

Published monthly  
Annual subscription :  
fr.s. 130.—  
Each monthly issue :  
fr.s. 13.—

# Copyright

20th year — Nos. 7-8  
**July-August 1984**

Monthly Review of the  
World Intellectual Property Organization (WIPO)

## Contents

### WORLD INTELLECTUAL PROPERTY ORGANIZATION

- Training Course in Copyright and Neighboring Rights (Montevideo, May 8 to 18, 1984) . . . . . 278
- Group of Experts on Unauthorized Private Copying of Recordings, Broadcasts and Printed Matter (Geneva, June 4 to 8, 1984) . . . . . 280

### NOTIFICATIONS

- Berne Convention for the Protection of Literary and Artistic Works (Paris Act, 1971)**
- India.** Notification concerning Articles II and III of the Appendix to the Paris Act (1971) . . . . . 285

### NATIONAL LEGISLATION

- Japan.** Law to Take an Interim Measure for the Protection of the Rights of Authors, etc. with Respect to the Lending of Commercial Phonograms to the Public (No. 76, of December 2, 1983) . . . . . 285
- United Kingdom.** The Copyright (International Conventions) (Amendment) Orders
- I.—1983 (No. 1708, of November 18, 1983) . . . . . 287
- II.—1984 (No. 549, of April 11, 1984) . . . . . 287

### GENERAL STUDIES

- Performers' Rights: A New, Independent Institution of Intellectual Property Law (**Antonio Millé**) . . . . . 289

### CORRESPONDENCE

- Letter from Switzerland (**Mario Pedrazzini**) . . . . . 292

### ACTIVITIES OF OTHER ORGANIZATIONS

- International Literary and Artistic Association (ALAI). Study Session and Executive Committee (Paris, April 5 to 7, 1984) . . . . . 298
- Interamerican Copyright Institute (IIDA). Seminar on University Teaching and Copyright (Sao Paulo, May 7 to 9, 1984) . . . . . 299

### BIBLIOGRAPHY

- List of Books and Articles . . . . . 300

### CALENDAR OF MEETINGS . . . . . 303

© WIPO 1984

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

### Training Course in Copyright and Neighboring Rights

(Montevideo, May 8 to 18, 1984)

A training course in copyright and neighboring rights for officials from the countries of Latin America was organized by WIPO with the cooperation of the Swiss Society for Authors' Rights in Musical Works (SUISA). With the cooperation and kind hospitality of the Government of Uruguay, through the Ministry of Education and Culture, this course was held in Montevideo from May 8 to 18, 1984. It followed on from a course of the same type held in Quito from May 31 to June 10, 1983, at the invitation of the Government of Ecuador.\*

The participants came from the following 10 countries: Argentina, Brazil, Chile, Costa Rica, El Salvador, Honduras, Mexico, Panama, Peru, Uruguay. The list of participants is given at the end of this note.

The sessions were held at the headquarters of the Latin American Integration Association (ALADI) and were reported on a number of occasions by press, radio and television.

The course was opened by Dr. Juan Bautista Schroeder, Minister for Education and Culture of Uruguay, in the presence of Ambassador Juan José Real, Secretary General of ALADI, the Ambassadors accredited in Montevideo of the Latin American countries from which the participants came, representatives of the Minister for Industry and Energy and the Minister for External Relations, Mr. Daniel Scheck, Chairman of the Copyright Council of Uruguay, and numerous other Uruguayan personalities. The representative of the Director General of WIPO and Mr. Ulrich Uchtenhagen, Director of SUISA, also made speeches at the opening of the course.

The program of the course comprised a number of lectures, presented

(i) by WIPO, on the following topics: the legislation of the Latin American countries of Roman legal tradition and the Berne Convention; the individual and collective exercise of authors' rights; the term of protection of copyright; the various exceptions to copyright protection; neighboring rights at international level and participation of the Latin American countries in that system;

(ii) by SUISA, on the following topics: the function and structure of a society of authors; relations with users and with the performers of musical works; the principles of collection and distribution of royalties; documentation relating to works; publishers' relations with societies of authors; the social and cultural functions of societies of authors; the possibilities for technical cooperation between societies of authors.

In addition, lecturers had been invited to deal with the following subjects: the varying modes of copyright administration, by Professor Homero Zamorano (Chile); the influence of case law in Latin America on copyright protection, by Dr. Carlos Alberto Villalba (Argentina); the situation of piracy of intellectual works in Latin America, by Dr. Henry Jessen (Brazil). At a national level, communications were presented on the role and activities of the Copyright Council of Uruguay by its Chairman, Dr. Daniel Scheck; on the legislative situation of copyright in Uruguay by Professor Daniel Artecona, Professor at the Faculty of Law and Social Sciences, Montevideo; and on Uruguayan experience in the practical application of copyright by Dr. Martin J. Marizcurrena, Manager of the General Association of Authors of Uruguay (AGADU), this latter communication being followed by a visit to the premises of AGADU.

The program also provided for country reports by the participants giving the status of copyright and neighboring rights law and their application, and also on the elements of infrastructure available in their respective countries.

Each of the lectures and the communications was followed by a wide-ranging exchange of views, which proved most useful in the context of the adoption, in certain countries, of new relevant legislation and of improving the practical management and application of authors' rights.

The closing session was held in the presence of Mr. Luis A. Gonzalez Beade, Secretary General of the Ministry of Education and Culture, who in his final address announced his Government's decision to modernize the 1937 Uruguayan law on literary and artistic property.

\* See *Copyright*, 1984, p. 43.

## List of Participants

### I. Specialists Invited

#### Argentina

- Sr. Carlos Alberto Marengo, Jefe, Departamento Usuarios Especiales, Sociedad de Autores y Compositores de Musica (SADAIC), Buenos Aires  
 Sr. Américo Roberto Nasi, Gerente, Recaudacion Nacional, Sociedad Argentina de Autores y Compositores de Musica (SADAIC), Buenos Aires

#### Brazil

- Sr. Hildebrando Pontes Neto, Abogado, Miembro del Consejo Nacional de Derecho de Autor, Belo Horizonte  
 Sra. Dad Abi Chahine Squarisi, Asesora del Presidente del Consejo Nacional de Derecho de Autor, Brasilia

#### Chile

- Sra. Tatiana Urrutia Yanez, Ingeniero Comercial, Jefe de la Unidad de Operaciones, Departamento del Pequeno Derecho de Autor (DAIC), Universidad de Chile, Santiago

#### Costa Rica

- Sr. Efrain G. Picado Azofeifa, Director General de Bibliotecas y Biblioteca Nacional, Encargado del Registro Nacional de Derechos de Autor, Direccion General de Bibliotecas, San José

#### El Salvador

- Sra. Argelia Polanco de Fremuth, Abogado y Notario Colaborador Juridico de la Direccion General de Registros, Ministerio de Justicia, San Salvador

#### Honduras

- Sr. Manuel Salinas Paguada, Doctor en Letras, Director General de Cultura, Ministerio de Cultura y Turismo, Tegucigalpa

#### Mexico

- Sr. Aldo Casasa Araujo, Jefe del Departamento de Dominio Publico, Direccion General del Derecho de Autor, Mexico  
 Sra. Maria Esther Sandoval Salgado, Auxiliar de la Sub-direccion Juridica y de Fomento, Direccion General del Derecho de Autor, Mexico

#### Panama

- Sr. Ricardo Franco Aguilar, Director de Asesoría Legal, Instituto Nacional de Cultura, Panama

#### Peru

- Sra. Maria Elvira Heredia Lamutti, Oficinista III, Centro Bibliografico Nacional y Registro Nacional de Derechos de Autor, Biblioteca Nacional, Lima

#### Uruguay

- Sr. Luis F. Etcheverry R., Jefe, Departamento Internacional y Derechos Musicales, Asociacion General de Autores del Uruguay (AGADU), Montevideo  
 Sr. Victor Reyes Lopez, Jefe, Departamento Gran Derecho, Asociacion General de Autores del Uruguay (AGADU), Montevideo

