

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

Copyright

21st year — No. 9
September 1985

Monthly Review of the
World Intellectual Property Organization (WIPO)

Contents

BERNE UNION

Executive Committee. Twenty-Fourth Session (9th Extraordinary) (Paris, June 17 to 25, 1985) 276

NOTIFICATIONS

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

PANAMA. Accession 293

NATIONAL LEGISLATION

JAPAN. Law for Partial Amendments to the Copyright Law (No. 62, of June 14, 1985) 294

GENERAL STUDIES

The Rome Convention: Realities and Prospects (Patrick Masouyé) 296

COLLECTIVE ADMINISTRATION OF AUTHORS' RIGHTS

Collective Administration of Authors' Rights in the Developing Countries (Salah Abada) 314

NEWS ITEMS

China 322

United States of America 322

BOOK REVIEWS

Copyright in Russia and the USSR (Serge L. Levitsky and William B. Simons) 323

CALENDAR OF MEETINGS 323

© WIPO 1985

ISSN 0010-8626

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.

Berne Union

Executive Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union)

Twenty-Fourth Session (9th Extraordinary)

(Paris, June 17 to 25, 1985)

Report

submitted by the Secretariat and adopted by the Committee

Introduction

Opening of the Session

1. The Executive Committee of the Berne Union (hereinafter referred to as "the Committee"), convened by the Director General of the World Intellectual Property Organization (WIPO), met in extraordinary session at the Unesco headquarters in Paris from June 17 to 25, 1985.

2. Sixteen of the Committee's 19 member States were represented: Australia, Benin, Bulgaria, Canada, Costa Rica, Czechoslovakia, France, Hungary, India, Italy, Mexico, Morocco, Senegal, Tunisia, Turkey, United Kingdom (16).

3. The following member States of the Berne Union were represented by observers: Austria, Brazil, Central African Republic, Congo, Denmark, Finland, German Democratic Republic, Germany (Federal Republic of), Guinea, Holy See, Israel, Japan, Netherlands, Norway, Philippines, Portugal, Spain, Sri Lanka, Sweden, Thailand, Uruguay (21).

4. As the Committee held joint meetings with the Intergovernmental Copyright Committee set up under the Universal Copyright Convention, the following delegations, which were taking part in the session held concurrently by the Intergovernmental Copyright Committee, also attended the Commit-

tee's meetings: Algeria, Colombia, Ecuador, Ghana, Guatemala, Kenya, Nigeria, Panama, Peru, Soviet Union, United States of America (11). In addition, the following States attended as observers: Afghanistan, China, Jordan, Oman, Saudi Arabia (5).

5. The representatives of two specialized agencies of the United Nations system of organizations attended the Committee's meetings. Four intergovernmental organizations and 17 international non-governmental organizations were represented as observers.

6. The list of participants is annexed to this report (Annex B).

7. The session of the Committee being held at Unesco's headquarters, together with the session of the Intergovernmental Copyright Committee, the representative of the Director-General of Unesco welcomed all the participants.

8. The representative of the Director General of WIPO opened the session of the Committee and also welcomed all the participants and thanked the representative of the Director-General of Unesco for acting as host to the current session of the Committee.

Part I: Items Concerning the Committee Alone

Election of an Ad Hoc Chairman

9. The representative of the Director General of WIPO informed the Committee that the Chairman or any of the two Vice-Chairmen who had been elected in the September/October 1984 session of the Committee were unable to chair the meetings; thus, the Committee had to elect an *ad hoc* Chairman.

10. On the proposal of the delegation of France, supported by the delegations of Congo, Guinea, Hungary, Italy, Morocco and Tunisia, the Committee unanimously elected Mr. M. Jelinek (Czechoslovakia) as *ad hoc* Chairman.

Adoption of the Agenda

11. The Agenda proposed in document B/EC/XXIV/1 was adopted.

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

12. Discussions were based on document B/EC/XXIV/2.

13. The Committee was informed that since October 1, 1983 (the date indicated in document B/EC/XXII/2, submitted to the Executive Committee during its December 1983 session) five States, Austria, Barbados, Cyprus, Rwanda and Venezuela, had deposited instruments of ratification or accession to the Paris Act without making a declaration under Article 28(1)(b); one State, Iceland, had acceded with a declaration under that Article, while one State, India, which previously had made such a declaration, had deposited a declaration extending the effects of its ratification to Articles 1 to 21 and to the Appendix. Thus, the number of States which had accepted the said Act was 58 and the number of those that had accepted the administrative reform adopted by the Stockholm Diplomatic Conference in 1967 was 71 of the 76 member States of the Berne Union.

14. The representative of the Director General of WIPO expressed the hope of the Secretariat that on the occasion of the centenary of the Berne Convention further States would consider the accession to the Convention or — if they are already bound by Acts prior to the Paris Act — the ratification of that Act.

15. The delegation of the Netherlands announced that its Parliament has recently adopted a draft law on the ratification of the Paris Act of the Berne Convention; this legislation will enter into force on August 1, 1985.

16. The delegation of the United States of America informed the Committee that the accession to the Berne Convention was currently under consideration. Legislative and governmental bodies, as well as a working group composed of the representatives of private organizations, studied its conditions and possible consequences. There was a fairly broad consensus in favor of the accession, but further studies and hearings were needed before a final decision.

17. The Committee noted the information presented to it.

Draft of a Solemn Declaration to be Adopted by the Assembly of the Berne Union in 1986

18. Discussions were based on document B/EC/XXIV/3 which submitted to the Committee the draft of the Solemn Declaration in two Alternatives (A and B).

19. The Committee was informed that the draft had been prepared in accordance with the current program of WIPO adopted by the Governing Bodies at their September/October 1983 sessions containing the decision on the need of a "Solemn Declaration" reaffirming the basic principles of the law of copyright by the Assembly of the Berne Union at the occasion of the centenary celebration in 1986. It was emphasized that the Solemn Declaration by the Berne Assembly to be adopted in 1986 was not to be confused with the joint Resolution of the Berne Assembly and the WIPO Conference to be adopted in 1985 drawing attention to the centenary and inviting States not yet party to the Berne Convention to treat 1986 as the occasion for considering adhesion to it, as it had been proposed and accepted by the Committee in its September/October 1984 session.

20. In replying to the question of the delegation of Israel, the representative of the Director General of WIPO explained the reasons (namely the change in the order of the ordinary and extraordinary sessions

of the Committee and budgetary considerations) why the planned procedure of preparing the draft of the Solemn Declaration had been modified and it was the extraordinary session of the Committee which had been asked to adopt a draft text which would be submitted to the extraordinary session (Berne, 1986) of the Assembly of the Berne Union.

21. A great number of participants stressed the need and importance of an appropriate celebration of the centenary of the Berne Convention and in the framework of it a Solemn Declaration reaffirming the basic principles of the protection of authors' rights and congratulated the Secretariat on the presentation of the Draft Solemn Declaration.

22. The representative of the Director-General of Unesco submitted a few proposals of drafting nature. In addition, he suggested to avoid statements in both Alternatives according to which the Berne Convention was the best guarantee for the protection of authors' rights. In his opinion, the values of the Berne Convention should be studied and declared in themselves and not by means of comparison with other conventions. The delegations of Australia, Bulgaria and Hungary expressed the same view. The delegation of Hungary added that the outstanding role played by the Berne Convention in the field of protecting authors' rights could and should be acknowledged on its own, with reference to specified merits of that Convention, as proposed in Alternative B. The delegation of Israel stressed that the statement proposed would reflect the belief of the member States of the Berne Convention according to which that instrument was the most satisfactory means for the protection of authors' rights, which was nothing else but a simple fact.

23. All participants who made comments on the two Alternatives were of the opinion that their elements should be combined in an appropriate manner. The delegations of Australia, Bulgaria, Canada, Congo, Czechoslovakia, France, Hungary, India, Israel, the Netherlands, Senegal, Sweden, Tunisia and the United Kingdom, as well as the observer from the International Confederation of Societies of Authors and Composers (CISAC) suggested Alternative B as a basis which should be improved by taking over certain elements from Alternative A. The delegations of the Federal Republic of Germany and Italy and the observer from the African Intellectual Property Organization (AIPO) found Alternative A a better basis for combining the two Alternatives. There was an agreement among the participants that both Alternatives contained certain elements which seemed indispensable in the final combined draft. Alternative A stressed the importance and basic functions of authors' rights, which was absolutely

necessary in any declaration on the occasion of the centenary of the Berne Convention, while Alternative B put emphasis on certain new phenomena — first of all on new opportunities created by economic, social, scientific and technological progress — which were also of outstanding importance for the application and future development of the Convention.

24. The delegations of the Federal Republic of Germany and Portugal said that the most important objective of the Solemn Declaration should be the reaffirmation of the basic rights of authors, as founded in human rights and justice.

25. The delegations of Guinea and the Netherlands proposed that the Solemn Declaration should contain a statement on the need for fighting piracy which was the most dangerous phenomenon in the field of authors' rights.

26. The delegation of Guinea also felt necessary to insert a statement on the contribution of the Berne Convention to the creation of cultural values and scientific achievements of mankind.

27. The delegation of Mexico when proposing an improved version of the draft combining the elements of the two Alternatives suggested to draw attention to the fact that the Berne Convention is an efficient instrument of the protection of authors' rights.

28. In the opinion of the delegation of Italy, the objective of strengthening the universal character of the Berne Convention should be emphasized when the Solemn Declaration would invite States which were not yet members of the Convention to consider their accession to it.

29. The delegations of Canada and the Netherlands, as well as the observers from the International Federation of Phonogram and Videogram Producers (IFPI) and the International Publishers Association (IPA) felt that even greater emphasis should be given to the need of answering the questions raised by new technological developments on the basis of an appropriate interpretation of the Berne Convention.

30. The observer from the International Publishers Association (IPA) informed the Committee on the program of his organization for the celebration of the centenary of the Berne Convention which included the preparation of a seminar to be held in Heidelberg in April 1986 and a campaign being launched with the slogan "Respect Copyright — Encourage Creativity." He offered the free use of the

emblem of the campaign prepared by his organization to all other organizations which intended to take part in the celebration of the centenary with the same slogan.

31. There was an agreement among the participants that the Solemn Declaration should be as short and concise as possible because it would increase its chance to have appropriate impact; however, it should contain all the important elements suggested in the discussions.

32. The delegations of Australia, Canada, France, Germany (Federal Republic of), Hungary, India,

Israel, Mexico, Sweden and the United Kingdom made concrete suggestions on certain details of wording which were duly noted by the Secretariat.

33. The representative of the Director General of WIPO offered that the Secretariat would prepare a new draft on the basis of Alternative B, utilizing also certain elements of Alternative A, as suggested by some delegations, as well as other proposals put forward in the discussions and it would be annexed to the draft report to be adopted by the Committee. On the suggestion of the Chairman, the Committee unanimously adopted that proposal. The said draft of Solemn Declaration is attached to this report (Annex A).

Part II: Items Concerning Both the Executive Committee of the Berne Union and the Intergovernmental Copyright Committee

Membership of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention)

34. Discussions were based on document B/EC/XXIV/4 and 4 Add.1 – IGC(1971)/VI/5 and 5 Add.1.

35. The Committees were informed that since their 1983 sessions two States, Peru and the Philippines, had deposited their instruments of accession, bringing to 28 the number of States party to the Rome Convention.

36. The Committees were also informed that at the request of the Intergovernmental Committee of the Rome Convention (ninth ordinary session, December 1983), the Secretariat of that Committee had addressed on July 24, 1984, a circular letter to member States with the aim of obtaining further information concerning the steps taken to guarantee the rights established by that Convention. The Secretariat, which had already made a summary of the replies received, informed the Committees that the summary would be submitted for consideration by the Intergovernmental Committee of the Rome Convention at its tenth ordinary session.

37. The delegations of the Netherlands, Portugal and Spain stated that legislation on the protection of neighboring rights was in the course of preparation; once that legislation had been adopted, their countries would be in a position to ratify the Rome Convention.

38. The delegation of France stated that the draft law currently under discussion in the Parliament contained provisions for protecting neighboring rights. The incorporation of such provisions in its domestic legislation would enable France to reexamine the matter of possible ratification of the Rome Convention.

39. The delegations of Guinea and Israel stated that national legislation on the protection of neighboring rights had already been promulgated; the accession of their countries to the Rome Convention might be expected in the near future.

40. The delegation of Japan indicated that the authorities of that country were examining the possibility of acceding to the Rome Convention.

