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Copyright

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Monthly Review of the
World Intellectual Property Organization (WIPO)

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World Intellectual Property Organization

The World Intellectual Property Organization in 1982 *

Copyright and Neighboring Rights Activities

Promotion of Accessions to the Copyright and Neighboring Rights Treaties Administered by WIPO

Objective

The objective is to promote the realization of the benefits of intellectual property — both industrial property and copyright — for the cultural and economic progress of any country. As a natural avenue leading to such benefits, the objective is also to promote accession to the treaties administered by WIPO by countries not yet party to them.

Activities

Berne Convention for the Protection of Literary and Artistic Works. Austria deposited its instrument of ratification of, and Venezuela deposited its instrument of accession to, the Paris Act of the Berne Convention in May and in September 1982, respectively. At the end of 1982, the number of States members of the Berne Union was 74.

The Guide to the Berne Convention was published in the Russian language in March 1982 by the Copyright Agency of the Soviet Union.

A circular letter was sent in August 1982 to all States not members of the Berne Union inviting them to consider the advantage of their becoming members of that Union.

Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. The Guide to the Rome Convention was published in Spanish in October 1982.

Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms. Instruments of acces-

sion or ratification in respect of the Phonograms Convention were deposited by Costa Rica in March, by Austria in May, by Venezuela in July and by Uruguay in October 1982.

The Guide to the Phonograms Convention was published in Spanish in October 1982.

Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite. Austria ratified the Satellites Convention in May 1982.

Madrid Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties. Egypt acceded to the Madrid Convention in February 1982. The Convention is not yet in force.

Study of Special Copyright and Neighboring Rights Questions

Objective

The objective of the activities provided for in the approved program is to look for solutions to specific questions of a legal nature, and of topical interest, in the fields of copyright and neighboring rights. These questions are of topical interest because they are raised by relatively recent changes in the social, economic or technological environment in which mankind lives.

Activities

A *Committee of Governmental Experts on Copyright Problems Arising from the Use of Computers for Access to or the Creation of Works* met in Paris in June 1982. The Committee was convened jointly by WIPO and Unesco. The Committee had previously met in December 1980.

Thirty States (Afghanistan, Angola, Australia, Austria, Belgium, Benin, Congo, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Holy See, Hungary, Israel, Italy, Japan, Kuwait, Netherlands, Norway, Pakistan, Portugal, Soviet Union, Spain, Sweden, Switzerland,

* This article is the second 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 dealt with the activities of WIPO as such and with development cooperation activities in the fields of copyright and neighboring rights. The second part deals with other activities in those fields.

Tunisia, United Kingdom, United States of America, Zaire) participated in the meeting; two States (Colombia and Saudi Arabia), the Palestine Liberation Organization, one organization of the United Nations system, four other intergovernmental organizations and 13 international non-governmental organizations were represented by observers.

On the basis of drafts prepared by the Secretariats, the Committee adopted two recommendations, one covering copyright problems arising from the use of computers for access to works protected by copyright, and the other covering the use of computer systems for creation of protected works.

The first recommendation has six headings: subject-matter to which the recommendation applies; rights concerned (reproduction, translation, adaptation, communication to the public, moral rights); acts concerned (in relation to both "input" and "output"); moral rights; limitations of copyright protection; administration and exercise of rights (including the question of non-voluntary licenses). The second recommendation emphasizes that the copyright owners in works created with the help of computers can basically only be persons who produce the creative element without which the work would not be entitled to copyright protection.

The full text of the recommendations and other details of the Committee's work was published and communicated to States in 1982 and will be reported to the 1983 sessions of the Executive Committee of the Berne Union and the Intergovernmental Committee of the Universal Copyright Convention.

The effect of the Committee's recommendations would be that, normally, works protected by copyright cannot lawfully be stored in or retrieved from computer systems without the authorization of copyright owners. The limitations of and exceptions to the copyright owners' exclusive rights provided for in national copyright laws and international copyright conventions would apply, and no special extension of non-voluntary licensing should be permitted.

A Committee of Governmental Experts on the Intellectual Property Aspects of the Protection of Expressions of Folklore, jointly convened by WIPO and Unesco, met in Geneva in June and July 1982.

Experts from 33 States (Algeria, Australia, Belgium, Bolivia, Chile, Colombia, Congo, Finland, France, German Democratic Republic, Holy See, Honduras, Hungary, India, Indonesia, Italy, Jamaica, Japan, Madagascar, Mexico, Nicaragua, Norway, Philippines, Romania, Rwanda, Senegal, Soviet Union, Spain, Sweden, Tunisia, Turkey, United States of America, Venezuela) participated in the meeting. Fifteen international non-governmental organizations were represented by observers.

The purpose of the meeting was to draw up model provisions for national laws on the protection

of expressions of folklore according to principles similar to those of intellectual property law.

The discussions were based on a draft prepared by the Secretariats and resulted in a somewhat revised version of the text having the title "Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions."

The Secretariats revised the draft of the commentary that accompanied the draft Model Provisions to take into account the discussion that took place in the Committee.

The revised Model Provisions, if adopted in national laws, would make it illegal, without authorization, to publish, reproduce, distribute, perform in public, transmit by wireless means or by wire or otherwise communicate to the public expressions of folklore outside their traditional or usual context and with gainful intent. "Expressions of folklore" mean productions consisting of characteristic elements of the traditional artistic heritage developed and maintained by a community. Even when authorization is obtained, publications and communications to the public must indicate the source of the expressions of folklore used, and distortion of expressions of folklore in a way prejudicial to the cultural interests of the community concerned is punishable. Authorization to use expressions of folklore is granted by the competent authority named in the national law or by the community concerned, and may be subject to payment of fees, used for the purpose of promoting or safeguarding national culture or folklore. Nothing in the Model Provisions would prevent the creation of original works inspired by folklore.

Private Copying of Recordings and Private Recording of Broadcasts. In January 1982, WIPO invited contributions to a special issue of the periodical *Copyright* devoted to an examination of the copyright and neighboring rights problems that are connected with the making of copies of phonograms or audiovisual tapes by private persons, in their own homes, for their own use ("home re-recording") and that are connected with the recording of broadcasts by private persons, in their own homes, for their own use ("home-taping").

Private Copying of Printed Matter. In March 1982, WIPO invited contributions to a special issue of the periodical *Copyright* which will examine the copyright problems that are connected with the making of copies, by photographic or analogous means, by private persons for their own use, of the whole or a part of books, magazines, journals, newspapers and other printed matter, whether on the basis of the original copies or on the basis of electronic signs transmitted of the relevant pages ("home-copying").

