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# Copyright

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## World Intellectual Property Organization

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

(Doha, October 8 to 10, 1984)

#### Note

In pursuance of the decisions taken by their respective competent bodies, WIPO and Unesco jointly convened a Regional Committee of Experts on Means of Implementation in the Arab States 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 Qatar, in Doha from October 8 to 10, 1984.

The purpose of the meeting was to consider the text of the 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 WIPO and Unesco in Geneva from June 28 to July 2, 1982, and to make suggestions on the means of implementation of the said text in the Arab States.

Experts from seven Arab countries (Algeria, Egypt, Jordan, Kuwait, Lebanon, Qatar, Saudi Arabia) participated in the meeting. Two intergovernmental organizations, the Arab Educational, Cultural and Scientific Organization (ALECSO) and the Arab Bureau of Education for the Gulf States were represented in an observer capacity.

The list of participants appears at the end of this Note.

The meeting was inaugurated by His Excellency Mr. Mohammad Abdul Rahman Al-Kholaiifi, Undersecretary in the Ministry of Information of the Government of Qatar and Director General of the Arab Gulf States Folklore Centre. The Undersecretary welcomed the participants and stated that Arab folklore is rich in its variety and reflects the originality of its people; that the folklore of this strategic part of the world, which was the origin of one of the important civilizations, has enriched human heritage. The Undersecretary stressed the importance they attached to this meeting and felt that it was the duty of the Arab people to consider this matter ser-

iously and help through governmental and private organizations to protect the cultural heritage represented by expressions of folklore. He spoke with considerable appreciation of the dedicated work of WIPO and Unesco in studying this question and also emphasized the contacts that the Gulf States have with both these Organizations of the United Nations System.

The representative of the Director-General of Unesco, Mr. Abdullah Ould Erebih, Unesco's Regional Representative a.i. in the Arab States of the Gulf, and the representative of the Director General of the World Intellectual Property Organization (WIPO), Mr. Shahid Alikhan, Director, Developing Countries Division (Copyright), thanked the Government of Qatar and His Excellency the Minister for Information, Mr. Issa Ghanem Al-Kawari, for their initiative in hosting this meeting and the Undersecretary, Ministry of Information for inaugurating it. They also thanked Mr. Ali Abdullah Khalifa, Head of the Arab Gulf States Folklore Centre for the excellent arrangements made for the conduct of the meeting. Mr. Abderrahmane Amri, Senior Lawyer, Copyright Division, Unesco, also spoke on the occasion.

The Committee unanimously elected Mr. Ali Abdullah Khalifa, the expert from Qatar, as its Chairman and Mr. Haider Mahmoud, the expert from Jordan, as Rapporteur.

In the course of the general debate, the experts gave a brief account of the status of protection of expressions of folklore in their respective countries.

The expert from Algeria informed the Committee that his country is interested in safeguarding folklore heritage in all its different forms of expression. There is a Directorate in the Ministry of Culture and Tourism to identify and classify the national heritage of folklore and make it known through museums and publications. In addition,

there is a national foundation for studying, identifying and encouraging the traditional crafts in all their variety. Further there is a National Institute of Popular Art which produces qualified artists and performers of folk art. There is legal protection for various kinds of folklore expressions. This is included in the copyright law which prevents distortion of folklore and dissemination of such distortion. This law is administered by the National Copyright Office (ONDA). Income from the use of folklore expressions goes into a cultural fund.

While indicating the steps taken to prevent abuse or distortion of folklore in his country, he felt that although there should be protection against exploitation of folklore, such legal protection should not become an obstacle in the way of its dissemination.

The expert from Lebanon mentioned that despite an old tradition of folklore, it was, in his country, protected more by custom since there was no law yet in this connection. He said Lebanon would welcome such a text of the model provisions for protection of expressions of folklore, particularly in the context of the present situation through which Lebanon is passing. It would enable the Lebanese authorities to protect folklore by legal means to ensure that it is not unauthorizably exploited commercially.

The expert from Egypt informed the Committee that the task of classification and documentation of folklore had been taken up in his country; that an Institute of Folklore as well as a Faculty in the University of Cairo had been established for studies on folklore. Protection by law is still lacking despite the wealth of folklore, which is being exploited without compensation to the original owners of such expressions. He welcomed the establishing of the model provisions under consideration by the Committee, and felt that through such provisions folkloric heritage could be protected; funds accruing through use of such expressions could be utilized for encouraging folklore.

