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Copyright

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Monthly Review of the
World Intellectual Property Organization (WIPO)

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WIPO 1993

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Editor's Note

REGIONAL LAWS

European Communities

Council Directive (EEC) No. 92/100 of November 19, 1992, on Rental Right and Lending Right and on Certain Rights Related to Copyright in the Field of Intellectual Property

Text 1-01

Notifications Concerning Treaties Administered by WIPO in the Field of Copyright

Convention Establishing the World Intellectual Property Organization and Certain Other Treaties Administered by WIPO

Declaration

KAZAKHSTAN

The Government of the Republic of Kazakhstan deposited, on February 16, 1993, the following declaration:

“The Government of the Republic of Kazakhstan hereby declares that

- the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, and amended on September 28, 1979;
- the Paris Convention for the Protection of Industrial Property, of March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979;
- the Madrid Agreement Concerning the International Registration of Marks, of April 14,

1891, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979;
– the Patent Cooperation Treaty (PCT), of June 19, 1970, as amended on September 28, 1979, and modified on February 3, 1984,

continue to be applicable to the territory of the Republic of Kazakhstan and accepts, in respect of that territory, the obligations set forth in the said Conventions, Agreement and Treaty.

The Government of the Republic of Kazakhstan declares that, for the purpose of establishing its contribution towards the budget of the Paris Union, the Republic of Kazakhstan wishes to belong to Class VII.”

WIPO Notification No. 163, of February 16, 1993.

Phonograms Convention

Accession

CHINA

The Director General of the World Intellectual Property Organization (WIPO), in conformity with the provisions of Article 13(4) of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms, has informed the Governments of the States invited to the Diplomatic Conference on the Protection of Phonograms that, according to the notification received from the Secretary-General of the

United Nations, the Government of the People's Republic of China deposited, on January 5, 1993, its instrument of accession to the said Convention.

The said Convention will enter into force, with respect to the People's Republic of China, on April 30, 1993.

Phonograms Notification No. 50, of January 30, 1993.

Normative Activities of WIPO in the Field of Copyright

Working Group of Non-Governmental Organizations on Arbitration and Other Extra-Judicial Mechanisms for the Resolution of Intellectual Property Disputes Between Private Parties

(Second session)

(Geneva, November 25 to 27, 1992)

The Working Group of Non-Governmental Organizations on Arbitration and Other Extra-Judicial Mechanisms for the Resolution of Intellectual Property Disputes between Private Parties held its second session in Geneva from November 25 to 27, 1992.

The following 23 organizations were represented at the session: Association for the International Collective Management of Audiovisual Works (AGICOA), Association of Dutch Patent Agents (APA), Brazilian Association of Industrial Property (ABPI), Brazilian Association of Industrial Property Agents (ABAPI), Chartered Institute of Arbitrators (CI Arb), Committee of National Institutes of Patent Agents (CNIPA), Federal Chamber of Patent Attorneys (Patentanwaltskammer (PAK)) (FCPA), Federation of German Industry (BDI), Institute of Professional Representatives Before the European Patent Office (EPI), Inter-American Copyright Institute (IIDA), International Association for the Protection of Industrial Property (AIPPI), International Chamber of Commerce (ICC), International Confederation of Societies of Authors and Composers (CISAC), International Council of Societies of Industrial Design (ICSID), International Federation of Associations of Film Distributors (FIAD), International Federation of Computer Law Associations (IFCLA), International Literary and Artistic Association (ALAI), International Publishers Association (IPA), Japan Patent Association (JPA), Latin American Institute for Advanced Technology, Computer Science and Law (ILATID), Licensing Executives Society International (LESI), Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI), Union of Industrial and Employers' Confederations of Europe (UNICE). One expert, invited by the International Bureau, also participated in the meeting.

Discussions were based on a memorandum prepared by the International Bureau entitled "An Outline of Possible Services that Could be Provided by WIPO" (document ARB/WG/II/1). The Working Group considered the desirability of the provision of such services by WIPO, as well as the types of service that could be provided.

There was general agreement that WIPO should consider making available, in addition to the two procedures proposed in the working document (which were (i) mediation and default arbitration, and (ii) direct arbitration), two other forms of procedure, namely mediation without any obligatory link to arbitration and a form of mini-arbitration designed to provide quick and inexpensive settlements of small-scale disputes. It was considered particularly important that such a procedure be available for small and medium-sized enterprises, where the cost of long-drawn-out litigation, in terms of human and financial resources, could be destructive.