### II. Delegation of Host Country

- Dr. Daniel Scheck, Presidente del Consejo del Derecho de Autor  
 Dr. Estanislao Valdes Otero, Miembro del Consejo del Derecho de Autor  
 Dr. Daniel Artecona, Director del Departamento de Derecho Civil, Catedratico de Derecho Civil, Facultad de Derecho y Ciencias Sociales  
 Dra. Elda Frede Strappolini, Catedratica de Derecho Constitucional, Doctora en Derecho y Ciencias Sociales, Abogado, Ministerio de Educacion y Cultura  
 Dr. Alejandro Javier Osimani Cuevas, Abogado, Asesor del Ministerio de Educacion y Cultura, Asesor del Consejo del Derecho de Autor  
 Sr. Hector C. Helgar, Contador, Interventor de AGADU  
 Sr. José Diaz Soria, Interventor de AGADU  
 Sr. Martin J. Marizcurrena, Gerente, Asociacion General de Autores del Uruguay (AGADU)  
 Dr. Washington Perez Couce, Abogado, Asociacion General de Autores del Uruguay (AGADU), Miembro de la Comision Juridica del Consejo Panamericano de la CISAC  
 Esc. Gustavo Vignoli, Escribano, Asesor Juridico de AGADU  
 Dr. Eduardo de Freitas, Abogado, Asesor Juridico de AGADU  
 Dr. Carlos Varela Rodriguez, Abogado, Asesor Juridico de la Sociedad Uruguaya de Intérpretes (SUDEI)  
 Dra. Jacqueline Berreiro, Asesora Juridica, Camara Uruguaya del Libro  
 Dra. Teresa Garrijo Gonzalez, Abogada, Servicio Oficial de Radio-television y Espectaculos (SODRE)  
 Dr. Plinio Borggio di Giacomo, Abogado, Secretario Ejecutivo Camara Uruguaya del Disco

### III. Guest Lecturers

- Dr. Carlos A. Villalba, Presidente, Centro Argentino del Instituto Interamericano de Derecho de Autor, Buenos Aires  
 Dr. Homero Zamorano Cubillos, Abogado, Magister en Administracion, Santiago de Chile  
 Dr. Henri Jessen, Abogado, Rio de Janeiro

### IV. Sponsoring Organizations

#### World Intellectual Property Organization (WIPO)

- Mr. Claude Masouyé, Director, Public Information and Copyright Department  
 Mr. Guy Eckstein, Deputy Head, Development Cooperation Support Unit

#### Swiss Society for Authors' Rights in Musical Works (SUISA)

- Mr. Ulrich Uchtenhagen, Director General  
 Mr. Roger Torriani, Head, Publishers Division

## Group of Experts on Unauthorized Private Copying of Recordings, Broadcasts and Printed Matter

(Geneva, June 4 to 8, 1984)

### Report

#### I. Introduction

1. Pursuant to the decisions taken by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at its twenty-second session and by the Governing Bodies of the World Intellectual Property Organization (WIPO) at their fourteenth series of meetings in October 1983, the Secretariat of Unesco and the International Bureau of WIPO (hereinafter referred to as "the Secretariats") convened a Group of Experts on Unauthorized Private Copying of Recordings, Broadcasts and Printed Matter. The Group of Experts met at the Headquarters of WIPO in Geneva from June 4 to 8, 1984.

2. The experts, who had been invited in their personal capacity by the Directors General of Unesco and WIPO, were nationals of the following seven States: Argentina, Austria, India, Rwanda, Soviet Union, Tunisia, United States of America.

3. The States party to the Berne Convention for the Protection of Literary and Artistic Works or to the Universal Copyright Convention had also been invited to follow the discussions of the Group of Experts. The following States were represented by delegations: Argentina, Australia, Austria, Brazil, Canada, Congo, Czechoslovakia, El Salvador, France, Germany (Federal Republic of), Ghana, Holy See, Hungary, Israel, Japan, Kenya, Libya, Luxembourg, Madagascar, Mexico, Netherlands, Niger, Norway, Panama, Philippines, Poland, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States of America (32).

4. Observers from one intergovernmental organization and 14 international non-governmental organizations also attended the meeting. The list of participants is appended to this report.

#### II. Opening of the Meeting

5. The meeting of the Group of Experts was opened by Dr. Arpad Bogsch, Director General of WIPO, and, on behalf of the Director-General of Unesco, by Mr. Abderrahmane Amri, who welcomed the participants.

#### III. Election of the Chairman and Vice-Chairman

6. On a proposal by Miss Kala Thairani (India), seconded by Mr. Maniragaba Balibutsa (Rwanda), the Group of Experts elected Mr. Walter Dillenz (Austria) and Mrs. Nebila Mezghani (Tunisia) Chairman and Vice-Chairman, respectively.

#### IV. Documentation

7. The Group of Experts had before it a document drawn up by the Secretariats on the unauthorized reproduction for private purposes of sound and audiovisual recordings, broadcasts and the printed word (document (UNESCO/WIPO/GE/ COP.1/2).

#### V. General Discussion

8. Before inviting participants to present considerations of a general nature on the subject, the Chairman asked Mr. A.H. Olsson (Sweden) to introduce document UNESCO/WIPO/GE/COP.1/2, which had been drawn up by the Secretariats with his assistance.

9. Following that presentation, the participants unanimously acknowledged the high quality of the work accomplished and congratulated the Secretariats and Mr. A.H. Olsson for having drawn up the document, which would facilitate the work of the Group of Experts in its search for solutions to the problem raised by unauthorized reproduction for private purposes.

10. In the course of the discussions, the participants noted that according to the Berne Convention for the Protection of Literary and Artistic Works and the Universal Copyright Convention the author has an exclusive right of authorizing the reproduction of his work. The Berne Convention expressly states that this right relates also to any sound or visual recording of the work. The right of reproduction is not limited to reproduction for public or profit-making use of the work and also covers protection as regards various forms of reproduction for private purposes.

11. It was recalled that, according to the 1971 Paris Act of the Berne Convention, national legislation may provide for limitations of the right of reproduction only in certain special cases, provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the authors (Article 9(2)). Under the Universal Copyright Convention, the Contracting States have to provide for the adequate and effective protection of the rights of authors (Article I) and the States may make only such exceptions to those rights that do not conflict with the spirit and provisions of that Convention. Any State whose legislation so provides, shall nevertheless accord a reasonable degree of effective protection to the right to which exception has been made (Article IVbis(2) of the Convention, as revised in Paris in 1971). The cumulative effect of reproduction for private purposes of sound and audiovisual recordings and broadcasts as well as reprographic reproduction for private use of printed works is prejudicial to the author's legitimate interests (in particular, to his claim to derive material benefit from the use of his work by others) and such kinds of reproduction may also conflict with a normal exploitation of the work reproduced; it also conflicts with the requirement of guaranteeing a reasonable degree of effective protection of the right of reproduction. Consequently, national legislations should not exempt such reproductions for private purposes from copyright liability. This also follows from the requirement of adequate and effective protection of authors' rights (see, however, paragraph 15, below).

12. The participants also considered Article 15 of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, according to which any Contracting State may provide for the exceptions to the protection guaranteed by that Convention as regards private use. They underlined, however, that according to Article 1 of the Rome Convention, no provision thereof may be interpreted as prejudicing the protection of copyright in literary and artistic works. Since Articles 24(2) and 28(4) of the said Convention provide that only such States may be party to it which are at the same time party to either the Berne Convention or the Universal Copyright Convention, limitation of any right of reproduction of holders of neighboring rights for private purposes under the Rome Convention would be, for practical reasons, permissible only under the same conditions as those applying to the reproduction of protected works.

13. The participants agreed that the use of modern technology for reproduction of works for private

purposes should not be hindered and its adverse effects on the interests of authors and beneficiaries of neighboring rights should be mitigated by appropriate means of protection. Appropriate systems for protection with regard to reproduction for private purposes may be collective administration of the exclusive right of reproduction or various forms of non-voluntary licensing, such licensing implying the obligation to pay proper remuneration.

