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Berne Union

The Berne Union and International Copyright and Neighboring Rights in 1977 *

I. In General

The main aim of the copyright and neighboring rights activities is to strengthen cooperation among States in the mutual protection of literary and artistic works, musical and other performances, phonograms and broadcasts. Such activities, apart from those concerned with development cooperation related to copyright and neighboring rights, are concerned with the study of particular problems arising in the fields of copyright and neighboring rights and in the servicing of international treaties and the improvement of national legislations.

II. Berne Union

Member States

During 1977, the Central African Empire and Egypt deposited instruments of accession to the Berne Convention for the Protection of Literary and Artistic Works (Paris Act, 1971) and became party to the said Convention on September 3, 1977, and June 7, 1977, respectively. As of December 31, 1977, the number of States members of the International Union for the Protection of Literary and Artistic Works (Berne Union) was 70 (see Table of Member States in the January 1978 issue of this review).

Stockholm Act (1967)

As of December 31, 1977, the number of States which had ratified or acceded to the Stockholm Act (1967) of the Berne Convention with a declaration to the effect that their ratification or accession did not apply to Articles 1 to 21 and to the Protocol Regarding Developing Countries and which were still bound only by Articles 22 to 38 of the Stockholm Act (1967) (as distinct from Articles 22 to 38 of the Paris Act (1971)) of the Berne Convention was 13. Articles 22 to 38 of the Stockholm Act (1967) are also in force for four States which have ratified or acceded to the said Act in its entirety but have not subsequently ratified or acceded to the Paris Act (1971). As regards Articles 1 to 21 of the Stockholm

Act (1967) and the Protocol Regarding Developing Countries, they have not entered into force. As of October 10, 1974, on which date Articles 1 to 21 and the Appendix of the Paris Act (1971) of the Berne Convention entered into force, no State may ratify or accede to the Stockholm Act (1967).

Paris Act (1971)

Acceptance. During 1977, three States members of the Union deposited instruments of accession in respect of the Paris Act (1971) of the Berne Convention in its entirety: Australia, German Democratic Republic and Mali. One State, Malta, deposited its instrument of accession with a declaration to the effect that its accession did not apply to Articles 1 to 21 and the Appendix. The Paris Act (1971) of the Berne Convention entered into force in 1977 for Mali (December 5, 1977) and Malta (December 12, 1977) and enters into force in 1978 for the German Democratic Republic (February 18, 1978) and Australia (March 1, 1978) (see Table of Member States in the January 1978 issue of this review).

Applicability of Articles 1 to 21 and the Appendix. At the end of 1977, 32 States were bound by Articles 1 to 21 and the Appendix of the Paris Act (1971) of the Berne Convention.

Applicability of Articles 22 to 38. At the end of 1977, 38 States were bound by Articles 22 to 38 (administrative provisions and final clauses) of the Paris Act (1971) of the Berne Convention.

Notifications under Article I of the Appendix. In 1977, no State deposited such a notification, so that it is still Mexico, Surinam and Tunisia which have so far deposited a notification whereby each availed itself of the faculties provided for in Articles II and III of the Appendix of the Paris Act (1971) of the Berne Convention. These notifications will be effective until the expiration of ten years from the entry into force of Articles 1 to 21 and the Appendix of the Paris Act (1971) of the Berne Convention, that is, until October 10, 1984.

Declarations under Article VI of the Appendix. In 1977, no State made such a declaration, so that it is still Germany (Federal Republic of), Norway and the United Kingdom which so far have declared that they admit the application of the Appendix of the Paris Act (1971) of the Berne Convention to works

* This article covers the main activities of the Berne Union and in the fields of international copyright and neighboring rights. The activities of the World Intellectual Property Organization as such are covered in the February 1978 issues of *Copyright* and *Industrial Property*. The March 1978 issue of the latter covers the main activities of the Paris Union and industrial property in 1977.

of which they are the country of origin by countries which have deposited a notification under Article I of the Appendix (see the preceding paragraph).

Contribution Classes. With effect from January 1, 1978, two States, Mali and Malta, chose a lower class (Class VII instead of Class VI) for the purposes of establishing their contributions towards the budget of the Berne Union.

Governing Bodies

The Berne Union Executive Committee held an ordinary session in September/October 1977, during the eighth series of meetings of the Governing Bodies of WIPO and the Unions administered by WIPO, and an extraordinary session in November/December 1977. The main items discussed and the principal decisions taken by the Governing Bodies, including the Berne Union Executive Committee during its session in September/October 1977, are reported on in the February 1978 issue of this review, whereas the Berne Union Executive Committee during its session in November/December 1977, sitting with the Intergovernmental Copyright Committee established under the Universal Copyright Convention, dealt with a number of items of concern to both Committees which are referred to hereafter.

III. International Copyright

Development Cooperation Activities Related to Copyright and Neighboring Rights

The activities in 1977 of the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights are summarized in the February 1978 issue of this review (pp. 55 *et seq.*). They concern the following: the Permanent Committee (membership and first session); the increasing number of developing countries becoming party to the international treaties in the fields of copyright and neighboring rights; support of national authors and performers (the promotion and protection of indigenous intellectual creativity in developing countries); access to and dissemination of works and performances of foreign origin protected by copyright and neighboring rights (as to which, see also below — implementation of the revised Paris texts of 1971 of the Berne Convention and the Universal Copyright Convention in respect of their application to developing countries); the Tunis Model Law on Copyright for Developing Countries; the copyright glossary and manual for developing countries; the protection of folklore; fellowships and other training opportunities; regional meetings, seminars and conferences; and assistance to certain developing countries and regional institutions of developing countries.

The Berne Union Executive Committee at its session in November/December 1977 expressed satisfaction with, and appreciation of, the activities of

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

Implementation of the Revised Paris Texts of 1971 of the Berne Convention and the Universal Copyright Convention in Respect of their Application to Developing Countries

At their sessions in November/December 1977, the Berne Union Executive Committee and the Intergovernmental Copyright Committee (hereinafter referred to as "the Copyright Committees") considered the results of a survey conducted by the International Bureau of WIPO and the Secretariat of Unesco concerning the implementation of the revised Paris texts of 1971 of the Berne Convention and the Universal Copyright Convention in respect of their application to developing countries. The Copyright Committees decided that the two Secretariats should prepare an overall study of the problems posed for the developing countries in respect of access to protected works, dealing with the application of the revised texts of 1971 and with practical arrangements which would assist such application, that a working group be convened as soon as possible to consider the problems faced by developing countries in obtaining access to protected works, including an in-depth examination of the machinery for access to protected works and the search for practical solutions, and that the membership of the working group, to be convened jointly by the Directors General of WIPO and Unesco, should consist not only of copyright experts but also persons responsible for national copyright information centers and other specialists who could give the working group the benefit of their experience.

