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World Intellectual Property Organization

Round Table of University Professors on Teaching and Research in Intellectual Property Law

(Geneva, July 14 to 16, 1981)

Note

The Round Table of University Professors on Teaching and Research in Intellectual Property Law was organized by WIPO and took place at the headquarters of WIPO from July 14 to 16, 1981.

Sixty-eight persons engaged in teaching or research in the field of intellectual property law attended the WIPO Round Table. They came from the following 30 countries: Argentina, Barbados, Belgium, Brazil, Canada, China, Colombia, Finland, France, Germany (Federal Republic of), Greece, Hungary, India, Israel, Italy, Japan, Mexico, Netherlands, Nigeria, Peru, Philippines, Poland, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America, Yugoslavia. The list of participants follows this Note.

The WIPO Round Table provided a forum for an exchange of views on teaching and research in the law of intellectual property at universities and similar institutions. It also served as the occasion to launch the International Association for the Advancement of Teaching and Research in Intellectual Property.¹

The WIPO Round Table was the follow-up of an earlier Round Table, organized by WIPO in October 1979,² at which university professors in the field of industrial property law had had a first exchange of views on the role that teaching and research have in respect of the development of law of intellectual property and its practical application. The participants at the 1979 Round Table had recommended that WIPO organize a second Round Table of an enlarged circle of professors and researchers, including not only those concerned with industrial property but also copyright and other subjects of intellectual property.

The WIPO Round Table was opened by the Director General of WIPO, Dr. Arpad Bogsch. In his opening speech, the Director General drew attention to the contribution which universities and research institutions could make to the development of the protection of intellectual property, particularly by analyzing and proposing improvements to existing

laws and institutions and by providing a framework for the training of lawyers as specialists in the law of intellectual property.

The program of the WIPO Round Table included the following topics in respect of teaching and research in intellectual property law: the present status of teaching and research in the various countries of the world, the purposes and methods of teaching and research and their relationship to the objectives of the protection of intellectual property, the influence of teaching and research on the growth of the law of intellectual property and on its role in economic, scientific, cultural and social development, the scope and content of courses and whether the law of intellectual property (or one or more of its objects) should be taught as a separate course in the university curriculum, the teaching of the law of intellectual property in technical schools and in professional institutes, cooperation in teaching and research among educational institutions, international and regional organizations and professional associations, the special problems of teaching and research in developing countries, the protection of the results of research undertaken by professors and researchers in universities or similar institutions and orientation programs for teaching and research, including visiting professors' trips and means for exchanging information. Each topic was introduced by a discussion leader. The ensuing discussions were based on the themes suggested by the discussion leader and on the ideas set forth in the papers presented by the participants as well as on the oral comments made by a number of them. In all, a total of 18 papers were submitted to the WIPO Round Table.

List of Participants *

I. University Professors

G. A. Ancarola, Escuela Superior de Economía y Administración de Empresas (*Argentina*); E. D. Aracama Zorraquín, Universidad Católica Argentina (*Argentina*); P.-L. Aro, University of Helsinki (*Finland*); K. Avila-Pereira, Facul-

¹ For the Note on the International Association for the Advancement of Teaching and Research in Intellectual Property and on the first session of its Assembly, see p. 275.

² See *Industrial Property*, 1980, p. 74.

* A list containing the titles and addresses of the participants may be obtained from the International Bureau.