The expert from the Kingdom of Saudi Arabia informed the Committee that there were various types of folklore in different regions of the Kingdom performed by folkloric troupes without any regular material compensation; a number of books have also been written on the expressions of folklore and there is a Society in the Kingdom called the Saudi Arabian Society for Culture and Arts which patronizes the art of folklore in addition to the efforts exerted by the General Department for Youth and the Ministries of Education and Information, but there is no legal protection so far. In their draft of a Copyright Law, provisions have been made for protection of folklore; these provisions would be further augmented, upon his return, to include suggestions on the basis of the model provisions.

The expert from Jordan felt that there was a great deal in common in the expression of folklore in the Arab States. He mentioned that in the early 1960s, the Broadcasting Organization of the Hashemite Kingdom of Jordan took care of the protection of folklore. The Ministry of Culture is in charge of this problem through its specialized department, but there is no law to protect folklore. The model provisions are thus useful for his country and he will ensure presenting these to the Government for adoption.

The expert from Kuwait informed the Committee that there was considerable interest in his country in folklore but while it was being encouraged, it was regrettable that no legal protection yet existed. A Folklore Centre had been established in 1956 which has gathered a variety of material in a planned manner. Maritime life has been a rich source of such folklore in the past. The Folklore Centre has documented this; it has also followed the popular form of riddles and compiled an anthology of these; it has gathered folk tales, and published popular literature on folklore; it has now undertaken work on preparation of an encyclopaedia of Kuwaiti proverbs. This Folklore Centre is also disseminating information on folklore through the media.

The expert from Qatar pointed out that the Government of Qatar had established a number of specialized institutions under the Department of Culture and Arts to collect and study the various aspects of folklore, both religious and material, and a special section is functioning under the Department of Publications to protect copyright. While the Ministry of Information in his country had listed the works and expressions of folklore, there was need not only for legal protection of expressions of folklore but also of those who performed them. A Committee had been appointed by the Gulf Cooperation Council for drafting the text of a subregional Convention on Copyright for the Gulf States. They shall also provide for protection of performers on the basis of the Rome Convention. He confirmed this draft will complement the international conventions in this field as well as the Arab Copyright Convention. In respect of protection of expressions of folklore, the model provisions now under consideration could provide the basis.

The delegate from the Arab Gulf States Folklore Centre informed the Committee that, generally speaking, the seven member States of the Folklore Centre have not yet passed a law on the protection of their national folklore heritage. However, all the member States have lately paid attention to the importance of such law for safeguarding the national culture, and have hastened to establish for this purpose, in 1982, a specialized interregional organization entitled "The Arab Gulf States Folklore

Centre." Its statute as accepted by the member States lays down that an important aim of the said Centre is to establish a National (Gulf) Law for the Protection of Folklore Heritage.

In the early 1960s, the Republic of Iraq was the first State in the area in protecting the folklore heritage; it was followed by Kuwait. Both countries have founded specialized departments in each of them to collect and study aspects of folklore heritage and have published books on this subject. In general, the States of the Gulf Area were interested to encourage and protect the folk musical groups which perform folk music and dance arts. The Republic of Iraq published a specialized scientific magazine concerning folklore heritage and established a Centre for Folk Handicrafts.

In the Sultanate of Oman, there is a special Ministry of National Heritage and Culture; the Ministry of Information in Oman had also prepared a survey of Folk Arts.

In the United Arab Emirates, the Ministry of Information and Culture is responsible for folk musical groups and national associations interested in folklore, and the State supports these and undertakes studies on oral folklore which is founded in poetry and "zajal" (or the traditional rendering of poetry).

The Ministry of Information in Bahrain founded lately a Directorate of Folklore Heritage. In addition, there are departments which study folk literature as well as others that seek to protect national musical groups which perform a variety of aspects of the folk arts.

The expert from the Arab Gulf States Folklore Centre pointed out further that the Gulf Region had lately paid considerable attention to protection of the folklore heritage in the region and has been studying it in a scientific manner befitting its national value. The Centre also extends support to the protection of such folklore heritage in the region in the same manner.