41. At the conclusion of the discussion, the Committees noted the information communicated to them.

Membership of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms (Phonograms Convention)

42. Discussions were based on document B/EC/XXIV/5 and 5 Add. – IGC(1971)/VI/6 and 6 Add.

43. The Committees were informed that since their last joint sessions in December 1983 two States, Czechoslovakia and Peru, had deposited their in-

struments of accession, bringing the number of States party to the Phonograms Convention to 39.

44. The Committees noted the information communicated to them.

Membership of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (Satellites Convention) and Implementation of that Convention

45. Discussions were based on document B/EC/XXIV/6 – IGC(1971)/VI/7 and its five addenda, Add.1, Add.2, Add.3, Add.4 and Add.5, which contained the state of accessions to, and ratifications or acceptances of, the Satellites Convention, and an analysis made by the two Secretariats of replies received from the States to the questionnaire on the implementation of that Convention. The questionnaire under reference, prepared by the Secretariats in consultation with regional broadcasting organizations, had been sent to the States on November 12, 1984.

46. The Committees were informed that since their 1983 sessions two States, Peru and the United States of America, had deposited their respective instruments of accession to and ratification of the Satellites Convention, bringing the number of States party to that Convention to 10.

47. The Committees were also given a very brief summary of the salient features of the said analysis of the replies received from the States to the questionnaire which showed, *inter alia*, that the authorities in a number of countries were contemplating the possibility of acceding to the Satellites Convention.

48. The delegation of the United States of America expressed its regrets that that State, having been a signatory to the Satellites Convention adopted more than a decade ago at Brussels, should have delayed its ratification so long. The delegation mentioned that the United States of America had not sent a reply to the questionnaire on the implementation of the Satellites Convention and, without going into the details, simply summarized the basis on which the question of distribution of signals was governed in that country. In that connection, it explained that the matter was regulated by the Copyright Act of 1976 and section 605 of the Communication Act of 1934, under which any infringement of rights gives rise to civil and criminal causes of action and enforcement of rights is expected principally to be effected through civil, rather than criminal, actions.

49. The Committees took note of the information communicated to them.

Membership of the Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties and Results of the Survey on the Operation of Bilateral Agreements

50. Discussions were based on document B/EC/XXIV/7 – IGC(1971)/VI/8.

51. The Committees were informed that since their 1983 sessions no new instrument of accession to or ratification or acceptance of the Convention had been deposited and that only a relatively small number of States had replied so far to the questionnaire on actions taken on a bilateral or multilateral basis for the avoidance of double taxation sent out by the Secretariats in accordance with the decision taken at the 1983 sessions of the Committees. In the list of replies received by the Secretariats as mentioned in the document referred to above, Canada should be added.

52. Further information was given on the “Guide to the Madrid Convention on Double Taxation” which had been published by WIPO in French in March 1985 and whose English and Spanish versions were being prepared.

53. The delegation of Hungary emphasized the importance of the Madrid Convention on Double Taxation and informed the Committees that the accession to the Convention was currently under consideration in its country.

54. The delegation of Australia announced that its Government was considering the possibility of acceding to the Convention. However, it was an important fact that Australia had bilateral agreements on the avoidance of double taxation with all its important partners and so the problem of double taxation seemed to have been solved even without the Convention.

55. The delegation of Czechoslovakia said that its country had concluded 15 bilateral agreements and one multilateral agreement whose application benefited the owners of copyright and neighboring rights. Further bilateral agreements were under preparation.

Consideration of the Report of the Group of Experts on the Copyright Aspects of the Protection of Computer Software

56. Discussions were based on document B/EC/XXIV/8 – IGC(1971)/VI/9.

57. The attention of the Committees was drawn to the most important elements of the report of the Group of Experts on the Copyright Aspects of the Protection of Computer Software and the information contained in Annex B to that report.

58. A number of participants stressed the importance of the question of copyright protection of computer programs and congratulated the Secretariats on having convened the Group of Experts dealing with it.

59. The delegation of the Federal Republic of Germany announced that a new copyright amendment had been adopted recently which would enter into force on July 1, 1985. Under the new provisions, computer programs would be protected as linguistic works if they were intellectual and personal, that is, original creations. No reproduction without the authorization of the creator would be allowed in the case of such programs.

60. The delegation of Japan informed the Committees that an amendment to the Copyright Act had been promulgated recently which explicitly mentioned computer programs in the list of protected works. It would enter into force on January 1, 1986.

61. The delegation of Mexico pointed out that even if there was no *expressis verbis* provision in the copyright law of its country on computer programs, they were protected because that law defined the concept of literary, scientific, technical and artistic works in a broad and flexible manner and had provided for their registration since October 1984.

62. The delegation of Italy said that interested groups were in favor of copyright protection of computer programs in its country also. Lower level courts had declared copyright applicable. The Supreme Court was dealing with the first such case and its decision was expected in the near future.

63. The delegation of the United Kingdom stated that the bill to clarify the copyright protection of computer programs had not yet been adopted. However, it had passed most of the procedural steps and it was hoped that it would be promulgated soon. According to the bill, computer programs would be protected as literary works.

64. The delegation of Israel stressed that copyright was the best available even if, perhaps, not the ideal means for protecting computer programs. The copyrightability of computer programs had recently come before the courts and a first judgment on the issue was awaited. Case law, however, was not con-

sidered sufficient to answer all the important questions relating to the legal protection of computer software. The Copyright Law Revision Committee would be concerning itself in the near future with the inclusion of specific provisions on that issue. In addition, consideration was being given to the adoption of penal sanctions and tortious provisions to protect software.

65. The delegation of Canada said that the copyright revision seemed to be in the final stage in its country. The provision contained in the White Paper published in May 1984, which had fixed a five-year term of protection for machine readable programs, had received a negative reaction and as a result was under serious and careful reexamination. A recent statement by the Minister of Consumer and Corporate Affairs of Canada was read indicating that the Canadian Government should consider the protection of computer programs in all forms essentially as literary works with the full traditional term of copyright protection.

66. The delegation of France announced that according to the draft law, which was currently under discussion and was in the process of adoption, computer programs satisfying the criterion of originality would enjoy copyright protection, subject to some adjustments required by the specific nature of software.

67. The delegation of the Netherlands stated that there was a very clear trend in its country too towards copyright protection of computer programs which was reflected in court decisions. The possibility of mentioning it *expressis verbis* in the law was currently being studied. It felt that in the future more emphasis should be also given to the fight against piracy in that field.

68. The delegation of the United States of America welcomed the recent developments in different countries which clearly showed that copyright was the best available means for protecting computer programs.

69. The delegation of Sweden regretted that the report of the Group of Experts did not contain a summary, even though the discussions at the meeting would have offered enough basis for it. It felt that it had been linked with the fact that the government delegations had only had the right of "following the discussions" in the Group of Experts with a sort of observer status. It suggested that such organizational solutions should be avoided in the future when similarly important questions were involved. The delegation of Sweden considered copyright protection for computer programs to be appropriate

and plans were under way to clarify the Copyright Act to that effect.

70. The observer from the International Group of Scientific, Technical and Medical Publishers (STM) welcomed the new legislative developments and expressed the hope that more countries would follow the example of the Federal Republic of Germany by excluding all free reproduction in the case of computer programs.

71. All the participants who took the floor in connection with possible future programs in this field supported the plans of the Secretariats to follow the developments both at national and international levels and regularly report on them to the Committees. The Committees noted the information presented to them.

Development of Law and Practice Connected with the Transmission by Cable of Television Programs

72. Discussions were based on document B/EC/XXIV/9 – IGC(1971)/VI/10.

73. The Committees were reminded of the “Annotated Principles of Protection of Authors, Performers, Producers of Phonograms and Broadcasting Organizations in Connection with Distribution of Programs by Cable” discussed and adopted by the Subcommittees of the Committees and then by the Committees themselves in December 1983, which were sent to all States and organizations concerned and had been published in the meantime in the copyright periodicals of WIPO and Unesco.

74. The Committees were informed of the new developments reported in the document, that is to say on legislative provisions adopted in Benin, Burkina Faso, the Central African Republic and Israel, on the court decisions taken in the Netherlands and Switzerland, as well as on the collective agreement concluded between the collecting societies and the representatives of cable operators in Austria.

75. A number of delegations congratulated the Secretariats on the useful and informative document and they stressed the need of continuing to follow new developments in this field and regularly reporting on them to the Committees.

76. The delegation of the Netherlands announced that a collective agreement had been concluded between owners of copyright and neighboring rights and cable distributors which should enter into force on July 1, 1985, and which, besides Dutch programs, also covered Belgian, British, French and German programs.

77. The delegation of Hungary informed the Committees of the application of the provisions on simultaneous and unchanged retransmission of broadcast programs, which had entered into force on January 1, 1983. There were 21 cable networks in the country covering about 300,000 households. Cable operators had to pay 10% of all fees collected from television set owners. Of that income, authors received 50%, performers 30% and broadcasting organizations 20%.

78. The delegation of the United Kingdom gave information on the new law (Cable and Broadcasting Act 1984) which had entered into force in July 1984. Under its provisions, the authorization of copyright owners was needed for cable diffusion of their broadcasts or works. However, simultaneous and unchanged retransmission was free if it took place in the area for which the program was intended.

79. The delegation of Denmark reported in detail on the new law on cable distribution which had been adopted by the Parliament on May 21, 1985, and would enter into force on July 1, 1985. It had introduced a general non-voluntary license for simultaneous and unchanged retransmission of programs, covering both traditional broadcasting and direct broadcasting by satellite. So-called pay television was excluded from the non-voluntary licensing scheme. All subscribers to networks covering more than 25 households had to pay fees. The beneficiaries were the authors, performers and broadcasting organizations, whose rights had to be administered in a collective manner by an organization.

80. The delegation of Austria said that the collective agreement mentioned in the document had replaced the decision of the Arbitration Board fixing the controversial three Schilling fee.

81. The delegation of Norway announced that the Parliament of its country was considering the introduction of a non-voluntary license system with an extended collective administration of rights for simultaneous and unchanged cable retransmissions, which was fairly similar to the Danish system.

82. The delegation of France informed the Committees of the new legislation currently before Parliament in respect of copyright and neighboring rights. That new legislation would recognize authors' rights in the case of simultaneous and unchanged cable retransmissions if they were not made by the originating broadcasting organization itself and were outside the area for which the program had been initially intended.

83. The delegation of Israel said that in June 1984, within the framework of the Performers' Rights Law, the right of performers in the case of simultaneous and unchanged cable retransmission had been recognized. Authors' rights had not been introduced in a similar manner because the copyright law revision had not reached yet the same advanced stage as that of the performers' rights. However, similar steps could be awaited in that field, too.

84. The observer from the International Alliance for Diffusion by Wire (AID) gave the Secretariats, for information, copy of an internal document on the most recent developments in the field of cable television.

85. The Committees noted all the information presented to them.

Copyright Problems Arising from the Access by Handicapped Persons to Protected Works

86. Discussions were based on document B/EC/XXIV/10 – IGC(1971)/VI/11.

87. All delegations and all observers from international non-governmental organizations stressed the importance of this matter in the activities of the Secretariats. The delegations of Algeria and the Soviet Union, as well as two observers from international non-governmental organizations, called for an investigation of ways and means of eliminating obstacles to access by handicapped persons to protected works so that existing inequalities between such persons and other users might be removed. One of these observers referred to the vital contribution made by the handicapped to modern society and remarked that many handicapped persons were themselves authors or artists.

88. The delegations of Australia, Bulgaria, Portugal, the Soviet Union, the United Kingdom and the United States of America described in broad outline the provisions in force in their countries, especially with regard to the blind. Access was frequently authorized on an unrestricted basis and free of charge. A licensing system sometimes existed as a means of securing access for handicapped persons establishing the rights of the interested parties. The delegation of the Soviet Union pointed out that unrestricted utilization, free of charge, was made subject to mention of the author's name and of the source of the material.

89. The delegation of the Federal Republic of Germany was of the opinion that measures which might be taken on behalf of handicapped persons lay out-

side the scope of copyright, and belonged to other fields, more particularly those coming within the competence of the State, such as, for example, fiscal measures.

90. The delegation of the United Kingdom argued that neither non-voluntary licensing nor the utilization of works free of charge was acceptable: what was important was to improve the procedures for negotiation between interested parties.

91. The delegations of France, Morocco, the United Kingdom and the United States of America remarked on the importance of contractual relations between individual or collective copyright holders and the handicapped.

92. The delegation of Canada noted that an exemption in favor of handicapped persons had been considered most worthy in principle but that it had to be carefully drafted in such a way that it did not benefit unintended persons, especially in view of new technology such as cable diffusion. The Canadian proposal in that regard mentioned in the document under study had not as yet been passed into law and was subject to final policy consideration by the new Canadian Government.

