National Legislation

MAURITIUS

The Copyright Act 1986

(No. 8, of April 8, 1986)*

An Act to make better provision for the protection of authors' rights in relation to their works

ARRANGEMENT OF SECTIONS

Section

Short title

1. This Act may be cited as the Copyright Act 1986.

Interpretation

2. In this Act—

"acknowledgement", in relation to a work, means the identification of the work by its title or other description and by its author, unless the work is anonymous or the author of the work has agreed not to be identified;

"artistic, literary or scientific work" includes—

(a) a book, pamphlet or any other writing;
(b) an illustration or a map, plan or sketch;
(c) an address, lecture, sermon or any other work of a similar nature;
(d) a judgment of a court of law or tribunal or an enactment;
(e) a dramatic or dramatico–musical work;
(f) a musical work;
(g) a choreographic work or pantomime;
(h) an audiovisual work;
(i) a drawing or painting, a work of architecture or sculpture, an engraving or lithography;
(j) a photographic work;
(k) a work of applied art, whether handicraft or produced on an industrial scale;

"audiovisual work" includes a cinematograph or other film;

"author"—

(a) means the person who has intellectually created a work;
(b) includes—
(i) in the case of an audiovisual work, the maker;
(ii) in the case of a photograph, the person responsible for the composition of the photograph;

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"Board" means the Board established under section 15;
"broadcast" means to transmit, for reception by the public, sounds or images and sounds by wireless means, wire or cable;
"Chairman" means the Chairman of the Board;
"communicate", in relation to a work,
(a) means to make any mode of visual or acoustic presentation of the work;
(b) includes to make perceptible, either visually or audibly, by means of any apparatus, a broadcast, sound or visual recording or an audiovisual work;
(c) does not include to perform or broadcast the work;

"copyright", in relation to a work, means any economic right subsisting in the work;
"copyright owner" means the original owner of the copyright and includes any person deriving title from bim;
"derivative work"—
(a) means a translation, adaptation, arrangement or any other alteration, of a pre–existing artistic, literary or scientific work;
(b) includes a collection or compilation of pre–existing literary or scientific works such as an anthology or encyclopaedia or any other work of a similar nature;

"economic right" means a right specified in section 4;
"exclusive licence", in relation to copyright, means a licence to the exclusion of all other persons, including the copyright owner;
"first published", in relation to a work, means the work which is
(a) first published in Mauritius; or
(b) first published abroad but also published in Mauritius within 30 days from the earlier publication;

"infringing copy", in relation to a work, means a copy which infringes copyright subsisting in the work;
"licence", in relation to copyright, means a licence in writing granted by the copyright owner to another person to exploit the copyright for a limited period;
"maker", in relation to an audiovisual work, means the person who bas taken the initiative and financial responsibility for the making of the work;
"member" means a member of the Board and includes the Cbairman;
"Minister" means the Minister to whom responsibility for the subject of culture is assigned;
"moral right" means a right specified in section 5;
"original", in relation to a work, means a work which is the product of a person's skill or labour or botb;
"perform", in relation to a work, means to present the work by a personal rendition;
"photographic work" includes a work expressed by a process analogous to pbotography;
"published work" means a work which, with the express authorisation of the copyright owner and depending on the nature of the work, is reproduced and made available to the public in such copies as to satisfy its reasonable requirements;
"reproduce" means to make one or more copies of a work in any material form, including any sound or visual recording or an audiovisual work;
"Society" means the Mauritius Society of Authors established under section 12;
"sound recording"—
(a) means the first fixation of a sequence of sounds capable of being perceived aurally and of being reproduced;
(b) does not include the sound track associated with an audiovisual work;

"work" means an artistic, literary or scientific work or a derivative work which is protected under section 3;
"work of joint authorship" means a work jointly created by 2 or more authors in which the individual contribution of each author cannot be readily assessed.

Works protected

3. (1) Subject to this Act, the author of an artistic, literary or scientific work or of a derivative work shall, irrespective of the quality of the work and the purpose for which the work may have been created, be entitled to the protection of his work where the work is—
(a) original;
(b) written down, recorded or otherwise reduced to any material form.

(2) The protection of an author's derivative work under subsection (1) shall be without prejudice to the protection of any pre–existing work used for the making of the derivative work.

(3) The protection of an author's work specified in subsection (1) shall not be subject to any formality.

Economic rights

4. Subject to sections 6, 7 and 32(2), the copyright owner of a work shall have, in relation to the whole or a substantial part of the work, the exclusive right—

(a) to publish, distribute or reproduce the work or authorise its publication, distribution or reproduction;
(b) to perform the work in public or authorise its performance;
(c) to communicate the work to the public or authorise its communication;
(d) to broadcast the work or authorise its broadcast;
(e) where the work is a pre–existing work, to make a derivative work or authorise its making.

Moral rights

5. (1) An author shall, during his lifetime, have the right—
(a) to claim authorship of his work, except where the work is included incidentally or accidentally in reporting current events by means of broadcasting;
(b) to object to any distortion, mutilation or other alteration of his work, where such an action would be or is prejudicial to his honour or reputation.

(2) The rights specified in subsection (1) shall be unassignable.

Fair use

6. (1) Any person may, without the authorisation of the copyright owner—
(a) in the case of a published work—
(i) reproduce the work or make a derivative work exclusively for his own personal and private use;
(ii) use quotations taken from the published work in another work where—
(A) the use of the quotations, including quotations from any newspaper or periodical in the form of a press summary, is compatible with fair practice and its extent does not exceed that justified by the purpose;
(B) acknowledgement is given to the published work;
(iii) use for teaching purposes, to the extent justified by the purpose, the published work by way of illustration in a publication, broadcast or sound or visual recording in so far as the use is compatible with fair practice and acknowledgement is given to the published work;
(b) communicate to the public, for teaching purposes, a work broadcast under paragraph (a)(iii) for use in a school, college, university or other educational establishment in so far as the use is compatible with fair practice;
(c) reproduce, broadcast or communicate to the public, with acknowledgement, any article printed in a newspaper or periodical or any work broadcast, on any current economic, social, political or religious topic unless the article or the work expressly prohibits its reproduction, broadcast or communication to the public;
(d) for the purpose of reporting on a current event by means of photography, an audiovisual work or a broadcast, reproduce or communicate to the public to the extent justified by the informatory purpose, any work that can be seen or heard in the course of that current event;
(e) reproduce any work of art or of architecture in an audiovisual work or a television broadcast and communicate the work of art or of architecture to the public where the work is permanently located in a public place or is included only by way of background, or is otherwise only incidental to the main objects represented, in the audiovisual work or television broadcast;
(f) for the purpose of current information, reproduce in the press broadcast or communicate to the public—
(i) a political speech or a speech delivered during any judicial proceedings; or
(ii) an address, lecture, sermon or any other work of a similar nature delivered in public;
(g) for the purpose of a judicial proceeding or of a report of that proceeding, reproduce a work;
(h) make a painting, drawing, engraving or photograph of a work of architecture.

(2) A public library, a non–commercial documentation centre, a school, college, university or other educational establishment may, without the authorisation of the copyright owner, reproduce a published work, by photographic or similar process, where the reproduction and the number of copies made—
(a) are limited to the needs of the activities of the library, centre, school, college, university or other establishment;
(b) do not conflict with the normal exploitation of the work;
(c) do not unreasonably prejudice the legitimate interests of the copyright owner of the work.

(3) Any use made in relation to a work, without the authorisation of the copyright owner, under subsection (1) or (2) may be made either in the original language or in translation.

Ephemeral recording

7. (1) The Mauritius Broadcasting Corporation may, for the purpose of its own broadcast and by means of its own facilities, make an ephemeral recording, in one or several copies, of any work which it is authorised to broadcast.

(2) Subject to subsection (3), all copies of the recording shall be destroyed within a period of 6 months or within such longer period as may be agreed by the copyright owner of the work.

(3) Where the recording is of an exceptional documentary nature, the Mauritius Broadcasting Corporation may preserve one copy for its archives.

Ownership of economic and moral rights

8. (1) Subject to the other provisions of this section, the author of a work shall own the economic and moral rights relating to the work.

(2) The authors of a work of joint authorship shall be the co-owners of the economic and moral rights relating to the work.

(3) Where a work—

(a) is made in the course of the author's employment; or

(b) is commissioned by another person

the economic rights relating to the work shall, subject to any agreement between the parties excluding or limiting the transfer, be deemed to be assigned to the author's employer or to the person who has commissioned the work if that person has undertaken to pay or has paid the agreed sum for the creation of the work.

(4) The maker of an audiovisual work shall own the economic rights relating to the work.

Contracts relating to audiovisual works

9. (1) The maker of an audiovisual work shall enter into a written contract with the copyright owner of any work which is to be used for the making of the audiovisual work.

(2) Unless otherwise expressly provided and subject to subsection (3), every contract specified in subsection (1) shall imply a presumption of assignment, in favour of the maker, of the economic rights relating to every work used for the making of the audiovisual work, for such period as may be specified in the contract.

(3) The presumption specified in subsection (2) shall not apply to—

(a) any pre-existing work used for the making of the audiovisual work;

(b) any musical work.

Transfer of economic rights

10. (1) Copyright shall be transmissible as movable property.

(2) Subject to section 8(3), no assignment of an economic right shall be valid unless it is made in writing.

(3) The assignment, in whole or in part, of an economic right shall not imply the assignment of any other economic right.

(4) Where a contract relates to the assignment of an economic right, the scope of the assignment shall be limited to the specific use of the economic right mentioned in the contract.

(5) Where the ownership of the only copy or of one of several copies of a work is assigned, the economic rights relating to the work shall, unless the contrary is proved, not be assigned.

