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# Copyright

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## Notifications Concerning Treaties

### WIPO Convention

#### Accession

#### PARAGUAY

The Government of Paraguay has deposited, on March 20, 1987, its instrument of accession to the Convention Establishing the World Intellectual Property Organization (WIPO).

Paraguay will belong to Class C for the purpose

of establishing its contribution towards the budget of the WIPO Conference.

The said Convention will enter into force, with respect to Paraguay, on June 20, 1987.

WIPO Notification No. 139, of March 20, 1987.

## WIPO Meetings

### WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights

#### Permanent Committee

#### Seventh Session

(Geneva, March 9 to 13, 1987)

#### REPORT

prepared by the International Bureau  
and adopted by the Permanent Committee

1. The WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (hereinafter referred to as "the Permanent Committee") held its seventh session in Geneva from March 9 to 13, 1987.
2. Forty-two States, members of the Permanent Committee were represented at the session: Angola, Australia, Bangladesh, Benin, Brazil, Burkina Faso, Cameroon, Central African Republic, Chile, Colombia, Côte d'Ivoire, Egypt, France, Gambia, Germany (Federal Republic of), Ghana, Guinea, Honduras, Hungary, India, Italy, Japan, Lesotho, Malawi, Mali, Mexico, Morocco, Niger, Pakistan, Peru, Senegal, Somalia, Soviet Union, Sweden, Switzerland, Togo, Turkey, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Zambia (42).
3. The following eight States were represented by observers: Argentina, Iraq, Jamaica, Kuwait, Libya, Panama, Trinidad and Tobago, Venezuela (8).
4. The following international non-governmental organizations were represented by observers: European Broadcasting Union (EBU), International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM), International Confederation of Societies of Authors and Composers (CISAC), International Federation of Journalists (IFJ), International Federation of Musicians (FIM), International Federation of Phonogram and Videogram Producers (IFPI), International Group of Scientific, Technical and Medical Publishers (STM), International Publishers Association (IPA) (8).
5. The list of participants follows this report.
6. The Director General of WIPO, Dr. Arpad Bogsch, opened the session and welcomed the participants. He greeted representatives of States and of non-governmental organizations. He was pleased to mention that 14 States (Algeria, Angola, Bangladesh, Chad, Colombia, Cyprus, Gambia, Jordan, Lesotho, Nicaragua, Sri Lanka, United Republic of Tanzania, Uruguay, Zambia) had become members of the Permanent Committee since the preceding session. Since that announcement, Haiti has also become a member of the Permanent Committee, thus bringing the total number of States members of the Permanent Committee to 79. The Director General mentioned that the main task of the Permanent Committee was to focus on the desiderata and requirements of developing countries. He said there were several meetings in WIPO to which developing countries were invited, but the Permanent Committee was the forum in which attention could be drawn to the needs of developing countries in the fields of copyright and neighboring rights; its membership consisted also of industrialized countries as well as socialist countries, which could thus become increasingly au fait with the problems of the developing countries and thereby actively participate in the development cooperation program of WIPO by providing experts, furnishing lecturers at courses, etc. Such active participation was not confined only to governments; a number of non-governmental organizations also participated in these programs. He thanked them all for their continued cooperation.
7. The Permanent Committee unanimously elected the following officers: Mr. Richard Benjamin

Mngulwi (United Republic of Tanzania), Chairman; Messrs. Marco Guido Fortini (Italy) and Jai Dev Gupta (India), Vice Chairmen; Mr. Shahid Alikhan, Director, Developing Countries Division (Copyright), acted as Secretary.

8. The provisional agenda contained in document CP/DA/VII/1 Rev. was adopted by the Permanent Committee.

#### **Review and Evaluation of the Activities under the Permanent Program in 1985 and 1986; Planning for the Future**

- (i) Development of human resources
- (ii) Development of national legislation
- (iii) Information meetings and seminars: regional and national

9. At the suggestion of the delegation of Ghana, endorsed by the Permanent Committee, the three items mentioned above were considered together.

10. Discussions were based on documents CP/DA/VII/2, 3 and 4.

11. Delegations of 31 countries and five international non-governmental organizations made statements under these agenda items.

12. In introducing the documents, the International Bureau of WIPO pointed out that this session of the Permanent Committee was being held exactly ten years after the first session in March 1977. During this first decade of the development cooperation activities in the fields of copyright and neighboring rights, applications for fellowships had increased from 14, from 11 developing countries in 1977, to 162, from 68 developing countries in 1986. Likewise fellowships granted had gone up from 12 in 1977 to 68 in 1986. During the same decade 58 courses and regional, sub-regional or national meetings had been organized, essentially for increasing the awareness of copyright and neighboring rights, their role in development, the impact of new technologies and the desirability of increased multilateral cooperation in these areas. It was pointed out that these courses and meetings had been attended by more than 3000 participants from nearly 100 developing countries.

13. Several delegations commended WIPO for the progress made in ten years of development cooperation in the fields of copyright and neighboring rights.

14. All delegations that spoke expressed their appreciation of, and indicated their full support for,

WIPO activities in training of personnel from developing countries in the fields of copyright and neighboring rights. They expressed the view that these training programs were being found very useful and wished this program to be strengthened and continued.

15. Delegations of several industrialized and developing countries offered to continue their cooperation in this program of development of human resources and to receive trainees in copyright and neighboring rights and thus contribute to WIPO's training programs which they felt made an important contribution to dissemination of information concerning, and proper understanding of, copyright and neighboring rights, and their role in development. The Permanent Committee expressed its appreciation of these offers.

16. The Permanent Committee noted, in particular, that general introductory courses were proposed to be organized by WIPO in collaboration with the Government of the United Kingdom and the British Copyright Council (BCC), with the support of the International Federation of Phonogram and Videogram Producers (IFPI) in London during this year; and also possibly with the Government of France and the French Society of Authors, Composers and Music Publishers (SACEM) in Paris, and that a general introductory course was proposed in cooperation with the Government of Hungary and the Hungarian Bureau for the Protection of Authors' Rights (ARTISJUS) in Budapest in 1988.

17. The Permanent Committee also took note of specialized courses that had been held in collaboration with the Swiss Society for Authors' Rights in Musical Works (SUISA) in Brasilia, Brazil, in 1985, and in San José, Costa Rica, in 1986, in addition to those held in Zurich. It also took note of specialized courses in Stockholm in cooperation with the Government of Sweden, the Swedish Performing Rights Society (STIM) and the Swedish International Development Authority (SIDA) in 1985 and in 1986, as well as in collaboration with the Government of France in Paris in 1986.

18. The Permanent Committee noted with satisfaction that WIPO had also organized, in cooperation with the National Copyright Administration of China (NCAC), a national course in Nanjing in 1985.

19. The Permanent Committee noted with satisfaction that specialized courses, in collaboration with SUISA, would be held in Bogota, Colombia and in Zurich during 1987. It also noted with satisfaction the proposal for a specialized training course

in cooperation with the Government of Sweden, SIDA and STIM, to be held in Stockholm, as well as a course for Asian and Oceanian countries to be held in Canberra and Sydney, in cooperation with the Government of Australia, the Australian Copyright Council, the Australasian Performing Right Association (APRA), the Australian Record Industry Society (ARIA) and the Australasian Mechanical Copyright Owners Society, as well as other interested circles, both later in 1987.

20. The Permanent Committee thanked the countries and organizations that had during 1985 and 1986 received trainees in the fields of copyright and neighboring rights, as well as those that had helped in the organization and conduct of training courses, as also in providing lecturers for such courses.

21. Several delegations expressed their great satisfaction with the activities of WIPO in providing advice and assistance to developing countries in the preparation and updating of their copyright legislation, as well as in the setting up or strengthening of existing institutions and national administrative infrastructures.