To enable the Folklore Centre thus to establish a national law for the protection of expressions of folklore, the Centre had approached the State of Qatar, in which it is located, to host this specialized meeting for studying the Model Provisions on Intellectual Property Aspects of Protection of Expressions of Folklore in the Arab States to pave the way

for the Gulf States to establish a national law suitable to the existing systems and specialized departments in each of the concerned countries.

The Centre realizes that the model presented for discussion at this Committee, which had been carefully drafted by experienced personnel, would form the basis and guide for establishing the requisite draft law. Such a draft law will then be presented to each of the following States: Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates, requesting them to adopt it as a jointly agreed project to protect the expressions of their folklore.

The representative of the Arab Educational, Cultural and Scientific Organization (ALECSO) informed the Committee concerning the Arab Convention on Copyright with particular reference to the provisions on protection of folklore. He also described the provisions of the Convention generally; he explained that, since its adoption in Baghdad in November 1981, it had been adhered to by 13 States; he also explained that a Permanent Committee on Copyright has been provided for under the said Convention for the purpose of following up on the implementation of the Convention and for examining the difficulties, if any, in the application of the Convention. He spoke of the close contacts that his Organization had with Unesco and with WIPO in the field of copyright; he mentioned that a number of Arab States were party to the Berne Convention for the Protection of Literary and Artistic Works, as also party to the Universal Copyright Convention, and that the Arab Convention on Copyright sought to complement, not contradict, the International Copyright Conventions administered by WIPO and Unesco.

The general debate was followed by an examination, section by section, of the Model Provisions and the Commentary thereon, as submitted to the Committee through document UNESCO/WIPO/FOLK/AR/2. There was considerable discussion on this, and the experts made a number of observations in the context of implementation of the said model provisions in the Arab States.

The experts also recommended that WIPO and Unesco should prepare the draft of an international multilateral treaty on the protection of expressions of folklore and work for its adoption and implementation.

## List of Participants

### I. Experts

Mr. Salah Abada  
Director General, Office national du droit d'auteur, Alger,  
Algeria

Mr. Selim Bessiso  
Legal Counsel, Ministry of Information, Kuwait

Mr. Mahmoud Loufti  
Director General, Société des auteurs, compositeurs et édi-  
teurs, Cairo, Egypt

Mr. Gaider Mahmoud  
Director General, Department of Culture and Arts, Minis-  
try of Education, Amman, Jordan

- H.E. Mr. Jean Melha  
Ambassador of Lebanon, Doha, Qatar
- Mr. Mussfer Al Mussfer  
Director General of Publications, Ministry of Information,  
Riyadh, Saudi Arabia
- Mr. Ali Khalifa  
Head, Arab Gulf States Folklore Centre, Doha, Qatar
- Dr. Tarik Fareed  
Chief of Folk Music and Dance Unit, Arab Gulf States  
Folklore Centre, Doha, Qatar
- Mr. Mohamed Al Muselmani  
Chief of Audiovision Unit, Arab Gulf States Folklore  
Centre, Doha, Qatar
- Mrs. Najla Al Izzi  
Researcher, Unit of Handicrafts, Arab Gulf States Folklore  
Centre, Doha, Qatar
- Mr. Ahmed Al Anani  
Director General, Research and Documentation Centre,  
Doha, Qatar
- Mr. Yousuf Darwish  
Assistant Director General of Press and Publications De-  
partment, Ministry of Information, Doha, Qatar
- Mr. Abdullah Sadiq  
Director, Press and Publications Department, Ministry of  
Information, Doha, Qatar
- Mr. Mohamed Henaish  
Legal Adviser, Press and Publications Department, Minis-  
try of Information, Doha, Qatar
- Mr. Atif Yousuf  
Head of Documentation, Qatar National Commission for  
Education, Culture and Science, Doha, Qatar

- Mr. Moussa Zeinal  
Director of Culture and Arts Department, Ministry of  
Information, Doha, Qatar.