(6) Nothing in this section shall be deemed to prevent the copyright owner of a work from granting a licence, whether exclusive or not, to another person.

Duration of economic rights

11. (1) Subject to the other provisions of this section, the economic rights relating to the work of an author shall be protected during his life and for 25 years after his death.

(2) The economic rights relating to a work of joint authorship shall be protected during the life of the last surviving author and for 25 years after his death.

(3) Subject to subsection (4), where a work is published anonymously or under a pseudonym, the economic rights relating to the work shall be protected until the expiry of 25 years from the date on which the work was first published.

(4) Where, before the expiry of the period of 25 years specified in subsection (3), the author's identity is revealed or is no longer in doubt, the economic rights relating to the work shall be protected during the life of the author and for 25 years after his death.

(5) Subject to subsections (6) and (7), the economic rights relating to a work specified in section 8(3) and which are deemed to be assigned under that section shall be protected until the expiry of 25 years from the date on which the work was created or first published, as the case may be.

(6) The economic rights relating to an audiovisual work shall be protected—

(a) until the expiry of 25 years from the making of the work; or

(b) where the work is broadcast or communicated to the public during the period specified in paragraph *(a)*, with the express authorisation of its maker, 25 years from the date of its broadcast or communication to the public.

(7) The economic rights relating to a photographic work or a work of applied art shall be protected until the expiry of 10 years from the making of the work.

(8) Every period specified in this section shall extend to the end of the year in which it would otherwise expire.

Establishment of the Society

12. (1) There is established for the purposes of this Act the Mauritius Society of Authors.

(2) The Society shall be a body corporate.

Objects

13. The Society shall—

(a) determine the criteria for, and classes of, membership of the Society;

(b) represent and defend the interests of its members in Mauritius and abroad;

(c) contribute by all appropriate means to the promotion of national creativity in the artistic, literary and scientific fields;

(d) administer, on an exclusive basis, within Mauritius such economic rights of its members as the Society may determine;

(e) collect copyright fees from the users of works on behalf of its members and distribute those fees among those members;

(f) make reciprocal agreements with foreign societies of authors for the issue of exclusive authorisations in respect of their members' works and for the collection and distribution of copyright fees deriving from those works;

(g) endeavour to obtain the transfer of membership of Mauritian authors who are members of foreign societies of authors and safeguard in favour of Mauritian authors whose membership has been transferred all the advantages which may have accrued to them before the transfer;

(h) help in the preparation of standard forms of contracts for the benefit and use of its members;

(i) foster such harmony and understanding between authors and the users of their works as are necessary for the protection of the authors' economic rights;

(j) provide its members with information or advice on all matters relating to copyright;

(k) establish and administer a Provident and Benevolent Fund for authors and their heirs.

Membership

14. (1) A copyright owner or exclusive licensee may apply to the Board for membership of the Society.

(2) The Board may, on receipt of an application under subsection (1), request the applicant to furnish such particulars as it may require for the purpose of determining whether the application ought to be granted or not.

(3) The Board may refuse the application or grant it on such terms and conditions and on payment of such membership fee as it thinks fit to impose.

The Board

15. (1) The Society shall be managed and administered by a Board which shall consist of—

(a) a Chairman who has knowledge of, and competence in, copyright matters, to be appointed by the Minister;

(b) the Permanent Secretary of the Ministry of Education, Arts and Culture or his representative;

(c) 3 members appointed by the Minister;

(d) 5 members to be elected in such manner as may be specified in rules made by the Board.

(2) The members specified in subsection (1)*(a)* and *(c)* shall hold office for 3 years but shall be eligible for re–appointment.

(3) Subject to subsections (4) and (5), the Board shall regulate its meetings and proceedings in such manner as it thinks fit.

(4) The Chairman and 4 other members shall constitute a quorum.

(5) Every member shall be paid by the Society such remuneration and other allowance as the Board may determine.

Management of assets

16. The Board shall manage and utilise all the assets and funds vested in it in such manner and for such purposes as in the opinion of the Board will best promote the interests of the Society.

Rules

17. (1) The Board may make such rules as it thinks fit in order to implement its objects.

(2) Notwithstanding the Interpretation and General Clauses Act, any rule made under subsection (1) shall not be—

(a) laid before the Assembly;
(b) approved by the Minister;
(c) published in the *Gazette.*

Appointment of secretary and other staff

18. (1) The Board may appoint on such terms and conditions as it thinks fit—

(a) a secretary;
(b) an auditor;
(c) such other staff as may be necessary for the proper discharge of its functions under this Act.

(2) The staff of the Board shall be under the administrative control of the secretary.

(3) Service of process on or on behalf of the Board shall be made on or on behalf of the secretary.

Execution of documents

19. (1) Subject to subsection (2), all documents shall be deemed to be executed by or on behalf of the Society if signed by the Chairman or a member appointed for the purpose by the Board.

(2) Every cheque of the Society shall be signed by—

(a) the Chairman;
(b) such other person as may be specifically appointed for the purpose by the Board.

General Fund

20. (1) The Society shall establish a General Fund—

(a) into which all money received by the Society shall be paid;
(b) out of which all payments required to be made by the Society shall be made.

(2) The Society may establish such other funds as may be required.

Charges to General Fund

21. The Society may, in the discharge of its functions and in accordance with the terms and conditions upon which its funds may have been obtained or derived, charge to the General Fund all remunerations, allowances, salaries, fees, gratuities, working expenses and other charges properly arising, including any necessary capital expenditure.

Investments

22. The Board may invest, on such terms and conditions as it may determine, such part of the funds of the Society as are not required to meet its liabilities.

Publication of accounts

23. The Board shall, on or before 1 September in every year, publish in the *Gazette* an audited statement of its accounts in respect of the 12 months ending 30 May in that year.

Donations

24. Article 910 of the Code Napoleon shall not apply to the Society.

Exemptions

25. Notwithstanding any other enactment—

(a) the Society shall be exempt from payment of any income tax;
(b) no stamp duty or registration fee shall be payable in respect of any donation issued or executed by, on behalf of or to the benefit of the Society.

Application of Act

26. This Act shall apply to any work, including a work created or published before the commencement of this Act, where the work is—

(a) of an author who is citizen of, or has his residence in, Mauritius;
(b) first published in Mauritius, irrespective of the nationality or residence of its author; or
(c) (i) of an author who is a national of, or has his residence in; or
(ii) first published in,
such countries as may be specified in regulations made by the Minister.

Civil remedies for infringement of copyright

27. (1) An action for any infringement of copyright shall be commenced before the Supreme Court by a copyright owner or an exclusive licensee.

(2) In an action under subsection (1), the Supreme Court may grant such remedies, by way of damages, injunction, forfeiture of any infringing copy and of any apparatus, article or thing used for the making of the infringing copy or otherwise, as the Supreme Court thinks fit.

Presumptions of fact

28. In a civil action for infringement of copyright under this Act—

(a) it shall be presumed, unless the defendant puts it in issue that,—
(i) copyright subsists in the work to which the action relates;

(ii) the plaintiff is the copyright owner if he claims so to be;

(b) it shall be presumed, unless the contrary is proved, that the person named as author of a published work, if it was his true name or a name by which he was commonly known, is the author of the work;

(c) where it is proved or admitted that the author of a work is dead or a work was published anonymously or under a pseudonym, it shall be presumed, unless the contrary is proved, that—

(i) the work is an original work;

(ii) any allegation by the plaintiff that the publication was a first publication and occurred in a specified country on a specified date is true;

(iii) in the case of a work which was published anonymously or under a pseudonym, the publisher of the work is the copyright owner.

Remedy against vain threats

29. (1) Subject to subsection (2), where a person claims to be a copyright owner or exclusive licensee and threatens any other person with any legal proceedings in respect of an alleged infringement of his copyright, the threatened person may—

(a) bring an action against the claimant and obtain an injuction against the continuance of the threat;

(b) recover any damage for any injury which he has sustained where the alleged infringement to which the threat related was not in fact an infringement of any copyright of the claimant.

(2) Subsection (1) shall not apply where the claimant commences and prosecutes with due diligence an action for infringement of his copyright.

Offences

30. (1) Any person who, without the express authorisation of the copyright owner of a work—

(a) publishes, distributes or reproduces the work;

(b) performs the work in public;

(c) communicates the work to the public;

(d) broadcasts the work;

(e) makes a derivative work;

(f) imports into Mauritius, otherwise than exclusively for his own private and personal use, sells, exposes or offers for sale or hire or has in his possession in the course of trade, any copy of a work which constitutes an infringement of the copyright of its owner or would constitute such an infringement if the copy of the work were made in Mauritius,

shall commit an offence.

(2) For the purpose of subsection (1)*(c)*, where a work is communicated to the public on the premises of an occupier by the operation of any apparatus which is provided by or with the consent of the occupier of those premises, the occupier shall be deemed to be the person communicating the work to the public, whether he operates the apparatus or not.

(3) Any person who has in his possession in the course of trade any apparatus, article or thing, knowing that it is to be used for making infringing copies of a work, shall commit an offence.

(4) Any person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to penal servitude for a term not exceeding 5 years.

(5) Notwithstanding any other enactment, a prosecution for an offence under this section shall take place before the Intermediate Court.

(6) The Court before which a person is convicted of an offence under this section shall, in addition to any penalty imposed, order the forfeiture of any apparatus, article or thing, which is the subject–matter of the offence or is used in connection with the commission of the offence.

Defence

31. It shall be a defence for the defendant, in any civil or criminal action for an infringement of copyright, to prove that at the time of the infringement he was not aware, and had no reasonable ground to believe, that copyright subsisted in the work to which the action relates.