93. The observer from an international non-governmental organization said that, in future, care should be taken to provide a clear definition of handicapped persons. This observer said that it would be desirable to draw up lists of specialized institutions so that the different parties might identify each other more easily. The delegation of the United States of America stressed the importance of international cooperation, especially between libraries. The delegation of the Soviet Union and the observer from an international non-governmental organization said that in no case should mention of the author's name and the source of the work used by the handicapped persons be omitted.

94. As regards international regulations, positions were divided. The delegations of Austria and the Soviet Union considered that in the first place the utilization of works by handicapped persons should be organized as part of copyright at the national level. The delegations of France and Morocco considered that it would be sufficient to encourage contractual arrangements; those problems were indeed regulated in France within a contractual framework since the societies of authors had all concluded agreements with the organizations representing the blind to ensure that the latter had broad access to culture. However, the observer from one international non-governmental organization pointed out that the problem had international implications,

since the interested parties might not all be nationals of a single country.

95. The delegations of Brazil, Guinea and Portugal were, however, particularly interested in an international instrument as a means of helping the developing countries to take domestic measures. The delegation of Guinea went so far as to state that the matter was sufficiently important to justify a revision of the international copyright conventions, even for the industrialized countries.

96. The Director of Unesco's Copyright Division called the attention of the members of the Committees to the Declaration on the Rights of Disabled Persons, adopted unanimously by the United Nations General Assembly in 1975, and to the definition of the term "disabled" contained therein. He also called attention to the existence of a Declaration on the Rights of Mentally Retarded Persons, pointing out, however, that neither of the texts referred to alluded to copyright. The Secretariats stated that different types of international instrument existed, some of which, such as the above-mentioned Declarations, did not have a binding character.

97. In conclusion, the Chairman said that work on the matter should be continued and expressed the view, in response to proposals by the delegations of Japan and the United States of America, that there might be grounds for envisaging another committee to define more accurately the concept of "handicapped" and to seek solutions to the problem. He pointed out that it would be advisable to begin by drawing up a questionnaire designed to determine the attitudes of States with regard to the preparation of an international instrument and with regard to the possible contents of such an instrument.

98. The delegation of the Federal Republic of Germany nevertheless reiterated its view that the question of access to works by handicapped persons was not a matter for copyright and that there was thus no reason to convene a committee for such a purpose.

Protection of Expressions of Folklore

99. Discussions were based on documents B/EC/XXIV/11 (Part I) – IGC(1971)/VI/12 (Part I) and B/EC/XXIV/11/Part II – IGC (1971)/VI/12/Part II.

100. The Committees noted with satisfaction that a regional meeting had been held in Doha, Qatar, thereby completing the cycle of such regional meetings on this subject.

101. The delegations of Austria, Congo, Ghana, Morocco and Senegal, together with observers from intergovernmental and international non-governmental organizations, stressed the importance of preserving the components of the cultural identity of peoples, and pointed to the need to protect expressions of folklore from abusive utilization and all kinds of distortion. They described the main lines of the systems instituted in their countries for the protection of folklore, copyright being the technique the most frequently employed and the revenues derived from the utilization of expressions of folklore being used to ensure the social welfare of authors and performing artists or for the cultural promotion of folklore.

102. The delegations of Canada, Germany (Federal Republic of), Japan, Sweden, the United Kingdom and the United States of America said that the protection of folklore was not a matter for copyright, pointing out in particular that since expressions of folklore were to be considered as belonging in the public domain, the only conceivable approach to the matter was one based on public law. The delegations of the Federal Republic of Germany and Italy considered that the Rome Convention might be applicable under certain circumstances, at least where the remuneration of performing artists or performers was concerned.

103. The delegation of Bulgaria considered that a draft recommendation or declaration should first be prepared and subsequently, once the legislators of the large industrialized countries had taken a stance, a move could be made towards drawing up special regulations since the Berne and Rome Conventions could not be used in that respect. The delegation of Austria added that, taking the different views of the delegations into account, it did not object to the proposed follow-up action in the interests of those States that were concerned.

104. As regards the question of possible regulation, the delegations of Australia, Germany (Federal Republic of), Italy, Japan, Mexico and Sweden expressed the view that it was important to consider protection at the national level; infrastructures of various kinds should be set in place before any regulation, particularly at the international level. In this connection, several references were made to the global interdisciplinary study currently being carried out by Unesco and discussed by its Executive Board.

105. The delegations of the Federal Republic of Germany, Sweden, the United Kingdom and the United States of America observed that care should be taken to avoid any regulation likely to limit the

freedom of utilization or, still worse, to induce a state of paralysis in folklore itself, which was a living art, evolving with the passage of time. They believed that the utilization of folklore should be encouraged. An international instrument which would be binding was rejected by several speakers.

106. On the other hand, the above-mentioned delegations were for the most part in favor of an instrument in the form of a recommendation or guideline. Such an instrument, in no way binding on States, would attract public attention and could help to encourage national legislators to take steps in the field under consideration.

107. The delegations of Brazil, Congo, Ghana, Guinea, Nigeria and Senegal stressed the need to protect folklore from all kinds of distortion, particularly when it was exported, and expressed interest in international regulations in view of the importance of their national folklore; in the developing countries especially, such regulations would have the main effect of encouraging States to adopt protective measures in this respect and to establish the necessary infrastructures.

108. In addition, the need to provide for regional conventions was mentioned by the delegations of Congo, Ghana and Senegal, which called attention to the known fact that certain communities were located in more than one territory. These delegations consequently believed that it was important to organize protection at the regional level, in particular the collection and distribution of royalties through the intermediary of societies of authors.

109. Lastly, the delegation of Sweden, supported by the delegation of the Federal Republic of Germany, stressed that the approach to be adopted must be spelt out very clearly: the matter was one of protection against all forms of distortion, the aim being to preserve folklore rather than to enforce copyright. The same delegation also stated that what was to be protected should be clearly defined and that the protection itself should be distinguished from other types of protection, notably copyright.

110. In conclusion, the hope was expressed that the studies in this field would continue.

Consideration of the Report of the Group of Experts on Copyright Problems Arising from the Rental of Phonograms and Videograms

111. Discussions were based on document B/EC/XXIV/12 – IGC(1971)/VI/13.

112. The delegations and observers from intergovernmental and international non-governmental organizations all emphasized the importance and topical relevance of the question, and the urgent need to find solutions to it. The economic impact of this commercial phenomenon was, indeed, felt to be considerable, competing as it did with the sale of copies. Moreover, the use of videocassettes had expanded to such an extent in some countries that the delegation of the United States of America claimed that this medium was jeopardizing other forms of culture and cultural communication, such as theater and cable television. The delegations of Austria, Italy, Mexico, Sweden and the United States of America stressed the value of the conclusions formulated by the Group of Experts, reproduced in Annex A to the document.

113. The delegations of Austria, Canada, Sweden and the United Kingdom nevertheless expressed regret that representatives of governments had been invited to the meeting only in order to follow its discussions. The delegation of Canada noted that the video rental right was still an emerging issue with rapidly changing economic data as well as changing arguments for and against such a right. Such a right was controversial in Canada and would represent a major change in Canadian law.

114. The delegations of Australia, Germany (Federal Republic of), Israel, Japan, Mexico and the United States of America and the observer from the African Intellectual Property Organization (AIPO) described their systems of protection and outlined prospective solutions. In many cases, the solutions adopted involved public lending arrangements. However, national legislation in a number of cases contained provisions relating to the rental of the physical medium on which protected works were recorded.

115. The delegations of Mexico, the Netherlands and Sweden pointed out that the rental of physical mediums was the cause of copying for private purposes, particularly where phonograms and videograms were concerned; they denounced piracy. The delegation of the Netherlands thought that this problem should be examined concomitantly with others arising from the development of broadcasting and reproduction techniques. The delegations of the Netherlands and Sweden both expressed the opinion that it would be desirable to take the holders of neighboring rights into consideration.

116. The Secretariats informed the Committees of the new approach to the problems, namely, an approach based on the nature of the works and taking account of the different ways in which they were used.

117. Copyright was considered to be the appropriate legal tool. The delegation of Australia wondered whether it was included in the right of distribution, in view of the fact that the concept of rental undoubtedly formed part of copyright. The delegations of Australia and Sweden and observers from various international non-governmental organizations stressed the need to consider the right of rental as an exclusive right, even if certain exceptions had to be allowed, in particular for purposes of public lending in libraries. The observer from one international non-governmental organization stated that no one disputed the principle of the exclusive right. Nevertheless, the delegations of Israel and Portugal, while approving that principle, pointed out that the interests of users and of the public had to be taken into account. The delegation of the United Kingdom made the same points and added that it welcomed the Secretariats' intention to provide a detailed justification for the necessity of the right in question. The delegation of Portugal made the point that such an exclusive right frequently resulted in a worsening of the balance of payment deficit of the user countries.

118. The delegation of Australia stressed that in devising guiding principles or model laws for a rental right it would be important to determine the duration and circumstances of the exercise of that right, while the delegation of Sweden urged that a distinction be drawn between rental of phonograms and rental of videograms. The latter delegation drew attention to the need to inform the public about the exclusive right of rental from which authors were intended to benefit.

119. The delegation of Hungary urged the need to take account of Articles 14 and 14^{bis} of the Berne Convention when discussing the rental of the physical mediums of videograms.

120. Finally, a number of delegations and observers from international non-governmental organizations made proposals concerning the administration of that right and in particular the matter of its collective administration, some speakers stressing the importance thereof (Australia, Sweden and one international non-governmental organization) and one, on the contrary, advocating the individual exercise of that right (an international non-governmental organization). In that connection, the observer from one international non-governmental organization wished to know the situation currently prevailing in the various countries that had already adopted measures in that regard.

121. The Committees took note of the information supplied by the Secretariats and urged them to con-

tinue to study the matter, using the new approach proposed for future activities.

Consideration of a Study on Guiding Principles on the Operation of Droit de Suite

122. Document B/EC/XXIV/13 – IGC(1971)/VI/14 was submitted to the members of the Committees.

123. In view of the late date at which the document was made available to the Committees members, the delegations of Austria, Canada, Germany (Federal Republic of), India, Italy, the Netherlands and Senegal advocated deferring consideration of that question to the next session. The delegations of Austria and Germany (Federal Republic of) nevertheless expressed the wish that such deferment might not delay discussion of the issue within the framework of Unesco's and WIPO's programs.

124. That proposal was unanimously approved by the members of the Committees.

Progress Report on the Question of Salaried Authors

125. Discussions were based on documents B/EC/XXIV/14 (Part I) – IGC(1971)/VI/15 (Part I) and B/EC/XXIV/14 Part II – IGC(1971)/VI/15 Part II.

126. The Committees were also informed that Unesco and WIPO would jointly convene a meeting on that matter in December 1985.

127. The representative of the International Labour Office (ILO) informed the Committees that a tripartite meeting on salaried authors and inventors would be convened under the auspices of ILO during the 1986–1987 biennium and she reminded the Committees that she had informed them at their last session of the stages leading up to that decision. Furthermore, at its ninth session (April 1985), the ILO Advisory Committee for Salaried Employees and Professional Workers had requested that international labor standards be drafted for salaried authors, as had already been done for salaried inventors. Within the framework of the United Nations system, the problems of employment relations, in any field whatsoever, came within the competence of ILO and ILO was the only body in which representatives of the employers and the employees involved could express their opinions on the same footing as the representatives of governments in the examination of problems concerning them. The ILO tripartite meeting on salaried authors and inventors

would frame conclusions which would serve as guidelines for the lawmaker and for management and labor at the national level. On reading the documentation prepared for the Committees, ILO had learned that there was a question of convening in December 1985 a Unesco/WIPO meeting on salaried authors, which might perhaps be instructed to prepare draft model provisions for national legislation on salaried authors. The ILO representative had only one comment to make on that matter, which was that her Organization was opposed to any duplication of work.

128. The representative of the Director General of WIPO noted that the program of activities of his Organization adopted by its Governing Bodies for the 1984–1985 biennium included, like that of Unesco, the preparation of draft model provisions for national laws on the rights and obligations of employee authors and of their employers in connection with works protected by copyright and created in the course of employment. The WIPO program made provision for the meeting organized to this end to be convened jointly with ILO. However, as ILO had indicated that under its program it would not be possible for it to be associated with that convocation, the meeting would be held under the joint auspices of WIPO and Unesco early in December 1985. The representative of the Director General of WIPO explained that his Organization, like Unesco, was required to comply with the decisions of its Governing Bodies and to carry out the tasks included in its program. He emphasized that in this instance there was no duplication of activities; the approaches to the problems in question were completely different, since WIPO and Unesco would examine the possible content of copyright legislation in respect of employee authors, which came expressly under their competence. He added that, as part of the cooperation existing between the specialized agencies of the United Nations system, ILO would obviously be invited to follow the studies in that field and that consultations would take place after the December tripartite ILO, Unesco and WIPO meeting.

