

Published monthly
Annual subscription:
fr.s. 125.—
Each monthly issue:
fr.s. 12.—

Copyright

19th year - No. 5
May 1983

Monthly Review of the
World Intellectual Property Organization (WIPO)

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World Intellectual Property Organization

WIPO Worldwide Forum on the Piracy of Broadcasts and of the Printed Word

(Geneva, March 16 to 18, 1983)

Note

The WIPO Worldwide Forum on the Piracy of Broadcasts and of the Printed Word was held at the headquarters of WIPO in Geneva from March 16 to 18, 1983.

The objective of the Forum was to make public opinion and the competent governmental authorities aware of the extent of commercial piracy — that is to say, the unauthorized recording of broadcasts and the unauthorized copying of books and other printed publications, and the sale of such unauthorized recordings and copies — and its harmful effects on the creators, performers, broadcasters and publishers whose rights are pirated, as well as on the consumers. Particular emphasis was laid on the measures existing or desirable to combat piracy.

The 180 participants in the Forum were delegates of States, specially invited experts from developing and developed countries, representatives of interested private circles and international organizations, and members of the public. They came from 65 States and from all regions of the world, making the Forum truly worldwide.

The discussions, which lasted for the full three days allotted, were presided over by the Director General of WIPO, Dr. Arpad Bogsch, and by Mrs. Kapila Vatsyayan, Additional Secretary, Ministry of Education and Culture, India.

The discussions concentrated on three main topics: the nature, extent and effects of commercial piracy, the relevant laws and international treaties, and the enforcement of antipiracy measures from the viewpoints of the authors, performers, broadcasters, publishers and the law enforcement authorities.

The Forum provided an opportunity for the participants to hear and discuss statements of high quality and considerable interest. The size of the market, the legal measures available and the practices of commercial piracy were examined in detail.

A list of the delegates of States, of the specialists invited in a personal capacity and speakers, and of other participants, is given below. The majority of the

statements prepared in advance were reproduced and distributed as working papers of the Forum. A brochure containing the texts of the various papers will be compiled by the International Bureau of WIPO and published in due course.

At the close of their discussions, the participants unanimously adopted the resolution reproduced below. This resolution will be brought to the attention of the WIPO Conference and of the Assembly of the Berne Union at their sessions in September 1983.

Resolution

Representatives of governments, representatives of international and national organizations of authors and users of authors' works, broadcasters and publishers, and specialists, coming from developing and industrialized countries of different social and economic systems, participants in the WIPO Worldwide Forum on the Piracy of Broadcasts and of the Printed Word, held in Geneva from March 16 to 18, 1983;

Having heard some 40 prepared statements and an equal number of interventions in the course of a general debate;

Found the holding of the Forum useful, and *commend* WIPO on having taken the initiative of organizing it;

Express their concern over the spreading of the piracy, on a commercial level, of broadcasts and the printed word, facilitated by new technological developments whose impact on copyright is frequently not clearly defined in laws and practice;

Consider that the search for measures for combating piracy more efficiently should continue;

Consider that these measures should comprise the provision of more effective sanctions, particularly penal sanctions, in the legislations, adherence to appropriate international conventions, a more effective cooperation between those whose rights are endangered and the law enforcement authorities, as well as a continuing search for simplifying the methods of obtaining the necessary authorizations from the holders of the rights at a reason-

able price, particularly as far as the use of foreign books and broadcasts in developing countries is concerned;

Ask WIPO to continue its work of making governments and the general public aware of the harmful effects of piracy on creativity and cultural progress;

Recommend that the Director General of WIPO bring this resolution to the attention of the Conference of WIPO and the Assembly of the Berne Union for the Protection of Literary and Artistic Works, with a view to the possible adoption of recommendations at the official level.

List of Participants

I. States

Algeria / Algérie

M. Salah ABADA, Directeur général, Office national du droit d'auteur, Alger

M. Messaoud MATI, Conseiller, Mission permanente d'Algérie, Genève

Austria / Autriche

Mr. Ferdinand TRAUTTMANSDORFF, Second Secretary, Permanent Mission of Austria, Geneva

Mrs. Elfriede Susanne HUFNAGL, Austrian Broadcasting Corporation, Vienna

Cape Verde / Cap-Vert

Mlle Sara BOAL, Technicien supérieur, Cabinet d'études, législation et documentation, Ministère de la justice, Praia

Chile / Chili

Sr. Pedro BARROS, Primer Secretario, Misión permanente de Chile, Ginebra

Colombia / Colombie

Sra. Bessie ALVAREZ, Primer Secretario, Misión permanente de Colombia, Ginebra

Congo

M. Dominique GANGA-BIDIE, Directeur, Patrimoine historique, Propriété littéraire et artistique, Ministère de la culture, des arts et de la recherche scientifique, Brazzaville

Ecuador / Equateur

Sr. Marco SAMANIEGO, Segundo Secretario, Misión permanente del Ecuador, Ginebra

Egypt / Egypte

Mr. Mohamed DAGHASH, Counsellor, Permanent Mission of Egypt, Geneva

El Salvador

S.E. Sr. José Luis LOVO CASTELAR, Embajador, Representante permanente, Misión permanente de El Salvador, Ginebra