Regulations

32. (1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Any regulations made under subsection (1) may provide—

(a) for the restriction of the right of the copyright owner of a work to control the translation and the reproduction of the work within the limits specified in the Universal Copyright Convention;

(b) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding 2 years.

Transitional provision

33. (1) Notwithstanding section 15(1)*(d)*, the Minister shall, at the commencement of this Act, appoint 5 suitable persons from well–known authors and composers to sit on the Board as members, pending the election specified in that section.

(2) The persons appointed as members under subsection (1) shall be paid by the Society such remuneration and other allowance as the Board may determine.

Repeal

34. The enactments specified in the Schedule are repealed.

Commencement

35. (1) Subject to subsection (2), this Act shall come into operation on a day to be fixed by Proclamation.

(2) Different dates may be fixed in respect of different sections of this Act.

Passed by the Legislative Assembly on the eighth day of April, one thousand nine hundred and eighty–six.

SCHEDULE
(section 34)

United Kingdom Designs Act

Copyright (Mauritius) Order 1964
(Government Notices Nos. 73 of 1965 and 103 of 1966)

The Berne Convention and National Laws

The Berne Convention and the Belgian Copyright Law

Jan CORBET*

1. The Common Origins of the Berne Convention and the Belgian Copyright Law

It is not only the Berne Convention that celebrates its centenary in 1986; the Belgian Law on Copyright has reached the same respectable age.

Indeed the Belgian Law is somewhat older: it dates back to March 22, 1886, and the Convention only to September 9.

One thing that is not very well known is that the Convention and the Belgian Law have common origins; we feel that it is worth mentioning that fact in this article.[1]

In 1858, a Congress was convened to meet in Brussels on the initiative of Mr. Faider, former Minister of Justice and later Director of Public Prosecutions at the Supreme Court of Appeal, Mr. Vervoort, former President of the Chamber of Representatives and later President of the Brussels Bar, and Mr. Romberg, Adviser. The most distinguished authors and politicians of the time were present: Eugène Scribe and Jules Simon for France; Gladstone, Dickens and Stuart Mill for the United Kingdom; Van Lennep, Bakhuizen, Van den Brink and Kuyper for the Netherlands, and many others.

Among other things, the Congress proclaimed that the principle of the international recognition of the ownership of literary and artistic works in favor of their authors was to be given a place in the legislation of all civilized peoples; that it had to be recognized from country to country, even in the absence of reciprocity, and that the assimilation of foreign authors to national authors should be absolute and complete.

It pronounced in favor of the rights of the author during his lifetime, with a prolongation for 50 years in favor of his heirs or successors in title.

With regard to musical or dramatic works, the Congress regarded the right of performance as being independent of the right of reproduction.

All that may seem rather ordinary today, but at the time it was quite revolutionary.

It is also interesting to note the dissenting opinion of Proudhon, who at that time was a political refugee in Brussels. He declared among other things:

> The material circumstances of the man of letters and the artist have to be dealt with in a manner and according to a remunerative formula that differ from those applicable to the man of industry.
>
> It is through the creation of certain honorary functions that society grants rewards not just according to the intrinsic value of the goods, but rather according to the presumed needs of the persons.
>
> . . . .
>
> Pity the man of letters, pity the artist whom poverty and misfortune have reduced to the unwelcome need to use commercial outlets to derive remuneration from the product of his intellect; but above all beware of giving him ownership thereof: to do that would be to add to his misfortune and to ensure his decline.

In 1859, the Belgian Government appointed a special commission entrusted with translating the decisions of the Congress into a draft law. The draft was submitted to the Chambers, hut unfortunately no action was taken.

In 1877, the city of Antwerp celehrated the anniversary of the birth of Rubens. On that occasion, the Artistic, Literary and Scientific Circle, under the chairmanship of Edouard Pecher, took the initiative of organizing an Artistic Congress. The work of the Congress was undertaken in five sections, the first of which was the legislation section.

Its program was an amhitious one, as there had been no hesitation in including on the agenda "Study of the Foundations of International Legislation for the Protection of the Property Rights in Works of Art and the Repression of Fraud and Counterfeiting."

The section met three times, on August 19, 20 and 21, under the chairmanship of Louis Hymans. The discussions were mainly conducted by the attorneys Adolphe Prins and Rolin-Jacquemyns, the future Minister of the Interior, and also by the painters Delin and Ernest Meisonnier. Under those circumstances it is not surprising that two of the

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[1] Cf. Paul Wauwermans, *Le droit des auteurs en Belgique*, Brussels, 1894, pp. 64–74; Frans Van Isacker, oral communication at the International Literary and Artistic Association (ALAI) Study Session, Antwerp, September 1977.

three days of meetings were devoted to discussions on problems that concerned primarily the creators of three–dimensional art, such as the monopoly of the right of reproduction of their works, even when the works are made over to a third party and in particular to a public museum, and also the action to be taken against infringements, notably the usurpation of the name of an artist.

On the last day, Mr. de Rillé, then President of SACEM (*Société des auteurs, compositeurs et éditeurs de musique*), came to take part in the work in order to discuss the rights of composers in relation to the public performance of their works.

All that may not have been very cohesive, yet the work of the Congress did have traceable effects, both at the Belgian national level and at the international level.

At the Belgian national level, Mr. Vervoort, one of the organizers of the 1858 Brussels Congress, proposed to the Congress, in plenary, that it present a petition to the Government with a view to securing a Law on Copyright. On September 17, 1877, Edouard Pecher led a Congress delegation to the Minister of the Interior. That was not done in vain, as some months later, in February 1878, a draft law was tabled, and it was that draft that gave birth eight years later to the Law of March 22, 1886. In the Law we find a number of the principles advocated during the Antwerp Congress and, if some of the discussions at the Congress are compared with the parliamentary debates, the same ideas and arguments may be found.

At the international level, the legislation section of the Congress, realizing that it was not sufficiently prepared to draft the text of an international convention in so little time, adopted a proposal by the German Professor Holzendorff, which was seconded by Mr. Rolin–Jacquemyns, to the effect that an international commission should be set up, composed on the one hand of artists and on the other hand of lawyers appointed by the Zurich Institute of International Law. The Commission would report on its work to a future meeting of the Artistic Congress, to be held in Paris in 1878 on the occasion of the World Exhibition.

The proposal was endorsed by the plenary assembly, and addressed on September 7, 1877, to the Institute of International Law by the President Edouard Pecher.

In a reply sent on September 16 already, the Institute appointed the following lawyers to be members: Professor Holzendorf (Germany), Mr. Rolin–Jacquemyns (Belgium), Supreme Court of Appeal Counsellor de Mangeot (France), Mr. Westlake (United Kingdom), Professor Pierantoni (Italy) and Professor Asser (Netherlands).

At the Paris Congress the decision was taken to found the *International Literary and Artistic Association* (ALAI), under the chairmanship of Victor Hugo.

The new Association took over the idea of an international convention, and organized two further congresses in Belgium, one in Brussels in 1884 and one in Antwerp in 1885.

Both the Belgian Law and the Berne Convention were favorably influenced by those congresses.

2. The 1948 Brussels Conference

Of course Belgium was present at all the revision conferences of the Berne Convention. But it goes without saying that Belgium played a predominant role in the 1948 Brussels Conference. The program of the Conference had been drawn up by the Belgian Government with the cooperation of the Bureau of the Union.

The Conference was presided over by Mr. Julien Kuypers, Secretary–General of the Ministry of Public Education.

The General Committee of the Conference was presided over by Albert Guislain, an attorney and Chairman of the Advisory Commission on Copyright in Belgium.

The Belgian delegation took an active part in the discussions of the Sub–Committees on Broadcasting and Mechanical Instruments, on Applied Art, on Article 4(4), on Articles 11 and 11ter and on Article 14(3).

The Sub–Committee on Applied Art was presided over by Mr. Daniel Coppieters de Gibson, attorney and Chairman of the Belgian Association for the Protection of Copyright (the Belgian section of ALAI). The Sub–Committees on Article 4(4), on Articles 11 and 11ter and on Article 14(3) were presided over by Mr. Marcel Walckiers, President of the Louvain Court of First Instance.

It could be said that the Brussels Conference did not make any substantial alterations as far as the beneficiaries of protection and the works protected by the Convention were concerned. However, the appearance of cinematographic works among protected works is an innovation of some importance.

As for the structure of protection, authors' rights continued to develop, mainly with respect to broadcasting; finally, the *droit de suite* made its appearance.[2]

On these three questions, the part played by the Belgian Administration and the Belgian delegation to the Conference deserves to be mentioned.

[2] Henri Desbois, André Françon and André Kerever, *Les Conventions internationales du droit d'auteur et des droits voisins*, Paris, 1976, pp. 44–55.

(a) Right of broadcasting — Article 11bis

The right of broadcasting was written into the Convention at the 1928 Rome Conference. The Rome text was worded as follows:

(1) Authors of literary and artistic works shall enjoy the exclusive right of authorizing the communication of their works to the public by radio-diffusion.

(2) The national legislations of the countries of the Union may regulate the conditions under which the right mentioned in the preceding paragraph shall be exercised, but the effect of those conditions will be strictly limited to the countries which have put them in force. Such conditions shall not in any case prejudice the moral right *(droit moral)* of the author, nor the right which belongs to the author to obtain an equitable remuneration which shall be fixed, failing agreement, by the competent authority.

In its program for the Conference, the Belgian Administration was pursuing a threefold objective[3]:

— to make the term "broadcasting" more specific by redrafting the text, to make it quite clear that broadcasting was in itself an act of communication;

— to distinguish between the original broadcast and subsequent uses of that broadcast;

— to distinguish between the right of broadcasting, which was a right of performance, and the right of reproduction of the broadcast work.

