

# Copyright

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# INTERNATIONAL UNION

## MEXICO

### Accession to the Berne Convention: Supplementary notification <sup>1)</sup>

#### *Notification of the Swiss Government to the Governments of Unionist Countries*

The Swiss Embassy presents its compliments to the Ministry of Foreign Affairs and, following its note concerning the accession of Mexico to the Berne Convention for the Protection of Literary and Artistic Works, signed on September 9, 1886, completed at Paris on May 4, 1896, revised at Berlin on November 13, 1908, completed at Berne on March 20, 1914, revised at Rome on June 2, 1928, and revised at Brussels on June 26, 1948, has the honour to make the following communication to it:

Supplementing the declaration of accession of Mexico, the Mexican Embassy at Berne, by a note remitted to the Federal

Political Department on May 11, 1967, has notified it that Mexico wishes to substitute, provisionally at least, for Article 8 of the Berne Convention, as revised at Brussels, which relates to the exclusive right of translation, Article 5 of the Convention of the Union of 1886 as revised at Paris in 1896. This reservation is made on the basis of Article 25, paragraph (3), of the Convention of 1948.

As for its participation to the expenses of the International Bureau of the Union, Mexico has been placed, according to its request, in the fourth class of contribution, by virtue of Article 23 of the Berne Convention as revised at Brussels.

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<sup>1)</sup> See *Copyright*, 1967, p. 90.

# NATIONAL LEGISLATION

## PAKISTAN

### The Copyright Ordinance, 1962

An Ordinance to amend and consolidate the law relating to copyright

(No. XXXIV, of 1962)

(Second and Last Part)<sup>1)</sup>

#### CHAPTER VII

#### Licences

##### *Licences by owners of copyright*

35. — The owner of the copyright in any existing work or the prospective owner of the copyright in any future work may grant any interest in the copyright by licence in writing signed by him or by his duly authorized agent:

Provided that in the case of a licence relating to copyright in any future work, the licence shall take effect only when the work comes into existence.

*Explanation.* — When a person to whom a licence relating to copyright in any future work is granted under this section dies before the work comes into existence, his legal representatives shall, in the absence of any provision to the contrary in the licence, be entitled to the benefit of the licence.

##### *Compulsory licence in works withheld from public*

36. — (1) If at any time during the term of copyright in any Pakistani work which has been published or performed in public, an application is made to the Board that the owner of the copyright in the work —

- (a) has refused to republish or allow the republication of the work or has refused to allow the performance in public of the work and by reason of such refusal the work is withheld from the public; or
- (b) has refused to allow communication to the public by radio-diffusion of such work or, in the case of a record, the work recorded in such record, on terms which the applicant considers reasonable;

the Board, after giving to the owner of the copyright in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, may, if it is satisfied that such refusal is not in the public interest, or that the grounds for such refusal are not reasonable, direct the Registrar to grant to the applicant a licence to republish the work, perform the work in public or communicate the work to the public by radio-diffusion, as the case may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the Board may determine; and thereupon the Registrar shall grant the licence to the applicant in accordance with the directions of the Board, on payment of such fee as may be prescribed.

(2) Where two or more persons have made applications under sub-section (1), the licence shall be granted to the applicant who, in the opinion of the Board, would best serve the interests of the general public.

##### *Licence to produce and publish translations*

37. — (1) Any citizen of Pakistan or a person domiciled in Pakistan may apply to the Board for a licence to produce and publish a translation of a literary or dramatic work in any Pakistani language or a language ordinarily used in Pakistan.

(2) Every such application shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the translation of the work.

(3) Every applicant for a licence under this section shall, along with his application, deposit with the Registrar such fee as may be prescribed.

(4) When an application is made to the Board under this section, it may, after holding such inquiry as may be prescribed, direct the Registrar to grant to the applicant a licence, not being an exclusive licence, to produce and publish a translation of the work in the language mentioned in the application, on condition that the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the translation of the work sold to the public, calculated at such rate as the Board may, in the circumstances of each case, determine in the prescribed manner:

Provided that no such licence shall be granted, unless —

- (a) a translation of the work in the language mentioned in the application has not been published by the owner of the copyright in the work or any person authorized by him within seven years of the first publication of the work, or if a translation has been so published, it has been out of print;
- (b) the applicant has proved to the satisfaction of the Board that he had requested and had been denied authorization by the owner of the copyright to produce and publish such translation or that he was unable to find the owner of the copyright;
- (c) where the applicant is unable to find the owner of the copyright, he had sent a copy of his request for such authorization to the publisher whose name appears from the work, not less than two months before the application for the licence;

<sup>1)</sup> See *Copyright*, 1967, p. 91.

- (d) the Board is satisfied, after consulting the representative body of authors recognised as such by the Central Government for the purpose of this clause, that the applicant is competent to produce and publish a correct translation of the work and possesses the means to pay to the owner of the copyright the royalties payable to him under this section;
- (e) the author has not withdrawn from circulation copies of the work;
- (f) an opportunity of being heard is given wherever practicable to the owner of the copyright in the work; and
- (g) the Board is satisfied, for reason to be recorded in writing, that the grant of the licence will be in the public interest.

## CHAPTER VIII

## Registration of copyright

*Register of Copyrights, indexes, form and inspection of Register*

38. — (1) The Registrar shall keep at the Copyright Office a register in the prescribed form to be called the Register of Copyrights in which shall be entered the names or titles of works and the names and addresses of authors, publishers and owners of copyright and such other particulars as may be prescribed.

(2) The Registrar shall also keep such indexes of the Register of Copyrights as may be prescribed.

(3) The Register of Copyrights and the indexes thereof kept under this section shall at all reasonable times be open to inspection, and any person shall be entitled to take copies of, or make extracts from, any such register or index on payment of such fee and subject to such conditions as may be prescribed.

*Registration of copyrights*

39. — (1) The author or publisher of, or the owner of, or other person interested in the copyright in, any work may make an application in the prescribed form accompanied by the prescribed fee to the Registrar for entering particulars of the work in the Register of Copyrights.

(2) On receipt of an application in respect of any work under sub-section (1), the Registrar shall enter the particulars of the work in the Register of Copyrights and issue a certificate of such registration to the applicant unless, for reason to be recorded in writing, he considers that such entry should not be made in respect of any work.

*Registration of assignments, etc., of copyrights*

40. — (1) Any person interested in the grant of an interest in a copyright, either by assignment or licence, may make an application in the prescribed form, accompanied by the prescribed fee, the original instrument of such grant and a certified copy thereof, to the Registrar for entering the particulars of the grant in the Register of Copyrights.

(2) On receipt of an application in respect of any work under sub-section (1), the Registrar shall, after holding such inquiry as he deems fit, enter the particulars of the grant in the Register of Copyrights unless, for reasons to be recorded

in writing, he considers that such entry should not be made in respect of any grant.