Sr. Carlos Alfonso BARAHONA RIVAS, Secretario, Misión permanente de El Salvador, Ginebra

Finland / Finlande

Mr. Jukka LIEDES, Special Adviser, Ministry of Education, Helsinki

Mrs. Paivi LIEDES, Secretary General, Union of Finnish Writers, Helsinki

Mr. Karl A. M. ANDERZEN, Legal Director, Finnish Broadcasting Company, Helsinki

Mr. Pekka KALLIO, Managing Director, Finnish Composers International Copyright Bureau, Helsinki

France

M. Claude Alphonse LEDUC, Président, Chambre syndicale des éditeurs de musique de France, Paris

Gabon

M. Jérôme OBOUNOU MBOGO, Conseiller, Affaires économiques, Mission permanente du Gabon, Genève

German Democratic Republic / République démocratique allemande

Mr. Bruno HAID, Director, Copyright Information Centre, Berlin

Honduras

S.E. Sr. Ivan ROMERO, Embajador, Representante permanente, Misión permanente de Honduras, Ginebra

Sr. Jochem Manfred RITTER ARITA, Consejero, Misión permanente de Honduras, Ginebra

Srta. Adriana ARIZA, Segundo Secretario, Misión permanente de Honduras, Ginebra

Hungary / Hongrie

Mr. Mihály FICSOR, Director General, Bureau for the Protection of Authors' Rights, Budapest

India / Inde

Mrs. Kapila VATSYAYAN, Additional Secretary, Ministry of Education and Culture, New Delhi

Mr. S. RAMAIAH, Additional Secretary, Ministry of Law, Justice and Company Affairs, New Delhi

Mr. J. K. BHATTACHARYA, Joint Secretary, Ministry of Information and Broadcasting, New Delhi

Mrs. Lakshmi PURI, First Secretary, Permanent Mission of India, Geneva

Indonesia / Indonésie

Mr. Supjan SURADIMADJA, Director of Patent and Copyright, Department of Justice, Jakarta

Ireland / Irlande

Mr. M. J. QUINN, Controller of Patents and Designs, Patent Office, Dublin

Israel

Mr. Michael M. SHATON, Counsellor (Economic Affairs), Permanent Mission of Israel, Geneva

Mr. Avner MANUSEVITZ, Member of Central Committee, Bar Association, Tel-Aviv

Italy / Italie

M. Geraldo AVERSA, Directeur, Division des relations internationales, Bureau de la propriété littéraire, artistique et scientifique, Présidence du Conseil des Ministres, Rome

M. Mario FABIANI, Expert, Ministère des affaires étrangères, Rome

Japan / Japon

Mr. Koichi SAKAMOTO, First Secretary, Permanent Mission of Japan, Geneva

Kenya

Mr. Joseph Nguthiru KING'ARUI, Registrar General, Registrar General's Department, Nairobi

Kuwait / Koweït

Mrs. Sheikha AL NUSF, Manager, Classification Control, Ministry of Information, Kuwait

Mrs. Suhaila ABDULAH ALI, Legal Adviser, Ministry of Information, Kuwait

Luxembourg

M. Eugène EMRINGER, Premier Conseiller de Gouvernement honoraire, Luxembourg

Madagascar

M. Solofo RABEARIVELO, Premier Conseiller, Mission permanente de Madagascar, Genève

Mexico / Mexique

Sr. Francisco CRUZ GONZALEZ, Consejero, Misión permanente de México, Ginebra

Srta. María Angélica ARCE, Tercer Secretario, Misión permanente de México, Ginebra

Monaco

M. Rainier IMPERTI, Chargé de mission, Département des finances et de l'économie, Monaco

Morocco / Maroc

M. Mohammed MOULINE, Chef, Division de la presse et information, Ministère de l'information, Rabat

M. Mohamed ELOUFIR, Secrétaire général, Bureau marocain du droit d'auteur, Rabat

M. Mustafa HALFAOUI, Deuxième secrétaire, Mission permanente du Maroc, Genève

Netherlands / Pays-Bas

Mrs. Maryke REINSMA, Legal Adviser, Ministry of Justice, The Hague

New Zealand / Nouvelle-Zélande

Mr. B. T. LINEHAM, Deputy Permanent Representative, Permanent Mission of New Zealand, Geneva

Mr. John EADE, Second Secretary, Permanent Mission of New Zealand, Geneva

Norway / Norvège

Mr. Jens SUNDE, Senior Executive Officer, Royal Ministry of Cultural and Scientific Affairs, Oslo

Oman

Mr. Abdullah AL-MASHOOR, Director of External Information, Ministry of Information, Muscat

Philippines

Mr. Luis OPLE, Attaché, Permanent Mission of the Philippines, Geneva

Portugal

M. Antonio Maria PEREIRA, Consultant auprès du Ministère de la culture, Lisbonne

Republic of Korea / République de Corée

Mr. Jae-Uk CHAE, Attaché, Commercial Affairs, Permanent Mission of the Republic of Korea, Geneva