Consequently, the text proposed was as follows:

(1) Authors of literary and artistic works shall have the exclusive right of authorizing: (i) the broadcasting of their works; (ii) any new communication to the public, by wire or wireless means, of the broadcast work; (iii) the communication to the public by loudspeaker or any other analogous instrument transmitting, by sounds or images, the broadcast of the work.

(2) .....

(3) In the absence of any contrary stipulation, permission granted in accordance with paragraph (1) shall not imply permission to record, by means of instruments recording sounds or images, the work broadcast.

This text was to be the subject of the longest and most arduous discussions of the whole Conference.

The Sub-Committee on Broadcasting and Mechanical Instruments met for seven days, from June 7 to 14, 1948. It had to rework its proposals on several occasions, and the discussions continued in the General Committee.[4]

In a counterproposal accompanied by a lengthy account of the grounds for it, the Government of Monaco opposed the text of the program.

According to the counterproposal, an effort should be made to promote maximum development of cultural exchanges and to prevent any too-pronounced diversity of international legal systems. It was therefore a question of legislating at the international level according to a formula that would satisfy all the interests at stake. It was only in that way that the free flow of information could be guaranteed. The Government of Monaco

...disapproves of the trend which is becoming more and more apparent and which consists in introducing a new form of copyright corresponding to every new application of technical science.[5]

The text of the program eventually withstood this treatment quite well, and emerged improved in places, but unfortunately also weakened.

With regard to the concept of broadcasting, the program considered that it covered not only radio broadcasting but also television.

Opinions were divided on this subject, and in order to ensure greater certainty, the Sub-Committee adopted a proposal by the French delegation worded as follows:

Authors of literary and artistic works shall have the exclusive right of authorizing: (i) the broadcasting of their works or the communication thereof to the public by any other means of wireless diffusion of signs, sounds or images.

This wording was adopted by the Main Committee and the Conference in turn.

A proposal by Monaco that protection should be limited to works that had been disclosed for less than a year was supported by the Polish delegation alone and was rejected.[6]

The question of the subsequent use of the broadcast was more difficult at the outset.

First, as far as "new communication" was concerned, the French delegation considered that, when a broadcast intended for a particular audience was communicated to a "new audience," it was a "new communication."

The delegation of Monaco expressed the view that the concept of the "new audience" was very difficult to define in practice, and that it could not be used as a criterion.

The Italian delegation wished to avoid any provisions in the Convention that might limit contractual freedom in relation to the right of broadcasting.

The Belgian delegation then presented the following proposal:

Authors of literary and artistic works shall have the exclusive right of authorizing ... (ii) any communication to the public, by wire or wireless means, of the broadcast of the work, when this communication is made by an organization other than the original one.

The Director of the Bureau of the Union and the delegations of Monaco, Czechoslovakia, the Netherlands, Luxembourg and Poland endorsed the Belgian proposal.

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[3] Documents de la Conférence réunie à Bruxelles, Berne, 1951, pp. 265–270.

[4] Report of the Sub-Committee on Broadcasting and Mechanical Instruments, Documents de la Conférence réunie à Bruxelles, Berne, 1951, pp. 114–121.

[5] *Ibid.* footnote 3, pp. 271–276.

[6] *Ibid.*, pp. 286–288.

The French delegation submitted another new form for its proposal:

...(ii) any communication to the public, by wire or wireless means, of the broadcast of the work, when that communication goes beyond the bounds of the original contractual assumptions.

The Belgian proposal was adopted by 12 votes to six. The text was thereafter adopted by the Main Committee and Conference (the word "*effectuée*" having been replaced by "*faite*" in the French text).[7]

As for the right concerning the public communication by loudspeaker or other analogous instruments, the Belgian Administration had proposed in its program to remove it from the power given to national legislation to regulate the conditions under which it is exercised (paragraph (2)). A number of delegations were opposed to that exception, however, whereupon it was abandoned by the Director of the Bureau of the Union.[8]

The discussions culminated with the right relating to the recording of the work broadcast.

The right of reproduction appears in Article 13, but the Belgian Administration had nevertheless seen fit, in its program, to include a provision on the subject in Article 11[bis], "in order to provide a maximum of precision in that connection."

The delegations of both the Netherlands and Switzerland wanted to provide exceptions in favor of recordings made by broadcasting organizations for the purposes of their broadcasts. The delegations of Denmark, Norway and Sweden did not want the proposed paragraph (3) at all. The delegations of France and the United Kingdom took up the defense of the program, but in vain; the program text was rejected. The proposals of the Netherlands and Switzerland were also rejected; all agreement seemed impossible.

The delegations of the Benelux countries then submitted a proposal in an attempt to achieve agreement:

In the absence of any contrary stipulation, permission granted in accordance with paragraph (1) shall not imply permission to record, by means of instruments recording sounds or images, the work broadcast. Such permission shall not be necessary for recordings made by a broadcasting organization by means of its own facilities and intended solely for broadcasting, where those recordings are of an ephemeral nature.

This proposal still did not satisfy the delegations of the Nordic countries, which were intent on the possibility of having certain recordings preserved owing to their exceptional documentary character.

A tentative vote showed that the Benelux text would not secure a majority.

On the initiative of the Chairman, Mr. Plinio Bolla, a Sub–Committee, presided over by Mr. M. Walckiers, delegate of Belgium, was entrusted with working out a new compromise formula.

The Sub–Committee proposed the following text:

It shall be a matter for national legislation to determine the regulations for recordings made by a broadcasting organization by means of its own facilities and used for its own recorded broadcasts.

This text also failed to win unanimous acceptance.

The Chairman then convened a certain number of delegations, including the Belgian delegation. Those delegations managed to agree on a text which was further completed by a proposal by the delegation of Czechoslovakia and amended one last time in the General Committee! It was only then that the final text was adopted. Indeed the delegation of Monaco still demanded that the Chairman give an interpretation of it that would be recorded *in extenso* in the General Report.[9]

(b) Rights relating to cinematography — Article 14

The Belgian Administration was again pursuing a number of objectives when it formulated its program for Article 14.[10]

First it wished to specify the rights of the authors of literary, scientific and artistic works from which a cinematographic work was derived. Those authors should possess three quite distinct rights: the right to authorize the cinematographic adaptation itself, the right to authorize the distribution of the adapted work and the right to authorize the public performance of the adapted work.

Then the authors of the cinematographic work should in turn possess the same rights.

Some legal writers considered a film to be merely a reproduction. On that assumption Article 13(2), which allowed national legislation to make reservations in relation to the right of reproduction, would be applicable to it. The Belgian Administration wanted films to be expressly excepted from this system.

According to the Belgian Administration, a certain number of "cinematographic productions" should not be regarded as genuine "cinematographic works" for want of a sufficient originality. Such productions should enjoy only reduced protection, comparable to that of photographic works.

Finally, the Belgian Administration pointed to a problem raised by some recent national legislation,

[7] *Ibid.*, pp. 289–291.
[8] *Ibid.*, pp. 291–292 and pp. 294–297.
[9] *Ibid.*, pp. 297–303, and General Report, p. 102.
[10] *Ibid.*, pp. 346–350.

such as the Austrian Law of April 9, 1936, and the German Law of April 30, 1936. Those Laws limited the protection of literary and artistic works by authorizing their free reproduction and performance in cinematographic reporting. The Belgian Administration had misgivings as to the compatibility of those Laws with the Berne Convention; it did not itself wish to submit proposals, but requested a pronouncement by the Conference.

These proposals precipitated important discussions and a multitude of proposals, counterproposals and comments. It took two Sub–Committees to work out texts that could win unanimous consent: the Sub–Committee on Photography and Cinematography, presided over by Mr. J. Dantas, delegate of Portugal; and the Sub–Committee on Article 14(3), presided over by Mr. M. Walckiers, delegate of Belgium.

With regard to the principle of the protection of authors from whose works cinematographic works were derived, the Conference adopted the program text subject to some amendments as to form, which had been proposed by the Sub–Committee on Photography and Cinematography.

As for the protection of the authors of the cinematographic work itself, the Conference considered that it was not possible to define those authors, and therefore preferred to grant protection to the work in itself, by retaining the former text of paragraph (3), which thus became the new paragraph (2).

The question of "cinematographic works not having the character of an organically constituted creation" was more difficult. The French and United Kingdom delegations considered that all cinematographic productions should be dealt with on the same footing, and proposed that the paragraph in question should be purely and simply deleted from the program.

The General Committee endorsed that proposal, at which point the Italian delegation mentioned the case of newsreels and filmed reports. The Belgian delegation, supported by the delegations of the Netherlands, Czechoslovakia and Poland, proposed that the case of filmed reports and newsreels be dealt with under the same heading as the case of radio news reports and newsreels.

It was at that stage that the Main Committee set up the special Sub–Committee on Article 14(3), mentioned above. The Sub–Committee considered two problems: the freedom to reproduce literary and artistic works in news reporting; and the need to introduce a special provision for the protection of filmed reports and newsreels.

On the first point the Sub–Committee said:

> It appears that this question is of broader scope: it concerns also radio reporting. The Sub–Committee therefore proposes that Article 14(3) be deleted, and that a proposal made by the Nordic and Benelux countries be taken up to the effect that a new paragraph (4) should be added to Article 9 owing to a certain affinity of subject. [The proposed text eventually found its place in Article 10[bis]].

On the second point the Sub–Committee concluded in the negative, considering that it was for the courts to settle the question in specific cases.[11]

Finally the General Committee adopted a proposal by the Sub–Committee on Photography and Cinematography, in line with a proposal by the French delegation, to the effect that the authors of the work from which the cinematographic work was derived shoud be protected against a further adaptation of the cinematographic work in any other artistic form.