22. Several delegations emphasized that, in view of the new technological developments, the rights of authors, creators, artists, performers, producers of phonograms and broadcasters cannot be protected effectively without appropriate infrastructures based on collective administration, and stressed the importance of assistance by WIPO for establishing and strengthening of authors' organizations and societies and in this context commended the convening of an International Forum on the Collective Administration of Copyrights and Neighboring Rights held in May 1986 at WIPO headquarters.

23. A number of delegations spoke appreciatively of WIPO's publications which were found useful in the preparation of new national legislation or while amending existing laws.

24. In noting the activities envisaged in the future in this context, a number of delegations emphasized the need for WIPO to increase and strengthen its cooperation with developing countries in the establishment of an efficiently working infrastructure for implementation of laws on copyright and neighboring rights.

25. Some delegations also emphasized the necessity, in view of the prevalence of commercial piracy of works protected by copyright, for taking effective measures nationally to combat such piracy, that is the unauthorized reproduction on a commercial scale of literary, musical and cinematographic

works, phonograms and videograms, and broadcasts.

26. Several delegations expressed appreciation of WIPO's efforts in the organization of regional and national seminars and workshops and wished this activity to be continued in the interests of dissemination of knowledge in the fields of copyright and neighboring rights, and of the awareness of its importance in encouraging, supporting and enhancing national creativity.

27. The Permanent Committee noted with considerable appreciation the national, regional and sub-regional workshops, seminars and meetings organized or supported by WIPO during 1985 and 1986.

28. The Permanent Committee also noted that during 1987 a regional seminar in English and French for the Sub-Saharan African countries was proposed to be held in Dakar, and hoped that such regional or sub-regional meetings which were found most useful will be organized, as in the past, also in other regions/sub-regions of the world.

29. A number of delegations made some specific suggestions for further improving these program items, as well as committed their assistance to them and gave certain other relevant information as follows.

30. The delegations of Australia, Hungary, India, Sweden and the United Kingdom offered to continue to contribute to the receiving of WIPO trainees and/or holding of training courses in their respective countries during the period 1987-1988. The observers from FIM, IFPI and IPA also offered their continued support to WIPO's training programs by provision of lecturers as in the past; the observer from IFPI said that its support would also include financial support, to the extent that resources permitted.

31. The delegation of the United States of America, referring to the tendency, while dealing with copyright problems on a day-to-day basis, to see only the problems and lose sight of the program, commended WIPO for what it called remarkable achievement in the last ten years attained in small steps. In its view, the documents listing countries having adopted new copyright laws and having established copyright infrastructures cumulatively amounted to the real program and this underscored the value of the WIPO training activities. It mentioned that while interested copyright circles in its country continue to underwrite training programs for copyright experts from developing countries, it

hoped that the level of their participation and their cooperation with the International Bureau of WIPO will increase. It hoped that the interest in its country in the Berne Convention will spur more activity in this regard. It thanked WIPO for commitment to the development cooperation program and hoped this program may expand and prosper.

32. The delegations of Burkina Faso, Côte d'Ivoire, Guinea, India and Japan stressed the desirability of organizing training courses and seminars at a regional or sub-regional level.

33. The delegation of Iraq referred to the adoption of the Arab Copyright Convention at a conference of Arab Ministers of Culture in Baghdad in 1981 and stated that a National Committee for the protection of copyright had been created under the chairmanship of the Minister of Culture and Information. This Committee comprised of persons from different disciplines, including writers, journalists, publishers and representatives of publication units of universities; in the creation of awareness of copyright and of knowledge in this field, it stressed the need for training.

34. The delegation of the Soviet Union, while expressing considerable appreciation for WIPO's efforts in the organization of training and teaching courses and seminars on copyright and neighboring rights and for those countries and organizations that supported this activity of WIPO and made contributions to it, indicated that their Copyright Agency (VAAP) had provided assistance to some developing countries and would continue and extend this activity. It stated that VAAP which had in the past cooperated with Unesco in its training program was now prepared to make a contribution to the WIPO's training program. It mentioned that for the next year there was a plan to organize in cooperation with Unesco a seminar (in English and French) in Moscow for 20 trainees from African countries. In addition, it mentioned that its country was in a position to receive, on the basis of individually designed programs, some (one or two in a year) trainees in the course of WIPO's programs.

35. The delegation of Japan, with reference to the Sub-regional Workshop in New Delhi in November 1986, suggested that since multilateral cooperation in the copyright field was still meager in the Asia and Pacific region seminars and other meetings should be held regularly in this area.

36. The delegations of Gambia and Senegal suggested to WIPO that courses and seminars should, as far as possible, be held in more than one language so as to widen participation by countries in a partic-

ular region having different languages. The delegation of Somalia mentioned that countries having the same or similar copyright problems should be taken together in the context of provision of training facilities.

37. The delegations of the Central African Republic, India, Mali and Senegal drew the attention of WIPO to the need for allotting necessary resources for the strengthening, in developing countries, of the infrastructure necessary for implementation of copyright law.

38. The delegations of France, Italy and Mali stressed the importance of developing infrastructural facilities for the protection of copyright. The delegation of France pointed out that this was in the interest both of the international community as well as the developing countries. The delegation of Italy stated that greater importance should be given to this aspect in future training programs. It suggested that WIPO request governments and non-governmental organizations, as necessary, to place at its disposal experts in the field of copyright infrastructures and in the administration of rights, for this purpose.

39. The delegations of France, Guinea, Mali, Senegal and Togo stressed the need for close cooperation between WIPO and societies of authors and with their organization, CISAC.

40. The observer from CISAC, after recalling the tasks assigned to the WIPO Permanent Committee Related to Copyright and Neighboring Rights since its creation, underlined the considerable progress made by WIPO in its Development Cooperation Programs for developing countries since the entry into force of the Berne Convention as revised in 1971, and in particular paid tribute to the response of the Director General, WIPO, to developing countries' problems. He further indicated that his organization, which embraces nearly the totality of copyright societies and organizations of developing countries, had the experience in practical administration of copyright, from which WIPO could benefit in the setting up of training and assistance programs for developing countries. The observer, recalling the assistance program of CISAC, looked forward to even closer cooperation between WIPO and CISAC.

41. The observer from IFJ explained that his organization was concentrating, through its Copyright Working Party, also on encouragement of copyright collecting societies, particularly in developing countries. In this respect, he said his organization would consult WIPO before embarking on any exercise in a developing country.

42. The observer from IFPI mentioned that his organization, together with FIM and the International Federation of Actors (FIA), had set up a Joint Standing Committee to deal with problems arising in connection with the administration of performance rights. This Joint Committee would have to consider as to how the training of performers' and producers' representatives could be organized in countries where societies for administering performance rights are being established. The observers of FIM and IFPI drew attention to the need to assist also the setting up or strengthening of infrastructures administering neighboring rights.

43. The delegation of the Federal Republic of Germany stressed, in particular, the advantages of collective administration of certain types of rights. It also drew attention to the fact that a well functioning copyright system did not only depend on legislation but also on the public awareness of the necessity for copyright as an incentive for creativity and for the development of national culture.

44. The delegations of Cameroon, Côte d'Ivoire, Guinea and Mali stressed training of personnel in authors' organizations in other developing countries which would help facilitate exchange of experience among these countries.

45. The delegations of the Central African Republic and India mentioned the importance of creating, in the framework of development cooperation, a better awareness of the nature of copyright law and its benefits. The delegation of Zambia specifically mentioned the problems arising from the fact that authors and composers were frequently not themselves aware of their rights.

46. The delegation of Ghana suggested that certain WIPO papers prepared for training courses might, upon request, be made available on videotape or else in document form to copyright offices in developing countries.

47. The delegations of Cameroon, France, India, Italy and the United Republic of Tanzania stressed stricter selection procedures at the national level to ensure against repetition of the same candidatures and to ensure that candidates proposed were actually dealing with or were likely to deal with copyright matters. The delegations of Cameroon and India mentioned that candidates should also be proposed from among personnel working in authors' organizations. The delegation of Ghana and the observers from IFJ and IPA suggested, respectively, the inclusion also of publishing officials and journalists in the training programs. The observer from IFPI felt it was important to include officials from

law enforcing agencies, such as police, customs, etc., in meetings and training programs, as also from those who administer neighboring rights.

