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World Intellectual Property Organization

The World Intellectual Property Organization in 1982 *

WIPO and Development Cooperation Activities in the Fields of Copyright and Neighboring Rights

I. Membership of WIPO

Saudi Arabia, Mali and Somalia deposited instruments of accession to the Convention Establishing the World Intellectual Property Organization in February, May and August 1982, respectively. On November 18, 1982, when the accession of Somalia entered into force, the number of members of WIPO was 100 (Algeria, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Benin, Brazil, Bulgaria, Burundi, Byelorussian SSR, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Egypt, El Salvador, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guinea, Holy See, Hungary, India, Indonesia, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Libya, Liechtenstein, Luxembourg, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Netherlands, Niger, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Saudi Arabia, Senegal, Somalia, South Africa, Soviet Union, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Togo, Tunisia, Turkey, Uganda, Ukrainian SSR, United Arab Emirates, United Kingdom, United States of America, Upper Volta, Uruguay, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe). Of these, 16 States were members of WIPO alone (Barbados, Byelorussian SSR, China, Colombia, El Salvador, Gambia, Jamaica, Mongolia, Peru, Qatar, Saudi Arabia, Somalia, Sudan, Ukrainian SSR, United Arab Emirates, Yemen).

* This article is the first part of a report on the main activities of WIPO in general and in the fields of copyright and neighboring rights. Activities in the field of industrial property are covered in a corresponding report in the review *Industrial Property*.

The first part deals with the activities of WIPO as such and with development cooperation activities in the fields of copyright and neighboring rights. The second part will deal with other activities in those fields.

In addition, 19 States, which had not yet become members of WIPO, were members of one or more of the Unions administered by WIPO (Cyprus, Dominican Republic, Ecuador, Guatemala, Haiti, Iceland, Iran, Lebanon, Madagascar, New Zealand, Nicaragua, Nigeria, Panama, Paraguay, San Marino, Syria, Tanzania, Thailand, Trinidad and Tobago).

Therefore, the total number of States which are members of WIPO, of one or more of the Unions administered by WIPO or of both WIPO and one or more of such Unions was, at the end of 1982, 119.

Acceptance of Treaty Amendments. In 1979, the Governing Bodies concerned decided to change from the then 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 said change was effected by the unanimous adoption of the necessary amendments to the relevant administrative provisions of the treaties concerned and of a resolution providing for the provisional application of the said amendments pending their entry into force. They will enter into force one month after written notifications of acceptance have been received from three-fourths of the States entitled to vote. By the end of 1982, the following 46 States had notified their acceptance of the amendments: Australia, Bahamas, Brazil, Bulgaria, Canada, Chile, Czechoslovakia, Denmark, Egypt, Finland, France, German Democratic Republic, Germany (Federal Republic of), Greece, Holy See, Hungary, India, Ireland, Israel, Italy, Jordan, Kenya, Liechtenstein, Luxembourg, Malawi, Mexico, Monaco, Niger, Norway, Portugal, Qatar, Republic of Korea, Romania, Soviet Union, Spain, Sudan, Suriname, Sweden, Switzerland, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States of America, Upper Volta, Zambia. Similar amendments adopted by the Assembly of the Budapest Union in 1980 have been accepted by the following States: German Democratic Republic, Hungary, Spain, Switzerland. No State has yet accepted the similar amendments adopted by the Assembly of the TRT Union in 1980.

The decision, referred to above, by the Governing Bodies in 1979 was adopted subject to the understanding that the provisional application of the said amendments would have effect only until the 1985 ordinary sessions of the Governing Bodies and that, if by that time the conditions required by the conventions, treaties and agreements for the entry into force of the said amendments were not fulfilled, the matter would be placed on the agendas of the said ordinary sessions.

II. Governing Bodies

The Governing Bodies of WIPO and of the Unions administered by WIPO held their *thirteenth series of meetings* in Geneva in November 1982. The following three Governing Bodies held sessions:

WIPO Coordination Committee, sixteenth session (13th ordinary)

Paris Union Executive Committee, eighteenth session (18th ordinary)

Berne Union Executive Committee, twentieth session (13th ordinary).

Delegations from 67 States participated in the meetings. Six intergovernmental organizations were represented by observers. The list of participants appears on page 53 of this issue.

A summary of the main decisions follows.

Approval of Agreements with Intergovernmental Organizations. The WIPO Coordination Committee approved agreements between WIPO and the Federation of Arab Scientific Research Councils and between WIPO and the International Union for the Protection of New Varieties of Plants.

Preparation of the Draft Agendas for the 1983 Ordinary Sessions of the Governing Bodies. The Governing Bodies approved items for the draft agendas of the 1983 sessions of the WIPO General Assembly and Conference and the Paris Union and Berne Union Assemblies. In reply to interventions made by various delegations, the Director General said that in respect of WIPO's contribution to the efforts of the United Nations for maintaining peace and increasing international cooperation he would report to the WIPO General Assembly in 1983 on the pertinent resolutions of the United Nations and the contributions that WIPO has made or should make in this regard, and noted the desire of several delegations that the proposals for the 1984 and 1985 budget should avoid, to the extent possible, increases in contributions.

Activities and Accounts; Reports of the United Nations Joint Inspection Unit. The Governing Bodies reviewed and noted with approval reports by the Director General on the activities of WIPO, from November 1981 to November 1982, and the Auditors' report on the accounts for 1981. A number of delegations expressed satisfaction with the accomplishments of the International Bureau since the 1981 sessions of the Governing Bodies, and underlined the constant increase in the activities, particularly in the field of development cooperation for the benefit of developing countries, despite budgetary constraints. Several delegations praised the clarity and completeness of the reports submitted by the Director General. Several delegations expressed the intention of their countries to continue and, if possible, to increase their contribution to the development cooperation activities of WIPO. Certain delegations also referred to assistance provided by their Governments to developing countries under bilateral arrangements. Attention was drawn in particular to the usefulness of training activities, of cooperation among developing countries through the provision by such countries of facilities and experts, and of medium-term planning in cooperation between WIPO and the States concerned.

III. Development Cooperation Activities in the Fields of Copyright and Neighboring Rights

Objective

The objective of the activities provided for in the approved program of WIPO is to be useful to developing countries in five different respects:

- (i) training specialists,
- (ii) creating or modernizing domestic legislation,
- (iii) establishing or developing appropriate infrastructure,
- (iv) stimulating creative activity,
- (v) facilitating access to foreign works protected by copyright owned by foreigners.

Activities

Development, in developing countries, of general awareness and knowledge of the law and the practical implications of copyright and neighboring rights (Training)

In 1982, WIPO received 91 applications for training in the fields of copyright and neighboring rights from 40 developing countries, from the United Nations High Commissioner for Refugees (UNHCR), from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and from the Economic Community of the Countries of the "Grands Lacs" (CEPGL). Thirty-eight of these

applications, from the following 28 countries, and from the CEPGL, were accepted and led to the completion of training courses: Algeria, Angola, Bahamas, Bangladesh, Benin, Brazil, Cameroon, Chile, Colombia, Congo, Ethiopia, Fiji, Ghana, Guinea, India, Indonesia, Madagascar, Malawi, Mali, Mexico, Niger, Papua New Guinea, Tanzania, Tunisia, Upper Volta, Zaire, Zambia, Zimbabwe.

