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WIPO 1994

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COPYRIGHT AND NEIGHBORING RIGHTS LAWS AND TREATIES

(INSERT)

Editor's Note

REGIONAL LAWS**European Communities**

Council Directive (EEC) No. 93/83 of September 27, 1993, on the Coordination of Certain Rules Concerning Copyright and Rights Related to Copyright Applicable to Satellite Broadcasting and Cable Retransmission Text 2-01

Council Directive (EEC) No. 93/98 of October 29, 1993, Harmonizing the Term of Protection of Copyright and Certain Related Rights Text 3-01

Notifications Concerning Treaties Administered by WIPO in the Field of Copyright

Berne Convention

New Member of the Berne Union

UNITED REPUBLIC OF TANZANIA

The Government of the United Republic of Tanzania deposited, on April 25, 1994, its instrument of accession to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971, and amended on September 28, 1979, with the declaration that the United Republic of Tanzania avails itself of the faculties provided for in Articles II and III of the Appendix to the said Convention.

Furthermore, the said instrument of accession contains the following declaration: "Pursuant to Article 33(2) of the said Convention as so revised, the Government of the United Republic of Tanzania declares that the United Republic of Tanzania does not consider itself bound by the provisions of paragraph (1) of Article 33 of that Convention."

The United Republic of Tanzania has not heretofore been a member of the International Union for the Protection of Literary and Artistic Works ("Berne Union"), founded by the Berne Convention.

The Berne Convention, as revised at Paris on July 24, 1971, and amended on September 28, 1979, will enter into force, with respect to the United Republic of Tanzania, on July 25, 1994. On that date, the United Republic of Tanzania will become a member of the Berne Union.

The United Republic of Tanzania belongs to Class *Ster* for the purpose of establishing its contribution to the World Intellectual Property Organization (WIPO).

Berne Notification No. 156, of April 25, 1994.

Treaty on the International Registration of Audiovisual Works

Accession

PERU

The Government of Peru deposited, on April 27, 1994, its instrument of accession to the Treaty on the International Registration of Audiovisual Works, adopted at Geneva on April 18, 1989.

The said Treaty will enter into force, with respect to Peru, on July 27, 1994.

IRAW Notification No. 16, of April 27, 1994.

Normative Activities of WIPO in the Field of Copyright

Committee of Experts on the Settlement of Intellectual Property Disputes Between States

Sixth Session

(Geneva, February 21 to 25, 1994)

The Committee of Experts on the Settlement of Intellectual Property Disputes Between States held its sixth session in Geneva from February 21 to 25, 1994.¹

The following 68 States and one intergovernmental organization participated as members in the session: Argentina, Armenia, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, Finland, France, Germany, Greece, Guinea, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Kenya, Latvia, Libya, Lithuania, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, Syria, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, United Kingdom, United States of America, Uruguay, Viet Nam, Zambia, European Community.

Representatives of three intergovernmental organizations (African Intellectual Property Organization (OAPI), European Patent Organisation (EPO), General Agreement on Tariffs and Trade (GATT)) and two non-governmental organizations (International Association for the Protection of Industrial Property (AIPPI), International Literary and Artistic Association (ALAI)) participated in the session in an observer capacity.²

The Committee examined the provisions set forth in the draft Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property (document SD/CE/VI/2) and in the draft Regulations under the Treaty (document SD/CE/VI/3).³ The draft Treaty provides for a dispute settlement system which comprises recourse to consultations and submission of disputes to a panel procedure. Good offices, conciliation and mediation as well as arbitration are also provided for on an optional basis. The Committee also discussed a proposal submitted by the Delegation of the European Communities concerning the status of regional economic integration organizations and intergovernmental organizations under the Treaty as well as a proposal submitted by the Government of the Netherlands concerning the compulsory submission of disputes either to arbitration or to the International Court of Justice.

In view of the fact that a number of issues in the draft Treaty and in the draft Regulations under the Treaty required further consideration, in particular the question of the relationship between the dispute settlement system to be established by the proposed Treaty and other dispute settlement systems, including the dispute settlement system to be established as a result of the Uruguay Round of GATT, the Committee was of the view that a further session of the Committee of Experts should be convened.

¹ For a note on the fifth session, see *Copyright*, 1993, p. 121.

² A full list of the participants may be obtained on request from the International Bureau.

³ For the texts of the draft Treaty and the draft Regulations thereunder, see *Copyright*, 1994, pp. 71 and 99, respectively.