Protection of Folklore

At their sessions in November/December 1977, the Copyright Committees considered the report of a meeting of a Committee of Experts on the Legal Protection of Folklore which had met in Tunis in July 1977 and had been convened by Unesco pursuant to a request of the two Committees at their sessions in December 1975 that the Cultural Sector of Unesco study the problems involved in the protection of folklore. The two Committees, while recognizing that their competence was limited, decided that, in so far as copyright could enter into the solution of the problems arising in the protection of folklore, they should continue to consider them, that studies on this subject should be pursued by the Unesco Secretariat on an interdisciplinary basis within the framework of an overall approach, that WIPO should be associated in the examination of any copyright aspects involved, and that WIPO should enquire into the extent to which regulations governing industrial property (unfair competition, appellations of origin, etc.) might be used.

Audiovisual Cassettes and Discs

In accordance with the recommendations of the Copyright Committees adopted at their sessions in December 1975, a working group convened by WIPO and Unesco met in Geneva in February 1977, to consider the legal problems arising from the use of videocassettes and audiovisual discs. The Working Group was composed of specialists invited in a personal capacity, who came from France, Mexico, Morocco, the Netherlands, Senegal, the Soviet Union and the United States of America. The meeting was also attended by the International Labour Organisation (ILO) and observers from twelve interested international non-governmental organizations. After a full discussion, the Working Group concluded that the international copyright conventions already contained provisions which afforded copyright owners adequate protection as regards use of videograms, and that the advent of the new dissemination techniques did not call for a revision of the existing Conventions, or for the formulation of a new international instrument. It also did not consider the revision of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention) advisable, but felt that national legislations should be amended to specify the relevant solutions.

The report of the Working Group was submitted to the Copyright Committees at their sessions in November/December 1977. After an exchange of views on the various procedures which could be followed for future work, the two Committees decided to each establish a subcommittee, that the membership of each subcommittee would be limited to the Member States of the respective Committee, that the two Secretariats would consider the possibility of inviting to the meetings of the subcommittees in a consultative capacity experts who had been members of the Working Group, that the two Secretariats should include in the preparatory documents to be submitted to the two subcommittees relevant information on existing collective agreements or general contracts, assembled with cooperation of the organizations concerned dealing with the production and use of videograms, and that the two subcommittees should meet together during 1978. The two Committees also decided that, in the event that the Intergovernmental Committee established under the Rome Convention decided to examine the problems arising from the use of audiovisual cassettes and discs, the members of that Committee which were not members of the Copyright Committees should be invited as observers to the meetings of the subcommittees.

Transmission by Cable of Television Programs

The Working Group on the Problems in the Field of Copyright and So-Called Neighboring Rights Raised by the Distribution of Television Programs by

Cable, convened by WIPO and Unesco, met in Paris in June 1977. The Working Group was composed of specialists from Austria, Canada, Denmark, France, Germany (Federal Republic of), India, Mexico, Morocco, the Soviet Union and the United States of America. The meeting was also attended by the International Labour Organisation (ILO), the Council of Europe (CE) and observers from international non-governmental organizations concerned.

Discussions were based on information provided by States party to the Berne Convention for the Protection of Literary and Artistic Works and to the Universal Copyright Convention in regard to problems arising from the transmission by cable of television programs, on the comments provided by such States and by international non-governmental organizations, and on the analysis of these comments prepared by the Secretariats of WIPO and Unesco.

The Working Group considered that three situations should be clearly distinguished from one another: (i) the distribution by cable of the cable distributor's own programs; (ii) the distribution by cable of broadcast programs retransmitted by the original broadcasting organization; (iii) the distribution by cable of broadcast programs by an organization other than the original broadcasting organization.

The Working Group examined the criteria and characteristics of each situation, the methods of their regulation (including the granting of exclusive rights or compulsory licenses, the exercise of exclusive rights through collective management and possible adjustments of these rights when there is cable distribution within certain territorial zones or areas, and the interrelationship between radiocommunications regulations and intellectual property rights), the repercussions when television programs distributed by cable are carried by signals from either point-to-point distribution satellites or direct broadcast satellites, and the adequacy of the protection of performers, producers of phonograms and broadcasting organizations when television programs are distributed by cable.

The Working Group concluded that its study of the legal problems raised by cable distribution of television programs had clearly revealed the need and usefulness of identifying various points on which national legislation, where necessary, should deal with these problems from the point of view of copyright and neighboring rights.

The report of the Working Group was submitted to the Copyright Committees at their sessions in November/December 1977. The two Committees decided that the two Secretariats should undertake a survey of the legislative courses of action adopted or planned in different countries and on current practice concerning contractual relations between the interested parties, that future work on the subject

should be carried out by subcommittees established along the same lines as had been decided by the two Committees for the future work on the legal problems arising from the use of audiovisual cassettes and discs.

Electronic Computers and Other Technological Equipment

At their sessions in November/December 1977, the Copyright Committees considered two reports on the problems arising from the use of electronic computers. The first was a complementary report on the problems arising from the use of electronic computers in the storage and retrieval of protected works, prepared by Professor Eugen Ulmer. The second was a report on the role of computers in the creation of works, prepared by the National Commission on New Technological Uses of Copyrighted Works (CONTU) of the United States of America. The Committees decided that these two reports, as well as the previous reports prepared by Professor Eugen Ulmer, should be circulated to all the States members of the Berne Convention or the Universal Copyright Convention for their comments and that a working group should be convened in 1979 to consider the problems arising from the use of electronic computers.