A proposal by the Italian delegation for the addition of a passage on the identification of the various makers of the cinematographic production, and a legal presumption of authorship, was not accepted.

The Belgian delegation in particular had opposed it, as had the United Kingdom, Spanish, Australian and Portuguese delegations.

The new text of Article 14 had thus acquired its final form.[12]

(c) Droit de suite — Article 14[bis]

It was exclusively the Belgian Administration that took the initiative of proposing the introduction of the *droit de suite* in its program. That comes as no surprise as the *droit de suite* had already been introduced in Belgium by a Law of June 25, 1921 (see below). It also existed in certain other Union countries (Czechoslovakia, France, Italy and Poland), and also in one country outside the Union, Uruguay.

The International Literary and Artistic Association and the International Confederation of Professional and Intellectual Workers had on several occasions expressed the wish that the *droit de suite* be recognized internationally, and that the Berne Convention be completed accordingly.

The Diplomatic Conference for the revision of the Convention convened in Rome in 1928 had also expressed the wish that national legislation consider the possibility of adopting a *droit de suite*. It should however be mentioned that, when that wish was voted upon, the Hungarian, Netherlands, Norwegian, Swiss and United Kingdom delegations abstained.

The proposal by the Belgian Administration was a pragmatic one. In theory, the *droit de suite* would have to be applied to all sales, both private and public; on the other hand, the collection of the *droit de suite* was justified only in the event of an increase in

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[11] *Ibid.*, p. 129.

[12] *Ibid.*, pp. 357–360.

value. However, in a spirit of practicality and realism, the Belgian Administration proposed that only public sales should be subjected to *droit de suite*, but then even when there was no increase in value.

It is indeed virtually impossible to monitor private sales, and the obligation to prove an increase in value would have necessitated cumbersome administrative machinery.

On two points the proposal by the Belgian Administration went further than Belgian legislation itself. The *droit de suite* was to apply not only to works of art but also to the original manuscripts of authors and composers. Still more important was the fact that the *droit de suite* would be a right *jure conventionis*, granted by virtue of the principle of assimilation. The Belgian law itself did not go as far, and granted the *droit de suite* only subject to reciprocity.[13]

The discussion in the General Committee was not very long. The French delegation quite naturally supported the program. The United Kingdom delegation, without actually opposing the *droit de suite* as such, considered that the question had yet to mature and raised a number of practical questions which in the opinion of that delegation were still obscure. The Nordic countries had the same reservations.

Finally the General Committee, and then the Conference, adopted the final text of Article 14[bis], which recognized the principle of the *droit de suite*, and yet left the countries of the Union free to legislate on it, subject to reciprocity.[14]

A great step forward had thus been taken. The psychological effect of the inclusion of the *droit de suite* in the Convention afterwards induced a number of countries to introduce it in their national legislation.

3. Belgian Legislation Since 1886

Belgian legislation has not undergone any fundamental change since 1886. The Law of March 22, 1886, has been amended or completed only four times.

Three of the legislator's interventions were in 1921, which was thus a busy year for legislative activity. The fourth and last intervention to date was in 1958.

(a) Law of March 5, 1921, amending Article 38 of the Law (Moniteur, March 27)

The original text of Article 38 was as follows:

> Foreigners shall enjoy in Belgium the rights guaranteed by this Law but, in so far as foreigners are concerned, the duration of such rights shall not exceed the term fixed by Belgian law. However, if the rights expire earlier in their own country, they shall terminate simultaneously in Belgium.

The Law of March 5, 1921, added the following paragraph:

> Furthermore, if it is established that Belgian authors receive less extensive protection in a foreign country, the nationals of such country, as regards their works published abroad, may benefit only to the same extent from the provisions of this Law.

This text was inspired by the Additional Protocol to the Convention, drawn up in Berne on March 20, 1914, which was approved by the Law at the same time.

The text goes farther, however. It applies automatically, whereas the Additional Protocol (which became Article 6 of the Convention at the 1928 Rome Conference) requires recourse to a procedure of notification to the Director General of WIPO, who then communicates the fact to all the countries of the Union.

This procedure has in fact never been applied.[15]

Apart from that, the text refers to any "foreign country," in other words also a country of the Union. On this it clearly conflicts with Articles 4 and 5 of the Berne Convention. Legal writers also acknowledge that, in that case, Article 38 has to be overridden by the Convention.[16]

Case law has borne out this opinion, but even in the case of total absence of protection in the country of origin (Dutch designs).[17]

(b) Law of June 25, 1921, prolonging, on account of the war, the duration of literary and artistic property rights (Moniteur, August 20)

This Law prolonged by 10 years the rights conferred by the Law of March 22, 1886, in respect of all works published prior to August 4, 1924, which had not fallen into the public domain on the date of promulgation of the Law.

The purpose of the Law was to ensure that authors received just compensation for damage to their material interests attributable to the war. The additional period is longer than the actual duration of the war. That is explained by the fact that the

[13] *Ibid.*, pp. 362–364.
[14] *Ibid.*, pp. 367–368.

[15] *Guide to the Berne Convention*, Geneva, 1978, pp. 42–44; Henri Desbois, André Françon and André Kerever, *op. cit.*, p. 34.
[16] Pierre Recht, *Le droit d'auteur en Belgique*, Brussels, 1955, pp. 186–190; Alain Berenboom, *Le droit d'auteur*, Brussels, 1984, pp. 180–187.
[17] Antwerp Civil Court, December 30, 1960, and February 3, 1963, in *L'Ingénieur–Conseil*, 1963, p. 285 and p. 290. The first ruling was upheld on appeal by Brussels on December 13, 1961.

resumption of normal life could not take place immediately after the end of hostilities.[18]

A number of countries took similar action after the First World War. Oddly enough, far fewer of them did so after the Second World War.[19]

By introducing the concept of publication, the Law complicated considerably the calculation of periods which, in the basic Law of March 22, 1886, was generally based on the death of the author. It should be mentioned that the concept of publication is not the same as that of the Convention, but that of Belgian legislation, which is much broader and includes notably performance or exhibition.[20]

Foreigners may avail themselves of the provisions of the Law, with the proviso that, if the term of protection is shorter in their country, that advantage ends at the same time in Belgium; this follows from application of Article 38 of the basic Law of March 22, 1886 (see above). That was the intention of the legislator,[21] borne out by case law.[22]

(c) Law of June 25, 1921, making public sales of works of art subject to a fee in favor of the artists who created the works sold (Moniteur, August 20)

This Law, which introduced what is commonly known as the *droit de suite*, should not be confused with the Law of the same date considered above.

The reasons inspiring the advocates of the *droit de suite* are known. While writers and composers continue to enjoy the benefits of their works and derive income from their reproduction and performance, painters and sculptors make no further profit on their works after they are sold.

And yet those works are often resold several times, and their value may increase. They become a source of profit for a number of intermediaries, so it seems only fair to give the artist a share in the proceeds from his work, and to allow him to collect part of the selling price whenever it changes owners.[23]

In Belgium the Law introducing the *droit de suite* was the work of Jules Destrée, politician and patron of the arts. The Belgian Law has certain differences in relation to the corresponding text of the Convention (see above):

— it relates only to three-dimensional or "plastic" works, whereas the Convention adds the original manuscripts of writers and composers;

— it applies only to public sales, whereas the Convention applies to any kind of sale, including private sales;

— it applies only to the heirs and successors in title of the author, whereas the Convention applies also to those public institutions in whose favor legislation may introduce the *droit de suite.*

The two texts are similar in that:

— the right is inalienable; any agreement to the contrary is null and void; but the author may dispose of it by testamentary means[24];

— they both apply to original works only.

The rate of the *droit de suite* is:

2% from 1,000 BF to 10,000 BF
3% from 10,000 BF to 20,000 BF
4% from 20,000 BF to 50,000 BF
6% above 50,000 BF

The fee is withheld from the selling price reached by each of the works, no account being taken of the various price components.[25]

The seller, the purchaser and the auctioneer are jointly responsible for the fees payable to the artist or his successors in title. "Seller" should be taken to mean not only the person who, under civil law, disposes of his right of ownership against payment, but also the person who, under commercial law, sells on behalf of the owner, acting in his own name and as seller in relation to the purchaser and third parties.[25]

The benefit of the Law applies to the nationals of countries that grant Belgians equivalent advantages.[26]

The rules for the application of the Law were laid down by Royal Decree on September 23, 1921 (*Moniteur*, November 10). Those liable for payment may validly entrust such payment to a civil servant responsible for the collection of the *droit de suite.* The *Moniteur* publishes the list of artists who have entrusted a society with the collection of the *droit de suite* twice yearly, in January and in July. The civil servant mentioned may validly pay to those societies the fees due to them. The collector of the *droit de suite* does not check the accuracy of the accounting; disputes have to be settled directly between the parties concerned, if necessary in court.

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[18] Explanatory memorandum, Chamber, 1920–1921 Session, Document No. 86.

[19] Claude Masouyé, "Les prorogations de guerre," in RIDA, III, IV, IX, VI and XX.

[20] Report made on behalf of the Commission by Mr. Wauwermans, Chamber, 1920–1921 Session, Document No. 96.

[21] *Ibid.*

[22] Brussels, March 10, 1970; Pas. 1970, II, 137; cf. Jan Corbet, "Letter from Belgium," in *Copyright*, 1973, pp. 251 *et seq.*

[23] *Guide to the Berne Convention, op. cit.*, p. 105.

[24] Ghent Civil Court, June 26, 1967; RW 1967/68 col. 490.

[25] Supreme Court of Appeal, September 28, 1985, not published.