48. The delegation of Ghana stressed that the participation in regional seminars and meetings should be broadened to include persons from amongst the judiciary, university professors and people from the media. This latter category was particularly mentioned also by the delegation of Togo.

49. The delegations of Honduras and Mali stressed in particular the aspect of training persons in developing countries who could then themselves provide training for others. In this context, the delegation of Lesotho stressed the importance of copyright teaching programs at the university level.

50. The impact of new technologies on authors' rights was mentioned by some delegations. The delegations of Colombia and India stressed the need of dealing, in the context of the Development Cooperation Program, with proper safeguards for the rights of authors in face of the emerging technologies.

51. The delegation of Ghana stressed that the establishment of guiding principles or model provisions are usually based on well-tested norms in respect of practical application but that from time to time, with the incursions of new technologies, countries should give attention to updating of their copyright legislation as necessary.

52. The desirability of dealing not only with copyright but also with neighboring rights in the context of the development cooperation program was stressed by the delegation of the United Kingdom as well as by observers from FIM and IFPI.

53. The delegations of Côte d'Ivoire, Ghana and the United Kingdom stressed the need for international cooperation to fight commercial piracy.

54. The delegation of Togo requested experts be sent to its country to assess and discuss its proposed copyright legislation with government officials and that a national seminar on copyright law for three or four days be organized in Lomé in the next year.

55. The delegation of Burkina Faso requested for WIPO's assistance in organizing a national seminar on copyright in Ouagadougou during 1987.

56. The delegations of Ghana and Italy mentioned that cultural exchange agreements concluded between States should also include matters concerning copyright and its implementation, particularly in

the field of publishing, printing and communications technology.

57. The delegation of Hungary particularly stressed that participants in training courses should provide as much material and information as possible on the copyright situation in their respective countries, for the benefit of a mutual discussion of the issues.

58. Some delegations indicated the status of copyright law in their countries. The delegation of Malawi stated that its new law was likely to be presented to Parliament in October this year. The delegation of Côte d'Ivoire stated that the draft of its new law, with updated provisions for neighboring rights, had been completed and a copy made over to the International Bureau of WIPO for its comments.

59. The International Bureau of WIPO expressed its sincere thanks to the delegations and observers which had offered the hosting of training courses or accepting of WIPO trainees as also offered the holding of meetings and seminars, and stated that all the suggestions made during the discussions had been duly noted and would be taken into account in the planning and organization of future training programs.

60. The Permanent Committee noted with considerable satisfaction the contents of documents CP/DA/VII/2, 3 and 4 as also the statements made by various delegations and by the International Bureau and approved the activities of the International Bureau as indicated in the said documents.

#### Cooperation Among Developing Countries

61. Discussions were based on document CP/DA/VII/5.

62. A number of delegations supported promotion of cooperation among developing countries in the fields of copyright and neighboring rights, with special emphasis on the identification of further possibilities of mobilization and pooling of resources of groups of developing countries; cooperation in the provision, reinforcement and modernization of infrastructural facilities and, wherever possible and desired by developing countries concerned, further harmonization of the legislative and administrative infrastructure, as also making greater use of experts from developing countries in other developing countries.

63. The delegation of Niger, while thanking WIPO for assistance to developing countries and

fully supporting the program of cooperation among developing countries, asked for such assistance to Niger for study of copyright questions in two countries of the sub-region, viz. Côte d'Ivoire and Senegal, which had societies more advanced than in its country.

64. The delegation of Côte d'Ivoire, while agreeing with the delegation of Niger and stating that it had also hosted several representatives from Togo, suggested that WIPO should organize more sub-regional seminars, both for French-speaking and English-speaking countries. The delegations of Burkina Faso and Togo supported the need for sub-regional seminars, and in this context suggested that WIPO might establish contacts with the Economic Commission for West African States (ECOWAS).

65. The delegation of the Central African Republic asked for WIPO's assistance for the group of countries in Central Africa in the setting up or strengthening of relevant infrastructures. It also referred to its proposal to have a national meeting in cooperation with WIPO for increasing awareness of copyright.

66. The delegation of Senegal indicated its readiness to host a sub-regional seminar in Dakar in the context of the stress on holding of such sub-regional meetings. The delegation of Cameroon suggested sub-regional seminars in Central Africa.

67. The delegation of Bangladesh suggested development of projects for the setting up of authors' societies/organizations; it emphasized the need, in particular, of such projects for the least developed countries; also the need to further the exchange of copyright information among developing countries.

68. The delegations of France and Ghana paid tribute to WIPO for its initiative in organizing two Worldwide Forums on piracy. The delegation of France stated further that the campaign against piracy could be reinforced by expanding awareness of copyright. The delegations of Benin and the Central African Republic asked for a regional forum on piracy for countries of Central Africa and West Africa where such piracy was rife.

69. The delegation of Mali, referring to WIPO's earlier seminars in Africa since 1980, suggested the possibility of institutionalizing such regional meetings.

70. The delegation of Gambia suggested increasing sub-regional cooperation in Africa; it expressed satisfaction at the suggestion of Cameroon to make



available the experience of its society for professional visits by officials from other African societies; it stressed that the bilingual structures in Cameroon were highly relevant to the development of laws in Gambia.

71. The observer from CISAC mentioned the periodic meetings that its organization has held for African societies in Abidjan, Douala, Algiers and more recently in Dakar. He mentioned that since copyright was not still well known in African countries, CISAC had organized a meeting of judges from countries of French-speaking Africa and this year is organizing another such meeting for judges from countries of English-speaking Africa.

72. The Permanent Committee noted with appreciation the activities and proposals concerning co-operation among developing countries within the framework of the Permanent Program of WIPO, as indicated in document CP/DA/VII/5 and also took note of the statements made by the various delegations.

#### **Role of Copyright in the Promotion of Intellectual Creativity in Developing Countries**

73. Discussions were based on document CP/DA/VII/6.

74. A number of delegations considered this an important and innovative document containing interesting suggestions.

75. Several delegations asked WIPO to strengthen its assistance through its program for development cooperation in the setting up of required copyright infrastructures in developing countries in the form of suitable authors' organizations related to national needs.

76. Some delegations referred to the necessity of appropriate national legislation and membership of international conventions as the pillars for copyright protection nationally and globally.

77. Several delegations stressed the need for public awareness of copyright and the dangers of the lack thereof; media coverage at national level was considered essential for enhancing public awareness.

78. The delegation of India stressed in this context the need for creating such awareness also amongst the law enforcement agencies, police and customs officials, as well as members of the judi-

ciary. Despite considerable work having been undoubtedly undertaken in the last decade in its own country, much had yet to be done in the coming years; it indicated the strides in its country in this direction, referred to the phenomenal growth of publishing also in the direction of textbooks and educational books and the steps taken through the National Book Trust to make books available at moderate prices for students and the national public; it referred to subsidies awarded to publishers and authors for the purpose; to the setting up of a National Book Development Council to advise Government on matters of public interest in the field of book development and copyright. The delegation also referred to the latest legislative amendment of its country which empowered its Copyright Board to hear disputes between authors and publishers concerning questions of royalty payment, delay in publication, etc.

79. The delegation of Italy stressed the need for protection of works of all authors, national and foreign, and stressed the importance of protection of expressions of folklore.

80. The delegation of Ghana, while agreeing with the statement of the delegation of Italy, further stressed the economic value of copyright; it supported the idea of setting up a national copyright consultative body in order to afford necessary stimulus and impetus for national authors; it mentioned that the Copyright Association of Ghana was indeed performing this function and called on WIPO to provide the necessary assistance, upon request, to such new organizations in developing countries.