Double Taxation of Copyright Royalties

Pursuant to the request made by the second Committee of Governmental Experts on the Double Taxation of Copyright Royalties Remitted from One Country to Another at its session in December 1976, the International Bureau of WIPO and the Secretariat of Unesco continued their work in preparing new texts of a draft convention and a draft model bilateral agreement on the avoidance of double taxation of copyright royalties remitted from one country to another. The new texts will be submitted to a third Committee of Governmental Experts to be convened during 1978.

Works Destined for Persons with Visual or Auditory Handicaps

The Copyright Committees decided at their sessions in November/December 1977 to invite the World Council for the Welfare of the Blind (WCWB) and other international organizations dealing with persons suffering visual or auditory handicaps to carry out a preliminary study of the problems arising in making protected works more readily accessible to persons with such handicaps, supplemented by a brief account of the solutions which had emerged at the national level, and that the International Bureau of WIPO and the Secretariat of Unesco should, if they considered it necessary, submit that study to a working group consisting of representatives of non-governmental organizations concerned.

Relations with States

See the report on WIPO and its activities in 1977 in the February 1978 issue of this review (p. 62).

Relations with International and National Organizations

WIPO was represented at the following meetings of international and national non-governmental organizations having an interest in copyright and related matters at which questions of direct interest to WIPO were discussed: the Legal Committee on Broadcasting and Television of the Council of Europe in Strasbourg in January 1977; the General Assembly of the Union of National Radio and Television Organizations of Africa (URTNA) in Dakar in January 1977; the colloquium organized by the International Institute of Communications (IIC) in Monte Carlo in February 1977; the Executive Committee in Paris in January 1977 and in Antwerp in September 1977, and the General Assembly in Paris in January 1977, of the International Literary and Artistic Association (ALAI); the Council Meeting of the International Federation of Producers of Phonograms and Videograms (IFPI), as well as the Centenary Celebrations of the Invention of Sound Recordings in Paris in April 1977; the Legal and Legislation Committee of the International Confederation of Societies of Authors and Composers (CISAC) in New York in May 1977; the International Meeting on the Protection of Authors of Plastic and Graphic Arts of the International Confederation of Societies of Authors and Composers (CISAC) in Paris in May 1977; a Program on the new United States Copyright Law organized by the American Society of Composers, Authors and Publishers (ASCAP) in New York in May 1977; the meeting of the Comparative Law Society, held in Münster (Federal Republic of Germany) in September 1977, and the meeting of Directors of National Libraries in Brussels (Belgium) in September 1977, at which copyright matters were discussed.

IV. Rome Convention

Member States

During 1977, Uruguay deposited its instrument of accession to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention). The Rome Convention entered into force with respect to Uruguay on July 4, 1977. By the end of 1977, the number of States party to the Rome Convention was 20 (see Table of Member States in the January 1978 issue of this review).

Intergovernmental Committee

The Intergovernmental Committee established under Article 32 of the Rome Convention met in ordinary session in December 1977. Seven of the

nine States members of the Committee were represented: Austria, Brazil, Czechoslovakia, Ecuador, Mexico, Sweden and the United Kingdom. Five States not members of the Committee but party to the Rome Convention and 12 States not party to the said Convention, as well as one intergovernmental organization and 14 international non-governmental organization, were represented in an observer capacity.

In accordance with paragraph 2 of Article 32 of the Rome Convention, the Committee co-opted, from among the States party to the Convention, Denmark, Fiji and Paraguay as members of the Committee.

Administration of Rights under the Rome Convention. The Committee had before it a report prepared by the Secretariats of WIPO, Unesco and ILO, containing the replies from States and international non-governmental organizations to the inquiry on the administration of rights under the Rome Convention, which was supplemented by information given by the participants at the session. The Committee decided to establish a subcommittee, consisting of all members of the Committee, to study the replies received to the inquiry, taking into account the discussions and supplementary information presented during the session.

Videocassettes and Audiovisual Discs. The Committee considered the report of the Working Group convened by WIPO and Unesco in February 1977 on the legal problems arising from the use of videocassettes and audiovisual discs (see above) and a supplementary report on the problems arising from their use in relation to performers, producers of phonograms and broadcasting organizations. The Committee decided to establish a subcommittee consisting of the States members of the Committee, to whose meetings would be invited to be represented, in an observer capacity, States party to the Rome Convention not members of the Committee and States members of the similar subcommittees set up by the Copyright Committees (see above), as well as intergovernmental and international non-governmental organizations with observer status in the Committee. In addition, experts who had attended the Working Group on the Legal Problems Arising from the Use of Videocassettes and Audiovisual Discs and were not delegates of their respective countries in the subcommittee might be invited in their individual capacity. The subcommittee is to meet at the same time and venue as the subcommittees established by the two Copyright Committees.

Transmission by Cable of Television Programs. The Committee considered the report of the Working Group on the Problems in the Field of Copyright and So-Called Neighboring Rights Raised by the Distribution of Television Programs by Cable which was convened by WIPO and Unesco in June 1977 (see above).

The Committee decided to establish a subcommittee the composition of which will be similar to that provided for the subcommittee referred to in the preceding paragraph.

Other Matters. The Committee noted the information provided by the three Secretariats concerning the status of ratifications and accessions in respect of the Rome Convention and other conventions in the field of neighboring rights and on the results of the Asian/Pacific Seminar on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations in Bangkok in October 1977 (see the report on WIPO and its activities in 1977 in the February 1978 issue of this review, p. 59).

V. Phonograms Convention

Member States

Acceptance. During 1977, the Holy See and Zaire deposited instruments of ratification or accession in respect of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms (Phonograms Convention). The Phonograms Convention entered into force with respect to the Holy See on July 18, 1977, and Zaire on November 29, 1977. As of December 31, 1977, the number of States party to the Phonograms Convention was 26 (see Table of Member States in the January 1978 issue of this review).

Declarations under Article 7(4). During 1977, Italy declared, in accordance with Article 7(4) of the Phonograms Convention, that it will apply the criterion according to which it affords protection to producers of phonograms solely on the basis of the place of first fixation instead of the nationality of the producer. Two other States — Finland and Sweden — had also previously made such declarations.

VI. Satellites Convention

Signature

The Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (Satellites Convention), adopted at Brussels in May 1974, has been signed by 19 States: Argentina, Austria, Belgium, Brazil, Cyprus, France, Germany (Federal Republic of), Israel, Italy, Ivory Coast, Kenya, Lebanon, Mexico, Morocco, Senegal, Spain, Switzerland, United States of America, Yugoslavia.