The training arranged in 1982 took the following forms:

(a) for 10 trainees, a Specialized Training Course on the Administration of Copyright and Neighboring Rights, in *Zurich* in May 1982, organized by WIPO in collaboration with the Swiss Society for Authors' Rights in Musical Works (SUISA); the participants came from Algeria, Benin, Brazil, Colombia, Guinea, Mali, Mexico, Upper Volta, Zaire and CEPGL; the lectures were given by officials of SUISA and WIPO; this course was followed by a visit to WIPO headquarters and, for some of the trainees, practical training in the copyright organizations of Algeria and France;

(b) for seven trainees, a Specialized Training Course on the Administration of Copyright and Neighboring Rights, in *Stockholm* in June 1982, organized by WIPO in cooperation with the Ministry of Justice of Sweden; the participants came from Ethiopia, Fiji, Indonesia, Malawi, Mexico, Tanzania and Zambia; the lectures were given by officials of the Swedish Ministry of Justice, the Swedish Confederation of Authors, the Swedish Performing Rights Society, the Union of Swedish Musicians, the Swedish Group of the International Federation of Producers of Phonograms and Videograms, the Swedish Broadcasting Organization and WIPO; this course was followed by a visit to WIPO headquarters;

(c) for 17 trainees, a General Introductory Course on Copyright and Neighboring Rights, in *Budapest* in October and November 1982, organized by WIPO in cooperation with the Hungarian Bureau for the Protection of Authors' Rights (ARTISJUS); the participants came from Algeria, Angola, Bahamas, Bangladesh, Brazil, Cameroon, Congo, Ghana, Guinea, India, Madagascar, Mexico, Niger, Papua New Guinea, Tunisia, Zambia and Zimbabwe; the lectures were given by WIPO officials, officials of Artisjus, invited guest speakers and representatives of the International Confederation of Societies of Authors and Composers (CISAC), the International Federation of Producers of Phonograms and Videograms (IFPI) and the European Broadcasting Union (EBU). The course was followed by practical training in copyright and neighboring rights in the following countries: Belgium, France, Germany (Federal Republic of), Hungary, India, Netherlands, Senegal, Switzerland, United Kingdom, and by a visit to WIPO headquarters.

(d) for four trainees, from Chile, Tanzania, Tunisia and Upper Volta, a practical training course in copyright and neighboring rights in one of the following countries: *Argentina, Belgium, German Democratic Republic, Italy*. In addition, *Mexico* agreed to receive trainees, but at the last moment the selected trainees were not able to attend.

Wherever possible, the arrangements for training in 1982 included visits to WIPO headquarters.

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 1982 was 425 from 98 countries, from UNHCR, from UNRWA, from the African Intellectual Property Organization (OAPI) and from the CEPGL, as compared with 380 applications in 1981 from 103 countries and two territories, from UNHCR, from UNRWA, from OAPI and from the African National Congress (ANC). A total of 181 applications were accepted and led to the completion of training courses from 74 countries, UNHCR, UNRWA, OAPI and CEPGL; in 1981, 173 applications were accepted from 82 countries and one territory, UNHCR, UNRWA, OAPI, and ANC. In 1982, 52 applications were accepted (28.7% of total acceptances) from 21 countries regarded as least developed among the developing countries, and 62 were accepted in respect of women (only 49 of the said acceptances (27.1% of the total) led to the completion of training courses). In 1982, nine developing countries (Algeria, Argentina, Brazil, Egypt, India, Israel, Mexico, Philippines, Senegal) and OAPI contributed to promoting cooperation among developing countries by receiving 39 trainees.

The following 10 countries and three national organizations contributed in full or in part to the payment of the travel and subsistence expenses of the trainees: Algeria, Belgium, France, German Democratic Republic, Hungary, India, Italy, Mexico, Netherlands, United Kingdom, the Musical Performing and Mechanical Reproduction Rights Society (GEMA), the Swedish International Development Authority (SIDA) and SUISA.

The remainder of the cost was borne by the budget of WIPO.

Courses and seminars

In *China*, a *Copyright Course* was organized in *Beijing* in May 1982 by WIPO at the request of the National Publishing Administration of China. About 150 Chinese officials, from many parts of the country, participated in the course, which lasted for two weeks. Fourteen lectures were given by the Director General, by a senior government official from the United Kingdom, by the head of the Hungarian Bureau for the Protection of Authors' Rights, by a professor of law from the United States of America

and by three members of the staff of WIPO. The lectures were followed by questions put by the participants and answers given by the lecturers.

The texts of the lectures given at the *Conakry Training Course on Copyright and Neighboring Rights* (organized by WIPO in cooperation with the Government of Guinea in November 1981) were published in February 1982.

The Proceedings of the *Regional Seminar on Copyright for English-Speaking Caribbean States*, organized jointly with Unesco at Kingston in October 1981, were published in May 1982.

Development, in developing countries, of legislative activities in the fields of copyright and neighboring rights

WIPO continued to cooperate, on request, with governments or groups of governments of developing countries on the adoption of new laws and regulations, or the modernization of existing ones, in the fields of copyright and neighboring rights. In 1982, such cooperation was pursued with the following countries:

Barbados. In October 1982, the Government authorities requested and received assistance from WIPO for the preparation of regulations under the new copyright law, prepared with the assistance of WIPO, which entered into force on October 1, 1982.

Chile. In August 1982, at the request of WIPO, the Director General of the Swiss Society for Authors' Rights in Musical Works (SUISA) visited the Departamento del Pequeño Derecho de Autor (DAIC) in Santiago in order to assess needs and priorities for a cooperation program, requested by DAIC from WIPO.

China. WIPO organized a lecture course on copyright in Beijing in May 1982 (see above). During a mission to Beijing in November 1982, the Director General of WIPO had discussions with the Director General of the (Chinese) Publishing Administration, part of the Chinese Ministry of Culture. The said Administration is studying the possibilities of introducing legislation on copyright in China.

Colombia. In July 1982, a WIPO official gave a lecture on the new copyright law of Colombia and the Berne Convention at a Seminar on the said law organized in Bogota by the Higher School of Public Administration and the Copyright Department of the Government. There were almost 300 participants, mainly judges, magistrates, government officials, representatives of authors, of performers, of phonogram producers and of broadcasting organizations, and private lawyers.

Congo. In October 1982, the Government authorities informed WIPO that a new law on copyright

and neighboring rights, prepared with the assistance of WIPO, had been adopted by the National Assembly.

Mauritius. In September 1982, WIPO was requested by the Government to comment on a draft copyright bill.

Saudi Arabia. At the request of the Government, contacts were made with the competent authorities in order to advise them on the drafting of a new copyright law.

Suriname. A translation into the Dutch language of draft legislation on copyright and neighboring rights, prepared by WIPO at the request of the Government, was prepared by WIPO and sent in May 1982.