## II. Intergovernmental Organizations

### Arab Educational, Cultural and Scientific Organization (ALECSO)

- Mr. Ahmed Derradji, Permanent Delegate to Unesco, Paris,  
France

### Arab Bureau of Education for the Gulf States

- Mr. Mohamed Al Hawas, Manager, Director General's Office,  
Riyadh, Saudi Arabia

## III. Secretariat

### United Nations Educational, Scientific and Cultural Organiza- tion (UNESCO)

- Mr. Abderrahmane Amri, Senior Lawyer, Copyright Divi-  
sion

### World Intellectual Property Organization (WIPO)

- Mr. Shahid Alikhan, Director, Developing Countries Division  
(Copyright)

## National Legislation

### BANGLADESH

#### The Copyright (Amendment) Ordinance, 1978

#### An Ordinance further to amend the Copyright Ordinance, 1962\*

(No. XX of 1978)\*\*

Whereas it is expedient further to amend the Copyright Ordinance, 1962 (XXXIV of 1962), for the purposes hereinafter appearing;

\* See *Copyright, 1967*, pp. 91 *et seq.*, and 1976, pp. 119 *et seq.*

\*\* This Ordinance was promulgated by the President on June 6, 1978 and published in *The Bangladesh Gazette, Extra*, of June 12, 1978.

Now, therefore, in pursuance of the Proclamations of the 20<sup>th</sup> August 1975, and the 8<sup>th</sup> November 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance: —

#### Short title

1. This Ordinance may be called the Copyright (Amendment) Ordinance, 1978.

*Amendment of section 1, Ord. XXXIV of 1962*

2. In the Copyright Ordinance 1962 (XXXIV of 1962), hereinafter referred to as the said Ordinance in section 1, in sub-section (2), for the word "Pakistan" the word "Bangladesh" shall be substituted.

*Amendment of section 6, Ord. XXXIV of 1962*

3. In the said Ordinance, in section 6, for the word "Pakistan" wherever occurring the word "Bangladesh" shall be substituted.

*Amendment of section 8, Ord. XXXIV of 1962*

4. In the said Ordinance, in section 8, for the word "Pakistan" wherever occurring the word "Bangladesh" shall be substituted.

*Amendment of section 10, Ord. XXXIV of 1962*

5. In the said Ordinance, in section 10, for the word "Pakistan" wherever occurring the word "Bangladesh" shall be substituted.

*Amendment of section 37, Ord. XXXIV of 1962*

6. In the said Ordinance, in section 37, in sub-section (1), for the word "Pakistan" wherever occurring the word "Bangladesh" shall be substituted.

*Amendment of section 46, Ord. XXXIV of 1962*

7. In the said Ordinance, in section 46, in sub-section (5), for the words "Pakistan Penal Code" the words "Penal Code" shall be substituted.

*Amendment of section 47, Ord. XXXIV of 1962*

8. In the said Ordinance, in section 47, in sub-section (1), for the word "Pakistan" the word "Bangladesh" shall be substituted.

*Amendment of section 48, Ord. XXXIV of 1962*

9. In the said Ordinance, in section 48, for the word "Pakistan" the word "Bangladesh" shall be substituted.

*Amendment of section 53, Ord. XXXIV of 1962*

10. In the said Ordinance, in section 53, in sub-section (2), for the word "Pakistan" occurring twice the word "Bangladesh" shall be substituted.

*Amendment of section 54, Ord. XXXIV of 1962*

11. In the said Ordinance, in section 54, for the word "Pakistan" wherever occurring the word "Bangladesh" shall be substituted.

*Amendment of section 55, Ord. XXXIV of 1962*

12. In the said Ordinance, in section 55, for the word "Pakistan" occurring twice the word "Bangladesh" shall be substituted.

*Amendment of section 56, Ord. XXXIV of 1962*

13. In the said Ordinance, in section 56, in clause (b), in sub-clause (iv), for the word "Pakistan" the word "Bangladesh" shall be substituted.

*Amendment of section 58, Ord. XXXIV of 1962*

14. In the said Ordinance, in section 58, for the word "Pakistan" wherever occurring the word "Bangladesh" shall be substituted.

*Amendment of section 70, Ord. XXXIV of 1962*

15. In the said Ordinance, in section 70, for the word "rupees" the word "Taka" shall be substituted.

*Amendment of section 77, Ord. XXXIV of 1962*

16. In the said Ordinance, in section 77, in sub-section (1), the words "within whose jurisdiction the appellant actually and voluntarily resides or carries on business or personally works for gain" shall be omitted.

