodies*

WIPO submitted a report on its activities related to industrialization to the Committee of the Whole established by the General Assembly of the United Nations to review progress in the implementation of its resolutions on the establishment of the new international economic order, and a report, submitted to and endorsed by the WIPO Governing Bodies, to the General Assembly on such progress within WIPO.

*Relations with United Nations Regional Commissions*

Close cooperation continued with the secretariats of the United Nations regional commissions, particularly with the Economic Commission for Africa (ECA) as concerns the Industrial Property Organization for English-Speaking Africa and the African Regional Centre for Technology (ARCT), established by ECA member States at Dakar (Senegal), and with the Economic and Social Commission for Asia and the Pacific (ESCAP) as concerns the Bangkok Seminar on Technological Information Contained in Patent Documents and the planning of assistance to the ESCAP Regional Centre for Technology Transfer (RCTT) at Bangalore (India). An official of the ARCT visited WIPO for briefing in December 1979. A WIPO consultant took part in a meeting in Vienna in July 1979 for the purpose of planning information services within the RCTT.

*Relations with the United Nations Conference on Trade and Development (UNCTAD)*

WIPO continued to follow the work of UNCTAD, particularly by the attendance of staff members at preparatory meetings for the Fifth Conference and the Conference itself, at the sessions of the UNCTAD Trade and Development Board and at meetings of groups of experts convened by UNCTAD.

*Relations with the United Nations Industrial Development Organization (UNIDO)*

Cooperation continued with UNIDO, particularly as concerns Users' Guides to the International Patent Classification and state-of-the-art searches.

In addition, WIPO provided information, particularly on the revision of the Paris Convention, for the purposes of UNIDO's Joint Study of International Industrial Cooperation.

WIPO was represented at an interagency meeting convened by UNIDO in July 1979 in Vienna to consider a draft of the said Study, prepared for the Third General Conference of UNIDO (UNIDO III), held in New Delhi in January and February 1980.

Following the interagency meeting referred to in the preceding paragraph, the Director General wrote to the Director General for Development and International Economic Cooperation of the United Nations expressing his concern with regard to certain difficulties which could arise from the method of preparation, the content and the distribution of the draft document prepared by the UNIDO Secretariat.

The draft document referred to above, and the document in its final form, contained a proposal for the establishment of an international patent examination center and a request that UNIDO III should designate an agency to initiate steps for this purpose. After discussion of this matter in the WIPO Governing Bodies at their tenth series of meetings in October 1979, and further correspondence with the United Nations, WIPO prepared, and UNIDO agreed to circulate as a document for UNIDO III, a paper on the examination of patents in developing countries, and the Director General informed governments of the situation by means of a note verbale.

WIPO was represented at preparatory meetings for UNIDO III convened by the Economic Commission for Latin America (ECLA) and UNIDO in Cali (Colombia), by the Economic Commission for Africa, the Organization of African Unity and UNIDO in Nairobi, both in September 1979, and by the Industrial Development Centre for Arab States (IDCAS) in Algiers in November 1979.

#### *Relations with the United Nations Educational, Scientific and Cultural Organization (UNESCO)*

Close cooperation continued with Unesco in connection with copyright activities, including matters concerning development cooperation related to copyright, as well as in respect of other matters in the field of copyright and neighboring rights. In November 1979, agreement was reached on the establishment of a Joint International Unesco-WIPO Service for Facilitating the Access by Developing Countries to Works Protected by Copyright.

WIPO was represented at the Intergovernmental Conference on Scientific and Technological Information for Development (UNISIST II), organized by Unesco in Paris in May and June 1979, and at the second session of the Intergovernmental Council for the General Information Program of Unesco in Paris in November 1979.

#### *Relations with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organisation (ILO)*

Close cooperation also continued with Unesco and the ILO in connection with activities in the field of neighboring rights, including matters concerning development cooperation and neighboring rights, particularly in respect to the study of the administration of the rights provided for by the Rome Convention.

#### **D. Relations with Other Intergovernmental Organizations**

WIPO continued to cooperate with other intergovernmental organizations, particularly, in the field of development cooperation, with the African Intellectual Property Organization (OAPI) (WIPO was represented at the sessions of the Administrative Council of OAPI held in Ouagadougou (Upper Volta) in February 1979 and in Nouakchott (Mauritania) in December 1979), the Andean Group, the Commonwealth Fund for Technical Cooperation (CFTC), the Commission of the European Communities (CEC), the European Patent Organisation (EPO), the Industrial Development Centre for Arab States (IDCAS) (WIPO was represented at the session of the Board of Directors of IDCAS held in Tunis in May and at the IDCAS Conference held in November 1979), the Industrial Property Organization for English-Speaking Africa (ESARIPO) and the Organization of African Unity (OAU).

Relations with intergovernmental organizations in fields other than development cooperation, in particular representation at meetings of such organizations, will be covered in the reports on the main activities of the Unions administered by WIPO in the fields of industrial property and of copyright and neighboring rights, to be published separately in the March 1980 issues of *Industrial Property* and *Copyright*, respectively.

#### **E. Relations with International and National Non-Governmental Organizations**

Relations with international and national non-governmental organizations, in particular representation at meetings of such organizations, will be covered in the reports on the main activities of the Unions administered by WIPO in the fields of industrial property and of copyright and neighboring rights, to be published separately in the March 1980 issues of *Industrial Property* and *Copyright*, respectively.

#### **V. WIPO Publications**

*Reviews.* The reviews *Copyright* and *Industrial Property* continued to appear every month in English and French. The first three issues of a newsletter in Spanish, *Noticias de la OMPI*, appeared in April, July and October 1979.

*WIPO General Information Brochure.* Updated versions of the *WIPO General Information Brochure* were published in Russian in February, in Arabic in April, in English and French in June, in Spanish in July and in German in December 1979.

A new leaflet, *WIPO—What It Is, What It Does*, was published in English and French in August and December 1979.

A new catalog of *WIPO Publications (1979)* was published in May 1979.

*Official Texts.* The official texts of a number of conventions, agreements and other treaties administered by WIPO were published.

*Other Publications.* The *WIPO Licensing Guide for Developing Countries* was published in Arabic in February 1979. The *WIPO Model Provisions on the Protection of Computer Software* were published in Russian in March 1979. A general information brochure on INPADOC was published in English, French and German in April 1979. The *Guide to the Berne Convention* was published in Arabic in July and in Japanese in August 1979. The *WIPO Model Law for Developing Countries on Inventions and Know-How, Part I (Patents)* was published in English, French and Spanish in August 1979. A brochure containing general information on the third edition of the *International Patent Classification* was published in English in August and in French in October 1979. Summary tables of the *Industrial Property Statistics of 1976* were published in September 1979. A leaflet containing basic facts about the *Patent Cooperation Treaty* was published in English in December 1979.

A number of other publications dealing with specific matters in the fields of industrial property and copyright were also published.

Displays of the publications of WIPO were presented at international fairs at Leipzig in March, at Milan in April, at Warsaw in May, at Madrid in May and June, at Moscow in September and at Frankfurt in October 1979. Displays were also presented at a demonstration of patent information held in Vienna in conjunction with the United Nations Conference on Science and Technology for Development in August and at the *Salon des Inventions* at Geneva in November and December 1979.

## VI. Public Information

*Information Meetings and Relations with the Press.* Lectures on WIPO and its activities were given by officials of WIPO at information meetings held at the headquarters of WIPO or elsewhere in Geneva for the benefit of groups of students from universities in Mexico and Switzerland and other groups from Belgium, Romania, the Soviet Union and Switzerland.

A lecture was also given for the members of a training course organized by the United Nations Institute for Training and Research (UNITAR).

A delegation from the *Association internationale des parlementaires de langue française* (International Association of French-Speaking Parliamentarians) visited the WIPO headquarters in July 1979, and were given an account of the activities of WIPO.