dade de Direito Candido Mendes (*Brazil*); J. Azéma, Centre Paul Roubier, Université Jean Moulin (Lyon III) (*France*); D. W. Banner, John Marshall Law School (*United States of America*); E. B. Bautista, University of the Philippines Law Center (*Philippines*); U. Baxi, University of Delhi (*India*); F.-K. Beier, Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (*Germany (Federal Republic of)*); A. Bercovitz Rodríguez-Cano, Universidad Nacional de Educación a Distancia (*Spain*); J. Błeszyński, Université de Varsovie (*Poland*); G. H. C. Bodenhausen (*Switzerland*); D. Bradshaw, University of the West Indies (*Barbados*); L. Van Bunnem, Université de Louvain-la-Neuve (*Belgium*); D. V. Cerović, Kragujevac University (*Yugoslavia*); A. Chavanne, Centre Paul Roubier, Université Jean Moulin (Lyon III) (*France*); A. Chaves, Universidade de São Paulo (*Brazil*); Chen Ruifang, Patent Office of the People's Republic of China (*China*); J. Corbet, Université de Bruxelles (*Belgium*); W. R. Cornish, London School of Economics, University of London (*United Kingdom*); F. Curchod, Université de Neuchâtel (*Switzerland*); S. K. Date-Bah, University of Calabar (*Nigeria*); F. Dessemontet, Université de Lausanne (*Switzerland*); A. Dietz, Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (*Germany (Federal Republic of)*); T. Doi, Waseda University (*Japan*); A. Donati, Università degli studi di Perugia (*Italy*); V. A. Dosortsev, All-Union Research Institute for Soviet Legislation (*Soviet Union*); G. Dworkin, University of Southampton (*United Kingdom*); A. Françon, Université de droit, d'économie et de sciences sociales de Paris (*France*); W. T. Fryer III, University of Baltimore (*United States of America*); B. Godenhjelm, University of Helsinki (*Finland*); J. A. Gómez Segade, Instituto de Derecho Industrial de Santiago de Compostela (*Spain*); F. Gotzen, Université catholique de Louvain (*Belgium*); M. de Haas, Centre d'études internationales de la propriété industrielle (CEIPI), Université de Strasbourg III (*France*); L. Holmqvist, University of Lund (*Sweden*); G. Karnell, Stockholm School of Economics (*Sweden*); P. Katzenberger, Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (*Ger-*

many (Federal Republic of)); B. Kresalja, Universidad Católica de Lima (*Peru*); H. P. Kunz-Hallstein, Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (*Germany (Federal Republic of)*); J. Lahore, Queen Mary College, University of London (*United Kingdom*); G. E. Larrea Richerand, Universidad Nacional Autónoma de México (*Mexico*); E. Lontai, Eötvös Loránd University (*Hungary*); V. M. Mangini, Università di Bologna (*Italy*); E. Martin-Achard, Université de Genève (*Switzerland*); N. Mezghani, Université de Tunis (*Tunisia*); V. Nabhan, Université Laval (*Canada*); A. S. Oddi, Northern Illinois University (*United States of America*); E. D. Offner, Hofstra University (*United States of America*); J. M. Otero Lastres, Universidad de Léon (*Spain*); M. Pachón, Universidad Católica Javeriana (*Colombia*); P. Paes, Universidade de São Paulo (*Brazil*); M. M. Pedrazzini, Université de Zurich et Haute Ecole de St-Gall (*Switzerland*); M.-A. Pérot-Morel, Université des sciences sociales de Grenoble (*France*); J. Phillips, University of Durham (*United Kingdom*); Y. Plaseraud, Ecole de Travaux publics et Centre d'études internationales de la propriété industrielle (CEIPI) (*France*); K. Polyzogopoulos, University of Athens (*Greece*); M. Poźniak-Niedzielska, Université de Lublin (*Poland*); S. Pretnar, Commercial University of Ljubljana (*Yugoslavia*); D. Rangel Medina, Universidad Nacional de México (*Mexico*); J. Serda, Université Jagellonne de Cracovie (*Poland*); Guo Shoukang, The People's University of China (*China*); N. Silveira, Universidade de São Paulo (*Brazil*); L. Sordelli, Università di Siena (*Italy*); V. Spaić, Université de Sarajevo (*Yugoslavia*); J. Szwaja, Université Jagellonne de Cracovie (*Poland*); D. W. F. Verkade, University of Nijmegen (*Netherlands*); J. Weisman, The Hebrew University of Jerusalem (*Israel*); G. E. Weston, The George Washington University (*United States of America*).

II. International Bureau of WIPO

A. Bogsch (*Director General*); G. A. Ledakis (*Legal Counsel*).

Conventions Administered by WIPO

Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties

IRAQ

Accession to the Convention

The Secretary-General of the United Nations notified the Director General of the World Intellectual Property Organization, on August 7, 1981, that the Government of Iraq deposited, on July 15, 1981, its instrument of accession to the Multilateral Convention for the Avoidance of Double Taxation of

Copyright Royalties, adopted at Madrid on December 13, 1979.

A separate notification will be made on the entry into force of the Convention when the required number of ratifications or accessions is reached.