81. The delegation of France, while stressing the close relationship between protection of authors and encouragement of creativity, felt that, in its view, the lack of greater awareness of the role of copyright was due, among others, to the incorrect perception of the system; it stressed the need for closer relations between copyright administrations and media institutions; it endorsed the setting up of national copyright consultative bodies with an extended composition to cover all interested circles.

82. The delegations of Côte d'Ivoire and Mexico highlighted the problem of commercial piracy and the need to combat it nationally and internationally. The delegation of Mexico suggested, on the basis of experience in its country, that it would be advisable to induct experts in penal law as consultants on the proposed national copyright advisory bodies to obtain the best practical results in the fight against piracy; the delegation of Côte d'Ivoire added that penal sanctions should be provided against piracy.

83. The delegation of Iraq stressed the need for increasing teaching programs in copyright and endorsed the creation of teaching materials, including literary, artistic and scientific works by national authors.

84. The delegation of Senegal explained the activities of the Senegalese Copyright Bureau in the promotion of national literary and artistic creation and indicated the various forms of assistance provided to Senegalese authors to promote their social well-being. It also mentioned the active help rendered by the media in its country in popularizing the ideals of literary and artistic property.

85. The delegation of Somalia again reiterated the need for education of the public in the laws on copyright, and the necessity of increasing, at the national level, the number and range of programs for explaining these to the public as well as to the policy-makers and law enforcement agencies. It sought the assistance of WIPO in helping with the publications and material required for the purpose.

86. The observer from IPA stressed the need for laws protecting publishers and collective administrations, in order to strengthen copyright implementation in the face of contemporary technology. He observed that publishers were equally a "culture house" and they also played a substantive role in the process of creation of works. He stressed the usefulness of having at national level a copyright consultative body which, *inter alia*, also should include publishers. He gave examples of co-publishing with publishers in developing countries. Concerning the prevalence of piracy mentioned by many delegations, he referred to publishing houses having had to close down because of unfair competition due to excessive reprographic reproduction.

87. The delegation of the United Republic of Tanzania stated that the main problem was not merely encouragement of creativity, but also protection of creations against piracy, which was a global problem; it pointed to the weakness in laws in respect of penal measures. Along with the delegation of the Central African Republic, it also drew attention to the inadequacy or absence of teaching of intellectual property in institutions of higher learning.

88. The International Bureau stated that it had noted the comments made by the various delegations in the course of discussion on this item of the agenda and assured the Permanent Committee that, upon request from States, the International Bureau would, in accordance with the provisions of its program and budget, assist such developing countries in

setting up or strengthening of copyright infrastructures.

89. The Permanent Committee noted the contents of document CP/DA/VII/6 and the statement of the International Bureau.

#### **Application and Practical Administration of Laws on Copyright and Neighboring Rights in the Developing Countries of Asia and the Pacific: Regional Survey**

90. Discussions were based on document CP/DA/VII/7.

91. A number of delegations complimented WIPO for the detailed information collected through the survey, as reflected in the document. They noted the need for setting up of effective infrastructures, particularly in the region covered by the survey.

92. The delegation of Burkina Faso felt that the document was useful and expressed the view that the work of such surveys should be pursued so that one could obtain a global view of the situation in respect of the application and administration of copyright and neighboring rights laws.

93. The delegation of the United States of America, referring to its own experience, mentioned that national creativity had failed to blossom and indeed had withered, until protection was provided not only to national but also to foreign authors. It noted with satisfaction the spread of copyright legislation; it also expressed its appreciation for the activities undertaken by WIPO to coordinate with the Gulf Cooperation Council (GCC) in respect of copyright law.

94. The delegation of the United Kingdom welcomed the promulgation of the recent copyright law in Singapore; it drew attention to the need for proper infrastructures which would greatly facilitate action against piracy, and suggested that penal sanctions be included in the legislation where necessary for the purpose.

95. The Permanent Committee noted the information contained in CP/DA/VII/7 and the above-mentioned statements.

#### **State of Accessions to or Ratifications of Treaties on Copyright and Neighboring Rights**

96. Discussions were based on document CP/DA/VII/8.

97. The delegation of Burkina Faso stated that its Government is considering adherence to the Rome Convention and to the Phonograms Convention.

98. The delegations of Switzerland and the United Kingdom stated that their countries were considering adherence to the latest (1971) Act of the Berne Convention. The delegation of Switzerland, in addition, mentioned that its country might also consider adherence to the Rome Convention.

99. The delegation of the United States of America informed the Committee that, on March 11 (the very day of the discussion on this agenda item), a Bill had been introduced in the United States Congress for amending the 1976 Copyright Act which would bring that Act in conformity with the requirements of the Berne Convention. Thus adherence to that Convention could soon become a reality.

100. The delegation of the Soviet Union stated that, prior to adherence to any convention, a country has to examine whether it is ready to fulfill the obligations towards other contracting States. After a thorough study of the differences between the Berne Convention and the Universal Copyright Convention (UCC), the Soviet experts had, 14 years ago, given preference to accession to the UCC in view of the existing legislation and the country's needs. It mentioned that its country is in the process of development and its copyright legislation also is in the process of development. Therefore, it is quite possible that in due time the development of the internal situation will introduce into the legislation such changes, which could make it possible for the Soviet Union to consider becoming a member of the Berne Convention. It further mentioned that in February this year the creative Unions of its country had been asked by the Council of Ministers to work out suggestions for improving copyright legislation and it will depend on their suggestions if the Soviet Union will be able to join the Berne Convention.

101. The delegation of Côte d'Ivoire informed the Committee that its country might join the Rome Convention in the 1988-1989 biennium.

102. The delegation of Mexico stated that the Rome Convention had inadequacies as regards the protection of performers, and suggested that the Convention should be revised. It also suggested that the notion of "neighboring rights" put certain categories of beneficiaries in a secondary position in relation to owners of copyright and that another notion, which could better reflect that those rights were parallel, should be chosen.

103. The International Bureau noted the information given and the statements made by the various delegations.

104. The Permanent Committee noted the information contained in document CP/DA/VII/8 and in the statements made. It invited the governments of States not yet party to one or the other of the conventions mentioned in this document to consider the possibility of adherence to these conventions.

#### The Permanent Program in 1988 and 1989

105. Discussions were based on document CP/DA/VII/9.

106. All the delegations which intervened on the item expressed their great appreciation of the contents of the document and of the statements contained in paragraphs 13 and 14 in respect of the proposed Program and Budget for 1988 and 1989.

107. A number of delegations indicated their express support for the proposals and asked WIPO to continue its development cooperation activities along the lines indicated in the document.

108. The delegation of India, while appreciating the "intention" of WIPO to continue in the draft program and budget for 1988-89 to improve both qualitatively and quantitatively the basic program of development cooperation in the field of copyright and neighboring rights, stated that it hoped that this would not just remain as an intention, but would be supported by increased budgetary provision.

109. Several delegations drew attention to particular items in the document and expressed views or made proposals in relation to such items.

110. The need for a continuation of the work on legislation for protection of expressions of folklore (paragraph 14(v)) was mentioned by the delegations of Ghana, Hungary and Italy. The delegation of Ghana suggested that WIPO might consider organizing seminars in developing countries, *inter alia*, to find means to improve the protection of folklore. The negative effects of piracy and plagiarism in respect of folklore should also be given particular attention.

111. The delegation of Hungary proposed that in assisting and promoting legislation for protection of expressions of folklore as envisaged, consideration should also be given to the development of practical conditions of the legal protection on a regional basis

with special reference to the ethnics extending over the territories of more than one country.

112. The delegation of Italy drew attention to the possibilities of protecting expressions of folklore by means of the law on neighboring rights.

113. The delegation of Ghana, referring to the question of harmonization of copyright law, pointed out that such harmonization was not always possible due to various national factors, such as conflicting national interests. It also proposed that WIPO should, in the forthcoming biennium, study the socio-economic implication of the law of copyright and neighboring rights in developing countries.