129. The representative of the International Labour Office (ILO) said that it had been necessary to await the reactions of the Governing Body of ILO to know whether ILO should be associated with the ILO/Unesco/WIPO meeting which had been envisaged by these last two Organizations as a follow up to the first ILO/Unesco/WIPO consultative meeting held in September 1982. The Governing Body of ILO had noted that the problems to be dealt with came within the competence of ILO and it had provided for the necessary resources to hold a meeting on the matter under the auspices of ILO in 1986–1987.

130. The delegation of Austria expressed the wish that overlapping of work between ILO, on the one hand, and Unesco and WIPO, on the other, should be avoided as much as possible by feasible contacts between the three Organizations.

131. The delegations which took the floor all underlined the importance of the question of salaried authors and encouraged the Secretariats to continue work in that field. They pointed out that many authors were bound by an employment contract. They underlined the importance of striking a balance in the interests of authors and employers and said that it would be dangerous for authors to be inadequately protected.

132. A number of delegations provided information on their national systems. It was pointed out by the delegations of Israel and the Netherlands that as national rights were enshrined both in statutes and in many instances in case law, it was now appropriate to think about the difficulties arising in practice, and also to be better informed about practice. The delegation of Mexico explained that where natural or legal persons produced a work involving a participation, whether paid or free, the authors' rights were respected in both cases, irrespective of who effected publication.

133. The delegations of France, Japan, Sweden and the United States of America stressed the importance of that matter in the field of software and hoped that the Secretariats would endeavor in particular to study the consequences of the use of computers.

134. The delegation of Austria hoped that the studies would take into account all salaried creators, but said that it was particularly necessary to consider the case of those specially employed to produce creative work.

135. The delegations of Hungary and Israel referred to the situation of civil servants and to that arising from the commissioning of a work. It was stated that in the latter case the problems should be clearly distinguished, without on that account overlooking contracts for hire.

136. The delegation of Hungary observed that there were differences between the conditions for creating works in the course of employment, on the one hand, and creating commissioned works, on the other, and appreciated that the study had been dealing with employee authors separately; it also emphasized the desirability of the Secretariats preparing a survey of existing legislation on the subject.

137. The delegations of Austria, Israel and Sweden stressed the need to look into the situation of artists and performers, many of whom were salaried. The delegation of Austria observed that national laws did not generally contain specific provisions on performers.

138. The observer from the International Confederation of Societies of Authors and Composers (CISAC) stated that the question of salaried authors was a matter for copyright. He emphasized the role of authors in business enterprises and considered that it was necessary to preserve their interests and not to call into question the provisions of the relevant national laws and international conventions. The observer from the International Publishers Association (IPA) emphasized that through work contracts many authors could be vocationally employed and produce creative works. The observer from the International Federation of Phonogram and Videogram Producers (IFPI) said that experience had shown that the problems of employee authors arose essentially from the employment relationship and were not related to copyright as such. The meeting of consultants that had been held appeared to confirm that view. In the circumstances, it was doubtful whether the meeting proposed by Unesco and WIPO, which the Secretariats had said would be restricted to copyright matters, would provide solutions to those problems.

139. With regard to future prospects, the delegations of Austria, Hungary, Israel and the Netherlands stressed the need to carry out studies in comparative law, even if, according to the delegation of Italy, this meant a change in outlook from reasoning solely in terms of salaried authors to taking into consideration the situation of the salaried worker who was an author in the context of his work.

140. It was stated that international harmonization ought to be sought; however, the delegations of Israel, the Netherlands and the United States of America expressed doubts as to the possibility of achieving standard solutions. The delegations of Israel, Italy, Mexico and Sweden and the observer from the International Confederation of Societies of Authors and Composers (CISAC) stressed the value of preserving moral rights even if, as was possible, economic rights might be the subject of a few adjustments.

141. The Committees requested the Secretariats to continue the studies, in particular by convening the meeting in December 1985 to prepare model provisions for national legislation, and subsequently within the framework of the programs to be adopted by the Governing Bodies of WIPO and Unesco.

Consideration of the Report of the Group of Experts on the Copyright Aspects of Direct Broadcasting by Satellite

142. Discussions were based on document B/EC/XXIV/15 – IGC(1971)/VI/16, which submitted to the Committees the report adopted by the Group of Experts on the Copyright Aspects of Direct Broadcasting by Satellite at its meeting at Unesco House, Paris, from March 18 to 22, 1985.

143. All the participants who took the floor in the discussions emphasized the importance of studying the copyright problems of direct broadcasting by satellite and the role of satellites in broadcasting in general. They congratulated the Secretariats on the presentation of the document.

144. The delegations of Australia, Austria, Italy, Japan, the Netherlands, Sweden, the United Kingdom and the United States of America expressed their agreement with the conclusions contained in paragraph 52 of the report of the Group of Experts. However, they proposed that the Secretariats should also study the copyright problems of communication (fixed service) satellites, particularly since the technical difference between broadcasting and fixed satellite services was narrowing and both types of satellite could serve as sources of cable distribution. The delegation of Japan referred to the study on that subject being made in its country at governmental level as one of the problems involved in so-called new media or new technology.

145. The delegation of Mexico drew attention to the fact that programs transmitted by satellites could be intercepted, reproduced and commercially utilized and asked the Secretariats to extend their study to the legal consequences of such activities.

146. The majority of the delegations which participated in the discussions declared that they did not intend to deal with questions in detail before the study to be prepared by the Secretariats was available. However, the delegations of Denmark and Sweden voiced their reservation regarding certain tentative views contained in paragraph 12 and felt it especially necessary to study the legal and practical consequences of the possible application of those principles.

147. The delegation of the United States of America informed the Committees that in October 1984 the Communications Law had been amended. Two new rights had been established. The first right guaranteed the protection of satellite-to-cable programs. The right holders were protected against unauthorized interception of such programs in two cases: if the signals were coded and if the right holders had

established and offered an appropriate licensing scheme. The second right protected cable operators. Any unauthorized interception of a cable retransmission was prohibited.

148. The delegation of Canada stated that the complex problems of cable retransmission liability, which could arguably be linked to the use of satellites in the Canadian Broadcasting System, were being given major priority in its country and were being dealt with as quickly as possible within the current omnibus revision process.

149. The observer from the International Federation of Film Producers Associations (FIAPF) stressed the importance of a complex study covering all types of satellite services in close connection with cable distribution. He drew attention to new developments which showed that the role of fixed service and direct broadcasting satellites could be changed, the different technical solutions might be combined, and satellite-to-cable programs were becoming ever more widespread.

150. The Committees noted the information presented to them, especially the Secretariats' plans to study the aspects suggested by the Group of Experts and the Committees and to submit the results of their studies to all those meetings of experts whose convocation was foreseen in their draft programs and budgets for the 1986–1987 biennium and whose terms of reference would include the copyright and neighboring rights aspects of broadcasting.

Consideration of the Report of the Group of Experts on Unauthorized Private Copying of Recordings, Broadcasts and Printed Matter

151. Discussions were based on document B/EC/XXIV/16 – IGC(1971)/VI/17, which submitted to the Committees the report adopted by the Group of Experts on Unauthorized Private Copying of Recordings, Broadcasts and Printed Matter at its meeting at WIPO Headquarters, in Geneva, from June 4 to 8, 1984.

152. The delegation of Japan informed the Committees on recent developments in its country. The reproduction for private purposes of phonograms and videograms — so-called home taping — was the subject of wide discussions in which they had tried to find solutions which corresponded in the most suitable manner to the conditions existing in Japan. In the field of reprography, collective administration schemes were under consideration. The Japanese publishers were planning to set up a Copyright Clearance Center for that purpose.

153. The delegation of the Netherlands felt it necessary that the problems of rental and home taping, as well as other connected questions, be studied together and not in an isolated way. It welcomed the new approach used in the draft of the 1986–1987 copyright and neighboring rights program of Unesco and WIPO, which would facilitate such a complex study.

154. The delegation of Australia was of the opinion that annotated guiding principles should be elaborated and adopted in this field, too, as in the case of cable television. It pointed out that special attention should be paid to the copyright implications of fiscal type levies and to the distribution methods applied in the case of existing levy systems.

155. The observer from the International Publishers Association (IPA) expressed his satisfaction at the statement by the Group of Experts that the study of the copyright problems of reprography should be reopened at international level. He felt it very urgent because at national level fairly diverging measures had been taken recently, which could hinder the elaboration and adoption of any international solution.

156. The observer from the International Federation of Phonogram and Videogram Producers (IFPI) welcomed the plans of the Secretariats to continue to study the copyright and neighboring rights problems of home taping. He mentioned the results of recent IFPI studies which showed how widespread that phenomenon was, especially in the field of music. He offered in the name of his organization further assistance to the program of Unesco and WIPO in this field.

157. The Committees noted the information presented to them, especially the Secretariats' plans to continue to study the question of private copying and, if their proposals for their program for the 1986–1987 biennium were adopted, several of the committees of experts foreseen in those proposals would have to deal with it as well.

Consideration of the Report of the Working Group on Model Provisions for National Laws on Publishing Contracts for Literary Works

158. Discussions were based on document B/EC/XXIV/17 – IGC(1971)/VI/18, which submitted to the Committees the report adopted by the Working Group on Model Provisions for National Laws on Publishing Contracts for Literary Works at its meeting at WIPO Headquarters from June 18 to 22, 1984.

159. The Committees were informed that the date of the Group of Governmental Experts mentioned in paragraph 4 of the Memorandum of the Secretariats had been changed and was scheduled in Paris from December 2 to 6, 1985. They were also informed that, after the meeting, the Secretariats intended to send the Model Provisions, together with their Commentary, to the member States, and that part of the program would then be considered terminated.

160. The delegation of Hungary pointed out that, even if the international copyright conventions had determined only the right to be granted to authors and did not contain provisions on the contractual conditions of its exercise, they recognized such right as the right to authorize the use of protected works and it was necessary to deal with copyright contracts at international level. Publishing contracts could be regulated in two ways: by means of minimum guarantees fixed in the legislation (as was done in the legislation of the Socialist countries, France and Germany (Federal Republic of) and in the form of statutory provisions, offering standard solutions, whose application was not obligatory. The delegation of Hungary felt that the study of the problems of copyright contracts should not be terminated. The committees of experts planned in the draft program of the Secretariats for the 1986–1987 biennium might — and in some cases should — extend their considerations also to contractual problems when dealing with different types of protected works.

161. The delegation of Sweden stressed that a correct balance should be guaranteed in the Model Provisions between the interests of authors and publishers. It pointed out that the Model Provisions should not involve any kind of obligation for member States. It suggested that the Committee of Governmental Experts should study — among others — the following questions: electronic publishing, co-authorship, collective works, the applicability of the Model Provisions to translations, the consequences of infringements.

162. The delegations of the Netherlands and the United Kingdom said that they did not intend to make comments on substance, because they had not had enough time to study the document thoroughly and to consult with interested groups. They expressed their reservations regarding the Model Provisions and also their doubts whether it was really necessary and possible to work out general provisions that could be applicable in different countries in completely different social, economic and legal systems.

163. The delegation of Italy mentioned that the legislation of its country corresponded with 80% of the Model Provisions even in its present form. It felt it necessary to clarify whether the Model Provisions also covered encyclopedias, vocabularies and similar works as well as translations.

164. The delegation of Austria informed the Committees that the question of possible legislative steps was under consideration in its country. The preparatory work did not concentrate on one or two types of copyright contracts. It appeared desirable to determine which were the most typical solutions for contracts concluded on a basis of free bargaining, on the one hand, and to clarify matters of principle, on the other, such as whether or not contracts were to be concluded in writing or to determine the arrangements applicable to works created after the expiry of the relevant contract. The delegation further stressed the great difficulty of establishing provisions at international level that could be applied in differing countries under widely differing conditions and stated that it could not take a final stand either then nor even at the meeting in December 1985. The delegation questioned in particular whether Model Provision No. 2(2) would really help authors or whether it would not result in contracts becoming much too long. As far as Model Provision No. 7 was concerned, it expressed the view that a favorable solution could consist in a wording that empowered organizations of authors and publishers to draw up general contracts for varying types of works and to lay down minimum rates of remuneration.