(3) The certified copy of the grant shall be retained at the Copyright Office and the original shall be returned to the person depositing it, with a certificate of registration endorsed thereon or affixed thereto.

*Correction of entries in the Register of Copyrights and indexes, etc.*

41. — (1) The Registrar may, in the prescribed cases and subject to the prescribed conditions, amend or alter the Register of Copyrights and the indexes by—

- (a) correcting any error in any name, address or particulars; or
- (b) correcting any other error which may have arisen therein by accidental slip or omission.

(2) The Board, on application of the Registrar or of any person aggrieved, may order the rectification of the Register of Copyrights by—

- (a) the making of any entry wrongly omitted to be made in the Register, or
- (b) the expunging of any entry wrongly made in, or remaining on, the Register, or
- (c) the correction of any error or defect in the Register.

*Register of Copyrights to be prima facie evidence of particulars entered therein*

42. — (1) The Register of Copyrights and the indexes shall be *prima facie* evidence of the particulars entered therein and documents purporting to be copies of any entry therein or extract therefrom certified by the Registrar and sealed with the seal of the Copyright Office shall be admissible in evidence in all courts without further proof or production of the original.

(2) A certificate of registration of copyright in a work shall be *prima facie* evidence that copyright subsists in the work and that the person shown in the certificate as the owner of the copyright is the owner of such copyright.

## CHAPTER IX

## Copyright Office, Registrar of Copyrights and Copyright Board

*Copyright Office*

43. — (1) There shall be established for the purposes of this Ordinance an office to be called the Copyright Office.

(2) The Copyright Office shall be under the immediate control of the Registrar of Copyrights who shall act under the superintendence and direction of the Central Government.

(3) The Copyright Office shall have a seal the impression whereof shall be judicially noticed.

*Registrar and Deputy Registrars of Copyrights*

44. — (1) The Central Government shall, for the purposes of this Ordinance, appoint a Registrar of Copyrights and may appoint one or more Deputy Registrars of Copyrights.

(2) The Registrar shall, —

- (i) sign all entries made in the Register of Copyrights kept under this Ordinance;
- (ii) sign all certificates of registration of copyrights and certified copies under the seal of the Copyright Office;
- (iii) exercise the powers conferred and perform the duties imposed upon him by or under this Ordinance;
- (iv) be the Secretary of the Copyright Board; and
- (v) shall perform such other functions as may be prescribed.

(3) A Deputy Registrar of Copyrights shall discharge, under the superintendence and direction of the Registrar, such functions of the Registrar under this Ordinance as the Registrar may, from time to time, assign to him.

#### *Copyright Board*

45. — (1) The Central Government shall constitute a Board to be called the Copyright Board consisting of the following members, namely: —

- (i) a Chairman appointed by the Central Government;
- (ii) not less than three and not more than five other members appointed by the Central Government after consultation with the representative bodies of authors, publishers, cinematograph industry and any other interest relating to copyright:

Provided that adequate representation on the Board shall, as far as possible, be given to the residents of each Province; and

- (iii) the Registrar, *ex officio*.

(2) The members, including the Chairman of the Board, other than the *ex officio* member, shall hold office for such period and on such terms and conditions as may be prescribed.

(3) The Chairman shall be a person who is, or has been a Judge of a High Court, or is qualified for appointment as such Judge.

#### *Powers and procedure of the Board*

46. — (1) The Board shall, subject to any rules that may be made under this Ordinance, have power to regulate its own procedure, including the fixing of places and times of its sittings.

(2) If there is a difference of opinion among the members of the Board in respect of any matter coming before it for decision under this Ordinance, the opinion of the majority shall prevail:

Provided that where there is no such majority the opinion of the Chairman shall prevail.

(3) The Board may authorize any of its members to exercise any of its powers under section 78 and any order made or act done in exercise of any such power by the member so authorized shall be deemed to be the order or act, as the case may be, of the Board.

(4) No act done or proceeding taken by the Board under this Ordinance shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

(5) The Board shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Pro-

cedure, 1898 (Act V of 1898), and all proceedings before the Board shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

(6) No member of the Board shall take part in any proceedings before the Board in respect of any matter in which he has a personal interest.

#### CHAPTER X

#### Delivery of books and newspapers to public libraries

##### *Delivery of books to public libraries*

47. — (1) Subject to any rules that may be made under this Ordinance, but without prejudice to the provisions contained in section 40 of the Press and Publications Ordinance, 1960 (XV of 1960), the publisher of every book published in Pakistan after the commencement of this Ordinance, shall, notwithstanding any agreement to the contrary, deliver at his own expense, one copy of the book to each of the three public libraries within thirty days from the date of its publication.

(2) The copy delivered to the National Library of Pakistan shall be a copy of the whole book with all maps and illustrations belonging thereto finished and coloured in the same manner as the best copies of the same, and shall be bound, sewed or stitched together, and on the best paper on which any copy of the book is printed.

(3) The copy delivered to any other public library shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

(4) Nothing contained in sub-section (1) shall apply to any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, book-prints or other engravings belonging to the book have been made, and a copy of the first or any other edition of which book has been delivered under this section.

##### *Delivery of newspapers to public libraries*

48. — Subject to any rules that may be made under this Ordinance, but without prejudice to the provisions contained in section 42 of the Press and Publications Ordinance, 1960 (XV of 1960), the publisher of every newspaper published in Pakistan shall deliver at his own expense one copy of each issue of such newspaper as soon as it is published to each of the three public libraries.

##### *Receipt for books delivered*

49. — The person in charge of a public library (whether called a librarian or by any other name) or any other person authorized by him in this behalf to whom a copy of a book is delivered under section 47 shall give to the publisher a receipt in writing therefor.

##### *Penalty*

50. — Any publisher who contravenes any provision of this Chapter or of any rule made thereunder shall be punishable with fine which may extend to fifty rupees and, if the contravention is in respect of a book, shall also be punishable

with fine which shall be equivalent to the value of the book; and the Court trying the offence may direct that the whole or any part of the fine realised from him shall be paid, by way of compensation, to the public library to which the book or newspaper, as the case may be, ought to have been delivered.

*Cognizance of offences under this Chapter*

51. — (1) No court shall take cognizance of any offence punishable under this Chapter save on complaint made by an officer empowered in this behalf by the Central Government by a general or special order.

(2) No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Chapter.

*Application of this Chapter to books and newspapers published by Government*

52. — This Chapter shall also apply to books and newspapers published by or under the authority of the Government, but shall not apply to books meant for official use only.

CHAPTER XI

**International copyright**

*Provisions as to works of certain international organizations*

53. — (1) The Central Government may, by notification in the official Gazette, declare that this section shall apply to such organizations as may be specified therein of which one or more sovereign powers or the Government or Governments thereof are members.