Saudi Arabia / Arabie saoudite

Mr. Mussfer AL-MUSSFER, Director General of Publications, Ministry of Information, Riyadh

Spain / Espagne

St. Germán PORRAS, Subdirector General del Libro, Ministerio de Cultura, Madrid

Sudan / Soudan

Mr. Yousif Mohamed ISMAIL, Counsellor, Permanent Mission of Sudan, Geneva

Mr. Mohamed Salah El Din ABBAS, First Secretary, Permanent Mission of Sudan, Geneva

Sweden / Suède

Mr. A. Henry OLSSON, Legal Adviser, Ministry of Justice, Stockholm

Switzerland / Suisse

M. Jean-Louis MARRO, Vice-directeur, Office fédéral de la propriété intellectuelle, Berne

M. Roland GROSSENBACHER, Chef, Section du droit d'auteur, Office fédéral de la propriété intellectuelle, Berne

Thailand / Thaïlande

Miss Chamnian VEERASA, First Secretary, Permanent Mission of Thailand, Geneva

Trinidad and Tobago / Trinité-et-Tobago

Mr. Harold ROBERTSON, First Secretary, Permanent Mission of Trinidad and Tobago, Geneva

Tunisia / Tunisie

M. Abdelmagid BEN JEDDOU, Président, Société des auteurs et compositeurs de Tunisie (SODACT), Tunis

M. Mohamed Ali CHARFI, Secrétaire général, Société des auteurs et compositeurs de Tunisie (SODACT), Tunis

M. Mohamed BEN SLAMA, Inspecteur général, Affaires culturelles, Ministère des affaires culturelles, Tunis

M. Hassen KHALSI, Membre du conseil d'administration, Société des auteurs et compositeurs de Tunisie (SODACT), Tunis

Turkey / Turquie

Mr. Ertugrul APAKAN, Counsellor, Permanent Mission of Turkey, Geneva

Mr. Nebi Yasa TURANTAN, Legal Consultant, Ministry of Culture and Tourism, Ankara

United Kingdom / Royaume-Uni

Mr. Derrick F. CARTER, Superintending Examiner, Industrial Property and Copyright Department, Department of Trade, London

Venezuela

- Sr. Hugo SUAREZ, Primer Secretario, Misión permanente de Venezuela, Ginebra
- Sr. Gustavo VAZQUEZ NUÑEZ, Gerente Ejecutivo, Sociedad de Autores y Compositores de Venezuela, Caracas
- Sr. Ricardo ANTEQUERA PARILLI, Consultor Jurídico, Sociedad de Autores y Compositores de Venezuela, Caracas

II. Specialists Invited in Their Personal Capacity

- M. Salah ABADA, Directeur général, Office national du droit d'auteur (ONDA), Alger, Algérie
- M. Maniragaba BALIBUTSA, Directeur général, Ministère de l'enseignement supérieur et de la recherche scientifique, Kigali, Rwanda
- Sr. Victor BLANCO LABRA, Director Jurídico de Asuntos Autorales y de Propiedad Industrial de TELEvisa y Asesor Jurídico en materia de Derechos de Autor de la Cámara de Radio y Televisión de México, CIRT, México D.F., México
- Mr. Clive BRADLEY, Chief Executive, The Publishers Association, London, United Kingdom
- Mr. José Carlos COSTA NETTO, President, National Council of Copyright, Brasilia, Brazil
- Mr. Robert H. CRAVEN, Chairman, International Copyright Protection Committee, International Division, Association of American Publishers, Philadelphia, Pennsylvania, United States of America
- Mr. Mihály FICSOR, Director General, Hungarian Bureau for the Protection of Authors' Rights (ARTISJUS), Budapest, Hungary
- Mr. Seog Wan GIM, Secretary General, Korea Music Copyright Association, Seoul, Republic of Korea
- Mr. Fumio HARADA, Assistant Manager, Copyright Division, Nippon Hoso Kyokai (NHK), Tokyo, Japan
- Mr. Mohammad Abu HASSAN, Attorney, Amman, Jordan
- Sr. William C. HEADRICK, Abogado, Santo Domingo, República Dominicana
- Mr. Walter J. JOSIAH Jr., Executive Vice President, Motion Picture Association of America Incorporated, New York, United States of America
- Mr. Ahmad KABESH, President, Central Agency for University and School Books and Educational Aids, Cairo, Egypt
- Mr. Joseph Nguthiru KING'ARUI, Registrar General, Registrar General's Department, Nairobi, Kenya
- Mr. Guenrikh KOLOKOLOV, Director, International Relations Department, The Copyright Agency of the USSR (VAAP), Moscow, Soviet Union
- Mr. von LUCIUS, Gustav Fischer Verlag, Stuttgart, Federal Republic of Germany
- Mr. Indu Chuda MENON, Director of Programme Services, Asia-Pacific Broadcasting Union (ABU), Kuala Lumpur, Malaysia
- M. Samuel NELLE, Directeur, Société camerounaise du droit d'auteur (SOCADRA), Douala, Cameroun
- Mr. Edmund B. ODOI ANIM, Copyright Administrator, Ministry of Information, Accra, Ghana