Interviews were given to newspaper and radio correspondents; a group of correspondents accredited to the United Nations in Geneva was received by the Director General; WIPO officials participated in the weekly press briefings given at the *Palais des Nations* in Geneva.

## Diplomatic Conference on the Double Taxation of Copyright Royalties

(Madrid, November 26 to December 13, 1979)

### List of Participants \*

#### I. States

##### ALGERIA

M. Salah Abada (Delegate)  
Directeur général  
Office national du droit d'auteur  
Ministère de l'information et de la culture

##### ANGOLA

M. Filipe Joaquim Fragata (Delegate)  
Directeur national des taxes  
Ministère des finances

M. António Fernandes Junior (Delegate)  
Technicien à l'Institut national du livre et du disque  
Secrétariat d'Etat à la culture

##### ARGENTINA

Sr. Ricardo Aduriz (Head of Delegation)  
Primer Secretario de Embajada  
Embajada de Argentina en España

Sr. Miguel Angel Emery (Adviser)

##### AUSTRIA

Oberrat Dr. Helmut Berger (Head of Delegation)  
Federal Ministry of Finance

Oberkommissär Dr. Erich Michael Stormann (Delegate)  
Federal Ministry of Justice

##### BELGIUM

M. Gilbert Daumerie (Delegate)  
Conseiller adjoint  
Ministère des finances

Mme Gisèle de Ro (Alternate)  
Attaché culturel  
Ambassade de Belgique en Espagne

##### BRAZIL

S. Exc. M. Geraldo Egidio da Costa Holanda Cavalcanti  
(Head of Delegation)  
Ambassadeur  
Délégué permanent du Brésil auprès de l'Unesco

M. Orvilo Edvino Pieta (Delegate)  
Conseiller à la Commission d'études fiscales  
internationales  
Ministère des finances

M. Ary Quintella (Delegate)  
Ministère de l'éducation

M. José Otávio Dos Santos Pinto (Delegate)  
Conseiller à la Commission d'études fiscales  
internationales  
Ministère des finances

M. Carlos Eduardo Sette Camara da Fonseca Costa  
(Alternate)  
Secrétaire d'Ambassade  
Ambassade du Brésil en Espagne

##### CANADA

Mr. Emile Martel (Head of Delegation)  
Counsellor and Consul  
Canadian Embassy in Spain

Mr. John A. McNee (Delegate)  
Third Secretary and Vice-Consul  
Canadian Embassy in Spain

##### CHILE

Sr. Carlos Sánchez Hurtado (Delegate)  
Agregado Cultural  
Embajada de Chile en España

##### COLOMBIA

Excmo. Sr. Abdon Espinosa Valderrama (Head of  
Delegation)  
Embajador extraordinario y plenipotenciario  
Embajada de Colombia en España

Sr. José Antonio Camacho Melo (Alternate)  
Consejero Económico  
Embajada de Colombia en España

##### CZECHOSLOVAKIA

H. E. Mr. Zdeněk Pisk (Head of Delegation)  
Ambassador Extraordinary and Plenipotentiary  
Czechoslovak Embassy in Spain

Mr. Miroslav Koráb (Delegate)  
Federal Ministry of Finance

Mr. Jiří Kadlec (Delegate)  
First Secretary  
Czechoslovak Embassy in Spain

##### DENMARK

Mr. Erik Møller (Delegate)  
Head of Division  
Ministry of Inland Revenue

Mr. Wilhelm Weincke (Delegate)  
Commissioner  
Ministry of Cultural Affairs

Mr. Halvor Lund Christiansen (Adviser)  
Professor at Law

\* Names and titles in the following list are reproduced as handed in to the Secretariat by the delegations concerned.

## EGYPT

M. Hussein Mohamed El Baroudi (Head of Delegation)  
 Directeur du Département des Recherches fiscales  
 Ministère des Finances

M. Mohamed El Diwani (Delegate)  
 Premier Secrétaire  
 Ambassade d'Égypte en Espagne

M. Mohamed Sabry (Expert)  
 Expert à l'Institut égyptien de Madrid

## FINLAND

Mr. Hillel Skurnik (Head of Delegation)  
 Inspector General  
 Ministry of Finance

Mr. Veli J. Ollikainen (Delegate)  
 First Secretary  
 Legal Department  
 Ministry of Foreign Affairs

## FRANCE

S. Exc. M. Emmanuel Jacquin de Margerie (Head of Delegation)

Ambassadeur extraordinaire et plénipotentiaire  
 Ambassade de France en Espagne

M. André Kerever (Deputy Head of Delegation)  
 Conseiller d'Etat

M. Christian Calvy (Delegate)  
 Conseiller des affaires étrangères  
 Sous-directeur des échanges culturels  
 Ministère des affaires étrangères

M. Henri Dupuy (Delegate)  
 Conseiller des affaires étrangères  
 Adjoint au Sous-directeur des échanges culturels  
 Ministère des affaires étrangères

M. André Françon (Delegate)  
 Professeur à l'Université de droit, d'économie et de sciences sociales de Paris II

M. André Bourdalé-Dufau (Delegate)  
 Administrateur civil  
 Direction du livre  
 Ministère de la culture et de la communication

M. Claude Badrone (Delegate)  
 Directeur divisionnaire des impôts  
 Ministère du budget

M. André Tramoni-Venerandi (Delegate)  
 Chef du Bureau du droit d'auteur  
 Direction du livre  
 Ministère de la culture et de la communication

M. François Zumbiehl (Delegate)  
 Conseiller culturel  
 Ambassade de France en Espagne

M. Pierre Cussagnet (Delegate)  
 Services culturels  
 Ambassade de France en Espagne

## GERMANY (FEDERAL REPUBLIC OF)

Mr. Ernst Weber (Delegate)  
 Counsellor  
 Federal Ministry of Finance

Dr. Volker Anding (Alternate)  
 First Secretary  
 Federal Ministry of Foreign Affairs

## HOLY SEE

Mgr. Alberto Tricarico (Head of Delegation)  
 Conseiller à la Nonciature apostolique en Espagne

Sr. José María Desantes (Delegate)  
 Asesor  
 Jefe del Departamento del Derecho de la Información  
 Universidad Complutense de Madrid

Sr. Manuel Camacho (Delegate)  
 Asesor  
 Profesor de Ciencia de la Comunicación  
 Universidad de Madrid

Sr. José Ignacio Bel Mallen (Delegate)  
 Director del Instituto de Comunicación Social

## HUNGARY

Dr. Mihály Ficsor (Head of Delegation)  
 Directeur général  
 Bureau hongrois pour la protection des droits d'auteur

Dr. Pál Solt (Delegate)  
 Chef de Section  
 Ministère des Finances

Dr. Gyúla Köszeghy (Delegate)  
 Collaborateur principal  
 Ministère des finances

## INDIA

H. E. Mr. Surendra Sinh Alirajpur (Head of Delegation)  
 Ambassador Extraordinary and Plenipotentiary  
 Embassy of India in Spain

Mr. Sewak Ram Wadhwa (Delegate)  
 Secretary, Central Board of Direct Taxes and  
 Deputy Secretary, Ministry of Finance

Mr. H. L. Luthra (Delegate)  
 Assistant Educational Adviser  
 Ministry of Education and Culture  
 Department of Education

## IRAN

Mr. Houshang Hossein-Tehrani (Observer)  
 Deputy Chief  
 Technical Office of the Taxation Department  
 Ministry of Economy and Finance

## IRAQ

Mr. Jameel Al-Jubury (Delegate)  
 Director  
 Ministry of Culture

Mrs. Afifa Glam (Delegate)  
 Ministry of Culture

## ISRAEL

M. Victor Hazan (Delegate)  
 Conseiller juridique  
 Société des auteurs, compositeurs et éditeurs de  
 musique en Israël (ACUM)

