

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

# Copyright

19<sup>th</sup> year - No. 6  
June 1983

Monthly Review of the  
World Intellectual Property Organization (WIPO)

---

## Contents

### WORLD INTELLECTUAL PROPERTY ORGANIZATION

- Regional Committee of Experts on Means of Implementation in Asia of Model Provisions on Intellectual Property Aspects of Protection of Expressions of Folklore (New Delhi, January 31 to February 2, 1983) . . . . . 195

### CONVENTIONS ADMINISTERED BY WIPO

- **Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite**  
**Morocco. Ratification of the Convention** . . . . . 200

### NATIONAL LEGISLATION

- **Congo. Law on Copyright and Neighboring Rights (No. 24/82 of July 7, 1982) (Articles 1 to 48)** . . . . . 201

### GENERAL STUDIES

- Reprography and Education (**Victor Nabhan**) . . . . . 207

### CORRESPONDENCE

- Letter from Greece (**Victor Th. Melas and Jean E. Georgacakis**) . . . . . 221

### INTERNATIONAL ACTIVITIES

- International Literary and Artistic Association (ALAI). 54<sup>th</sup> Congress (Aegean Sea, April 13 to 20, 1983) . . . . . 227

### BOOK REVIEWS

- Copyright Revision Studies (Consumer and Corporate Affairs Canada) . . . . . 229
- Copyright and Library Materials for the Handicapped (**Françoise Hébert and Wanda Noel**) . . . . . 229

- CALENDAR OF MEETINGS . . . . . 230

---

© WIPO 1983

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

ISSN 0010-8626

---



# World Intellectual Property Organization

## Regional Committee of Experts on Means of Implementation in Asia of Model Provisions on Intellectual Property Aspects of Protection of Expressions of Folklore

(New Delhi, January 31 to February 2, 1983)

### Report

prepared by the Secretariat and adopted by the Committee

#### I. Introduction

1. In pursuance of Resolution 5/01 adopted by the General Conference of Unesco at its twenty-first session (Belgrade, September-October 1980) and the decisions taken by the Governing Bodies of WIPO at their November 1981 sessions, the Directors General of Unesco and WIPO convened a Regional Committee of Experts on Means of Implementation in Asia of Model Provisions on Intellectual Property Aspects of Protection of Expressions of Folklore (hereinafter referred to as "the Committee") which met, at the invitation of the Government of India, in New Delhi from January 31 to February 2, 1983.

2. The purpose of the meeting was to consider the text of Model Provisions for National Laws on the Protection of Expressions of Folklore against illicit exploitation and other prejudicial actions, adopted by the Committee of Governmental Experts convened by the Directors General of Unesco and WIPO from June 28 to July 2, 1982, at Geneva, and to make suggestions on the possible means of implementation in Asia of the said text.

3. Experts from six countries of Asian and Pacific Region (Australia, India, Indonesia, Pakistan, Philippines and Thailand) participated in the meeting. The invited expert from Fiji regretted that at the last moment he was unable to attend. Four international non-governmental organizations, International Confederation of Societies of Authors and Composers (CISAC), International Copyright Society (INTERGU), International Federation of Phonogram and Videogram Producers (IFPI), International Literary and Artistic Association (ALAI), attended the meeting as observers.

4. The list of participants appears as annex to this Report.

#### II. Opening of the Meeting

5. On behalf of the Directors General of WIPO and Unesco, Mr. C. Masouyé, Director, Public Information and Copyright Department, WIPO, and Mr. E. Guerassimov, Legal Officer, Copyright Division, Unesco, respectively, welcomed the participants in the meeting.

#### III. Election of the Chairman

6. On the proposal of Dr. R. A. I. Bell, the expert from Australia, supported by Dr. S. D. Quiason, the expert from the Philippines, Dr. K. Vatsyayan, the expert from India, was unanimously elected Chairman of the Committee.

#### IV. General Discussion

7. The expert from Australia informed the Committee that the question of protection of Aboriginal folklore in his country had been under discussion since 1973. In December 1982 a Working Party consisting of representatives of a number of Government Departments in Canberra produced a report on the matter which investigates how Aboriginal artists and their work can be protected under Australian and international laws. The Working Party defined Aboriginal folklore as being the traditions, customs and beliefs of Aboriginals as expressed in their music, dance, craft, sculpture, painting, theater and litera-

ture. The Australian Working Party noted that commercial use of Aboriginal folklore was widespread and in many cases was done without the artist's consent or payment of royalties. It concluded that such use could cause great harm and distress to Aboriginal people particularly where their designs are used in the wrong way (e.g. display of sacred/secret designs). It also deprived the traditional owners of a financial return from the use of their folklore and could also be damaging to their culture and arts forms. The Working Party found that Australian copyright legislation did not adequately protect Aboriginal folklore and concluded that new legislation was required. It suggested that objectives for protection of Aboriginal folklore should be: (a) the provision of safeguards against certain uses of folklore offensive to Aboriginal people and their traditions; (b) encouragement of the use of Aboriginal folklore throughout the community in a way fair to Aboriginal people, including ensuring payment of fair compensation to traditional owners for the reproduction of works of Aboriginal folklore.

A position of Commissioner for Aboriginal folklore would be established by statute and the Commissioner would be chiefly responsible for administering the Scheme. This would include handling claims by traditional owners and assisting Aboriginal owners of copyright. He would have statutory powers and functions and would report regularly to an Aboriginal Folklore Board and the Minister. The Aboriginal Folklore Board would comprise five Aboriginal members desirably possessing a knowledge of Aboriginal customary law and art. The Board's general function would be to advise the Minister on the protection and promotion of Aboriginal folklore. In addition it would advise the Commissioner, on request, whether an item was an item of Aboriginal folklore; whether it was sacred/secret; whether it considered that a proposed use would result in debasement, destruction or mutilation; and who were the traditional owners or customary users of items of Aboriginal folklore.

The Act would regulate "uses" of Aboriginal folklore by banning certain described "uses" except where such a "use" was by a customary "user" exercising his customary rights. It would do so by creating offenses in regard to "uses" where they were offensive to traditional owners and customary "users." Thus, subject to certain defenses, the Scheme would prohibit the "use" of an Aboriginal folklore item which was sacred/secret according to Aboriginal custom. It would also be an offense to "use" an Aboriginal folklore item in a way that debased, destroyed or mutilated it.

An intending "user" could receive a clearance by applying to the Commissioner. If the clearance were granted, the Commissioner would state that in his opinion the proposed "use" would not be an offense

and this would be a defense to any subsequent prosecution.