- Mr. A. Henry OLSSON, Legal Adviser, Ministry of Justice, Stockholm, Sweden
- Mr. Abdur RAZZAQ, Registrar of Copyrights, Karachi, Pakistan
- Mr. Louie O. REYES, President, Book Development Association of the Philippines, New Manila, Quezon City, Philippines
- M. Mamadou SECK, Président, Directeur général des « Nouvelles éditions africaines », Dakar, Sénégal
- Mr. Wing-Yiu SUEN, Divisional Commander, Copyright Division, Customs and Excise Department, Hong Kong
- Mr. Supjan SURADIMADJA, Director of Patent and Copyright, Department of Justice, Jakarta, Indonesia
- Mr. Thomas TAVARES-FINSON, Senator, Chairman, Copyright Committee, Office of the Prime Minister, Kingston, Jamaica
- Mr. Akin THOMAS, President, Nigerian Publishers Association, Ibadan, Nigeria
- M. Ulrich UCHTENHAGEN, Directeur, Société suisse pour les droits des auteurs d'œuvres musicales (SUISA), Zurich, Suisse
- Mrs. Kapila VATSYAYAN, Additional Secretary, Ministry of Education and Culture, New Delhi, India

III. Speakers Designated by Invited Organizations

International Confederation of Societies of Authors and Composers (CISAC) / Confédération internationale des sociétés d'auteurs et compositeurs

- Mr. Denis de FREITAS, Chairman, British Copyright Council, London
- M. Jean-Alexis ZIEGLER, Secrétaire général, Paris

International Criminal Police Organization (INTERPOL) / Organisation internationale de police criminelle

- Mr. William WOODING, Specialized Officer, General Secretariat, Paris

International Publishers Association (IPA) / Union internationale des éditeurs (UIE)

- Mr. Jean Alexis KOUTCHOUMOW, Secretary General, Geneva

European Broadcasting Union (EBU) / Union européenne de radiodiffusion (UER)

- Mr. Bernard A. JENNINGS, Legal Adviser, British Broadcasting Corporation, BBC, London
- Mlle Geneviève DELAUME, Chef du service des affaires générales, Radio France, Paris
- Mr. Bauke GEERSING, Legal Adviser/Director, Legal Department, Nederlandse Omroep Stichting (NOS), Hilversum
- M. E. SANTORO, Avocat, Radiotelevisione Italiana, RAI, Rome
- Mr. Ulf PEYRON, Legal Adviser, Swedish Television, Stockholm

Customs Co-Operation Council (CCD) / Conseil de coopération douanière

- Mr. Theodore LYIMO, Senior Technical Officer, Brussels

IV. Intergovernmental Organizations

United Nations / Nations Unies

Mr. Yasuhiko YOSHIDA, Division of Economic and Social Information, Department of Public Information, Geneva

United Nations Conference on Trade and Development (UNCTAD) / Conférence des Nations Unies sur le commerce et le développement (CNUCED)

Mr. Rajan S. DHANJEE, Associate Economic Affairs Officer, Geneva

United Nations Educational, Scientific and Cultural Organization (UNESCO) / Organisation des Nations Unies pour l'éducation, la science et la culture

M. Abderrahmane AMRI, Division du droit d'auteur, Paris

Arab Educational, Cultural and Scientific Organization (ALECSO) / Organisation arabe pour l'éducation, la culture et la science

Mr. Ahmed DERRADJI, Permanent Delegate to Unesco, Paris

Arab States Broadcasting Union (ASBU) / Union des radio-diffusions des Etats arabes

M. Abdallah CHAKROUN, Secrétaire général, Tunis

Commission of the European Communities (CEC) / Commission des communautés européennes (CCE)

M. Bernhard POSNER, Administrateur principal, Direction générale du marché intérieur et des affaires industrielles, Bruxelles

Council of Europe (CE) / Conseil de l'Europe

M. Frits HONDIUS, Directeur adjoint aux Droits de l'Homme, Strasbourg

V. International Non-Governmental Organizations

Council of the Professional Photographers of Europe (EUROPHOT) / Association européenne des photographes professionnels

M. Victor COUCKE, Secrétaire général, Anvers

European Broadcasting Union (EBU) / Union européenne de radiodiffusion (UER)

M. B. A. JENNINGS, Legal Adviser, British Broadcasting Corporation, BBC, London

Mlle Geneviève DELAUME, Chef du service affaires générales, Radio France, Paris

M. E. SANTORO, Avocat, Radiotelevisione Italiana, RAI, Rome

M. Bauke GEERSING, Directeur, Département juridique, Nederlandse Omroep Stichting (NOS), Hilversum

Mr. Ulf PEYRON, Legal Adviser, Swedish Television, Stockholm

M. Werner RUMPHORST, Assistant du Directeur, Département des affaires juridiques, Genève

Mme Madeleine LARRUE, Assistante du Directeur, Département des affaires juridiques, Genève