## ITALY

S. Exc. M. Italo Papini (Head of Delegation)  
 Ministre plénipotentiaire  
 Délégué pour les accords de propriété intellectuelle  
 Ministère des affaires étrangères

M. Geraldo Aversa (Delegate)  
 Directeur  
 Division des affaires internationales  
 Bureau de la propriété littéraire  
 Présidence du Conseil des Ministres

M. Giancarlo Somma (Delegate)  
 Directeur de Section  
 Direction générale des relations internationales  
 Ministère des finances

M. Leonardo Scardigno (Delegate)  
 Ambassade d'Italie en Espagne

M. Carlo Olcese (Delegate)  
 Ambassade d'Italie en Espagne

#### IVORY COAST

M. Guébi Jérôme Flegbo (Delegate)  
 Deuxième Secrétaire  
 Ambassade de Côte d'Ivoire en Espagne

#### JAPAN

H. E. Mr. Hiroshi Yokota (Delegate)  
 Ambassador Extraordinary and Plenipotentiary  
 Embassy of Japan in Spain

Dr. Tadao Araki (Delegate)  
 Permanent Delegate of Japan to Unesco

Mr. Yutaka Kimura (Adviser)  
 Senior Specialist, Copyright Division  
 Cultural Affairs Department  
 Ministry of Education

Mr. Akihiko Furuya (Adviser)  
 Ministry of Foreign Affairs

Mr. Yoshihiro Masuda (Adviser)  
 Specialized Agencies Division  
 United Nations Bureau  
 Ministry of Foreign Affairs

#### JORDAN

Mr. Jamil Abu-Maizar (Observer)  
 Cultural Counsellor  
 Jordan Embassy in Spain

#### LEBANON

M. Mohamed Daher (Delegate)  
 Premier Secrétaire  
 Chargé d'affaires p. i.  
 Ambassade du Liban en Espagne

M. Ghassau Khouri (Observer)  
 Ambassade du Liban en Espagne

#### LIBYAN ARAB JAMAHIRIYA

Mr. Fathalla Kalifa Gebriel (Head of Delegation)  
 Director of Culture and Information  
 Ministry of Culture and Information

#### MALAYSIA

Mr. Beng Fye Lee (Delegate)  
 Deputy Director-General  
 Department of Inland Revenue

#### MAURITANIA

M. Mohamed Lemine Ould Kaber (Delegate)  
 Conseiller  
 Ambassade de Mauritanie en Espagne

#### MEXICO

Sr. Ignacio Otero Muñoz (Delegate)  
 Asesor del Director General del Derecho de Autor  
 Secretaría de Educación Pública

#### MOROCCO

M. Thami Afailal (Head of Delegation)  
 Conseiller  
 Ambassade du Maroc en Espagne

#### NETHERLANDS

Mr. Robert Alfred Van Gorkum (Head of Delegation)  
 Deputy Director  
 International Fiscal Affairs Department  
 Ministry of Finance

Mr. Hubert Hamaekers (Deputy Head of Delegation)  
 Inspector  
 International Fiscal Affairs Department  
 Ministry of Finance

Mr. John Jacob Van de Velde (Delegate)  
 Second Secretary of Embassy  
 Embassy of the Netherlands in Spain

#### NIGERIA

Mr. Fabian A. Adekunle Badejo (Observer)  
 Second Secretary  
 Embassy of Nigeria in Spain

#### POLAND

S. Exc. M. Eugeniusz Noworyta (Head of Delegation)  
 Ambassadeur extraordinaire et plénipotentiaire  
 Ambassade de Pologne en Espagne

M. Piotr Matuszewski (Delegate)  
 Conseiller du Ministre  
 Ministère des affaires étrangères

M. Jacek Czabański (Delegate)  
 Conseiller supérieur  
 Ministère des finances

#### SPAIN

Excmo. Sr. Juan Luis Pan de Soraluce (Head of Delegation)  
 Embajador en Misión Especial  
 Ministerio de Asuntos Exteriores

Excmo. Sr. Enrique Larroque de la Cruz  
 (Deputy Head of Delegation)  
 Ministro en Misión Especial  
 Ministerio de Asuntos Exteriores

Sr. Manuel González-Haba (Delegate)  
 Director de Publicaciones  
 Ministerio de Asuntos Exteriores

Sr. José María de la Villa Gil (Delegate)  
 Subdirector General  
 Relaciones Fiscales Internacionales  
 Ministerio de Hacienda

Sr. José Ramón Fernández Pérez (Delegate)  
 Jefe del Servicio de Relaciones Fiscales Internacionales  
 Ministerio de Hacienda

Sra. Milagros del Corral Beltrán (Delegate)  
 Jefe del Gabinete Técnico  
 Dirección General del Libro y Bibliotecas  
 Ministerio de Cultura

Sr. José María Chico Ortiz (Expert)  
Registrador de la Propiedad Intelectual  
Ministerio de Cultura

## SWEDEN

Mr. Krister Göranson (Delegate)  
Counsellor  
Swedish Embassy in Spain

Mr. Stellan Ottosor (Delegate)  
First Secretary  
Swedish Embassy in Spain

Mr. Agne Henry Olsson (Delegate)  
Legal Adviser  
Ministry of Justice

Mr. Staffan Estberg (Delegate)  
Legal Adviser  
Ministry of the Budget

## SWITZERLAND

M. Roger Bär (Head of Delegation)  
Conseiller  
Ambassade de Suisse en Espagne

M. Gérard Ménétrey (Alternate)  
Adjoint scientifique  
Administration fédérale des contributions

M. Karl Govoni (Delegate)  
Adjoint scientifique  
Office fédéral de la propriété intellectuelle

## TUNISIA

M. Rachid Ben Ahmed (Delegate)  
Attaché de Cabinet  
Ministère des affaires culturelles

M. Abdelmajid Chadli (Delegate)  
Directeur financier  
Ministère de l'éducation nationale

M. Abdelhakim Lahouel (Delegate)  
Sous-directeur financier  
Ministère de l'éducation nationale

M. Ahmed Saada (Delegate)  
Chef de Service  
Ministère des finances

## UNION OF SOVIET SOCIALIST REPUBLICS

M. Boris Pankine (Head of Delegation)  
Président de la Direction  
Agence de l'URSS pour les droits d'auteur (VAAP)

M. Youri Roudakov (Delegate)  
Vice-président de la Direction  
Agence de l'URSS pour les droits d'auteur (VAAP)

M. Igor Baderko (Delegate)  
Chef de Section  
Commission de l'URSS pour l'Unesco

Mme Reguina Gorelik (Expert)  
Directeur adjoint  
Département des relations internationales  
Agence de l'URSS pour les droits d'auteur (VAAP)

M. Nikolaï Kuznetsov (Expert)  
Représentant en Espagne de l'Agence de l'URSS pour les  
droits d'auteur (VAAP)

M. Alexandre Protassenia (Expert)  
Expert  
Département des relations internationales  
Agence de l'URSS pour les droits d'auteur (VAAP)

## UNITED KINGDOM

Mr. Brian O'Connor (Delegate)  
Assistant Secretary  
International Tax Policy Division  
Inland Revenue

Mr. David Denton (Delegate)  
Senior Executive Officer  
International Tax Policy Division  
Inland Revenue

## UNITED REPUBLIC OF CAMEROON

M. Pascal Bekolo Bekolo (Delegate)  
Directeur adjoint des affaires culturelles  
Ministère de l'information et de la culture

## UNITED STATES OF AMERICA

Ms. Patrice Lyons (Delegate)  
Attorney-Adviser  
Copyright Office  
Library of Congress

## URUGUAY

Sr. Armando Sciarra (Head of Delegation)  
Subdirector  
División Jurídica  
Ministerio de Educación y de Cultura