(2) Where —

(a) any work is made or first published by or under the direction or control of any organization to which this section applies; and

(b) there would, apart from this section, be no copyright in the work in Pakistan at the time of the making or, as the case may be, of the first publication thereof; and

(c) either —

(i) the work is published as aforesaid in pursuance of an agreement in that behalf with the author, being an agreement which does not reserve to the author the copyright, if any, in the work, or

(ii) under section 13 any copyright in the work would belong to the organization;

there shall subsist copyright in the work throughout Pakistan.

(3) Any organization to which this section applies which at the material time had not the legal capacity of a body corporate shall have, and be deemed at all material times to have had, the legal capacity of a body corporate for the purpose of holding, dealing with, and enforcing copyright and in connection with all legal proceedings relating to copyright.

*Power to extend copyright to foreign works*

54. — (1) The Central Government may, by order published in the official Gazette, direct that all or any of the provisions of this Ordinance shall apply —

(a) to works first published in a foreign country to which the order relates in like manner as if they were first published within Pakistan;

(b) to unpublished works, or any class thereof, the authors whereof were at the time of making of the work, subjects or citizens of a foreign country to which the order relates, in like manner as if the authors were citizens of Pakistan;

(c) in respect of domicile in a foreign country to which the order relates in like manner as if such domicile were in Pakistan;

(d) to any work of which the author was at the date of the first publication thereof, or, in a case where the author was dead at that date, was at the time of his death, a subject or citizen of a foreign country to which the order relates in like manner as if the author was a citizen of Pakistan at the date or time;

and thereupon, subject to the provisions of this Chapter and of the order, this Ordinance shall apply accordingly:

Provided that —

(i) before making an order under this section in respect of any foreign country (other than a country with which Pakistan has entered into a treaty or which is a party to a convention relating to copyright to which Pakistan is also a party), the Central Government shall be satisfied that that foreign country has made, or has undertaken to make, such provisions, if any, as it appears to the Central Government expedient to require for the protection in that country of works entitled to copyright under the provisions of this Ordinance;

(ii) the order may provide that the provisions of this ordinance shall apply either generally or in relation to such classes of works or such classes of cases as may be specified in the order;

(iii) the order may provide that the term of copyright in Pakistan shall not exceed that conferred by the law of the foreign country to which the order relates;

(iv) the order may provide that the provisions of this Ordinance as to delivery of copies of books to public libraries shall not apply to works first published in such foreign country except so far as is provided by the order;

(v) in applying the provisions of this Ordinance as to ownership of copyright, the order may make such modification as appears necessary, having regard to the law of the foreign country;

(vi) the order may provide that this Ordinance or any part thereof shall not apply to works made, or first published, before the commencement of the order.

*Power to restrict rights in works of foreign authors first published in Pakistan*

55. — If it appears to the Central Government that a foreign country does not give, or has not undertaken to give, adequate protection to the works of Pakistani authors, the Central Government may, by order published in the official Gazette, direct that such of the provisions of this Ordinance as confer copyright on works first published in Pakistan shall not apply to works, published after the date specified in the order, the authors whereof are subjects or citizens of such foreign country and are not domiciled in Pakistan, and thereupon those provisions shall not apply to such works.

## CHAPTER XII

## Infringement of copyright

*When copyright infringed*

56. — Copyright in a work shall be deemed to be infringed —

- (a) when any person, without the consent of the owner of the copyright or without a licence granted by such owner or the Registrar under this Ordinance or in contravention of the conditions of a licence so granted or of any condition imposed by a competent authority under this Ordinance, —
- (i) does anything, the exclusive right to do which is by this Ordinance conferred upon the owner of the copyright; or
  - (ii) permits for profit any place to be used for the performance of the work in public where such performance constitutes an infringement of the copyright in the work unless he was not aware, and had no reasonable ground for suspecting, that such performance would be an infringement of copyright; or
- (b) when any person —
- (i) makes for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire, or
  - (ii) distributes either for the purpose of trade to such an extent as to affect prejudicially the owner of the copyright, or
  - (iii) by way of trade exhibits in public, or
  - (iv) imports into Pakistan, any infringing copies of the work.

*Explanation.* — For the purposes of this section, the reproduction of a literary, dramatic, musical or artistic work in the form of a cinematographic work shall be deemed to be an “infringing copy”.

*Certain acts not to be infringement of copyright*

57. — (1) The following acts shall not constitute an infringement of copyright, namely: —

- (a) a fair dealing with a literary, dramatic, musical or artistic work for the purpose of —
- (i) research or private study;
  - (ii) criticism or review, whether of that work or of any other work;
- (b) a fair dealing with a literary, dramatic, musical or artistic work for the purpose of reporting current events —
- (i) in a newspaper, magazine or similar periodical, or
  - (ii) by radio-diffusion or in a cinematographic work or by means of photographs;
- (c) the reproduction of a literary, dramatic, musical or artistic work for the purpose of a judicial proceeding or for the purpose of a report of a judicial proceeding;
- (d) the publication in a newspaper of a report of an address of political nature delivered at a public meeting unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given and, except whilst the building is being

used for public worship, in a position near the lecturer; but nothing in this clause shall affect the provisions as to newspaper summaries;

- (e) the reproduction of any literary, dramatic or musical work in the certified copy made or supplied in accordance with any law for the time being in force;
- (f) the reading or recitation in public of any reasonable extract from a published literary or dramatic work;
- (g) the publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for the use of educational institutions and so described in the title and in any advertisement issued by or on behalf of the publisher, of short passages from published literary or dramatic works, not themselves published for the use of educational institutions, in which copyright subsists:

Provided that not more than two such passages from works by the same author are published by the same publisher during any period of five years.

*Explanation.* — In the case of a work of joint authorship references in this clause to passages from works shall include references to passages from works by any one or more of the authors of those passages or by any one or more of those authors in collaboration with any other person;

- (h) the reproduction or adaptation of a literary, dramatic, musical or artistic work —
- (i) in the course and for the sole purpose of instruction, whether at an educational institution or elsewhere, where the reproduction or adaptation is made by a teacher or a pupil otherwise than by the use of a printing process; or
  - (ii) as part of the questions to be answered in an examination; or
  - (iii) in answers to such questions;
- (i) the performance, in the course of the activities of an educational institution, of a literary, dramatic or musical work by the staff and students of the institution, or of a cinematographic work or a record, if the audience is limited to such staff and students, the parents and guardians of the students and persons directly connected with the activities of the institution;
- (j) the making of records in respect of any literary, dramatic or musical work, if —
- (i) records recording the work have previously been made by or with the licence or consent of, the owner of the copyright in the work; and
  - (ii) the person making the records has given the prescribed notice of his intention to make the records, and has paid in the prescribed manner to the owner of the copyright in the work royalties in respect of all such records to be made by him at the rate fixed by the Board in this behalf:

Provided that in making the records such person shall not make any alterations in, or omissions from, the work, unless records recording the work subject to similar alterations and omissions have been previously made by, or with the licence or consent of



the owner of the copyright, or unless such alterations and omissions are reasonably necessary for the adaptation of the work to the records in question;