The contributions received were published in the July-August and November 1982 issues, respectively.

A *Committee of Non-Governmental Experts on the "Domaine Public Payant,"* jointly convened by WIPO and Unesco, to prepare guidelines on the question of *domaine public payant*, met in Geneva in April 1982.

Five non-governmental experts, from Algeria, Brazil, Canada, German Democratic Republic and Guinea, invited in their personal capacity, attended the meeting. Representatives of 10 international non-governmental organizations attended the meeting as observers.

The system of *domaine public payant*, found in the legislation of some countries, requires the user of a work in the public domain to pay certain amounts to a competent authority or organization, usually for the promotion of institutions for the benefit of authors. The discussion in the Committee showed that the question of the establishment of such a system in a greater number of countries is highly controversial; in particular, the observers from several international non-governmental organizations, expressing the view that the said question related more to fiscal law than to copyright law, felt that a system of *domaine public payant*, by adding to the users' costs, would discourage the use of outstanding works in the public domain and have negative results in cultural terms.

A *Consultation Meeting on the Question of Copyright Ownership and its Consequences for the Relations between Employers and Employed or Salaried Authors* was held in Geneva in September 1982. The meeting was convened by WIPO, the International Labour Office (ILO) and Unesco. The participants were representatives of 16 international non-governmental organizations, and three consultants who had been invited to present studies on the question. The organizations represented the interests of authors, publishers, architects, the press, radio and television, the phonographic industry, performers, employers and employees.

The participants exchanged views on the following points: the notion of "employed or salaried author"; the principal categories of works concerned; the degree of connection between the work and the employment; the differences between the legal situation of employed authors and that of authors of commissioned works; who should be regarded as the author or the first copyright owner; moral rights; pecuniary rights; remuneration; problems arising on termination of the employment. An account of the discussion at the meeting will be submitted to the Executive Committee of the Berne Union in December 1983.

A *Working Group on Access by the Visually and Auditory Handicapped to Material Reproducing Works Protected by Copyright* was convened by WIPO and Unesco jointly in October 1982 in Paris.

The Group consisted of four experts (from France, Hungary, Japan and Panama); representatives of the World Council for the Welfare of the Blind (WCWB) and of the International Publishers Association (IPA) attended in an advisory capacity, and eight other international non-governmental organizations were represented by observers.

The Working Group prepared draft model provisions for national legislation concerning access by the handicapped to works protected by copyright, for submission to the Executive Committee of the Berne Union and the Intergovernmental Committee of the Universal Copyright Convention. The draft provisions are in two alternative forms, one providing for exceptions and the other for non-voluntary licensing, both subject to the general obligations contained in the international copyright conventions.

A *Working Group on the Formulation of Guidelines on the System of Translation and Reproduction Licenses for Developing Countries under the Copyright Conventions* was convened by WIPO and Unesco in Paris in December 1982. Twelve experts, invited in their personal capacity, participated in the meeting, and representatives of a regional book promotion center and of six international non-governmental organizations attended as observers. The terms of reference of the Working Group, defined by the Executive Committee of the Berne Union and the Intergovernmental Committee of the Universal Copyright Convention, were to clarify further certain aspects discussed at meetings of the Working Group in 1979 and 1980 and to finalize the text of guidelines on the subject.

Discussions were based on documents containing guidelines on the subject adopted by the Working Group in 1980 and observations received from governments and from intergovernmental and international non-governmental organizations regarding those guidelines.

After having decided to change the title from "Guidelines on..." to "Advisory Notes on the Implementation of the System of Translation and Reproduction Licenses for Developing Countries under the Copyright Conventions," the Working Group discussed the text paragraph by paragraph, and adopted a number of amendments.

The amended text explains the system of licensing established in the Berne Convention and the Universal Copyright Convention as revised at Paris in 1971; it gives detailed advice on procedures and arrangements for translation and reproduction licenses, and ends with a reference to the Joint International Unesco-WIPO Service for Facilitating the Access by Developing Countries to Works Protected by Copyright, established in 1981.

Subcommittees of the Executive Committee of the Berne Union, of the Intergovernmental Committee of

the *Universal Copyright Convention and of the Intergovernmental Committee of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations* met jointly in Paris in December 1982 to examine the copyright and neighboring rights problems raised by *cable television*. Ten States members of the Executive Committee of the Berne Union (Australia, Belgium, Canada, Chile, Congo, Czechoslovakia, Finland, France, India, Switzerland), 12 States members of the Intergovernmental Committee of the UCC (Australia, Brazil, Germany (Federal Republic of), India, Israel, Italy, Japan, Netherlands, Soviet Union, Sweden, United Kingdom, United States of America) and 10 States members of the Intergovernmental Committee of the Rome Convention (Austria, Brazil, Congo, Czechoslovakia, Denmark, Germany (Federal Republic of), Italy, Norway, Sweden, United Kingdom) were represented; one intergovernmental organization and 15 non-governmental organizations were represented by observers.

The meeting was opened by the Directors General of Unesco and WIPO and by a representative of the Director General of ILO. Discussions were based on documents, prepared by WIPO, ILO and Unesco, containing information received from the interested international non-governmental organizations, a survey of legislative provisions and court decisions concerning copyright and neighboring rights in the field of distribution by cable and draft annotated model provisions for the protection of authors, performers, producers of phonograms and broadcasting organizations in connection with distribution by cable, based mainly on the conclusions of the Group of Independent Experts on the Impact of Cable Television in the Sphere of Copyright and Neighboring Rights, which had met in 1980 and 1981. Some delegates updated the said survey and informed the participants of recent developments in the field.

After a general debate, in which a number of delegations and observers recognized the importance and the urgency of looking for solutions to the problems raised by cable distribution, noting that the problems were extremely complex and that there was grave concern among interested parties about their effects, the Subcommittees discussed in detail the draft annotated model provisions, including definitions, rights of authors, rights of performers, rights of producers of phonograms and rights of broadcasting organizations.

On the basis of the progress made, the Subcommittees agreed that the work should continue, first in a meeting of consultants which would be requested to revise the draft annotated model provisions in the light of the discussions, and subsequently in further sessions of the Subcommittees.

Information and Teaching in the Fields of Copyright and Neighboring Rights

Objective

The objective is to increase and spread knowledge about the doctrine, legislation and practical administration of copyright and neighboring rights.

Activities

The periodicals *Copyright* and *Le Droit d'auteur* continued to be published each month.

WIPO continued to keep up to date its *collection of the texts of the laws and regulations of all the countries of the world and of all treaties* dealing with copyright and neighboring rights, both in their original languages and in English and French translations. The basic texts were published in the monthly periodicals *Copyright* and *Le Droit d'auteur*.