114. The delegation of India drew attention to its earlier intervention requesting WIPO to take into consideration, in its future activities, the impact on authors' rights of new emerging technologies.

115. The delegation of Japan, referring to the question of definition of folklore and the problem of practical implementation of provisions on protection of folklore, stated that it might be premature at present to envisage an international instrument for the protection of folklore.

116. Some delegations drew attention to the need of creating, in WIPO future activities, an increased awareness of copyright law. The delegation of Ghana mentioned in this context that such awareness was a *sine qua non* for the successful operation of societies for collection of royalties.

117. The delegation of Senegal emphasized the need to communicate, by means of national or regional seminars, the role of copyright to members of the law enforcing agencies, the judiciary, etc.

118. The delegation of Guinea referred to the need for publicizing copyright law and suggested that WIPO should consider organizing an "International Day for Copyright."

119. The delegation of the United Kingdom stated that while the proposed program was positive and imaginative, the financial implication of an increase in the activities had to be studied in the context of the deliberations of the Budget Committee and the Governing Bodies.

120. The delegation of Mali drew attention to the importance of facilitating the creation or improve-

ment of governmental or other institutions for the administration of national or regional legislation, and to the training of law officials in the law of copyright and neighboring rights.

121. The delegation of Togo stressed that the surveys on the practical administration and application of copyright laws, which were found to be very valuable and informative, might be updated insofar as Africa was concerned.

122. The delegation of Italy drew attention to the establishment of infrastructures for the implementation of copyright law. With reference to that question, it suggested that mention may be made to the effect that WIPO might, at the request of the government concerned, send experts who may be made available by WIPO itself or by governments or non-governmental organizations.

123. The delegation of Italy also suggested that WIPO should establish contacts with journalists working in newspapers, press agencies and radio and television organizations to help increase the knowledge of the general public in respect of the legal, economic and social aspects of copyright.

124. The observer from IPA mentioned that the International Forum for Reproduction Rights Organizations (IFRRO) had an extensive experience of problems in relation to reprography and the collective enforcement of rights in this context; information and technical assistance could be put at the disposal of any developing country which so desires in cooperation with WIPO.

125. The observer of IFJ also stressed his organization's willingness to cooperate with WIPO, possibly in a campaign to improve the knowledge of copyright.

126. The International Bureau stated that it had noted with interest the observations made by the various delegations.

127. The Permanent Committee noted the contents of document CP/DA/VII/9 and the statements made, as also the statement of the International Bureau.

128. The Permanent Committee unanimously adopted this report after which the Chairman declared the session closed.

## LIST OF PARTICIPANTS

## I. Member States

Angola: A.A. Dos Santos. Australia: M.P.F. Smith. Bangladesh: M. Maniruddin. Benin: B.-Y. Saïbou. Brazil: R. Stille. Burkina Faso: S.O. Traore. Cameroon: D.Y. Epacka; W. Eyambe. Central African Republic: J. Tubind. Chile: S. Monsalve. Colombia: L.A. Luna; L.F. Paredes Zapata. Côte d'Ivoire: K. Bouadi; K.F. Ekra. Egypt: W.Z. Kamil. France: A. Kerever. Gambia: M.N. Bitaye. Germany (Federal Republic of): M. Möller. Ghana: A.M. Abdullah. Guinea: O. Kaba. Honduras: J.M. Maldonado; M. de los Angeles Narvaez. Hungary: P. Gyertyánfy. India: J.D. Gupta; A. Malhotra. Italy: M.G. Fortini; G. Aversa. Japan: S. Kamogawa. Lesotho: T.M. Kikine. Malawi: J.B. Villiera; A.D.M. Makalani. Mali: M. Coulibaly. Mexico: V. Blanco Labra; V. Reyes Lopez. Morocco: A. Bendaoud. Niger: A. Hassan. Pakistan: S.A. Gilani. Peru: R. Saif. Senegal: B. Ndoye. Somalia: H.A. Keynan. Soviet Union: M. Voronkova. Sweden: K. Hokborg. Switzerland: K. Govoni; T.-L. Tran-Thi. Togo: S.K. Tsogbe. Turkey: O. Zeytinoglu; A. Algan. United Kingdom: D.R. Irving. United Republic of Tanzania: R.B. Mngulwi; E.-E. Mtango. United States of America: R. Oman. Uruguay: R. Gonzalez-Arenas. Zambia: K. Sikazwe.

## II. Observer States

Argentina: V.C. Berdou. Iraq: H.M. Sukar. Jamaica: R.A. Smith. Kuwait: S.H. Al-Nusf; S. Abdullah Ali. Libya: Y.M. Dwebi. Panama: I. Aizpurua Perez. Trinidad and Tobago: J.-E. George. Venezuela: H.C. Azocar.

## III. International Non-Governmental Organizations

European Broadcasting Union (EBU): M. Burnett. International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM): N. Ndiaye. International Confederation of Societies of Authors and Composers (CISAC): N. Ndiaye. International Federation of Journalists (IFJ): R. Norris. International Federation of Musicians (FIM): R. Leuzinger. International Federation of Phonogram and Videogram Producers (IFPI): E. Thompson. International Group of Scientific, Technical and Medical Publishers (STM): J.-A. Koutchoumow. International Publishers Association (IPA): J.-A. Koutchoumow; C. Clark.

## IV. Officers

*Chairman:* R.B. Mngulwi (United Republic of Tanzania). *Vice-Chairmen:* M.G. Fortini (Italy); J.D. Gupta (India). *Secretary:* S. Alikhan (WIPO).

## V. Secretariat

A. Bogsch (*Director General*); H. Olsson (*Director, Copyright and Public Information Department*); S. Alikhan (*Director, Developing Countries Division (Copyright)*); H. Nguyen Quang (*Program Officer, Developing Countries Division (Copyright)*).

## Activities of the International Bureau

### The World Intellectual Property Organization in 1986\*

#### Copyright and Neighboring Rights Activities

##### I. Information Concerning Intellectual Property

###### Objective

The objective is to increase and spread knowledge about the doctrine, legislation, frequency of use and practical administration of intellectual property.

###### Activities

The periodicals *Copyright* and *Le Droit d'auteur* and *Industrial Property* and *La Propriété intellectuelle* continued to be published each month.

*Collection of Intellectual Property Laws and Treaties*. WIPO continued to keep up to date its collection of the texts of intellectual property laws and regulations of all countries and of treaties dealing with intellectual property, both in their original languages and in English and French translations. The most important texts were published in the above-mentioned four periodicals.

In July, a *Working Group on Teaching Materials for Intellectual Property*, organized jointly by WIPO and the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), took place in Geneva. The 15 participants came from Australia, China, France, Hungary, India, Italy, Peru, Sweden, the United Kingdom, the United States of America, and WIPO. The Working Group discussed *inter alia*: the collection of infor-

mation on existing teaching materials; the classification of teaching materials under different subjects; and the location and dissemination of teaching materials.

##### II. Copyright Questions of Topical Interest

###### Objective

The objective is to look for solutions to specific questions of a legal nature and of topical interest, in the fields of copyright and neighboring rights. These questions are of topical interest because they are raised by recent changes in the social, economic or technological environment in which mankind lives.

###### Activities

In January, a *Committee of Governmental Experts on Model Provisions for National Laws on Employed Authors* convened by WIPO and Unesco met in Geneva. Experts from the following 22 countries attended the meeting: Algeria, Bangladesh, Denmark, Finland, Germany (Federal Republic of), Hungary, India, Italy, Japan, Luxembourg, Norway, Panama, Philippines, Portugal, Soviet Union, Spain, Sweden, Switzerland, Thailand, Tunisia, United Kingdom, United States of America. Also represented in the meeting were three intergovernmental organizations (Arab Educational, Cultural and Scientific Organization (ALECSO), Council of Europe (CE), International Labour Organisation (ILO)) and ten international non-governmental organizations (European Broadcasting Union (EBU), International Association of Conference Interpreters (AIIC), International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM), International Confederation of Societies of Authors and Composers (CISAC), International Federation of Film Producers Associations (FIAPF), International Federation of Journal-

\* This article is the second part of a report on the main activities of WIPO in general and in the fields of copyright and neighboring rights. Activities in the field of industrial property are covered in a corresponding report in the review *Industrial Property*.