Preparatory Meeting for the Diplomatic Conference for the Conclusion of a Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property

Second Part

(Geneva, February 23 to 25, 1994)

The second part of the Preparatory Meeting for the Diplomatic Conference for the Conclusion of a Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property was held in Geneva from February 23 to 25, 1994.⁴ The same States which were represented in the Committee of Experts were represented at the session,⁵ with the

exception of Armenia, Belarus and Poland. Representatives of OAPI, the European Community and the EPO participated in the session in an observer capacity.

The Preparatory Meeting considered and approved the provisions of the suggested text of the proposed Rules of Procedure for the Diplomatic Conference (document SD/PM/4) that had not been adopted by the first part of the Preparatory Meeting and approved the text of the proposed Rules of Procedure as a whole.

⁴ For a note on the first part of the Preparatory Meeting, see *Copyright*, 1993, p. 141.

⁵ See footnote 2.

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

Africa

Training Courses, Seminars and Meetings

WIPO National Training Course on Copyright and Neighboring Rights (Guinea). From January 31 to February 4, 1994, WIPO organized this Training Course in Conakry in cooperation with the Ministry of Youth, Culture, Arts and Sports of Guinea. The Course was attended by 60 participants including government officials, lawyers, customs and police officers, magistrates, authors and composers. Papers were presented by two WIPO consultants from Burkina Faso and Switzerland and a WIPO official.

In February 1994, the same WIPO consultant from Switzerland gave a specialized training course to officials of the Guinean Copyright Office in Kamsar.

Organization of African Unity (OAU). In February 1994, a WIPO official attended the 59th ordinary session of the Council of Ministers of OAU held in Addis Ababa. He also discussed questions of mutual cooperation with the Secretary General and other OAU officials.

Assistance With Training, Legislation and Modernization of Administration

Malawi. In February 1994, a WIPO consultant from Switzerland undertook a mission to Lilongwe to assist officials of the Copyright Society of Malawi (COSOMA) in the establishment and revision of tariffs to be negotiated with the main users of musical works.

Arab Countries

Assistance With Training, Legislation and Modernization of Administration

Syria. In February 1994, a government official visited Geneva to discuss with WIPO officials

Syria's possible accession to the Stockholm Act of the Paris Convention for the Protection of Industrial Property and the Convention Establishing the World Intellectual Property Organization, as well as cooperation between Syria and WIPO.

Asia and the Pacific

Assistance With Training, Legislation and Modernization of Administration

Bhutan. In February 1994, the International Bureau prepared and sent to the government authorities, at their request, a draft decree on collective administration of copyright and neighboring rights, a draft statute for a society for collective administration of copyright and neighboring rights, a draft copyright law and an explanatory note concerning that draft law.

Brunei Darussalam. In February 1994, two WIPO officials had discussions with the Minister for Law and other government officials in Bandar Seri Begawan on further cooperation between Brunei Darussalam and WIPO, in particular, the country's possible accession to various treaties administered by WIPO. One of the WIPO officials and a WIPO consultant from the United Kingdom also had discussions with government officials of the Attorney General's Chambers on the possible revision of the trademark law. The latter activity was undertaken under the joint European Communities-Association of South East Asian Nations (EC-ASEAN) Patents and Trademarks Program.

Fiji. In February 1994, the International Bureau prepared and sent to the government authorities, at

their request, a draft law on copyright and neighboring rights.

India. In February 1994, Dr. Manmohan Singh, Finance Minister, visited WIPO and was briefed on its activities.

Pakistan. In February 1994, a government official had discussions with the Director General and other WIPO officials in Geneva on possible development cooperation activities that WIPO could undertake to modernize and strengthen the national intellectual property system, as well as on Pakistan's possible accession to certain treaties administered by WIPO.

Republic of Korea. In February 1994, a government official had discussions with WIPO officials in Geneva on the country's possible accession to the Berne Convention for the Protection of Literary and Artistic Works.

Viet Nam. In February 1994, a WIPO official had discussions in Hanoi with government officials and representatives of the Union of Scientific and Technical Associations of Viet Nam (VUSTA) on the intellectual property situation in Viet Nam and on further cooperation between Viet Nam and WIPO in the modernization of its patent legislation.

