

Published monthly
Annual subscription:
160 Swiss francs
Each monthly issue:
20 Swiss francs

Copyright

27th year – No. 4
April 1991

Monthly Review of the
World Intellectual Property Organization (WIPO)

Contents

NOTIFICATIONS CONCERNING TREATIES	
WIPO Convention. Accession: San Marino	81
WIPO MEETINGS	
Film Register Treaty (FRT) Union. Assembly. First Session (1st Extraordinary) (Geneva, February 27 and 28, 1991)	82
STUDIES	
Duration of Term of Protection Under the Berne Convention, by <i>Sam Ricketson</i>	84
CORRESPONDENCE	
Letter from Costa Rica, by <i>Carlos Corrales</i>	94
CALENDAR OF MEETINGS	98

COPYRIGHT AND NEIGHBORING RIGHTS LAWS AND TREATIES
(INSERT)

Editor's Note

GERMANY

Law to Reinforce the Protection of Intellectual Property and to Combat the Piracy
of Products (of March 7, 1990) (*Extracts*) Text 1-01

WIPO 1991

ISSN 0010-8626

Any reproduction of official notes or reports, articles and translations of laws or agreements, published
in this review, is authorized only with the prior consent of WIPO.

Notifications Concerning Treaties

WIPO Convention

Accession

SAN MARINO

The Government of San Marino deposited, on March 26, 1991, its instrument of accession to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, and amended on October 2, 1979.

The said Convention, as amended on October 2, 1979, will enter into force, with respect to San Marino, on June 26, 1991.

WIPO Notification No. 152, of March 26, 1991.

WIPO Meetings

Film Register Treaty (FRT) Union

ASSEMBLY

First Session (1st Extraordinary)
(Geneva, February 27 and 28, 1991)

NOTE

prepared by the International Bureau of WIPO

The Assembly of the Union for the International Registration of Audiovisual Works (Film Register Treaty (FRT) Union) held its first session (1st extraordinary) at the headquarters of WIPO on February 27 and 28, 1991*.

The following five States are members of the Assembly and were represented at the session: Austria, Burkina Faso, Czechoslovakia, France, Mexico. The following States were represented by observers: Brazil, Chile, Hungary, India, Soviet Union. The following non-governmental organizations were also represented by observers: Association for the International Collective Management of Audiovisual Works (AGICOA), International Association of Audio-Visual Writers and Directors (AIDAA), International Confederation of Societies of Authors and Composers (CISAC), International Federation of Associations of Film Distributors (FIAD), International Federation of Film Producers Associations (FIAPF), International Federation of the Phonographic Industry (IFPI). The list of participants follows this note.

The Assembly elected as Chairman Mr. Christian Zeileissen (Austria) and as Vice-Chairmen Mr. André Roch Palenfo (Burkina Faso) and Mrs. Hélène Raymondaud (France).

The Assembly adopted its Rules of Procedure and decided about the admission of observers to this and future sessions of the Assembly. Also, it adopted the program and budget of the Union for the rest of the year 1991 as well as the financial regulations of the Union. Switzerland was designated as auditor of the accounts of the Union up to

and including the year 1993. The Assembly decided, as provided for in Article 5(3)(a)(vii) of the Treaty, to establish a Consultative Committee consisting of representatives of interested non-governmental organizations and determined the initial membership of that Committee and adopted its Rules of Procedure. The initial members of the Consultative Committee are: American Film Marketing Association (AFMA), Association for the International Collective Management of Audiovisual Works (AGICOA), European Broadcasting Union (EBU), European Federation of Audiovisual Filmmakers (FERA), Independent Film Producers International Association (IFPIA), International Association of Audio-Visual Writers and Directors (AIDAA), 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 Associations of Film Distributors (FIAD), International Federation of Film Producers Associations (FIAPF), International Federation of the Phonographic Industry (IFPI), Sovexportfilm (SEF).

The Consultative Committee held its first session immediately after its establishment and gave its advice on proposed amendments to the Regulations under the Treaty and on the draft Administrative Instructions including the draft Schedule of Fees and draft Forms prepared by the Director General. (Those Administrative Instructions shall, according to Rule 9(2) of the Regulations, be drawn up, and be modified by the Director General after consultation of the Consultative Committee.)

Following the meeting of the Consultative Committee, the Assembly adopted the proposed amendments to the Regulations, which are reproduced in Annex I to this Note.

* Concerning the Diplomatic Conference for the Conclusion of a Treaty on the International Registration of Audiovisual Works, see *Copyright*, 1989, p. 165.

The Assembly decided that the date of the commencement of the operation of the International Film Register be September 1, 1991.