The *International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP)* held its annual meeting and the second session of its Assembly in Geneva, at the headquarters of WIPO, in September 1982. WIPO provided conference facilities and some financial support, including the travel expenses of some members from developing countries. Sixty-two professors and researchers (including three officials of WIPO, members of ATRIP), from 20 countries, participated in the meeting. WIPO was represented by an observer.

The *Assembly* of ATRIP noted with approval reports on the activities and accounts of the Association, and expressed its satisfaction that the membership had increased from 69 in July 1981 to 187 (from 39 countries, including 17 developing countries) in September 1982. The Assembly also approved proposals by the Executive Committee for the program of activities and the budget for 1983. Those proposals dealt, *inter alia*, with the preparation of a resolution on the role of teaching and research in intellectual property and the establishment of working committees on the exchange of professors, fellowships and orientation programs, and on the problems of the protection and exploitation of the results of academic research. The Executive Committee agreed to hold the 1983 annual meeting in Munich.

In *working sessions and workshops*, under the chairmanship of different members, the meeting examined recent developments and perspectives of teaching intellectual property law in developing countries and heard reports on the influence of teaching and research on the development of intellectual property law and on recent developments in certain subjects, including patents and the transfer of technology, copyright and neighboring rights.

Cooperation with Various Institutions in Matters Concerning Copyright and Neighboring Rights

Objective

The objective is to ensure that, through regular contacts between the International Bureau on the one hand and the governments of States and international organizations on the other hand, there should be full awareness of what is being done and planned on either side, in order to inspire mutually more and more useful activities, to combine forces wherever possible and to avoid all unnecessary duplication.

Activities

Unesco and ILO. WIPO continued its cooperation with Unesco in the fields of copyright and neighboring rights and with ILO in the field of neighboring rights.

WIPO was represented at a meeting, convened by Unesco, of a Committee of Governmental Experts on the Safeguarding of Folklore, in Paris in February 1982, which adopted a number of recommendations to the Member States and to Unesco concerning identification of folklore, conservation and analysis of folklore and its preservation, enhancement and reactivation, and which recommended that Unesco and WIPO continue their studies on the intellectual property aspects of folklore.

Non-Governmental Organizations. WIPO was represented at the following meetings of international non-governmental organizations having an interest in

copyright and related matters: the Executive Committee of the International Literary and Artistic Association (ALAI) in Paris in February 1982; a Seminar on the Administration of Performers' Rights organized by, and the Executive Committee of, the International Federation of Musicians (FIM), both at WIPO headquarters in Geneva in May 1982; the Director General had an exchange of views with members of the Executive Board of the International Confederation of Societies of Authors and Composers (CISAC) on the occasion of a session of the said Board held in Geneva in March 1982, and WIPO was represented at the Congress of CISAC in Rome in October 1982; the General Conference of the International Federation of Library Associations and Institutions (IFLA) in Montreal in August 1982; the Executive Committee of ALAI at the headquarters of WIPO in Geneva in September 1982; the Congress of the International Federation of Actors (FIA) in Paris in September and October 1982.

At an International Seminar on the Penal Protection of Works of Art, organized in Siracusa (Italy) in April 1982 by the International Institute for Higher Studies in Criminal Sciences (ISISC), a WIPO representative gave a lecture on "The Penal Protection of Works of Visual Art Under the Berne Convention for the Protection of Literary and Artistic Works." Some 40 jurists, artists, museum curators and public officials from the following countries attended the meeting: Belgium, Canada, Finland, France, Germany (Federal Republic of), Hungary, Israel, Italy, United States of America.

Berne Union

Subcommittees of the Executive Committee of the Berne Union, of the Intergovernmental Committee of the Universal Copyright Convention and of the Intergovernmental Committee of the Rome Convention on Television by Cable

(Paris, December 13 to 17, 1982)

Note *

The Subcommittees of the Executive Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union), of the Intergovernmental Committee of the Universal Copyright Convention and of the Intergovernmental Committee of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention) met in Paris from December 13 to 17, 1982, to examine the copyright and so-called neighboring rights problems raised by the distribution by cable.

The meeting was convened by WIPO, Unesco and the International Labour Office, at the request made by the said Committees at their sessions held in Geneva in November/December 1981.

Ten States members of the Executive Committee of the Berne Union (Australia, Belgium, Canada, Chile, Congo, Czechoslovakia, Finland, France, India and Switzerland), 12 States members of the Intergovernmental Committee of the Universal Copyright Convention (Australia, Brazil, Germany (Federal Republic of), India, Israel, Italy, Japan, Netherlands, Soviet Union, Sweden, United Kingdom and the United States of America) and ten States members of the Intergovernmental Committee of the Rome Convention (Austria, Brazil, Congo, Czechoslovakia, Denmark, Germany (Federal Republic of), Italy, Norway, Sweden and the United Kingdom) were represented at the meeting. One intergovernmental organization and 15 international non-governmental organizations were represented by observers.

The meeting was opened by the Directors General of Unesco and WIPO and by a representative of the Director General of ILO. Discussions were based on documents, prepared by WIPO, ILO and Unesco, containing information received from the interested international non-governmental organizations, a sur-

vey of legislative provisions and court decisions concerning copyright and neighboring rights in the field of distribution by cable, and draft annotated model provisions for the protection of authors, performers, producers of phonograms and broadcasting organizations in connection with distribution by cable; the draft model provisions were based mainly on the conclusions of the Group of Independent Experts on the Impact of Cable Television in the Sphere of Copyright and Neighboring Rights, which had met in 1980 and 1981. Some delegates updated the said survey and informed the participants of recent developments in the field.

After a general debate, in which a number of delegations and observers recognized the importance and the urgency of looking for solutions to the problems raised by cable distribution, noting that the problems were extremely complex and that there was grave concern among interested parties about their effects, the Subcommittees discussed in detail the draft annotated model provisions, including definitions, rights of authors, rights of performers, rights of producers of phonograms and rights of broadcasting organizations.

At the end of the deliberations the Subcommittees adopted a recommendation with regard to continuation of their work. The recommendation reads as follows:

The Subcommittees of the Executive Committee of the Berne Union, of the Intergovernmental Committee of the Universal Copyright Convention and of the Intergovernmental Committee of the Rome Convention,

Noting that, in spite of the progress of examination of the problems submitted to them, they were not in a position to reach sufficiently elaborated conclusions,

Recommend to their respective Secretariats that proper measures be taken in order to enable them to resume their work at a later date which, in any case, should be scheduled before the 1983 sessions of the three Committees;

* Prepared by the International Bureau of WIPO.