National Legislation

ISRAEL

Copyright Ordinance (Amendment No. 4) Law, 5741-1981

(of May 20, 1981) *

1. (a) In the Copyright Ordinance (hereinafter—“the Ordinance”), section 3(1)—

(1) after the opening passage there shall be inserted the words “shall be liable to imprisonment for six months”¹;

(2) after subsection (e) there shall be inserted the following:

“(f) makes or keeps in his possession a plate for the purpose of making infringing copies of a work in which copyright subsists, or, for the purpose of a personal gain, effects the public exhibition of a work in which copyright subsists, without the consent of the owner of the copyright,”

(3) the concluding passage² shall be deleted.

(b) Section 3(2) shall be repealed.

2. After section 3 of the Ordinance there shall be inserted the following:

“**3a.** Where the injury caused by a copyright infringement has not been proved, the Court may, at the request of the claimant, award damages,

* The original Hebrew text was published in *Sefer Ha-Chukkim* No. 1029 of May 28, 1981. English translation received from the Israeli Ministry of Justice.

¹ In the English version of the Ordinance as published in the *Copyright Laws and Treaties of the World*, these words should replace the concluding passage (see also note 2).

² In the same English version, this passage starts with the words “is guilty of . . .”

in respect of each infringement, in the amount of no less than 500 Shkalim and no more than 30,000 Shkalim; the Minister of Justice, with the approval of the Constitution, Legislation and Law Committee of the Knesset, may by order vary the above sums.”

3. After section 4 of the Ordinance there shall be inserted the following:

“**4a.** (1) An author has the right to have his name applied to his work, in the accepted manner and extent.

(2) An author has the right to object to any distortion, mutilation or other modification of his work, or other derogatory action in relation to such work, which is liable to be prejudicial to his honor or reputation.

(3) The violation of a right under this section is a civil wrong, and the provisions of the Civil Wrongs Ordinance (new version) shall apply thereto.

(4) A right of an author under this section will not be dependent on the author's economic right in his work, and it shall be available to the author even after such right has been transferred to another, wholly or in part.

(5) In an action under this section, the author shall be entitled to damages in the amount to be determined by the Court, in accordance with the circumstances of the case, even if no pecuniary damages have been proved; this provision shall not derogate from any other authority of the Court under Chapter V of the Civil Wrongs Ordinance (new version).”

General Studies

Twenty Years of the Rome Convention: Some Personal Reflections

Edward THOMPSON *

International Activities

International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP)

Assembly (First Session)

(Geneva, July 15, 1981)

The International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) held its first session at Geneva on July 15, 1981. University professors and researchers from the following 30 countries attended the session: Argentina, Barbados, Belgium, Brazil, Canada, China, Colombia, Finland, France, Germany (Federal Republic of), Greece, Hungary, India, Israel, Italy, Japan, Mexico, Netherlands, Nigeria, Peru, Philippines, Poland, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America, Yugoslavia.

The International Association for the Advancement of Teaching and Research in Intellectual Property was established on the eve of the opening of the Round Table of University Professors on Teaching and Research in Intellectual Property Law which was organized by WIPO at its headquarters in Geneva from July 14 to 16, 1981.¹ The plans for the creation of the International Association stem from the recommendation made by the participants at an

earlier Round Table, organized by WIPO in 1979,² that the Director General of WIPO convene a small group of professors to prepare a draft of the constitution of an international association of professors and researchers in the field of intellectual property law. That small group of professors met in April 1980 and prepared the draft of the Constitution of the International Association which was then circulated to the participants of the 1979 Round Table for their views and acceptance. The creation of the International Association was announced at the 1981 WIPO Round Table and was opened for signature on that occasion to those who had been invited to that Round Table. The Constitution was signed at a special signing ceremony, held on July 14, 1981, by 69 professors and researchers.

The general objective of the International Association is to contribute to the advancement of teaching and research in the field of the law of intellectual property. Specific objectives are to be pursued by the International Association in respect of teaching, including, *inter alia*, that more time and attention be devoted by universities and similar institutions to the

¹ For the Note on the Round Table of University Professors on Teaching and Research in Intellectual Property Law, see p. 267.

² See *Industrial Property*, 1980, p. 74.

teaching of the law of intellectual property including the comparative and international, as well as the social and economic, aspects of that law, and that improved teaching materials and methods be used in the field of the law of intellectual property. In respect of research, the International Association devotes its attention to the social and economic facts, interests and needs which are relevant to the development of the law of intellectual property, to the comparative and international aspects of that law and to its history. The means of action specified in the Constitution of the International Association include contacts among professors and among researchers, the compilation, dissemination or exchange of teaching aids and the exchange of information about research projects.