Traditional owners would be entitled to submit a "claim" to the Commissioner regarding any prospective use for commercial purposes of an item of folklore which belonged to them by Aboriginal custom. The Commissioner, in determining claims, would have a wide range of powers including receiving remuneration for "uses" for distribution to owners and seeking injunctions to prevent prohibited "uses."

The Australian Government is considering the Report in developing measures to protect Aboriginal folklore. It is consulting the National Aboriginal Conference and wishes to get as many views as possible of Aboriginal people and others who have special interests in Aboriginal folklore.

8. The expert from Indonesia informed the Committee that in principle protection of folklore is granted under Article 10 of the new (1982) Indonesian Copyright Act but until now no implementation act has been adopted. General opinion in the country is that not all the expressions of folklore can be qualified as protected. But this question will be studied by a special commission. The latter will also consider whether copyright law provides for sufficient protection of the expressions of folklore and whether protection at the international level is desirable.

9. The expert from Thailand informed the Committee that her country is very rich in folklore which serves as a most vital factor in promoting better understanding within the society. Formerly it was used without any supervision and control, academic circles did not pay much attention to it. This situation has changed in recent years and different circles, including government officers, academicians and researchers, assigned increasingly greater importance to its role in the modern society. Preservation and safeguarding of the rich cultural endowment have become an important element of the national policy in the continuing efforts to perpetuate cultural and national identity. The technocrats and academicians in the cultural field became interested in exploring, gathering and synthesizing of information and data on folklore and their classification by the subject. Efforts were made to group all the existing subjects in major orderly headings following the pattern of the regional geographical division (e.g. "compilation of folklore of Southern Thailand," "collection of folklore of Larn Na Thai," etc.). Literature on folklore or the subjects relating to it are being included into the curriculum for high education level, including bachelor and master degrees. In certain major universities and many provincial colleges in high vocational education level, folklore is the major option for selection by students. Apart from that, administrative efforts

have been made towards the enhancement of support and promotion of the safeguarding of folklore. The Fine Arts Department has formulated a plan for preservation and promotion of musical arts and for preservation program for Thai entertainments and games. Currently it is seeking for an opportunity to integrate this plan into the Fifth Five-Year Economic and Social Development Plan. The Fine Arts Department hopes to finalize formality of a project to train ten Thai traditional crafts so that it becomes operational in the near future. Apart from that, Support Foundation with its aim to safeguard and promote the most valuable folk crafts in various parts of Thailand was established by Her Majesty the Queen. With regard to promotion of folklore, the Division of Cultural Relations in the Office for Cultural Affairs of the Ministry of Education has set up a provincial Cultural Center with divisional status within the framework of existing organizations such as Teacher Training Colleges. Its main aims are to collect and collate information and data on the indigenous village culture, to take active role in safeguarding, reviving folklore and tradition. At the provincial level the project also involved the maintenance of 93 provincial centers of which the main objectives were given great emphasis on the indigenous culture including folklore.

In the case there is proven evidence that the indigenous culture has been infiltrated by the influence of foreign or non-indigenous culture thus resulting in the decline of the former, attempts will be made to stimulate or organize a public campaign for the revival or restoration of the vanishing traditional folklore and culture. For instance, should there be any films or advertisements that are deemed to cause a detriment to Thai culture, protest or report will then have to be submitted to the respective related agencies which are responsible for its rectification and remedy.

Nevertheless, the actual problem faced by Thailand at the moment is the fact that no particular law exists in so far as the protection of folklore is concerned and in effecting the regulation and control over the illicit utilization of folklore or folk works. To put in a simpler term, no folklore legislation is being anticipated at this point in time. It is so far deliberately well taken by all that the right to access to the use of folklore whose creator or inventor and the time of creation cannot be traced back and/or are unknown is free and unlimited. The only way and the practical way that can be thought of and mistakenly put into practice has been the measure for the conservation of folklore that may help enliven it for an everlasting future. However, folklore, the creation of which is within the duration of the protection under the provisions of the Copyright Act of 1978, is protected under this Act.

Looking into the aspect related to the work of WIPO in this regard, the former Director-General of the Fine Arts Department, Mr. Dejo Savanananda, attended the Berne Union Executive Committee meeting in 1977. Upon his return, this related matter was then directed to the Division of Literature and History of the Fine Arts Department to study into the possibility of introducing a folklore protection system into Thailand. At this juncture, the Division of Literature and History recommended that in the protection of folklore care should be taken into consideration not to jeopardize the well established principle for the determination of the legal duration of copyright. Therefore, in paving the way for effective legal enforcement of folklore protection, steps should, and must, be taken for the review and amendment of the Copyright Act of 1978 by adding new clauses or articles to effect the required protection of folklore. The other workable option was to proceed to full-scale overhaul and to come up with a new draft for a special law specifically applicable to folklore protection alone.

Apparently, one cannot avoid problems that may arise from adopting both options. The Division of Literature and History for that matter then offered a compromising solution in serving the immediate need by suggesting the advisability to continuing on with the allowance for free utilization of folklore works by citizens of Thai nationality for some time until the objectives of the revised Copyright Act 1978 are fully accomplished. However, suggestion was also made with due compliance to appropriate regulations to ascertain the legitimate usage. In so far as the enforcement and supervision at the international level is concerned, the way out for this matter is to issue the official regulation effecting the control on the usage of Thai folklore works, much similar to the basic approach currently being applied to the case of the control of the cinema making, which requires prior approval from a government body before its dissemination to the public as well as the provision of necessary advice and guidance from the respective government agencies to ensure proper compliance with the related laws and regulations.

10. The expert from Pakistan informed the Committee that in his country folklore is not protected under Copyright Law. National Institute for Preservation and Promotion of Folklore has recently been created. A special committee will be created to consider the question of protection of folklore. It will have to suggest whether Copyright Act should be amended to provide for such protection or a separate Act should be adopted. It will consider also these Model Provisions.

11. The expert from the Philippines informed the Committee that in his country as well folklore is not

protected under Copyright Act or the Presidential Decree No. 49. Presently it is being considered whether this Act should be amended to provide for protection of folklore or a special Act should be adopted. Also is being considered creation of an Institute of Folklore which would make research work, hold seminars on folklore, encourage teaching on folklore at the university level, etc.