Sr. Duncan Croci (Delegate)  
Segundo Secretario  
Embajada de Uruguay en España

## VENEZUELA

Sr. Ricardo Antequera (Delegate)  
Miembro de la Comisión Jurídica del Consejo  
Panamericano de la CISAC  
Consultor Jurídico de la Sociedad de Autores y  
Compositores de Venezuela

Sr. Gustavo Vásquez Nuñez (Delegate)  
Jefe de Depósito Legal  
Biblioteca Nacional

## II. Intergovernmental Organization

*Arab Educational, Cultural and Scientific Organization  
(ALECSO)*

M. Mongi Ben-Amor  
Représentant permanent auprès de l'Unesco

## III. International Non-Governmental Organizations

*European Broadcasting Union (EBU)*

Sr. José Ma. Calviño-Iglesias  
Servicio Jurídico  
Radio Televisión Española

*International Confederation of Societies of Authors and Composers (CISAC)*

M. Jean-Alexis Ziegler  
Secrétaire général  
M. Michel Astruc  
Chargé de mission auprès du Directeur Général de la SACEM  
M. Bernardo Revuelta  
Asesor  
Sociedad General de Autores de España

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

Mr. Gaston Halla  
Secretary-General

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

Ms. Gillian Davies  
Assistant Director-General  
Sr. Carlos Grande  
Gerente de la Asociación Fonográfica Española  
Sr. Antonio Pérez Solís  
Asociación Fonográfica Española

*International Literary and Artistic Association (ALAI)*

M. Jean-Alexis Ziegler  
Secrétaire général de la CISAC

*International Publishers Association (IPA)*

Sr. Eduardo Nolla López  
Secretario General  
Instituto Nacional del Libro Español

*International Writers Guild (IWG)*

M. Roger Fernay  
Président de la Commission internationale du droit d'auteur  
Chargé des relations avec les organisations internationales

**IV. Consultant**

M. Paul Marie Gaudemet  
Professeur à l'Université de droit, d'économie et de sciences sociales de Paris II

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

Dr. Arpad Bogsch  
Director General  
Mr. Claude Masouyé  
Director  
Copyright and Public Information Department  
Mr. Shahid Alikhan  
Director  
Copyright Division  
Mr. Henri Rossier  
Chief  
Mail and Documents Section

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

Mr. Federico Mayor  
Deputy Director-General

Mr. Rodolfo Stavenhagen  
Assistant Director-General for Social Sciences and their Applications  
Miss Marie-Claude Dock  
Director  
Copyright Division  
Mr. Abderrahmane Amri  
Chief  
International Copyright Information Centre  
Mr. Eric Armerding  
Deputy Chief  
Division of Relations with International Organizations  
Mr. Heriberto Schiro  
International Copyright Information Centre  
Mr. Evgueni Guerassimov  
Copyright Division  
Mr. Paul Tolstoy  
Chief  
Interpretation Division  
Mr. Robert Thissen  
Conference Officer

**VI. Officers and Membership of Committees****Conference Officers***President*

H. E. Mr. Juan Luis Pan de Soraluze (Spain)

*Vice-Presidents*

H. E. Mr. Geraldo Holanda Cavalcanti (Brazil)

H. E. Mr. Surendra Sinh Alirajpur (India)

Mr. Jameel Al-Jubury (Iraq)

Mr. Boris Pankine (USSR)

*Rapporteur General*

Mr. Pascal Bekolo Bekolo (Cameroon)

*Secretaries General*

Mr. Claude Masouyé (WIPO)

Miss Marie-Claude Dock (Unesco)

**Officers of the Main Commission***Chairman*

Mr. Mihály Ficsor (Hungary)

*Vice-Chairmen*

Mr. Ignacio Otero Muñoz (Mexico)

Mr. Ernst Weber (Germany (Federal Republic of))

**Credentials Committee***Members*

Colombia, France, Ivory Coast, Japan, Tunisia, USSR

*Chairman*

Mr. Tadao Araki (Japan)

*Secretaries*

Mr. Shahid Alikhan (WIPO)

Mr. Abderrahmane Amri (Unesco)

**Drafting Committee***Members*

Argentina, France, Germany (Federal Republic of), India, Iraq, Lebanon, Switzerland, USSR, Uruguay

*Ex officio*

The President of the Conference and the Chairman of the Main Commission

*Chairman*

Mr. André Kerever

## Model Bilateral Agreement for the Avoidance of Double Taxation of Copyright Royalties

### PREAMBLE OF AGREEMENT

The Government of (State A) and the Government of (State B).

Wishing to apply the principles set out in the Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties and thus to eliminate such double taxation or to reduce its effect.

Have agreed on the following provisions:

### I

#### SCOPE OF THE AGREEMENT

##### ARTICLE I

###### *Persons and Royalties Covered*

1. This Agreement shall apply to persons who are residents of one or both of the Contracting States.
2. This Agreement shall apply to copyright royalties when they arise in one Contracting State and their beneficiary is a resident of the other Contracting State.

##### ARTICLE II

###### *Taxes Covered*

###### *Alternative A*

1. This Agreement shall apply to compulsory taxes or deductions imposed on behalf of each Contracting State, [of its political subdivisions or its local authorities], irrespective of their description, their kind and the manner in which they are levied, provided that they are imposed on copyright royalties and are assessed on the amount of royalties, excluding taxes of a fixed nature calculated without reference to the amount of the royalty.

2. The existing taxes to which the Agreement shall apply are in particular:

- (a) in (State A)
- (i) [income tax applicable]
  - (ii) [other taxes applicable]
  - (iii) . . .

(b) in (State B)

- (i) [income tax applicable]
- (ii) [other taxes applicable]
- (iii) . . .

3. This Agreement shall apply also to future taxes identical [or substantially similar] to those referred to in paragraph 1, which are imposed after the date of signature of this Agreement in addition to, or in place of, existing taxes.

4. The competent authorities of Contracting States shall communicate [at the beginning of each year] any changes in their respective laws and their application [made during the preceding year].

###### *Alternative B*

1. This Agreement shall apply to taxes imposed on behalf of each Contracting State [of its political subdivisions or its local authorities], irrespective of their description or the manner in which they are levied, provided that they are imposed on copyright royalties and are assessed on the amount of the royalties.

2. The taxes to which this Agreement shall apply are:

- (a) in (State A)
- (i) [total income tax]
  - (ii) [other income taxes]
  - (iii) . . .

- (b) in (State B)
- (i) [total income tax]
  - (ii) [other income taxes]
  - (iii) . . .

3. The competent authorities of Contracting States shall communicate [at the beginning of each year] any changes in their respective tax laws and their application [made during the preceding year].

### II

#### DEFINITIONS

##### ARTICLE III

###### *General Definitions*

For the purposes of this Agreement, unless the context otherwise requires:

- (a) the terms “a Contracting State” and “the other Contracting State” shall, depending on the context, refer to (State A) or (State B);
- (b) the term “person” includes an individual, a company and any other body of persons;
- (c) the term “company” means any body corporate or any entity which is treated as a body corporate for tax purposes;
- (d) the terms “enterprise of a Contracting State” and “enterprise of the other Contracting State” mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;
- (e) the term “nationals” means:
  - (i) all individuals possessing the nationality of a State;
  - (ii) all legal persons, partnerships and associations deriving their status as such from the law in force in a State;
- (f) the term “competent authority” means:
  - (i) in (State A), . . . and,
  - (ii) in (State B), . . .;
- (g) the term “copyright royalties” shall be interpreted in accordance with the definition given in Article 1 of the Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties;
- (h) the term “beneficiary of copyright royalties” shall be interpreted in accordance with the definition given in Article 2 of the Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties;
- (i) the term “State of source of royalties” shall be interpreted in accordance with the definition given in Article 4 of the Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties;
- (j) the term “State of residence of the beneficiary” shall be interpreted in accordance with the definition given in Article 3 of the Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties completed by Article IV of this Agreement.