[26] This equivalent treatment was introduced with France by Royal Decree of September 5, 1923 (*Moniteur*, October 13), and with the Federal Republic of Germany by Royal Decree of May 26, 1977 (*Moniteur*, October 12).

Once a year, in July, the *Moniteur* publishes a list of deceased Belgian authors whose works still give rise to the collection of *droit de suite*.

A certain number of criticisms of the Law may of course be made, and improvements may be suggested. Van Isacker[27] proposes extending the application of the Law to private sales, following the example of the French and Italian Laws. There is however reason to doubt the genuine effectiveness of such a provision. One is bound to approve of his other suggestions, which are to standardize the fee at the highest rate (6%), which corresponds more or less to the French rate (5%), and to extend the application of the Law to the original manuscripts of writers and composers.

Another worthwhile improvement would be to strengthen the powers of the collector of the *droit de suite*, notably with regard to the accuracy of accounting.

(d) Law of March 11, 1958, introducing an Article 21bis in the Law (Moniteur, May 7)

Article 13 of the Law of March 22, 1886, provides:

> Copyright shall not prevent quotations from a work for the purposes of criticism, polemics or teaching.

Thus the right of quotation is already limited by the purpose to be achieved, namely criticism, polemics or simply teaching. Mere information, for instance, does not give the right to quote.

Moreover, case law has clearly established that the Article applies only to literary works, and that consequently quotations from musical or three-dimensional works continue to be prohibited.[28] That state of affairs was no longer compatible, in the 1950s, with the needs of information conveyed by the press, cinematography or television. That is why an amendment of the Law was proposed.[29]

The problem had already caught the attention of the Brussels Conference, at the time of the consideration of the question of the protection of cinematographic works. The Conference had formulated a solution in the new Article 10bis of the Convention (see above).

Belgian legislation expressly referred to the example of the Convention. It also clearly stated that it did not intend to go further than the Convention, lest Belgian authors be given less favorable treatment than was reserved for foreign authors.[30]

The proposed text was the following:

> The consent of the author shall not be required for the reproduction, recording and communication to the public of short fragments of literary or artistic works in connection with the reporting of current event by photography, cinematography or radio or television broadcasting.
>
> The same shall apply to the reproduction and communication to the public of three-dimensional works in their entirety, but only within the limits of what is required for news reporting.

The above text was unanimously adopted by the Senate, and unanimously minus one abstention (that of Louis Major, who would have preferred a broader text) by the Chamber.[31]

The slightly different formulation of the second paragraph ("news reporting" instead of "reporting of current events") might have given the impression that the exception was broader in respect of three-dimensional works than in respect of literary and musical works. Case law rejected this interpretation. It was not the legislator's purpose to extend the right of quotation written into Article 13, but rather to introduce an exception in favor of the news media, which physically did not have the time to seek the consent of the authors whose work they reproduced in a report. The provision was therefore to be interpreted restrictively. The only justified quotations were those for which the author's consent could not be obtained owing to the need for rapid communication of news.[32]

4. The Development of Belgian Case Law and the Influence of the Convention

As the basic Law of March 22, 1886, has not been the subject of fundamental legislative intervention, case law has become all the more important. Indeed it is case law that has had to compensate for the shortcomings of the Law, and to endeavor to apply it to the new forms of exploitation of works resulting from the progress of technology. Belgian copyright has to a large extent become a matter of praetorian jurisdiction. Frequently, for want of an ad hoc provision in the Belgian Law, or faced with an imprecise, general provision, case law has been able to make use of the directly applicable provisions of the Berne Convention.

The most significant of its decisions are reviewed below.

(a) Rights of foreigners

When foreigners have published their works for the first time in Belgium, they no longer have to jus-

[27] Frans Van Isacker, *De exploitatierechten van de auteur*, Brussels, 1963, pp. 362–363.

[28] Supreme Court of Appeal, December 4, 1952; Pas. 1953, I, 215.

[29] Senate, 1956–1957 session, Draft Law amending the Law of March 22, 1886, explanatory memorandum.

[30] *Ibid.*, and the Report of the Commission on Public Education.

[31] Senate, 1957–1958 session, meeting of January 30, 1958, and Chamber, 1957–1958 session, meeting of March 6, 1958.

[32] Antwerp Civil Court, June 29, 1965; RW 1965/66, col. 1314; cf. Jan Corbet, *op. cit.*

tify their nationality in order to have the extent of their rights recognized under Article 38(2) of the Law. They derive their rights directly from the Berne Convention, and enjoy the same rights in Belgium as Belgian authors (Supreme Court of Appeal, October 23, 1930).[33]

The Berne Convention affords a minimum of protection, and the foreigner can always claim, in Belgium, the more favorable provisions of our legislation (Articles 5(2) and 19 of the Convention); under Article 38 of the Law of March 22, 1886, as amended by the Law of March 5, 1921, only the nationality of the foreigner is to be taken into consideration, so that the notion of the "country of origin" of the work published abroad is immaterial (*La Chauve–Souris* case, Brussels Court of Appeal, March 10, 1970).[34]

(b) Independence of rights

The author of a musical work obtains from the Law exclusive rights, distinct and mutually independent, to authorize the reproduction of the work and to allow its public performance (Articles 1 and 16 of the Law; Articles 13(1) and 14(1) and (3) of the Berne Convention, Rome Act (1928), approved by the Belgian Law of April 16, 1934).

If, in a film with a soundtrack, the visual and sound components form an integral whole, constituting a new work, the author of the musical composition incorporated in the soundtrack nevertheless retains specific rights in the performance of the composition, even if it has been written to accompany the projection of the moving pictures, and independently of any association with the producer of the film. Where he authorizes the reproduction or adaptation of his work, the author should not, lest he thereby sacrifice his right to oppose the public performance of the work, reserve it expressly to himself by a special provision (Supreme Court of Appeal, February 13, 1941, and November 11, 1943).[35]

(c) The right to determine purpose

The author or the person to whom his rights have been assigned may restrict the authorization of reproduction of his work to the extent set by himself, or may make it subject to whatever conditions he may determine.

The receiving of the musical work, recorded on a disc, and its broadcasting by radio, whether or not duplication on another physical medium has taken place, constitutes a manner of reproduction of the work.

The right of public performance does not imply, in favor of the person to whom it has been granted, the right of reproduction, which radio broadcasting requires, and where the latter right has not been transferred by the authors. The owner of the right of reproduction who has assigned it for certain uses only, to the exclusion of others, may ascertain whether the physical object by means of which the reproduction has taken place is not being applied to prohibited uses, and if it is, may claim damages from third parties who make use of the instrument for unauthorized purposes (Supreme Court of Appeal, January 19, 1956).[36]

This important ruling has been much written about, even abroad. In general it has been well received,[37] but it has also been criticized.[38]

In the case of the ownership of a musical work, the right of reproduction is indeed one of the economic aspects of the copyright itself, but, as with patents, one could not go so far as to include, among the rights constituting the specific subject matter of this ownership, the right to specify the territorial limits within which the physical objects embodying the reproduction may be marketed; if one did, such a right, according to the jurisprudence of the Court of Justice, would be liable to come under Articles 30, 85 and 86 of the Treaty Establishing the European Economic Community (Brussels Court of Appeal, October 26, 1978).[39]

(d) Moral rights

The moral rights of authors are defined by Article 6bis of the Berne Convention, as approved in its present wording by the Law of June 26, 1951. It establishes the right of the author, and after his death that of his successors in title,

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[33] Marcel Walckiers, *Le droit des auteurs et les exécutions publiques des oeuvres musicales en Belgique*, Antwerp, 1934, No. 204.

[34] Pas. 1970, II, 137; cf. Jan Corbet, *op. cit.*

[35] Pas. 1941, I, 10 and Pas. 1944, I, 47.

[36] Pas. 1956, I, 498; JT 1956, 321 with note by Van Bunnen; *L'Ingénieur–Conseil*, 1956, p. 62.

[37] Robert Plaisant, "Note sur l'arrêt de la Cour de cassation du 19 janvier 1956," in *L'Ingénieur–Conseil*, 1956, pp. 49–53; Alphonse Tournier, "L'arrêt de la Cour de cassation belge du 19 janvier 1956," in RIDA, XI, pp. 21–35, and "Quelques considérations nouvelles sur l'usage radiophonique des disques du commerce," in RIDA, XXXIII, pp. 85–108.

[38] Henri Desbois, "Propriété littéraire et artistique," in RTDC 1956, pp. 270–279; P. Greco, "Does Broadcasting from Commercial Records Constitute a Reproduction of the Recorded Work?," in *EBU Review*, 1956, pp. 323–334.

[39] JT 1979, 407, witb note by Salle and Durieux. Appeal rejected by Supreme Court of Appeal, April 9, 1981; Pas. I, 879; cf. Jan Corbet, "Letter from Belgium," in *Copyright*, 1982, pp. 193 *et seq.*

...to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation.

The pluralized adjective "*préjudiciables*" used in the French version of this provision shown clearly that the final clause qualifies the whole sentence, so that all derogatory action in relation to the work, of whatever kind, is reprehensible only if prejudicial to the author's honor or reputation.