International Association of Conference Interpreters (AIIC) / Association internationale des interprètes de conférence

Mme Anne CHAVES, Secrétariat régional, Suisse

M. Basile YAKOVLEV, Genève

International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM) / Bureau international des sociétés gérant les droits d'enregistrement et de reproduction mécanique

M. Jean-Alexis ZIEGLER, Secrétaire général, CISAC, Paris

International Confederation of Societies of Authors and Composers (CISAC) / Confédération internationale des sociétés d'auteurs et compositeurs

Mr. Denis de FREITAS, Chairman, British Copyright Council, London

M. Jean-Alexis ZIEGLER, Secrétaire général, Paris

International Copyright Society (INTERGU) / Société internationale pour le droit d'auteur

Mr. Gaston HALLA, General Secretary, Munich

International Federation of Actors / Fédération internationale des acteurs (FIA)

Mr. Gerald CROASDELL, General Secretary, London

International Federation of Journalists (IFJ) / Fédération internationale des journalistes (FIJ)

Mr. Stein Ove GRONSUND, Institutt for Journalistikk, Fredrikstad

International Federation of Associations of Film Distributors (FIAD) / Fédération internationale des associations de distributeurs de films

M. Gilbert GREGOIRE, Président adjoint, Paris

International Federation of Film Producers Associations (FIAPF) / Fédération internationale des associations de producteurs de films

M. Alphonse BRISSON, Secrétaire général, Paris

Mr. Frederick GRONICH, Counsellor, Motion Picture Export Association, London

International Federation of Translators (FIT) / Fédération internationale des traducteurs

M. Ernest B. STEFFAN, Ancien membre du Conseil, Berne

International Federation of Phonogram and Videogram Producers (IFPI) / Fédération internationale des producteurs de phonogrammes et de vidéogrammes

Mr. Michael T. EDWARDS, Coordinator, Anti-Piracy Activities, London

Mr. Edward THOMPSON, Permanent Representative of IFPI, Geneva

International Group of Scientific, Technical and Medical Publishers (STM) / Groupement international des éditeurs scientifiques, techniques et médicaux

Mr. Paul NIJHOFF ASSER, Secretary, Amsterdam

International Publishers Association (IPA) / Union internationale des éditeurs (UIE)

Mr. Jean Alexis KOUTCHOUMOW, Secretary General, Geneva

Mr. Malcolm L. ROWLAND, Deputy Director, International Division, The Publishers Association, London

International Union of Cinemas (UNIC) / Union internationale des cinémas

Mr. Josef HANDL, Legal Adviser, Vienna

VI. Other Non-Governmental Organizations

Association suisse des traducteurs et interprètes

M. Ernest B. STEFFAN, Berne

Federación de Gremios de Editores de España

Mr. Andrew TEIXIDOR DE VENTOS, Intellectual Property, Madrid

Motion Picture Association of America Incorporated (MPAA)

Mr. Walter J. JOSIAH, Jr., Executive Vice President, New York

Mr. William NIX, Vice-President and Deputy General Attorney, New York

Mrs. Elizabeth GREENSPAN, European Anti-Piracy Counsel, London

Nederlandse Omroep Stichting (NOS)

Mr. Bauke GEERSING, Legal Adviser/Director, Legal Department, Hilversum

Radiotelevisión Española

Sr. Rafael MARTINEZ DEL PERAL, Jefe del Gabinete Técnico, Dirección de Relaciones Internacionales, Madrid

Sr. Jews GARCIA GOMEZ, Gabinete Secretaría General, Madrid

Sociedad de Autores y Compositores de Venezuela (SACVEN)

Sr. Gustavo VASQUEZ NUÑEZ, Director, Gerente y Consultor jurídico, Caracas

Société anonyme hellénique pour la protection de la propriété intellectuelle (AEPI)

M. Pierre XANTHOPOULOS, Conseiller juridique, Athènes

Sociedad General de Autores de España

Sr. José María SEGOVIA GALINDO, Secretario General, Madrid

Swiss Society for Authors' Rights in Musical Works (SUISA) / Société suisse pour les droits des auteurs d'œuvres musicales

M. Ulrich UCHTENHAGEN, Directeur, Zurich

M. Patrick MASOUYÉ, Secrétaire de Direction, Zurich

Mme Gudrun STEIGER-HERMS, Service juridique, Zurich

Teleindustrier AB, Sweden

Mr. Olle ANDERSSON, Factory Manager and Project Leader, Sundsvall

Mr. Bo LÖFBERG, Inventor and Film Producer, Sundsvall

VII. International Bureau of WIPO

Dr. Arpad BOGSCH, Director General

Mr. Claude MASOUYÉ, Director, Public Information and Copyright Department

Mr. Shahid ALIKHAN, Director, Developing Countries Division (Copyright)

Mr. Roger HARBEN, Director, Public Information Division

Berne Union

BARBADOS

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

The Government of Barbados deposited, on March 16, 1983, its instrument of accession to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971.