12. The expert from India gave a comprehensive account of the federal and state legislation for the protection and conservation of cultural property, including architectural buildings, *objets d'art*, etc. She also gave an account of the national, state and local organizations such as the Anthropological Survey and the Art Academies which are responsible for the nurturing, fostering and promoting of folklore and other indigenous artistic manifestations. She also mentioned that special protection is given to certain communities and tribes in India.

13. In the course of the meeting several experts made available to the participants various documents relating to the subject under consideration.

#### V. Discussion Section by Section

14. The general discussion was followed by examination, section by section, of Model Provisions and the relevant commentary, submitted to the Committee. The experts made a number of observations, and suggestions were made by one or more experts to be reflected in the completed version of the Commentary on these Model Provisions to be finalized by the Secretariat. These observations and suggestions are summarized as follows.

##### *Section 1: Principle of protection*

15. No comments.

##### *Section 2: Protected expressions of folklore*

16. The experts suggested that definition of the subject of protection should comprise not only the "community" which develops and maintains the traditional artistic heritage but also "individuals reflecting the expectations of the community as an adequate expression of its cultural and social identity." They noted that reference to such individuals was rightly made in the Report adopted by the Committee of Governmental Experts on the Safeguarding of Folklore convened by the Director-General of Unesco from February 22 to 26, 1982. One expert observed that for practical purposes the definition of the expressions of folklore should be more narrow. Broad definition as given in this Section may cause some difficulties in his country. Another expert was against

a uniform definition which would cover as many aspects as possible because of existing plurality of cultures and traditions. In her opinion, the definition should be given only in very general terms so as to allow national interpretation and legislation. Thus, the list of protected items could include all manifestations of oral traditions and other aspects of folklore so as to ensure their continuity and their identity at all levels and amongst diverse ethnic groups. Therefore, she suggested that traditional beliefs, scientific views (traditional cosmogony) or practical skills, which are given in the Commentary to the Model Provisions as examples of non-protected items, should also be accorded protection. This view was supported by some experts.

##### *Section 3: Utilization subject to authorization*

17. The experts were unanimous in recognizing that this Section should also cover such use as displaying or exhibiting of secret and sacred materials of community. One expert stated that only this latter use should be subject to prior authorization. In his opinion authorization as such is not needed for other uses which should be subject to payment of remuneration only. In such cases simple notification on the intention to use expressions of folklore will be sufficient. Competent authorities should be aware of what is used and that the payments are made but should not be entitled to grant authorization for use. This is to encourage extensive use of the expressions of folklore and their development. Another expert agreed that exploitation of the expressions of folklore should not be restricted too much not to hamper their development. Other experts observed that, although in their countries considerable efforts are made to identify and preserve folklore, no authorization is required for its exploitation. This question is under consideration and it is not excluded that future decisions will be based on the approach established under this Section. But it is up to governmental bodies to decide on that.

##### *Section 4: Exceptions*

18. Most experts were of the opinion that the provisions of this Section should also apply to the use for philanthropic purposes or for incidental use in legal proceedings. But use of secret and sacred items should be excluded even in incidental cases.

##### *Section 5: Acknowledgment of source*

19. It was suggested that indication of source of expressions of folklore should also include mention of the country from which the expressions utilized have been derived. This will be of particular importance if international instrument on protection of the expressions of folklore is adopted in future.

### *Section 6: Offenses*

20. It was suggested that only willful offenses established in paragraphs 1 and 2 of this Section should be subject to liability. One expert observed that injunction may be issued in the case provided for under paragraph 1. Three other experts stated that in their countries the liability will include damages. It was also observed that distortive actions mentioned in paragraph 4 of this Section should not include various interpretations, faithful adaptations and similar actions. (In any case the community concerned should be involved in consideration of the distortive action and provide for expert evidence.)

### *Section 7: Seizure or other actions*

21. It was suggested that the community concerned should benefit from any receipts of the person violating the established norms of protection of the expressions of folklore. "Other actions" should include unscrupulous use (such as the distortive use damaging the interests of the community but authorized in order to get profit).

### *Section 8: Civil remedies*

22. The experts suggested that the civil remedies provided for under this Section should include injunction, damages and accounts.

### *Section 9: Authorities*

23. It was underlined that establishment of supervisory or competent authority requires compliance with actual national legal system, administrative structure, etc. The competent authority may be of administrative nature and the supervisory authority of judicial or quasi-judicial nature. There may be a plurality of such authorities, corresponding to a plurality of communities.

### *Section 10: Authorization*

24. Here again it was commented that the procedure for application for authorization or fixing of corresponding amounts and the purposes of their use should be established in conformity with national legal systems, but the communities concerned should always benefit from the use. Two experts observed that fixation and collection of fees should not be obligatory. Competent authority should be entitled to authorize free use in some cases.

### *Section 11: Jurisdiction*

25. It was suggested that an administrative review of the decisions of the authority in question should also be prior to the matter being brought before a court of law.

### *Section 12: Relation to other forms of protection*

26. The experts observed that in some countries protection of folklore is granted under copyright laws. If two means of protection are established under national laws they would be complementary rather than competitive. The observer from the International Federation of Phonogram and Videogram Producers stated that the Model Provisions are acceptable in principle to her organization. In her opinion, what is important is the freedom of composers and recording companies to create and produce new works borrowing expressions of folklore. She emphasized the need to distinguish oral transmission of folklore as such and the musical or literary productions inspired by folklore. This distinction is essential for the phonographic industry as much of the recorded repertoire in developing countries takes its inspiration from folklore. She added that the phonographic industry agrees with the requirements to obtain the authorization by the competent authority before recording expressions of folklore; however, the recording itself should be protected as such under the legislation on neighboring rights. Finally, she mentioned the existence of standard agreements between the producers and the authors and performers, these agreements being applied with regard to the payment of fees, and she hoped that similar agreements with communities might be developed in relation to use of expressions of folklore.

### *Section 13: Interpretation*

27. No comments.

### *Section 14: Protection of expressions of folklore of foreign countries*

28. The experts unanimously agreed that the interests of national communities require adoption of an international agreement on protection of expressions of folklore.