#### ARTICLE IV

##### *Resident*

1. For the purposes of this Agreement, a person shall be deemed to be a resident of a State if he is so considered in application of the provisions of Article 3, paragraph 2, of the Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties.

2. Where by reason of the provision of paragraph 1 an individual is deemed to be a resident of both Contracting States, then his status shall be determined as follows:

- (a) he shall be deemed to be a resident of the State in which he has a permanent home available to him. If he has a permanent home available to him in both States, he shall be deemed to be a resident of the State with which his personal and economic relations are closer (centre of vital interests);
- (b) if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State, he shall be deemed to be a resident of the State in which he has an habitual abode;
- (c) if he has an habitual abode in both States or in neither of them, he shall be deemed to be a resident of the State of which he is a national;
- (d) if he is a national of both States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

3. Where by reason of the provisions of paragraph 2 a person other than an individual is deemed to be a resident of both Contracting States, [it shall be deemed to be a resident of the Contracting State in which its place of effective management is situated] [the competent authorities of the Contracting States shall settle the question by mutual agreement].

#### ARTICLE V

##### *Permanent Establishment — Fixed Base*

1. For the purposes of this Agreement, the term “permanent establishment” means a fixed place of business through which the business of an enterprise is wholly or partly carried on.

[2. The term “permanent establishment” includes especially:

- (a) a place of management;
- (b) a branch;
- (c) an office;
- (d) an industrial installation;
- (e) a store or other sales outlet;
- (f) a permanent exhibition at which orders are received or solicited;
- (g) the furnishing of services, including consultancy services, by an enterprise through employees or other personnel, where activities of that nature continue, for the same or a connected project, in the territory of the same State [for . . . months].

3. Notwithstanding the provisions of paragraphs 1 and 2, a “permanent establishment” shall not be deemed to include:

- (a) the use of facilities solely for the purpose of storage or display of goods belonging to the enterprise;
- (b) the maintenance of a stock of goods belonging to the enterprise solely for the purpose of storage or display;
- (c) the maintenance of a stock of goods belonging to the enterprise solely for the purpose of processing by another enterprise;
- (d) the maintenance of a fixed place of business solely for the purpose of purchasing goods, acquiring rights or collecting information for the enterprise;
- (e) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise.

4. Notwithstanding the provisions of paragraphs 1 and 2, a person acting in a Contracting State on behalf of an enterprise of the other Contracting State — other than an agent of an independent status, to whom paragraph 5 applies — shall be deemed to be a “permanent establishment” in the first-mentioned State:

- (a) if he has, and habitually exercises in that State, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods, or to the acquisition of rights, for the enterprise; or
- (b) if he has no such authority but habitually maintains in the first-mentioned State a stock from which he regularly delivers merchandise on behalf of the enterprise.

5. An enterprise of a Contracting State shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business there through a broker, general commission agent, literary agent, or any other intermediary of an independent status, where such persons are acting in the ordinary course of their business. However, when the activities of such an intermediary are devoted exclusively or almost exclusively to that enterprise for more than . . . consecutive months, he shall not be deemed an agent of an independent status within the meaning of this Article.

6. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of another Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not in itself constitute such a company as a permanent establishment of the other.]

7. In this Agreement, the term “fixed base” means a place of residence and of work, or a place of work, where an individual habitually carries on a part at least of his activities of an independent nature.

### III

## RULES OF TAXATION

### ARTICLE VI

#### *Taxation Methods*

#### 1<sup>st</sup> Alternative

### ARTICLE VI A

#### *Taxation by the State of Residence subject to the existence of a Permanent Establishment or Fixed Base in the other State*

1. Copyright royalties arising in a Contracting State and paid to a resident of the other Contracting State shall, subject to the provisions of paragraph 2, be taxable only in that other State if such resident is the beneficial owner of the royalties.

2. The provisions of paragraph 1 shall not apply with respect to taxes on income if the beneficiary of the royalties carries on an industrial or commercial activity in the other Contracting State in which the royalties arise, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the right, activity or property in respect of which the royalties are paid is effectively connected with such permanent establishment or fixed base. In such a case, the royalties may be taxed solely in the State where the permanent establishment or the fixed base is situated, but only to the extent that these are attributed to that establishment or that base.

3. In each Contracting State, the royalties that the beneficiary might have been expected to collect if he had created a distinct and separate enterprise or if he had installed a distinct and separate place of work engaged in the same activities under the same or similar conditions independently of the centre of activity of which this enterprise or this place of work constitutes a permanent establishment or a fixed base, shall be attributed to that permanent establishment or that fixed base. There shall be allowed as deductions expenses directly connected with the copyright royalties and incurred for the purposes of the permanent establishment or fixed base, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment or the fixed base is situated, or

elsewhere. The royalties attributed to the permanent establishment or the fixed base shall be calculated by the same method year by year, unless there is good and sufficient reason to the contrary.

[4. If a royalty is more than the normal, intrinsic value of the rights in respect of which it is paid, the provisions in paragraphs 1 and 2 may be applied only of that part of the royalty corresponding to this normal, intrinsic value.]

## 2<sup>nd</sup> Alternative

### ARTICLE VI B

*Allocation of Taxation between the State of Residence  
and the State of Source with the same Tax Ceiling  
in both Contracting States*

1. Copyright royalties arising in a Contracting State and paid to a beneficial owner who is a resident of the other Contracting State shall be exempt in the first-mentioned State from the taxes covered under paragraph[s] 2(a)(ii) [and 2(a)(iii)] of Article II in the case of (State A) or under paragraph[s] 2(b)(ii) [and 2(b)(iii)] of Article II in the case of (State B).

2. Where royalties are subject to income tax in the Contracting State of source according to the law of that State and in the Contracting State in which the beneficial owner is resident, the tax so charged may not exceed “x”% of the amount of the royalty in the State of source and “y”% of the gross amount of the royalty in the State of residence.

3. The provisions of paragraphs 1 and 2 shall not apply if the beneficiary of royalties, being a resident of a Contracting State, carries on a industrial or commercial activity in which the royalties arise through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the right, activity or property in respect of which the royalties are paid is effectively connected with such permanent establishment of fixed base. In such a case the royalties may be taxed solely in the State where the permanent establishment or the fixed base is situated, but only so much of them as is attributable to that permanent establishment or fixed base.

4. In each Contracting State, the royalties that the beneficiary might have been expected to collect if he had created a distinct and separate enterprise or if he had installed a distinct and separate place of work engaged in the same or similar activities under the same or similar conditions independently of the centre of activity of which this enterprise or this place of work constitutes a permanent establishment or a fixed base, shall be attributed to that permanent establishment or that fixed base. There shall be

allowed as deductions expenses incurred for the purpose of the permanent establishment or fixed base, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment or the fixed base is situated, or elsewhere. The royalties attributed to the permanent establishment or the fixed base shall be calculated by the same method year by year, unless there is good and sufficient reason to the contrary.

[5. If a royalty is more than the normal, intrinsic value of the rights in respect of which it is paid, the provisions in paragraphs 1, 2 and 3 may be applied only to that part of the royalty corresponding to this normal, intrinsic value.]

## 3<sup>rd</sup> Alternative

### ARTICLE VI C

*Allocation of Taxation between the State of Residence  
and the State of Source with different Tax Ceilings  
in each Contracting State*

1. Copyright royalties whose source is in a Contracting State and paid to a beneficial owner who is a resident of the other Contracting State shall be taxable in both Contracting States. They shall, however, be from the taxes covered by paragraph[s] 2(a)(ii) [and 2(a)(iii)] of Article II in the case of (State A) or in paragraph[s] 2(b)(ii) [and 2(b)(iii)] of Article II in the case of (State B).