The Paris Act of the Convention will enter into force, with respect to Barbados, three months after the date of this notification, that is, on July 30, 1983.

Berne Notification No. 106, of April 30, 1983.

CYPRUS

Ratification of the Paris Act (1971) of the Berne Convention

The Government of the Republic of Cyprus deposited, on April 22, 1983, its instrument of ratification of the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971.

The said instrument of ratification contains the declaration that the Government of the Republic of Cyprus intends to substitute, in accordance with Article V(1) (a) (ii) of the Appendix, for Article 8 of

the said Berne Convention as revised, concerning the right of translation, the provisions of Article 5 of the Berne Convention of September 9, 1886, as completed at Paris on May 4, 1896.

The Paris Act of the Convention will enter into force, with respect to the Republic of Cyprus, three months after the date of this notification, that is, on July 27, 1983.

Berne Notification No. 105 of April 27, 1983.

Conventions Administered by WIPO**Convention for the Protection of Producers of Phonograms
Against Unauthorized Duplication of Their Phonograms**

BARBADOS

Accession

The Director General of the World Intellectual Property Organization (WIPO) has informed the Governments of the States invited to the Diplomatic Conference on the Protection of Phonograms * that, according to the notification received from the Secretary-General of the United Nations, the Government of Barbados deposited, on March 23, 1983, its instrument of accession to the Convention for the Protec-

tion of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms.

The Convention will enter into force, with respect to Barbados, three months after the date of the notification given by the Director General of WIPO, that is, on July 29, 1983.

* Phonograms Notification No. 42, of April 29, 1983.

Nairobi Treaty on the Protection of the Olympic Symbol

TUNISIA

Ratification

The Government of the Republic of Tunisia deposited, on April 21, 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 enters into force, with respect to Tunisia, on May 21, 1983.

Nairobi Notification No. 10, of April 22, 1983.

National Legislation

HUNGARY

Decree of the Minister for Culture

amending Decree No. 9, of December 29, 1969, implementing Copyright Act No. III of 1969

(No. 15, of November 20, 1982) *

1. The following Article 14A shall be inserted into Decree No. 9, of December 29, 1969, as amended by Decree No. 4, of December 7, 1978, implementing the Copyright Act (hereinafter referred to as "the Implementing Decree"):

"Article 14A. (1) With regard to reproduction for private use, the authors of works broadcast by radio or television or published as visual or sound recordings shall also be entitled to special remuneration according to the rules laid down by the Bureau for the Protection of Authors' Rights and approved by the Minister for Culture. The performers and the producers of sound recordings shall also receive a share of the amounts thus paid.

(2) The person who initially puts into circulation in the country blank mediums suitable for making sound or visual reproductions shall be required to remit 8 percent of the returns on sales — in the case of domestic products, the manufacturer on the basis of the cost price, in the case of foreign products, the domestic distributor according to the relevant price regulations on the basis of the wholesale price — to the Bureau for the Protection of Authors' Rights in respect of the remuneration mentioned in paragraph (1). Transfer and accounts shall be due twice yearly, two months after the end of the calendar half-year.

(3) Payment of such remuneration shall not be required in respect of

- distribution for export purposes, and
- blank mediums for sound or visual recordings fitting only devices (such as studio

equipment, dictating machines) which, if utilized for their proper purpose, are not suitable for reproducing works for private use.

(4) Out of the amounts of the fees thus paid remaining after deduction of costs,

- in the case of sound mediums, 50 percent shall be due to the authors, 30 percent to the performers and 20 percent to the producers of phonograms,
- in the case of visual mediums, 70 percent shall be due to the authors and the other owners of copyright, and 30 percent to the performers.

(5) The performers' share of the fees shall be transferred by the Bureau for the Protection of Authors' Rights to the Federation of Art Workers' Unions. The Federation shall use the sum received — taking into account also the proposals of the art associations — for subsidy, welfare and collective purposes in respect of performers."

2. The following paragraphs (4) and (5) shall be added to Article 19 of the Implementing Decree:

"(4) Concerning the simultaneous communication to the public of works broadcast in radio or television programs by wire or in any other manner, made by an intermediary organization other than the original one, the author's consent and that of the radio or television organization shall be considered given if the organization communicating the work to the public has paid to the Bureau for the Protection of Authors' Rights the fee established with the approval of the Ministry of Culture. The performers shall also receive a share of the amounts thus remitted.

* Published in *Magyar Közlöny*, of November 20, 1982, No. 70. — English translation provided by the Hungarian Bureau for the Protection of Authors' Rights (ARTISJUS) and revised by WIPO.

(5) After deduction of costs, 50 percent of the fees paid to the Bureau for the Protection of Authors' Rights according to the previous paragraph shall be due to the authors or the owners of copyright, 30 percent to the performers and 20 percent to the radio or television organization. The share due to the performers shall be employed as provided for in Article 14A(5)."