Acceptance

Nicaragua deposited its instrument of accession to the Satellites Convention on December 1, 1975. Kenya, Mexico and Yugoslavia deposited instruments of ratification of the Satellites Convention on January 6, 1976, March 18, 1976, and December 29, 1976, respectively. The Satellites Convention is not yet in force.

VII. Vienna Agreement (Type Faces)

Signature

The Vienna Agreement for the Protection of Type Faces and their International Deposit, adopted at Vienna in June 1973, has been signed by 11 States: France, Germany (Federal Republic of), Hungary, Italy, Liechtenstein, Luxembourg, Netherlands, San Marino, Switzerland, United Kingdom, Yugoslavia.

Under the Vienna Agreement (Type Faces), contracting States have undertaken to ensure, either by a national deposit or by copyright, the protection of type faces which are novel or which are original.

Acceptance

France deposited its instrument of ratification on May 17, 1976. The Vienna Agreement (Type Faces) is not yet in force.

VIII. Publications

"Copyright" and "Le Droit d'auteur"

The reviews *Copyright* and *Le Droit d'auteur* continued to appear every month. The review *La Propiedad Intelectual*, which includes information on copyright matters, continued to appear in Spanish every quarter.

The reviews *Copyright* and *Le Droit d'auteur* are now available in the form of microfiche for the years 1965 to 1976 (English) and 1888 to 1976 (French). Any individual issue may be obtained on request.

National Legislation

Several laws, decrees and orders on copyright and neighboring rights were published in this review during 1977. They included those of the following countries: Argentina, Colombia, Ecuador, Italy,

Soviet Union, Sudan, Sweden, United Kingdom, United States of America.

Collections of Laws and Treaties on Copyright and Neighboring Rights

The collection related to copyright is being kept up to date in cooperation with Unesco and the collection related to neighboring rights in cooperation with ILO and Unesco.

Copyright Law Survey

The International Bureau is undertaking the preparation of a summary of all national legislations in the field of copyright, which when completed will be published.

Guide to the Berne Convention

The publication of the English and French versions is in progress.

Rationalization of the Publication of Laws and Treaties in the Fields of Copyright and Neighboring Rights

A Working Group on the Rationalization of the Publication of Laws and Treaties in the Fields of Copyright and Neighboring Rights was convened jointly by the Directors General of WIPO and Unesco, in consultation with the International Labour Office (ILO), in Geneva in December 1977. The Working Group made recommendations for improving, expediting, avoiding duplication and rationalizing the three publications, issued by WIPO and Unesco on copyright laws and treaties and by the three Organizations on neighboring rights. The Working Group asked the Secretariats of the Organizations concerned to prepare detailed proposals, taking into account the administrative, technical and financial ramifications of its recommendations, for submission to the Working Group at its next session in 1978.

Conventions Administered by WIPO

Intergovernmental Committee of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations

Sixth Ordinary Session
(Geneva, December 7, 8 and 9, 1977)

Report

submitted by the Secretariat and adopted by the Committee

Introduction

1. The Intergovernmental Committee of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention), convened in accordance with Article 32, paragraph 6, of the Rome Convention and Rule 10 of the Committee's Rules of Procedure, held its sixth ordinary session at Geneva on December 7, 8 and 9, 1977, at the headquarters of the International Labour Office in Geneva.
2. The Governments of seven of the nine States which are members of the Committee were represented: Austria, Brazil, Czechoslovakia, Ecuador, Mexico, Sweden, United Kingdom. The Governments of five States, party to the Rome Convention, but not members of the Committee (Chile, Denmark, Germany (Federal Republic of), Italy, Luxemburg) and 13 States not party to the Convention (Algeria, Australia, Belgium, El Salvador, Greece, India, Iran, Netherlands, Nicaragua, Spain, Uganda, United States of America, Venezuela) were represented by observers.
3. The representative of one intergovernmental organization and 14 international non-governmental organizations attended the session as observers.

Opening of the Session

4. Mr. Robert Dittich (Austria), the outgoing Chairman, opened the session. He informed the Committee of the tragic death of Mr. Milan Reiniš (Czechoslovakia), a Vice-Chairman of the Committee, and on behalf of the Committee extended condolences to the Government of Czechoslovakia and to Mr. Reiniš family. The Committee observed a minute of silence in his memory.

5. Mr. Francis Wolf, Legal Adviser and Assistant Director-General of ILO, welcomed the participants on behalf of the Director-General of ILO, Mr. Francis Blanchard, and also on behalf of the Joint Secretariat of the Committee formed by ILO, Unesco and WIPO. Recalling the history of the Rome Convention, Mr. Wolf noted with pleasure that 20 States were now party to the Convention. He drew attention to various items on the agenda which not only demonstrated the increasing importance of the Convention in the light of technological development such as videograms and cable television, but which also illustrated, as the reports on the joint inquiry did, the achievements attained in many countries on the administration of rights protected by the Convention.

Co-optation of New Members

6. In accordance with paragraph 2 of Article 32 of the Convention and with paragraph 2 of Rule 28 of the Rules of Procedure, which stipulate respectively that 12 States shall be members of the Committee if there are more than 18 contracting States and that the procedure to be followed shall be by co-optation at the beginning of a session, the Committee increased its membership from 9 to 12 States as the number of contracting States was now 20. After consulting the Committee, the Chairman proposed that Denmark, Fiji and Paraguay be co-opted. This proposal, supported by the delegations of the United Kingdom, Sweden, Brazil, Czechoslovakia and Mexico, was unanimously accepted.
7. The final list of participants is annexed to this report.

Election of Officers and Adoption of the Agenda

8. On a proposal by the delegation of Sweden, seconded by the delegation of Mexico, Mr. W. Weincke (Denmark) was unanimously elected Chairman. After thanking Mr. Dittrich for his service as Chairman during the past two years, Mr. Weincke observed that the expanding number of States that have ratified or acceded to the Rome Convention marked a turning point in the history of the Convention. At this significant point in time, and especially given the recent technological developments, the Committee should bear in mind that of the three parties protected by the Convention the performers deserved special attention, not only because their rights may not be assured, but also because performers are crucial to literary and artistic creation and to cultural life as a whole.