The first part dealt with the activities of WIPO as such and with development cooperation activities in the fields of copyright and neighboring rights (see *Copyright*, 1987, pp. *et seq.*). The second part deals with other activities in those fields.

ists (IFJ), International Group of Scientific, Technical and Medical Publishers (STM), International Literary and Artistic Association (ALAI), International Publishers Association (IPA), International Secretariat for Arts, Mass Media and Entertainment Trade Unions (ISETU)).

The meeting was opened by the Director General of WIPO and by a representative of the Director General of Unesco.

The purpose of the meeting was to draw up model provisions for national laws on the rights and obligations of employed authors, and the corresponding rights and obligations of their employers, in the case of works protected by copyright and created in the course of employment.

It was agreed that the Model Provisions should be limited to some general rules with regard to the rights and obligations of employed authors and employers. It was understood that in the case of certain types of works (for example, cinematographic works, works of architecture, computer programs) special provisions existed already or might be necessary which differed from the Model Provisions.

In May, a *WIPO International Forum on the Collective Administration of Copyrights and Neighboring Rights* was held in Geneva.

There were 160 participants: the delegates of 35 States (Algeria, Argentina, Australia, Brazil, Bulgaria, Cameroon, Canada, Czechoslovakia, Egypt, Finland, France, Germany (Federal Republic of), Guatemala, Guinea, Hungary, India, Israel, Italy, Japan, Luxembourg, Madagascar, Malaysia, Mexico, Morocco, Netherlands, Norway, Portugal, Saudi Arabia, Spain, Sweden, Switzerland, Thailand, Tunisia, United Kingdom, Uruguay), 21 guest speakers, representatives of five international organizations (ALECSO, Commission of the European Communities (CEC), ILO, League of Arab States (LAS), United Nations Educational, Scientific and Cultural Organization (UNESCO)) and 20 international non-governmental organizations (AIIC, ALAI, ATRIP, BIEM, CISAC, EBU, European Tape Industry Council (ETIC), FIAPF, IFJ, International Association of Broadcasting (IAB), International Confederation of Free Trade Unions (ICFTU), International Federation of Actors (FIA), International Federation of Musicians (FIM), International Federation of Translators (FIT), International Federation of Phonogram and Videogram Producers (IFPI), IPA, ISETU, Latin-American Federation of Performers (LAFP), Max Planck Institute for Foreign and International Patent, Copyright, and Competition Law, STM), interested private circles and members of the public.

The discussions were presided over by the Director General. They were based on the presentations of 21 invited experts coming from developing and

developed countries, both market economy and socialist, and were concentrated on the following questions:

(i) In what cases is collective administration preferable to individual agreement between the holder of a right and the prospective user?

(ii) What are the types of work and types of use for the administration of which right holders and/or commercial users should be represented by an association or other entity? Should there be different associations or other entities for the administration of different rights? Should there be several associations for the administration of the same rights?

(iii) How can "blanket" licensing and equitable distribution of royalties be ensured where not all the commercial users and not all the right holders have given power to the associations or other entities to represent them?

(iv) What supervision, if any, should governments exercise over associations or other entities, particularly if they are in a near-monopolistic position and if they "represent" also persons from whom they have not received the power of representation?

(v) On what principles should the distribution of moneys received by an association or other entity representing right holders be based? Should an association or other entity be allowed to give some of the money collected under copyright and neighboring rights laws to entities or persons other than those persons whose works or performances have "earned" the money?

(vi) Should it be permissible to give less money to a right holder who is a foreigner than to one who is a national where the extent of the use is the same?

At the close of their discussions, the participants unanimously adopted the following declaration:

*"The participants in the WIPO International Forum on the Collective Administration of Copyrights and Neighboring Rights, organized by the World Intellectual Property Organization (WIPO) and held at the headquarters of that Organization at Geneva from May 12 to 14, 1986,*

*Express the view that the Forum was very useful since it allowed, thanks to the exchange of information and discussion that took place between the participants, particularly the representatives of governments, intergovernmental and non-governmental organizations, and among the latter, the leading federations and other organizations representing authors, performers, publishers, film makers, television and radio broadcasters and phonogram producers:*

*"(i) identification of the kinds of works, performances, etc., and the kinds of uses of such works, performances, etc., concerning which the collection of license fees paid by users and the distribution of the collected license fees among those entitled to them is taking place or should take place through collective administration;*

*"(ii) arriving at a better awareness of possible improvements in the national legislations and in the practices of the collection and distribution of license fees—including im-*

provements in the establishment of proof of ownership and enforcement of copyrights and neighboring rights—whether based on legislative provisions, contractual arrangements or custom;

“(iii) full realization that the governments and the public require continuing and constant information about the fact that remunerating authors and holders of neighboring rights is a matter of justice and is in the public interest and about the fact that the collective administration of authors’ rights and of neighboring rights renders great services—if it is not, in certain circumstances, outright indispensable—to both the right holders and the users;

“Express the view that the establishment of collective administration systems should be encouraged wherever individual licensing is not practicable and as a preferable alternative to non-voluntary licenses, even where such licenses could be admitted under the Berne Convention for the Protection of Literary and Artistic Works and the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations;

“Would welcome it if WIPO were to continue to make governments and the concerned interested circles increasingly aware of the importance of appropriate systems of collective administration of copyrights and neighboring rights and were to stimulate further international discussion in this field;

“Consider it desirable that WIPO

— collect, study and make available to governments and the concerned interested circles information on legal provisions, contractual solutions, statistical survey methods and results, and other factual data concerning the collection and distribution of royalties and other fees, as well as on methods of effective enforcement and certain other elements of collective administration systems, particularly information and data on the impact of new technologies on the enforceability of copyrights and neighboring rights;

— continue to pay particular attention to rendering assistance in the setting up or strengthening of collective administration systems in developing countries.”

In June, a *Committee of Governmental Experts on Audiovisual Works and Phonograms* convened by WIPO and Unesco met in Paris.

Experts from the following 43 States attended the meeting: Angola, Argentina, Belgium, Brazil, Cameroon, Canada, Central African Republic, Costa Rica, Czechoslovakia, Ecuador, Finland, France, Germany (Federal Republic of), Guinea, Holy See, Hungary, India, Italy, Japan, Jordan, Kuwait, Mexico, Nepal, Netherlands, Norway, Oman, Peru, Philippines, Poland, Portugal, Republic of Korea, Saudi Arabia, Senegal, Soviet Union, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Turkey, United Kingdom, United States of America, Venezuela. Two States—Australia and Panama—were represented by observers.

Participating as observers were representatives of two intergovernmental organizations and 22 international non-governmental organizations: AL-ECSO, CEC, ALAI, ATRIP, BIEM, CISAC, EBU, ETIC, FIA, FIAPF, FIM, ICFTU, IFPI, International Alliance for Diffusion by Wire (AID), International Association of Sound Archives (IASA), International Catholic Organization for Cinema and Audiovisual (OCIC), International Chamber of

Commerce (ICC), International Copyright Society (INTERGU), International Federation of Associations of Film Distributors (FIAD), International Film and Television Council (IFTC), International Music Council (IMC), IPA, ISETU, LAFP.

The purpose of the meeting was to discuss the various copyright and neighboring rights issues in relation to audiovisual works and phonograms for the purpose of arriving at certain “principles” which could serve as guidance for governments when they have to deal with those issues.