14. Several participants underlined the importance to adapt the legislative regulation to peculiar features of distinct forms of reproducing works for private purposes. In particular, attention was drawn to the fact that whereas reproduction by means of the so-called home taping is always uncontrollable, reprographic reproduction for private purposes is often made by using publicly accessible devices against payment. It was found that owing to technological development during the past decade the decision of the Executive Committee of the Berne Union and the Intergovernmental Committee of the Universal Copyright Convention, taken during their 1975 meeting on Reprographic Reproduction of Works Protected by Copyright, according to which the issue was considered exhausted, should be reconsidered and the problem further explored at the international level.

#### VI. Discussion of Possible Measures of Copyright Protection Relating to Reproduction for Private Purposes

15. The participants noted that the subject of the discussions is reproduction of works by means of reproducing equipment and traditional forms of copying for personal use (for example, copying by hand) remain outside the scope of their study. The same is true, to the extent applicable and *mutatis mutandis*, when neighboring rights are involved.

16. Several participants stressed that the basic approach should be the recognition of the exclusive exercise of the right of reproduction and the reproduction of certain subject matters which are particularly sensitive from the point of view of copyright (e.g. works of architecture, sheet music, works of visual art of limited edition) should always be subject to authorization by the owner of the copyright therein.

17. A number of participants underlined that the exercise of the exclusive right of reproduction for private purposes should be effected by means of collective agreements between representative organizations of right owners and users. Legislation should provide that relevant claims of the owners of rights

concerned may only be asserted by their respective organizations and such organizations should be in a position to guarantee the users against claims from right owners outside the authorizing organization. Where the system of collective agreements cannot be introduced, the States may introduce proper non-voluntary license schemes for certain kinds of reproduction for private purposes, subject to the payment of proper remuneration.

18. Several participants stressed that the fees to be collected by the competent organization for the reproduction of protected works are royalties and should be paid, as regards reproduction equipment and/or blank material support of recorded productions, ultimately by the users of the devices enabling reproduction for private purposes. Such fees should be distributed to the owners of copyright in works presumed to be copied for private purposes in proportions corresponding to relevant data concerning the frequency of various forms of their public use (broadcasting, sales of records, performances etc.). The fees can be collected as an outright payment from the manufacturer or importer of the devices, who sells them to the persons reproducing protected works by means of them and paying the royalty as a part of the selling price. The modalities of calculating the fees and the fixation thereof should be a matter of negotiation, as far as possible, between the interested representative organizations, even in case of non-voluntary licensing schemes and legislation or competent authorities should fix them only in the absence of such an agreement. Beneficiaries of the neighboring rights involved should enjoy a similar solution, to be negotiated, as far as possible, by their respective organizations and fixed by a competent authority (which may also be a court or arbitration body) only in the absence of agreement between them.

19. Any fees fixed by legislation or competent authority should correspond, as far as possible, to amounts that might have been agreed upon by the interested parties by way of negotiation.

20. It was held that the rights of reproduction for private purposes and the collection and distribution of fees for such uses should be administered collectively by all categories of beneficiaries of rights concerned.

21. A great number of participants emphasized that the introduction of a fiscal tax (instead of copyright fees) on blank tapes and cassettes and/or equipment

for reproduction of works for private purposes is contrary to the basic principle under the law of copyright, according to which fees paid for the use of protected productions are due to the respective owners of the rights in such productions. Other participants felt that this was a question of implementation which could make a tax-type system compatible with principles of copyright provided the proceeds of the tax are used to remunerate the right owners concerned.

22. Several participants referred to the necessity of providing for a system of exempting from being subject to payment of copyright fee devices which are not intended or cannot be used for private reproduction of protected works or which are exported.

23. In the course of the discussions special attention was paid to related interests prevailing in developing countries. The participants noted that the solution of the problem of reproduction for private purposes may be viewed differently in various developing countries. It was stressed, however, that the protection of copyright and neighboring rights, as regards reproduction of works by means of modern technology for private purposes also means supporting the development of national cultural industry which, again, is an important factor of furthering national creativity.

## VII. Conclusion

24. In conclusion, the participants suggested that the Secretariat of Unesco and the International Bureau of WIPO continue to study the impact on copyright and the neighboring rights of recording and reprographic reproduction for private purposes of protected works and productions protected by neighboring rights, and that they prepare, on an urgent basis, annotated principles for the related protection of copyright and neighboring rights.

## VIII. Adoption of the Report

25. This report was unanimously adopted.

## IX. Closing of the Meeting

26. After the usual words of thanks, the Chairman declared the meeting closed.

## List of Participants

### I. Experts

- M. Maniragaba Balibutsa  
Directeur général de la culture et des arts, Ministère de l'enseignement supérieur et de la recherche scientifique, Kigali
- Mr. Stanley M. Besen  
Senior Economist, Rand Corporation, Washington, D.C.
- M. Hector Della Costa  
Professeur, Université de Buenos Aires, Buenos Aires
- Mr. Walter Dillenz  
Director, Staatlich Genehmigte Gesellschaft der Autoren, Kompositen und Musikverleger (AKM), Vienna
- Mme Nebila Mezghani  
Professeur, Faculté de droit de Tunis, Tunis
- Miss Kala Thairani  
Deputy Educational Adviser, Ministry of Education and Culture, New Delhi
- Mr. Arkadi V. Turkin  
Head, Contractual Division, Legal Department, All-Union Copyright Agency (VAAP), Moscow

### II. States Party to the Multilateral Copyright Conventions Invited to Follow the Discussions

#### Argentina

- Sr. Jorge Pereira  
Primer Secretario, Mision Permanente de Argentina, Geneva
- Sr. Miguel A. Emery  
Asesor, Profesor de Derecho Comercial, Universidad de Buenos Aires, Buenos Aires

#### Australia

- Mr. Ian Harvey  
Principal Legal Officer, Intellectual Property Section, Attorney-General's Department, Canberra

#### Austria

- Mr. Robert Dittrich  
Director, Federal Ministry of Justice, Vienna

#### Brazil

- Mr. Henry Jessen  
Lawyer, Rio de Janeiro

#### Canada

- Mr. James Keon  
Senior Policy Adviser, Department of Consumer and Corporate Affairs, Ottawa

#### Congo

- M. Jean-Prospér Miamona  
Fonctionnaire, Ministère de la coopération, Brazzaville

#### Czechoslovakia

- Mr. Miroslav Jelinek  
Legal Adviser, Legal Department, Ministry of Culture, Prague

#### El Salvador

- Excmo. Sr. Adalberto Gonzalez  
Embajador, Representante Permanente Adjunto, Mision Permanente de El Salvador, Geneva

#### France

- M. André Françon  
Professeur, Université de droit, d'économie et de sciences sociales, Paris
- M. André Bourdalé-Dufau  
Sous-directeur des affaires juridiques et de la propriété intellectuelle, Ministère de la culture, Paris

#### Germany (Federal Republic of)

- Mrs. Margret Möller  
Ministerialrätin, Federal Ministry of Justice, Bonn

#### Ghana

- Mr. Edmund B. Odoi-Anim  
Copyright Administrator, Ministry of Information, Accra

#### Holy See

- Mr. André Marelle  
Expert, Permanent Mission of the Holy See, Geneva

#### Hungary

- Mr. Mihály Ficsor  
Director General, Hungarian Bureau for the Protection of Authors' Rights (ARTISJUS), Budapest

#### Israel

- Mr. Mayer Gabay  
Director General, Ministry of Justice, Jerusalem

#### Japan

- Mr. Yukifusa Oyama  
Copyright Adviser, Cultural Affairs Department, Agency for Cultural Affairs, Tokyo
- Mr. Koichi Sakamoto  
First Secretary, Permanent Mission of Japan, Geneva

#### Kenya

- Mr. Joseph N. King'Arui  
Registrar-General, Office of the Attorney-General, Nairobi

#### Libya

- Mr. Abdulla El Megri  
First Secretary, Permanent Mission of the Libyan Arab Jamahiriya, Geneva

#### Luxembourg

- M. Fernand Schlessler  
Inspecteur principal, Service de la propriété intellectuelle, Ministère de l'économie et des classes moyennes, Luxembourg

#### Madagascar

- M. Solofo Rabearivelo  
Ministre plénipotentiaire, Mission permanente de Madagascar, Geneva