The Working Group had detailed discussions in particular on the following items: arbitrability of intellectual property rights, criteria for the qualifications and method of appointment of mediators and arbitrators, including consultations with parties, fees and the consequences of nonpayment of fees, the termination of mediations, the number of and challenges to arbitrators, discovery, whether reasons should be given for an arbitral decision, the place of arbitration and institutional arrangements.

The possible services that could be provided by WIPO in the resolution of intellectual property disputes between private parties will be further discussed at the third meeting of the Working Group to be held in 1993.

LIST OF PARTICIPANTS*

I. Organizations

Association for the International Collective Management of Audiovisual Works (AGICOA): P. Carruzzo. Association of Dutch Patent Agents (APA): M.J.W. Gelissen. Brazilian Association of Industrial Property (ABPI): J.A. Faria Correa. Brazilian Association of Industrial Property Agents (ABAPI): J.A. Faria Correa. Chartered Institute of Arbitrators (CI Arb): R. Briner; D. Brown-Berset. Committee of National Institutes of Patent Agents (CNIPA): U. Wittenzellner. Federal Chamber of Patent Attorneys (Patentanwaltskammer (PAK)), Germany (FCPA): U. Wittenzellner. Federation of German Industry (BDI): F. Kretschmer. Institute of Professional Representatives Before the European Patent Office (EPI): W. Holzer. Inter-American Copyright Institute (IIDA): A. Millé. International Association for the Protection of Industrial Property (AIPPI): J. Clark. International Chamber of Commerce (ICC): D. Haseher; X.A. de Mello; J.H. Kraus; D. Croze. International Confederation of Societies of Authors and Composers (CISAC): N'D. N'Diaye. International Council of

Societies of Industrial Design (ICSID): G. Adams. International Federation of Associations of Film Distributors (FIAD): A. Virenque. International Federation of Computer Law Associations (IFCLA): A. Millé; M.I. Sorondo. International Literary and Artistic Association (ALAI): G. Roussel. International Publishers Association (IPA): J.A. Koulchoumow. Japan Patent Association (JPA): Y. Kanezaki. Latin American Institute for Advanced Technology, Computer Science and Law (ILATID): A. Millé; M.I. Sorondo. Licensing Executives Society International (LES): D.H. O'Connor. Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI): J. Pagenberg. Union of Industrial and Employers' Confederations of Europe (UNICE): F. Kretschmer.

II. Experts

T. Arnold, United States of America; J.A. Faria Correa, Brazil.

III. International Bureau of WIPO

A. Bogsch (*Director General*); F. Gurry (*Director-Counsellor, Office of the Director General*); C. Graffigna (*Counsellor, Office of the Director General*); R. Sateler (*Assistant Legal Counsel, Office of the Legal Counsel*).

* A list containing the titles and functions of the participants may be obtained from the International Bureau.

Registration Systems Administered by WIPO

The Film Register (International Registration of Audiovisual Works) Treaty in 1992

New Member States. In 1992, Argentina acceded to the Treaty on the International Registration of Audiovisual Works (Film Register Treaty), and the Czech Republic and Slovakia deposited declarations of continued application of the Treaty to their respective territories, bringing the number of member States of the Treaty (as of January 1, 1993) to seven.

Administration. In 1992, the operation of the International Film Registry was fully computerized. Two hundred and eleven applications were received in 1992, all of which led to corresponding

registrations. The total number of registrations effected since the opening of the Registry on September 1, 1991, is 360.

Information and Promotion Services. In January, an official of the Registry visited the Centre international de la cinématographie in Paris to discuss the promotion of the use of, and increased adherence to, the Film Register Treaty.

In February, an official of the Registry visited the headquarters of Audiovisual Eureka in Brussels for the same purposes.

Activities of WIPO in the Field of Copyright Specially Designed for Developing Countries

Africa

Training Courses, Seminars and Meetings

WIPO National Workshop on Copyright Administration (Banjul). From December 2 to 4, 1992, WIPO organized in Banjul, in cooperation with the Government of the Republic of the Gambia, a WIPO National Workshop on Copyright Administration. The Workshop was attended by some 60 participants, among them government officials, judges, authors, artists and producers. Presentations were made by two WIPO consultants from Senegal and Sweden. Two WIPO officials also took part in the Workshop.

Assistance With Training, Legislation and Modernization of Administration

Ghana. In December 1992, a WIPO consultant from Switzerland and two WIPO officials undertook a mission to Accra to provide the Copyright

Society of Ghana (COSGA) with assistance in its collective administration work.