It was understood that the principles had no binding force and their purpose was merely to indicate directions which seemed to be reasonable in the search for solutions that, by safeguarding the rights of the authors and other owners of rights in literary and artistic works and other intellectual creations protected by copyright or neighboring rights, gave them fair treatment and promoted the creative activity eminently necessary for safeguarding the cultural identity of every nation.

The discussion took place on the basis of the Memorandum on Questions Concerning the Protection of Copyright and Rights of Performers, Phonogram Producers and Broadcasting Organizations in Respect of Audiovisual Works and Phonograms prepared by the Secretariats of WIPO and Unesco.

In the general debate, a great number of participants emphasized the usefulness of elaborating principles which could be proposed as guidance to national legislators in the establishment of rules providing for adequate protection of all right owners, particularly in connection with the new forms of exploitation of audiovisual works and phonograms.

After the general debate, the Committee discussed in detail the 38 principles on the protection of audiovisual works covering the following subjects: piracy, private copying, rental and public lending, satellite broadcasting—including both direct broadcasting satellites and fixed service satellites—cable distribution in general and cable distribution of programs transmitted by fixed service satellites and the 46 principles on the protection of phonograms covering the same subjects as well as the question of the secondary uses of phonograms for broadcasting or for other communication to the public. Several comments were made which were duly reflected in the report of the meeting.

A great number of participants strongly condemned piracy in respect of audiovisual works and phonograms. On the basis of a draft submitted by several delegations, the Committee adopted the following resolution:

“The Unesco/WIPO Committee of Governmental Experts on Audiovisual Works and Phonograms, meeting in Paris from June 2 to 6, 1986, proposes that the appropriate bodies of the Berne and Universal Copyright Conventions endorse the resolution along the following lines:



"Recognizing that the enormous growth of the worldwide commercial piracy of audiovisual works and phonograms is posing a danger to national creativity, to cultural development, to local industry, and to intellectual property rights,

"Urges that States should in their national laws introduce the rights guaranteed under the international conventions in this field, and invites the States which are not parties to these conventions to adhere to them and bring their legislation up to date so as to take fully into account the new technological uses of intellectual property,

"Expresses the strong conviction that the adequate and effective protection of all right holders under the conventions requires the provision of criminal sanctions in national law of sufficient severity to punish and deter piracy, and effective enforcement of such criminal sanctions,

"Acknowledges that such sanctions should include fines and/or imprisonment terms appropriate to other serious thefts of property in the country concerned; provisions for the seizure and destruction of infringing copies and the equipment used in their production; measures to prevent importation into Convention States; and, procedures to facilitate the detection and proof of piracy."

The Committee noted that the Secretariats would report on the results of the meeting to the next extraordinary sessions of the Executive Committee of the Berne Convention and the Intergovernmental Committees established by the Universal Copyright Convention and the Rome Convention.

In June, a *Revision of the Statutes of the Unesco/WIPO Joint Consultative Committee on the Preparation and Implementation of the Activities of the Joint International Unesco/WIPO Service for Access by Developing Countries to Works Protected by Copyright* was carried out. Reconstituted recently, the Committee consists of six experts drawn from amongst publishers, copyright specialists and government officials. It gives advice to the Directors General of WIPO and Unesco on intellectual and technical assistance to developing countries regarding methods of acquiring copyright. Such advice includes how to approach, at the request of interested parties in any developing country, parties concerned in countries producing printed or audiovisual material, as well as how to set up a machinery to enable the payment of royalties owed by users in developing countries to copyright owners in foreign countries.

In October, a *Committee of Governmental Experts on Works of Architecture* convened by WIPO and Unesco met in Geneva.

The purpose of the meeting was to discuss the various copyright issues arising in relation to works of architecture with a view to devising certain "principles" which, together with comments, could afford guidance to governments when they had to deal with those issues. As explained in the Committee of Governmental Experts on Audiovisual Works and Phonograms (see above), it was understood that the principles had no binding force and that their pur-

pose was merely to indicate directions that seemed reasonable in the search for solutions.

Experts from the following 20 States attended the meeting: Algeria, Austria, Cameroon, Denmark, Finland, German Democratic Republic, Hungary, India, Italy, Japan, Lebanon, Madagascar, Netherlands, Peru, Spain, Sweden, Switzerland, United Kingdom, United Republic of Tanzania, United States of America. One State—Brazil—was represented by an observer. The Palestine Liberation Organization (PLO) was represented at the meeting by an observer.

Also participating as observers were representatives from one intergovernmental organization (ILO) and four international non-governmental organizations (ATRIP, IPA, Max Planck Institute, World Crafts Council (WCC)).

Discussions were based on the Memorandum on Questions Concerning the Protection of Works of Architecture and Works Relative to Architecture prepared by the Secretariats of WIPO and Unesco.

In the general debate, a number of delegations emphasized the usefulness of devising principles which could be proposed as a guide to national legislators in the establishment of rules providing adequate protection for the owners of the rights associated with works of architecture and works relative to architecture.

Several delegations stated that, in general, the principles and the statements contained in the Memorandum were acceptable to their governments and that they would have comments to make only concerning details or particular parts of the document under discussion.

After the general debate, the Committee discussed in detail the seven principles of the protection of works of architecture and works relative to architecture covering the following subjects: works in the field of architecture, the protection of economic rights, the protection of moral rights, the protection of the external image of works of architecture.

The Committee noted that the Secretariats would report on the results of the meeting to the next sessions of the Executive Committee of the Berne Union and the Intergovernmental Committee established under the Universal Copyright Convention.

In December, a *Committee of Governmental Experts on Works of Visual Art* convened by WIPO and Unesco met in Paris.

The purpose of the meeting was to discuss the various copyright issues arising in relation to works of visual art with a view to devising certain "principles" which, together with comments, could afford guidance to governments when they had to deal with those issues. As in the case of audiovisual works and phonograms and of works of architecture

(see above), it was understood that the principles had no binding force and that their purpose was merely to indicate directions that seemed reasonable in the search for solutions.

Experts from the following 47 States attended the meeting: Algeria, Bangladesh, Belgium, Brazil, Cameroon, Canada, Costa Rica, Côte d'Ivoire, Democratic Kampuchea, Denmark, Egypt, Finland, France, Germany (Federal Republic of), Ghana, Guinea, Holy See, Hungary, India, Iran (Islamic Republic of), Italy, Jordan, Kuwait, Mali, Mexico, Morocco, Nepal, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Soviet Union, Spain, Sri Lanka, Sweden, Switzerland, Syria, Thailand, Tunisia, Turkey, United Kingdom, United States of America, Venezuela. One State—Djibouti—was represented by an observer. The Palestine Liberation Organization (PLO) was represented at the meeting by an observer.

Also participating as observers were representatives from four intergovernmental organizations (African Intellectual Property Organization (OAPI), Agency for Cultural and Technical Cooperation (ACCT), ALECSO, CEC) and 17 international non-governmental organizations (ALAI, CISAC, FIT, ICFTU, Inter-African Union of Lawyers (UIAA), INTERGU, International Association of Art (IAA), International Commission of Jurists (ICJ), International Confederation of Professional and Intellectual Workers (CITI), International Council on Archives (ICA), International Union of Architects (UIA), IPA, ISETU, Law Association for Asia and the Western Pacific (LAWASIA), Max Planck Institute, OCIC, WCC).

The meeting was opened by the Director General of WIPO and a representative of the Director-General of Unesco.

Discussions were based on the Memorandum on Questions Concerning the Protection of Works of Visual Art prepared by the Secretariats of WIPO and Unesco.

In the general debate, a number of delegations emphasized the usefulness of devising principles which would be proposed as a guide to national legislators in the establishment of rules providing adequate protection for the owners of the rights associated with works of visual art in particular, as this category of works generally tended to be given little attention.

Some delegations stated that, in general, the principles and the comments contained in the Memorandum were broadly acceptable to their governments and that they would make comments only concerning details or particular points of the document under discussion.