Latin America and the Caribbean

Training Courses, Seminars and Meetings

WIPO Regional Course on Copyright and Neighboring Rights and Their Protection in the Berne and Rome Conventions (Panama). From February 21 to 28, 1994, WIPO and the Legislative Assembly of

Panama, with the assistance of the General Authors' Society of Spain (SGAE) organized this Course in Panama City. The Course was opened by the President of the Legislative Assembly of Panama. Forty government officials and representatives from the private sector of Panama as well as 22 trainees from

the following countries attended the Course: Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay, Venezuela. In addition, 30 observers from different copyright associations in Latin America attended the Course. Papers were presented by 12 WIPO consultants from Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico, Peru, Spain, Switzerland, Uruguay, Venezuela and from the European Commission, as well as by a WIPO official.

WIPO National Seminar on Copyright and Neighboring Rights for Judges and Judicial Officers of Venezuela (Venezuela). From February 16 to 18, 1994, WIPO organized this Seminar in Caracas, jointly with the Council of Judicature and the Academy of Political and Social Sciences of Venezuela and with the assistance of SGAE. The President of the Supreme Court of Venezuela was present at the opening ceremony. The Seminar was attended by some 100 judges and judicial officers of Venezuela. Papers were presented by five WIPO consultants from Argentina, Colombia, Peru, Spain, two nationals of Venezuela and by a WIPO official.

Assistance With Training, Legislation and Modernization of Administration

El Salvador. In February 1994, a WIPO official visited San Salvador and had discussions with government officials on matters related to the implementation of the copyright part of the Intellectual Property Law, the system of collective administration of copyright, the country's possible accession to the Berne Convention and WIPO's assistance in the possible organization of a national seminar on copyright and neighboring rights for Salvadorian judges.

Jamaica. In February 1994, a WIPO consultant from Switzerland undertook a mission to Kingston to provide training on collective administration and general aspects of copyright protection for the staff of the future collective administration organization.

Trinidad and Tobago. In February 1994, a WIPO consultant from Switzerland undertook a mission to Port of Spain to provide training on general aspects of copyright protection and the establishment of a collective administration structure for the staff of the Copyright Office and the Copyright Organization of Trinidad and Tobago (COTT).

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

National Activities

Albania. In February 1994, a WIPO official and a WIPO consultant from Italy had discussions in Tirana with government leaders and representatives of the Albanian Authors' Society (ALBAUTOR) on the establishment and operation of a collective administration system in the country.

Also in February 1994, the same WIPO official

and consultant attended a session of the special commission set up by Parliament to discuss the implementation of the Copyright Law and to consider possible further legislative steps.

Czech Republic. In February 1994, the International Bureau prepared and sent to the government authorities, at their request, a study on various aspects of the collective administration of copyright.

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

National Contacts

Andorra. In February 1994, Mr. Daniel Bastida Obiols, Minister of the Presidency, and an advisor had discussions with WIPO officials in Geneva on Andorra's possible accession to the WIPO Convention and other WIPO-administered treaties and on possible cooperation between Andorra and WIPO.

Turkey. In February 1994, three government officials had discussions with WIPO officials in Geneva on future cooperation between Turkey and WIPO in the field of copyright.

United Nations

United Nations Administrative Committee on Coordination (Organizational Committee) (ACC(OC)). In February 1994, a WIPO official attended a meeting of the ACC(OC), held in New York.

United Nations Administrative Committee on Coordination (Consultative Committee on Programme and Operational Questions) (ACC(CCPOQ)). In February 1994, two WIPO officials attended a meeting of that Consultative Committee, held in Geneva.

Commission on Environmentally Sound Technologies. In February 1994, WIPO was represented at the meeting of the Intersessional Open-Ended Working Group of Experts on Technology Transfer of that Commission, held in New York.

World Summit for Social Development (WSSD). In February 1994, two WIPO officials attended, in New York, the first session of the Preparatory Committee for the WSSD which is scheduled to take place in Copenhagen in 1995.

Intergovernmental Organizations

European Commission. In February 1994, two officials of the European Commission had discussions with the Director General and other WIPO officials in Geneva on current matters of common interest, particularly in the field of copyright and neighboring rights.

International Criminal Police Organization (INTERPOL). In February 1994, a WIPO official attended a meeting of the Interpol Working Party on Product Counterfeiting and Piracy, held in Lyons (France).

Other Organizations

Audio Engineering Society (AES). In February 1994, a WIPO official presented a paper on the activities of the International Bureau concerning a voluntary international numbering system for certain categories of literary and artistic works and phonograms at the AES Annual Convention held in Amsterdam.