**Mexico**

Sr. Carlos Septien Sepulveda  
Asesor, Direccion General del Derecho de Autor, Secretaria de Educacion Publica, Mexico

**Netherlands**

Mrs. J.M. Meijer van der Aa  
Legal Adviser, Ministry of Justice, The Hague  
Mrs. Leonie M.A. Verschuur de Sonnaville  
Legal Adviser, Ministry of Justice, The Hague

**Niger**

M. Rabo Mato  
Chef, Service du droit d'auteur, Direction de la culture, Ministère de la jeunesse, des sports et de la culture, Niamey

**Norway**

Mr. Arne Ringnes  
Senior Executive Officer, Department of Legislation, Ministry of Justice, Oslo  
Ms. Anne K. Braekke  
Senior Executive Officer, Ministry of Cultural Affairs, Oslo

**Panama**

Sr. Vicente Garibaldi  
Asesor Externo, Instituto Nacional de Cultura, Panama

**Philippines**

Mr. Luis V. Ople  
Attaché, Permanent Mission of the Philippines, Geneva

**Poland**

Mme Hanna Walkus-Gieralt  
Conseiller juridique, Ministère de la culture et des arts, Warsaw

**Spain**

Sr. Fernando Castano  
Jefe, Gabinete de la Secretaria General, Radiotelevision Espanola, Madrid  
Sr. Rafael Martinez del Peral  
Jefe, Secretaria Técnica, Direccion de Relaciones Internacionales, Radiotelevision Espanola, Madrid

**Sweden**

Mr. Henry Olsson  
Head of Division, Ministry of Justice, Stockholm

**Switzerland**

M. Karl Govoni  
Chef, Service du droit d'auteur, Office fédéral de la propriété intellectuelle, Berne

**Turkey**

Mr. Ertugrul Apakan  
Counselor, Permanent Mission of Turkey, Geneva

**United Kingdom**

Mr. John P. Britton  
Principal Examiner, Industrial Property and Copyright Department, The Patent Office, London

**United States of America**

Mr. David Ladd  
Register of Copyrights, Copyright Office, Washington, D.C.  
Mr. Harvey J. Winter  
Director, Office of Business Practices, Department of State, Washington, D.C.

**III. Observers***(a) Intergovernmental Organization*

**International Labour Organisation (ILO):** R. Cuvillier; V. Klotz.

*(b) International Non-Governmental Organizations*

**European Broadcasting Union (EBU):** W. Rumphorst; J. Briquemont. **International Association of Authors of Comics and Cartoons (AIAC):** G. Mordillo; A. Bell-Längst. **International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM):** M.J. Freegard; C. Joubert; N. Ndiaye. **International Chamber of Commerce (ICC):** J.M.W. Buraas. **International Confederation of Societies of Authors and Composers (CISAC):** M.J. Freegard; C. Joubert; N. Ndiaye. **International Copyright Society (INTERGU):** G. Halla; C. Hughes. **International Federation of Actors (FIA):** R. Rembe. **International Federation of Associations of Film Distributors (FIAD):** G. Grégoire. **International Federation of Film Producers Associations (FIAPF):** A. Brisson; F. Grönich. **International Federation of Musicians (FIM):** J. Morton; Y. Burckhardt. **International Federation of Phonogram and Videogram Producers (IFPI):** I. Thomas; G. Davies; E. Thompson. **International Literary and Artistic Association (ALAI):** M.J. Freegard. **International Publishers Association (IPA):** J.-A. Koutchoumow; S.G. Harpner. **Latin American Federation of Performers (FLAIE):** J. Dias; A. Millé; J. Costa.

**IV. Secretariat**

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

A. Amri (*Lawyer, Copyright Division*).

**World Intellectual Property Organization (WIPO)**

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

## Notifications

### Berne Convention for the Protection of Literary and Artistic Works (Paris Act, 1971)

#### INDIA

#### Notification concerning Articles II and III of the Appendix to the Paris Act (1971)

The Government of the Republic of India deposited, on June 7, 1984, a notification by which it renews the declaration, made on February 1, 1984,\* according to which it avails itself of the faculty provided for in Article II and the faculty provided for in Article III of the Appendix to the Berne Convention for the Protection of Literary and Artistic Works of

September 9, 1886, as revised at Paris on July 24, 1971.

In accordance with Article I(2)(a) of the said Appendix, the renewal of the said declaration made by the Republic of India is effective for a period of ten years from October 10, 1984, that is, until October 10, 1994.

Berne Notification No. 110, of June 20, 1984.

\* See *Copyright*, 1984, p. 111.

## National Legislation

#### JAPAN

### Law to Take an Interim Measure for the Protection of the Rights of Authors, etc. with Respect to the Lending of Commercial Phonograms to the Public

(No. 76, of December 2, 1983)\*

#### *Purpose*

*Article 1.* The purpose of this Law is, with respect to the act of lending commercial phonograms to the public against payment of fees, to provide, as an

interim measure, for the rights of authors, performers and producers of phonograms in commercial phonograms, and thereby to contribute to the protection of their right of reproduction or of making sound recordings.

\* This Law was promulgated on December 2, 1983, and came into force on June 2, 1984.— English translation communicated to WIPO by courtesy of the Cultural Affairs Department, Copyright Division, of Japan.

#### *Definitions*

*Article 2.* In this Law, “works,” “performances,” “phonograms,” “commercial phonograms,” “sound

recordings” or “the public” means works, performances, phonograms, commercial phonograms, sound recordings or the public, respectively, as defined in Article 2 of the Copyright Law (Law No. 48, of 1970).

*Rights of authors, etc. in commercial phonograms*

*Article 3.* Those who have the right as provided for in Article 21, Article 91, paragraph (1) or Article 96 of the Copyright Law with respect to the making of sound recordings of works; performances or phonograms (other than those mentioned in Article 8, item (ii) of that Law) incorporated in commercial phonograms shall enjoy the right to grant the authorization mentioned in paragraph (1) of the next Article.

*Authorization to lend commercial phonograms to the public*

*Article 4.* (1) A person who intends to lend commercial phonograms to the public against payment of fees shall, until the end of a period as prescribed by a cabinet order from the date of the first sale of such commercial phonograms within this country, obtain authorization from those mentioned in the preceding Article with respect to such lending.

(2) The act of lending mentioned in the preceding paragraph shall include any kind of acts of similar commercial nature, whatever may be their purpose or means.

(3) A person who has obtained the authorization mentioned in paragraph (1) may lend such authorized commercial phonograms to the public against payment of fees, to the extent of the terms of such authorization.

*Application of the Copyright Law*

*Article 5.* The act of lending commercial phonograms to the public against payment of fees without obtaining authorization from those mentioned in Article 3 and in violation of the provision of paragraph (1) of the preceding Article shall be considered to constitute an infringement on the right as provided for in Article 21, Article 91, paragraph (1) or Article 96, paragraph (1) of the Copyright Law, and the provisions of Articles 112, 114, 117 to 119, 123 and 124 of that Law shall apply to such act.

**Supplementary Provisions**

*Date of enforcement*

1. This Law shall come into force six months after the date of its promulgation.

*Transitory measures*

2. The provisions of Articles 4 and 5 shall not apply to such commercial phonograms as sold within this country before the enforcement of this Law.

**Cabinet Order to Prescribe a Period During which the Authors, etc. Shall Have the Right to Grant Authorization with Respect to the Lending of Commercial Phonograms to the Public**

(No. 106, of April 17, 1984)\*\*

In accordance with the provision of Article 4, paragraph (1) of the Law to Take an Interim Measure for the Protection of the Rights of Authors, etc. with Respect to the Lending of Commercial Phonograms to the Public (Law No. 76, of 1983), this Cabinet Order shall be established as follows:

A period as prescribed by a cabinet order, as mentioned in Article 4, paragraph (1) of the Law to Take an Interim Measure for the Protection of the Rights of Authors, etc. with Respect to the Lending of Commercial Phonograms to the Public (hereinafter referred to as “the Law”), shall be one year.

\*\* This Cabinet Order was promulgated on April 17, 1984, and came into force on June 2, 1984.— English translation communicated to WIPO by courtesy of the Cultural Affairs Department, Copyright Division, of Japan.