*Amendment of section 79, Ord. XXXIV of 1962*

17. In the said Ordinance, in section 79, for the words "High Court Division" occurring twice the words "High Court" shall be substituted.

*Amendment of section 81, Ord. XXXIV of 1962*

18. In the said Ordinance, in section 81, for the words "Pakistan Penal Code" the words "Penal Code" shall be substituted.

*Omission of section 83, Ord. XXXIV of 1962*

19. In the said Ordinance, section 83 shall be omitted.

## Correspondence

### Letter from the Federal Republic of Germany

#### The Development of Copyright Between 1979 and the Beginning of 1984

Adolf DIETZ

*(Second Part)\**





































## Activities of Other Organizations

### International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP)

#### Assembly and Annual Meeting

(Geneva, September 17 and 18, 1984)

#### Note\*

The International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) held the fourth session<sup>1</sup> of its Assembly and its annual meeting at the headquarters of WIPO in Geneva in September 1984.

WIPO provided conference facilities and financial support for the travel expenses of some members from developing countries. Fifty-five professors and researchers from 26 countries participated in the meeting. WIPO was represented by an observer.

The Director General of WIPO, Dr. Arpad Bogsch, in welcoming the participants to the headquarters of WIPO, congratulated the Association on its effective role in promoting understanding of intellectual property law and its development, and expressed the hope that the Association would continue, together with other international non-governmental organizations, to make a contribution to the objectives of securing the protection of intellectual property throughout the world.

The Assembly of ATRIP noted with satisfaction the reports on the activities and accounts of the Association, presented by its President, Professor E.D. Aracama Zorraquín (Argentina), and Treasurer, Professor Alberto Bercovitz (Spain), respectively. Reports were also presented by the Chairmen of the Working Committees: by Professor Aracama Zorraquín, on curriculum materials for the teaching of intellectual property law; by Professor Glen E. Weston (United States of America) on graduate

study fellowships and teacher exchange programs; by Professor Bercovitz on the administration and exploitation of university research results.

The Assembly considered and referred to the Executive Committee proposals for the program of activities for 1985. Those proposals dealt, *inter alia*, with the continuation of the Working Committees, the preparation of a resolution on the use by universities and research institutions of works protected by copyright, the collection and dissemination of information on these subjects and courses of instruction on the various subjects of intellectual property. In addition, the Assembly expressed its satisfaction that the membership of ATRIP had grown from 69 in July 1981, when the Association was founded, to 225 as of the beginning of the 1984 meeting (from 43 countries, including 49 members from 16 developing countries).

At the annual meeting, papers were presented by Professor Friedrich-Karl Beier on a "Curriculum for the Teaching of Intellectual Property," by Professor Umesh Kumar on "The Teaching of Intellectual Property in Lesotho," and by Professor André Bouju on "Recent Development in France on Patent Infringement." Furthermore, three working sessions were held at which reports were presented by the Chairmen of the sessions and comments were made by various members on the following topics: the role and functions of teaching and research institutes in the development of the law of intellectual property; the organization and administration of industrial property rights of universities and research institutes; the use of copyright protected works for teaching or instructional activities. The Chairmen of the three working sessions were Professor J.A. Gomez Segade (Spain), Professor Alberto Bercovitz (Spain) and Professor Gunnar Karnell (Sweden).

\* Prepared by the International Bureau of WIPO.

<sup>1</sup> For the note on the third session of the Assembly, see *Copyright*, 1983, pp. 336 *et seq.*

## International Publishers Association (IPA)

### 22<sup>nd</sup> Congress

(Mexico City, March 11 to 16, 1984)

### International Commission

(Frankfurt on Main, October 6, 1984)

The International Publishers Association (IPA) held its 22<sup>nd</sup> Congress in Mexico City from March 11 to 16, 1984. The Congress was formally opened by His Excellency Mr. Miguel de la Madrid Hurtado, President of the United Mexican States. The participants represented publishers from the following States: Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, Finland, France, Greece, Guatemala, India, Indonesia, Ireland, Israel, Italy, Japan, Mexico, Netherlands, Norway, Peru, Portugal, Republic of Korea, Sweden, Switzerland, United Kingdom, Uruguay, Venezuela, Yugoslavia. Following its discussions, the Congress adopted the recommendations reproduced below, which were approved by the International Commission of the IPA meeting at Frankfurt on Main on October 6, 1984.