## **VI. Adoption of the Report**

29. The Committee unanimously adopted this report.

## **VII. Closing of the Meeting**

30. After the usual thanks, the Chairman declared the meeting closed.

## List of Participants

### I. Invited Experts

- Dr. Robin A. I. Bell  
Principal Legal Officer, Intellectual Property Section,  
Attorney-General's Department, Canberra, Australia
- Mrs. Kullasap Gesmankit  
Director, National Library, Department of Fine Arts,  
Ministry of Education, Bangkok, Thailand
- Dr. Serafin D. Quiason  
Director, The National Library of the Philippines,  
Manila, Philippines
- Mr. Abdur Razzaq  
Registrar of Copyrights, Central Copyright Office,  
Karachi, Pakistan
- Mr. Supjan Suradimadja  
Director of Patent and Copyright, Department of Justice,  
Jakarta, Indonesia
- Dr. Kapila Vatsyayan  
Additional Secretary, Ministry of Education and Culture,  
Government of India, New Delhi, India

### II. International Non-Governmental Organizations

**International Confederation of Societies of Authors and Composers (CISAC):** D. de Freitas. **International Copyright Society (INTERGU):** G. Halla. **International Federation of Phonogram and Videogram Producers (IFPI):** G. Davies. **International Literary and Artistic Association (ALAI):** D. de Freitas.

### III. Secretariat

#### World Intellectual Property Organization (WIPO)

C. Masouyé (*Director, Public Information and Copyright Department*); S. Alikhan (*Director, Developing Countries Division (Copyright)*).

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

E. Guerassimov (*Legal Officer, Copyright Division*).

## Conventions Administered by WIPO

### Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite

#### MOROCCO

#### Ratification of the Convention

The Secretary-General of the United Nations notified the Director General of the World Intellectual Property Organization that the Government of the Kingdom of Morocco deposited, on March 31, 1983, its instrument of ratification of the Convention Relating to the Distribution of Programme-Carrying

Signals Transmitted by Satellite, adopted at Brussels on May 21, 1974.

The Convention will enter into force for Morocco three months after the date of deposit of the instrument of ratification, that is, on June 30, 1983.

## National Legislation

CONGO

### Law on Copyright and Neighboring Rights

(No. 24/82 of July 7, 1982) \*

(Articles 1 to 48)

#### TITLE I

##### General Provisions

*Article 1.* Literary, artistic and scientific works of Congolese nationals, published in the People's Republic of the Congo or abroad, and works of foreign nationals first published in the Congo, shall enjoy the protection afforded by this Law.

*Article 2.* Subject to the implementation of the international conventions to which the People's Republic of the Congo is a party, works not falling within any of the categories referred to above shall not enjoy the protection afforded by this Law unless the country of which the original copyright holder is a national, or in which he has his domicile, affords equivalent protection to works of Congolese nationals. However, the integrity and the authorship of his works shall be respected.

The countries in respect of which the condition of reciprocity referred to in the preceding paragraph is deemed to have been satisfied shall be determined jointly by the Ministry responsible for culture and the Ministry of Foreign Affairs.

*Article 3.* The use of foreign works not enjoying protection under this Law shall be subject to a prior declaration filed with the regularly constituted professional body of authors referred to in Article 68 and to payment of royalties under conditions similar to those applied for protected works.

Such royalties shall be paid into a special fund that shall be reserved for and devoted to cultural

and social purposes for the benefit of Congolese authors. The public performance or reproduction of such works shall require authorization from that body. The authorization shall be granted, in the case of a profit-making event, against payment of a royalty calculated on the basis of the gross takings resulting from such exploitation; the rate of the royalty shall be equal to one half of that normally applied for works of the same category within the private domain or in accordance with usual practice.

*Article 4.* This Law shall apply to the rights of performers, producers of phonograms and to broadcasts, subject to the following conditions:

- (i) for performers, in cases where:
  - the performer is a Congolese national;
  - the performance takes place on Congolese territory;
  - the performance is fixed on a protected phonogram;
- (ii) for producers of phonograms, where:
  - the producer is a Congolese national;
  - the first fixation of the sounds was made in the People's Republic of the Congo;
  - the phonogram was first published in the People's Republic of the Congo;
- (iii) for broadcasts, where:
  - the headquarters of the broadcasting organization is situated on Congolese territory;
  - the broadcast was transmitted from a station situated on Congolese territory.

*Article 5.* This Law shall also apply to performances, phonograms and broadcasts protected under the international conventions to which the Congo is a party.

\* Entry into force on July 7, 1982. — WIPO translation.

## TITLE II

**Protected Works, Derivative Works,  
Non-Protected Works  
and Works of National Folklore**

## CHAPTER 1

**Protected Works**

*Article 6.* Authors of original literary, artistic and scientific works shall be entitled to protection of their works in accordance with the intellectual and moral rights and with the economic rights laid down by this Law.

*Article 7.* Literary, artistic and scientific works shall comprise:

- books, pamphlets and other writings;
- lectures, addresses, sermons, pleadings and other works of the same nature;
- works created for the stage or for broadcasting (sound or visual), including both dramatic and dramatico-musical and choreographic and mimed works, the acting form of which is fixed in writing or otherwise;
- musical works with or without words, whether in written form or not;
- works of drawing, painting, engraving and lithography;
- tapestries and objects created by artistic professions and the applied arts, including both drawings and models as well as the work itself;
- architectural works, including both plans and models as well as the construction itself;
- sculptures, bas-reliefs and mosaics of all kinds;
- photographic works of an artistic or documentary nature, to which are assimilated, for the purposes of this Law, works expressed by a process analogous to photography;
- cinematographic works, to which are assimilated works expressed by a process analogous to cinematography;
- maps, illustrations, plans, sketches and three-dimensional works relative to geography, topography, architecture and science.

*Article 8.* Works shall be protected irrespective of their quality, their purpose, their mode or their form of expression, without being subject to any formality.

## CHAPTER 2

**Derivative Works, Non-Protected Works**

*Article 9.* A work shall be deemed to have been created, irrespective of any public disclosure, by the

mere fact of the author's concept being realized, even incompletely.

*Article 10.* For the purposes of this Law, the work shall mean both the work in its original form and in a form derived from the original.

*Article 11.* The title of a work shall enjoy the same protection as the work itself in so far as it is original in character.

Even if the work is no longer protected under Articles 28 and 61 to 67, the title may not be used to distinguish a work of the same kind if such use is liable to create confusion.

*Article 12.* The following shall also be protected as original works:

- translations, adaptations, arrangements of music and other transformations of a literary, artistic or scientific work;
- collections of literary, artistic or scientific works, such as encyclopedias and anthologies which, by reason of the selection and arrangement of their contents, constitute intellectual creations;
- works derived from Congolese folklore.

*Article 13.* The protection enjoyed by the works referred to in Article 12 shall not prejudice any protection afforded to the pre-existing works that have been used.