**Supplementary Provision**

This Cabinet Order shall come into force on the date of enforcement of the Law (on June 2, 1984).

## UNITED KINGDOM

## I

**The Copyright (International Conventions) (Amendment) Order 1983**

(No. 1708, of November 18, 1983)

1. This Order may be cited as the Copyright (International Conventions) (Amendment) Order 1983 and shall come into operation on 19<sup>th</sup> December 1983.

2. The Copyright (International Conventions) Order 1979\* shall be amended as follows:—

- (a) in Schedule 1 (which names the countries of the Berne Copyright Union) there shall be included references to Barbados, Venezuela and Zimbabwe.
- (b) in the said Schedule Venezuela shall be indicated with an asterisk denoting that it is also party to the Universal Copyright Convention.
- (c) in Schedule 2 (which names the countries party to the Universal Copyright Convention but not members of the Berne Union) the name of Venezuela, and the date indicated in relation to that country, shall be omitted.

\* The Copyright (International Conventions) Order 1979 (No. 1715) has been amended by Order No. 1723 of 1980 (see *Copyright*, 1980, pp. 212 to 216 and 1981, p. 80, respectively).

3. This Order shall extend to all the countries mentioned in the Schedule hereto.

## SCHEDULE

## Countries to which this Order extends

Bermuda	Hong Kong
British Virgin Islands	Isle of Man
Cayman Islands	Montserrat
Falkland Islands and its Dependencies	St Helena and its Dependencies
Gibraltar	

## EXPLANATORY NOTE

(This Note is not part of the Order)

This Order amends the Copyright (International Conventions) Order 1979. It takes account of the accessions of Barbados, Venezuela and Zimbabwe to the Berne Copyright Convention.

The Order extends to dependent countries of the Commonwealth to which the 1979 Order now extends.

## II

**The Copyright (International Conventions) (Amendment) Order 1984**

(No. 549, of April 11, 1984)

1. This Order may be cited as the Copyright (International Conventions) (Amendment) Order 1984 and shall come into operation on 10<sup>th</sup> May 1984.

\* The Copyright (International Conventions) Order 1979 (No. 1715) has been amended by Orders No. 1723 of 1980 and No. 1708 of 1983 (see *Copyright*, 1980, pp. 212 to 216; 1981, p. 80; 1984, p. 287, respectively).

2. The Copyright (International Conventions) Order 1979\* shall be amended as follows:

- (a) in Schedule 1 (which names the countries of the Berne Copyright Union) —
  - (i) there shall be included a reference to Rwanda, and
  - (ii) the references to Barbados, Guinea and Sri Lanka shall be indicated with asterisks to

denote that each is also party to the Universal Copyright Convention;

- (b) in Schedule 2 (which names the countries party to the Universal Copyright Convention but not members of the Berne Copyright Union) there shall be included references to Belize and the Dominican Republic with related references to 1<sup>st</sup> December 1982 and 8<sup>th</sup> May 1983 respectively;
- (c) in Schedule 3 (which names countries in whose case copyright in sound recordings includes exclusive right to perform in public and to broadcast) there shall be included references to Barbados, Finland and Panama;
- (d) in Schedules 4 and 5 (which name countries whose broadcasting organisations have copyright protection in relation to sound broadcasts and television broadcasts respectively) there shall be included references to Barbados, Finland and Panama with related references in each Schedule to 18<sup>th</sup> September 1983, 21<sup>st</sup> October 1983 and 2<sup>nd</sup> September 1983 respectively; and
- (e) in Schedule 6 (which names the countries to which Parts I and II of the Order extend)—
- (i) the reference to Belize and the date indicated in relation to that country shall be omitted, and
  - (ii) there shall be included a reference to the British Indian Ocean Territory with a related reference to 21<sup>st</sup> November 1964.

3. (1) This Order, except for paragraph (d) of Article 2, shall extend to all the countries mentioned in the Schedule hereto.

(2) Paragraph (d) of Article 2 shall extend to Bermuda and Gibraltar.

## SCHEDULE

Article 3(1)

### Countries to which this Order (except Article 2 (d)) extends

Bermuda	Gibraltar
British Indian Ocean Territory	Hong Kong
British Virgin Islands	Isle of Man
Cayman Islands	Montserrat
Falkland Islands	St Helena
Falkland Islands Dependencies	St Helena Dependencies (Ascension, Tristan da Cunha)

### EXPLANATORY NOTE

(This Note is not part of the Order)

This Order further amends the Copyright (International Conventions) Order 1979. It takes account of:

- (i) the accession of Rwanda to the Berne Copyright Convention,
- (ii) the accession of Barbados, Belize, the Dominican Republic, Guinea and Sri Lanka to the Universal Copyright Convention, and
- (iii) the accession of Barbados, Finland and Panama to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations.

It also omits Belize from and includes the British Indian Ocean Territory among the dependent countries of the Commonwealth to which the 1979 Order extends.

The Order itself extends, so far as is appropriate, to those countries.

## General Studies

### **Performers' Rights: A New, Independent Institution of Intellectual Property Law**

Antonio MILLÉ\*





## Correspondence

### Letter from Switzerland

Mario M. PEDRAZZINI\*











## Activities of Other Organizations

### International Literary and Artistic Association (ALAI)

#### Study Session and Executive Committee

(Paris, April 5 to 7, 1984)

At the invitation of its French Group, the International Literary and Artistic Association (ALAI) held a study session in Paris on April 5 and 6, 1984, devoted to industrial designs.

This event, which took place in the Debussy-Ravel Hall at the headquarters of SACEM, was attended by some 80 participants from various countries, including Belgium, Canada, Denmark, Finland, France, Germany (Federal Republic of), Greece, Italy, the Netherlands, Sweden, Switzerland and the United Kingdom. WIPO was represented by Mr. Claude Masouyé, Director of the Public Information and Copyright Department, and Mr. François Balleys, Head of the Industrial Property Law Section.

The program of this study session, chaired by Professor Georges Koumantos, ALAI President, included a stocktaking of relevant legislation, study of the requirements for protection of industrial designs under copyright law and under the industrial property system, and of the duration and scope of such protection, together with an examination of the question at international level.

The study session provided an opportunity for a broad exchange of views between the participants, based on a document presented by Mr. Wladimir Duchemin, the General Rapporteur, and individual reports submitted on the protection of industrial designs by several national groups of ALAI, and enabled a number of general approaches to be identified.

The ALAI Executive Committee met on the day following the study session, April 7, 1984, to decide on the position to be taken by ALAI in adopting the resolution set out below:

As a result of the study session on industrial designs held in Paris on April 5 and 6, 1984, as a follow-up to the work carried out on the same topic during the Aegean Sea Congress from April 13 to 20, 1983, the ALAI Executive Committee,

Reiterates its attachment to the principle that any original creation of a form should enjoy copyright, irrespective of any consideration of purpose or merit, insofar as it possesses those features normally required for such protection,

Considers that this principle is in no way incompatible with protection afforded to industrial designs under special legislation applying those methods that are specific to industrial property. This latter system of law could be applied either to objects that, despite their utilitarian nature, are already covered by copyright or to objects that are not entitled to copyright protection. In the first case, protection deriving from the specific law would be afforded parallel to that based on copyright. In the second case, it may be provided that such articles would only be entitled to benefit from an exclusive right if they were registered,

Decides to continue its concertation with other bodies concerned with industrial designs statute.

## Interamerican Copyright Institute (IIDA)

### Seminar on University Teaching and Copyright

(Sao Paulo, May 7 to 9, 1984)

As part of the celebration of the 50<sup>th</sup> anniversary of the foundation of Sao Paulo University, the Interamerican Copyright Institute (IIDA), in cooperation with the Brazilian Intellectual Property Institute and the University's Law Faculty, organized a Seminar in Sao Paulo from May 7 to 9, 1984, on the subject of "University Teaching and Copyright."

This Seminar, which was placed under the patronage of the Minister of Education and Culture of Brazil, Professor Esther de Figueiredo Ferraz, was opened by the President of the IIDA, Professor Antonio Chaves, in the presence of Professor Alexandre Correia, Vice-Dean of the Law Faculty and Professor Antigo Serador, Attorney-General of the State of Sao Paulo. WIPO was represented by Mr. Claude Masouyé, Director of the Public Information and Copyright Department. Among the international non-governmental organizations present there was the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), represented by its President, Professor Ernesto Aracama Zorraquin.