Zaire. In August 1982, the Government requested and WIPO sent comments on a draft law on copyright and neighboring rights.

Economic Community of the Countries of the "Grands Lacs" (CEPGL). In April 1982, an agreement on the establishment of working relations and cooperation between WIPO and the CEPGL was signed by the Director General of WIPO and the Executive Secretary of the CEPGL, as approved by the WIPO Coordination Committee at its session in November 1981. The working relations dealt with in the agreement include such relations in the field of copyright.

African Intellectual Property Organization (OAPI). An official of WIPO participated, and delivered three lectures, in a *Round Table on Copyright* organized in Yaoundé in September 1982 by the African Intellectual Property Organization (OAPI) in cooperation with WIPO, Unesco and the African Cultural Institute (ACI). There were about 20 participants, including experts from OAPI, WIPO, Unesco and ACI and from Cameroon, Ghana, Guinea, Kenya and Mali, as well as members of the staff of OAPI.

The meeting followed the entry into force, in February 1982, of the Bangui Agreement Relating to the Creation of an African Intellectual Property Organization (constituting a Revision of the Libreville Agreement Relating to the Creation of an African and Malagasy Office of Industrial Property). That Agreement widens the tasks of OAPI by including among them copyright and the protection of the cultural heritage. The aim of the Round Table was to explore guidelines for the role and activities of OAPI in the said fields.

The Round Table discussed the following themes, considered in the light of the situation prevailing in Africa: copyright and developing countries; situation of copyright laws and conventions; economic and social problems affecting copyright; administration

of copyright; information needs; inter-African co-operation in the field of copyright; problems related to the cultural heritage.

After a wide-ranging and fruitful exchange of views, the Round Table adopted recommendations concerning objectives for priority actions by OAPI in the fields of information and documentation, training and inter-African cooperation.

WIPO Permanent Committee (Copyright and Neighboring Rights)

The *WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights* consists of all States members of WIPO which have informed the Director General of their desire to be members. During 1982, five States (Fiji, Mali, Peru, Somalia, Turkey) became members of the Permanent Committee, bringing the membership to 58 States (Australia, Austria, Barbados, Belgium, Benin, Brazil, Bulgaria, Cameroon, Canada, Central African Republic, Chile, Congo, Czechoslovakia, Denmark, Egypt, El Salvador, Fiji, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Guinea, Hungary, India, Israel, Italy, Ivory Coast, Japan, Kenya, Malawi, Mali, Mauritius, Mexico, Morocco, Netherlands, Niger, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Senegal, Somalia, Soviet Union, Spain, Sudan, Suriname, Sweden, Switzerland, Togo, Turkey, United Kingdom, United States of America, Upper Volta, Yemen).

Joint International Unesco-WIPO Service for Access by Developing Countries to Works Protected by Copyright

In May 1982, letters were sent by WIPO and Unesco jointly to States and to publishers in developing countries, drawing attention to the assistance available from the Joint International Service. In 1982, five requests or enquiries from publishers in developing countries were received and were being handled, either by WIPO or by Unesco.

In November 1982, WIPO and Unesco convened jointly a meeting in Geneva of a *Working Group on Model Contracts Concerning Co-publishing and Commissioned Works*, as part of the program of work of the Joint Consultative Committee of the Service. The participants were seven experts from Algeria, India, Mexico, Senegal, Soviet Union, Switzerland and United States of America. Discussions were based on preliminary draft model contracts prepared with the assistance of the expert from Algeria. The Working Group made a number of suggestions which will be taken into account in preparing the revised model contracts to be submitted to the said Committee.

IV. Management and Supporting Activities

Missions and visits to WIPO

In 1982, the Director General undertook missions to Austria, Belgium, China, Democratic People's Republic of Korea, France, Germany (Federal Republic of), India, Italy, Japan, Netherlands, Soviet Union, Sri Lanka, United States of America and the headquarters of the United Nations.

The missions to the Democratic People's Republic of Korea, Germany (Federal Republic of), India and the Soviet Union were "official visits," the Director General being the guest of the Government and received by the Head of State and/or by several Government Ministers.

On the occasion of his two visits to China in 1982, the Director General was received by a Vice-Premier of the State Council and by a State Councillor and Vice-Chairman of the Central Advisory Commission of the Communist Party, and discussed matters of mutual interest concerning patents, trademarks and copyright.

Missions were undertaken by Deputy Directors General to Austria, Belgium, Brazil, Germany (Federal Republic of), Honduras, Hungary, India, Italy, Morocco, Netherlands, Republic of Korea, Romania, Soviet Union, Spain, Sri Lanka and Zimbabwe.

During the mission to the Republic of Korea, Mr. Klaus Pfanner, Deputy Director General, was received by the Prime Minister and decorated by him with the Order of Diplomatic Service Merit (Heung-In Medal).

In addition to the missions referred to above, the following countries were visited by other officials or by consultants of WIPO: Algeria, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Botswana, Brazil, Burma, Cameroon, Canada, Chile, China, Colombia, Congo, Cyprus, Democratic People's Republic of Korea, Denmark, Ecuador, El Salvador, Fiji, France, Gabon, Germany (Federal Republic of), Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Malaysia, Maldives, Mali, Mauritania, Mongolia, Nepal, Netherlands, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Samoa, Senegal, Singapore, Solomon Islands, Spain, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, United Kingdom, United States of America, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zaire and Zimbabwe.

During the period covered by this report, officials of China, of the Democratic People's Republic of Korea, and of the Republic of Korea worked with WIPO officials at the International Bureau for periods of several months, in order to familiarize themselves with the work of WIPO in general or on

particular questions. Officials of other governments visited WIPO for shorter periods for specific negotiations or discussions, e.g., on draft legislation, or in the context of the training programs.

United Nations

The Director General and other officials of WIPO participated in the work of a number of intersecretariat 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 in Rome in April, in Geneva in July and in New York in November 1982, its joint meeting with the Committee on Programme and Coordination in Geneva in July 1982, its Organizational Committee, its Consultative Committees on Substantive Questions (Programme) and (Operations) (CCSQ(Prog) and CCSQ(Ops)) and on Administrative Questions (Personnel) and (Finance and Budget) (CCAQ(Per) and CCAQ(FB)) (the WIPO representative was elected Chairman of CCAQ(FB) for 1983), and other subsidiary bodies of the ACC, task forces, working groups and inter-agency meetings convened to deal with various matters of common interest, including long-term development objectives, procurement of goods and services, periodicals, fellowships, information systems, public information, science and technology, and future work resulting from the UN Conferences on New and Renewable Sources of Energy, on the Least Developed among the Developing Countries and on the Law of the Sea. WIPO was represented at a meeting between the secretariats of the Organization of African Unity and of the organizations of the United Nations system in Geneva in April 1982. WIPO participated in the work of the UN Joint Staff Pension Board, and was represented at meetings of the Standing Committee of the Board in Nicosia in February and of the Board in Geneva in August 1982.