165. The Chairman, speaking in his capacity as the delegate of Algeria, said that the question of regulating the conditions of publishing contracts had arisen in his country, too. It had been found that certain provisions were needed for the protection of the interests of authors who were in a weaker position when concluding contracts with publishers. He added that the legal provisions might be different in different countries, but model provisions could be helpful. That point of view was supported by the delegation of Ghana.

166. The delegation of Senegal stated that the copyright law of its country fairly corresponded to the principles of the Draft Model Provisions. It mentioned that the Senegalese Authors' Society (BSDA) had concluded a model contract with the biggest publishing house in the country, which guaranteed the correct balance of interests of authors and the publisher and the appropriate protection of authors' rights.

167. The delegation of Israel announced that the introduction of certain legal provisions on publish-

ing contracts into the copyright law was under consideration. It had become necessary because it had been made clear that otherwise the interests of authors in a weaker position vis-à-vis big and strong publishers would be prejudiced.

168. The observer from the International Publishers Association (IPA) pointed out that the Draft Model Provisions went into too much detail. If any model provisions were to be elaborated at all at international level, they should be of fairly general

nature. It should be taken into account that all books were different and the social, economic and legal conditions also differed from country to country. For instance, the tradition of contractual freedom in the Anglo-American system was closely connected with the active role of literary agents.

169. The Committees took note of the information presented to them, including the plans of the Secretariats about which they had been informed.

Part III: Other Items Concerning the Committee Alone

Date and Place of the Next Extraordinary Session

170. Referring to the practice of the Executive Committee of the Berne Union and the Intergovernmental Copyright Committee of holding some of their meetings jointly and, in the absence of an invitation from a State, either at WIPO or Unesco Headquarters, the representative of the Director General of WIPO, noting that the current sessions had been held at Paris, invited the two Committees to hold their next joint sessions at WIPO Headquarters in Geneva in 1987.

171. As for the timing of those sessions, the attention of the Committees was drawn to the advisability of holding their sessions if possible before those of the respective Governing Bodies responsible for determining the programs and budgets of the Organizations that provided their Secretariats. Accord-

ingly, it was proposed that the next sessions take place in May or June 1987.

172. The Committees left it to their Secretariats to fix the most appropriate date in accordance with their respective Rules of Procedure.

Adoption of the Report

173. The Executive Committee of the Berne Union unanimously adopted this report.

Closure of the Session

174. After the usual thanks, the Chairman declared the session closed.

ANNEX A

Draft Solemn Declaration

The States members of the Assembly of the International (Berne) Union for the Protection of Literary and Artistic Works

(a) Convened in an extraordinary session by the Director General of the World Intellectual Property Organization in order to commemorate the 100th anniversary of the adoption of the Berne Convention for the Protection of Literary and Artistic Works, signed on September 9, 1886,

(b) Meeting, at the invitation of the Federal Council of the Swiss Confederation in the *Palais fédéral*, in Berne, in the same place where the Berne Convention was adopted and signed a century ago,

(c) Inspired by the enthusiasm, imagination, wisdom and foresight of those Governments and those individuals whose efforts brought the Berne Convention into existence,

(d) Paying tribute to the memory of all those who contributed to the constant modernization, through the seven revisions that took place in the last 100 years, of the Berne Convention,

(e) Reaffirming their commitment to protect the rights of authors in as effective and uniform a manner as possible:

(1) *Solemnly declare* that copyright is based on human rights and justice and that authors, as creators of beauty, entertainment and learning, deserve that their rights in their creations be recognized and effectively protected both in their own country and in all other countries of the world,

(2) *Solemnly declare* that the law of copyright has enriched and will continue to enrich mankind by encouraging intellectual creativity and by serving as an incentive for the dissemination throughout the world of expressions of the arts, learning and information for the benefit of all people,

(3) *Solemnly declare* that international respect for the law of copyright opens paths across frontiers for works of the mind, thus contributing to a better international understanding and to the cause of peace,

(4) *Solemnly declare* that the Berne Convention for the Protection of Literary and Artistic Works, by providing an outstanding, comprehensive and harmonized codification of the rights of authors, has guaranteed for a hundred years the most effective international protection of those rights,

(5) *Pledge* themselves to continue to work together to safeguard the rights of authors against all forms of piracy and other unlawful acts and to ensure the effective application of those rights in the framework of new opportunities for communication between authors and the public created by economic, social, scientific and technological progress,

(6) *Hereby urge* all States that so far have not done so to join them by adhering to the Berne Convention for the Protection of Literary and Artistic Works.

ANNEX B

List of Participants

I. States Members of the Committee

Australia: I. Harvey; **D. MacIntyre.** **Benin:** N. Bouraïma. **Bulgaria:** Y. Markova; A. Anguelov; G. Sarakinov. **Canada:** H. Knopf. **Costa Rica:** N. Mourelo. **Czechoslovakia:** J. Karhanová; A. Bujnák; J. Kordac; M. Jelinek; D. Illik. **France:** A. Kerever; A. Françon; M.-C. Rault; S. Berlin; B. Carnez; S. Bogé; I. Bigot. **Hungary:** G. Boytha. **India:** I. Rahman; M.J. Singh; B. Bose. **Italy:** M.G. Fortini; G. Aversa; M. Fabiani. **Mexico:** S. Lagos Martínez. **Morocco:** A. Kandil. **Senegal:** B. Ndoye. **Tunisia:** T. Ben Slama; B. Zgaya; S. Zaouche. **Turkey:** O. Sezen; A.S. Atilgan; A. Ugdul. **United Kingdom:** J.P. Britton; D.M. Haselden.

II. Observer States Members of the Berne Union

Austria: R. Dittrich. **Brazil:** A.A. de Freitas Carvalho. **Central African Republic:** J. Guelembi. **Congo:** D. Ganga Bidie. **Denmark:** W. Weineke; J. Norup-Nielsen. **Finland:** J. Liedes. **German Democratic Republic:** K. Götz. **Germany (Federal Republic of):** M. Möller. **Guinea:** W. Doukoure. **Holy See:** L. Rousseau; R. Blaustein. **Israel:** M. Gabay; M. Ophir; M. Shamir. **Japan:** Y. Oyama. **Netherlands:** E. Lukács; J. Meyer-Van der Aa; P. Van Moort. **Norway:** H.M. Soenne-land; J. Holland. **Philippines:** D.M. Macalintal. **Portugal:** A.M. Pereira. **Spain:** A. Martínez Adell; D. Colomé. **Sri Lanka:** R. Eheliyagoda. **Sweden:** H. Olsson; K. Hókborg. **Thailand:** S. Povatong; A. Otrakul-Sales. **Uruguay:** S. Rivero.

III. Other States

Afghanistan: A. Keshmand; A. Solhdost. **Algeria:** S. Abada; S.A. Baghli. **China:** L. Gao. **Colombia:** B. Delgado. **Ecuador:** E. Johnson; G. Yépez. **Ghana:** R.B. Odoi Anim. **Guatemala:** F. Sesenna Olivero; A. Garoz Cabrera. **Jordan:** S. Bader.

Kenya: J.N. King'Arui. **Nigeria:** J.A. Araoye. **Oman:** M.-T. Baiti. **Panama:** J. Patiño. **Peru:** J.R. Ribeyro. **Saudi Arabia:** M. Al-Mosfer; N. Kanan. **Soviet Union:** K. Dolgov; R. Gorelik; A. Protassenja; V. Jiliakov. **United States of America:** H.J. Winter; D.M. Schrader; L.I. Flacks.

IV. Specialized Agencies of the United Nations System of Organizations (Representatives)

International Labour Organisation (ILO): R. Cuvillier. **United Nations Educational, Scientific and Cultural Organization (UNESCO):** K. Vasak; A. Amri; A.M.N. Alam; Y. Gaudiac.

V. Intergovernmental Organizations (Observers)

African Intellectual Property Organization (AIPO): I. Salia. **Arab Educational, Cultural and Scientific Organization (ALECSO):** A. Derradji. **Commission of the European Communities (CEC):** B. Posner. **Council of Europe (CE):** G. Brianzoni.

VI. International Non-Governmental Organizations (Observers)

European Broadcasting Union (EBU): W. Rumphorst. **International Alliance for Diffusion By Wire (AID):** G. Moreau. **International Association for the Protection of Industrial Property (IAPIP):** T. Mollet-Viéville. **International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM):** N. Ndiaye. **International Confederation of Societies of Authors and Composers (CISAC):**

N. Ndiaye. **International Copyright Society (INTERGU)**: G. Halla. **International Federation of Film Producers Associations (FLAPF)**: A. Brisson. **International Federation of Journalists (IFJ)**: S.O. Gronsund. **International Federation of Phonogram and Videogram Producers (IFPI)**: E. Thompson; M. Hung. **International Federation of Translators (FIT)**: M. Voituriez; E. Lisiak. **International Group of Scientific, Technical and Medical Publishers (STM)**: P. Nijhoff Asser. **International League for Competition Law (LIDC)**: Y. Saint-Gal. **International Literary and Artistic Association (ALAI)**: N. Ndiaye. **International Publishers Association (IPA)**: J.-A. Koutchoumow; C. Clark. **International Secretariat of Arts, Communications Media and Entertainment**

Trade Unions (ISETU): J.L. Wilson; M. Lesage. **Latin American Federation of Performers (LAFP)**: A. Millé. **World Blind Union (WBU)**: D. Nowill.

VII. Secretariat

World Intellectual Property Organization (WIPO)

C. Masouyé (*Director, Public Information and Copyright Department*); M. Ficsor (*Head, Copyright Law Division*).

Notifications

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

PANAMA

Accession

The Secretary-General of the United Nations notified the Director General of the World Intellectual Property Organization that the Government of the Republic of Panama deposited, on June 25, 1985, its instrument of accession to the Convention Relating to the Distribution of Programme-Carrying Signals

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

The Convention enters into force, for the Republic of Panama, three months after the date of deposit of its instrument of accession, that is on September 25, 1985.

National Legislation

JAPAN

Law for Partial Amendments to the Copyright Law

(No. 62, of June 14, 1985)*

The Copyright Law (Law No. 48, of 1970)** shall be partially amended as follows:

1. In the Table of Contents, the words "Article 78" shall be replaced by the words "Article 78bis."

2. In Article 2, paragraph (1), the following new item shall be inserted next to item (x):

(xbis) "program" means an expression of combined instructions given to a computer so as to make it function and obtain a certain result.

3. In Article 10, paragraph (1), the following new item shall be added at the end:

(ix) program works.

4. In Article 10, the following new paragraph shall be added at the end:

(3) The protection granted by this Law to works mentioned in paragraph (1), item (ix) shall not extend to any programming language, rule or algorithm used for making such works. In this case, the following terms shall have the meaning hereby assigned to them respectively:

(i) "programming language" means letters and other symbols as well as their systems for use as means of expressing a program;

(ii) "rule" means a special rule on how to use in a particular program a programming language mentioned in the preceding item;

(iii) "algorithm" means methods of combining, in a program, instructions given to a computer.

5. In the title of Article 15, the words "under the name of a legal person, etc." shall be replaced by the words "by an employee in the course of his duties," and in the same Article, the words "(except a program work)" shall be inserted next to the words "a work," and the following new paragraph shall be added at the end:

(2) The authorship of a program work which, on the initiative of a legal person, etc. is made by his employee in the course of his duties, shall be attributed to that legal person, etc., unless otherwise stipulated in a contract, work regulation or the like in force at the time of the making of the work.

6. In Article 20, paragraph (2), item (iii), the words "the preceding two items" shall be replaced by the words "the preceding three items," item (iii) shall be renumbered as item (iv), and the following new item shall be inserted next to item (ii):

(iii) modification which is necessary for enabling to use in a particular computer a program which is otherwise unusable in that computer, or to make more effective the use of a program work in a computer.

7. In Article 29, the words "Article 15" shall be replaced by the words "Article 15, paragraph (1)."

8. The following new Article shall be inserted next to Article 47:

*Reproduction, etc. by the owner
of a copy of a program work*

Article 47bis. — (1) The owner of a copy of a program work may make copies or adaptations

* This Law was promulgated on June 14, 1985, and will come into force on January 1, 1986. English translation communicated to WIPO by courtesy of the Cultural Affairs Department, Copyright Division, of Japan.

** See *Copyright*, 1971, pp. 71 *et seq.*

(including the making copies of a derivative work created by means of adaptation) of that work if and to the extent deemed necessary for the purpose of exploiting that work in a computer by himself, provided that the provision of Article 113, paragraph (2) does not apply to the use of such copies in connection with such exploitation.

(2) If the owner of a copy mentioned in the preceding paragraph has ceased to have the ownership of any of the copies mentioned in that paragraph (including copies made in accordance with the provision of that paragraph) for reasons other than those of destruction, he may not thereafter preserve other copies in the absence of any declaration of the intention of the copyright owner to the contrary.