The membership of the International Association consists of the professors and researchers who signed its Constitution at the signing ceremony previously referred to. Any other professor or researcher whom the Executive Committee invites to signify his acceptance of membership may also become a member.

Institutions specialized in teaching or research in the field of intellectual property may become Cooperating Institutions and may be represented in the Assembly and other meetings of the International Association. Further, the Assembly of the International Association is authorized to conclude agreements of cooperation with WIPO, regional or other intergovernmental organizations, associations of members of the legal profession, universities or similar institutions, research institutions and other public or private establishments dealing with matters in the field of the law of intellectual property.

The first session of the Assembly of the International Association was opened by the Director General of WIPO, Dr. Arpad Bogsch. The Assembly elected as the officers of the International Association the following: President: Professor Friedrich-Karl Beier, Director, Max Planck Institute for Foreign and International Patent, Copyright and Competition Law, Munich (Federal Republic of Germany); President-Elect: Professor Ernesto D. Aracama Zorraquín, Profesor ordinario titular de Derecho Industrial de la Facultad de Derecho y Ciencias Políticas, Universidad Católica Argentina, Buenos Aires (Argentina); Vice-Presidents: Professor

Upendra Baxi, Faculty of Law, University of Delhi, Delhi (India), Professor W.R. Cornish, London School of Economics, University of London, London (United Kingdom), Professeur Janusz Szwaia, Directeur de l'Institut de l'activité inventive et de la protection de la propriété intellectuelle près l'Université Jagellonne de Cracovie, Cracow (Poland), Professor Glen E. Weston, S. Chesterfield Oppenheim Professor of Antitrust and Trade Regulation Law, The George Washington University, Washington, D.C. (United States of America); Treasurer: Professeur Michel de Haas, Professeur à l'Université de Strasbourg III, Vice-président du Conseil d'administration du Centre d'études internationales de la propriété industrielle (CEIPI), Strasbourg (France). The officers of the International Association also constitute its Executive Committee. The seat of the International Association is at the address of its President.

At its first session, the Assembly of the International Association fixed the amount of the annual membership dues, and formulated a number of suggestions concerning activities that should be undertaken by the International Association, and authorized the Executive Committee to adopt a program and budget for 1982. In addition, in accordance with the provision of the Constitution of the International Association which provides that at each ordinary session of the Assembly at least one matter of general interest to teaching or research in the field of the law of intellectual property shall be discussed, an exchange of views took place on the topic entitled "the protection of the results of research undertaken by professors and researchers in universities or similar institutions." That topic was also one of the themes of the WIPO Round Table.

Further, the Assembly paid special tribute to the Director General of WIPO for his initiative for the creation of the Association and expressed its thanks to WIPO for the efforts of the International Bureau that made the creation of the International Association possible.

It is to be noted that two members of the WIPO staff who are law professors, namely, Gust Ledakis (Legal Counsel) and François Curchod (Head, Industrial Property Law Section, Industrial Property Division) are among the members of the International Association.

Book Reviews

Protezione del diritto di autore e dei diritti connessi, by *Gino Galtieri*. One volume of VII-487 pages. Presidenza del Consiglio dei Ministri, Servizi Informazioni e Proprietà Letteraria, Rome, 1980.

This book is a thorough and substantive revision of one of the same author's earlier works. It has been brought up to date notably in the light of the most recent technological innovations in this area, to which the author devotes a special chapter.

The work is in five parts; the first two deal with copyright and related rights in Italy and the third and fourth with those rights under the international conventions, while the fifth contains a description of the administrative organization of copyright.

In connection with "related" rights, it should be mentioned that, in the Italian legal system, this category contains not only the rights referred to in the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention), but also the rights relating to sketches for theatrical scenes, photographs, letters, portraits, engineering projects and titles of works.

In the two parts concerning protection at the international level, the author gives a concise description of the structure of the multilateral conventions now in force or recently signed, including those of regional character. The bilateral agreements concluded by Italy are also listed.

The reader's attention should above all be drawn to the fifth part, in which the author uses his long experience in the field to give a very detailed account of the structure and operation of Italian institutions, especially the Office of Literary, Artistic and Scientific Property, at the same time giving a brief outline of the corresponding situation in a certain number of other countries.