- (k) the causing of a recording embodied in a record to be heard in public utilising the record,—
- (i) at any premises where persons reside, as part of the amenities provided exclusively or mainly for residents therein, or
  - (ii) as part of the activities of a club, society or other organization which is not established or conducted for profit;
- (l) the performance of a literary, dramatic or musical work by an amateur club or society, if the performance is given to a non-paying audience, or for the benefit of a religious, charitable or educational institution;
- (m) the reproduction in a newspaper, magazine or other periodical of an article on current economic, political, social or religious topics, unless the owner of copyright of such article has expressly reserved to himself the right of such reproduction;
- (n) the publication in a newspaper, magazine or other periodical of a report of a lecture delivered to public;
- (o) the making of not more than three copies of a book (including a pamphlet, sheet of music, map, chart or plan) by or under the direction of the person in charge of a public library or a non-profit library available for use by the public free of charge or a library attached to an educational institution for the use of such library if such book is not available for sale;
- (p) the reproduction, for the purpose of research or private study or with a view to publication, of an unpublished literary, dramatic or musical work kept in a library, museum or other institution to which the public has access:
- Provided that where the identity of the author of any such work, or in the case of a work of joint authorship, of any of the authors, is known to the library, museum or other institution, as the case may be, the provision of this clause shall apply only if such reproduction is made at a time more than fifty years from the date of the death of the author or, in the case of a work of joint authorship, from the death of the author whose identity is known or, if the identity of more authors than one is known, from the death of such one of those authors who dies last;
- (q) the reproduction or publication of—
- (i) any matter which has been published in any official Gazette, or the report of any committee, commission, council, board or other like body appointed by the Government unless the reproduction or publication of such matter or report is prohibited by the Government;
  - (ii) any judgement or order of a court, tribunal or other judicial authority, unless the reproduction or publication of such judgement or order is prohibited by the court, tribunal or other judicial authority, as the case may be;
- (r) the making or publishing of a painting, drawing, engraving or photograph of an architectural work of art;

- (s) the making or publishing of a painting, drawing, engraving or photograph of a sculpture or other artistic work if such work is permanently situated in a public place or any premises to which the public has access;
- (t) the inclusion in a cinematographic work of—
- (i) any artistic work permanently situated in a public place or any premises to which the public has access; or
  - (ii) any other artistic work, if such inclusion is only by way of background or is otherwise incidental to the principal matters represented in the work;
- (u) the use by the author of an artistic work, where the author of such work is not the owner of the copyright therein, of any mould, cast, sketch, plan, model or study made by him for the purpose of the work:

Provided that he does not thereby repeat or imitate the main design of the work;

- (v) the making of an object of any description in three dimensions of an artistic work in two dimensions, if the object would not appear, to persons who are not experts in relation to objects of that description, to be a reproduction of the artistic work;
- (w) the reconstruction of a building or structure in accordance with the architectural drawings or plans by reference to which the building or structure was originally constructed:

Provided that the original construction was made with the consent or licence of the owner of the copyright in such drawings or plans;

- (x) in relation to a literary, dramatic or musical work recorded or reproduced in any cinematographic work, the exhibition of such work after the expiration of the term of copyright therein:
- Provided that the provisions of sub-clause (ii) of clause (a), sub-clause (i) of clause (b) and clauses (f), (g), (m), and (p) shall not apply as respects any act unless that act is accompanied by an acknowledgement—
- (i) identifying the work by its title or other description; and
  - (ii) unless the work is anonymous or the author of the work has previously agreed or required that no acknowledgement of his name should be made, also identifying the author.

*Explanation.* — For the purposes of clause (a) or clause (b) of this sub-section—

- (i) in relation to a literary or dramatic work in prose, a single extract up to four hundred words, or a series of extracts (with comments interposed) up to a total of eight hundred words with no one extract exceeding three hundred words; and
- (ii) in relation to a literary or dramatic work in poetry, an extract or extracts up to a total of forty lines and in no case exceeding one fourth of the whole of any poem may be deemed to be fair dealing with such work:

Provided that in a review of a newly published work, reasonably longer extracts may be deemed fair dealing with such work.

(2) The provisions of sub-section (1) shall apply to the doing of any act in relation to the translation of a literary, dramatic or musical work or the adaptation of a literary, dramatic, musical or artistic work as they apply in relation to the work itself.

#### *Importation of infringing copies*

58. — (1) The Registrar, on application by the owner of copyright in any work or by his duly authorized agent and on payment of the prescribed fee, may, after making such enquiry as he deems fit, order that copies made out of Pakistan of the work which if made in Pakistan would infringe copyright shall not be imported.

(2) Subject to any rules that may be made under this Ordinance, the Registrar or any person authorized by him in this behalf may enter any ship, vehicle, dock or premises where any such copies as are referred to in sub-section (1) may be found and may examine such copies.

(3) All copies to which any order made under sub-section (1) applies shall be deemed to be goods of which the bringing into Pakistan has been prohibited or restricted under section 19 of the Sea Customs Act, 1878 (VIII of 1878), and all the provisions of that Act shall have effect accordingly.

### CHAPTER XIII

#### Civil remedies

##### *Definition*

59. — For the purposes of this Chapter, unless the context otherwise requires, the expression "owner of copyright" shall include —

- (a) an exclusive licensee;
- (b) in the case of an anonymous or pseudonymous literary, dramatic, musical or artistic work, the publisher of the work, until the identity of the author or, in the case of an anonymous work of joint authorship or a work of joint authorship published under names all of which are pseudonyms, the identity of any of the authors, is disclosed publicly by the author and the publisher or is otherwise established to the satisfaction of the Board by that author or his legal representatives.

##### *Civil remedies for infringement of copyright*

60. — (1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Ordinance, be entitled to all such remedies by way of injunction, damages, accounts and otherwise as are or may be conferred by law for the infringement of a right:

Provided that if the defendant proves that at the date of the infringement he was not aware that copyright subsisted in the work and he had reasonable ground for believing that copyright did not subsist in the work, the plaintiff shall not be entitled to any remedy other than an injunction in respect of the infringement and a decree for the whole or part of the profits made by the defendant by the sale of the infringing copies as the court may in the circumstances deem reasonable.

(2) Where, in the case of a literary, dramatic, musical or artistic work, a name purporting to be that of the author or

the publisher, as the case may be, appears on copies of the work as published, or, in the case of an artistic work, appeared on the work when it was made, the person whose name so appears or appeared shall, in any proceeding in respect of infringement of copyright in such work, be presumed, unless the contrary is proved, to be the author or the publisher of the work, as the case may be.

(3) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the discretion of the court.

##### *Protection of separate rights*

61. — Subject to the provisions of this Ordinance, where the several rights comprising the copyright in any work are owned by different persons, the owner of any such right shall, to the extent of that right, be entitled to the remedies provided by this Ordinance and may individually enforce such right by means of any suit, action or other proceeding without making the owner of any other right a party to such suit or proceeding.