3. The enumeration contained in Article 20(2) of the Implementing Decree shall be amended as follows:

[The contracts referred to in paragraph (1) may be concluded through the intermediary of]

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"— the Hungarofilm enterprise or the economic organization vested with the right to carry on foreign trade activity, for the use of films;"

[and the construction bureaux for works of architecture.]

4. The present text of Article 39 of the Implementing Decree shall become paragraph (1), and the following paragraph (2) shall be added:

"(2) The fee due to the author for the public performance and for the reproduction by means of equipment designed for mechanical performance (e.g. sound recording, radio and television broadcasts, fixation of film and video background music) of musical works already made available to the public, for the sound recording of literary works already made available to the public and for the public performance of dramatic works shall be paid to the Bureau for the Protection of Authors' Rights."

5. This Decree shall come into effect on January 1, 1983.

General Studies

Legal Aspects of the Phonogram in Latin America

Miguel Angel EMERY *

Correspondence

Letter from Colombia

The New Colombian Law on Copyright

Arcadio PLAZAS *

Conventions Not Administered by WIPO

Additional Protocol to the Protocol to the European Agreement on the Protection of Television Broadcasts

The member States of the Council of Europe, signatory hereto,

Having regard to the European Agreement on the protection of television broadcasts of 22 June 1960, hereinafter called "the Agreement", as modified by the Protocol of 22 January 1965 and the Additional Protocol of 14 January 1974;¹

Having regard to the fact that the date given in Article 13, paragraph 2, of the Agreement was extended by the said Additional Protocol of 14 January 1974;

Considering the desirability of further extending this date for the benefit of States which are not yet Parties to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, signed in Rome on 26 October 1961.

Have agreed as follows:

Article 1

Paragraph 2 of Article 13 of the Agreement, as last modified by Article 1 of the Additional Protocol of 14 January 1974, is replaced by the following text:

"2. Nevertheless, as from 1 January 1990, no State may remain or become a Party to this Agreement unless it is also a Party to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations signed in Rome on 26 October 1961."

Article 2

1. This Additional Protocol shall be open for signature by member States of the Council of Europe which have signed or acceded to the Agreement, which may become Parties to this Additional Protocol by:

- a. signature without reservation as to ratification, acceptance or approval, or
- b. signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2. Any State not a member of the Council which has acceded to the Agreement may also accede to this Additional Protocol.

3. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary General of the Council of Europe.

Article 3

This Additional Protocol shall enter into force on the first day of the month following the date on which all the Parties to the Agreement have become Parties to this Additional Protocol in accordance with the provisions of Article 2.

Article 4

From the date of entry into force of this Additional Protocol, no State may become a Party to the Agreement without at the same time becoming a Party to this Additional Protocol.

Article 5

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, any State which has acceded to the Agreement and the Director General of the World Intellectual Property Organisation of:

- a. any signature of this Additional Protocol;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. the date of entry into force of this Additional Protocol, in accordance with Article 3.

¹ See *Le Droit d'Auteur*, 1960, p. 201; *Copyright*, 1965, p. 55, and 1974, p. 110.

In witness whereof the undersigned, being duly authorised thereto, have signed this Additional Protocol.²

² The Secretary General of the Council of Europe has notified the Director General of WIPO that this Additional Protocol was signed on March 21, 1983, by Denmark and Sweden, without reservation as to ratification, acceptance or approval, and by Belgium and Greece, subject to ratification, acceptance or approval.

Done at Strasbourg, this 21st day of March 1983, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to any State invited to accede to the Agreement and to the Director General of the World Intellectual Property Organisation.

Book Reviews

Urheberrecht. Textbook edited by *Heinz Püschel* and written by *I. Barthel, A. Glücksmann, W. John, G. Münzer, H. Püschel, H. J. Sauerstein, F. Staat, A. A. Wandtke* and *D. Wendt*. One volume of 212 pages. Staatsverlag der Deutschen Demokratischen Republik, Berlin, 1980.

This comprehensive manual on both copyright and neighboring rights is a textbook for education in the universities and high schools of the German Democratic Republic. As a source of information, it can be useful not only to students, but also to lawyers interested in various philosophical and practical aspects of socialist copyright law as codified, interpreted and implemented in the German Democratic Republic.

The book comprises the following 10 chapters: development and basic positions of socialist copyright; the work and its author; objectives, rights and obligations of cultural institutions using authors' works; rights and obligations of authors; free use and statutory licensing; succession following the death of the author; duration of protection; legal relations concerning the use of the work in the society; relations under the law of rights in "productions" (*Leistungsschutzrechte*, including the rights generally referred to as neighboring rights, but also rights in maps, sketches for technical purposes, etc.); the protection of rights; international copyright.

Copyright is dealt with by the authors in the context of the entire legal system of the GDR, by considering the relevant provisions not only of the Constitution but also of the Civil Code 1975, the Law on Civil Procedure of the same year and the Labor Law 1977, in particular. The Copyright Act of September 13, 1965, of the GDR is reproduced in annex. The book offers insight in relevant case law as well.