2. Where such royalties are subject to income tax in the Contracting State in which they have their source, according to the law of that State, and in the Contracting State of which the beneficiary is a resident, the tax so charged may not exceed:

- (a) in the case of royalties whose source is in (State A) and paid to a resident of (State B) “x”% of the gross amount of the royalties in the case of the tax levied in (State A) and “x”% of the gross amount of the royalties in the case of the tax levied in (State B).
- (b) in the case of royalties whose source is in (State B) and paid to a resident of (State A) “y”% of the gross amount of the royalties in the case of the tax levied in (State A) and “x”% of the gross amount of the royalties in the case of the tax levied in (State B).

3. The provisions of paragraphs 1 and 2 shall not apply if the beneficiary of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the right, activity or property in respect of which

the royalties are paid is effectively connected with such permanent establishment or fixed base. In such a case the royalties may be taxed solely in the State where the permanent establishment or the fixed base is situated, but only so much of them as is attributable to that permanent establishment or fixed base.

4. In each Contracting State, the royalties that the beneficiary might have been expected to collect if he had created a distinct and separate enterprise or if he had installed a distinct and separate place of work engaged in the same or similar activities under the same or similar conditions independently of the centre of activity of which this enterprise or this place of work constitutes a permanent establishment or fixed base, shall be attributed to that permanent establishment or that fixed base. There shall be allowed as deductions expenses directly connected with the copyright royalties and incurred for the purposes of the permanent establishment or fixed base, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment or the fixed base is situated, or elsewhere. The royalties attributed to the permanent establishment or the fixed base shall be calculated by the same method year by year, unless there is good and sufficient reason to the contrary.

[5. If a royalty is more than the normal, intrinsic value of the rights in respect of which it is paid, the provisions in paragraphs 1, 2 and 3 may be applied only to that part of the royalty corresponding to this normal, intrinsic value.]

#### 4<sup>th</sup> Alternative

##### ARTICLE VI D

###### *Taxation by the State of Source*

Copyright royalties whose source is in a Contracting State and paid to a resident in the other Contracting State are taxable exclusively in the State of source of the royalties.

#### 5<sup>th</sup> Alternative

##### ARTICLE VI E

###### *Allocation of Taxation between the State of Residence and the State of Source with the Tax Ceiling in the State of Source*

1. Copyright royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such royalties may also be taxed in the Contracting State in which they arise and according to the laws of that State, but if the recipient is the beneficiary of the royalties, the tax so charged shall

not exceed  $x\%$  of the gross amount of the royalties. The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation.

#### 6<sup>th</sup> Alternative

##### ARTICLE VI F

###### *Allocation of Taxation between the State of Source and that of Residence with the Tax Ceiling in the State of Residence*

1. Copyright royalties whose source is in a Contracting State and which are paid to a beneficial owner resident of the other Contracting State shall be taxable in the State of source of the royalties.

2. However, said royalties may also be taxed in the Contracting State where the beneficial owner of the royalties resides, but not to exceed  $x\%$  of the gross amount of the royalties.

#### IV

##### ELIMINATION OF DOUBLE TAXATION

##### ARTICLE VII

###### *Methods for Avoidance of Double Taxation*

#### 1<sup>st</sup> Alternative

##### ARTICLE VII A

###### *Exemption Method*

*1<sup>st</sup> Alternative: Article VII A(i) — Ordinary Exemption*

Where a resident of a Contracting State receives royalties which, in accordance with the provisions of Article VI, may be taxed in the other Contracting State, the first-mentioned State shall exempt such royalties from the tax on the income of this resident and shall not take them into account in calculating the amount of this tax.

*2<sup>nd</sup> Alternative: Article VII A(ii) — Exemption with progression*

Where a resident of a Contracting State receives royalties which, in accordance with the provisions of Article VI, may be taxed in the other Contracting State, the first-mentioned State shall exempt such royalties from the tax on the income of this resident. Such State may nevertheless take into account the exempted royalties in calculating the amount of tax on the other income of this resident and may apply the same rate of tax as if the royalties in question had not been exempted.

*3<sup>rd</sup> Alternative: Article VII A(iii) — Exemption maintaining taxable income*

Where a resident of a Contracting State receives royalties which, in accordance with the provisions of Article VI, may be taxed in the other Contracting State, the first-mentioned State shall allow as a deduction from tax on the income of that resident, that part of the tax which is applicable to the royalties received from the other Contracting State.

*2<sup>nd</sup> Alternative*

ARTICLE VII B

*Credit Method*

*1<sup>st</sup> Alternative: Article VII B(i) — Ordinary Credit*

1. Where a resident of a Contracting State receives royalties which, in accordance with the provisions of Article VI, may be taxed in the other Contracting State, the first-mentioned State shall allow as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in the other Contracting State. Such deduction shall not exceed that part of the income tax, as computed before the deduction is given, which is attributable to the royalties which may be taxed in the other Contracting State.

2. For the purposes of this deduction, the taxes referred to in paragraphs 2(a)(i) and 2(b)(i) of Article II shall be deemed to be income tax.

*2<sup>nd</sup> Alternative: Article VII B(ii) — Full Credit*

1. Where a resident of a Contracting State receives royalties which, in accordance with the provisions of Article VI, may be taxed in the other Contracting State, the first-mentioned State shall allow as a deduction from the tax on the income of that resident an amount equal to the tax paid in the other Contracting State.

2. For the purposes of this deduction, the taxes referred to in paragraphs 2(a)(i) and 2(b)(i) of Article II shall be deemed to be income tax.

*3<sup>rd</sup> Alternative: Article VII B(iii) — Matching Credit*

1. Where a resident of a Contracting State receives royalties which, in accordance with the provisions of Article VI, may be taxed in the other Contracting State, the first-mentioned State shall allow as a deduction from the tax on the income of that resident, an amount equal to . . . % of the gross amount of such royalties, whether or not the amount deducted in the State where the royalties arise equals this percentage.

2. For the purpose of this deduction, the taxes referred to in paragraphs 2(a)(i) and 2(b)(i) of Article II shall be deemed to be income tax.

*4<sup>th</sup> Alternative: Article VII B(iv) — Tax Sparing Credit*

1. Where a resident of a Contracting State receives royalties which, in accordance with the provisions of Article VI, may be taxed in the other Contracting State and benefit there from special tax relief, the first-mentioned State shall allow as a deduction from the tax on the income of that resident, who is the beneficiary of royalties, an amount equal to the total sum which, without this relief, would have had to be paid in that other State as tax on such royalties.

2. For the purposes of this deduction, the taxes referred to in paragraphs 2(a)(i) and 2(b)(i) of Article II shall be deemed to be income tax.

V

MISCELLANEOUS PROVISIONS

ARTICLE VIII

*Non-discrimination*

1. In accordance with the principle of non-discrimination set out in Article 6 of the Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties, the nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation assessed on the amount of a copyright royalty or any requirement connected therewith, which is other or more burdensome than those to which nationals of that other State in the same circumstances are or may be subjected. Notwithstanding the provisions of Article I, this principle also applies to persons who are not residents of one or both Contracting States.

2. Stateless persons who are residents of a Contracting State shall not be subjected in either Contracting State to any taxation on copyright royalties or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of the State concerned in the same circumstances are or may be subjected.

3. The taxation on copyright royalties to which a permanent establishment of an enterprise of a Contracting State is subjected in the other Contracting State shall not be less favourably levied in that other State than the taxation on the same kind of copyright

royalties to which enterprises of that State having the same status for tax purposes and carrying on the same activities are subjected. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.

4. Subject to the provisions of [paragraph 4 of Article VI A] [paragraph 5 of Article VI B or VI C], the royalties paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such an enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State.

5. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation assessed on copyright royalties or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned State are or may be subjected.

6. The provisions of this Article shall, notwithstanding the provisions of Article II, apply to taxes of every kind and description.

## ARTICLE IX

### *Mutual Agreement Procedure*

1. Where a person considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with the provisions of this Agreement, he may, irrespective of the remedies provided by the domestic law of those States, present his case to the competent authority of the Contracting State of which he is a resident or, if his case comes under Article VIII(1), to that of the Contracting State of which he is a national. This case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Agreement.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution within a period of . . . or such extended period as may be communicated by it to the competent authority of the other State, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which

is not in accordance with this Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.

3. The competent authorities of the Contracting States shall endeavour to resolve by agreement any difficulties or doubts arising as to the interpretation or application of the Agreement. They may also consult together for the avoidance of double taxation in cases not provided for in this Agreement.

4. The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of paragraphs 1, 2 and 3. When it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a Commission consisting of representatives of the competent authorities of the Contracting States.

## ARTICLE X

### *Exchange of Information*

1. The competent authorities of the Contracting States shall exchange such information as is necessary for carrying out the provisions of this Agreement or of the domestic laws of the Contracting States concerning taxes covered by this Agreement in so far as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by Article I of this Agreement. Any information received by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities, including courts and administrative bodies, involved in the assessment or collection of, the enforcement or prosecution in respect of, or the determination of appeals in relation to the taxes covered by this Agreement. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.

2. In no case shall the provisions of paragraph 1 be construed so as to impose on a Contracting State the obligation:

- (a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;
- (b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;
- (c) to supply information which would disclose any trade, business, industrial, commercial or pro-

fessional secret or trade process, or information, the disclosure of which would be contrary to public policy (*ordre public*).

#### ARTICLE XI

##### *Members of Diplomatic or Consular Missions*

Nothing in this Agreement shall affect the fiscal privileges of members of diplomatic or consular missions of the Contracting States as well as of their families, either under the general rules of international law or under the provisions of special conventions.

#### VI

#### FINAL CLAUSES

#### ARTICLE XII

##### *Entry into Force*

1. This Agreement shall be ratified and the instruments of ratification shall be exchanged at . . . as soon as possible.

2. The Agreement shall enter into force upon the exchange of instruments of ratification and its provisions shall have effect:

- (a) in (State A) . . .
- (b) in (State B) . . .

#### ARTICLE XIII

##### *Termination*

This Agreement shall remain in force until terminated by a Contracting State. Either Contracting State may terminate the Agreement, through diplomatic channels, by giving notice of termination at least six months before the end of any calendar year after the year . . . In such event, the Agreement shall cease to have effect:

- (a) in (State A) . . .
- (b) in (State B) . . .

#### ARTICLE XIV

##### *Interpretation*

As regards the application of this Agreement by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning which it has under the Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties or, failing this, under the law of that State.

#### ARTICLE XV

##### *Relations between this Agreement and other Treaties on Double Taxation*

In the event of any difference between the provisions of this Agreement and those of another treaty on double taxation concluded by the Contracting States, the provisions of this Agreement shall take precedence in the relations between these States in matters relating to the taxation of copyright royalties.

## The WIPO Training Program in the Field of Copyright and Neighboring Rights for Developing Countries in 1979

### *Corrigendum*

In the Note on the WIPO Training Program in the Field of Copyright and Neighboring Rights for Developing Countries in 1979, published in the January 1980 issue of this review, the *International*

*Publishers Association (IPA)* should be added to the list of international non-governmental organizations which contributed to the program of the Hungary/WIPO General Introductory Training Course (paragraph 9, page 35).

## Berne Union

### CZECHOSLOVAKIA

#### Accession to the Paris Act (1971) of the Berne Convention

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of member countries of the Berne Union that the Government of the Czechoslovak Socialist Republic deposited, on January 10, 1980, its instrument of accession to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971.

This instrument of accession was accompanied by the following declaration:

“Acceding to the Convention we declare that the Czechoslovak Socialist Republic does not consider

itself bound by provisions of Article 33, paragraph 1 and that the provisions of Article 31 are in contradiction with the Declaration of the United Nations General Assembly on granting independence to colonial countries and peoples.” (*Translation*)

The Paris Act of the Convention will enter into force, with respect to the Czechoslovak Socialist Republic, three months after the date of this notification, that is, on April 11, 1980.

Berne Notification No. 97, of January 11, 1980.

## Correspondence

### Letter from the Federal Republic of Germany

#### Report on the development of copyright between 1972 and 1979

Adolf DIETZ \*

*(First Part)*





































## International Activities

### International Federation of Actors (FIA)

#### XI<sup>th</sup> Congress

(Budapest, September 25 to 29, 1979)

The International Federation of Actors (FIA) held its XI<sup>th</sup> Congress in Budapest from September 25 to 29, 1979. Attending delegates represented Unions from the following 37 countries: Argentina, Australia, Austria, Bolivia, Bulgaria, Canada, Chile, Costa Rica, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Mexico, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Soviet Union, Sweden, Switzerland, Syria, United Kingdom, United States of America, Uruguay, Yugoslavia.

A number of interested intergovernmental and international non-governmental organizations sent observers. WIPO was represented by Mr. Mihailo Stojanović, Head, Legislation and Periodicals Section, Copyright Division.

The Congress was hosted by the Association of Hungarian Art Workers' Unions. It was opened by

Mr. Sandor Gaspar, Secretary General of the Trade Unions Council, and Mr. Imre Pozsgay, Minister of Culture. The city administration of Budapest was also represented.

The agenda of the Congress included, in addition to the usual routine items, the adoption of an Actors' Charter and other topics concerning performers' rights and, more particularly, the impact of technological developments on live performance, mechanical media and the role and activities of performers' trade unions.

The Congress unanimously adopted the Actors' Charter, a draft of which was prepared and submitted to it following a decision taken at the preceding X<sup>th</sup> Congress held in Vienna in 1976.

At the outcome of its debates, the Congress adopted a number of resolutions of which some are reproduced below.

At the close of its proceedings, the Congress elected the Executive Committee. Mrs. France

Delahalle (France) was reelected President. Mr. Dermot K. Doolan (Ireland), Mr. Chester L. Migden (United States of America) and Mr. Mihail Pashkov (Soviet Union) were reelected Vice-Presidents.

## Resolutions

### *Performers' Rights and New Technological Developments for Recording and Disseminating Performances*

The XI<sup>th</sup> Congress of the International Federation of Actors (FIA), held in Budapest from September 25-29, 1979, has extensively discussed performers' rights in relation to the new technological developments in the recording and dissemination of performances.

The Congress declares it to be of the utmost urgency to find ways and means of withstanding the threats which these developments present to the performing artist and his profession and thus to the cultural life of all nations.

A special effort must be made to increase the opportunities for live performance in the theater and elsewhere and to protect such performance against requirements that it accommodate itself to the demands of recording and dissemination which are fundamentally alien to the art of live performance.

The Congress reconfirms the views and recommendations set forth in the Declaration adopted by the FIA/FIM Symposium on International Protection of Performers and Performers' Rights held in Geneva from January 10-12, 1979, with the assistance of the International Labour Office, Unesco and the World Intellectual Property Organization.

The Congress declares it to be of vital importance for the performing artists of all nations, and to the sectors of cultural life to which they contribute, that the rights of the performing artist in his performance be recognized internationally and in national legislation. Such rights should be in the nature of an actual copyright or rights of a similar nature which in all respects would afford the performing artist a protection similar to that which is granted to authors of literary and artistic works.

The Congress urges legislators in all countries to consider and give high priority to the enactment of national legislation to provide the performing artist with such protection.

Acknowledging the extensive and important work done by international and intergovernmental organizations to secure and protect the rights of the performing artist, the Congress further urges that steps be taken to strengthen the international protection of such rights in accordance with the general views expressed by the Congress.