##### *Author's special rights*

62. — (1) Notwithstanding that the author of a work may have assigned or relinquished the copyright in the work, he shall have the right to claim the authorship of the work as well as the right to restrain, or claim damages in respect of any distortion, mutilation or other modification of the said work, or any other action in relation to the said work which would be prejudicial to his honour or reputation.

(2) The right conferred upon an author of a work by sub-section (1) may be exercised by the legal representatives of the author.

##### *Rights of owner against persons possessing or dealing with infringing copies*

63. — All infringing copies of any work in which copyright subsists, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of possession thereof or in respect of the conversion thereof:

Provided that the owner of the copyright shall not be entitled to any remedy in respect of the conversion of any infringing copies, if the opponent proves —

- (a) that he was not aware that copyright subsisted in the work and he had reasonable ground for believing that copyright did not subsist in the work of which such copies are alleged to be infringing copies; or
- (b) that he has reasonable ground for believing that such copies or plates do not involve infringement of the copyright in any work.

##### *Restriction on remedies in the case of works of architecture*

64. — (1) Where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction to restrain the construction of such building or structure or to order its demolition.

(2) Nothing in section 63 shall apply in respect of the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work.

*Jurisdiction of court and limitation*

65. — (1) Every suit or other civil proceeding regarding infringement of copyright shall be instituted and tried in the court of the District Judge.

(2) Where all the parties to a suit or other proceeding regarding infringement of copyright in any work agree in writing that the suit or proceeding, as the case may be, be referred to the decision of the Board, the suit or other proceeding shall, notwithstanding anything contained in sub-section (1), be referred to the Board for decision, and no court or other tribunal shall hear, try or entertain such suit or proceeding.

(3) The decision of the Board in any matter referred to it for decision under sub-section (2) shall, subject to the provisions as to appeal, be final, and shall be executed in the manner provided in section 79.

CHAPTER XIV

**Offences and penalties**

*Offences of infringement of copyright or other rights conferred by this Ordinance*

66. — Any person who knowingly infringes or abets the infringement of —

(a) the copyright in a work, or

(b) any other right conferred by this Ordinance,

shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to two years, or with both.

*Explanation.* — Construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work, shall not be an offence under this section.

*Possession of plates for purpose of making infringing copies*

67. — If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to two years, or with both.

*Penalty for making false entries in the Register, etc., or producing or tendering false evidence*

68. — Any person who, —

(a) makes or causes to be made a false entry in the Register of Copyrights, or

(b) makes or causes to be made a writing falsely purporting to be a copy of any entry in the register, or

(c) produces or tenders or causes to be produced or tendered

as evidence any such entry or writing, knowing the same to be false,

shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to two years, or with both.

*Penalty for making false statements for the purpose of deceiving or influencing any authority or officer*

69. — Any person who, —

(a) with a view to deceiving any authority or officer in the performance of any of his functions under any of the provisions of this Ordinance, or

(b) with a view to inducing or influencing the doing or omission of anything in relation to this Ordinance or any matter thereunder,

makes a false statement or representation knowing the same to be false, shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to two years, or with both.

*False attribution of authorship, etc.*

70. — Whosoever —

(1) inserts or affixes the name of any person in or on a work of which that person is not the author, or in or on a reproduction of such a work, in such a way as to imply that such person is the author of the work; or

(2) publishes, or sells or lets for hire, or by way of trade offers, exposes for sale or hire, or by way of trade exhibits in public a work in or on which the name of a person has been inserted or affixed in such a way as to imply that such person is the author of the work, or the publisher of the work, who to his knowledge is not the author or the publisher, as the case may be, of such work; or

(3) does any of the acts mentioned in clause (2) in relation to, or distributes, reproductions of a work, being reproductions in or on which any person's name has been inserted or affixed in such a way as to imply that such person is the author of the work, who to his knowledge is not the author of such work, or performs in public, or broadcasts the work as being the work of a particular author, who to his knowledge is not the author of such work;

shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to two years, or with both.

*Offences by companies*

71. — (1) Where any offence under this Ordinance has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for, the conduct of the business of the company, as well as the company shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.* — For the purposes of this section —

- (a) “company” means any body corporate and includes a firm or other association of persons; and  
 (b) “director” in relation to a firm means a partner in the firm.

#### *Cognizance of offences*

72. — No court inferior to that of a Magistrate of the first class shall try any offence under this Ordinance.

#### *Power of the court to dispose of infringing copies or plates for purpose of making infringing copies*

73. — The court before which any offence under this Ordinance is tried may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies, or plates for the purpose of making infringing copies, be destroyed or delivered to the owner of the copyright or otherwise dealt with as the court may think fit.

#### *Powers of police to seize infringing copies*

74. — (1) Where a Magistrate has taken cognizance of any offence under section 72 in respect of the infringement of copyright in any work, it shall be lawful for any police officer, not below the rank of sub-inspector, to seize, with warrant from the Magistrate, all copies of the work which appear to him to be infringing copies of the work and all copies so seized shall, as soon as practicable, be produced before the Magistrate:

Provided that no such copy as is owned by any public library, or a library attached to an educational institution or a non-profit library available for use by the public free of charge or is in the possession of any person for his *bona fide* use shall be seized.

(2) Any person having an interest in any copies of a work seized under sub-section (1) may, within fifteen days of such seizure, make an application to the Magistrate for such copies being restored to him and the Magistrate, after hearing the applicant and the complainant and making such further inquiry as may be necessary, shall make such order on the application as he may deem fit.

### CHAPTER XV

#### Appeals

#### *Appeals against certain orders of Magistrate*

75. — Any person aggrieved by an order made under section 73 or sub-section (2) of section 74 may, within thirty days of the date of such order, appeal to the court to which

appeals from the court making the order ordinarily lie, and such appellate court may direct that execution of the order be stayed pending disposal of the appeal.

#### *Appeals against orders of Registrar*

76. — Any person aggrieved by any final decision or order of the Registrar may, within three months from the date of the decision or order, appeal to the Board:

Provided that the Registrar shall not sit as a member of the Board when the Board hears an appeal under this section.

#### *Appeals against orders of the Board*

77. — (1) Any person aggrieved by any final decision or order of the Board, not being a decision or order made in an appeal under section 76 may, within three months from the date of such decision or order, appeal to the High Court within whose jurisdiction the appellant actually and voluntarily resides or carries on business or personally works for gain:

Provided that no such appeal shall lie against a decision of the Board under sub-section (2) of section 4 and sub-section (2) of section 6.

(2) In calculating the period of three months provided for an appeal under section 76 and sub-section (1), the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded.

### CHAPTER XVI

#### Miscellaneous

#### *Registrar and Board to possess certain powers of civil court*

78. — The Registrar and the Board shall have the powers of a civil court when trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents;
- (e) requisitioning any public record or copy thereof from any court or office;
- (f) any other matter of procedure which may be prescribed.