The essentially personal character of the right to respect for the work, like that of all the prerogatives inherent in moral rights, prevents the assignee of the right of performance from being given general permission to make whatever alteration to the work he considers desirable, and the risk of distorting it and thereby prejudicing the author's reputation (*La Veuve Joyeuse* [The Merry Widow] case, Brussels Court of Appeal, September 29, 1965).[40]

On appeal, at which time notably Article 6bis of the Berne Convention was invoked, the Supreme Court of Appeal recognized that the author was entitled to assert a right to "withdraw" or "disavow," but the Court immediately makes it clear that the author cannot assert that right if his purpose is anything other than the alteration or disavowal of his work (Supreme Court of Appeal, February 12, 1975).[41]

(e) New technology

Article 16 of the Law does not provide for human intervention that has the effect of converting "dead" writing into sounds. The fact of making a work perceptible to the ear by means of a radio receiver is a performance within the meaning of Article 16 of the Law, and requires the consent of the authors (Supreme Court of Appeal, July 12, 1934).[42]

The levy on television receiving apparatus, payable by the possessor of that apparatus, is independent of the purpose of the various radio broadcasts. Consequently the Law has not made any limitation or restriction on the rights recognized by the Law of March 22, 1886, in favor of the author of a literary or artistic work. Performance by means of a television receiver therefore comes under the Law (Supreme Court of Appeal, February 26, 1960).[43]

Wire distribution involving the reception of radio signals is not confined to the retransmission of Belgian and foreign broadcasts chosen by the distributor: the signals are received, filtered, converted and amplified in order to assure subscribers of continuous, interference-free reception; the service operates independently, so its activity has to be considered a performance in its own right, and a communication to the public alongside and distinct from the radio broadcast itself.

Article 11bis(1) of the Berne Convention as revised on June 26, 1948, and ratified by the Law of June 26, 1951, provides expressly that the authors of literary and artistic works have the exclusive right of authorizing

(ii) any communication to the public, by wire or by rebroadcasting of the broadcast of the work, when this communication is made by an organization other than the original one

(Brussels Court of Appeal, June 3, 1969).[44]

By demanding that the communication (by a cable television network) should be active, the lower court introduced a distinction in the concept of "communication" which is neither in the Convention nor in the preparatory work; the text at issue contains no conditions other than the requirement of public character of the communication and of its being made by an organization other than the original one. Those restrictions are sufficient to remove from its scope those "ordinary" collective aerials that replace, in one and the same building, a multitude of individual aerials, either by denying the public character of that communication or on account of the absence of an "organization" other than the original one, as the latter concept cannot be extended to cover merely the body representing the joint owners of the building (Brussels Court of Appeal, March 30, 1979).[45]

This ruling is entirely in line with international case law.[46] The case in question also gave rise to an interesting ruling of the Court of Justice of the European Communities, but it be outside the terms of reference of this article to analyze it.[47]

5. Conclusions

The mutual influences of the Berne Convention and Belgian copyright law are undeniable.

At the outset the same principles underlay both the Convention and the Belgian Law of March 22, 1886. It is not by chance that the two texts are

[40] JT 1965, 561; Frans Van Isacker, "Letter from Belgium — About a recent caprice of 'The Merry Widow'," in *Copyright*, 1967, pp. 135 *et seq.*

[41] JT 1976, 723, with note by Gotzen.

[42] Pas. 1934, I, 365; JT 1934, 521.

[43] Pas. 1960, I, 745.

[44] RW 1969/1970, col. 1575; RIDA, LXI, p. 124; cf. Jan Corbet, "Letter from Belgium," in *Copyright*, 1973.

[45] JT 1979, 502. Upheld by Supreme Court of Appeal, September 3, 1981.

[46] Jan Corbet, "La télédistribution," in *L'Ingénieur-Conseil*, 1981, pp. 167–180, and "Letter from Belgium," in *Copyright*, 1982, pp. 193 *et seq.*

[47] Carine Doutrelepont, "Les arrêts Coditel face au droit interne et au droit européen," JT 1984, p. 397–409.

within a few months of being the same age. However, while the Convention has undergone five important revisions, by means of which it has been possible progressively to develop its substance, the Belgian Law has undergone minor adaptations only. The development of Belgian copyright has been mainly the work of case law, and it is by that route that the effect of the Convention has often been felt.

Now, however, case law is powerless in the face of the challenge of the most recent technology, most especially with regard to new duplication techniques, both graphic and audiovisual. Those techniques do not present too many legal problems, but rather practical and political problems. Legislation will have to take stock of its responsibilities. It is indeed an honor to have the second oldest copyright law after Spain, but that honor does entail obligations. The 19th–century legislators managed to produce a Law which at the time was considered the best in existence.[48] We have to hope that the present legislators will be equal to this daunting precedent and will design a text deserving of the same praise.

1986, the centenary year of the Law, could be a good opportunity for getting down to work.

(WIPO translation)

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[48] "Elle est assurément la meilleure qui existe sur cette matière si délicate." (Pataille, *Annales de la propriété artistique et littéraire*, XXXI, 1886, p. 172). "La loi du 22 mars 1886 est, en nos matières, le modèle le plus achevé des textes législatifs." (Darras, *Du droit des auteurs et des artistes dans les rapports internationaux*, Paris, 1887, p. 307).

General Studies

The Reform of the Copyright Law of the Federal Republic of Germany

Margret MÖLLER*

National Copyright Meetings

National Workshop on Copyright

(Kuala Lumpur, May 2 and 3, 1986)

Report and Conclusions

prepared by the International Bureau of the
World Intellectual Property Organization (WIPO)

Introduction

1. The National Workshop on Copyright was held in the Conference Room of the Ministry of Trade and Industry of the Government of Malaysia on May 2 and 3, 1986.

2. Participants were officials from a number of ministries and other agencies of the Government of Malaysia, the National Archives, and national and public libraries. Their number was around 65. In addition, there were three foreign guest speakers invited by WIPO: a Director of the Swedish Ministry of Justice, the Chairman of the British Copyright Council and the Deputy Head of the Customs Investigation Bureau of Hong Kong. The list of participants is annexed.

Opening of the Workshop

3. The Workshop was opened by Dato Ahmad Sarji Bin Abdul Hamid, Secretary General, Ministry of Trade and Industry. The opening session was attended by Mr. Michael Van Hutten, UNDP Resident Representative, Mr. Noordin Hasan, Deputy Secretary General, and Mr. Samsudin Marsop, Director, Domestic Trade Division of the Ministry of Trade and Industry. WIPO was represented by Mr. Shahid Alikhan, Director, Developing Countries Division (Copyright) and Mr. Francis Gurry, Senior Program Officer, Development Cooperation and External Relations Bureau for Asia and the Pacific.

In his inaugural address, the Secretary General expressed the great satisfaction of his Ministry in collaborating with WIPO in the organization of the Workshop. He welcomed the representatives of WIPO and the invited guest speakers. He thanked WIPO for the care with which the topics for discussion and the speakers were selected and expressed the hope that the participants would reciprocate by actively participating in the discussion. He explained that the Malaysian Copyright Act of 1969 was being reviewed to consider filling certain gaps as may be found necessary, and that the Workshop had been organized to give selected officials an insight into the status of the copyright law in Malaysia and in other countries. He felt that with the development in technology and its ramifications on the rights of copyright owners, it was important for agencies enforcing copyright laws to ensure that changes in technologies did not impair the rights of copyright owners. He was of the view that, in a developing country like Malaysia, intellectual creativity should be nurtured by protecting indigenous authors and by educating them on their rights. He observed that infringements of copyright did occur despite extensive coverage through legislation and that piracy of works protected by copyright existed not just because of some unscrupulous individuals in developing countries, but that such activities knew no boundaries. He felt that while it was important for governments to provide necessary legislation to protect copyright, it was equally important for owners of copyright to ensure that their works were accessible to the public at reasonable prices; overpricing of a work "which is required by the masses is to tempt the pirates into the market place."

The opening session was also addressed by Mr. Shahid Alikhan, Director, Developing Countries Division (Copyright), on behalf of Dr. Arpad Bogsch, Director General of WIPO. He expressed gratitude to the Secretary General for inaugurating the Workshop and to the Ministry of Trade and

Industry for the arrangements made and facilities provided for the conduct of the Workshop. He expressed satisfaction that the Workshop was being attended by such a large number of interested personalities.

Chairman of the Workshop

4. The Workshop was chaired by Mr. Samsudin Marsop, Director, Domestic Trade Division, Ministry of Trade and Industry; during a short period of his absence on the first day, Mr. Abdul Jabar B. Kamin, Director of the Enforcement Division of the Ministry of Trade and Industry, acted as Chairman.

Substantive Discussions

5. In accordance with the program, papers were presented on

— Copyright and Neighboring Rights and Promotion of Creativity;

— The Protection of Neighboring Rights (Rights of Performers, Producers of Phonograms and Broadcasting Organizations) and International Conventions in the Field of Neighboring Rights;

— The International Copyright System and the Main International Treaties;

— Developments in Copyright Law and Practice in Malaysia (two papers);

— The Main Features of Copyright Protection in the Various Legal Systems;

— Different Systems of Copyright Administration and Registration: Their Advantages and Disadvantages;

— Impact of New Technologies (Especially Reprography, Computers and Software) on Copyright;

— Piracy of Copyrighted Works and the Development of Legal Remedies;

— Enforcement of Anti–Piracy Measures from the Viewpoint of Law Enforcement Authorities.

Two of the papers were presented by Malaysian specialists, five by the three invited guest speakers and three by WIPO officials.

6. Considerable interested discussion followed the presentation of various papers in which most of the participants took part and a large number of questions were asked and replied by the speakers.

7. The conclusions as they emerged on the basis of exchange of information and related discussion as well as on the basis of proposals made by participating specialists are set out below.