This substantial work, which contains the text of the Italian Copyright Law in an annex, is made easier to read by an alphabetical subject index and a chronological index of court decisions.

M. S.

The Copyright Law: Howell's Copyright Law revised and the 1976 Act, by *Alan Latman*. Fifth edition. One volume of XVII-560 pages. The Bureau of National Affairs, Inc., Washington D. C., 1979.

The revised (fourth) edition of *Howell's Copyright Law* dates back to 1962. Since then, the new Copyright Act of 1976 has introduced several new elements and, as Professor Latman rightly emphasizes, it does not simplify the learning of copyright law. In view of the fact that many provisions of the earlier legislation continue to be applicable, at least for a limited period of time, a "parallel approach" was

needed to deal with both the old and the new legal situations.

Foreign readers wishing to consult this book will have to bear in mind the fact that it is meant to be read primarily, if not exclusively, by the American public. That is probably why the chapter dealing with international copyright matters is rather short; nevertheless, the texts of the Universal Copyright Convention (in both its original 1952 version and its revised 1971 version) and the Paris Act (1971) of the Berne Convention appear among the Appendices reproduced at the end of the book.

The book follows more or less the pattern of the preceding edition. After a brief historical introduction, it includes the basic elements such as copyrightability, duration and ownership of copyright, publication and notice, registration and deposit, etc. A somewhat unusual chapter contains useful information on the taxation of copyrights.

One of the introductory statements, according to which copyrights are not "granted" by any government agency but are created by acts of the author, is particularly welcome in view of the erroneous ideas which often prevail among the general public in countries having a system of copyright protection different from that applicable in the United States of America.

M. S.

Urheberrecht in der Musik, by *Erich Schulze*. Fifth edition. One volume of 543 pages. Walter de Gruyter, Berlin/New York, 1981.

This fifth edition of Professor Schulze's standard book on copyright in musical works includes several new elements. It takes into account the accession of the Soviet Union to the Universal Copyright Convention in 1973 and the adoption in 1976 of a new copyright law in the United States of America, which entered into force on January 1, 1978. Furthermore, it has been completed by relevant material concerning Austria, the German Democratic Republic and Switzerland, in order to intensify comparative law studies within the German-language area, as explained in the introduction by the author himself.

The legislative texts, statutes of various organizations dealing with the protection of authors' rights, standard contracts and other relevant information concerning not only the Federal Republic of Germany but also the other three German-speaking countries mentioned above are a valuable source of information both as regards the legal position and as a practical guide.

An interesting glossary entitled "ABC" and an alphabetical index facilitate consultation of this useful publication.

M. S.

Calendar

WIPO Meetings

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

1981

September 28 to October 24 (Nairobi) — Revision of the Paris Convention — Diplomatic Conference

October 14 to 16 (Bogotá) — Committee of Experts on Means of Implementation of Model Provisions for National Laws on Intellectual Property Aspects of the Protection of Expressions of Folklore in the Latin-American and Caribbean States (convened jointly with Unesco)

October 19 to 23 (Kingston) — Regional Seminar on Copyright for English-speaking Caribbean States (convened jointly with Unesco)

November 4 to 6 (Belgrade) — International Conference — Incentive Activity as a Factor for Development of Technology in the Developing Countries (organized by the Yugoslav Association of Innovators and Authors of Technical Improvements with the assistance of WIPO)

November 9 to 13 (Geneva) — Permanent Committee for Patent Information (PCPI) and PCT Committee for Technical Cooperation

November 11 to 13 (Geneva) — Rome Convention — Intergovernmental Committee (convened jointly with ILO and Unesco)

November 16 to 24 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee, Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT, Budapest, TRT and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union)

November 30 to December 7 (Geneva) — Berne Union — Executive Committee — Extraordinary Session (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)

December 7 to 11 (Geneva) — International Patent Classification (IPC) — Committee of Experts

1982

February 22 to 24 (Colombo) — Symposium on the Use and Usefulness of Trademarks in the Countries of the Asian and Pacific Region

September 27 to October 5 (Geneva) — Governing Bodies (WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions)

UPOV Meetings

1981

November 9 (Geneva) — Consultative Committee

November 10 (Geneva) — 1981 Symposium

November 10 to 12 (Geneva) — Council

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

Non-Governmental Organizations

1982

International Literary and Artistic Association (ALAI)

Study Session — May 16 to 20 (Amsterdam)