#### Recommendations

The 22<sup>nd</sup> IPA Congress held in Mexico City from March 11 to 16, 1984,

##### No. 1

*Reaffirms* that electronic publishing can best be implemented and serve society as a natural extension of private enterprise folio publishing,

*Directs* the Electronic Publishing Committee to seek all means, in cooperation with other interested and affected organizations, to develop and help implement standards for all phases of electronic publishing — from manuscript coding to retrieval protocols,

*Recognizes* the new complexities and dynamic changes in the new technologies, and encourages its members to enter into joint arrangements, collaborative groups and co-editions, in order to further their profitable and effective participation in the future of electronic publishing,

*Recommends* the development of training programs for both users and professionals within publishing organizations, in order to promote the development and use of the new media and the implementation of new technologies,

*Recommends* that publishing take an active role in helping to establish governmental policies that will promote the transfer of knowledge to developing countries,

*Recommends* that publishers press for adequate legislation to ensure that the protection of intellectual copyright is maintained whether in print, in software, or in other new technology forms.

##### No. 2

*Recommends* for future IPA congresses to encourage more participation of women in the congress program, which will reflect their important role in publishing nowadays.

##### No. 3

*Noting* the very limited success of national governments in preventing and penalizing book piracy, which seriously threatens the future of publishing, and in particular the growth of publishing industries in developing countries,

*Calls upon* national governments to request WIPO and Unesco, which have high responsibilities for the enforcement of copyright, to strengthen their fight against piracy in the interest of education, science, culture and authorship, and

*Further urges* all States to subscribe to the international copyright conventions and to enforce legislation which imposes heavy penalties for copyright theft.

##### No. 4

*Draws* the attention of publishers to the development of an international network of collecting societies, or agents of such societies, with respect to illustrations.

IPA, while not opposed to general regulations laid down by collective agreements between societies and publishers' associations, *wishes to underline* the need to safeguard personal relations between the author and the publisher. Any one-sided regulation of those relations by public or private bodies will only harm the book and culture.

Publishers believe that any such regulation will necessarily be very detailed and consequently become very quickly obsolete, to the detriment of both publishers' and authors' interests.

##### No. 5

*Believes* the publishing profession is not only concerned with publishing books and periodicals. On the contrary, it includes all communication processes offered by the available technology. Thus, for some time, many publishers have been publishing software programs (as, for example, computer games or teaching programs).

But while laws and treaties relating to copyright generally provide satisfactory protection for books and periodicals, the same does not apply to software.

In fact, legal decisions made in different countries have failed to establish clear legal protection. Thus some States and international organizations, no doubt with excellent intentions, may move towards proposing separate laws for software programs. IPA *wishes to stress* that such a development would definitely not provide better protection for published software programs than would copyright, and that the process of agreeing on such laws would involve a long period of debates and legal uncertainty, and therefore

*Recommends* that national and international initiatives be taken to confirm that software programs are protected by copyright against unauthorized reproduction by third parties, whether in identical or modified form.

#### No. 6

*Wishes to stress the following:*

Publishing houses have an economic function which is not different from other enterprises — to produce and sell consumer goods. Yet, at the same time they have a paramount responsibility towards society: to discover and communicate to the public the authors and new works in all the fields of art, science and technology.

This role is not commensurate with the importance of publishing companies within a country's economy. But publishers are unlikely to fulfill their economic role effectively, unless their activity is permitted to benefit financially from commercial success so that they can fund new projects. The nature and scope of the rights they hold for the books which they publish have a significant bearing on establishing the right balance.

In fact, when a publisher has the rights only for a specific edition and for a limited duration, he is constrained to publish only those works of certain and immediate profitability.

Under such conditions he cannot face the financial risk of publishing new writers, or of publishing difficult or unusual material, either in the field of literature or that of science. Conversely, when a publishing house benefits from assignment of all rights for the duration of the copyright protection and has an option on an author's future works, it is in a position to undertake significant risks in publishing an edition.

For the publisher, the risks are counterbalanced by the expectation of multiple exploitation of the work and the durable success of the author.