United Republic of Tanzania. In December 1992, two WIPO officials visited Dar es Salaam to discuss with government officials the modernization of the industrial property office and the country's proposed accession to the Berne Convention for the Protection of Literary and Artistic Works.

Also in December 1992, at the request of the Government of Zanzibar, two WIPO officials visited Zanzibar to hold discussions with local government officials on the modernization of Zanzibar's industrial property office and of its industrial property and copyright and neighboring rights laws.

African Intellectual Property Organization (OAPI). In December 1992, a WIPO official attended the 30th session of the OAPI Board, held in Abidjan at ministerial level. Several matters pertaining to cooperation between WIPO and OAPI were dealt with and a resolution thanking WIPO for its continuing assistance to OAPI was adopted.

Asia and the Pacific

Training Courses, Seminars and Meetings

WIPO National Seminar on the Protection of Intellectual Property Rights (Bangkok). On December 11 and 12, 1992, WIPO organized in Bangkok, in cooperation with the Department of Intellectual Property, Ministry of Commerce of Thailand, and with the assistance of the Government of France, a WIPO National Seminar on the Protection of Intellectual Property Rights. The Seminar was attended by some 100 participants, mostly lawyers and representatives from the private sector, as well as government officials. Presentations were made by two WIPO consultants from France, a WIPO official and a number of experts from Thailand, including officials from the Department of Intellectual Property.

Assistance With Training, Legislation and Modernization of Administration

Regional Program for Asia and the Pacific. In December 1992, an official from the UNDP Regional Office in Bangkok had discussions with WIPO officials in Geneva on cooperation between UNDP and WIPO concerning the development of the proposed Regional Program on Intellectual Property in Asia and the Pacific.

Brunei Darussalam. In December 1992, a government official had discussions in Geneva with WIPO officials on possible areas of cooperation in the field of intellectual property, including the eventuality of that country's accession to the WIPO Convention.

China. In December 1992, two officials of the Commission of the European Communities (CEC) had discussions in Geneva with WIPO officials on possible development cooperation projects in China.

Also in December 1992, a WIPO official participated in Beijing in discussions between officials of the Chinese Ministry of Foreign Economic Rela-

tions and Trade and various Chinese government organizations responsible for intellectual property matters on the one hand and officials of the CEC on the other in connection with a possible cooperation project in China concerning intellectual property, to be funded by the CEC. The discussions were also attended by an official of the European Patent Office (EPO).

Latin America and the Caribbean

Assistance With Training, Legislation and Modernization of Administration

El Salvador. In December 1992, at the request of the government authorities, the International Bureau prepared and sent comments on a draft

intellectual property law (covering both industrial property and copyright).

Suriname. In December 1992, at the request of the government authorities, the International Bureau prepared and sent draft laws on industrial property and copyright and neighboring rights.

Activities of WIPO in the Field of Copyright Specially Designed for European Countries in Transition to Market Economy

National Activities

Estonia. In December 1992, a professor of Tartu University visited WIPO as an official representative of the Government of Estonia and had discussions with WIPO officials on the question of

Estonia's accession to the Berne Convention for the Protection of Literary and Artistic Works.

Latvia. In December 1992, at the request of the government authorities, the International Bureau prepared and sent comments on the draft law on copyright and neighboring rights.

Contacts of the International Bureau of WIPO with Governments and International Organizations in the Field of Copyright

United Nations

United Nations Conference on Trade and Development (UNCTAD). In December 1992, a WIPO official attended in Geneva the first session of the

Ad Hoc Working Group on Comparative Experiences with Privatization.

United Nations Administrative Committee on Coordination (ACC). In November-December

1992, a WIPO official attended the 13th session of the ACC Task Force on Science and Technology for Development held in New York.

United Nations Development Programme. In December 1992, a WIPO official attended in New York the Inter-Agency Consultative Meeting (IACM) convened annually by UNDP.

General Agreement on Tariffs and Trade (GATT). In December 1992, a WIPO official attended the 48th session of the GATT Contracting Parties in Geneva.

Other Organizations

Agency for the Protection of Programs (APP). In December 1992, a WIPO official participated in

the 10th annual Forum on the Protection of Computer Programs and Data Bases Around the World, organized in Paris by APP.