*Article 14.* Notwithstanding Articles 6 and 7 above, laws, decisions of courts or of administrative bodies and official translations thereof, news of the day published, broadcast or communicated to the public shall not fall within the scope of this Law.

## CHAPTER 3

**Works of National Folklore**

*Article 15.* Folklore shall belong originally to the national heritage. For the purposes of this Law, folklore shall mean all literary and artistic productions created on the national territory by authors presumed to be Congolese nationals or by Congolese ethnic communities, passed from generation to generation and constituting one of the basic elements of the national traditional cultural heritage.

*Article 16.* Works of national folklore shall be protected without limitation in time.

*Article 17.* The adaptation of folklore or the use of elements borrowed from folklore shall be declared to the body referred to in Article 68.

*Article 18.* The public performance, or reproduction by any means whatsoever, of national folk-

lore, with a view to exploitation for profit-making purposes shall be subject to prior authorization by the body referred to in Article 68, against payment of a fee of which the amount shall be fixed in accordance with the usual practice in each of the categories of creation involved.

The revenue from such fees shall be administered by the body referred to in Article 68 and shall be used for cultural and social purposes of benefit to Congolese authors.

*Article 19.* Article 18 shall not apply where works of national folklore are used by a public agency for non-profit-making purposes. However, such public agency shall be required to make a declaration to the body referred to in Article 68.

*Article 20.* Copies of works of national folklore and copies of translations, arrangements or other transformations of such works, manufactured abroad without authorization from the body referred to in Article 68, shall be neither imported nor distributed.

## CHAPTER 4

### Cinematographic Works

*Article 21.* In the case of a cinematographic work, the rights shall belong originally to the intellectual creators of the work.

Unless otherwise proved, the authors of a cinematographic work made jointly shall be the authors of the screenplay, of the adaptation, of the spoken text, of the musical compositions, with or without words, created for the making of the work, and the director of the work. Where a cinematographic work is based on a pre-existing protected work, the author of the original work shall be assimilated to the authors of the new work.

*Article 22.* The natural or legal person who takes the initiative and responsibility for making the work shall be deemed to be the producer of a cinematographic work.

*Article 23.* The natural person who assumes the direction of a cinematographic work and the artistic responsibility for its transformation into pictures and sound, for the cutting and the final editing shall be deemed to be the director of the cinematographic work.

*Article 24.* A cinematographic work shall be deemed to have been completed once the first master print has been established by common accord between the director and the producer.

*Article 25.* If one of the co-authors refuses to complete his contribution to a cinematographic work,

or is unable to complete it due to circumstances beyond his control, he shall not be entitled to object to the use of the part of his contribution already in existence for the purpose of completing the work.

Unless otherwise agreed, the co-authors of a cinematographic work may dispose freely of their personal contributions with a view to their exploitation in a different field, provided that this does not prejudice the exploitation of the work to which they have contributed.

*Article 26.* Prior to undertaking the production of a work, the producer shall be required to conclude written contracts with all those persons whose works are to be used in the production:

- (i) the author of the screenplay,
- (ii) the author of the adaptation,
- (iii) the author of the musical compositions, with or without words, specially made for the work,
- (iv) the director,
- (v) the author of the spoken text.

Unless otherwise agreed, the written contracts concluded with the intellectual creators of the work shall imply, to the benefit of the producer and for a limited period of which the term shall be laid down in the contract, a presumption of assignment of the necessary rights for a cinematographic exploitation of the work, but excluding any other rights. The presumption provided for above shall not apply to pre-existing works used in the making of the work nor to musical works, whether pre-existing or not, with or without words.

*Article 27.* In the case of a radio or television work, the rights shall belong originally to the intellectual creators of the work.

## TITLE III

### Authors' Rights

#### CHAPTER 1

##### Economic Rights

*Article 28.* Subject to Articles 33 to 36, the author of a protected work shall have the exclusive right to do or to authorize the doing of any of the following acts:

- reproduction of the work in any material form whatsoever, including that of cinematograph films or of phonograms, by any means enabling it to be communicated to the public;

- distribution of the work thus reproduced, in particular the public performance of the reproduction made by means of film or phonogram;
- translation, adaptation, arrangement or any other transformation of the work;
- communication of the work to the public by means of performance or recitation, by any means or process whatsoever, including sound or television broadcasting;
- communication of the broadcast or televised work to the public by wire, loudspeaker or by any other process for transmitting sounds or images, whatever the place of reception of the communication.

*Article 29.* No third party may do any of the above acts without prior authorization given formally in writing by the author. Any reproduction or performance, whether partial or whole, made without the authorization of the author or his successors in title shall be unlawful. The same shall apply to the translation, adaptation, arrangement or transformation of the work.

*Article 30.* Notwithstanding any assignment of the original work, the authors of graphic or three-dimensional works shall have an inalienable right to a share in the proceeds of sale of such works by public auction or through a dealer, whatever the methods used by the latter to carry out the operation. This provision shall not apply to architectural works or works of applied art. After the death of the author, this *droit de suite* shall subsist for the heirs or legatees, in accordance with Article 61.

The conditions for the exercise of this right shall be laid down in subsequent instruments.

## CHAPTER 2

### Moral Rights

*Article 31.* The author may disclose his work, claim authorship, defend its integrity and require that his name be mentioned whenever one of the acts referred to in Article 28 is done.

Save where a work is included incidentally or accidentally when reporting current events by means of broadcasting, the author may object to any distortion, mutilation, modification or any other derogatory action in relation to his work where such acts are prejudicial to his honor or reputation.

*Article 32.* The rights referred to in Article 31 shall be perpetual, inalienable and imprescriptible. They may be transferred on the death of the author to his heirs, who may exercise them even after the expiry of the economic rights laid down in Article 28.