Taking all these points into account, the Congress

*Recommends* that with full respect for the different national laws and practices and for the freedom of the author and the publisher to freely contract, the following principles should be considered as being normally applied:

- (1) The contract grants the publisher an exclusive right in the work.
- (2) This contract generally grants the principal rights and the derivative and subsidiary rights.
- (3) The term of the contract should be concluded for the duration of copyright.
- (4) It should allow, whenever appropriate, an option on certain future works of the author.

#### No. 7

*Taking note* of the paper on the "Position of the Publisher Within Collecting Societies" submitted to the Congress, and bearing in mind reprography and other technological developments which can necessitate new forms of licensing schemes in certain areas,

*Urges* that in all countries prompt steps be taken to assure the representation and serve the rights of publishers, both in existing and in projected collecting societies.

#### No. 8

*Taking into account* the recommendation expressed by CISAC in 1958 to harmonize the European laws to a longer copyright protection, *stressing* the help that a longer period of copyright protection would give to music publishers to achieve their cultural function in support of contemporary music,

*Urges* governments to study the prolongation of protection for musical works to 70 years *post mortem auctoris*, taking into account the national social and legal conditions.

#### No. 9

*Recommends* to the governments which have undertaken textbook production to take prompt steps for turning over this responsible task to the private sector, which is best suited for such undertaking.

#### No. 10

*Aware* that the adherence to the Florence Agreement and the Nairobi Protocol can greatly improve the flow of books between countries,

*Recommends* that

- national publishers associations should do their utmost to ensure that the governments of their countries fulfill the commitments imposed by the Florence Agreement and the Nairobi Protocol;
- national publishers associations of non-signatory countries should promote and pursue with their respective governments adherence to these agreements;
- the International Publishers Association undertake to persuade Unesco to give priority to the support and promotion of books, and to increase to the maximum the number of countries adhering to the Florence Agreement and the Nairobi Protocol.

#### No. 11

*Considering* that some countries impose taxes on the sale and the distribution of books, and that certain countries are still considering establishing *domaine public payant*,

*Recommends* IPA to take immediate action with Unesco,

- *to urge* the governments and international institutions with legislative powers not to impose taxes or sales tax and import duties on books, and in countries with value added tax to establish a zero rate for books,
- *to urge* member associations to take great care to ensure that the disadvantages attendant on *domaine public payant* are fully explained to the appropriate authorities.

## No. 12

*Recommends* when it is impossible to assure unimpeded sale of works emanating from one country in another country of the same language that co-publishing agreements should be made.

## No. 13

*Recommends* that publishers in Latin America join directly or through national associations in the activities of the Regional Centre for the Development of the Book in Latin America and the Caribbean (CERLAL), by giving their support, suggestions and initiatives, requesting services, and taking a positive, critical attitude towards the way in which they are carried out,

*Recommends* further to put every effort into strengthening CERLAL, and to this end invites countries that do not yet belong to join as quickly as possible.

## No. 14

*Recommends* the International Publishers Association to ask the various national associations, and particularly those publishers working in the field of children's and young people's books, to contribute towards the creation and upkeep of centers devoted to the analysis of reading habits and to the promotion of reading.

## No. 15

*Recommends* that the International Publishers Association should create a working group or committee to take permanent charge of the study and diffusion of techniques for promoting reading habits.

## No. 16

*Recommends* the International Publishers Association to participate, in conjunction with Unesco, in the International Youth Year (1985): firstly by calling a special meeting of all publishers working in the field of young people's books, and secondly by collaborating in projects, at both national and international levels, aimed at securing the active participation of young people in the development of tomorrow's society.

## No. 17

*Considering* the increasing sophistication of publishing techniques, and the impact of new technologies on the publishing and marketing of books, as well as on the social and cultural function of publishers,

*Recommends* that the Interamerican Publishers Group establish a working committee to study professional training in the Latin American area.

## No. 18

*Recommends* that the publisher who buys translation or reprint rights should acquire the right to the current edition and all subsequent editions, or at least should be granted a firm option to exercise the right to the next edition. In the case of a minimally revised reprint, the acquiring publisher should have the right not to include these

revisions in his translation or reprint, if his market does not so require. If there is a substantially revised new edition, the acquiring publisher should be permitted to retain the translation or reprint rights without paying any additional advance.