Recommend further that consultants appointed by governments be convened towards the middle of 1983 in order to advise the three Secretariats on a revised edition of working paper No. 4 to prepare the resumption of their work. Such revision should take into account the views expressed in this session and, in any case, should,

whenever appropriate, contain several options with the corresponding explanations.

The international non-governmental organizations concerned should be invited to participate in the deliberations as observers.

List of Participants

I. Members of the Subcommittees

Australia: C. Creswell. **Austria:** R. Dittrich. **Belgium:** F. Isacker. **Brazil:** A. A. de Freitas Carvalho. **Canada:** J. Keon. **Cbile:** A. Prieto Bafalluy. **Congo:** D. Ganga Bidie; M. Ebara. **Czechoslovakia:** M. Jelínek; F. Navrátil. **Denmark:** W. Weincke. **Finland:** J. Liedes; J. Eskola. **France:** A. Kerever; A. Bourdalé-Dufau; A. Françon; G. Mineur; A. Gendron; P. Hamon; F. Briquet. **Germany (Federal Republic of):** M. Möller; H.-P. Hillig. **India:** I. Rahman; G. V. Rao. **Israel:** V. Hazan. **Italy:** G. Aversa; M. Fabiani. **Japan:** Y. Oyama. **Netherlands:** M. Reinsma; F. Klaver; B. Hugenholtz. **Norway:** A. M. Lund; S. Gramstad; H. Soeneland. **Soviet Union:** R. Gorelik; V. Dozortsev; I. Nikouline. **Sweden:** A. H. Olsson; E. Essen. **Switzerland:** J.-L. Marro; C. Hummel; R. Grossenbacher. **United Kingdom:** D. Carter. **United States of America:** D. L. Ladd; L. I. Flacks; D. Leibowitz; N. Alterman; R. D. Hadl; A. Latman; C. Mathias; R. Oman.

II. Observers

(a) Intergovernmental Organization

Council of Europe: F. Hondius; S. Malherbe.

(b) International Non-Governmental Organizations

European Broadcasting Union (EBU): W. Rumphorst. **Independent Film Producers International Association (IFPIA):** D. You. **International Alliance for Distribution by Wire (AID):** G. Klemperer; G. Moreau. **International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM):** J.-A. Ziegler. **International Confederation of Societies of Authors and Composers (CISAC):** J.-A. Ziegler; M. J. Freegard; D. de Freitas; J. Corbet; C. Joubert; M. Pickering. **International Copyright Society**

(INTERGU): G. Halla. **International Federation of Actors (FIA):** F. Delahalle; G. Croasdell. **International Federation of Associations of Film Distributors (FIAD):** G. Grégoire. **International Federation of Film Producers Associations (FIAPF):** A. Brisson; S. F. Gronich; J. Flaud; M. Ferrara Santamaria. **International Federation of Journalists (IFJ):** S. Ove Grönsund. **International Federation of Musicians (FIM):** J. Morton; Y. Burckhardt. **International Federation of Phonogram and Videogram Producers (IFPI):** I. D. Thomas; G. Davies; E. Thompson; S. Gortikov; P. Chesnais; C. de Souza Amaral. **International Literary and Artistic Association (ALAI):** M. J. Freegard; D. Gaudel. **International Union of Cinemas (IUC):** J. Handl. **Latin American Federation of Performers (LAFP):** P. Naccarati; A. Millé.

III. Secretariat

International Labour Office (ILO)

R. Cuvillier (*Chief, Salaried Employees and Professional Workers Branch, Sectoral Activities Department*); J. Perret (*Salaried Employees and Professional Workers Branch, Sectoral Activities Department*).

United Nations Educational, Scientific and Cultural Organization (UNESCO)

A.-M. M'Bow (*Director-General*); H. Lopes (*Assistant Director-General for Programme Support*); M.-C. Dock (*Director, Copyright Division*); E. Guerassimov (*Lawyer, Copyright Division*).

World Intellectual Property Organization (WIPO)

A. Bogsch (*Director General*); C. Masouyé (*Director, Public Information and Copyright Department*); G. Boytha (*Head, Copyright Law Division*).

Conventions Administered by WIPO

Nairobi Treaty on the Protection of the Olympic Symbol

CONGO

Ratification

The Government of the People's Republic of the Congo deposited, on February 8, 1983, its instrument of ratification of the Nairobi Treaty on the Protection of the Olympic Symbol, adopted at Nairobi on September 26, 1981.

The said Treaty entered into force, with respect to Congo, on March 8, 1983.

Nairobi Notification No. 9, of February 9, 1983.

GUATEMALA

Accession

The Government of the Republic of Guatemala deposited, on January 21, 1983, its instrument of accession to the Nairobi Treaty on the Protection of the Olympic Symbol, adopted at Nairobi on September 26, 1981.

The said Treaty entered into force, with respect to Guatemala, on February 21, 1983.

Nairobi Notification No. 8, of January 21, 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 30 to 56 and Schedules)

PART II

NEIGHBOURING RIGHTS

Rights of Performers

Performers' rights

30. (1) Subject to sections 40, 42 and 43, a performer has the exclusive right to prevent any person, without the consent of the performer,

- (a) from broadcasting his performance;
- (b) from making a recording of his performance;
- or
- (c) from reproducing a recording of his performance.

(2) A performer is any actor, singer, musician, dancer or other individual who acts, sings, delivers, declaims, plays in or otherwise performs a literary or artistic work and includes an identifiable or variety group performing together.

(3) For the purposes of this section, "performance" includes performance, communication or delivery of a literary or artistic work whether or not at the relevant time the work was being publicly performed, communicated or delivered.

Broadcast performances

31. (1) Subject to this section,

- (a) consent given by a performer to a broadcaster

to make a broadcast of his performance is not consent to other broadcasters to broadcast that performance;

- (b) consent given by a performer to a broadcaster to make a broadcast of his performance is not consent to make a recording of that performance;
- (c) consent given by a performer to a broadcaster to broadcast and to make a recording of his performance is not consent to make a reproduction of the recording; and
- (d) consent given by a performer to a broadcaster to make a recording of his performance is not consent to broadcast the performance from the recording or from any reproduction of the recording.

(2) Subsection (1) applies in the absence of any agreement to the contrary entered into with the performer concerned and in the absence of any inference to the contrary arising from a contract of service between the performer concerned and the broadcaster.