It is the firm belief of the Congress that the performing artist must be given the right to authorize or prohibit any secondary use of his performance. Such right must be unassignable except in favor of representative organizations which could exercise it in a practical and responsible way under systems of contractual licensing. The Congress affirms that affiliated unions are ready and able to contribute to the development of contractual licensing systems and to participate in the administration thereof.

In respect of direct satellite television, the Congress confirms it to be a basic principle of FIA that no affiliated union shall consider any agreement for participation in direct satellite broadcasting until it has been given effective guarantees of the maintenance of a level of national televi-

sion production satisfactory to the unions of performers both in the area of intended reception and in areas affected by overspill.

Finally, the Congress urges all affiliated unions to increase pressure on their national legislators to protect the work and the rights of performing artists. There should be participation by performers' unions in any preparatory and regulatory agencies or commissions established in each country.

The Congress urges affiliated unions to coordinate efforts with other trade unions, consumer groups, public interest groups and coalitions of such groups to protect and further their common interest and to achieve the necessary protection for performers and for the public they serve.

### *Mechanical Media: Working Party on Performers' Rights*

*Whereas* the problems created by technological changes are of enormous consequence and impact on the economic and professional future of actors and on the existence of various national television systems and, indeed, on national cultures; and

*Whereas* it is a matter of urgency to find ways and means of controlling such technology and establishing performers' rights and adequate compensation with respect thereto;

Be it therefore *resolved* by the XI<sup>th</sup> Congress of FIA that the Executive Committee of FIA, at the earliest possible time, appoint and convene an appropriate working committee drawn from our affiliates to study and propose ways and means of achieving such goals.

### *Transmission and Recording of Live Theater Productions*

Congress draws attention to the increase in television transmissions and audiovisual recordings of live theater performances due, in the first instance, to the tendency of public authorities to make subsidies to the theater conditional upon such transmission or recording.

Congress underlines the danger that this tendency poses to the integrity of the live theater in relation, *inter alia*, to the type of production chosen, to the casting, to the manner of performance and to normal theatrical exploitation. This danger will be further increased in the event that important investment in theatrical production is made by television or other organizations with the principal aim of transmitting such productions in television or obtaining profit from the utilization of recordings in other audiovisual media.

Accordingly the Congress *reaffirms*

- (a) that no performance may be recorded in public for purposes of broadcasting except in very exceptional circumstances and with the express authorisation of the local union (Code of Principles 352);
- (b) that the obligation to be televised or recorded must never be included in a theater contract (Code of Principles 351);

and further *declares*

- (c) that any recordings made for the mechanical media must be made under the economic, artistic and technical conditions applying to the relevant medium;
- (d) that no proposal for the ultimate television transmission or audiovisual recording of a live show should be permitted to interfere with its normal theatrical presentation and exploitation; and
- (e) that no transmission or recording shall be permitted before the conclusion of such normal theatrical exploitation.

*Rome Convention: Protection for Variety and  
Circus Artists*

The XI<sup>th</sup> Congress of FIA

*Reaffirms* that variety and circus artists are in urgent need of that legal protection already accorded to the other categories of performers in the Contracting States of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention, 1961);

*Expresses* its thanks to the intergovernmental organizations (ILO, Unesco and the World Intellectual Property Organization) for their efforts to bring about in the Contracting States of the Rome Convention the application of its Article 9 concerning specific protection for variety artists;

*Requests* the said intergovernmental organizations to intensify their respective efforts; and

*Urges* FIA member unions to make representations to their governments for legislation to protect circus and variety artists according to Article 9 of the Rome Convention.

## Book Reviews

**The USSR and International Copyright Protection**, by Mark Boguslavsky. A volume of 304 pages. Progress Publishers (USSR), 1979.

This book has not been published in Russian in its present version, though it is based on the other two books by the same author on copyright law which have been published in the Soviet Union earlier. In his foreword to the English edition, the author says, *inter alia*, that he has attempted to answer two questions: why did the Soviet Union abstain from participation in copyright conventions before 1973?; what motivated it to join the Universal Copyright Convention of 1952 rather than the Berne Convention? When answering the first question, he emphasizes that the idea of limiting copyright protection in the interests of society, i. e., public education and science, the authors' rights to dispose of their works was dominant in the early years of the young Soviet Republic. The answer he gives to the second question follows from a rather detailed comparative analysis of the contents of the Berne Convention and the Universal Copyright Convention, which explains why the latter had, for several reasons, been considered better adapted to the needs of the Soviet Union. It is, however, of interest to note the statement that "there is a trend towards convergence between the rules of both Conventions, which has been manifest in the inclusion of uniform rules regarding developing countries."

This comparative analysis, which is contained in Chapter 3, is preceded by a chapter dealing with the general problems of international copyright protection (Chapter 1) and another containing a brief history of that protection (Chapter 2).

In Chapter 4, after a general outline of Soviet copyright law, the author deals with the relationship between that law

and the Universal Copyright Convention, including particularly the amendments motivated by the Soviet Union's accession to that Convention.

One of the most interesting parts of the book for foreign readers is the analysis of the copyright of foreign nationals and the legal problems of the protection of works of Soviet authors abroad contained in Chapters 5 and 6. The starting point of Soviet law on the copyright protection of foreign nationals (whose works are not protected under the Universal Copyright Convention or bilateral agreements) is the principle of territoriality. That principle is applied in the first place through the rule according to which foreign authors are granted protection for works first published in the Soviet territory (the Soviet concept of "publication" includes any communication of a work to the public, by any means or process). Protection is also granted to unpublished works present in Soviet territory in tangible form. As for the use of works of Soviet authors abroad, it is important to note that a violation of the established procedure of assigning the right to such use entails the nullity of the assignment.

The last chapter (Chapter 7) deals with the problems of copyright in cooperation between the Soviet Union and other socialist States. After having described the existing bilateral agreements and emphasized their importance in the field of science and technology, the author concludes that the participation of the socialist States in the general multilateral copyright conventions does not rule out the need for them to conclude bilateral agreements in the same field. Such bilateral agreements may, according to the author, eventually result in a multilateral copyright convention between the socialist countries.

The texts of the Berne Convention, the Universal Copyright Convention and the relevant Soviet legislation are reproduced in the Appendix.

## Calendar

### WIPO Meetings

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

#### 1980

- March 10 to 14 (Geneva) — Berne Union and Universal Copyright Convention — Group of Independent Experts on the Impact of Cable Television in the Sphere of Copyright** (convened jointly with Unesco)
- 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 13 (Paris) — Development Cooperation — Committee of Experts for a Model Statute for Authors' Societies for Developing Countries** (convened jointly with Unesco)
- June 9 to 16 (Geneva) — International Patent Cooperation (PCT) Union — Assembly (Extraordinary Session)**
- June 13 to 19 (Geneva) — Budapest Union (Microorganism) — Interim Committee (or Assembly)**
- June 23 to 27 (Geneva) — Permanent Committee for Patent Information (PCPI) — Working Group on Search Information**
- September 8 to 12 (Geneva) — 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)**
- November 17 to 21 (Geneva) — Berne Union and Universal Copyright Convention — Working Group on the overall problems posed for developing countries concerning access to works protected under copyright conventions** (convened jointly with Unesco)
- December 1 to 3 (Lomé) — Development Cooperation — African Regional Seminar on Copyright** (convened jointly with Unesco)
- December 4 and 5 (Lomé) — Development Cooperation — African Regional Seminar on Neighboring Rights** (convened jointly with ILO and Unesco)
- December 15 to 19 (Paris) — Berne Union and Universal Copyright Convention — Committee of Governmental 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 19 to 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)**

Congress — May 5 to 9 (Geneva)

##### **International Literary and Artistic Association (ALAI)**

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)