The program of the Seminar, in which essentially members of the National Copyright Council and university teaching staff or students of Brazilian nationality participated, included a certain number of reports on the following subjects:

- Legislative trends in copyright during the last 20 years, by Mr. Claude Masouyé (WIPO);
- The contribution of Unesco in the dissemination of copyright principles throughout the world, by Mr. Arcadio Plazas (Colombia);

- The National Copyright Council of Brazil, by Mr. Joaquim Justino Ribeiro, President of the Council;

- The creation, role and activities of ATRIP, by Professor Ernesto Aracama Zorraquin (Argentina);

- Copyright and patents for professors and students in universities, by Professor Antonio Chaves (Brazil);

- The influence of doctrine in the solution of administrative and judicial problems in the field of copyright, by Professor Carlos Alberto Villalba (Argentina);

- The improvement of the collection of authors' royalties on the Latin American continent, by Mr. Henri Jessen (Brazil).

Other reports were also presented by a number of professors of Sao Paulo University on the university teaching of various aspects of copyright and neighboring rights on the one hand, thus assuring compliance with the Resolution adopted by the IV<sup>th</sup> Continental Conference of the IIDA, held in Santiago de Chile from October 31 to November 4, 1983,\* and industrial property law on the other.

---

\* See *Copyright*, 1984, p. 89, paragraph *ad* 6 of the Resolution.

## Bibliography

### List of Books and Articles

From January 1 to June 30, 1984, the WIPO Library has entered in its catalogue a number of works or other publications on copyright and neighboring rights, among which the following are mentioned that are most important or most relevant to recent developments.

#### Books

- BERKA (Walter). *Medienfreiheit und Persönlichkeitsschutz: Die Freiheit der Medien und ihre Verantwortung im System der Grundrechte*. Wien, New York, Springer, 1982. – XII–325 p. (Forschungen aus Staat und Recht, 63).
- BLESZYNSKI (Jan) and STASZKOW (Michal). *Prawo autorskie i wynalazcze*. Warszawa, Panstwowe Wydawnictwo Naukowe, 1983. – 400 p.
- BRUNET (Claude). *Le Gouvernement du Québec et les droits d'auteur de la couronne*. Québec, Ministère des Affaires culturelles, 1983. – (pag. mult.)
- Cable Television: Media and Copyright Law Aspects*. Reports to an ALAI Symposium, Amsterdam, 16–20 May 1982, edited by Herman Cohen Jehoram, Deventer, Kluwer, 1983. – XVI–236 p.
- GASAWAY (Laura Nell) and MURPHY (Maureen). *Legal Protection for Computer Programs*. Boulder (Colorado), CAUSE, 1982. – XI–117 p.
- LIEBRECHT (Ehrhard E.). *Die Zweckübertragungslehre im ausländischen Urheberrecht: Deutschsprachige Länder und Europäische Gemeinschaft*, München, C.H. Beck, 1983. – XXXVIII–260 p. (Urheberrechtliche Abhandlungen, 19).
- LINDON (Raymond). *Les droits de la personnalité*. Paris, Dalloz, 1983. – VII–321 p. (dictionnaire juridique).
- MADDISON (Raymond). *Copyright and Related Rights: Principles, Problems and Trends*. London, The Economist Intelligence Unit, 1983. – 90 p.
- Piracy and Counterfeiting of Industrial Property and Copyright*.<sup>1</sup> Edited by W.R. Cornish, London, Common Law Institute of Intellectual Property, and British Institute of International and Comparative Law, 1983. – 143 p.
- PRACTISING LAW INSTITUTE. *Software Protection and Marketing: Computer Programs and Data Bases; Video Games and Motion Pictures*. New York, PLI, 1983. – 2 vols. (672 p. + 776 p.) (Patents, Copyrights, Trademarks and Literary Property: Course Handbook Series, 159, 160).
- RICHARD (Hélène). *La protection des articles de journaux et de revues et la sanction de la contrefaçon de ceux-ci*. Etude réalisée pour le Service gouvernemental de la propriété intellectuelle, Ministère des Affaires culturelles du Québec, 1983. – III–85 p.
- SHATROV (V.P.). *Mezhdunarodnoe sotrudnichestvo oblasti izobretatel'skogo i avtorskogo Prava*. Moskva, Mezhdunarodn'ie Otnoshniia, 1982. – 239 p.
- SCHMIDT (Stephan). *Urheberrechtsprobleme in der Werbung*. München, Nickl, 1983. – 232 p.
- SMITH (Douglas A.). *Collective Agencies for the Administration of Copyright*. Ottawa, Minister of Supply and Services Canada, 1983. – 86 p. (Copyright Revision Studies).
- SPAIC (Vojislav). *Théorie du droit d'auteur et le droit d'auteur en République socialiste fédérative de Yougoslavie*.<sup>2</sup> Zrinski, Cakovec, 1983. – IX–338 p.

#### Articles

- ALLEN (G.G.). *Copyright and Copying in Australia: the Impact of the 1980 Amendments to the Australian Copyright Act*. In "Libri: International Library Review" 1982, Vol. 32, No. 3, pp. 207–223.
- BACKX (A.). *Informatieplicht en staatsauteursrecht*. In "Auteursrecht" 1983, Vol. 7, No. 3, pp. 43–49.
- BANKI (P.). *Recent Developments in Copyright — Australia, New Zealand and the Pacific*. In "Journal of the Copyright Society of the USA" 1983, Vol. 31, No. 1, pp. 57–72.
- BROWN (R.S.). *The Joys of Copyright*. In "Journal of the Copyright Society of the USA" 1983, Vol. 30, No. 5, pp. 477–482.
- BROWN (S.M.D.) and EDWARDS (S.). *Resurrecting Copyright*. In "International Media Law" 1983, Vol. 1, No. 6, pp. 52–54.
- BRUNET (C.). *L'impossible révision : chapitre 4 "Brindilles pour ranimer la foi"*. In "Revue canadienne du droit d'auteur" 1983, Vol. 3, No. 1, pp. 11–16.
- CALLEBAUT (C.). *The Legal Protection of Artist Performers in France*. In "Journal of the Copyright Society of the USA" 1983, Vol. 31, No. 2, pp. 163–184.
- CALLINICOU (D.). *Nouvelles de Grèce*. In RIDA 1983, No. 116, pp. 152–171 [in French with parallel English and Spanish translations].
- CHISUM (D.). *Copyright, Computer Programs and the Apple Cases: a Compromise Solution*. In "European Intellectual Property Review" 1983, Vol. 5, No. 9, pp. 233–237.
- COLBY (R.). *"Auftragswerke" im Urheberrechtsgesetz der Vereinigten Staaten: eine rechtsvergleichende Anmerkung zu einer umstrittenen Regelung*. In "Film und Recht" 1983, Vol. 27, No. 6, pp. 303–308.
- CORNISH (W.R.) and PHILLIPS (J.J.). *Copyright in the United Kingdom*. In RIDA 1984, No. 119, pp. 59–121 [in English with parallel French and Spanish translations].

<sup>1</sup> See *Copyright*, 1984, pp. 246–247.

<sup>2</sup> *Ibid.*, p. 126.