(3) Where, in respect of a performance that is broadcast, the performer gives the broadcaster consent in writing to make an audio-visual work of the performance, paragraphs (c) and (d) of subsection (1) do not apply in respect of that performance.

(4) Nothing in this section deprives a performer of the right to enter into a contract regarding any performance on terms and conditions more favourable to him in respect of any use of that performance than that provided by the performer's rights under this Act.

* Published in the *Supplement to Official Gazette* of January 28, 1982; coming into force on October 1, 1982. For Articles 1 to 29, see *Copyright*, 1983, pp. 55-61.

Consent of performer

32. (1) Where the consent of the performer is required in respect of any performance, the consent may be given by the performer personally or by a person authorised by him in writing to give consent on behalf of the performer.

(2) When the consent of the performer is given in respect of a performance by a person holding himself out

(a) to be the performer thereof, or

(b) to be the person authorised by the performer thereof to give consent on his behalf,

the consent has effect unless, at the time the consent was given, the person receiving the consent knew or ought reasonably to have known that the holding out was improper or unauthorised, as the case may be.

Duration of right

33. The rights vested in a performer under section 30 in respect of a performance exist for the twenty calendar years after the end of the year in which the performance occurred.

Rights of Producers of Phonograms

Phonograms

34. A phonogram is a sound-recording of the sounds of a performance of a literary or artistic work or of other sounds.

Producers' rights

35. (1) The producer of a phonogram has the exclusive right to prevent any person, without the consent of the producer,

(a) from making a reproduction of a phonogram the original sound-recording of which was lawfully made in Barbados;

(b) from importing, for the purpose of distribution to the public, a phonogram the original sound-recording of which was lawfully made in Barbados; or

(c) from distributing to the public, whether by sale or otherwise, any reproduction of the phonogram the original sound-recording of which was lawfully made in Barbados.

(2) The consent of the producer of a phonogram must be given in writing by him personally or by some person authorised in writing by him to give consent on his behalf.

(3) A producer of a phonogram means the person who first lawfully makes in Barbados a sound-recording of the sounds of a performance or the other sounds constituting the aural effects of the phonogram.

(4) For the purposes of this section, a sound-recording is lawfully made when it is made without infringing any other person's rights under this Act in respect of the performance or sounds constituting the aural effects of the phonogram.

(5) When, pursuant to a contract with the producer of a phonogram, a person makes in Barbados a reproduction of the sounds recorded on a phonogram produced outside Barbados and forwarded to him for reproduction in Barbados pursuant to that contract, the sound-recording so produced in Barbados shall, for the purposes of subsection (1), be deemed to be an original sound-recording made in Barbados.

Duration: producers' rights

36. The rights vested in the producer of a phonogram under section 35 exist for a period of twenty calendar years immediately following the end of

(a) the year in which the phonogram was first made available in Barbados to the public, if it was made available to the public in Barbados; or

(b) if the phonogram is not made available to the public in Barbados, the end of the year in which the original sound-recording for the phonogram was first lawfully made in Barbados within the meaning of section 35.

Notice of rights

37. (1) Each copy of, or container for a copy of, a phonogram made available to the public for commercial purposes must have disclosed thereon a notice consisting of the letter P, capitalized and placed within a circle and accompanied by an indication of the year the recording for the phonogram was first lawfully made in Barbados; all of which must be prominently displayed on the copy of, or on the container for the copy of, the phonogram to give reasonable notice of the claim of all rights respecting the use of the phonogram.

(2) When a copy of the phonogram or the copy's container does not identify the producer of the phonogram by having his name, trade mark or other designation indicated on the copy or container, the notice referred to in subsection (1) must include the name of the person who owns the producer's rights under this Act in that phonogram.

(3) When a copy of a phonogram or the copy's container does not identify the performer whose performance constitutes any of the aural effects of the phonogram, the notice referred to in subsection (1) must include the name of the person who owns the performer's rights under this Act in that performance.

Remuneration

38. (1) Where any phonogram the original sound-recording of which was lawfully made in Barbados is used

- (a) by way of being made available for commercial purposes to the public;
- (b) by way of a broadcast; or
- (c) by way of any other communication to the public,

the user of the phonogram shall pay to the producer of the phonogram remuneration for the producer and any performer whose performance constitutes any of the aural effects of the phonogram.

(2) When more than one performer is entitled to share the remuneration paid to the producer under subsection (1) for the performer, the amount paid by the producer shall be divided equally among those performers or in the manner and shares agreed among the performers.

Duration: of remuneration

39. The obligation to pay remuneration to the producer of a phonogram and to any performer whose performance constitutes any of the aural effects of the phonogram exist for the same period that the producer's rights under section 36 in that phonogram exist.

Special licences

40. (1) Without affecting any other provision of this Act that exempts a person from requiring the consent of the producer of a phonogram, where a person applies in writing to the Minister for permission to produce a duplication of the phonogram, that is to say, any article that contains any sounds taken directly or indirectly from any recording of sounds contained on that phonogram, the Minister may, by licence, authorise the person who so applies to produce that article.

(2) The production of a duplication of a phonogram pursuant to a licence under subsection (1) does not infringe the rights under this Act of either the producer of the phonogram from which the sounds for the article was taken or any performer whose performance is included in the aural effects of that phonogram, if

- (a) the duplication is for use exclusively for the purposes of education or scientific research;
- (b) the duplication is for distribution in Barbados only; and
- (c) the person authorised by the licence to produce the duplication gives an undertaking in writing to pay the producer of the phonogram such remuneration as the Minister determines with regard to the number of duplications distributed in Barbados.

(3) Section 25 applies, with any necessary modifications, to any duplication authorized by licence under this section.

Rights of Broadcasters

Broadcasters' rights

41. (1) The broadcaster of a broadcast that is lawfully made has the exclusive right to prevent any other person, without the broadcaster's consent,

- (a) from rebroadcasting the broadcast;
- (b) from making a recording of the broadcast; or
- (c) subject to subsection (4), from reproducing a recording of the broadcast.

(2) A rebroadcast occurs when one broadcaster broadcasts any part of the broadcast of another broadcaster.

(3) A broadcast is lawfully made when the broadcast is made without infringing the rights under this Act of any other person.

(4) Paragraph (c) of subsection (1) does not apply when the reproduction described in that paragraph is made from a recording made under the authority of and for any purpose described in section 24 if the reproduction is not used for other purposes.