Coordination of European Independent Producers (CEPI). In December 1992, Mr. Alain Modot, Secretary General of CEPI, visited WIPO and discussed with WIPO officials various aspects of WIPO's activities, in particular the preparation of a possible Protocol to the Berne Convention for the Protection of Literary and Artistic Works and a possible instrument on the rights of performers and producers of phonograms.

International Confederation of Societies of Authors and Composers (CISAC). In December 1992, two WIPO officials participated in a CISAC Meeting of Heads of African Authors Societies, held in Accra.

Miscellaneous News

National News

Chino. The International Copyright Treaties

Implementing Rules were adopted by the State Council on September 25, 1992.

Selected WIPO Publications

The following new publications* were recently issued by WIPO:

Brief History of the First 25 Years of the World Intellectual Property Organization, by Arpad Bogsch, No. 882(E) (F), 10 Swiss francs.

International Classification of Goods and Services for the Purposes of the Registration of Marks, 6th edition, No. 500(S/F), 100 Swiss francs; No. 500.1(G/F) — Part I, 100 Swiss francs; No. 500.2(G/F) — Part II, 80 Swiss francs.

Madrid Agreement Concerning the International Registration of Marks and Regulations as in force on October 1, 1992, and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, No. 204(E)(F)(S), 15 Swiss francs.

Summary of Industrial Property Legislation in Asia and the Pacific, No. 718(E), free.

The First Twenty-Five Years of the World Intellectual Property Organization, No. 881(E), 100 Swiss francs.

* WIPO publications may be obtained from the Publications Sales and Distribution Unit, WIPO, 34, chemin des Colombettes, CH-1211 Geneva 20, Switzerland (telex: 412 912 OMP1 CH; fax: (41-22) 733 5428; telephone: (41-22) 730 9111).

Orders should indicate: (a) the number or letter code of the publication desired, the language (E for English, F for French, G for German, S for Spanish), the number of copies; (b) the full address for mailing; (c) the mail mode (surface or air). Prices cover surface mail.

Bank transfers should be made to WIPO account No. 487080-81, at the Swiss Credit Bank, 1211 Geneva 20, Switzerland.

Calendar of Meetings

WIPO Meetings

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

1993

March 31 to April 2 (Harvard University, Cambridge, Massachusetts) **WIPO Worldwide Symposium on the Impact of Digital Technology on Copyright and Neighboring Rights**

The Symposium will discuss the impact of digital technology on the creation, dissemination and protection of literary and artistic works, performances and sound recordings.

Invitations: Governments, selected non-governmental organizations and any member of the public (registration fee US\$150).

April 26 to 30 (Geneva)

Committee of Experts on the Development of the Hague Agreement (Third Session)

The Committee will continue to consider possibilities for revising the Hague Agreement Concerning the International Deposit of Industrial Designs, or adding to it a protocol, in order to introduce in the Hague system provisions intended to encourage States to adhere to the system and to facilitate the use of the system by applicants.

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

May 10 to 21 (Geneva)

Committee of Experts on the Settlement of Intellectual Property Disputes Between States (Fifth Session) and Preparatory Meeting for the Diplomatic Conference for the Conclusion of a Treaty on the Settlement of Intellectual Property Disputes Between States

The Committee of Experts will continue the preparations for a possible multilateral treaty on the settlement of intellectual property disputes between States. The Preparatory Meeting will decide what substantive documents should be submitted to the Diplomatic Conference and which States and organizations should be invited to the Diplomatic Conference. The Preparatory Meeting will also establish the draft Rules of Procedure of the Diplomatic Conference.

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

June 2 to 4 (Geneva)

Working Group of Non-Governmental Organizations on Arbitration and Other Extra-Judicial Mechanisms for the Resolution of Intellectual Property Disputes Between Private Parties (Third Session)

The Working Group will examine draft WIPO arbitration and mediation rules, in view of the proposed establishment, within WIPO, of services for the resolution of disputes between private parties concerning intellectual property rights.

Invitations: Selected non-governmental organizations.

June 7 to 18 (Geneva)

Committee of Experts on the Harmonization of Laws for the Protection of Marks (Fifth Session)

The Committee will continue to examine a draft trademark law treaty, with particular emphasis on the harmonization of formalities with respect to trademark registration procedures.

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

June 21 to 25 (Geneva)

Committee of Experts on a Possible Protocol to the Berne Convention (Third Session)

The Committee will continue to examine the question of the preparation of a possible protocol to the Berne Convention for the Protection of Literary and Artistic Works.

Invitations: States members of the Berne Union, the Commission of the European Communities and, as observers, States members of WIPO not members of the Berne Union and certain organizations.