## CHAPTER 3

### General Limitations

*Article 33.* Notwithstanding Article 28, the following uses of a protected work, either in the original language or in translation, shall be permissible without the author's consent:

1. In the case of a work that has been lawfully published:
  - (a) the reproduction, translation, adaptation, arrangement or any other transformation of such work exclusively for the user's own personal and private use;
  - (b) the inclusion, subject to the mention of the source and the name of the author, of quotations from such work in another work, provided that such quotations are compatible with fair practice and their extent does not exceed that justified by the purpose, including quotations from newspaper articles and periodicals in the form of press summaries;
  - (c) the utilization of the work by way of illustration in publications, broadcasts or sound or visual recordings for teaching, to the extent justified by the purpose, or the communication for teaching purposes of the work broadcast for use in schools, education, universities and vocational training, provided that such use is compatible with fair practice and that the source and the name of the author are mentioned in the publication, the broadcast or the recording.
2. In the case of an article published in newspapers or periodicals on current economic, political or religious topics, and in the case of a broadcast work of the same nature, the reproduction of such article or work in the press, or the communication of it to the public, unless the article when published, or the broadcast of a work when broadcast, is accompanied by an explicit statement prohibiting such uses, and provided that the source of the work when used in such manner is clearly indicated.
3. For the purposes of reporting on a current event by means of photography, cinematography or communication to the public, the reproduction or making available to the public, to the extent justified by the informatory purpose, of any work that can be seen or heard in the course of such current event.
4. The reproduction of works of art and of architecture, in a film or a television broadcast, and the communication to the public of the works so reproduced, if those works are permanently

located in a place where they can be viewed by the public or are included in the film or in the broadcast only by way of background or incidental to the main subject.

5. The reproduction, by photographic or similar process, by public libraries, non-commercial documentation centers, scientific institutions and educational establishments, of literary, artistic or scientific works which have already been lawfully made available to the public, provided that such reproduction and the number of copies made are limited to the needs of their activities, do not conflict with the normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.
6. The reproduction in the press or the communication to the public of:
  - (a) any political speech or speech delivered during legal proceedings,
  - (b) any lecture, address, sermon or other work of the same nature delivered in public, provided that the use is exclusively for the purposes of current information,

whereby the author shall retain the right to publish a collection of such works.

#### CHAPTER 4

##### **Ephemeral Recordings**

*Article 34.* Notwithstanding Article 28, the radio and television organization may make, for the purpose of its own broadcasts and by means of its own technical and artistic facilities, with a view to deferred broadcast on account of timing or technical necessities, an ephemeral recording, in one or more copies, of any work it is authorized to broadcast. All copies of it shall be destroyed within six months of their recording or within any longer term agreed to by the author. However, where such recording has an exceptional documentary character, one copy of it may be preserved in official archives. This shall be without prejudice to the application of Article 31.

#### CHAPTER 5

##### **Limitation of the Rights of Translation and of Reproduction**

*Article 35.* Notwithstanding Article 28, it shall be lawful, even without the author's authorization, to translate a work into French and to publish the translation on the territory of the People's Republic of the Congo under a license granted by the competent authority.

*Article 36.* Notwithstanding Article 28, it shall be lawful, even without the author's authorization, to reproduce a work and publish a given edition thereof on the territory of the People's Republic of the Congo under a license granted by the competent authority.

#### CHAPTER 6

##### **Ownership of Copyright**

*Article 37.* The rights protected by this Law shall belong originally to the author or authors who created the work.

In the absence of proof to the contrary, the author of a work shall be the person under whose name the work is disclosed.

The author shall have the right to respect for his name, his authorship and his work.

*Article 38.* The author of an intellectual work shall, by the mere fact of its creation, enjoy an exclusive incorporeal property right in the work which shall be exclusive and enforceable against all persons.

This right shall include attributes of an intellectual and moral nature together with attributes of an economic nature as specified in this Law.

*Article 39.* The authors of a work of joint authorship shall be co-owners of the rights. They shall exercise those rights by common accord. In the event of disagreement, the competent courts shall decide. Where the contribution of each of the co-authors is of a different kind, each shall be entitled, in the absence of an agreement to the contrary, to exploit separately his personal contribution, without, however, prejudicing the exploitation of the common work.

*Article 40.* Authors of pseudonymous and anonymous works shall enjoy in such works the rights afforded by this Law. They shall be represented in the exercise of those rights by the original publisher or editor, until such time as they declare their identity and prove their authorship. The declaration referred to in the preceding sentence may be by will. However, any rights previously acquired by third parties shall be maintained. The preceding provisions shall not apply where the pseudonym adopted by the author leaves no doubt as to his identity.

*Article 41.* A composite work shall be the property of the author who has made it, without prejudice to the rights of the author of the pre-existing work.

*Article 42.* In the absence of proof to the contrary, a collective work shall be the property of the natural or legal person in whose name it has been disclosed. The author's rights shall vest in that person.

*Article 43.* In the case of a work created by an author for a natural person or legal entity, private or public, under a contract of service in the course of his employment or of a work commissioned from the author by such person or entity, the copyright shall belong originally to the author, unless otherwise stipulated in writing in the contract. In the case of a three-dimensional work or of a commissioned portrait in painting, photography or any other medium, the author shall not have the right to exploit the work or the portrait by any means whatsoever without the express authorization of the person who has commissioned the work. In the event of evident abuse by the owner preventing exercise of the right of disclosure, the competent court may, at the request of the authors or of their successors in title or of the Ministry responsible for culture, order any appropriate measure. Where the work has been produced by students or trainees at a school or an artistic establishment, the proceeds deriving from disclosure of the work may be distributed in accordance with the special rules of that school or establishment.

## CHAPTER 7

### Transfer of Authors' Rights

*Article 44.* The rights referred to in Article 28 shall be transferable in whole or in part.

Transfer, other than by operation of law, of any right referred to in Article 28 shall be in writing. Transfer, in whole or in part, of any right referred to in Article 28 shall not imply the transfer of any of the other rights.

Where a contract requires the total transfer of one of the rights referred to in Article 28, its scope shall be limited to the uses set out in the contract. The transfer of ownership of the sole copy or of one or more copies of a work shall not imply the transfer of the copyright in the work. The total assignment of future works shall be void, except in the case of assignment by the author to a professional body of authors.

*Article 45.* Transfer against payment shall comprise, to the benefit of the author, a proportional share in the revenue of all kinds deriving from sale or exploitation, whereby there shall be a guaranteed

minimum. However, the author's remuneration may be evaluated arbitrarily in the following cases:

- (i) the basis for calculating the proportional share cannot be determined in practice;
- (ii) the means of verifying the application of the share is lacking;
- (iii) the nature and terms of exploitation make it impossible to apply the rule of proportional remuneration.

*Article 46.* Except as otherwise provided in this Law, a work may not be exploited without prior formal authorization in writing from the author or his successors in title.

Any full or partial performance made without the authorization referred to in the preceding paragraph shall be unlawful; the same is valid for the translation, arrangement, transformation or reproduction by any art or means.

*Article 47.* Unless otherwise provided, authorization for sound or television broadcasting shall cover all free communications, whether sound or television, made by the broadcasting organization using its own technical and artistic means, under its own responsibility.