*Explanation.* — For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Registrar or the Board, as the case may be, shall be the whole of Pakistan.

#### *Order for payment of money passed by Registrar or Board to be executable as a decree*

79. — Every order made by the Registrar or the Board under this Ordinance for the payment of any money or by the High Court in any appeal against any such order of the Board shall, on a certificate issued by the Registrar, the Board or the Registrar or the High Court, as the case may be, be deemed to be a decree of a civil court and shall be executable in the same manner as a decree of such court.

*Indemnity*

80. — No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Ordinance.

*Certain persons to be public servants*

81. — Every officer appointed under this Ordinance and every member of the Board shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

*Powers to make rules*

82. — (1) The Central Government may, after previous publication, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, the rules may provide for all or any of the following, namely:—

- (a) the term of office and conditions of service of the Chairman and other members of the Board;
- (b) the form of complaints and applications to be made, and the licences to be granted, under this Ordinance;
- (c) the procedure to be followed in connection with any proceeding before the Registrar or the Board;
- (d) the manner of determining any royalties payable under this Ordinance, and the security to be taken for the payment of such royalties;
- (e) the form of Register of Copyrights to be kept under this Ordinance and the particulars to be entered therein;
- (f) the matters in respect of which the Registrar and the Board shall have powers of a civil court;
- (g) the fees which may be payable under this Ordinance;
- (h) the regulation of business of the Copyright Office and of all things by this Ordinance placed under the direction or control of the Registrar.

*Repeal*

83. — The Copyright Act, 1914 (III of 1914), and the Copyright Act of 1911 passed by the Parliament of the United Kingdom (1-2, Geo. 5, Ch. 46), as modified in its application to Pakistan by the Copyright Act, 1914 (III of 1914), are hereby repealed.

*Savings and transitory provisions*

84. — (1) Where any person has, before the commencement of this Ordinance, taken any action whereby he has incurred any expenditure or liabilities in connection with the reproduction or performance of any work in a manner which at the time was lawful or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the coming into force of this Ordinance, have been lawful, nothing in this section shall diminish or prejudice any rights or interests arising from or in connection with such actions which are subsisting and valuable at the said date, unless the person who, by virtue of this Ordinance, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by the Board.

(2) Copyright shall not subsist by virtue of this Ordinance in any work in which copyright did not subsist immediately before the commencement of this Ordinance under any Act repealed by section 83.

(3) Where copyright subsisted in any work immediately before the commencement of this Ordinance, the rights comprising such copyright shall, as from the date of such commencement, be the rights specified in section 3 in relation to the class of works to which such work belongs, and where any new rights are conferred by that section the owner of such rights shall be—

- (a) in any case where copyright in the work was wholly assigned before the commencement of this Ordinance, the assignee or his successor-in-interest; and
- (b) in any other case, the person who was the first owner of the copyright in the work under any Act repealed by section 83 or his legal representatives.

(4) Except as otherwise provided in this Ordinance, where any person was entitled immediately before the commencement of this Ordinance to copyright in any work or any right in such copyright or to an interest in any such right, he shall continue to be entitled to such right or interest for the period for which he would have been entitled thereto if this Ordinance had not come into force.

(5) Nothing contained in this Ordinance shall be deemed to render any act done before its commencement an infringement of copyright if that act would not otherwise have constituted such an infringement.

## YUGOSLAVIA

## Law Amending the Copyright Act

(Of March 8, 1965)<sup>1)</sup>

*Article 1.* — In the Copyright Act, Article 1, the word “community” is replaced by the words “social community”.

*Article 2.* — In Article 2, paragraph 3, the words “Federal People’s Republic of Yugoslavia” are replaced by the words “Socialist Federal Republic of Yugoslavia”.

*Article 3.* — In Article 14, paragraph 1, the word “Federated” and the words “the autonomous region” are deleted, and the words “politico-territorial unit” are replaced by the words “socio-political community”.

In paragraph 2 the words “institution, economic body and the like” are replaced by the words “working organization or other organization”.

*Article 4.* — In Article 15, paragraph 2, the words “National Defense Affairs” are replaced by the words “National Defense”.

*Article 5.* — In Article 16, paragraph 1, the words “the organization, institution, economic or social body, as well as any other employer” are replaced by the words “the Government agency, working organization or other organization”.

*Article 6.* — In Article 17, paragraph 1, the word “employer” is replaced by the words “Government agency, working organization or other organization in whose services the work has been created”.

In paragraphs 2, 3 and 4 the word “employer” is replaced by the words “Government agency, working organization or other organization”.

*Article 7.* — In Article 18, paragraph 1, the words “of the employer” are replaced by the words “of the Government agency, working organization or other organization”.

In paragraph 2 the word “employer” is replaced by the words “Government agency, working organization or other organization”.

*Article 8.* — In Article 20 the word “employer” is replaced by the words “Government agency, working organization or other organization”.

*Article 9.* — In Article 22, paragraph 1, the words “(an academy, university, faculty, institute, undertaking, social organization or the like)” are deleted.

*Article 10.* — In Article 66, paragraph 1, the words “the economic organization, the financially independent institution, the social organization” are replaced by the words “the working organization or other organization”.

In paragraph 2 the words “within the economic organization, the financially independent institution, the social organization” are replaced by the words “within the working organization or other organization”.

*Article 11.* — In Article 70, paragraph 1 is amended to read:

“If the unions of authors do not reach an agreement on the exercise of authors’ rights common to a greater number of unions, the Federal Secretary of Public Education and Culture shall determine which unions of authors shall be commissioned to exercise such rights. The Federal Secretary of Public Education and Culture shall also determine which unions of authors shall be commissioned to exercise the authors’ rights in respect of categories of works for which there is no union of authors”.

*Article 12.* — Article 72 is deleted.

*Article 13.* — In Article 75, paragraphs 2 and 3, the words “of the Popular Committee” are deleted.

*Article 14.* — Until the enactment of a new law on copyright, the organizations for the protection of authors’ rights which have been founded by the unions of authors continue to operate as institutions.

The by-laws of an organization for the protection of authors’ rights, before being finally adopted, shall be submitted for opinion to the unions of authors which have founded it.

General acts on distribution of funds deriving from copyright are issued by the unions of authors in conformity with laws and regulations.

The unions of authors for which the institution exercises the authors’ rights may ask it to submit reports on its exercise of their rights, and inspect its activity regarding the application of laws and regulations relating to the copyright protection, as well as the application of general acts issued by the unions of authors on distribution of funds derived from copyright.

*Article 15.* — This law shall come into force on the eighth day from the date of its publication in the *Official Gazette of the S. F. R. Y.*

<sup>1)</sup> Published in the *Official Gazette of the S. F. R. Y.* of March 17, 1965 (No. 11/65). BIRPI translation. See *Le Droit d’Auteur*, 1958, pp. 155 et seq.