Groupe Rhône-Alpes de l'Association internationale pour la protection de la propriété industrielle (GRAPI). In February 1994, a WIPO official presented WIPO's plans in respect of arbitration and the colloquium to be held in March 1994 at a meeting on arbitration and intellectual property convened by GRAPI in Lyons.

Hautes Etudes Commerciales (Liège, Belgium). In February 1994, a WIPO official briefed a group of 65 students from "Hautes études commerciales," Liège, on WIPO and its activities. The group was in Geneva for one week's briefing on the United Nations system.

International Association for the Protection of Industrial Property (AIPPI). In February 1994, the Director General discussed with a delegation of four representatives of AIPPI, led by the Secretary General, Mr. Martin J. Lutz, a number of intellectual property issues of common interest.

International Association of Young Lawyers. In February 1994, a representative of the Association had discussions with WIPO officials in Geneva on the WIPO Arbitration Center.

Morçé international du disque et de l'édition musicale (MIDEM). In February 1994, a WIPO official presented a paper on the identification of sound recordings (carriers) based on the source identifica-

tion code (SID Code) and its advantages in the fight against piracy at a seminar organized in Cannes (France) by the International Federation of the Phonographic Industry (IFPI) in the framework of MIDEM.

Nordic Copyright Bureau (NCB). In February 1994, the General Manager of NCB had discussions with WIPO officials in Geneva on possible cooperation between WIPO and NCB in copyright development cooperation activities.

Miscellaneous News

National News

France. Law No. 94-102 of February 5, 1994, on the Repression of Counterfeiting and Amending Certain Provisions of the Intellectual Property Code, entered into force on February 9, 1994.

Poland. The new Law on Copyright and Neighboring Rights of February 23, 1994, entered into force on May 23, 1994.

Calendar of Meetings

WIPO Meetings

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

1994

June 1 to 3 (Le Louvre, Paris)

WIPO Worldwide Symposium on the Future of Copyright and Neighboring Rights: "The most sacred property" faced with the challenges of technology and trade

The Symposium will explore in depth the current problems concerning the protection, exercise and enforcement of copyright and neighboring rights, in the light of, *inter alia*, the impact of new technologies, particularly digital technology, and of certain international norms agreed upon in the framework of trade negotiations.

Invitations: Governments, selected intergovernmental and non-governmental organizations and any member of the public (against payment of a registration fee).

June 20 to 23 (Geneva)

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

The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Industrial Property since the Committee's last session (November 1992) 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.

September 26 to October 4 (Geneva)

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

Some of the Governing Bodies will meet in ordinary session, others in extraordinary session.

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

October 10 to 28 (Geneva)

Diplomatic Conference for the Conclusion of the Trademark Law Treaty

The Diplomatic Conference is expected to adopt a treaty which will harmonize certain procedural and other aspects of national and regional trademark laws.

Invitations: States members of the Paris Union and, as observers or with a special status, States members of WIPO not members of the Paris Union and certain organizations.

December 5 to 9 (Geneva)

Committee of Experts on a Possible Protocol to the Berne Convention (Fourth 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.

December 12 to 16 (Geneva)

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

The Committee will continue to 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.

UPOV Meetings

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

1994

- | | |
|----------------------------|---|
| November 2 to 4 (Geneva) | <p>Technical Committee</p> <p><i>Invitations:</i> Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.</p> |
| November 7 and 8 (Geneva) | <p>Administrative and Legal Committee</p> <p><i>Invitations:</i> Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.</p> |
| November 9 (a.m.) (Geneva) | <p>Consultative Committee (Forty-Eighth Session)</p> <p><i>Invitations:</i> Member States of UPOV.</p> |
| November 9 (p.m.) (Geneva) | <p>Council (Twenty-Eighth Ordinary Session)</p> <p><i>Invitations:</i> Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.</p> |

Other Meetings

1994

- | | |
|---------------------------------------|--|
| May 28 to June 5 (Ostend) | International Federation of the Seed Trade (FIS)/International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL): World Congress. |
| June 12 to 18 (Copenhagen) | International Association for the Protection of Industrial Property (AIPPI): Executive Committee. |
| June 19 to 24 (Vienna) | International Federation of Industrial Property Attorneys (FICPI): Congress. |
| June 27 and 28 (Geneva) | International Literary and Artistic Association (ALAI): Study Days. |
| July 11 to 13 (Ljubljana) | International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting. |
| September 18 to 22 (Washington, D.C.) | International Confederation of Societies of Authors and Composers (CISAC): Congress. |
| September 22 to 24 (Berlin) | International League of Competition Law (LIDC): Congress. |