WIPO was represented at various meetings of United Nations bodies at which questions of direct interest to WIPO were discussed, including the thirty-seventh session of the General Assembly, held from September to December 1982 in New York, and the session of the Economic and Social Council held in July 1982 in Geneva. WIPO attended also a session of the Advisory Committee on Administrative and Budgetary Questions (ACABQ), a subsidiary body of the General Assembly, in Geneva in April 1982. The Director General was represented at special meetings held in Geneva in March and in November 1982 for the observance of International

Days for the Elimination of Racial Discrimination and of Solidarity with the Palestinian People, respectively.

WIPO was also represented at sessions of the Interim Committee of the UN Conference on an International Code of Conduct on Transfer of Technology, convened by the UN Conference on Trade and Development (UNCTAD) in Geneva in May and September 1982, at sessions of the Trade and Development Board of UNCTAD in Geneva in March, May, June, September and October 1982, at an UNCTAD Group of Governmental Experts on the Economic, Commercial and Development Aspects of Industrial Property in February 1982, at a Working Party on UNCTAD's Medium Term Plan and the Programme Budget in May 1982, and at the UNCTAD Committee on Transfer of Technology in Geneva in November and December 1982.

WIPO was represented at a session of the Industrial Development Board of the United Nations Industrial Development Organization (UNIDO) and a session of its Permanent Committee, both in Vienna in May 1982, and at inter-agency meetings convened by UNIDO in Vienna in March 1982 to discuss preparations for the fourth General Conference of UNIDO and the implementation of the Industrial Development Decade for Africa.

WIPO was represented at sessions of the Governing Council of the United Nations Development Programme (UNDP), held in Geneva in May and June 1982, of its Budget Committee in Geneva in May 1982, at informal inter-agency meetings convened by the UNDP in Geneva in May and June 1982 and at an Inter-Agency Consultative Meeting in New York in December 1982. WIPO was also represented at the fifth regional meeting of UNDP Resident Representatives in Africa, held in Lomé in June and July 1982, and at a meeting on Technical Cooperation among Developing Countries convened by the UNDP in Libreville in August 1982.

WIPO was represented at a Meeting of Heads of Science and Technology Agencies of Developing Countries in New Delhi in May 1982.

WIPO was also represented at the World Health Assembly in Geneva in May 1982, during consideration of an item concerning the World Health Organization's policy on patents.

WIPO contributed to reports prepared for various UN bodies and organs on such subjects as cooperation with the League of Arab States and its Specialized Agencies, cooperation with the Organization of the Islamic Conference, cooperation with Namibia, cooperation with the Organization of African Unity, assistance to the Palestinian people, assistance to refugees, activities for the least developed countries, activities in support of technical cooperation among developing countries, various development cooperation matters, and statistics.

Joint Inspection Unit

As decided by the WIPO General Assembly in November 1981, the Director General notified to the Secretary General of the United Nations in December 1981 the acceptance by WIPO of the Statute of the Joint Inspection Unit (JIU) with effect from January 1, 1982.

During the period covered by this report, the following reports of the JIU were received, concerning, among other organizations, WIPO:

JIU/REP/82/1 "Report on the Economic Commission for Africa: Regional Programming, Operations, Restructuring and Decentralization Issues";

JIU/REP/82/3 "Second Report on the Career Concept";

JIU/REP/82/4 "Status of Women in the Professional Category and Above: Second Progress Report";

JIU/REP/82/6 "Communications in the United Nations System."

Copies of the said reports were distributed to, among other States, all the States members of WIPO by the United Nations, on behalf of the United Nations and of other organizations, under a procedure agreed in 1978 between the JIU and the Administrative Committee on Coordination (ACC).

In accordance with Article 11, 4(e) of the Statute of the JIU, representatives of the Director General took part in consultations within the framework of the ACC for the preparation of joint comments on the said JIU reports.

The said joint comments are distributed by the United Nations to member States in the form of documents submitted to the General Assembly of the United Nations. The Director General had no separate comments to make, in addition to the said

joint comments, on matters concerning WIPO contained in the reports of the JIU.

Public information, publications, etc.

Lectures on WIPO and its activities, in general or related to particular topics, were given by WIPO officials, often in conjunction with visits by organized groups to WIPO's headquarters. Such groups included in particular groups of diplomats organized by the United Nations Institute for Training and Research (UNITAR) and groups of university students from various countries.

Interviews were given to newspaper and radio correspondents. WIPO officials participated in the regular press briefings given in the United Nations Office in Geneva. WIPO was represented at the regular meetings in Geneva of the Circle of International Information Officers; its representative was reelected Chairman for 1982 and 1983.

Updated versions of the WIPO General Information brochure were published in German in November 1981, in Arabic in March 1982 and in Spanish in July 1982. A revised version ("1982/1983 Edition") of the said brochure was published in English in October 1982.

A revised catalogue of WIPO publications was issued in July 1982. "Newsletters" were published in January, June and October 1982 (in Arabic, English, French, Portuguese, Russian and Spanish).

WIPO publications were exhibited at book fairs held in New Delhi in February, in Leipzig in March, in Warsaw in May, and in Frankfurt in October, and at the International Fair of Milan in April and the *Salon des inventions* in Geneva in November 1982.

WIPO service stamps were issued by the Swiss postal authorities in May 1982.

Governing Bodies of WIPO and the Unions Administered by WIPO

Thirteenth Series of Meetings

(Geneva, November 22 to 26, 1982)

NOTE *

The thirteenth series of meetings of the Governing Bodies of the World Intellectual Property Organization (WIPO) and the Unions administered by WIPO took place in Geneva from November 22 to 26, 1982.

The list of the three Governing Bodies which held meetings, the main items discussed and the decisions taken are reported on in "The World Intellectual Property Organization in 1982" (see above).

The list of participants in the Governing Bodies meetings appears below.

LIST OF PARTICIPANTS **

I. States

Algeria 1, 2: B. Ould-Rouis; B. Saci; M. Mati.
Argentina 1, 2: F. Jiménez Dávila; J.T. Pereira.
Anstralia 1, 3: F.J. Smith; J. Cowcher.
Austria 1, 2: O. Leberl; F. Trauttmansdorff.
Belgium 1, 3: C.-A. Funes-Noppen; L. Engelen; J. Degavre.
Brazil 1, 2: A. Gurgel de Alencar; E. Cordeiro.
Bulgaria 1, 3: R. Kazandjiewa; I. Kotzev.
Cameroon: F.-X. Ngoubeyou; W. Eyambe; D. Ekani.
Canada 1, 3: F. Hay; R. Théberge; J. Lynch; R. Ballhorn; A. Swabey.
Chile 1, 3: L. Gillet; P. Barros.
China 1: Shen Yaozeng; Kung Hsi.
Congo 1, 3: D. Ganga-Bidié; M. Ebarra.
Cuba 1, 2: L. Solá Vila; A.V. Gonzáles Perez.
Czechoslovakia 1, 3: M. Bělohávek; J. Prošek.
Democratic People's Republic of Korea: Ri Tchun Seung; Pak Chang Rim.
Denmark: K. Skjødt.
Egypt 1, 2: M. Daghash.
El Salvador: C. Barahona Rivas.
Finland 1, 3: E. Wuori; M. Huhta; I. Uusitalo.
France 1, 3: G. Vianès; M. Hiance; L. Nicodème; J.-M. Momal.
German Democratic Republic 1, 3: D. Schack; M. Foerster; H.-W. Mattern.
Germany (Federal Republic of) 1, 2: A. Krieger; F. Lam-bach; B. Ziese; A.A. Schaefers.