- CORRAL BELTRAN (M. del). *Data Bases and Intellectual Property*. In "Copyright Bulletin" (Unesco), 1983, Vol. XVII, No. 4, pp. 8-15.
- DAVIES (J.). *Copyright and Computer Software: the Publishers' View*. In "ASLIB Proceedings" 1983, No. 11/12, pp. 444-448.
- DE FREITAS (D.). *Interpretation of Copyright Law: Looking Especially at the Situation Created by the New Technology*. In "ASLIB Proceedings" 1983, Vol. 35, No. 11/12, pp. 431-439.
- DIAMOND (S.A.). *On Author's and Artist's Moral Rights: Editing of "Monty Python" Shows Ruled a Copyright Infringement*. In "Trademark Reporter" 1983, Vol. 73, No. 3, pp. 248-275.
- DIETZ (A.). *Copyright Issues in the EEC: the Recent Decisions of the European Court of Justice and of the Commission*. In "Journal of the Copyright Society of the USA" 1983, Vol. 30, No. 6, pp. 517-529.
- *Das Problem des Rechtsschutzes von Computerprogrammen in Deutschland und Frankreich: die kategoriale Herausforderung des Urheberrechts*. In "Bijblad bij de Industriële Eigendom" 1983, Vol. 51, No. 11, pp. 305-311.
- *A propos de l'harmonisation des législations nationales dans les pays de la CEE*. In RIDA 1983, No. 117, pp. 48-79 [in French with parallel English and Spanish translations].
- DILLENZ (W.). *Überlegungen zum Domaine public payant*. In GRUR Int. 1983, No. 12, pp. 920-926.
- EBU — EUROPEAN BROADCASTING UNION. *An EBU Survey on Cable Television in Europe*. In "EBU Review" 1984, Vol. XXXV, No. 1, pp. 31-42.
- EMINESCU (Y.). *Problèmes actuels du droit d'auteur: aspects nouveaux des problèmes anciens, concernant l'exercice des prérogatives du droit moral de l'auteur, après sa mort*. In "Revue roumaine des sciences sociales, sciences juridiques" 1983, Vol. 27, No. 1, pp. 23-39.
- FABIANI (M.). *La pirateria delle opere a stampa e delle emissioni di televisione*. In "Il Diritto di Autore" 1983, Vol. 54, No. 3, pp. 289-312 [with a summary in English and French].
- FICSOR (M.). *The Past, Present and Future of Copyright in the European Socialist Countries*. In RIDA 1983, No. 118, pp. 32-107 [in English with parallel French and Spanish translations].
- FLECHSIG (N.P.). *Rückwirkung der Revidierten Berner Ubereinkunft und einschlägiges Urheberrecht der Schutzlandes*. In GRUR Int. 1984, No. 1, pp. 7-11.
- GARRET (R.A.) and HATFIELD (D.N.). *A Reexamination of Cable Television's Compulsory Licensing Royalty Rates: the Copyright Royalty Tribunal and the Marketplace*. In "Journal of the Copyright Society of the USA" 1983, Vol. 30, No. 5, pp. 433-476.
- GORTIKOV (S.M.). *Il diritto d'autore è le registrazioni private negli Stati Uniti*. In "Bollettino della Società Italiana degli Autori ed Editori" 1983, Vol. 55, No. 3/4, pp. 76-81.
- GOUNALAKIS (G.). *Urheberrechtliche Probleme der Kabelverbreitung ausländischer Rundfunksendungen: Darstellung anhand der österreichischen Urheberrechtsgesetz-Novelle 1980*. In "Film und Recht" 1983, Vol. 27, No. 9, pp. 463-476.
- HABERSTUMPF (H.). *Gedanken zum Urheberrechtsschutz wissenschaftlicher Werke*. In UFITA 1983, Vol. 96, pp. 41-54 [with a summary in English and French].
- HARRIS (R.). *Reversionary Rights in the United Kingdom and Canada*. In "Journal of the Copyright Society of the USA" 1983, Vol. 30, No. 6, pp. 544-553.
- HEWITT (S.). *Copyright Claims to Computer Output in the UK*. In "European Intellectual Property Review" 1983, Vol. 5, No. 11, pp. 308-311.
- HODIK (K.H.). *Die Urheberrechte des Bühnenbildners: ein rechtsvergleichender Beitrag zum Schutz von Bühnenbildern in Deutschland, Schweiz und Österreich*. In "Film und Recht" 1983, Vol. 27, No. 6, pp. 298-302.
- JACOBSON (J.E.). *American Performing Rights*. In "European Intellectual Property Review" 1983, Vol. 5, No. 5, pp. 115-119.
- JOUBERT (C.). *Le prix du répertoire d'une société d'auteurs en position dominante dans le carcan du droit de la concurrence*. In RIDA 1983, No. 117, pp. 2-47 [in French with parallel English and Spanish translations].
- KÄLIN (U.P.). *Die Vergütung für Kabelweitersendungen in der Schweiz*. In GRUR Int. 1984, No. 5, pp. 267-274.
- KATZENBERGER (P.). *Urheherrliche Probleme moderner Techniken und Methoden der Fachinformation*. In "Datenverarbeitung im Recht" 1982, Vol. 11, No. 2/3, pp. 145-153.
- *Urheberrechtsfragen der elektronischen Textkommunikation*. In GRUR Int. 1983, No. 12, pp. 895-919.
- KRAMSKY (E.N.). *The Evolution of Video Game Protection: a Short History*. In "Software Protection" 1983, Vol. 2, No. 4, pp. 1-13.
- LADD (D.). *The Harm of the Concept of Harm in Copyright: the Thirteenth Donald C. Brace Memorial Lecture*. In "Journal of the Copyright Society of the USA" 1983, Vol. 30, No. 5, pp. 421-432.
- LAHORE (J.). *Design Copyright in Australia: Some Recent Developments*. In "European Intellectual Property Review" 1983, Vol. 5, No. 5, pp. 124-129.
- LECHTER (M.A.). *Protecting Software and Firmware Developments*. In "Computer" 1983, Vol. 16, No. 8, pp. 73-82.
- LE FANU (M.). *The Role of the Literary Agent in Copyright*. In "Copyright Bulletin" (Unesco) 1984, Vol. XVIII, No. 1, pp. 8-12.
- LESTER (D.A.). *Recent Developments in the Copyright Sphere in the United Kingdom*. In "Journal of the Copyright Society of the USA" 1983, Vol. 30, No. 6, pp. 530-543.
- LEVIN (M.B.). *Soviet International Copyright: Dream or Nightmare?* In "Journal of the Copyright Society of the USA" 1983, Vol. 31, No. 2, pp. 127-162.
- MASOUYÉ (C.). *La Convention de Berne depuis Stockholm (1967)*. In RIDA 1984, No. 119, pp. 3-57 [in French with parallel English and Spanish translations].
- MCCANN (J.). *Videotape Recorders and Copyright Infringement: the Fair Use Doctrine on Instant Replay*. In "The Journal of Arts Management and Law" 1984, Vol. 13, No. 4, pp. 5-30.
- McFARLANE (G.). *Musical Copyright: EEC & the GEMA Statutes*. In "International Media Law" 1983, Vol. 1, No. 6, pp. 54-55; No. 7, pp. 58-60.
- MELAS (V.). *Le droit d'auteur des journalistes*. In RIDA 1984, No. 119, pp. 123-195 [in French with parallel English and Spanish translations].
- MERTEN (M.) and BALKE (B.). *Technische Entwicklung und Urheberrecht: Swinigel und Hase?* In "Film und Recht" 1983, Vol. 27, No. 5, pp. 263-265.