Conclusions

8. The participants:

(i) expressed their deep gratitude to the Ministry of Trade and Industry for having hosted the Workshop, and for the excellent arrangements made for the meeting;

(ii) expressed their deep appreciation to WIPO for having collaborated with the Ministry of Trade and Industry of the Government of Malaysia in organizing this Workshop which gave rise to an interesting and informative exchange of views between the participating officials and between them and the speakers;

(iii) noted that the Malaysian Copyright Act of 1969 was being reviewed and was expected to be amended to provide the necessary incentive to creativity, as well as balancing the needs of users and taking full account of the special needs of Malaysia;

(iv) considered that the resolution of copyright and neighboring rights problems should not be confined solely to providing an effective legal and administrative infrastructure, but should also result in establishment of a system that would be integrated with, and effectively contribute to, the social, cultural and economic development strategies of the country;

(v) felt that WIPO should, within the context of its development cooperation program:

(a) intensify provision of advice and assistance as well in the setting up of an institution or national administrative infrastructure;

(b) increase assistance in providing suitable training facilities for the personnel required to man such national infrastructure;

(c) consider projects for further strengthening its activities and assistance in the field of copyright and neighboring rights.

List of Participants

I. Chairman of the Workshop

Mr. Samsudin Marsop, Director, Domestic Trade Division, Ministry of Trade and Industry, Kuala Lumpur

II. Participants

Mr. Abdul Aziz B. Abdul Hamid, Police Inspector, Kuala Lumpur
Mr. Abdul Halim B. Abdullah, Legal Officer, Government Publishing House, Kuala Lumpur
Mr. Abdul Jabar B. Kamin, Director, Enforcement Division, Ministry of Trade and Industry, Kuala Lumpur
Mr. Abdul Rahman B. Ghazali, Assistant Director, Enforcement Division, Ministry of Trade and Industry, Kuala Lumpur
Mr. Abdul Rahman B. Sulaiman, Librarian, Negeri Sembilan
Mr. Abdullah Nawawi B. Mohamad, Assistant Director, Enforcement Division, Ministry of Trade and Industry, Kuala Lumpur
Mr. Annuar Benjamin, Police Inspector, Kuala Lumpur
Ms. Datin Rugayah Bt. Abdul Rashid, Librarian, Mara Institute, Selangor
Ms. Datin Shaika Bt. Zakaria, Librarian, University of Malaysia, Kuala Lumpur
Ms. Datin Zakiah Hanum Bt. Haji Abdul Hamid, Director General, National Archives, Kuala Lumpur
Ms. Engku Nor Faizah Engku Atek, Legal Officer, Attorney General's Office, Kuala Lumpur
Ms. Fauziah Bt. Hj. Mohd. Taib, Librarian, Terengganu
Ms. Fawziah Bt. Senawi, Deputy Librarian, National University, Selangor
Mr. Ghazali B. Ruslan, Head, Copyright Division, Government Publication, Kuala Lumpur
Mr. Haji Yahya B. Haji Abu Bakar, Assistant Superintendent of Police, Kuala Lumpur
Mr. Ibrahim B. Hj. Abdullah, Librarian, Public Library, Kelantan
Mr. Ismail B. Harun, Computer Programmer, Computer Centre, National University, Selangor
Ms. Kaltbum Bt. Mohamed, Administrative Officer, Ministry of Education, Kuala Lumpur
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Mr. Mohd. Taib B. Mohamad, Librarian, Public Library, Perak
Ms. Neslcy Rebid, Librarian, Public Library, Sarawak
Mr. Ng. Aik Guan, Legal Officer, Attorney General's Office, Kuala Lumpur
Mr. Nik Ariffin B. Jaafar, Assistant Director, Enforcement Division, Ministry of Tradc and Industry, Kuala Lumpur
Ms. Nor Ezan Omar, Librarian, Public Library, Johor Baharu
Ms. Norizah Bt. Haji Abdul Talib, Deputy Director, National Archives, Kuala Lumpur
Mr. Oli Mohamed B. Abdul Hamid, Librarian, University Library, Kedah
Mr. Ong Chai Lin, Librarian, Public Library, Pulau Pinang
Mr. Osman B. Hanapi, Customs Officer, Kuala Lumpur
Mr. Riza Feisal B. Sheikh Said, Librarian, Public Library, Melaka
Mr. Saharudin B. Mohd. Taha, Assistant Director, Industry Division, Ministry of Trade and Industry, Kuala Lumpur
Mr. Santok Singh Gill, Deputy Director, Ministry of Information, Kuala Lumpur
Mr. Satu Singh, Police Inspector, Kuala Lumpur
Ms. Satwant Kaur, Legal Adviser, Ministry of Trade and Industry, Kuala Lumpur
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Mr. Syed Salim Agha, Librarian, Selangor
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Mr. Tusimon Mingun, Deputy Librarian, National University, Selangor
Mr. Wan Affandi B. Wan Ismail, Police Inspector, Kuala Lumpur
Ms. Wan Poziah Bt. Wan Abdul Hamid, Librarian, University of Technology, Kuala Lumpur
Ms. Wong Hiong Chin, Registrar, Patents and Trade Marks Division, Ministry of Trade and Industry, Kuala Lumpur
Mr. Yaacob B. Ali, Assistant Director, Enforcement Division, Ministry of Trade and Industry, Kuala Lumpur
Mr. Zainal Abidin B. Abu Bakar, Deputy Director, National Film Corporation, Kuala Lumpur
Mr. Zainal Abidin B. Nordin, Assistant Director, Enforcement Division, Ministry of Trade and Industry, Kuala Lumpur
Mr. Zainudin B. Yahya, Assistant Director, International Division, Ministry of Trade and Industry, Kuala Lumpur
Ms. Zawiyah Bt. Baba, Librarian, National Library, Kuala Lumpur

III. Invited Speakers

Mr. A. Henry Olsson, Deputy Assistant Under-Secretary, Ministry of Justice, Stockholm
Mr. Denis de Freitas, Chairman, British Copyright Council (BCC), London
Mr. Raymond M.H. Lo, Deputy Head, Customs Investigation Bureau, Customs and Excise Service, Hong Kong
Mr. U.K. Menon, Senior Lecturer, Law School, Mara Institute of Technology (ITM), Kuala Lumpur
Mr. Muhammad Shafee Abdulah, Practising Lawyer, Shafee and Co., Advocates and Solicitors, Kuala Lumpur

IV. WIPO Officials

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

Mr. Francis Gurry, Senior Program Officer, Development Cooperation and External Relations Bureau for Asia and the Pacific

V. Secretariat

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Calendar of Meetings

Commemoration of the Centenary of the Berne Convention

The official celebratioo of the Ceotenary of the Berne Cooveotioo will be beld in Berne oo September 11, 1986, at the invitatioo of the Swiss Governmeot. The Assembly of the Berne Unioo will bold an extraordinary sessioo oo that occasioo.

So far we have received informatioo on the following other commemorative eveots by international oon–governmeotal organizations and oational organizations:

September 8 to 12 (Berne) — Coogress of the Ioternational Literary and Artistic Association (ALAI) in the framework of which the Ceoteoary will be celebrated

September 25 and 26 (Mexico City) — Commemoration of the Ceotenary in the framework of the Copyright Worksbop for Latio American Countries organized by WIPO and the Mexican Institute of Copyright

October 5 to 11 (Madrid) — Congress of the International Confederatioo of Societies of Authors and Composers (CISAC) in the framework of whicb the Ceotenary will be celebrated

November 13 and 14 (Brioni) — Confereoce oo the occasion of the Centenary organized by the Yugoslav Aothors Ageocy, the Business Associatioo of Yugoslav Publishers and Booksellers and the Yugoslav Associatioo of Iotellectual Property Rights

November 18 to 21 (Cracow) — Commemoratioo of the Centenary io the framework of a Seminar organized by the Jagiellonian Uoiversity

November 24 to 28 (New Delhi) — Commemoratioo of tbe Ceotenary in the framework of the Regional Worksbop oo Copyright and Neighboring Rights organized by WIPO and the Government of India

WIPO Meetings

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

1986

September 1 to 5 (Geneva) — Permaneot Committee oo Patent Information (PCPI) and PCT Committee for Technical Cooperatioo (PCT/CTC)

September 8 to 10 (Geneva) — WIPO Pateot and Trademark Information Fair

September 8 to 12 (Geoeva) — Governing Bodies (WIPO Coordinatioo Committee, Executive Committees of the Paris and Berne Unions, Assembly of the Berne Union)

October 13 to 17 (Geneva) — Permanent Committee on Patent Informatioo (PCPI): Working Groop oo Geoeral Information

October 20 to 22 (Geoeva) — Committee of Governmeotal Experts oo Works of Architecture

November 11 to 14 (Geneva) — Committee of Experts oo the Ioternational Registratioo of Marks

November 17 to 21 (Geneva) — Paris Union: Committee of Experts oo the Harmonizatioo of Certain Provisions in Laws for the Protection of Inveotions

November 24 to December 5 (Geoeva) — Permaneot Committee oo Pateot Informatioo (PCPI): Working Groop oo Searcb Information

December 8 to 12 (Geneva) — Permaneot Committee oo Pateot Information (PCPI): Working Groops oo Special Qnestions and oo Planning

December 16 to 19 (Paris) — Committee of Governmeotal Experts on Works of Visual Art

UPOV Meetings

1986

September 15 to 19 (Wädenswil) — Technical Working Party for Fruit Crops, and Subgroup
November 18 and 19 (Geneva) — Administrative and Legal Committee
November 20 and 21 (Geneva) — Technical Committee
December 1 (Paris) — Consultative Committee
December 2 and 3 (Paris) — Council

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

Non-Governmental Organizations

1986

September 8 to 12 (Berne) — International Literary and Artistic Association (ALAI) — Congress
October 6 to 11 (Madrid) — International Confederation of Societies of Authors and Composers (CISAC) — Congress
October 20 to 23 (Vienna) — International Federation of Musicians (FIM) — Congress