In accordance with Article 28, such authorization shall not apply to communications made in public places such as cafés, restaurants, hotels, night clubs, church clubs, various shops, cultural centers or so-called private clubs, for which authorization must be requested.

*Article 48.* Reproduction by means of the sound or, simply, visual recording on physical mediums of protected works within the meaning of this Law, intended for strict personal and private use in accordance with Article 33, shall entitle the author to remuneration whose amount shall be proportional to the revenue from the sales on the national territory of blank mediums. The remuneration shall be calculated as a percentage of the selling price, including all taxation, of such blank physical mediums, and shall be payable to the professional body of authors referred to in Article 69; their use shall be the subject of an assignment authorizing the reproduction of protected works under the conditions and within the limits set out by this Law; the amount of such remuneration shall be deducted from the price of such assignment.

*(To be continued)*

**General Studies**

**Reprography and Education**

Victor NABHAN \*



























## Correspondence

### Letter from Greece

Victor Th. MELAS and Jean E. GEORGACAKIS \*











## International Activities

### International Literary and Artistic Association (ALAI)

(54<sup>th</sup> Congress, Aegean Sea, April 13 to 20, 1983)

At the invitation of its Greek Group, the International Literary and Artistic Association held its 54<sup>th</sup> Congress in Greece from April 13 to 20, 1983. Whereas the preceding Congress had been held in 1976 in Athens, the present Congress took place on board a ship cruising in the Aegean, which put into harbor a number of times to enable various well-known archaeological sites to be visited.

The Congress was chaired by Professor Georges Koumantos, President of ALAI, assisted by Professor André Françon, Perpetual Secretary of ALAI, and was attended by some 130 participants representing various national groups of ALAI or coming from the intellectual property circles of the following countries: Belgium, Canada, Denmark, Finland, France, Germany (Federal Republic of), Greece, Italy, Netherlands, South Africa, Sweden, Switzerland, United Kingdom. WIPO was represented by Mr. Claude Masouyé, Director of the Public Information and Copyright Department.

Unesco and a number of international non-governmental organizations had sent observers (International Association for the Protection of Industrial Property (IAPIP), International Confederation of Societies of Authors and Composers (CISAC), International Copyright Society (INTERGU).

The agenda of the Congress contained three topics and the papers submitted were followed by wide-ranging discussions on:

(1) journalists' copyright (rapporteur: Mr. Victor Melas, Lawyer, Athens);

(2) protection of designs (rapporteur: Mr. Herman Cohen Jehoram, Professor, University of Amsterdam);

(3) copyright and transmission by satellite (rapporteur: Mr. André Kerever, Conseiller d'Etat, Paris).

At the outcome of deliberations on these three topics, resolutions drafted by a Committee under the chairmanship of Mr. Michael Freegard (General Manager, Performing Right Society, London) were submitted to the Congress. Their texts, as adopted after the Congress by the Executive Committee of ALAI, are reproduced below.

The Executive Committee also discussed various internal matters. It heard a report, in particular, on the setting up in the United States of America of an American Group of ALAI under the chairmanship of Professor M. Nimmer of the University of California Los Angeles. It further decided to nominate Professor S. Ljungman (Sweden) for honorary membership. This proposal was ratified by the General Assembly. The Assembly further heard the financial report.

The excellent organization of the cruise and of the cultural events, arranged by the officers of the Greek Group, contributed to the success of the ALAI Congress.

### Resolutions

#### Journalists' Copyright

The International Literary and Artistic Association (ALAI), meeting in Congress in Greece (the Aegean Sea) from April 13 to 20, 1983, considered the question of "journalists' copyright."

At the close of the Congress debates, the Executive Committee of ALAI adopted unanimously the following resolution:

Recalling that the question of journalists' copyright concerns equally journalists of the press and those working for radio and television,

Recalling likewise that the journalist's activities as an author take place in the special context of participation in a collective work having its own style and unity and which, by its nature, is intended for rapid dissemination,

Taking note of the importance of trade practices and collective agreements and also of the part played by professional organizations, trade unions and others,

Acknowledging further that account must be taken of the legitimate interests of the enterprises which bear the technical, legal and financial responsibility for the repro-

duction and communication to the public of journalists' works,

Noting that journalists are generally salaried employees of those enterprises under an employment contract, although it is not excluded that some journalists carry out their profession under different types of contracts, particularly commissioning agreements,

Noting that in either case the main question arising is whether copyright in the work he has created belongs originally to the journalist or to the enterprise to which he is bound by contract,

Taking note that this matter is decided by some legislations in favor of the journalist and by others in favor of the enterprise,

1. Resolutely denotes its preference for the first mentioned system and observes with satisfaction that this approach has been adopted in a number of recent copyright statutes;

2. Considers that such a system is not likely to inconvenience the enterprises that reproduce and communicate to

the public works written by journalists since they may obtain from the latter an exclusive contractual license for their rights; additionally this system enables journalists' interests to be safeguarded, subject to such license being limited to the extent which is necessary for the exercise of the activities normally carried out by the enterprises in question at the time the contract with the journalist is concluded;

3. Is of the opinion that the journalist must preserve the benefit of the protection of his moral interests arising from his creative activity, particularly as regards the rights of personality, even if the working conditions of the enterprises reproducing and communicating his works to the public may justify some flexibility in the application of such protection;

4. Is convinced that journalists' copyright arranged in accordance with these principles would stimulate creation, guarantee freedom of expression and so enable the enterprises concerned to carry out their function of informing the public.

### Protection of Industrial Designs as between Copyright and Industrial Property Laws

The International Literary and Artistic Association (ALAI), meeting in Congress in Greece (the Aegean Sea) from April 13 to 20, 1983, considered the question of "the protection of industrial designs as between copyright and industrial property laws."

At the close of the Congress debates, the Executive Committee of ALAI adopted unanimously the following resolution:

Aware of the twofold nature of national systems for protecting industrial designs, one of which comprises protection based more or less exclusively on specific designs legislation derived from the rules of industrial property, and the other comprising more or less cumulative arrangements under which designs may enjoy not only such specific protection but also copyright protection,

Noting that this diversity of systems is such as to create a disparity prejudicial to the interests of the owners of rights in designs and recognizing the difficulties which result therefrom for the application of laws and international conventions in this respect,

Having taken note of the desire manifested by the authorities of the European Economic Community to take action with a view to approximating the laws of member countries relating to designs,

Reiterates its attachment to protection of designs under copyright, whilst not ignoring the value of protection under specific legislation;

Is alive to the concerns of the interested circles and consequently feels it necessary to maintain this matter on the agenda of its meetings, and feels it desirable that the advocates of the various systems of protection referred to above should deliberate together thereon.