9. In calling for nominations for the two Vice-Chairmen, the Chairman reminded the Committee that these posts were important since the Vice-Chairmen replace the Chairman when the latter is absent and since they together with the Chairman constitute the Nominations Committee for the Election Meeting, which would be held at the end of the present session. The delegation of Czechoslovakia proposed Minister Joaquim Macdowell (Brazil) and Dr. Tobar (Ecuador) as Vice-Chairmen. The delegation of Mexico seconded the proposal which, after being supported by the delegations of Sweden, the United Kingdom and Austria, was unanimously adopted by the Committee. The delegation of Austria requested that it be recorded that, although the officers did not reflect a very wide geographical distribution, this was unavoidable since it was not possible to elect a Vice-Chairman who was not present at the session.

10. The provisional agenda presented in document ILO/UNESCO/WIPO/ICR.6/1 Rev./1 was adopted.

Ratifications of or Accessions to the Rome Convention

11. The Committee took note of the information contained in document ILO/UNESCO/WIPO/ICR.6/2, which, besides listing all of the States party to the Convention as of July 31, 1977, cited the four countries (Colombia, Guatemala, Luxembourg, Uruguay) that have acceded to the Convention since October 24, 1975, the date indicated in a similar document submitted to the last ordinary session held in December 1975, as well as the reservations made by the Government of Luxembourg on its application of the Convention. In addition, the Chairman informed the Committee that, during the recent meetings of the Intergovernmental Committee of the Universal Copyright Convention and of the Executive Committee of the International Union for the

Protection of Literary and Artistic Works (hereinafter referred to as "Copyright Committees"), several States (Belgium, India, Israel, Norway) had indicated that they were actively considering adhering to the Rome Convention. The observer from India confirmed this information as regards India. The observer from Spain also informed the Committee that her country was considering ratifying the Convention.

12. An observer from the International Federation of Musicians (FIM) informed the Committee of current efforts in Japan to encourage the Japanese Government to adhere to the Rome Convention. This information was supplemented with a summary of the major problems facing performers and producers of phonograms in protecting their rights and in particular in obtaining adequate remuneration from the broadcasting organizations which explain their low payments by reference to the high level of foreign phonograms. The broadcasting networks of the 107 commercial stations and of the large public station (the NHK) were extensive, and, according to a survey conducted by the Japan Council of Performers' Organizations (Geidankyo) and the Japan Phonogram Association, out of the total broadcasts by the NHK, 26 percent were musical programs of which 80 percent consisted of phonograms, and of these 64 percent were foreign-produced phonograms. Even with the revenue obtained from basic-performance fees and secondary-use fees of commercial phonograms, the amount of the fees paid to performers and producers of phonograms was far from adequate and substantially below that received by the corresponding recipients in Europe. The Geidankyo, the Japan Phonogram Association and the Japanese Society of Rights of Authors, Composers and Publishers (JASRAC) were actively campaigning to revise national legislation to increase the protection of the rights of performers and producers of phonograms. An effort to encourage the ratification of the Rome Convention was also underway, even though the limitations of Article 19 were recognized, but such limitations could be dealt with through national legislation.

Ratifications of or Accessions to Other Conventions

13. The Committee took note of document ILO/UNESCO/WIPO/ICR.6/3 which listed the nine States (Chile, Denmark, Guatemala, Holy See, Italy, Kenya, Luxembourg, New Zealand, Zaire) that have ratified or acceded to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms since October 1975, as well as the full list of States party to this Convention as of July 31, 1977. In addition, the Secretariat informed the Committee that it understood that Belgium, Israel, Japan and Norway were expected to ratify or accede to this Convention in the near future.

14. The Committee also took note of document ILO/UNESCO/WIPO/ICR.6/4 which listed the four States (Kenya, Mexico, Nicaragua, Yugoslavia) that have ratified or acceded to the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite. The Secretariat recalled that the Convention would enter into force three months after the deposit of the fifth instrument of ratification, acceptance or accession. The observer from the Federal Republic of Germany stated that his country had started procedures for the adherence to this Convention. The observers from Italy and India also informed the Committee that their countries were considering adhering to this Convention.

**Asian/Pacific Seminar on the Protection
of Performers, Producers of Phonograms
and Broadcasting Organizations, Bangkok
(October 25 to 28, 1977)**

15. The Secretariat introduced the report contained in document ILO/UNESCO/WIPO/ICR.6/5 and drew the Committee's attention to the fact that the seminar was organized, in a similar manner to the Latin American and Caribbean Seminar held in Mexico in 1975, in order to provide information on the Rome Convention and to promote its adherence in Asian/Pacific States, where at present only one State, Fiji, had acceded to it. Participants in the seminar were experts, nationals of nine Asian and Pacific countries. In addition, 21 observers from States as well as observers representing six international non-governmental organizations attended the seminar. The seminar unanimously adopted a set of recommendations expressing the wish, inter alia, that national legislation in countries where performers, producers of phonograms and broadcasting organizations are either not protected or not adequately protected should provide for such protection in accordance with their national requirements; and that the countries that have provided for appropriate protection in this field should consider adhering to the Rome Convention in order to further an effective system of international protection of all the interests concerned. They should also consider adhering to the Phonograms and Satellites Conventions.

16. The observer from the International Federation of Producers of Phonograms and Videograms (IFPI) thanked the Secretariat for organizing the seminar, which was of particular importance given not only the size and population of the area concerned but also the need to protect intellectual property rights which with the increase of piracy had international financial and other repercussions. On this last point, according to the observer, it was significant to note that Interpol had recently taken steps to enforce the protection of intellectual property rights.

However, it was also important to note that in most States — with the exception of the majority of Anglo-Saxon countries — only the State itself had the power to deal with criminal matters arising from piracy of intellectual property.

17. In supporting the statements made by the observer of IFPI, the observer of the International Federation of Musicians (FIM) requested the Committee to consider measures, such as the organization of other seminars, to promote not only the protection of rights described in the Rome Convention, but also cultural life in general.

18. The Committee took note of the report and of the observations made by the participants and through its Chairman thanked the Government of Thailand for its cooperation in the organization of the seminar.