9. In Article 48, paragraph (1), item (i), the words "the preceding Article" shall be replaced by the words "Article 47."

10. In Article 49, paragraph (1), the following two items shall be added at the end:

- (iii) the distribution of copies of works (excluding copies falling within those mentioned in item (ii) of the next paragraph) made in accordance with the provision of Article 47bis, paragraph (1), and the making available to the public of works by the use of these copies;
- (iv) the preservation of copies mentioned in Article 47bis, paragraph (2) in violation of that paragraph (excluding copies falling within those mentioned in item (ii) of the next paragraph).

11. Article 49, paragraph (2) shall be amended as follows:

(2) The following acts shall be considered to constitute the translation, musical arrangement, transformation or adaptation described in Article 27 with respect to pre-existing works of derivative works concerned:

- (i) the distribution of copies of derivative works made in accordance with the provisions of each item of Article 43 and making available to the public of these works by the use of these copies for purposes other than those mentioned in Article 30, Article 31, item (i), Article 35, Article 37, paragraph (2) and Articles 41 and 42;
- (ii) the distribution of copies of derivative works made in accordance with the provision of Article 47bis, paragraph (1)

- and making available to the public of these works by the use of these copies;
- (iii) the preservation of copies mentioned in the preceding item in violation of the provision of Article 47bis, paragraph (2).

12. In Article 53, the following new paragraph shall be added at the end:

(3) With respect to the duration of copyright in works the authorship of which is attributed to a legal person or other corporate body in accordance with the provision of Article 15, paragraph (2), the provision of paragraph (1) shall apply to such works not falling within those mentioned in paragraph (1) as if such works bore the name of such corporate body as the author.

13. The following new Article shall be inserted next to Article 76:

Registration of the date of creation

Article 76bis. — (1) The author of a program work may have the date of creation of his program work registered within the period of six months following the creation of that work.

(2) Program works as to which the date of creation is registered in accordance with the preceding paragraph shall be presumed to have been created on the date registered.

14. In Article 78, paragraph (1), the words "Article 76bis, paragraph (1)" shall be inserted next to the words "Article 76, paragraph (1)."

15. In Chapter II, Section 10, the following new Article shall be inserted next to Article 78:

*Exceptional provision
for the registration of program works*

Article 78bis. — Other than those provided in this Section, matters relating to the registration of program works shall be provided by another law.

16. In Article 113, paragraph (2) shall be renumbered as paragraph (3), and the following new paragraph shall be inserted next to paragraph (1):

(2) An act of using in a computer, in the conduct of business, copies made by an act infringing a copyright in a program work (including copies made by the owner of such copies in accordance with the provision of Article 47bis, paragraph (1) as well as copies of a program work imported as mentioned in item (i) of the preceding paragraph and copies made by the owner of such imported

copies in accordance with the provision of Article 47bis, paragraph (1)) shall be considered to constitute an infringement on that copyright, so long as a person using such copies is aware of such infringement at the time when he has acquired title to use these copies.

Supplementary Provisions

Date of enforcement

1. This Law shall come into force on January 1, 1986. However, the provision for amendment to insert Article 76bis next to Article 76 and the amended provision of Article 78, paragraph (1) as well as the provision of paragraph 5 of the Supplementary Provisions shall come into force on the day of enforcement of the Law mentioned in Article 78bis of the amended Copyright Law.

Transitory measures: works made by an employee in the course of his duties

2. The provisions of Article 15 of the amended Copyright Law shall apply to works created after the enforcement of this Law, and the provision of Article 15 of the Copyright Law before amendment shall still apply to works created before the enforcement of this Law.

Transitory measures: use of copies of program works

3. The provision of Article 113, paragraph (2) of the amended Copyright Law shall not apply to copies of a program work which were made before the enforcement of this Law and which would be lawful and could be preserved under the provisions of Article 47bis of the amended Copyright Law.

Transitory measures: penal provisions

4. The penal provisions of the Copyright Law before amendment shall still apply to acts made before the enforcement of this Law.

Partial amendment: Registration and License Tax Law

5. The Registration and License Tax Law (Law No. 35, of 1967) shall be partially amended as follows:

In the Attached Table No. I, column 9, item (6), the words "and the date of creation" shall be inserted next to the words "the date of the first making public."

General Studies

The Rome Convention: Realities and Prospects

Patrick MASOUYE*

Collective Administration of Authors' Rights

A number of articles, written by leading specialists at the request of WIPO, will be published under this heading in 1985 and 1986.

It has been considered desirable to draw the attention of competent national authorities and experts in the field as well as readers of this review to the increasing role and responsibilities of societies collectively administering authors' rights faced with the technologically new means of the communication of protected works. Independently of the legal protection of authors' rights resulting from national legislation and adherence to multilateral copyright or neighboring rights treaties, collective administration is indeed a vast area of practical application, and its various aspects deserve to be analyzed and explained.

The publication of this series of articles is intended to serve that informatory purpose. All the articles will reflect the opinions of their authors, and not necessarily those of the International Bureau of WIPO.

Collective Administration of Authors' Rights in the Developing Countries

Salah ABADA*

Introduction

Copyright is a set of legal prerogatives of both an economic and a moral nature that the State affords to authors in respect of the works of the mind that they have created.

The economic prerogatives give the author the right to authorize use of the works in his repertoire on payment of fair and equitable remuneration. Failing such payment, the author may prohibit the use of his works.

The moral prerogatives require those who make use of works of the mind to respect both the form and the substance of their contents and to cite the name of the author. They prohibit plagiarism, they give the author the power of withdrawing from public use works that, after publication, prove to have been superseded by developments and are thus likely to prejudice his reputation.

Authors' rights are afforded to an author as remuneration for his creative work and as a mark of esteem on the part of the national community for creators of cultural assets.

By producing a work of culture: a book, a play, a poem, a work of art, a musical composition, etc., an author undertakes physical and intellectual work that entitles him to remuneration. His right to au-

thorize use of his work on payment of specified royalties enables him to receive the remuneration due to him.

Each time an author produces a literary, scientific or artistic work, this means that a new asset enriches the cultural heritage. In the interest of the author and of the community, such work must be individualized and identified. It is therefore necessary to respect its constituent elements and its form.

For these two reasons, authors' rights constitute a means of promoting the cultural heritage. They make authors a dynamic element in cultural, economic and social development.

However, the simple legal assertion of authors' rights is not in itself sufficient. As an individual acting alone in today's society, characterized by the wide range of means available for using works of the mind and the frequency of their simultaneous exploitation both at home and abroad, an author cannot effectively ensure that his rights are protected. Indeed, faced with organized users possessing considerable financial power, his isolation would leave him unarmed in the defense of his legitimate interests.

These demands mean that authors must organize themselves, either at their own initiative or at that of the State, within bodies that will collectively administer their rights. The purpose of this paper is to endeavor to show how authors in the developing countries are organized within this framework in

*Director General, National Copyright Office (ONDA), Algiers.

order to preserve their rights as creators of works of the mind.

We shall therefore first look at the preconditions which exist in these countries for setting up collective administration, both as regards the statutory provisions protecting authors and the density of cultural activity. Subsequently, we shall study the constitution and structure of the collective administration bodies, the features of their administrative and technical organization and the basic problems with which they are faced.

I. The Preconditions for Setting up Collective Administration in the Developing Countries

The collective administration of authors' rights presupposes that authors enjoy legal protection affording them control over the public utilization of their works. It demands also a density of cultural activity that favors the blossoming of vocations and gives authors the need to jointly exercise the protection of their rights to ensure effective preservation of their legitimate interests.

Legal protection of authors' rights in the developing countries has undergone a remarkable development over the last two decades. The nature and extent of the efforts undertaken vary, however, as a function of the continent and also of the economic, political and cultural factors characterizing the various countries.

On the African continent, 37 of the 50 independent States possess a system of protection for authors' rights. The protection afforded is based on either the laws of the former colonial power, confirmed at the time national sovereignty was recovered, or on new and more modern legislation drawn up by the national lawmaker.

As a result of the fact that the countries of Africa mostly recovered their national sovereignty during the sixties and seventies, the confirmed laws of the former colonial powers (1956 Copyright Act of the United Kingdom, 1957 French Law on Literary and Artistic Property) constitute good systems of protection for these rights.

The new laws promulgated following independence by the national lawmakers are both up to date and detailed. They afford authors a monopoly of the public utilization of their works. They set out in detail the protection of rights, including those involved in the use of new means of public communication of works. They are well adapted to the present structure of the African cultural heritage and extend their protection to works of folklore and to traditional handicrafts, thus enhancing the conditions that are favorable to the collective administration of authors' rights.

The endeavors towards appropriate protection of authors' rights have been undertaken both in the newly independent States that did not expressly confirm the colonial legislation and in those States that have decided to modernize the legislation that was in force at the time of gaining independence.

In Latin America, the protection of authors' rights already enjoys a long tradition.

All the States of the region possess a system of protection for authors' rights, generally instituted at the beginning of the century. The efforts undertaken during the second half of the century, particularly since the sixties, have concerned the modernization of the laws in force, under which an exclusive right is mostly afforded to the author to enable him to assert his legitimate interests in the public utilization of his work.

In Asia, changes in the legal codification of authors' rights within the developing countries has remained a slow process compared with the demographic and cultural weight of that continent.

A large number of countries still have no legislation to protect authors' rights. The countries that have created such protection may be divided into two categories. Firstly, those whose legislation is relatively old, dating from the first half of the century. Whether of national origin or inherited from the colonial period, it provides a protection that is limited in view of the contemporary means of disseminating works. For that reason, its implementation is reduced where it has indeed not already fallen into disuse. The second category comprises those countries that have promulgated modern legislation more suited to affording authors effective protection in view of the modern means of exploiting and disseminating works of the mind. Some countries, however, have drawn up new laws without integrating themselves within the international consensus or have voluntarily gone other ways.

From this short summary it will be seen that the legal protection of authors' rights in the developing countries varies considerably from one country to another.

For that reason, its influence on the awareness of authors of their social role and of the organization of their presence in cultural life within the framework of collective administration structures for their rights tends to vary.

The second factor that leads authors to collectively administer their rights derives from the density of cultural activity.

It engenders the enhancement of vocations and lends a social dimension to the public exploitation of works and encourages authors to join together in a body to collectively administer their rights.

In this context, the realities of the developing countries are likewise variable depending on the economic and social factors of the countries and the

particular features of the various sectors of their cultural activity.

In the field of printed publication of literary works, the efforts that have been undertaken remain to be improved in the great majority of developing countries. Publishing of literary works has nevertheless been taken up with success in the countries of Latin America, Asia and Africa.

However, it should be noted that writers do not always join together in collective administration bodies for administering their rights related to printed publication. They are generally dependent on the publishers to whom they assign control of the exercise of their economic rights.

The cinema industry is a field in which intervention by the great majority of the developing countries is still at its beginnings. Nevertheless, a fair number of countries in Asia and Latin America are experiencing remarkable development in this sector of cultural activity. With a total production of 763 full feature films in 1982, India is indeed the world's largest producer in this field.

However, the great majority of developing countries in Latin America, Asia and Africa possess a network of cinemas giving wide public dissemination to cinematographic works.

Likewise, as far as cinematographic activity is concerned, authors have no tradition of taking in hand themselves the collective administration of their rights. With the exception of film music composers, all the joint authors of cinematographic works are generally required by law to assign their rights to the producers. This obligation is frequently justified by reasons of the complex nature of a cinematographic work, the economic factors involved in making such a work and the requirements of its marketing.

Dramatic and dramatico-lyrical activities are developing in an encouraging way. A large number of countries possess an active theatrical infrastructure and a community of playwrights who have become aware of the need to control the public exploitation of their works through a collective administration organization.

Musical and artistic activities constitute the most concentrated cultural movement within the developing countries, as indeed in the economically more developed countries. Musical works enjoy broad social dissemination by means of direct public performance or through various technical mediums.

However, the phonographic industry enjoys a development that varies depending on the country. It has still to be developed in the African countries as far as the technical equipment is concerned and also in respect of the quantity of mediums produced compared with requirements. On the other hand, in other countries of Latin America and Asia, develop-

ment has been remarkable, although sometimes to the detriment of the authors' legitimate rights.

In proportion to the demographic dimensions of the countries, the community of composers and authors of songs is quite large in most of the countries. They constitute the category of authors most aware of the importance of setting up collective administration bodies for their rights.

Cultural activities through radio and television are also frequent in the developing countries, although the degree of importance varies depending on the country. Some of the countries of Africa and Asia do not as yet have a television service.