1. it is essential:
  - (a) to add in Article 9, alongside the right of reproduction, recognition of the right to "distribute" copies of the reproduced work,
  - (b) to define the exact scope of paragraph (2), the present wording of which is likely to permit a dangerous extension of the exception left to the discretion of national legislations;
2. it is necessary to maintain the limitation of the exception provided for "short" quotations in Article 10 (1) of the text now in force;
3. it would be fitting, with reference to the observations made in connection with Article 9 (2), to reserve the advisability of maintaining the present paragraph (1) of Article 13;
4. (a) reaffirms the opinion it had expressed on maintaining the present text of Article 14,  
 (b) notes that adoption of the rule of interpretation for agreements would constitute an interference with contractual relations which is not in keeping with the role of an international convention,  
 (c) feels that in any event it should be compulsory for the authors engagement to result from a written act;
5. considers,
 

while recognizing "the necessity of facilitating cultural, social and educational expansion in developing countries", that the Draft Protocol as presented could be criticized because:

  - (a) assistance in this field could be offered to these countries in other ways,
  - (b) the burden of sacrifices it involves would be borne by the authors alone,
  - (c) it jeopardizes the cultural advancement of such countries,

feels that, if the Draft Protocol should be accepted, it would have to take the form of a protocol that is independent of the Convention, with a criterion for deter-

mining the beneficiaries and with provisions that are strictly defined, particularly as regards paragraph (e).

## II. Proposals for Revising the Administrative Provisions and Final Clauses (Articles 20<sup>bis</sup> to 32, Document S/9 and Corrigendum), Proposals for Establishing the Organization (Document S/10)

Having taken cognizance of Documents S/9, S/10 as well as the Corrigendum to Document S/9, the ALAI Congress,

After having heard the reports and exchanged views thereon:

Considers

that the establishment of a body such as IPO does not appear to be absolutely necessary because the desired objective could be achieved in other ways, such as

- (a) the coordination among the Unions by means of of bodies that would pertain to them alone,
- (b) the promotion of the protection of intellectual property on a world-wide basis through conferences convened on the initiative of either the Berne Union or the Paris Union, or possibly both Unions,

that if the IPO project should be accepted, it would be fitting, firstly to ensure the autonomy of the Unions more effectively, in particular so that each one of them would be completely free to decide on its contribution to the expenses of legal-technical assistance, and secondly to define the powers of the Associate States so that they would only debate on questions having to do with promoting the protection of intellectual property throughout the world;

that the system, as it appears from the proposed texts, is of obvious, and perhaps dangerous, complexity;

that the rules constituting IPO, in so far as they are intended to bring about coordination among the Unions, should be submitted to the vote of the Union States alone, as is stipulated in the administrative and final provisions of the Paris and Berne Conventions.



## BOOK REVIEWS

Urheberrechtsgesetz [texts of laws of the Federal Republic of Germany dealing with copyright and related rights, and with the administration of copyright and related rights]. One volume of 91 pages. Published by Carl Heymanns Verlag KG, Cologne, 1965. Price: DM 8.80.

A new Act dealing with Copyright and Related Rights and another new Act dealing with the Administration of Copyright and Related Rights became effective in the Federal Republic of Germany on January 1, 1966. A certain number of works on the subject has been published recently, with a view to permitting the interested circles to adapt themselves more easily to the new legal situation.

Let us point out that the publishers Heymann have put on the market the texts of the above-mentioned Acts in a very handy edition. The form of the publication follows the good tradition of text editions along the lines already adopted by the same publishing house for its publication of legislative texts concerning the protection of industrial property.

R. W.

\* \* \*

Urheberrecht — Kommentar zum Urheberrechtsgesetz und zum Wahrnehmungsgesetz [Copyright — Commentary on the Act dealing with Copyright and Related Rights and the Act dealing with the Administration of Copyright and Related Rights], by *Friedrich Karl Fromm* and *Wilhelm Nordemann*. One volume of 434 pages. Published by W. Kohlhammer Verlag, Stuttgart, 1966. Price: DM 45.—

Immediately after the coming into force of the above-cited Act, the publishers W. Kohlhammer issued a commentary relating to them. The authors of this work are Karl Friedrich Fromm and Wilhelm Nordemann. The explanations are worded so clearly that lawyers will not be the only ones to be able to make use of this searched commentary; it can also be consulted by those who are not lawyers but who wish to get informed on

various questions relating to copyright. The matter, which in itself is rather difficult to comprehend, has been illustrated in a very skillful manner by well-chosen examples taken from the fields of literature, theater, music, and cinema. That facilitates considerably the understanding of the problems involved.

Among other texts, the following ones have been reproduced in the appendix to the book: the new Copyright Act of the German Democratic Republic, of September 13, 1965, the Berne Convention for the Protection of Literary and Artistic Works, and the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.

R. W.

\* \* \*

Das neue Urheberrecht [The new copyright law], by *Benvenuto Samson*. One brochure of 136 pages. Published by Verlag für angewandte Wissenschaften, Baden-Baden, 1966. Price: DM 25.80. - Issued as volume 32 of the «Schriftenreihe der UFITA», edited by Georg Roehrer, Munich.

Among the works which deal with the new copyright laws in the Federal Republic of Germany, let us also mention the very informative study by Professor Benvenuto Samson. The author did not intend to write a manual, nor to make a commentary. The purpose he had in view was to point to the changes which had occurred in the new laws as against the old ones, and to demonstrate the differences existing between the new legal situation now resulting from them and the one which preceded it.

For the purpose of his analysis, the author has relied upon the grounds contained in the governmental draft (*Regierungsentwurf*), and upon the records of the legal committee (*Rechtsausschuss*) and of the subcommittee (*Unterausschuss*) specially charged with the problems of copyright.

R. W.

## CALENDAR

### Meetings of BIRPI

Date and Place	Title	Object	Invitations to Participate	Observers Invited
June 11 to July 14, 1967 Stockholm	Intellectual Property Conference of Stockholm, 1967	(a) General Revision of the Berne Convention (Copyright) (b) Revision of the Paris Convention (Industrial Property) on the question of inventors' certificates (c) Revision of the administrative and final clauses of the Berne and Paris Conventions and of the Special Agreements concluded under the latter (d) Establishment of a new Organization	For (a), (b) and (c): Member States of the various Unions For (d): States Members of the United Nations or any of the UN Specialized Agencies	States: States not members of the Unions [for (a), (b) and (c)] Intergovernmental Organizations: United Nations; International Labour Organisation; World Health Organization; United Nations Educational, Scientific and Cultural Organization; General Agreement on Tariffs and Trade; United Nations Conference on Trade and Development; United Nations Industrial Development Organization; International Institute for the Unification of Private Law; International Patent Institute; International Vine and Wine Office; International Olive Oil Council; Organization of American States; Council of Europe; European Economic Community; European Free Trade Association; Latin American Free Trade Association; African and Malagasy Industrial Property Office Interested International Non-Governmental Organizations