**Joint Inquiry on the Administration of Rights
under the Rome Convention**

19. In response to the request of the fifth session of the Committee, the Secretariat submitted to the present session of the Committee three documents (ILO/UNESCO/WIPO/ICR.6/6, 6/7 and 6/7 add.1) which contained the replies from States and from international non-governmental organizations to the inquiry on the application and implementation of the Rome Convention. During the discussion on this item, several members of the Committee as well as observer States presented supplementary information. The delegation of Denmark and the observer from India stated that their replies had recently been forwarded to the Secretariat. The observer from India further pointed out that his country was considering adhering to the Rome Convention and at the appropriate time would be setting up a body for the collection and distribution of royalties deriving from the protection of so-called neighboring rights. In this connection his Government would be interested in the guidelines that the Committee might establish.

20. The delegation of Mexico informed the Committee that the questionnaire had not reached the competent authorities in that field, and they would forward their reply in the near future. The observer from Italy also stated that his country had not replied to the inquiry, and informed the Committee that his country had modified its national legislation on copyright and so-called neighboring rights which would enable performers to receive royalties deriving from neighboring rights. The modalities for setting up collecting and distributing societies had not yet been fixed, and in the meantime an ad hoc committee to deal with these questions had been formed. The delegation of Czechoslovakia also introduced supplementary information and referred to the rights

of performers in its country which were broader than those accorded by the Rome Convention. This delegation suggested that in order to overcome the obstacles that were inhibiting the increased adherence to the Rome Convention and to promote greater understanding of performers' rights consideration might be given to the establishment of an international confederation of national organizations for the protection of performers' rights which would work in cooperation with existing organizations such as the International Federation of Musicians and the International Federation of Actors. Such a confederation could be a first step in the organization of an international accounting system of remuneration of performers.

21. As to the documents before the Committee, several members, including the delegations of Austria, Sweden and the United Kingdom, as well as the observer from the Netherlands, stated that the information in the documents was extremely valuable and pointed to a general conclusion that despite its complexity the Rome Convention can be administered effectively. Moreover, the replies, and especially that from the International Federation of Producers of Phonograms and Videograms, permitted an analysis of some of the practical and legal questions in the relatively new field of so-called neighboring rights. These questions included the practical implementation of Article 12, the means for collecting and distributing fees both on a national and on a bilateral or multilateral scale, and the so-called "cake theory" and the impact on authors' revenue. The delegation of Sweden also underlined the fact that the replies from the performers' organizations presented useful information on the collective use of funds and on the employment situation of performers.

22. Several international non-governmental organizations also commented on the documents. The observer from the International Federation of Producers of Phonograms and Videograms (IFPI) recalled the threefold objective of the inquiry: to examine the problems raised by the fact that the Rome Convention was a pioneer convention requiring national legislation prior to ratification; to examine the validity of the "cake theory"; and to examine the practical implementation of Article 12. The documents had addressed these problems and in each instance had revealed that they were more apparent than real. The fact that 50 countries had legislated on neighboring rights was a measure of the success of the pioneer convention. Moreover the main difficulty, the opposition of the broadcasters, had now been overcome. Statistics collected on the revenue of authors and on that of the beneficiaries of the Rome Convention demonstrated that the "cake theory" was not valid and that authors have not suffered a loss of income. The only question that remained was

the means for collecting and distributing fees. As to the implementation of Article 12 the information demonstrated that this could be done effectively and that the costs of collection were reasonable. Consideration should be given, nonetheless, to encouraging bilateral agreements among collecting societies. The speaker also requested the Committee to bear in mind that the IFPI reply was composed essentially of three parts: the memorandum which was argument and opinion, the annexes which were fact — and should not be abridged in any follow-up exercise — and the addendum which was a statement of legal reasoning. He requested the participants to indicate whether the reasoning in this last document was correct.

23. The observer from the European Broadcasting Union (EBU) emphasized that while the broadcasting organizations no longer opposed the Rome Convention they were still opposed to Article 12, which in the view of the EBU created an imbalance of the rights of the three beneficiaries protected by the Rome Convention. The observer from the International Union of Cinematograph Exhibitors (UIEC), commenting on the collection and distribution of fees, stated that a single body should exist to facilitate the application of Article 12 in connection with Article 16, depending on the extent to which the latter article is used.

24. The observer from the International Federation of Musicians (FIM), speaking also on behalf of the International Federation of Actors (FIA) and the International Music Council (IMC), stated that an international confederation for the protection of performers' rights, as proposed by the delegation of Czechoslovakia, was not necessary, given the widespread activities of the existing organizations. As to the inquiry, two major ideas should be borne in mind in any future work. First, as stated in the IFPI addendum and in the FIA reply, the general principles of collection and distribution must be that the collection and distribution to nationals be governed by the laws and policies of the country of collection, whereas distribution of any remuneration transmitted to a second country must be governed by the laws and policies of that country. If this principle were accepted guidelines for model societies would be less necessary, but guidelines for bilateral agreements would still be required. Second, account should be taken of the rights stipulated in Article 7 of the Convention which required urgent action to promote their acceptance and implementation. Therefore the Committee should not wait for its next ordinary session to act in a definitive manner on the inquiry.

25. Concerning what further action should be taken on the inquiry, the delegations of Sweden, Denmark, Czechoslovakia and the United Kingdom, as well as the observer from the Netherlands, noted that a

working group or analogous body should be convened to study the replies, taking into account the discussions during the present session. The delegations of Austria and the United Kingdom also suggested that the working group should study the desirability of establishing guidelines for national collecting societies and model bilateral contracts for collecting societies. The delegation of the United Kingdom also requested that the addendum to document ILO/UNESCO/WIPO/ICR.6/7 be considered by the working group. The delegation of Mexico recommended that any further action should take account of the fact that the Rome Convention provides a balanced protection among the three beneficiaries and that this balance should not be upset to the detriment of the most vulnerable beneficiary.

26. Of the international non-governmental organizations, the observer from the International Union of Cinematograph Exhibitors (UIEC) supported the establishment of a working party. The observer from the International Federation of Producers of Phonograms and Videograms (IFPI) considered that the three documents, cited in paragraph 19 above, should be widely distributed and especially to the countries party to the Berne Convention and the Universal Copyright Convention. The observer from the International Federation of Musicians (FIM), speaking also on behalf of the International Federation of Actors (FIA) and the International Music Council (IMC), recommended that even though a working party may be convened to work on a synthesized document, the Committee should consider convening an extraordinary session to take definite action on the work of the working group.