The special feature of these two means of mass dissemination of works of the mind is that they specially promote the development of the community of authors and at the same time encourage them to organize collective administration to improve the safeguarding of their rights.

In the light of this information on the legal protection of works and the means of their social dissemination in the developing countries, an assessment of the possibilities for organizing collective administration structures for authors' rights enables it to be claimed that all of these countries have a sufficient density of cultural activity to justify proper protection of authors, that they should engage upon the collective administration of their rights and that it would be of value for cultural life to encourage them both to mobilize the creative efforts of national intellectual life and to facilitate the social dissemination of works.

However, in a large number of developing countries, the limited scope of the rights afforded to authors considerably reduces their possibilities of setting up collective administration bodies enabling them to efficiently administer their rights themselves. In addition to this legal constraint, there is also a moral complication to obtaining suitable remuneration of the creative effort involved in works of the mind due to the tradition that a cultural product is elevated above all considerations of a material nature.

This widespread phenomenon in many countries also plays an important part in causing authors to lack interest in their material existence.

II. Organization of the Collective Administration of Authors' Rights Within the Cultural Life of Developing Countries

Within the framework of copyright and cultural activities as described above, to what extent does collective administration exist in the developing countries? In what way are the structured bodies organized in those countries that have introduced this means of mobilizing national intellectual forces

for the creation of works of the mind within the cultural life of the country and what are the problems with which they are faced in their operations?

The importance of collective administration within the diversified reality of the developing countries varies depending on the continent and on the social factors specific to the country.

In Africa, where copyright is of recent tradition, a remarkable effort has been made in this field over the last decade. Seventeen countries of the 34 that protect authors' rights have set up collective administration structures. The majority of these structures were established during the last decade. However, some of the more recently created bodies are not yet operational, such as the Copyright Offices of Benin, Burkina Faso, Central African Republic and Guinea.

The positive effort achieved by the African countries is mainly due to three factors.

Firstly, the public authorities, faced with the present day requirements of national development, realized that the best way to mobilize the creators of cultural assets and to make them aware of their responsibilities in obtaining more favorable economic conditions was to give them suitable legal protection for the produce of their work and to encourage them to join together to administer their rights. The assertion of the community of authors as a dynamic social partner in cultural life is indeed an extremely positive factor of progress.

Subsequently, African authors have appealed for and encouraged this policy by their claims to a social status for authors and by their action. They have been assisted in this action by the tradition inherited from the societies of authors of the former colonial powers that operated within the countries.

Finally, the clarification of the concepts and of the role to be played by copyright in cultural development, promoted by the competent international organizations, particularly the World Intellectual Property Organization (WIPO) and Unesco, have made a timely contribution to creating a favorable atmosphere for the respect of authors' rights in the interested circles.

All these factors together have resulted in acting in good time against the traditional hesitance of users with regard to the protection of authors. They have contributed to creating conditions amenable to the development of copyright.

Besides, further African countries, in which the same conditions already exist, are currently preparing to set up their collective administration structures at the same time as promulgating new legislation on copyright.

It is desirable that this dynamic process of assuming copyright in Africa be supported by appropriate contributions from the competent international community,

In the countries of Latin America, the collective administration of authors' rights enjoys a long tradition linked to the favorable historical development of copyright protection and supported by the wealth of advanced cultural activity in this region of the third world. However, it is not organized in all the 20 countries that possess a system of protection for authors' rights. Eleven only of those countries possess known structures through which the authors administer their rights in common. In the remaining countries, the community of authors would not seem to have found their way to common action in this field. Nor has it succeeded in making the public authorities aware and obtaining their support to assert itself as a social partner in cultural life.

In Asia, the collective administration of authors' rights in the developing countries is much more limited as regards the number of countries in which it exists and also its field of action. Four countries out of the 20 having copyright legislation also have bodies to collectively administer authors' rights. These are India, Hong Kong, the Republic of Korea and the Philippines. Although, in the latter country, the Filipino Society of Composers, Authors and Publishers (FILSCAP), set up in 1965, would not appear capable of becoming operational.¹

Furthermore, these bodies only act for the administration of musical rights. The reservation as regards the collective administration of authors' rights which thus arises in the developing countries of Asia is due to many considerations of which the major ones are as follows. Firstly, authors do not enjoy sufficient legal protection. The very limited prerogatives afforded to them by copyright law do not give them suitable means to exercise control over the public exploitation of works either directly or through a collective administration structure.

Moreover, the cultural industry, acting within a legal context that lacks precision as to its obligations, has taken the habit of requiring authors to assign their rights to it, at least for a limited period. Through this contractual assignment of rights, the industry has been able to exclude them from any possible control of the exploitation of their works.

These practices have resulted in a context that is not very favorable to the economic interests of authors. Indeed, it is frequently accepted that general cultural activities at the level of the small user are not subject to the exercise of authors' rights. The cultural industry is indeed considered the exclusive authority for controlling the economic exploitation of works to the exclusion of any participation by the authors.

¹ "The situation of copyright in Asia," by John Sturman, Australasian Performing Right Association (APRA), 34th CISAC Congress, Tokyo, November 12 to 17, 1984.

Although this situation is most unfavorable to authors, it is nevertheless capable of undergoing a favorable evolution to improve the condition of authors. This evolution may be initiated by a greater awareness on the part of the public authorities as to the economic interests of authors within the organization of cultural life.

In this context, one may note the efforts undertaken currently by China in its endeavors to organize a system of protection for authors' rights. It is proposed, within this large country, to set up collective administration structures to enable the community of authors of China to assume their own future within the cultural life of the country.

It is to be hoped that the same trend will also begin in the other countries of the Asian continent. It could be usefully promoted by developing a legislative movement to provide suitable protection to authors' rights, involving most of the countries of the region.

The prospect of such an evolution is all the more desirable since to an ever increasing extent throughout the world the effort of creating works of the mind is considered the prime source of social enrichment of the nations, that must be encouraged and safeguarded using the most suitable means. If the principle of the institution of collective administration of authors' rights in the developing countries still remains to be extended to a greater number of countries, how are the bodies that have been set up structured and organized to exercise their task?

Seen from this point of view, collective administration is just as diversified as is the reality of the developing countries.

In Africa, the collective administration structures for authors' rights have as a rule been set up at the initiative of the State. They are generally public establishments of a professional nature. The exceptions are Egypt and Kenya where private law societies with competence limited to the musical repertoire have been established.

They are set up with the title of national copyright bureaus, such as BSDA in Senegal, BURIDA in the Ivory Coast, or as national societies of authors and composers, such as SOCADRA in Cameroon and SODACT in Tunisia, or again as national copyright offices, such as ONDA in Algeria.

The African public bodies for administering authors' rights are responsible for managing all such rights: those of writers and authors of literary broadcasts on radio and television, those of playwrights and authors of cinematographic works, those of music composers and of song writers, those of painters, photographers and of all the authors of works of the mind that are protected by the law.

Within this general responsibility, they have a monopoly of administration of rights throughout the national territory. They alone, therefore, are em-

powered to represent foreign societies of authors for the local protection of their repertoires. Under their statutes, these bodies are directed by deliberative organs such as a general assembly of authors and by executive organs such as an administrative board and a general manager.

Membership of the administrative board consists of authors elected by the assembly of authors and authors designated by the supervising authority on account of their experience and reputation.

The director is generally appointed by the State. He is frequently a senior civil servant.

From this angle, the administration of copyright in Africa is assimilated to a public service. The State does not simply give formal recognition to authors' rights at statutory level. It concerns itself with setting up the structures that enable authors to exercise their rights themselves. This approach is well adapted to African reality, to the interest of promoting favorably the collective administration bodies in their task of collecting the royalties from users.

In Latin America, the collective administration structures are private law societies created at the initiative of the authors, with the exception of Chile where it is the university that administers musical rights.

However, in some countries, they are subject to close control by the State both as regards their constitution and their operation. In Brazil, for example, the constitution of associations for the collective administration of rights is subject to the authorization from the National Copyright Council. It must comply with an outline statute laid down by the law which stipulates the organs of the association and the terms of its constitution and operation.

The law requires associations of authors to set up a central office for collecting and distributing royalties, which necessarily operates under the supervision of the National Copyright Council.

In Mexico, authors' societies are declared by the law to be of public interest. The organizational rules, the responsibilities and the terms of their operation are also laid down by law. Their activities are subject to regular control by a supervisory authority and by the Directorate General of Copyright within the Ministry of Education.

As far as the scope of their attributions is concerned, the authors' societies of Latin America have either a general or a specialized responsibility. Those societies with a general responsibility cover the authors of literary works, dramatical, musical and other works protected under copyright.

This form of organization of collective administration is practised, for example, in Uruguay where the General Association of Authors of Uruguay (AGADU) has sole competence to administer authors' rights.

The societies specialized by type of author carry out separate administration of the rights of authors and composers of music, authors of dramatic works, authors of literary works, and so on. Societies are also set up to collectively administer the rights of two types of author. These two structural models for collective administration are to be found in a number of countries, such as Argentina, Brazil and Colombia.

In Brazil, competing associations are also constituted to administer the rights of authors and composers of music. This case, which is an exception in the developing countries, is hardly favorable to the undisturbed collective administration of authors' rights.

In Asia, collective administration structures operate only in India, Hong Kong and the Republic of Korea. These are private societies, set up at the initiative of the authors alone, specialized in the administration of the rights of authors and composers of musical works. No collective administration structures exist for the rights of authors of other categories of works.

Once set up in the form that corresponds to the needs of national reality, the collective administration bodies in the developing countries, as their counterparts in other countries, are required to create appropriate structures to enable them to carry out their allotted tasks in an economically optimum way. Indeed, they are required to carry out their activities with a maximum of efficiency. They need to provide a judicious coverage of the cultural activities within their responsibility, to collect a maximum of royalties and to carry out other administrative tasks with a minimum of cost. In that way, they will be able to distribute to the authors the revenue that provides equitable remuneration for their work, corresponding to the extent to which their works are disseminated, and thus encourage them to produce more, and to obtain the membership and support of authors without which they have no future.

The collective administration bodies in the developing countries possess extremely varied levels of development and expertise in satisfying these requirements and in the corresponding results.

In Latin America, the societies of authors that have existed for a long time generally possess structures for collecting royalties, documentation and distribution, enabling them to undertake all the tasks in the process of collective administration of the rights in their repertoires.

In order to protect their repertoires abroad, they have concluded mutual representation agreements with societies of the region and with other collective administration bodies throughout the world. They are members of the International Confederation of Societies of Authors and Composers (CISAC) within which they participate in the endeavors to

promote the protection of authors' rights and the normalization of their administration and to enjoy the results that are achieved.

At their current stage of development, they are faced with two types of difficulty: one related to internal organization and the other concerning the context of their activities.

The internal problems are to be found in the inadequate efficiency of the various administration structures and the high level of operating costs.

The results of the activities of the structures in operation do not always come up to the level of the planned objectives or to the expectations of the authors.

The royalty collection services demand better organization. They need to improve their coverage of the cultural activities that generate royalties. The staff carrying out this task needs a higher level of training.

The documentation and distribution work also demands an improvement in the structures and the training of staff. In view of the density of the repertoires that are administered and of the management and executive modes of exploitation, data processing techniques would warrant greater interest and would provide greater capabilities for regularizing the activities and making good the backlog.

These difficulties are aggravated by the lack of stability of management and executive staff. The frequent changes in management are sometimes the result of the actual statutes of the societies which, in application of the statutory provisions, do not permit the term of office of elected heads to be renewed. Changes in management also result from dissatisfaction at the inadequacies of administration. One of the negative effects is that they lead to frequent turnover in the executive staff of the services.

The second major factor that disturbs the smooth running of authors' societies in Latin America is the high level of operating costs, which reflects the disproportion between the means employed and the insufficient results obtained. The result is a reduction in the revenue to be distributed to authors. If this were to go on for too long, there would be risk of dangerously compromising the law of efficiency that enables the societies to gain the membership and the support of authors and to encourage them to produce more and better.

The main constraints resulting from the context that impair the activities of the societies of authors in Latin America derive from the reticence of users towards their obligations to respect authors' rights and from the impact of economic inflation on the efficiency of the administration.

The reticence of users towards payment of copyright royalties is a constant factor in the work of collective administration bodies throughout the world.

However, where it attains notorious proportions without the societies of authors being able to discourage or contain it, the authors become distrustful of their structures and the latter's operation is dangerously perturbed.