June 28 to July 2 (Geneva)

Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms (First Session)

The Committee will examine the question of the preparation of a possible new instrument (treaty) on the protection of the rights of performers and producers of phonograms.

Invitations: States members of WIPO, the Commission of the European Communities and, as observers, certain organizations.

- July 12 to 30 (Geneva)** **Diplomatic Conference for the Conclusion of a Treaty Supplementing the Paris Convention as far as Patents are Concerned (Second Part)**
 The Diplomatic Conference should adopt the Treaty Supplementing the Paris Convention as far as Patents are Concerned. It is the second part of the Diplomatic Conference whose first part took place at The Hague in 1991.
Invitations: States members of the Paris Union, the European Patent Organisation (EPO) and the African Intellectual Property Organization (OAPI) and, as observers, States members of WIPO not members of the Paris Union and certain organizations.
- September 20 to 29 (Geneva)** **Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Fourth Series of Meetings)**
 All the Governing Bodies of WIPO and the Unions administered by WIPO meet in ordinary sessions every two years in odd-numbered years.
 In the sessions in 1993, the Governing Bodies will, *inter alia*, review and evaluate WIPO's activities undertaken since July 1991, and adopt the program and budget of the International Bureau for the 1994-95 biennium.
Invitations: States members of WIPO or the Unions and, as observers, other States members of the United Nations and certain organizations.
- October 13 and 14 (Funchal, Madeira)** **Symposium on the International Protection of Geographical Indications (organized by WIPO in cooperation with the Government of Portugal)**
 The Symposium will deal with the protection of geographical indications (appellations of origin and other geographical indications) both on the national and multilateral level.
Invitations: Governments, selected non-governmental organizations and any member of the public (against payment of a registration fee).
- November 8 to 12 (Geneva)** **Committee of Experts on a Model Law on the Rights of Performers and Producers of Phonograms (Second Session)**
 The Committee of Experts will continue to consider a draft Model Law dealing with the protection of the rights of producers of phonograms, and it will consider (for the first time) provisions for the Model Law dealing with the rights of performing artists.
Invitations: States members of the Berne Union or WIPO, or party to the Rome Convention or the Phonograms Convention and, as observers, certain organizations.

UPOV Meetings

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

1993

- April 21 and 22 (Geneva)** **Administrative and Legal Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and intergovernmental organizations.
- April 23 (Geneva)** **Consultative Committee (Forty-Sixth Session)**
Invitations: Member States of UPOV.
- October 27 (Geneva)** **Administrative and Legal Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and intergovernmental organizations.
- October 28 (Geneva)** **Consultative Committee (Forty-Seventh Session)**
Invitations: Member States of UPOV.
- October 29 (Geneva)** **Council (Twenty-Seventh Ordinary Session)**
Invitations: Member States of UPOV and, as observers, certain non-member States and intergovernmental and non-governmental organizations.

Other Meetings

1993

May 8 to 12 (New Orleans)	United States Trademark Association (USTA): 115th Annual Meeting.
May 23 to 26 (Bournemouth)	Union of European Practitioners in Industrial Property (UEPIP): Congress.
June 2 to 5 (Madrid)	European Communities Trade Mark Association (ECTA): Annual General Meeting and Conference.
June 7 to 11 (Vejde)	International Federation of Industrial Property Attorneys (FICPI): Executive Committee.
June 12 to 16 (Lisbon)	International Association for the Protection of Industrial Property (AIPPI): Council of Presidents.
June 26 to July 1 (Berlin)	Licensing Executives Society International (LESI): Annual Meeting.
September 12 to 16 (Colombo)	Law Association for Asia and the Pacific (LAWASIA): 13th LAWASIA Conference.
September 20 to 24 (Antwerp)	International Literary and Artistic Association (ALAI): Congress.
October 6 to 8 (Cincinnati)	Pacific Industrial Property Association (PIPA): International Congress.

1994

February 2 to 8 (Queenstown)	International Federation of Industrial Property Attorneys (FICPI): Executive Committee.
May 8 to 11 (Seattle)	United States Trademark Association (USTA): 116th Annual Meeting.
May 25 to 28 (Luxembourg)	European Communities Trade Mark Association (ECTA): Annual General Meeting and Conference.
June 12 to 18 (Copenhagen)	International Association for the Protection of Industrial Property (AIPPI): Executive Committee.
June 20 to 24 (Vienna)	International Federation of Industrial Property Attorneys (FICPI): Congress.