27. The Committee decided that it should establish a subcommittee, consisting of all members of the Committee, as elected at the Election Meeting, to study the replies received to the inquiry and to recommend further action, taking into account the discussions and supplementary information presented during the present session. All contracting States that are not members of the Committee as well as the intergovernmental and international non-governmental organizations that have observer status with the Committee would also be invited to attend the session of the subcommittee as observers. The report of the subcommittee would be submitted to the next ordinary session of the Committee.

28. The Secretariat informed the Committee that it would prepare a working document which would synthesize and correct, where necessary, the information now contained in the two documents ILO/UNESCO/WIPO/ICR.6/6 and 6/7. The Secretariat also stated that provision existed in the WIPO budget for 1978 to host the meeting which would be sponsored by the three international organizations.

29. During the discussion on this agenda item the observer from the International Federation of Producers of Phonograms and Videograms (IFPI) proposed that Mr. Masouyé be requested, in his personal capacity, to write a guide to the Rome Convention, as he had done for the Berne Convention. This suggestion was supported by the delegations of Austria, Sweden and the United Kingdom and by the observer from the Federal Republic of Germany.

Problems Arising from the Use of Videocassettes and Audiovisual Discs in Relation to Performers, Producers of Phonograms and Broadcasting Organizations

30. The Secretariat drew the attention of the Committee to the information contained in document ILO/UNESCO/WIPO/ICR.6/8 to which were annexed the report of the working group that was held in Geneva from February 21 to 25, 1977, on the legal problems arising from the use of videocassettes and audiovisual discs, and also a supplementary study submitted at the request of the Secretariat by Professor Franca Klaver on problems arising from their use in relation to performers, producers of phonograms and broadcasting organizations. The documents submitted to the working group included the results of a Unesco/WIPO inquiry which had been sent to States and to international non-governmental organizations. The Secretariat pointed out that the working group had examined the problems both as regards the international copyright conventions and as regards the Rome Convention, without prejudice, in the latter connection, to the ongoing procedure decided by the Intergovernmental Committee of the Rome Convention, which, at its December 1975 meeting, expressed the desire that a parallel study be undertaken on the problems arising from the use of videocassettes and audiovisual discs insofar as they affect performers.

31. Professor Klaver explained that while her earlier study had analyzed the legal problems mainly from the standpoint of copyright questions, her present supplementary study had been limited to an analysis of the Rome Convention, and had not gone into the examination of national situations which, in certain cases, in terms of protection afforded by way of legislation, case law and contracts, went further than the minimum protection contained in the Rome Convention.

32. Professor Klaver also drew attention to paragraph 11 of her present supplementary study, in which certain guidelines had been elaborated, and proposed that a subcommittee or a committee of experts be convened to go into the various ramifications of the matter, and to arrive at conclusions short of revision of the Rome Convention.

33. The delegations of Sweden and Austria, and the observers from the International Federation of Actors (FIA), the International Federation of Musicians (FIM) and the International Federation of Producers of Phonograms and Videograms (IFPI) thanked Professor Klaver for her study.

34. The delegation of Sweden felt that while this study seemed to illustrate that, in the international context, performers' rights with respect to the use of videocassettes and audiovisual discs were less adequate, and because of certain gaps and inadequacies in respect of questions relating to compulsory licenses (Article 15(2)), fixation (Article 7), etc., it supported Professor Klaver's proposal for a further study by a subcommittee.

35. The delegation of Austria also supported the setting up of a subcommittee.

36. The observer from the International Federation of Musicians (FIM), speaking also for the International Federation of Actors (FIA), while welcoming the establishment of a subcommittee, expressed the wish that a follow-up of this matter should include, inter alia, an analysis of performers' problems, recognition of the need to update legislation taking into account labor law, and surveillance of the effects of technological change. They also recommended the widest possible distribution of the documents of the working group and of the reports written by Professor Klaver.

37. The observer from the International Federation of Producers of Phonograms and Videograms (IFPI), while agreeing with the views expressed by the observers from the International Federation of Musicians (FIM) and the International Federation of Actors (FIA), and while expressing appreciation of the latest study presented by Professor Klaver, pointed out that he could not accept the inference drawn at page 5 of that report to the effect that the Phonograms Convention "protects producers of phonograms much more than the Rome Convention." He felt that Article 10 of the Rome Convention gave as full a protection to producers of phonograms as did the Phonograms Convention; it might be stated that the latter gave such protection more specifically.

38. The observer from the Federal Republic of Germany, after congratulating Professor Klaver for her study, advocated the adoption of the recommendations submitted to the Committee in her study and supported the establishment of a subcommittee.

39. The Chairman stated that there appeared to be a general consensus on the setting up of a subcommittee of the Committee to go into matters raised in regard to this item.

40. At the instance of the Chairman, the Secretariat then explained the modalities with regard to the

constitution of the Intergovernmental Committee as a subcommittee. To this subcommittee would be invited States members of the Committee, while other States party to the Rome Convention but which are not members of the Intergovernmental Committee, as also States which are members of similar subcommittees set up by the Copyright Committees would be invited as observers. In addition, the experts who had attended, in their individual capacities, the working group on the legal problems arising from the use of videocassettes and audiovisual discs, which met in February 1977, and were not otherwise delegates of their respective countries, would also be invited by the Secretariat. Finally, the intergovernmental organizations and the international non-governmental organizations that had observer status with the Rome Committee would be invited as observers.

41. The Committee expressed the wish that the Secretariat might circulate the report of the working group which had met in February 1977, and the supplementary study of Professor Klaver to the States party to the Rome Convention, as well as those party to the Berne Convention and the Universal Copyright Convention, as well as to the international non-governmental organizations concerned, for their comments, and thereafter prepare, with the help of consultants if necessary, an analysis of the comments received, which could be put up for the consideration of the subcommittee. The Committee also expressed the wish that the Secretariat should make efforts to coordinate the meeting of the above-mentioned subcommittee with the subcommittees of the Copyright Committees by convening these at the same time and venue.