## No. 19

*Considering* the significance of scientific, technical and medical information transfer for the social development of countries in the Latin American area, and the decisive influence it may exert for the attainment of an improved balance between the countries of the area and with third parties,

*Recommends* the member publishers in the developed countries to facilitate the transfer of scientific, technical, and medical information to the publisher in less developed countries through conditions, that without representing a renunciation of their legitimate rights, contribute to decrease the scientific and the technological imbalance prevailing among them,

The publishers in Latin American countries to establish cooperation formulae facilitating the transfer of scientific, technical and medical information among them and with third parties.

## No. 20

*Supports* the British Publishers Association's opposition to the British Government's ban on trade in books between Argentina and Britain, which is clearly against the principle of the free flow of books as always defended by the International Publishers Association, and

*Asks* the IPA President to represent this view to the British Government.

## No. 21

*Recommends* that the United States Government, through its Congress, rescind the ideological exclusion provision of its Immigration and Nationality Act, so that both ideas and individuals, especially writers and publishers, may enter the United States of America without restrictions.

## No. 22

*Considering* how to establish a means of effective protest when writers and publishers face the threat of being silenced anywhere in the world,

*Recommends* the International Publishers Association to establish a procedure according to which protests can be formally issued.

## No. 23

*Recognizing* that publishers should identify the profession with due regard to authors' rights and free circulation of books,

*Recognizing* further all the consequences of recent technological developments,

*Recommends* the International Publishers Association to encourage, support, and coordinate action programs of national associations with regard to publishers' rights in relation to all other parties involved, including the general public.

## Calendar of Meetings

### WIPO Meetings

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

#### 1985

- January 21 to 25 (Geneva) — International Patent Classification (IPC) Union: Committee of Experts**
- February 4 to 8 (Geneva) — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights**
- February 11 to 15 (Geneva) — Committee of Experts on the International Registration of Marks**
- February 25 to March 1 (Geneva) — Group of Experts on Copyright Protection of Computer Software (convened jointly with Unesco)**
- March 11 to 15 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on General Information**
- 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)**
- May 6 to 17 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Search Information**
- June 3 to 7 (Geneva) — Nice Union: Committee of Experts**
- June 6 to 14 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Groups on Planning and on Special Questions**
- 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 (Ordinary Session) (convened jointly with ILO and Unesco)**
- September 11 to 13 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Patent Information for Developing Countries**
- September 16 to 20 (Geneva) — Permanent Committee on Patent Information (PCPI)**
- 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)**
- October 7 to 11 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on General Information**
- November 18 to 22 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Groups on Special Questions and on Planning**
- November 25 to December 6 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Search Information**

## UPOV Meetings

### 1985

- March 27 and 28 (Geneva) — Administrative and Legal Committee  
March 29 (Geneva) — Consultative Committee  
May 8 to 10 (Wageningen) — Technical Working Party on Automation and Computer Programs  
June 4 to 7 (Hanover) — Technical Working Party for Agricultural Crops, and Subgroup  
June 18 to 21 (Aarslev) — Technical Working Party for Fruit Crops, and Subgroup  
June 24 to 27 (Aars and Aarslev) — Technical Working Party for Ornamental Plants and Forest Trees, and Subgroups  
July 8 to 12 (Cambridge) — Technical Working Party for Vegetables, and Subgroup  
October 14 (Geneva) — Consultative Committee  
October 15 and 16 (Geneva) — Meeting with International Organizations  
October 17 and 18 (Geneva) — Council  
November 12 and 13 (Geneva) — Technical Committee  
November 14 and 15 (Geneva) — Administrative and Legal Committee

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

### Non-Governmental Organizations

### 1985

- European Broadcasting Union (EBU)**  
Legal Committee — April 24 to 26 (Geneva)
- International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP)**  
Annual Meeting — September 16 to 18 (Geneva)
- International Confederation of Societies of Authors and Composers (CISAC)**  
Legal and Legislation Committee — May 2 to 4 (Perugia)
- International Copyright Society (INTERGU)**  
Congress — June 7 to 12 (Munich)
- International Federation of Phonogram and Videogram Producers (IFPI)**  
Council and General Assembly — June 18 to 20 (Geneva)
- International Literary and Artistic Association (ALAI)**  
Executive Committee — January 12 (Paris)  
Study Session — April 10 to 12 (Oxford)
- International Union of Architects (IUA)**  
Congress — January 20 to 26 (Cairo)