### Copyright and Space Satellites

The International Literary and Artistic Association (ALAI), meeting in Congress in Greece (the Aegean Sea) from April 13 to 20, 1983, considered the question of "copyright and space satellites."

At the close of the Congress debates, the Executive Committee of ALAI adopted unanimously the following resolution:

Noting that the use of space satellites for the transmission of radio and television programs is spreading more and more,

Convinced of the importance of such technology for exploiting works protected by copyright,

1. Protests at the tendency to leave intellectual creators in legal uncertainty as to the exercise of their rights in respect of this means of dissemination;

2. Recalls the essential criteria which must be applied to the process of sound or television broadcasting as regards the protection of intellectual rights, that is to say the criterion of the decision taken by the programming

organization to include protected works in the programs to be broadcast and the criterion of the public for whom such programs are intended;

3. Considers that communication to the public of programs transmitted by direct broadcasting satellites constitutes a classical application of the right of broadcasting afforded to authors by national laws and international conventions;

4. Considers that communication to the public of programs transmitted by distribution satellites involves the responsibility of the distributing organization which is indeed aware of the content of the programs carried by the signals and of the extent and conditions of their distribution; considers, however, also that such responsibility should not exclude the responsibility of the organization originally responsible for the injection of the signals;

5. Is of the opinion that it should be possible, on these bases, for national laws and contractual agreements to define the rules applicable to the various situations which may arise in practice.

## Book Reviews

**Copyright Revision Studies.** Consumer and Corporate Affairs Canada, Ottawa, 1982.

Within the framework of the series of studies prepared for the Department of Consumer and Corporate Affairs of Canada, which has already been mentioned in this review,\* two more studies have been published in the last year. Their major conclusions are briefly summarized below.

*Copyright and the Computer*, by John Palmer and Raymond Resendes.

The authors start from the idea that the creation of new and additional intellectual property rights would impose costs on society, and that only after these costs are examined can it be determined whether and how such rights should be created. They examine in detail the costs and benefits of various classes of intellectual property protection for computer software. Patent protection and industrial design protection are rejected in favor of an explicit extension of short-term (25 or 50 years) copyright to cover computer software in addition to the protection currently available in the form of trade secrecy. The recommendation that copyright protection be extended to cover computer software arises from a numerical analysis of comparative costs and benefits and from the expectation that new technologies will create increasing benefits for society if these additional property rights are created.

If fair dealing provisions are allowed for computer software, they should, according to the authors, be limited specifically to personal study and research concerning the software itself, and they should not include study and research which uses the software for the study and research of other questions.

The second part of the study is devoted to computer data bases. It begins with a discussion of different types of data bases, and it is pointed out that intellectual property protection is important for only certain types of data bases. In the authors' opinion, the legal analysis shows that a reasonably clear and efficient property right for data bases has already been created, and that there seems generally to be no need to change the copyright legislation in this respect. They conclude that the *status quo* copyright protection for data bases is probably the optimal form of protection even in the computer era. It provides an inducement for the creation of socially valuable data bases, yet it limits this inducement by allowing for independent effort to produce competing data bases.

The authors of the study also discuss the WIPO Model Provisions on the Protection of Computer Software (the text of which is reproduced in an Appendix). They conclude that, although there can be no strong objection to creating new legislation along the lines of these Model Provisions, there is no compelling reason to do so.

*Exemptions Under the Canadian Copyright Act*, by Dennis N. Magnusson and Victor Nabhan.

This study makes recommendations concerning specific exemptions from the exclusive rights of copyright owners. The exemptions recommended cover 15 different types of use of copyright protected material, some of which are mentioned below.

With respect to the reproduction of copyright protected material for educational purposes it is recommended that there be no exemption. Access to copyright protected material by educators through reprography and duplication of audiovisual works ought to be covered by voluntarily negotiated blanket license agreements between representatives of the educational establishment and collective organizations representing copyright owners.

It is, however, recommended that nonprofit educational activities receive a specific exemption for public performances of copyright protected material in the classroom or similar place of instruction for audiences of students and teachers.

It is further proposed that archives and libraries have the benefit of a specific limited exemption that would permit them to reproduce copyright protected material for the purposes of preservation of such material when copies of the material are not otherwise available on reasonable terms.

To facilitate access to information and cultural materials by the handicapped, the statute ought to provide for a compulsory license of copyright protected material solely for the purpose of making materials specifically designed for the visually and auditorily handicapped, provided that this is done on a nonprofit basis.

It is also recommended that a new exemption be introduced to give broadcasting organizations the right to make ephemeral recordings of copyright protected works with their own recording facilities for the sole purpose of their own broadcasts.

Lastly, a tentative recommendation is made for the consideration of the adoption, for private use, of a compulsory license for audio and video recording of works that have been made public, coupled with a levy on the sale of blank audio and video recording tapes. The rates of levy should be set from time to time by the Copyright Tribunal under statutory guidelines.

**Copyright and Library Materials for the Handicapped**, by Françoise Hébert and Wanda Noel. One volume of 111 pages. K. G. Saur, Munich, New York, London, Paris, 1982.

This is a study prepared for the International Federation of Library Associations and Institutions (IFLA). Its purpose is to examine the problems raised, in the field of copyright law, by the impossibility for physically handicapped persons, and more particularly those visually handicapped, to have access to material available in printed form.

The introductory part of the study contains a brief description of the kinds of physical handicaps, the social consequences of such handicaps, and the special reading media commonly used (braille, audiotape, large print).

\* See *Copyright*, 1981, pp. 262 and 300; 1982, pp. 174 and 378.

The legal portion of the study gives a summarized description of the relevant provisions in the copyright laws of a number of countries. A section thereof deals with legal mechanisms (exceptions, compulsory licenses, arbitration, etc.) used in the special provisions adopted in favor of the handicapped.

In the part devoted to international activities, the authors, after giving a brief historical background of the action undertaken at the international level, analyze the

situation under the Berne and Universal Copyright Conventions, including the special provisions in favor of developing countries. They conclude by formulating a number of recommendations.

The special legislative provisions adopted in nine countries and a selection of relevant provisions in the Berne Convention and the Universal Copyright Convention are reproduced in the appendix.

M. S.

## Calendar

### WIPO Meetings

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

#### 1983

- 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 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

- 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 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)**  
Congress — September 19 to 23 (Budapest)
- 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)