Ephemeral recording

42. (1) When a broadcaster, by means of his own facilities and for his own broadcast, makes a recording of a broadcast or performance, a reproduction of the recording of the broadcast or performance or makes a recording of a phonogram, no consent is required and there is no infringement of the rights under this Act of any person, if,

- (a) in respect of each broadcast of the recording of the broadcast, performance, reproduction or phonogram, the broadcaster had the right under this Act to make that particular broadcast;

(b) in respect of each recording, reproduction or phonogram made pursuant to this section, the broadcaster had the right to make the broadcast on which the recording, performance, reproduction or phonogram is used; and

(c) subject to subsection (2), each recording made under this section and all reproductions of the recording are destroyed within the time limited by section 26 for ephemeral recordings.

(2) Subsections (3) to (5) of section 26 apply, with necessary modifications, in respect of a single copy of any recording made under the authority of this section.

Permitted Recordings

Permissible recordings

43. (1) A fixation described in this provision that would otherwise be an infringement of any rights under this Part of a performer, broadcaster, or producer of a phonogram, that is to say:

- (a) a recording of a broadcast of any performance;
- (b) a reproduction of a recording of a broadcast of any performance; or
- (c) a duplication of a phonogram,

may be made without the consent of the performer, broadcaster or producer, as the case requires, and is not an infringement of the rights under this Part of any of those persons, if the fixation is a permitted recording.

(2) A fixation described in subsection (1) is a permitted recording if

- (a) it is for the maker's personal use only;
- (b) it is made for and in the course of the reporting of fresh events and new information by any news medium, and no more than short excerpts of the broadcast, performance or phonogram are used in the reporting by the news medium;
- (c) it is done exclusively for teaching purposes or for scientific research;
- (d) it consists of quotations in the form of short excerpts of a broadcast, performance or phonogram and the quotations are compatible with fair practice and justified by the purpose of keeping the public informed; or
- (e) it is made for any other purpose for which a consent would not be required by virtue of section 24 in similar circumstances from an author of a literary, artistic or scientific work.

PART III

ADMINISTRATION

Criminal Sanctions

Criminal sanctions

44. (1) No person shall knowingly infringe any right vested in any person under this Act.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of twelve months or to both.

(3) If the offence under subsection (2) is a continuing offence, the offender is liable to an additional fine of one thousand dollars for each day or part of a day during which the offence continues.

Fraud on performer

45. (1) A person is guilty of an offence who, not being the performer or person authorised by the performer to give consent on his behalf, purports to consent as or on behalf of the performer

- (a) to the making of a broadcast of the performance of that performer; or
- (b) to the making of a fixation of the broadcast of that performance of the performer.

(2) A person who is guilty of an offence under subsection (1) is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of twelve months, or to both.

Folklore offence

46. (1) Without the written consent of the Minister, no person shall knowingly import into Barbados or sell, offer or expose for sale or distribute in Barbados any copies made outside Barbados of

- (a) any works of folklore; or
- (b) any translations, adaptations, arrangements or other works or transformation of folklore.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of twelve months, or to both.

Compensation

47. In addition to any punishment imposed by a court in respect of a prosecution of an offence under section 44, 45 or 46, the court may order

- (a) that all amounts arising out of the offence and received by the accused be accounted for by

him and paid to the persons entitled under this Act to those amounts; and

- (b) that all copies, recordings, reproductions, duplications, and other infringing material obtained from, and all implements or devices used in, the commission of the offence be seized and disposed of as the court may direct having regard to the persons whose rights were infringed and the extent of that infringement.

Limitation

48. A prosecution for an offence under section 44, 45 or 46 may be brought at any time within five years from the date the offence was committed, or the last date on which the continuing offence was committed.

Civil Sanctions

Civil remedies

49. (1) Any person whose rights under this Act are in imminent danger of being infringed or are being infringed may institute proceedings in the High Court

- (a) for an injunction to prevent the infringement or to prohibit the continuation of the infringement; or
(b) for recovery of damages for the infringement.

(2) The grant of an injunction under subsection (1) does not deprive a person of any damages that may be awarded to him for loss sustained by him as a result of infringement or imminent infringement of his rights under this Act.

(3) An action may be brought by a person who sustains damage by reason of infringement of his rights under this Act whether the person who committed that infringement has been successfully prosecuted under this Act or not.

MISCELLANEOUS

Reciprocity

50. The Minister may, by order, provide for reciprocal treatment, in relation to those rights to which this Act relates, to be given to any country that provides protection for similar rights in respect of Barbados, as given by this Act.

Regulations

51. The Minister may make regulations respecting

- (a) the administration of matters relating to the rights to which this Act relates;
(b) the collection of royalties and distribution thereof to persons entitled thereto; and
(c) any matter that is necessary for the effective operation of this Act.

Binding Crown

52. The Crown is bound by this Act.

Consequential amendments

53. (1) The Fourth Schedule to the *Magistrates' Jurisdiction and Procedure Act* is amended by deleting the words and figures "Cap. 300 Copyright Act section 11".

(2) Section 3 of the *National Emblems and National Anthem (Regulation) Act* is repealed and the following substituted:

"3. Notwithstanding the provision of any Act to the contrary, the copyright in the words and music of the National Anthem and in the design of the National Emblems is vested in the Crown in perpetuity."

Cap. 300: 1 & 2 Geo. V, C. 46

54. The *Copyright Act* is repealed; and the *Copyright Act, 1911*, of the United Kingdom Parliament ceases to have effect in Barbados.

Savings

55. Any copyright or other rights similar to those described in this Act that were vested in any person immediately before the commencement of this Act continue to be vested in him and are enforceable by him in the same manner as other rights under this Act.

Commencement

56. This Act comes into operation on a day to be fixed by proclamation.

FIRST SCHEDULE

(Section 27)

Translation Licences

Works covered

1. The provisions of this Schedule apply to works that have been published in a printed or in an analogous form of reproduction.

Application Cap. 190

2. (1) Any citizen or permanent resident of Barbados within the meaning of the *Immigration Act* may, after the expiration of the period mentioned in subparagraph (2), apply to the Minister for a licence to make a translation of a work into English and to publish the translation in a printed or analogous form of reproduction in Barbados.

(2) No licence may be granted by the Minister under this Schedule in respect of a work until the expiration of three years from the date of first publication of the work.

Grant of licence

3. (1) Before granting a licence under this Schedule in respect of a work, the Minister must determine

- (a) that no translation of the work into English has, in a printed or in an analogous form of reproduction, been published by or with the authorisation of the owner of the right of translation, or, if there had been such a publication, that all previous editions in English are out of print;
- (b) that the applicant for the licence has established that he either has requested, and has been denied, authorisation from the owner of the right of translation or, after due diligence on his part, was unable to find the owner;
- (c) that at the same time as addressing to the owner the request referred to in clause (b), the applicant for the licence had informed any national or international information centre designated for this purpose by the government of the country in which the publisher of the work to be translated is believed to have his principal place of business; and
- (d) that, if the applicant for the licence could not find the owner of translation, the applicant had sent, by registered airmail, a copy of his application to the publisher whose name appears on the work and another copy of the application to any information centre referred to in clause (c), or, in the absence of such an information centre, to the Unesco International Copyright Information Centre.