However, the phenomenon of economic inflation is the most serious problem facing the societies of authors in Latin America. Where the annual rate of inflation sometimes reaches 300%, whereas the tariffs are generally constant, the efforts undertaken by the societies to reduce their overheads and improve the payments made to authors are frequently reduced to nothing. Since this phenomenon is linked to the life of society as a whole, it is imposed on everyone just as on the societies of authors.

To overcome these difficulties and constraints is the current demand placed on the societies of authors in Latin America. To do so, they need to develop their activities in two ways. Firstly, as regards their internal organization, they must make a serious effort towards, principally:

- rationalizing the various operational structures,
- making planned economies in operating costs,
- undertaking a training policy to improve the competence of staff to the level of complexity of the tasks linked with the rights to be asserted, the density of activities to be undertaken and to be supervised, and to the organization of the administered repertoires and their exploitation,
- finally, creating conditions conducive to the stability of executive staff.

The societies of authors must also make the public authorities aware of the need to develop the legal arsenal available for protecting authors' rights in relation to the various modes of exploitation of works that in fact take place on their territory. With the proper legal arms, they could efficiently combat piracy and other forms of non-respect of authors' rights.

In Asia, the collective administration of authors' rights has still to be set up and organized in its entirety. It is marked by a symbolic presence in India, the Republic of Korea and Hong Kong.

In India, the Indian Performing Right Society Ltd. (IPRS) simply administers the public performance rights for musical works. It is also involved in the phonographic reproduction rights, but only as a representative of the Mechanical Copyright Protection Society (MCPS) whose headquarters are in the United Kingdom. IPRS has a need to organize and develop the totality of the structures to enable it to assume itself all tasks involved in the process of collective administration of rights. In its job of collecting royalties for public performance it is faced with major difficulties due to the weakness of its structures, which in turn also lend a different dimension to the unfavorable nature of the context. It

has practically no means of enforcement against the phonographic industry for collecting the reproduction royalties.

In the Republic of Korea, efforts are made by the Korean Music Copyright Association (KOMCA) and other associations to carry out the collective administration of musical rights through organized structures that aim to safeguard the interests of their members within national musical life.

However, these structures are limited by the legal context of the activities and by the tradition that authors' rights are acquired by the phonogram industry. In addition, they act only for their own nationals since Korea is not as yet a member of any copyright convention.

In the crown colony of Hong Kong, the Composers and Authors Society of Hong Kong Ltd. (CASH), set up as part of the fight against the worldwide piracy of phonograms, currently possesses operational collecting structures whose vitality is confirmed by their ever improving results. With the assistance of CISAC, the other services of CASH are being restructured to enable the society to assume itself all tasks comprised in the administration of rights.

In Africa, most of the bodies for the collective administration of authors' rights are of recent creation. They are faced by problems of internal structure and by difficulties linked with the assertion of their new presence in cultural life.

As far as the internal organization of their services is concerned, they may be divided into three groups:

- those bodies that are legally constituted but are not yet operational,
- those bodies that assume some of the administrative tasks and
- those bodies that have set up structures enabling them to assume themselves all tasks involved in the process of administration of rights.

The bodies comprised in the first group, which are of recent creation, are currently at the preparatory stage preceding their entry into activity. They need to be encouraged by the national authors, the public authorities and supported by international technical assistance for training the initial teams and for providing practical support. It is both useful and important for the future of their development that their first steps in society be taken under optimum conditions.

The bodies forming part of the second group are simply involved in the collection of royalties. They contract out the documentation and distribution work to foreign societies of authors that already operated in the country prior to their creation and with which they have historical links. Enjoying the tradition and experience of those societies, they pos-

sess dynamic collecting structures. Taken as a whole, their activities in collecting royalties are positive. Nevertheless, they require strengthening in their capacity to cover the totality of cultural activities throughout the country and in their capability to face up to the many problems involved in collecting royalties from users. For that purpose, their staff would warrant reinforcement and more extensive training in view of the demands of cost effectiveness.

Furthermore, these bodies need to set up their own documentation and distribution structures. It is important for them to complete without delay their organization of overall services. The demand that they accomplish their full role plays an important part in asserting their presence in cultural life, hence their effectiveness.

The other bodies have reached a more advanced stage of development in their internal organization. They have set up collecting structures that have begun to take charge of documentation and distribution tasks. Nevertheless, some of them only carry out the latter tasks on behalf of the foreign repertoires which they administer. They entrust them to foreign societies with which they have subcontracting agreements.

Still at the experimental stage of operation, these bodies should do more to mobilize their efforts towards obtaining greater expertise in the various techniques for administering authors' rights. Their success in attracting the authors will depend on their capability to provide regular and irreproachably reliable services. It is fundamental to their future development and to obtaining the support of authors that they habituate their services to operating in accordance with the most advantageous economic standards and conditions.

These aspects show that, in the current phase of their evolution, the African bodies have need of appropriate international assistance. Such assistance could well help them to avoid major errors and to master the process of collective administration of authors' rights in an optimum way which would be of benefit to the promotion of African culture and useful for international cultural cooperation.

In this context, WIPO has already made remarkable efforts. It has awarded fellowships and organized theoretical and practical training courses with the assistance of the societies of authors that are members of CISAC for the benefit of nationals of the developing countries in which a large number of the executives and technical staff currently working in the African bodies have participated. It is desirable that this effort be continued and adapted to changing needs. In its awareness of this requirement, the International Confederation of Societies of Authors and Composers (CISAC) has also taken steps to encourage the directors of the African bod-

ies to make an even greater effort to take their future in hand. It is currently involved in implementing the program of technical assistance adopted in favor of the developing countries at its 34th Congress, held in Tokyo from November 12 to 17, 1984. The implementation of this program within reasonable time limits, which of course requires serious commitment on the part of the beneficiaries, will not fail to enable the African bodies to complete in optimum fashion the current stage of their growth and to embark, with a solid background, on mastering their future development.

Set forth thus in broad outline, the collective administration of authors' rights in the developing countries would seem capable of developing as regards the technical organization of its application and extension to the whole of these countries.

Having existed for varying periods of time, the collective administration bodies have attained an unequal degree of development as regards their organization and their possibilities of action. They also work in a context that is not always favorable, and indeed may be hostile, but whose degree of severity varies depending on the country. The African bodies, whose number has grown since the seventies, are still in the process of internal organization in view of their still youthful experience.

They must complete and consolidate their structures in order to attain a capability for action that will permit them to undertake all the tasks comprised in their mission within a context of efficiency and effectiveness that is ever improving.

In Asia, in relation to the demographic and cultural weight of the continent, the collective administration bodies possess, for the time being, but a symbolic presence as regards the number of countries, the existing structures, the field of administered rights, their internal organization and the influence they exert on cultural life. Collective administration remains to be instituted throughout its whole range of expression.

In Latin America, the societies and associations of authors, that were created much earlier, are generally fully developed from a structural point of view. Nevertheless, they are experiencing some difficulty in mastering the techniques of administration that would enable them to operate as efficiently and effectively as they must if they are to obtain the membership and support of authors. To that end, they must make a considerable effort to stabilize staff and to continue its training, to make the necessary operating economies and to obtain from the public authorities that they give authors the statutory means of effectively opposing the various forms of non-respect of their rights.

These weaknesses in collective administration in the developing countries, that are in fact inherent in their general circumstances, give to the traditional

reticence of users of works in respect of authors' rights, the dimensions of declared hostilities that tradition would tend to justify in the context of overall cultural life.

This tendency, that is particularly serious on account of the risk of drying up a source of enrichment and promotion of the cultural heritage in the long run, could be effectively counterbalanced by sustained efforts to promote collective administration in all of the developing countries.

In this respect, the extension of collective management to all of the Asian countries and its development in Africa and Latin America demands a three-fold action.

It is important firstly that the public authorities be made aware, by means of sustained action on the part of authors, of the need to afford appropriate protection to authors' rights properly integrated in the national legal system and organized in line with the demands of the cultural life of the country.

It subsequently demands that authors be mobilized with the backing and support of the public authorities to set up and organize structures enabling them to administer themselves the exercise of their rights and to assert their presence in cultural life as a basic source of cultural riches, aware of their role as an element of progress, but whose legitimate interests must be respected.

Finally, it is advisable that the competent international organizations give their technical assistance to this undertaking and, where needed, the material aid of the international community in elaborating the rules of law and in the judicious organization of the collective administration bodies to enable them, in the respect of their legitimate rights, to play their part in promoting social development.

(WIPO translation)

News Items

CHINA

National Copyright Administration

The International Bureau of WIPO has been informed that a National Copyright Office was established in China on July 25, 1985.

Moreover, the Publishing Administration has changed its title; it is now called National Publishing Administration.

These two bodies, the National Copyright Office and the National Publishing Administration, are under the Ministry of Culture of China.

Mr. Bian Chunguang has been appointed Director of the National Copyright Office.

UNITED STATES OF AMERICA

The New Register of Copyrights

The International Bureau of WIPO has been informed that Mr. Ralph Oman, formerly Chief Counsel of the United States Senate Committee on the Judiciary's Subcommittee on Patents, Copy-

rights and Trademarks, has been appointed Register of Copyrights of the United States of America, effective September 23, 1985.

Book Reviews

Copyright in Russia and the USSR — A Selected Bibliography of Works Published in English, German, French and Russian: 1827–1983, by *Serge L. Levitsky* and *William B. Simons*. Internationale Gesellschaft für Urheberrecht E.V. (INTERGU) Schriftenreihe. One volume of XI-283 pages. Manzsche Verlags- und Universitätsbuchhandlung, Vienna, 1985.

The authors — Serge L. Levitsky, a professor of law at the New York Law School, and William B. Simons, a member of the academic staff of the Documentation Office for East European Law of the University of Leyden, Faculty of Law — have chosen to call their collection a selected bibliography. The reason behind it is that they have included items in the bibliography only after a thorough verification (and dropped certain others, of which no hard copies were available). That method does not seem to have made the collection incomplete, but it certainly has made it more reliable.

The bibliographical entries are divided according to the four major languages mentioned in the subtitle of the book in which they have appeared. In each of those languages, the items are grouped chronologically and, for each year, they are presented alphabetically by author and, where appropriate, by title. Both legislative enactments and court decisions are listed

in the chronological order of enactment or issuance rather than that of their date of publication in official collections.

The volume offers more than its title promises. It contains not only a bibliography but also “An Outline of Soviet Copyright Law” by Serge L. Levitsky. Its four versions (English, German, French and Russian) take no less than 122 of the 283 pages. It is a fairly detailed study on Soviet copyright law, consisting of three chapters. The title of Chapter I is “General Principles” and it covers the following subjects: protected works (published and unpublished works; objective form; purpose, value and method of reproduction of the work; “originality” and “creativity”; formalities) subjects of copyright, contents of copyright (*droit moral*, exploitation rights, property rights), duration of copyright, “free uses” and “compulsory licenses,” authors’ contracts and remuneration, remedies. The other two chapters are devoted to the recent developments in Soviet copyright law. Chapter II analyzes the scope of the 1961–1964 reforms and the pre-1973 developments in the international copyright relations of the Soviet Union, while Chapter III deals with the Soviet accession to the Universal Copyright Convention and the copyright reforms of 1973–1983.

An index of names facilitates consultation of the bibliography.

Calendar of Meetings

WIPO Meetings

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

1985

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, Vienna 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**

October 21 to 25 (Geneva) — **Nice Union: Committee of Experts**

November 4 to 30 (Plovdiv) — **WIPO/Bulgaria: World Exhibition of Young Inventors and International Seminar on Inventiveness for Development Purposes (November 12 to 15)**

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**

November 26 to 29 (Geneva) — **Committee of Experts on Intellectual Property in Respect of Integrated Circuits**

December 2 to 6 (Paris) — **Committee of Governmental Experts on Model Provisions for National Laws on Publishing Contracts for Literary Works (convened jointly with Unesco)**

December 3 to 6 (Geneva) — **Permanent Committee for Development Cooperation Related to Industrial Property**

December 11 to 13 (Geneva) — **Committee of Experts on the International Registration of Marks**

UPOV Meetings

1985

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

October 9 to 12 (Palermo) — European Broadcasting Union (EBU) — Legal Committee

October 21 to 25 (Cartagena, Colombia) — Latin American Association of Performers (FLAIE) — Round Table on Abusive Use of Sound and Audiovisual Recording Mediums

1986

April 24 and 25 (Heidelberg) — International Publishers Association (IPA) — Copyright Symposium

May 6 to 8 (Brussels) — International Confederation of Societies of Authors and Composers (CISAC) — Legal and Legislation Committee

September 8 to 12 (Berne) — International Literary and Artistic Association (ALAI) — Congress

October 12 to 18 (Madrid) — International Confederation of Societies of Authors and Composers (CISAC) — Congress