After the general debate, the Committee discussed in detail the seven principles of the protec-

tion of works of visual art covering the following subjects: the field of works of visual art, the use of computer systems for the creation of works of visual art, the distinction between copyright in the work and the right of ownership of the physical object constituting the work, moral rights, economic rights, *droit de suite*.

The Committee noted that the Secretariats would report on the results of the meeting to the next sessions of the Executive Committee of the Berne Union and the Intergovernmental Committee established under the Universal Copyright Convention.

### III. Cooperation with States and Organizations in Matters Concerning Copyright and Neighboring Rights

#### Objective

The objective is to ensure that, through regular contacts between WIPO on the one hand and the governments of States and international organizations on the other, there should be full awareness of what is being done and planned on either side in order mutually to inspire more and more useful activities, to combine forces whenever possible and to avoid unnecessary duplication.

#### Activities

WIPO continued to cooperate with States, with intergovernmental organizations and with international and national non-governmental organizations.

#### States

*Israel.* In May, a WIPO official participated, at the invitation of the Government of Israel, in a seminar in Tiberias on copyright questions raised by new technologies.

*Japan.* In May, the Permanent Representative of Japan in Geneva conferred on the Director General, on behalf of His Majesty the Emperor of Japan, the decoration of the First Class Order of the Sacred Treasure. The citation says, among other things, that the decoration is "in recognition of the meritorious services [the Director General has] rendered as well as [his] leadership for the protection of intellectual property throughout the world."

*Spain.* In July, a WIPO official participated in the International Seminar on Illegal Reprography and Publishing, which was organized in Santander

jointly by the Spanish Ministry of Culture, the Association of Spanish Publishers and the International Menendez Pelayo University.

*Thailand.* In September, the Permanent Representative of Thailand in Geneva conferred on the Director General, on behalf of His Majesty the King of Thailand, the decoration of the Most Exalted Order of the White Elephant, Third Class Commander.

*United States of America.* In January, a WIPO official had discussions in Washington, D.C. with government officials and organizations in the private sector on questions relating to various intellectual property matters.

#### *Intergovernmental Organizations*

*Council of Europe (CE).* In October, WIPO was represented at a meeting of the Committee of Experts in the Media Fields of the Council of Europe in Strasbourg. The Committee discussed legal questions relating to private copying of sound and audiovisual recordings and the measures to combat piracy in the fields of copyright and neighboring rights.

*Customs Co-operation Council (CCC).* In April and May, a WIPO official participated in Brussels in meetings of the Permanent Technical Committee of the CCC devoted to the Role of Customs in Implementing Industrial Property and Copyright Law.

*GATT.* In September, WIPO participated as observer in the session at Ministerial Level of the Contracting Parties to the General Agreement on Tariffs and Trade (GATT) which was held in Punta del Este, Uruguay.

*Interamerican Copyright Institute (IIDA).* In October, a WIPO consultant participated in an Interdisciplinary Round Table on Software and Copyright which was organized in Buenos Aires by the Interamerican Copyright Institute.

*Organisation for Economic Co-operation and Development (OECD).* In January, a Deputy Director General and another WIPO official had discussions in Paris on possible cooperation between WIPO and OECD.

*Organization of the Islamic Conference (OIC).* In May, a WIPO official visited New York and held discussions with the Ambassador, Permanent Representative of the OIC to the United Nations, regarding the possibility of concluding a cooperation agreement between the two organizations. A draft agreement was discussed and re-submitted to the OIC.

In July, a WIPO official attended the second General Meeting between the Secretariats of the United Nations system and the Secretariat of the Islamic Conference. He discussed possible cooperation between WIPO and the OIC with officials of the OIC.

#### *Other Organizations*

In February, WIPO was represented at a meeting of the Executive Committee of the International Literary and Artistic Association (ALAI) in Paris. The meeting dealt with copyright questions of topical interest and the preparation of the next Congress of ALAI to be held in Berne in September 1986, and elected the new Bureau of ALAI.

In May, WIPO was represented at the annual meeting of the Legal and Legislation Committee of the International Confederation of Societies of Authors and Composers (CISAC) in Brussels.

In September, a WIPO official participated in the Congress of ALAI held in conjunction with the commemoration in Berne of the centenary of the Berne Convention.

In October, a WIPO official participated in the Congress of CISAC in Madrid.

In October, a WIPO official participated in the Congress of the International Federation of Musicians (FIM) in Vienna.

**Studies**

**The Legal Protection of Computer Programs**

Vesna BESAROVIĆ\*















## Correspondence

### Letter from Portugal

Luiz Francisco REBELLO\*



















## Calendar of Meetings

### WIPO Meetings

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

1987

- May 4 to 15 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Search Information
- May 5 to 8 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property
- May 11 to 13 (Geneva) — Vienna Union: Working Group on the International Classification of the Figurative Elements of Marks
- May 11 to 15 (Paris) — Committee of Governmental Experts on Dramatic, Choreographic and Musical Works (convened jointly with Unesco)
- May 18 to 23 and 26 (Geneva) — Consultative Meeting on the Revision of the Paris Convention (Third Session)
- May 25 to 29 (Geneva) — Committee of Experts on the Protection Against Counterfeiting (Second Session)
- May 28 (Geneva) — WIPO Coordination Committee (Extraordinary Session)
- June 4 and 5 (Ithaca) — Symposium on the Protection of Biotechnological Inventions
- June 11 to 19 (Washington) — Permanent Committee on Patent Information (PCPI): Working Groups on Special Questions and on Planning
- June 15 and 16 (Geneva) — Symposium on Effective Protection of Industrial Property Rights
- June 22 to 26 (Geneva) — Madrid Union: Working Group on Links Between the Madrid Agreement and the Proposed (European) Community Trade Mark
- June 22 to 30 (Geneva) — Berne Union: Executive Committee (Extraordinary Session) (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)
- June 29 to July 3 (Geneva) — Committee of Experts on Biotechnological Inventions and Industrial Property (Third Session)
- July 1 to 3 (Geneva) — Rome Convention: Intergovernmental Committee (Ordinary Session) (convened jointly with ILO and Unesco)
- September 2 to 4 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Patent Information for Developing Countries
- September 7 to 11 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation (PCT/CTC)
- September 14 to 19 and 22 (Geneva) — Consultative Meeting on the Revision of the Paris Convention (Fourth Session)
- September 21 to 30 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT, Budapest, TRT, Vienna and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union): Ordinary Sessions
- October 5 to 9 (Geneva) — Committee of Governmental Experts on Works of Applied Art (convened jointly with Unesco)
- November 2 to 6 (Geneva) — Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions (Fourth Session)
- November 23 to December 4 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Search Information
- December 3 and 4 (Geneva) — Joint Unesco-WIPO Consultative Committee on the Access by Developing Countries to Works Protected by Copyright (convened jointly with Unesco)
- December 7 to 11 (Geneva) — Committee of Governmental Experts on the Printed Word (convened jointly with Unesco)

## UPOV Meetings

### 1987

- June 2 to 4 (Bamberg) — Technical Working Party for Vegetables
- June 10 to 12 (Copenhagen) — Technical Working Party on Automation and Computer Programs
- June 23 to 25 (Geneva) — Technical Working Party for Agricultural Crops
- October 13 and 14 (Geneva) — Technical Committee
- October 15 and 16 (Geneva) — Administrative and Legal Committee
- October 17 (Geneva) — Subgroup on Biotechnology
- October 19 (Geneva) — Consultative Committee
- October 20 (Geneva) — Meeting with International Organizations
- October 21 and 22 (Geneva) — Council

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

### Non-Governmental Organizations

### 1987

- May 21 to 23 (Warsaw) — International Confederation of Societies of Authors and Composers (CISAC): Legal and Legislation Committee
- June 1 and 2 (Sorrento) — International Literary and Artistic Association (ALAI): Study Session
- July 20 to 22 (Cambridge) — International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting

### 1988

- June 12 to 17 (London) — International Publishers Association (IPA): Congress