(2) No licence may be granted by the Minister in respect of a work unless the owner of the right of translation in the work, if known or located, has been given an opportunity to be heard.

(3) No licence may be granted to an applicant in respect of a work until six months

- (a) from the date on which the applicant complies with the requirement of subparagraphs (1)(b) and (1)(c); or
- (b) if the identity or the address of the owner of the right of translation of the work is unknown, from the date on which the applicant also complies with the requirements of subparagraph (1)(d).

(4) No licence may be granted by the Minister when, in respect of the work for which the licence was

applied for, a translation into English has, in a printed or in an analogous form of reproduction, been published, by or with the authorisation of the owner of the translation right, during the period limited by subparagraph (3).

(5) For works composed mainly of illustrations, a licence may only be granted by the Minister under this Schedule if the conditions of the Second Schedule are also complied with.

(6) No licence may be granted by the Minister in respect of a work when the author of the work has withdrawn all copies of that work from circulation.

Scope

4. (1) A licence under this Schedule

- (a) is valid for the purpose of teaching, scholarship or research;
- (b) allows publication only in a printed or an analogous form of reproduction and, subject to subparagraph (2), only in Barbados;
- (c) does not extend to the export of copies made under the licence, except as provided in subparagraph (3);
- (d) is non-exclusive; and
- (e) is non-transferable.

(2) Notwithstanding subparagraph (1)(b), where the Minister is satisfied that facilities do not exist in Barbados for the printing or reproduction, or that existing facilities are incapable for economic or practical reasons of ensuring printing or reproduction, of the work for which the licence is requested, the reproduction may be made outside Barbados, if

- (a) the country where the work of reproduction is done is party to the Berne Convention or to the Universal Copyright Convention;
- (b) all copies reproduced are sent to the licensee in one or more bulk shipments for distribution exclusively in Barbados and the contract between the licensee and the establishment doing the work of reproduction so requires;
- (c) the contract provides that the establishment engaged for doing the work of reproduction guarantees that the work of reproduction is lawful in the country where it is done; and
- (d) the licensee does not entrust the work of reproduction to an establishment specially created for the purpose of having copies reproduced of works for which a licence has been granted under this Schedule.

(3) The licence must provide for such just compensation in favour of the owner of the right of translation as is consistent with standards of royalties normally operating in the case of licences freely negotiated between persons in Barbados and owners of translation rights in the country of the owner of the right of translation.

(4) If the licensee is unable, by reason of currency regulations, to transmit the compensation to the

owner of the right of translation, it is a condition of his licence that he report the fact to the Minister, who must make all efforts, by the use of international machinery, to ensure transmittal of the compensation in internationally convertible currency or its equivalent.

(5) As a condition of maintaining the validity of the licence issued under this Schedule to translate a work, the translation must be correct and all published copies must include the following:

- (a) the original title and name of the author of the work;
- (b) a notice in English stating that the copy is available for distribution only in Barbados; and
- (c) if the work that is translated was published with a copyright notice, a reprint of that notice.

(6) A license issued under this Schedule in respect of a work terminates when a translation of the work in the English language and with substantially the same content as the translation published under the licence is,

- (a) in a printed or in an analogous form of reproduction, and
- (b) by or with the authorisation of the owner of the translation,

published in Barbados at a price reasonably related to that normally charged in Barbados for comparable works.

(7) Any copies of a translation of a work made under the licence before the licence terminates pursuant to sub-paragraph (6) may continue to be distributed in Barbados until the stock of the copies is exhausted.

Broadcaster

5. (1) A licence under this Schedule may be granted by the Minister to a Barbadian broadcaster if all the following conditions are complied with:

- (a) the translation is made from a copy made and acquired in accordance with the laws of Barbados;
- (b) the translation is only for use in broadcasts intended exclusively for teaching or for the dissemination of the results of specialised technical or scientific research to experts in a particular profession;
- (c) the translation is used exclusively for the purpose specified in clause (b), through broadcasts that are lawfully made and that are intended for recipients in Barbados, including broadcasts made through the medium of recordings that have been made lawfully and for the sole purpose of such broadcasts;
- (d) recordings of the translation are not used by broadcasters other than those having their headquarters in Barbados; and
- (e) all uses made of the translation are without any commercial purpose.

(2) A licence may also be granted, under all the conditions provided in sub-paragraph (1), to a Barbadian broadcaster to translate any text incorporated in an audio-visual work that was itself prepared and published

for the sole purpose of being used in connection with systematic instructional activities.

Application

6. (1) Section 27 and this Schedule apply to works whose country of origin is the country, or any other country whose name, with reference to this Schedule, is indicated in an order made by the Minister.

(2) The Minister may, by order, discontinue the application of section 27 and this Schedule.

SECOND SCHEDULE

(Section 28)

Reproduction Licences

Works covered

1. Subject to paragraph 5, this Schedule applies to works that have been published in a printed or in an analogous form of reproduction.

Application Cap. 190

2. (1) Any citizen or permanent resident of Barbados within the meaning of the *Immigration Act* may, after the expiration of the period mentioned in sub-paragraph (2), apply to the Minister for a licence to reproduce and publish a particular edition of a work in a printed or in an analogous form of reproduction.

(2) No licence may be granted until the expiration of whichever of the following periods is applicable:

- (a) three years for works of technology and of the natural and physical sciences, including mathematics;
- (b) seven years for works of fiction, poetry, drama and music, and for art books; or
- (c) five years for all other works;

commencing from the date of first publication of the particular edition of the work.

Grant of licence

3. (1) Before granting a licence under this Schedule in respect of any work, the Minister must first determine:

- (a) that no distribution, by or with the authorisation of the owner of the right of reproduction of any edition of the work, of copies in printed or analogous forms of reproduction of that particular edition has taken place in Barbados to the general public or in connection with systematic instructional activities, at a price reasonably related to that normally charged in Barbados for comparable works, or that, under the same conditions, copies of that particular edition have not been on sale in Barbados for a continuous period of a least six months;

- (b) that the applicant for the licence has established that he either has requested, and has been denied, authorisation from the owner of the right of reproduction, or that, after due diligence on his part, he was unable to find the owner;
- (c) that, at the same time as addressing to the owner the request referred to in clause (b), the applicant for the licence had informed any national or international information centre designated for this purpose by the government of the country in which the publisher of the work to be reproduced is believed to have his principal place of business; and
- (d) that, if the applicant could not find the owner of the right of reproduction, the applicant had sent, by registered airmail, a copy of his application to the publisher whose name appears on the work and another copy of the application to any information centre referred to in clause (c), or, in the absence of such a centre, to the Unesco International Copyright Information Centre.