Date and Place	Title	Object	Invitations to Participate	Observers Invited
October 2 to 10, 1967 Geneva	Committee of Experts on a Patent Cooperation Treaty (PCT)	Examination of the proposed BIRPI plan for facilitating the filing and examination of applications for the protection of the same invention in a number of countries	<i>Countries in which over 5000 patent applications were filed in 1965:</i> Argentina, Australia, Austria, Belgium, Brazil, Canada, Czechoslovakia, Denmark, France, Germany (Fed. Rep.), India, Italy, Japan, Mexico, Netherlands, Poland, South Africa, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America	<i>Intergovernmental Organizations:</i> United Nations; United Nations Industrial Development Organization; United Nations Conference on Trade and Development; International Patent Institute; Organization of American States; Permanent Secretariat of the General Treaty for Central American Economic Integration; Latin-American Free Trade Association; Council of Europe; European Economic Community; European Free Trade Association; African and Malagasy Industrial Property Office <i>International Non-Governmental Organizations:</i> Committee of National Institutes of Patent Agents; Inter-American Association of Industrial Property; International Association for the Protection of Industrial Property; International Chamber of Commerce; International Federation of Patent Agents; Union of European Patent Agents
December 12 to 15, 1967 Geneva	Permanent Committee of the Berne Union (13 <sup>th</sup> Session)	Consideration of various questions concerning copyright	Belgium, Brazil, Denmark, France, Germany (Fed. Rep.), India, Italy, Portugal, Rumania, Spain, Switzerland, United Kingdom	All other Member States of the Berne Union; interested international inter-governmental and non-governmental organizations
December 18 and 19, 1967 Geneva (Headquarters of ILO)	Intergovernmental Committee (Neighbouring Rights). Meeting convened jointly by BIRPI, ILO and UNESCO (1 <sup>st</sup> Session)	Adoption of the rules of procedure; election of officers; various questions	Congo (Brazzaville), Czechoslovakia, Ecuador, Mexico, Sweden, United Kingdom	All other States parties to the Rome Convention (1961)
December 18 to 21, 1967 Geneva	Interunion Coordination Committee (5 <sup>th</sup> Session)	Program and Budget of BIRPI	Belgium, Brazil, Ceylon, Czechoslovakia, Denmark, France, Germany (Fed. Rep.), Hungary, India, Italy, Japan, Mexico, Morocco, Netherlands, Nigeria, Portugal, Rumania, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom, United States of America, Yugoslavia	All other Member States of the Paris Union or of the Berne Union
December 18 to 21, 1967 Geneva	Conference of Representatives of the International Union for the Protection of Industrial Property (2 <sup>nd</sup> Session)	Program and Budget for the next three-year period	All Member States of the Paris Union	—
December 18 to 21, 1967 Geneva	Executive Committee of the Conference of Representatives of the Paris Union (3 <sup>rd</sup> Session)	Program and Budget (Paris Union)	Ceylon, Czechoslovakia, France, Germany (Fed. Rep.), Hungary, Italy, Japan, Mexico, Morocco, Netherlands, Nigeria, Portugal, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom, United States of America, Yugoslavia	All other Member States of the Paris Union
December 18 to 21, 1967 Geneva	Council of the Lisbon Union for the Protection of Appellations of Origin and their International Registration (2 <sup>nd</sup> Session)	Annual Meeting	All Member States of the Lisbon Union	All other Member States of the Paris Union

## Meetings of Other International Organizations concerned with Intellectual Property

Place	Date	Organization	Title
Stockholm	July 12 and 13, 1967	International Patent Institute (IIB)	92 <sup>nd</sup> Session of the Administrative Council
Helsinki	August 28 to September 1, 1967	International Association for the Protection of Industrial Property (IAPIP)	Executive Committee
Stockholm	September 18 to 29, 1967	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT)	7 <sup>th</sup> Annual Meeting
Cannes	September 26 to 29, 1967	International Federation of Patent Agents (FICPI)	Congress

## VACANCIES FOR POSTS IN BIRPI

Applications are invited for the following posts:

### I. Counsellor in the Industrial Property Division

Grade: P4.

*Principal Duties:*

In general to assist in the implementation of BIRPI's industrial property program.

The particular duties will include:

- (a) legal studies on industrial property questions;
- (b) drafting of working papers for, and reports on, international meetings;
- (c) participation in meetings of other international organizations;
- (d) collecting the material for, and preparing the publication of, a complete collection of industrial property legislation of all countries.

*Qualifications:*

- (a) university degree in law or equivalent professional qualification;
- (b) good knowledge in the field of industrial property (preferably including its international aspects);
- (c) excellent knowledge of one of the official languages (English and French) and at least a good knowledge of the other.

*Date of entry on duty:* to be mutually arranged.

### II. Assistant in the Industrial Property Division

Grade: P2 or P3 according to the qualifications of the candidate selected.

*Principal Duties:*

In general to assist in the implementation of BIRPI's industrial property program.

Under the direction and supervision of a senior staff member, the particular duties will include:

- (a) legal studies on industrial property questions;
- (b) drafting of working papers for, and reports on, international meetings;
- (c) participation in meetings of other international organizations;
- (d) collecting the material for, and preparing the publication of, a complete collection of industrial property legislation of all countries.

*Qualifications:*

- (a) university degree in law or equivalent professional qualification;
- (b) good knowledge in the field of industrial property (preferably including its international aspects);
- (c) excellent knowledge of one of the official languages (English and French) and at least a good knowledge of the other.

*Date of entry on duty:* January 1, 1968.

### III. Assistant in the Division of Registrations, Searches and Classifications

Grade: P2 or P3 according to the qualifications of the candidate selected.

*Principal Duties:*

The person appointed will be called upon to assist the Head of the Division, and his duties will include in particular:

- (a) direct responsibility for the organization and functioning of the Service for the International Registration of Trademarks (Madrid Agreement); correspondence pertaining to this Service;
- (b) responsibility for certain tasks concerning the International Classification of Goods and Services to which Trademarks are Applied (Nice Agreement), the International Registration of Industrial Designs (The Hague Agreement) and Appellations of Origin (Lisbon Agreement), as well as Article 6<sup>ter</sup> of the Paris Convention.

*Qualifications:*

Experience in the field of trademark registration and, in general, in industrial property with, preferably, a university degree in law or equivalent professional qualification.

Excellent knowledge of French and at least a good knowledge of English. A knowledge of German would be an advantage.

*Date of entry on duty:* to be mutually arranged.

### For the three posts above mentioned:

*Nationality:*

Candidates must be nationals of one of the member States of the Paris or Berne Unions. Qualifications being equal, preference will be given to candidates who are nationals of States of which no national is on the staff of BIRPI.

*Age limit:*

Candidates should be less than 50 years of age.

Application forms and full information regarding the conditions of employment may be obtained from the Head of Personnel, BIRPI, 32, chemin des Colombettes, 1211 Geneva 20, Switzerland.

Application forms duly completed should reach BIRPI *not later than September 1, 1967.*