ANNEX I

Amendments to the Regulations Under the Treaty Adopted by the First Session (1st Extraordinary) of the Assembly of the Film Register Treaty (FRT) Union

1. Rule 1(vi) of the Regulations under the Treaty on the International Registration of Audiovisual Works (hereinafter referred to as "the Regulations") is amended to read as follows:

"(vi) 'person-related application' means an application that describes one or more existing or future work or works, not identified by its or their title or titles, at least by indicating the natural person who or legal entity which has made, or owns, or is expected to make or own, the work or works, and requests that statements in respect of the interest of the applicant, or of a third person identified in the application, be registered in the International Registry; 'person-related registration' means a registration effected pursuant to a person-related application;"

2. A new Rule, numbered 1*bis*, is inserted in the Regulations after Rule 1. It reads as follows:

"Rule 1*bis*: Eligibility in the Case of Several Applicants

"Where more than one natural person or legal entity files the same application, the requirements specified in Article 3(5)(a) of the Treaty shall be considered as fulfilled if any of them is entitled to file an application under the said Article."

3. Rule 2(4) of the Regulations is amended to read as follows:

"(4) [Name and Address of Certain Third Persons Referred to in the Application] Where an application refers to a natural person or legal entity, other than the applicant, from whom or from which a right of exploitation is derived, or to whom or to which such a right is assigned, licensed or otherwise transferred, the application shall indicate, as prescribed, the name and address of such person or entity."

4. Rule 2(5)(b) of the Regulations is amended to read as follows:

"(b) Any person-related application shall describe the work or works in which the applicant has an interest. It shall do so by at least indicating the natural person who or the legal entity which has made or owns, or is expected to make or own, the work or works."

5. Rule 2(13) of the Regulations is amended to read as follows:

"(13) [Fees] For each application, the applicant shall indicate the prescribed data necessary for the calculation of the fee and pay the prescribed fee, which must reach the International Registry not later than the day on which the application is received by the International Registry. If the prescribed data necessary for the calculation of the fee is communicated to the International Registry and the prescribed fee reaches the International Registry within 30 days from

the date on which the application was actually received by the International Registry, the application shall be considered as having been received by the International Registry on the date on which the prescribed data necessary for the calculation of the fee had been communicated to the International Registry and the prescribed fee has reached the International Registry, whichever occurs later."

6. Rule 7(4) of the Regulations is amended to read as follows:

"(4) [Monitoring Service] The International Registry shall, against the payment of the prescribed fee, give written information, promptly after each registration is effected,

(i) on all registrations effected in respect of a given work;

(ii) in respect of all registrations that concern a given natural person or legal entity, provided that it is the person or entity concerned, or a third person authorized by the person or entity concerned, who or which requests such a service."

ANNEX II

List of Participants

I. Contracting States

Austria: C. Zeileissen; E. Nettel; T.M. Baier; H. Preclik; E.A. Peterlunger; H. Gerhartinger. Burkina Faso: A.R. Palenfo. Czechoslovakia: J. Kordač; M. Zich. France: H. Raymondaud. Mexico: M. Vargas-Campos; I. Naveja.

II. Observer States

Brazil: M. Coelho. Chile: P. Romero. Hungary: P. Gyertyanfy. India: L. Puri. Soviet Union: V. Matsarski.

III. Non-Governmental Organizations

Association for the International Collective Management of Audiovisual Works (AGICOA): M.-P. Costis. International Association of Audio-Visual Writers and Directors (AIDAA): P.-H. Dumont. International Confederation of Societies of Authors and Composers (CISAC): P.-H. Dumont. International Federation of Associations of Film Distributors (FIAD): G. Grégoire. International Federation of Film Producers Associations (FIAPF): A. Chaubeau; A. Brisson. International Federation of the Phonographic Industry (IFPI): E. Orf; E. Thompson.

IV. Officers

Chairman: C. Zeileissen (Austria). Vice-Chairmen: A.R. Palenfo (Burkina Faso); H. Raymondaud (France). Secretary: M. Ficsor (WIPO).

V. International Bureau of the World Intellectual Property Organization (WIPO)

H. Olsson (Director, Copyright and Public Information Department); T. Keefer (Controller and Director, Budget and Finance Division); G. Ledakis (Legal Counsel and Director, General Administrative Services); M. Ficsor (Director, Copyright Law Division); P. Masouyé (Senior Legal Officer, Copyright Law Division); R. Owens (Senior Legal Officer, Copyright Law Division).

Studies

Duration of Term of Protection Under the Berne Convention

Sam RICKETSON*

Correspondence

Letter from Costa Rica

Carlos CORRALES*

Calendar of Meetings

WIPO Meetings

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

1991

May 21 to 27 (Madrid)

Working Group on the Application of the Madrid Protocol of 1989 (Third Session)

The Working Group will continue to study Regulations for the implementation of the Madrid Protocol.