Ghana 1, 2: A.J. Bisansu McCarthy.
Hungary 1, 2: G. Pusztai; S. Horváth.
India 1, 3: M. Dubey; K. Thairani; L. Puri.
Indonesia: A. Harsono; N. Wisnoemoerti.
Ireland: J. Quinn.
Israel: M.M. Shaton.
Italy 1, 2: G.L. Milesi-Ferretti; R. Brunetti; N. Faiel Dattilo.
Ivory Coast 1, 3: B. Aka; K.F. Ekkra.
Japan 1, 2: I. Shamoto; T. Ogawa; S. Ono; K. Ishimaru.
Jordan: K. Abdul-Rahim.
Kenya 1, 2: S. K. Muchui.
Luxembourg: F. Schlessler.
Madagascar: S. Rabearivelo.
Mexico 1, 3: F.J. Cruz González; M.A. Arce.
Morocco: M. Halfaoui.
Netherlands: J.J. Bos; J.W. Weck.
New Zealand: R.M. Richards; H. Riddell.
Nigeria 1, 2: G. Ashiwaju; T.O. Oseni.
Norway: A.G. Gerhardsen; S.H. Røer; B. Bye.
Pakistan: S. Bashir.
Poland 1, 2: R. Farfal; B. Rokicki.
Portugal 1, 2: J. Mota Maia; R. Morais Serrão; A.M. Pereira.
Republc of Korea: Choi Tae-Chang.
Romania: M. Bichir; P.-P. Gavrilescu.
Saudi Arabia: M. Al Mussfer; N. Kanan.
Senegal 1, 3: A. Sène; S.C. Konate; M.M. N'Diaye.
Somalia: F. Eno-Hassan.
Soviet Union 1, 2: L.E. Komarov; V. Zubarev; A. Ruban; S. Birioulev; E. Dapkounas; M. Oussov.
Spain: J. Delicado Montero-Ríos; E. Rúa Benito; A. Casado Cerviño.
Sweden: G. Borggård; I. Schalin; B. van der Giessen.
Switzerland 1, 2, 3: J.-L. Marro; J.J. Manz; J.-M. Souche.
Syria: A. Saker; M. Sayadi.
Tanzania 1, 2: E.E.E Mtango.
Thailand: C. Veerasa.
Tunisia 1, 3: M. Ben Slama; M. Ben Khelifa.
Turkey 1, 3: E. Apakan.
Ukrainian SSR: V. Batiouk.
United Kingdom 1, 2: T.W. Sage; J. Richards.
United States of America 1, 2: G.J. Mossinghoff; H.J. Winter; M.K. Kirk; L. Schroeder; G. Dempsey.
Uruguay 1, 2: C.A. Fernández Ballesteros.
Viet Nam: Nguyễn Thuong; Truong Phap.
Yugoslavia: D. Bošković.
Zaire: Esaki Ekanga Kabeya; Osil Gnok.
Zambia: A.R. Zikonda.
Zimbabwe: M. E. Kahari.

II. Intergovernmental Organizations

United Nations (UN): A. Djermakoye; R. Dhanjee; E. Bonev. **International Labour Organisation (ILO)**: J. Perret. **United Nations Educational, Scientific and Cultural Organization (UNESCO)**: A. Amri. **Council for Mutual Economic Assistance (CMEA)**: I. Tcherviakov. **European Patent Office (EPO)**: J.C.A. Staehelin.

* Prepared by the International Bureau.

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

¹ WIPO Coordination Committee.

² Paris Union Executive Committee.

³ Berne Union Executive Committee.

III. Officers

WIPO Coordination Committee

Chairman: O. Leberl (Austria). *First Vice-Chairman:* M. Ben Slama (Tunisia). *Second Vice-Chairman:* L.E. Komarov (Soviet Union).

Paris Union Executive Committee

Chairman: G.L. Milesi-Ferretti (Italy). *Vice-Chairmen:* L. Solá Vila (Cuba); A.J.B. McCarthy (Ghana).

Berne Union Executive Committee

Chairman: M. Bělohávek (Czechoslovakia). *Vice-Chairmen:* M. Huhta (Finland); D. Ganga-Bidié (Congo).

IV. International Bureau of WIPO

A. Bogsch (*Director General*); K. Pfanner (*Deputy Director General*); M. Porzio (*Deputy Director General*); L.E. Kostikov (*Deputy Director General*); C. Masouyé (*Director, Public Information and Copyright Department*); R. Harben (*Director, Public Information Division*); G. Ledakis (*Legal Counsel*); T.A.J. Keefer (*Director, Administrative Division*).

GUATEMALA

Accession to the WIPO Convention

The Government of the Republic of Guatemala deposited, on January 31, 1983, its instrument of accession to the Convention Establishing the World Intellectual Property Organization (WIPO).

The Convention Establishing the World Intellectual Property Organization will enter into force,

with respect to the Republic of Guatemala, three months after the date of deposit of its instrument of accession, that is on April 30, 1983.

WIPO Notification No. 121, of February 2, 1983.

National Legislation

BARBADOS

Copyright Act, 1981-1982

(of January 22, 1982) *

An Act to reform and modernise copyright law and the law governing similar or related matters

(Articles 1 to 29)

ARRANGEMENT OF SECTIONS

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1. Short title
2. Definitions
3. Purposes
4. Application of Act

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5. Literary, artistic and scientific works
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7. Author
8. Transfer of rights
9. Transfer formalities
10. Economic rights
11. Moral rights
12. Translators, compilers, arrangers
13. Folklore
14. Method of determining copyright entitlement
15. Employed author
16. Public benefit works
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35. Producers' rights
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 52. Binding Crown
 53. Consequential amendments
 54. Cap. 300:1 & 2 Geo. V, C. 46
 55. Savings
 56. Commencement
- First Schedule
Second Schedule

* Published in the *Supplement to Official Gazette* of January 28, 1982; coming into force on October 1, 1982.

Citation*Short title*

1. This Act may be cited as the *Copyright Act, 1981*.

Interpretation*Definitions*

2. In this Act,

“author” refers to an author within the meaning of section 7;

“audio-visual work” refers to a work described in section 20;

“broadcast” refers to a broadcast within the meaning of section 6;

“broadcaster” means a person in the business of making, or who on a regular basis makes broadcasts of any literary, artistic or scientific work;

“fixation” means the embodiment of sounds, images or both in a material form sufficiently permanent or stable to enable the sounds, images or both, as the circumstances require, to be perceived, reproduced or otherwise communicated during a period of more than a transitory duration;

“folklore” refers to folklore within the meaning of section 13;

“recording” means a fixation of any sounds or images or both by means of any disc, tape, perforated roll or other device or other means from or by which the sounds or images or both are capable of being reproduced;

“sound-recording” refers to such a fixation of only sounds other than the sound track associated with an audio-visual work;

“transfer” refers to transfer within the meaning of subsection (3) of section 8.