(2) No licence may be granted by the Minister under this Schedule to reproduce a work unless the owner of the right of reproduction of that work, if known or located, has been given an opportunity to be heard.

(3) Where the three-year period referred to in sub-paragraph (a) of paragraph 2(2) applies in respect of an application to reproduce a work, no licence may be granted by the Minister in respect of that work until the expiration of six months computed from the date on which the applicant complies with the requirements mentioned in sub-paragraphs (1)(b) and (1)(c) or, if the identity or the address of the owner of the right of reproduction is unknown, from the date on which the applicant also complies with the requirement mentioned in sub-paragraph (1)(d).

(4) When the seven-year or five-year periods referred to in paragraph 2(2)(b) or (2)(c) apply and when the identity or the address of the owner of the right of reproduction of the work in respect of which the application to reproduce has been made is unknown, no licence may be granted under this Schedule until the expiration of three months computed from the date on which the copies referred to in sub-paragraph (1)(d) have been mailed.

(5) No licence may be granted by the Minister in respect of the reproduction of a work when a distribution or placing on sale of the work as described in sub-paragraph (1)(a) has taken place during the period of six or three months referred to in sub-paragraph (3) or (4).

(6) No licence may be granted by the Minister in respect of a work if the author of the work has withdrawn from circulation all copies of the edition that is the subject of the application.

(7) When the edition that is the subject of an application under this Schedule is a translation, the licence may only be granted if the translation is in English and was published by or with the authorisation of the owner of the right of translation.

Scope

4. (1) A licence under this Schedule in respect of the reproduction of a work

- (a) is valid only for use in connection with systematic instructional activities;
- (b) subject to paragraph 5, only allows publication in a printed or in an analogous form of publication at a price reasonably related to, or lower than, that normally charged in Barbados for a comparable work;
- (c) only allows publication in Barbados and does not extend to the export of copies made under the licence, but subject to sub-paragraph (2);
- (d) is not exclusive; and
- (e) is not transferable.

(2) Where the Minister is satisfied that facilities do not exist in Barbados for reproduction of, or that existing facilities are incapable for economic or practical reasons of reproducing, the edition that is the subject of the application for a licence under this Schedule, the reproduction may be made outside Barbados, if

- (a) the country where the work of reproduction is done is party to the Berne Convention or to the Universal Copyright Convention;
- (b) all copies reproduced are sent to the licensee in one or more bulk shipments for distribution exclusively in Barbados and the contract between the licensee and the establishment doing the work of reproduction so requires;
- (c) the contract provides that the establishment engaged for doing the work of reproduction guarantees that the work of reproduction is lawful in the country where it is done; and
- (d) the licensee does not entrust the work of reproduction to an establishment specially created for the purpose of having copies reproduced of works for which a licence has been granted under this Schedule.

(3) A licence issued under this Schedule in respect of a work must provide for such just compensation in favour of the owner of the right of reproduction in the work as is consistent with standards of royalties normally operating in the case of licences freely negotiated between persons in Barbados and owners of reproduction rights in the country of the owner of the right of reproduction.

(4) If the licensee is unable, by reason of currency regulations, to transmit the compensation to the owner of the right of reproduction, it is a condition of his licence that he report that fact to the Minister, who must make all efforts, by the use of international machinery, to ensure transmittal of that compensation in internationally convertible currency or its equivalent.

(5) As a condition of maintaining the validity of a licence to reproduce an edition of a work, the reproduction of that particular edition must be accurate and all published copies must include the following:

- (a) the title and name of the author of the work;

- (b) a notice in English stating that the copy is available for distribution only in Barbados; and
- (c) if the particular edition that is reproduced bore a copyright notice, a reprint of that notice.

(6) A licence for the reproduction of a particular edition of a work terminates if

- (a) copies of an edition of the work, in a printed or in an analogous form of reproduction are, by or with the authorisation of the owner of the right of reproduction, distributed in Barbados to the general public or in connection with systematic instructional activities and at a price reasonably related to that normally charged in Barbados for comparable works; and
- (b) that edition of the work is in English and substantially the same in content as the edition that was published under the licence.

(7) Any copies of the reproduction of a particular edition of a work already made before the licence therefor terminates under this section may continue to be distributed until the stock of copies is exhausted.

Audio-visual

5. (1) Subject to the like conditions as provided in this Schedule, the Minister may grant a licence

- (a) to reproduce in audio-visual form a lawfully made audio-visual work, including any protected works incorporated in it, if the audio-visual work was prepared and published for the sole purpose of being used in connection with systematic instructional activities; and
- (b) to translate into English any text incorporated in the audio-visual work described in sub-paragraph (a).

Application

6. (1) Section 28 and this Schedule apply to works whose country of origin is the country, or any other country, whose name, with reference to this Schedule, is indicated in an order made by the Minister.

(2) The Minister may, by order, discontinue the application of section 28 and this Schedule.

Correspondence

Letter from India

Upendra BAXI *

Calendar

WIPO Meetings

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

1983

- 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 of the Executive Committee of the Berne Union, of the Intergovernmental Copyright Committee and of the Intergovernmental Committee of the Rome Convention, on Cable Television (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)

1984

- February 27 to March 24 (Geneva) — Revision of the Paris Convention — Diplomatic Conference

UPOV Meetings

1983

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

April 28 (Geneva) — Consultative Committee

May 17 to 19 (Cambridge) — Technical Working Party on Automation and Computer Programs

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

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

September 20 to 23 (Rome) — Subgroup and Technical Working Party for Fruit Crops

September 27 to 29 (Contbey) — 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

Non-Governmental Organizations

1983

Council of the Professional Photographers of Europe (EUROPHOT)

Congress — October 6 to 13 (Munich)

Federación Latinoamericana de Artistas Intérpretes y Ejecutantes (FLAIE)

Congress — May 26 to 28 (Buenos Aires)

International Confederation of Free Trade Unions (ICFTU)

Congress — June 23 to 30 (Oslo)

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)

1984

International Council on Archives (ICA)

Congress — September 17 to 21 (Bonn)

International Publishers Association (IPA)

Congress — March 11 to 16 (Mexico)