Invitations: States members of the Madrid Union, States having signed or acceded to the Protocol, the European Communities and, as observers, other States members of the Paris Union expressing their interest in participating in the Working Group in such capacity and certain non-governmental organizations.

June 3 to 28 (The Hague)

Diplomatic Conference for the Conclusion of a Treaty Supplementing the Paris Convention as far as Patents are Concerned

The Diplomatic Conference will negotiate and adopt a Treaty Supplementing the Paris Convention as far as Patents are Concerned (Patent Law Treaty).

Invitations: States members of the Paris Union, the European Patent Organisation and the Organisation africaine de la propriété intellectuelle and, as observers, States members of WIPO not members of the Paris Union and certain organizations.

June 19 to 21 (Paris)

Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations: Intergovernmental Committee (Ordinary Session) (convened jointly with ILO and Unesco)

The Committee will review the status of the international protection of neighboring rights under the Rome Convention.

Invitations: States members of the Intergovernmental Committee and, as observers, other States members of the United Nations and certain organizations.

July 1 to 4 (Geneva)

WIPO Permanent Committee for Development Cooperation Related to Industrial Property (Fourteenth Session)

The Committee will review and evaluate the activities undertaken under the WIPO Permanent Program for Development Cooperation Related to Industrial Property since the Committee's last session (May/June 1989) and make recommendations on the future orientation of the said Program.

Invitations: States members of the Committee and, as observers, States members of the United Nations not members of the Committee and certain organizations.

July 8 to 12 (Geneva)

PCT Assembly (Extraordinary Session)

The Assembly will hold an extraordinary session to adopt amendments to the Regulations under the Patent Cooperation Treaty.

Invitations: States members of the PCT Union and, as observers, States members of the Paris Union not members of the PCT Union and certain organizations.

September 2 to 6 (Geneva)

Committee of Experts on the Settlement of Intellectual Property Disputes Between States (Third Session)

The Committee will continue the preparations for a possible multilateral treaty.

Invitations: States members of the Paris Union, the Berne Union or WIPO or party to the Nairobi Treaty and, as observers, certain organizations.

September 23 to October 2 (Geneva)

Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Second Series of Meetings)

All the Governing Bodies of WIPO and the Unions administered by WIPO meet in ordinary session every two years in odd-numbered years. In the 1991 sessions, the Governing Bodies will, *inter alia*, review and evaluate activities undertaken since July 1990, and consider and adopt the draft program and budget for the 1992-93 biennium.

Invitations: As members or observers (depending on the body), States members of WIPO or the Unions and, as observers, other States members of the United Nations and certain organizations.

- November 4 to 8 (Geneva)** **Committee of Experts on a possible Protocol to the Berne Convention (First Session)**
 The Committee will examine whether the preparation of a protocol to the Berne Convention for the Protection of Literary and Artistic Works should start, and—if so—with what content.
Invitations: States members of the Berne Union and, as observers, States members of WIPO not members of the Berne Union and certain organizations.
- November 11 to 18 (Geneva)** **Working Group on the Application of the Madrid Protocol of 1989 (Fourth Session)**
 The Working Group will continue to study Regulations for the implementation of the Madrid Protocol.
Invitations: States members of the Madrid Union, States having signed or acceded to the Protocol, the European Communities and, as observers, other States members of the Paris Union expressing their interest in participating in the Working Group in such capacity and certain non-governmental organizations.
- December 2 to 5 (Geneva)** **Committee of Experts on the International Protection of Geographical Indications (Second Session)**
 The Committee will examine a preliminary draft of a treaty on the international protection of indications of source and appellations of origin.
Invitations: States members of the Paris Union and, as observers, certain organizations.

UPOV Meetings

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

1991

- October 21 and 22 (Geneva)** **Administrative and Legal Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and intergovernmental organizations.
- October 23 (Geneva)** **Consultative Committee (Forty-Fourth Session)**
 The Committee will prepare the twenty-fifth ordinary session of the Council.
Invitations: Member States of UPOV.
- October 24 and 25 (Geneva)** **Council (Twenty-Fifth Ordinary Session)**
 The Council will examine the reports on the activities of UPOV in 1990 and the first part of 1991 and approve the program and budget for the 1992–93 biennium.
Invitations: Member States of UPOV and, as observers, certain non-member States and intergovernmental organizations.

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

Non-Governmental Organizations

1991

- May 12 to 16 (Dunkeld, United Kingdom)** **International Confederation of Societies of Authors and Composers (CISAC): Legal and Legislation Committee**