Purposes

3. The purposes of this Act are

- (a) to protect, regardless of quality, the proprietary interests in original works of a literary, artistic or scientific character and the proprietary interests established by Part II in other works derived from or related to literary, artistic or scientific works; and
- (b) to replace the present copyright law of Barbados with laws that will accord with the obligations of Barbados under the Berne Convention for the Protection of Literary and Artistic Works as revised at Paris on July 24th 1971, hereinafter referred to as the “Berne Convention.”

Application of Act

4. This Act applies

- (a) to a literary, artistic or scientific work first published, performed or broadcast in Barbados;
- (b) to a literary, artistic or scientific work of which a citizen of Barbados or an individual who is a permanent resident of Barbados within the meaning of the *Immigration Act* is the author, whether or not the work is published, performed or broadcast;
- (c) to a literary, artistic or scientific work of a foreign author first published in a State that has acceded to the Berne Convention;
- (d) to a literary, artistic or scientific work, whether or not it has been published, performed or broadcast, the author of which
 - (i) is not a citizen or permanent resident of Barbados within the meaning of the *Immigration Act*, but
 - (ii) is a national or resident of a State whose laws, pursuant to treaty or otherwise, make provisions similar to this Act in respect of authors who are citizens or residents of Barbados; and
- (e) to such other matters as are provided for by Part II.

PART I

COPYRIGHT

Authors and Works*Literary, artistic and scientific works*

5. Literary, artistic and scientific works include

- (a) books, pamphlets and other written works;
- (b) lectures, addresses, sermons and works of a like nature;
- (c) dramatic and dramatico-musical works;
- (d) musical works, whether or not in writing or accompanied by written or unwritten words;
- (e) choreographic works and pantomimes;
- (f) cinematographic and other audio-visual works;
- (g) works of drawing, painting, architecture, sculpture, engraving, lithography and tapestry;
- (h) photographic works, including works expressed by processes analogous to photography;
- (i) works of applied art whether handicraft or produced on an industrial scale; and
- (j) illustrations, maps, plans, sketches and three-dimensional works relating to geography, topography, architecture or science.

Publication, performance and broadcast

6. (1) A literary, artistic or scientific work is published when copies of the work are produced by any means and supplied or made available for supply to the public generally or to any section of the public.

(2) A performance of a literary, artistic or scientific work occurs when the work is performed, communicated or delivered to and in the presence of the public or any section of the public or is performed, communicated or delivered in the circumstances referred to in subsection (3) of section 30 for later delivery to the public.

(3) A broadcast of a literary, artistic or scientific work occurs when the work is transmitted, for reception by the general public, over a distance by means of radio, television, electro-magnetic emissions, light beams or other means, or by wire or cable or other means.

(4) A reference in this Act to any work being lawfully made public means, in relation to a particular work, that the work has been published, performed or broadcast with the consent of the author of the work or otherwise in accordance with any authority under this Act to publish, perform or broadcast the work.

Author

7. (1) For the purposes of this Act, the author of a literary, artistic or scientific work is the creator or maker of the work; and, in particular, includes,

- (a) in relation to a literary work, the author of the work;
- (b) in relation to a musical work, the composer of the music and in relation to accompanying words, if any, the author of the accompanying words;
- (c) in relation to an artistic work other than a photograph, the artist;
- (d) in relation to a photograph, the photographer; and
- (e) in relation to any other work, the individual who creates the work, however that function is termed.

(2) A reference to author's rights in a work refers, in relation to a particular work, to all the rights vested under this Act in the author in respect of that work, but subject to subsection (3).

(3) Author's rights in relation to a work include any rights that are lawfully transferred to any other person from the author, or from a person lawfully claiming under the author, to publish, perform or broadcast that work or otherwise to exercise any of the rights of the author in the work other than the right vested under section 11.

Transfer of Author's Rights*Transfer of rights*

8. (1) Subject to subsection (2), the rights vested in an author by this Act in respect of a work are transferable by the author.

(2) The rights vested in an author under section 11 in respect of a work are not transferable otherwise than by succession.

(3) For the purposes of this Act, "transfer" extends to every mode (whether direct or indirect, voluntary or involuntary, absolute or conditional) of disposing of or parting with any right vested under this Act or of any interest in any such right, including retention of title to the right or interest as security for any obligation.

Transfer formalities

9. (1) To be valid, the transfer of the rights vested in an author by section 10 in respect of a work must be in writing and signed by the person who is transferring the rights or any part of the rights in respect of the work; but this subsection does not prevent a transfer of those rights by operation of law.

(2) The transfer of the ownership in an original work, or in one or more copies of a work, does not transfer to the new owner of the original or copy any of the author's rights in the work.

Author's Rights*Economic rights*

10. Subject to sections 24 to 29, the author of an original literary, artistic or scientific work has the exclusive right to do, or to authorise another person to do, any of the following acts in relation to the entire or any portion of his original work, that is to say:

- (a) to reproduce the work;
- (b) to translate, adapt, arrange or otherwise transform the work; or
- (c) to communicate the work to the public by publication, performance, broadcast or by any other means.

Moral rights

11. The author has, in respect of his work, the exclusive right

- (a) to claim authorship of his work;
- (b) subject to section 25, to demand that his authorship be indicated in connection with any of the acts mentioned in section 10; and

- (c) to object to and to have relief from any distortion, mutilation or other modification of or any derogatory act committed in relation to his work, if the distortion, mutilation, modification or derogatory act is likely to have an adverse effect on his character or reputation.

Translators, compilers, arrangers

12. (1) A person who

- (a) makes a work by translation, adaptation, arrangement or other transformation of any literary, artistic or scientific work; or
- (b) compiles, as a work, a collection of literary, artistic or scientific works that, because of the selection and arrangement of its contents, constitutes an intellectual creation such as (by way of example but without limiting the generality of this paragraph) encyclopaedias and anthologies,

if his work is original, has, in relation to his work, the rights of an author under sections 10 and 11.

(2) Subsection (1) does not affect any author's rights that exist under this Act in respect of any work used in the making or compiling of a work described in that subsection.

Folklore

13. (1) In respect of folklore, that is to say, all literary and artistic works that

- (a) constitute a basic element of the traditional and cultural heritage of Barbados;
- (b) were created in Barbados by various groups of the community; and
- (c) survive from generation to generation,

the author's rights vest in the Crown to the same extent as if the Crown had been the original creator of the folklore.

(2) The rights of the Crown in respect of folklore are enforceable at the instance of the Attorney General.