- MISERACHS RIGALT (A.). *Sistemas internacionales para la proteccion de los Derechos espanoles de autor*. In "La Revista Juridica de Cataluna" 1981, No. 3, pp. 101-129.
- *Formalidades estabilizadoras del derecho de autor*. In "La Revista Juridica de Cataluna" 1982, No. 1, pp. 77-93.
- MISERACHS RIGALT (A.) and MISERACHS SALA (P.). *Ensayo sobre la proteccion juridica de los fonogramas*. In "La Revista Juridica de Cataluna", 1982, No. 3, pp. 111-133.
- MÖLLER (M.). *Kabelrundfunk im Versorgungsbereich : zur Frage der Vergütungspflicht bei Kabelübertragung*. In "Film und Recht" 1983, Vol. 27, No. 9, pp. 455-462.
- ÖHLINGER (T.). *Rechtsprobleme des Kabelfernsehens und des Satellitenrundfunks*. In "Rundfunkrecht" 1983, No. 3/4, pp. 37-44.
- OHMER (G.). *Gewerblicher Rechtsschutz und Urheberrecht in Portugal : eine Darstellung der neueren Entwicklung*. In GRUR Int. 1983, No. 11, pp. 839-845.
- ORMESSON-KERSAINT (B.) d'. *La protection des oeuvres du domaine public*. In RIDA 1983, No. 116, pp. 72-151 [in French with parallel English and Spanish translations].
- PATRY (W.). *Electronic Audiovisual Games: Navigating the Maze of Copyright*. In "Journal of the Copyright Society of the USA" 1983, Vol. 31, No. 1, pp. 1-56.
- PIATTI (M.-C.) and GAUBIAC (Y.). *La création artistique assistée par ordinateurs : problèmes de droit d'auteur*. In RIDA 1983, No. 118, pp. 108-167 [in French with parallel English and Spanish translations].
- PINNOCK (K.). *Photocopying and Licensing: the Publishers' View*. In "ASLIB Proceedings" 1983, No. 11/12, pp. 449-456.
- PLAISANT (R.). *La protection du logiciel par le droit d'auteur (programme d'ordinateur)*. In "Gazette du Palais" 1983, Vol. 103, No. 268/270, pp. 2-4 (Doctrine).
- PLAMONDON (L.), AUBUT (L.) and JUSTER (D.). *Révision de la loi canadienne sur le droit d'auteur*. In "Revue canadienne du droit d'auteur" 1983, Vol. 3, No. 1, pp. 17-22.
- *Pour une nouvelle loi sur le droit d'auteur*. In "Revue canadienne du droit d'auteur" 1983, Vol. 3, No. 1, pp. 23-29.
- RAHN (G.). *Sonderschutzgesetz für Computerprogramme in Japan?* In GRUR Int. 1984, No. 4, pp. 217-222.
- RADOJKOVIC (Z.). *Le droit au respect de l'intégrité de l'oeuvre et de la personnalité de l'auteur*. In "Il Diritto di Autore" 1983, Vol. 54, No. 3, pp. 384-402.
- SCHORN (F.). *Zum Schutz ausländischer Künstler in der Bundesrepublik Deutschland*. In GRUR 1983, Vol. 85, No. 9, pp. 492-493.
- SHARPE (A.). *Australian Copyright Law Relating to Audio and Video Reproduction: Proposals for its Reform*. In RIDA 1983, No. 118, pp. 168-233 [in English with parallel French and Spanish translations].
- SIEGER (F.). *Urheberrechte an bisher unveröffentlichten nachgelassenen Werken Adolf Hitlers*. In "Film und Recht" 1983, Vol. 27, No. 10, pp. 537-540.
- STAINES (A.). *Protecting Authors' Rights in Computer Software*. In "European Intellectual Property Review" 1983, Vol. 5, No. 6, pp. 142-147.
- STEFFAN (E.B.). *L'OMPI lutte contre la piraterie*. In "Nouvelles de la FIT" 1983, No. 1/2, pp. 42-44.
- STEINMETZ (H.). *Die geplante Neuregelung der privaten Überspielung aus österreichischer Sicht : kritische Gedanken zur deutschen UG-Novellierung*. In "Film und Recht" 1983, Vol. 27, No. 5, pp. 254-257.
- SUGAR (S.). *Legal Protection of Video Games*. In "International Media Law" 1982, Vol. 1, No. 3, pp. 22-23.
- TEMPLETON (R.). *"Public Domain" Software*. In "ASLIB Proceedings" 1983, No. 11/12, pp. 440-443.
- TONDRO (T.J.). *The Copyright Act as Governmental Policy*. In "Journal of Arts Management and Law" 1983, Vol. 13, No. 1, pp. 149-157.
- TUCKER (R.L.). *A Comparison of Copyright Protection of Utilitarian Designs in the United States and the United Kingdom*. In IDEA 1983, Vol. 24, No. 2, pp. 93-113.
- VERKADE (D.W.F.). *Bescherming van computerprogrammaatuur in Nederland (auteursrecht, onrechtmatige daad)*. In "Bijblad bij de Industriële Eigendom" 1983, Vol. 51, No. 11, pp. 298-303.
- VERLINDE (W.). *Some Comments on the Signing of the Cable Agreement in Belgium*. In "EBU Review" 1984, Vol. XXXV, No. 2, pp. 27-32.
- WOOD (D.N.). *Reprography and Copyright with Particular Reference to Document Supply: a View from the British Library Lending Division*. In "European Intellectual Property Review" 1983, Vol. 5, No. 12, pp. 323-329.
- WYLER (B.). *Der Kunstverlag aus urheber- und urhebervertragsrechtlicher Sicht : Vortrag im Rahmen des Schweizerischen Vereinigung für Urheberrecht*. In "Film und Recht" 1983, Vol. 27, No. 9, pp. 481-486.
- ZAHN (R.G.). *Urheberrecht und Computerprogramme : Stand Anfang 1983*. In "Mitteilungen der deutschen Patentanwälte" 1983, Vol. 74, No. 7/8, pp. 141-143.

## Calendar of Meetings

### WIPO Meetings

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

#### 1984

- September 17 and 19 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Developing Countries
- September 18 to 21 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property
- September 18 to 21 (Geneva) — Permanent Committee on Patent Information (PCPI)
- September 24 to 28 (Geneva) — Ordinary Sessions of the Coordination Committee of WIPO and the Executive Committees of the Paris and Berne Unions; Paris Union Assembly (Extraordinary Session); PCT Union Assembly (Extraordinary Session)
- October 8 to 10 (Doha) — Regional Group of Experts on Means of Implementation in Arab States of Model Provisions on Intellectual Property Aspects of Protection of Expressions of Folklore (convened jointly with Unesco)
- October 15 to 19 (Geneva) — Nice Union — Preparatory Working Group
- October 22 to 26 (Geneva) — Group of Experts on the Question of Copyright Ownership and its Consequences for the Relations Between Employers and Employed or Salaried Authors (convened jointly with Unesco)
- November 5 to 9 (Geneva) — Committee of Experts on Biotechnological Inventions
- November 19 to 23 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Groups on Special Questions and on Planning
- November 26 to 30 (Paris) — Group of Experts on Copyright Problems Related to the Rental of Phonograms and Videograms (convened jointly with Unesco)
- November 26 to 30 (Geneva) — International Patent Classification (IPC) Union — Committee of Experts
- December 3 to 7 (?)(Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on General Information
- December 10 to 14 (Paris) — Group of Experts on the Intellectual Property Aspects of the Protection of Folklore at the International Level (convened jointly with Unesco)

#### 1985

- February 4 to 8 (Geneva) — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights
- February 25 to March 1 (Geneva) — Group of Experts on Copyright Protection of Computer Software (convened jointly with Unesco)
- March 18 to 22 (Paris) — Group of Experts on Copyright Problems in the Field of Direct Broadcasting Satellites (convened jointly with Unesco)
- April 22 to 26 (Paris) — Joint Unesco-WIPO Consultative Committee on the Access by Developing Countries to Works Protected by Copyright (convened jointly with Unesco)
- June 17 to 25 (Paris) — Berne Union — Executive Committee — Extraordinary Session (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)
- June 26 to 28 (Paris) — Rome Convention — Intergovernmental Committee (convened jointly with ILO and Unesco)
- September 23 to October 1 (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)

## UPOV Meetings

### 1984

August 6 to 10 (Hanover) — Technical Working Party for Ornamental Plants and Forest Trees, and Subgroups

September 25 to 28 [or October 8 to 11] (Valencia) — Technical Working Party for Fruit Crops, and Subgroups

October 16 (Geneva) — Consultative Committee

October 17 to 19 (Geneva) — Council

November 6 and 7 (Geneva) — Technical Committee

November 8 and 9 (Geneva) — Administrative and Legal Committee

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

### Non-Governmental Organizations

#### 1984

**European Broadcasting Union (EBU)**

Legal Committee — October 3 to 6 (Cyprus)

**International Confederation of Societies of Authors and Composers (CISAC)**

Congress — November 12 to 17 (Tokyo)

**International Council on Archives (ICA)**

Congress — September 17 to 21 (Bonn)

**International Federation of Translators (FIT)**

Congress — August 17 to 23 (Vienna)

#### 1985

**International Copyright Society (INTERGU)**

Congress — June 7 to 12 (Munich)

**International Union of Architects (IUA)**

Congress — January 20 to 26 (Cairo)