Corresponding to the principle, derived from the Constitution of the country, that copyright should promote both creation and dissemination of literary, artistic and scientific works needed by the socialist society, relations between authors and cultural institutions disseminating their

works are considered as a fundamental social affair governed by the copyright law.

Special didactic value of the book consists in interpreting, also by means of ample reference to proper examples, notions of copyright not defined by the law; this proves to be useful even concerning basic terms such as work, plagiarism, public or private use, basic kinds of restricted acts. It is to be regretted that the authors did not touch upon some topical problems raised by technological development, as e.g. the protection of computer software, or the impact on copyright and neighboring rights of distribution by cable.

The part devoted to various forms of the use of authors' works represents more than one-third of the book. Besides various kinds of contracts for the use of works concluded between authors or their successors and a cultural institution, all aspects of both the legal bases and the practice of the collective administration of musical performing and mechanical rights in the GDR have been dealt with. The detailed portion on the protection of the interests of employee authors deserves special attention.

As regards international copyright, the book introduces briefly into the substance of the major international copyright conventions, and the bilateral agreement the GDR signed with the Soviet Union in 1973 and which still applies to their copyright relations parallel with the Universal Copyright Convention. As to the Berne Convention, reference to its Paris Act has been made throughout the book, and various provisions of the Copyright Act of the GDR (e.g. those concerning reproduction under statutory license for purposes of documentation) have been interpreted in the light of relevant articles of that Act.

Information is available also on the role of state organizations competent in copyright matters, such as the *Büro für Urheberrechte* [Bureau for Authors' Rights] as regards conclusion of contracts across the frontier, or the Copyright Information Center of the GDR, concerning relevant assistance given by the GDR to developing countries.

G.B.

Internationales Urheberrecht, by *Heinz Püschel*. One volume of 155 pages. Staatsverlag der Deutschen Demokratischen Republik, Berlin, 1982.

Two years after the publication in 1980 of a textbook on copyright, edited by him, Professor Heinz Püschel published a compendium on international copyright, for students of universities as well as practitioners in the field of the international use of authors' works. The book also covers questions of international protection of the rights of performers, producers of phonograms and broadcasting organizations, notwithstanding the fact that the German Democratic Republic has not so far adhered to any international convention for the protection of neighboring rights.

As an introduction into the manifold subject, the author elaborates the basic principles of contemporary protection of copyright at the international level with special regard to the copyright relationship of socialist countries, based on the requirement of cultural and scientific cooperation among them. In this context he offers a detailed analysis of the bilateral agreement in force between the German Democratic Republic and the Soviet Union since 1974. Attention should be paid to special features of that agreement, such as the provisions on complementary application, besides the requirement of national treatment, of the principle of material reciprocity, or the regulation of the payment of authors' fees under the agreement and, last but not least, its relation to the Universal Copyright Convention. With regard to the implementation of the said agreement, the book also contains information on the activities of the Soviet Union's Copyright Agency (VAAP).

The introduction is followed by a survey of the history of the multilateral conventions for the protection of authors' rights, and the Convention Establishing the World Intellectual Property Organization, to which the German

Democratic Republic has been a party from the beginning. The historical survey also comprises a report on the international adoption of special faculties open to developing countries, and concludes by surveying the coming into existence of the various neighboring rights' conventions; special attention is focused on the Satellites Convention (1974).

The trunk of the compendium is a concise but comprehensive commentary on the provisions of both the Berne and Universal Copyright Conventions, including substantive and administrative rules alike. Special merit of the author consists in informing about the practical implementation of those conventions, both at the international level (e.g. as regards cooperation between WIPO and Unesco, or convening of various groups of specialists) and in the German Democratic Republic. Often also comparative aspects are involved (e.g. in connection with the collective administration of musical performing rights in different countries).

Finally, Püschel surveys the Rome Convention on the protection of neighboring rights, analyzing also aspects of its implementation. In the framework of his commentary on the provisions concerning the producers of phonograms, he extends his attention, in a comparative manner, also to the Phonograms Convention.

The compendium comprises in annex relevant extracts from the Copyright Act of September 13, 1965, and the full German texts of the bilateral copyright agreement with the Soviet Union of November 21, 1973, the Paris Acts of the Berne and Universal Copyright Conventions, the Rome Convention 1961, the Phonograms Convention 1971, the Act of December 5, 1975, on the application of the law of the German Democratic Republic to international relations under civil, family and labor law and international economic conventions, and the Decree of the Minister for Culture on the protection of authors' rights by the *Büro für Urheberrechte* [Bureau for Authors' Rights] of February 7, 1966.

G.B.

Calendar

WIPO Meetings

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

1983

- 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

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 (Conthey) — 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)

International Confederation of Free Trade Unions (ICFTU)
Congress — June 23 to 30 (Oslo)

International Copyright Society (INTERGU)
Congress — October 31 to November 4 (Buenos Aires)

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)
Executive Committee — September 12 (Paris)

1984

International Council on Archives (ICA)
Congress — September 17 to 21 (Bonn)

International Publishers Association (IPA)
Congress — March 11 to 16 (Mexico)