Method of determining copyright entitlement

14. In determining the person vested with author's rights in respect of a literary, artistic or scientific work, the following principles apply:

- (a) if one individual was the author of the work, the rights vest in that individual;
- (b) if two or more individuals were the authors of the work, the rights vest in them jointly; and
- (c) if there is no evidence to the contrary, the author of a work is the individual whose name is indicated on the work as its author.

Employed author

15. Subject to any enactment relating to contracts of employment and to the terms of any specific contract of service or for services, when a work is created by an author

- (a) in the course of his employment for the Crown, a body corporate or another individual; or
- (b) under a contract for services with, or as a work commissioned by, the Crown, a body corporate or another individual,

then, in respect of that work, the author's rights under sections 10 and 11 vest in the Crown, body corporate or other person who employed the author or commissioned the work.

Public benefit works

16. (1) No author's rights vest in any person in respect of the following works:

- (a) laws enacted by Parliament and published by the Government;
- (b) statutory instruments made under the laws of Barbados and published by the Government;
- (c) decisions by courts or tribunals that are made in the administration of justice in Barbados;
- (d) reports made by any body established in Barbados to make a public inquiry into any matter and published by the Government;
- (e) translations made at public expense of any works referred to in paragraphs (a) to (e); and
- (f) news, that is to say, the reporting of fresh events or new information, whether published in written form, by broadcast or communicated to the public by other means.

(2) The Crown is the trustee for the public of the works described in paragraphs (a) to (f) of subsection (1); and the Crown may, in respect of those works, apply to the High Court for the purpose of objecting to and obtaining relief, by way of injunction, from any distortion, mutilation or other modification of or derogatory act committed in relation to any of those works, if the distortion, mutilation or other modification or derogatory act is likely to cause a breach of the peace or to be a dishonest artifice amounting to a fraud on the public.

Duration of Author's Rights

Duration: economic rights

17. (1) Unless expressly otherwise provided in this Act, the author's rights vested under section 10 in respect of a work exist for the life of the author and for the fifty calendar years immediately following the year of his death.

(2) When the author's rights under section 10 in a work are vested jointly in more than one author, the rights exist for the life of the last surviving author and for the fifty calendar years immediately following the year of his death.

(3) When, under section 15, the author's rights under sections 10 and 11 in a work are vested in the Crown, a body corporate or an individual, the rights exist for the life of the individual who made or created the work and for the fifty calendar years immediately following his death; or, if the work was made or created by two or more individuals, the rights exist for the life of the last survivor of those individuals and for the fifty calendar years immediately following his death.

Duration: moral rights

18. The author's rights vested under section 11 exist for the same period as that prescribed by sections 17, 19, 20 or 21 for the rights vested in the author under section 10, except that the rights of an author under section 11 are enforceable by the author or his successors in title whether or not the rights vested in the author by section 10 are still vested in the author or his successors.

Duration: anonymous authors

19. Where a work is published anonymously or under a pseudonym, the author's rights in the work exist for the fifty calendar years immediately following the year in which the work was first published; but, if during that period the identity of the author of the work is revealed or his identity is no longer in doubt, the rights exist, for such period specified under section 17, as the circumstances require.

Duration: audio-visual works

20. (1) When a work is an audio-visual work, the author's rights in the work exist for the fifty calendar years immediately following the year in which the work was first made available to the public; but if the work is not made available to the public within the first fifteen calendar years after the work was completed, the author's rights to the work cease at the end of that fifteenth calendar year.

(2) An audio-visual work is the aggregate of a series of related visual images, together with any accompanying sounds, capable of being shown as a moving picture by means of a mechanical, electronic or other device and irrespective of the nature of the material support in which the visual images, and any accompanying sounds, are embodied.

Duration: photographic works

21. (1) When a work is a photographic work, the author's rights in the work exist for the fifty calendar years immediately following the year in which the work was first made available to the public.

(2) A photographic work is a work that is produced by any process analogous to photography including photo-lithographic work but does not include within its ambit any part of an audio-visual work.

Duration: folklore

22. The rights vested in the Crown under section 13 in respect of folklore exist in perpetuity.

Duration: public benefit

23. The right of the Crown under section 16 exists

- (a) in respect of laws, statutory instruments and decisions of courts or tribunals whether of a judicial or administrative nature, for the period during which those laws, instruments or decisions are relevant to the administration of justice in Barbados; and
- (b) in respect of other works mentioned in section 16, for a period of ten calendar years immediately following the year in which the work was published.

Limitation of Author's Rights

Permitted uses of works

24. (1) The use of a literary, artistic or scientific work, either in the original language or in translation, as described in paragraphs (a) to (h), is not an infringement of the author's rights in that work and does not require the consent of the author of the work, namely:

- (a) the reproduction, or the translation, adaptation, arrangement or other transformation of the work for the user's personal use only, if the work has been lawfully made public;
- (b) subject to subsection (2), the inclusion, with mention of the source and the name of the author, of quotations from the work in another work, including quotations from articles in newspapers or periodicals in the form of press summaries, if the work from which the quotations have been taken has been lawfully made public;
- (c) subject to subsection (3), the use for teaching of the work by way of illustration in publica-

tions, broadcasts or recordings or, to the extent justified for the purpose, for the communication for teaching purposes of the work by way of a broadcast for use in schools, universities, professional training or public education, if the work has been lawfully made public;

(d) in the case of

- (i) an article published in one or more newspapers or in one or more periodicals on current economic, political or religious topics, or
- (ii) any broadcast on current economic, political or religious topics,

the reproduction of the article or broadcast in the press or the communication of the article or broadcast to the public, if the source of the article or broadcast when so used is clearly indicated, unless the article or broadcast, when first published or made, was accompanied by an express condition prohibiting its use without consent;

(e) the reproduction or making available to the public by means of photographic works, audio-visual works or other communication means of any work that can be seen or heard in the course of the reporting of the fresh event or new information, if

- (i) the work was reproduced or made available for the purpose of reporting by a news medium of fresh events or of new information; and
- (ii) the use of the work does not extend beyond that justified by the purpose of keeping the public informed of current events;

(f) the reproduction of works of art or of architecture in an audio-visual work for cinema or television or in a broadcast by television and the communication to the public of any of those works of art or architecture so produced, if those works

- (i) are permanently located in a place where they can be viewed by the public, or
- (ii) are included in an audio-visual work for cinema or television by way only of background or as incidental to essential matters represented;

(g) subject to subsection (4), the reproduction in the news media or the communication to the public of

- (i) any political speech delivered in public,
- (ii) any speech delivered in public during legal proceedings, or
- (iii) any lecture, address, sermon or other work of a similar nature delivered in public,

if the use by reproduction or communication to the public is exclusively for the purpose of reporting fresh events or new information;

(h) subject to subsection (5), the reproduction, by recordings, photography or similar process by public libraries, non-commercial documentation centres, scientific institutions and education establishments, of literary, artistic or scientific works that have been lawfully made public before the reproduction is made.

(2) Paragraph (b) of subsection (1) does not apply in respect of any particular quotations unless the quotations described in that paragraph are compatible with fair practice and the extent of the quotations does not exceed that justified for the purpose of the work in which the quotations are used.

(3) Paragraph (c) of subsection (1) does not apply in respect of any particular work unless the use described in that paragraph is compatible with fair practice and the source of the work used and the name of the author are mentioned in the relevant publication, broadcast or recording.

(4) Paragraph (g) of subsection (1) does not apply unless the reproduction therein described and the number of copies made of the reproduction are limited to the need.

(5) Paragraph (h) of subsection (1) does not apply in respect of any particular establishments mentioned in that paragraph unless the reproduction and copies made thereof

- (a) are limited to the needs of the activities of that establishment;
- (b) do not conflict with the normal exploitation of the work reproduced; and
- (c) do not unreasonably affect the author's rights in the work.

News reports: saving

25. Author's rights in a work are not infringed by the accidental or incidental inclusion of the work in the reporting by a news broadcast of fresh events or of new information.

Ephemeral recordings

26. (1) When a work is lawfully broadcast by a broadcaster, the broadcaster may, by means of his own facilities, make, for the purpose of his own broadcast, a recording of the broadcast and produce one or more copies of the recording for his own use.

(2) Subject to subsection (3), the recording authorised by subsection (1), and all the copies made of it, shall be destroyed by the broadcaster within six months from the date on which the recording was made.

(3) If the recording authorised by subsection (1) is of an exceptional documentary character, a copy of the recording may be preserved for presentation to the official archives of Barbados.

(4) The preservation under this section of a copy of a recording of the broadcast of a work for the official archives of Barbados does not otherwise affect the author's rights in the work that was broadcast.

(5) Whether a recording of a broadcast is of an exceptional documentary character is a question of fact to be determined after having regard to all the circumstances and, in particular, to the need for the enhancement of the historical and cultural aspects of life in Barbados.

Non-contractual translation licences

27. A person may, without the consent of the author of a work, translate the work into the English language and publish the work of translation in Barbados under a licence which may be granted by the Minister in accordance with the rules set out in the First Schedule for that purpose.

Non-contractual reproduction licences

28. A person may, without the consent of the author of the work, reproduce the work and publish

in Barbados a particular edition of the work by reproduction under a licence, which may be granted by the Minister in accordance with the rules set out in the Second Schedule for that purpose.

Permissible recordings

29. (1) Subject to subsection (2), where, in respect of a musical work, a sound-recording has been made of the performance of the work with the consent of the author of the music and of the accompanying words, if any, and the recording has been made in Barbados or a copy of it has been imported into Barbados, a person may, without the consent of the author of either the music or of any accompanying words, make a new recording of a performance of the same musical work.

(2) When a sound-recording is made in Barbados pursuant to subsection (1) of the performance of a musical work, the person who made the recording shall pay to the author of the music and of the accompanying words, if any, such remuneration, or remuneration, at such rate, as the Minister may, particularly or generally, prescribe by order.

(3) The making of a recording pursuant to this section does not otherwise affect the author's rights in the musical work or in the accompanying words, if any.

(To be continued)

Correspondence

Letter from Austria

Robert DITTRICH *

Letter from Barbados

Commentary on the Intellectual Property Laws of Barbados

Lewis S. HUNTE *

Calendar

WIPO Meetings

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

1983

- March 16 to 18 (Geneva) — WIPO Worldwide Forum on the Piracy of Broadcasts and of the Printed Word
- March 21 to 25 (Geneva) — Consultants Meeting on Questions of Cable Distribution (convened jointly with ILO and Unesco)
- April 18 to 22 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on General Information
- April 25 to 29 (Geneva) — International Patent Cooperation (PCT) Union — Committee for Administrative and Legal Matters
- May 2 to 6 (Geneva) — Committee of Experts Concerning Joint Inventive Activity
- May 26 to June 3 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Special Questions and Working Group on Planning
- June 6 to 17 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Search Information
- June 13 to 17 (Geneva) — Committee of Experts on the Legal Protection of Computer Software
- June 20 to 24 (Geneva) — Permanent Committee on Patent Information (PCPI) — Ad Hoc Working Group on the Revision of the Guide to the IPC
- July 4 to 8 (Geneva) — Joint Unesco-WIPO Consultative Committee on the Access by Developing Countries to Works Protected by Copyright (convened jointly with Unesco)
- September 12 to 20 (Geneva) — International Patent Classification (IPC) Union — Committee of Experts
- September 14 to 16 (Paris) — Forum of International Non-Governmental Organizations on Double Taxation of Copyright Royalties (convened jointly with Unesco)
- September 19 to 23 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation (PCT/CTC)
- September 26 (Geneva) — Paris Union — Celebration of the Centenary of the Paris Convention for the Protection of Industrial Property
- September 26 to October 4 (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)
- October 17 to 21 (Geneva) — Committee of Governmental Experts on Model Statutes for Institutions Administering Authors' Rights in Developing Countries (convened jointly with Unesco)
- November 21 to 25 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on General Information
- November 28 to December 2 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Special Questions and Working Group on Planning
- December 5 to 7 (Geneva) — Berne Union, Universal Copyright Convention and Rome Convention — Subcommittees on Cable Distribution of the Executive Committee of the Berne Union, of the Intergovernmental Copyright Committee and of the Intergovernmental Committee of the Rome Convention (convened jointly with ILO and Unesco).
- December 8 and 9 (Geneva, ILO Headquarters) — Rome Convention — Intergovernmental Committee (convened jointly with ILO and Unesco)
- December 12 to 16 (Geneva) — Berne Union — Executive Committee — Extraordinary Session (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)

UPOV Meetings

1983

April 26 and 27 (Geneva) — Administrative and Legal Committee

April 28 (Geneva) — Consultative Committee

May 30 to June 2 (Saragossa) — Subgroup and Technical Working Party for Vegetables

June 7 to 10 (Tystofte, Skaellskør) — Subgroups and Technical Working Party for Agricultural Crops

September 20 to 23 (Rome or Santa Cruz, Tenerife) — Subgroup and Technical Working Party for Fruit Crops

September 27 to 29 (Conthey or Wädenswil) — Technical Working Party for Ornamental Plants and Forest Trees

October 3 and 4 (Geneva) — Technical Committee

October 11 (Geneva) — Consultative Committee

October 12 to 14 (Geneva) — Council

November 7 and 8 (Geneva) — Administrative and Legal Committee

November 9 and 10 (Geneva) — Hearing of International Non-Governmental Organizations

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

1983

Non-Governmental Organizations

Council of the Professional Photographers of Europe (EUROPHOT)

Congress — October 6 to 13 (Munich)

International Confederation of Societies of Authors and Composers (CISAC)

Legal and Legislation Committee — May 2 to 5 (Washington)

International Federation of Library Associations and Institutions (IFLA)

Congress — August 21 to 28 (Munich)

International Federation of Musicians (FIM)

Executive Committee — June 27 to 30 (Amsterdam)

Congress — September 19 to 23 (Budapest)

International Federation of Phonogram and Videogram Producers (IFPI)

Council — June 1 and 2 (Venice)

International Literary and Artistic Association (ALAI)

Congress — April 13 to 20 (Aegean Sea)