**Problems Arising from the Transmission
of Television Programs by Cable for Performers,
Producers of Phonograms and Broadcasting
Organizations**

42. The discussions on this item of the agenda were based on document ILO/UNESCO/WIPO/ICR.6/9. When submitting this document the Secretariat recalled that, at its previous session, the Committee had decided to include this item on the agenda of the present session and to extend the study requested by the Copyright Committees to include problems arising from the transmission of television programs by cable for performers, producers of phonograms and broadcasting organizations. An inquiry was undertaken on the legislation, jurisprudence, practices and experiences of the States party to the copyright conventions in connection with the problems under discussion. The results of that inquiry, and of another previously carried out and covering international non-governmental organizations together with an analysis of the results, were examined by

a limited working group made up of specialists invited in their personal capacity by the Directors General of Unesco and WIPO. The working group met at Unesco headquarters in Paris from June 13 to 17, 1977. The purpose of document ILO/UNESCO/WIPO/ICR.6/9 was to submit the report adopted by that working group to the Committee.

43. The Chairman drew the attention of the Committee to the fact that the problem under review concerned cable television and so the situation differed depending upon whether it was considered from the copyright point of view or from the point of view of so-called neighboring rights. Having stressed that the Rome Convention offered no fully satisfactory solutions in respect of the latter rights, he mentioned the idea voiced during the meeting of the above-mentioned working group which was to consider the possibility of preparing an additional protocol to the Rome Convention, such protocol being opened for acceptance by the States party to the said Convention and being limited to settling the matter of protection, relating to the distribution by cable, of those categories covered by that Convention. Turning to the procedural aspects he suggested that the formula accepted for studying problems resulting from the use of videocassettes and audiovisual discs be applied *mutatis mutandis* to the work on cable television, that is, that the Committee would be convened as a subcommittee comprising the States members of the Committee; other contracting States to the Rome Convention, as well as States that are members of similar subcommittees set up by the Copyright Committees and intergovernmental organizations and international non-governmental organizations having observer status with the Intergovernmental Committee of the Rome Convention, would be invited to attend as observers.

44. The delegations of the United Kingdom and Austria and the observer from the Netherlands supported the proposal made by the Chairman with respect to procedure, the United Kingdom delegation stressing the urgency with which solutions had to be found to the problems raised by cable television.

45. The observer from Italy pointed out that his Government saw no need to amend the national law on this matter or relating to videocassettes and audiovisual discs. He said that he was not opposed to the preparation of an additional protocol to the Rome Convention nor to the possibility of a revision of that Convention if either of these be the wish of the majority but, as far as Italy was concerned, the adoption of such new texts did not seem to serve any useful purpose.

46. The observer from the International Federation of Actors (FIA), speaking also on behalf of the International Federation of Musicians (FIM), stressed

that, although the absence of regulations governing broadcasting by wire in the Rome Convention could be explained by the fact that the method of communication was of but little importance in 1961, the situation had since changed and the degree to which this means of communication had come into use had aggravated the social and financial position of performers by increasing technical unemployment. He stated that the preparation of an additional protocol to the Rome Convention would not prove to be an easy solution and that only a revision of the Convention itself could solve the problems facing artists, although they did admit that the time was not yet ripe for such a revision. He therefore insisted on the need and utility of identifying the points on which national legislators should concentrate their attention in order to regulate the matter and he hoped that the proposed subcommittee would be able to propose concrete measures to that end, adding that such measures were most urgent. He also referred to Article 22 of the Rome Convention according to which the contracting States reserved the right to enter into bilateral or multilateral agreements between themselves insofar as such agreements provided for rights more extensive than those granted under the Convention, and he expressed the hope that the subcommittee might encourage governments acting under that provision to establish regional agreements for this purpose. He also urged the Committee to authorize the distribution of the preparatory documents and the report of the working group, which met in Paris in June 1977, to governments for their consideration.

47. The representative of the Council of Europe recalled that the European Agreement on the Protection of Television Broadcasts, to which ten member States of the Council of Europe were currently party, protected only one of the categories of persons concerned by cable broadcasting, that is, broadcasting organizations. Even this protection was incomplete, as the relevant provisions were subject to reservations on the part of the contracting States concerning all transmissions, according to the original text, and 50 percent of all transmissions according to the Protocol adopted in 1965. Countries could sign either the original text or the Protocol. He referred to the work currently being done to revise that Agreement and was pleased to note the excellent way in which the Council of Europe and the Joint Secretariat of the Rome Convention were cooperating in studying the problems posed by cable television.

48. The Secretariat stated that, since both in the report of the working group and in some of the previous interventions at the present meeting there seemed to be some uncertainty as to the legal aspects of possible extension of the provisions of the Rome Convention to the field of transmission by cable, it

might be useful to give some clarification in this regard. It noted that Article 29 of the Convention contained explicit provisions for revision of the instrument and recalled in particular that paragraph 3 of that Article provided that a revising instrument could leave the Convention in its present form open for ratification. Nevertheless, a suggestion had been put forward at an earlier stage by the Federal Republic of Germany that an additional protocol might be envisaged instead of a final revision. This would be a possible course of action but would entail the convocation of a diplomatic conference analogous to that used for the adoption of the Convention itself. It was thus unlikely that any time would be saved as compared with the revision procedure. There might, however, be some "psychological" advantage in not embarking on a revision while a certain number of States were taking positive steps towards adherence to the Rome Convention. The decision of whether or not the protection granted under the Convention should be extended to cable transmission was one of policy and entirely in the hands of the contracting States and this question could be discussed in the context of the subcommittee. There were, however, no legal obstacles to such an extension.

49. The Secretariat also referred to the precedent set by the Protocol to the Agreement on Educational, Scientific and Cultural Objects (Florence Agreement) adopted by the Unesco General Conference at its 19th session. The States wished to broaden the facilities afforded by the Agreement but did not, however, deem it advisable to revise the Agreement itself, and so they adopted a solution whereby the Agreement was supplemented with an additional protocol which was optional and which contained a clause expressly stipulating that the main Agreement had not been amended.

50. The observer from the Netherlands expressed doubts as to the possibility of solving the existing problems by means of an optional additional protocol especially in view of the complexity of such a solution. She also favored a wide distribution of the documents of the working group as suggested by the observer from the FIA.

51. The observer from the International Federation of Producers of Phonograms and Videograms (IFPI) stressed that broadcasting bodies needed to be granted protection with respect to cable transmission and wondered to what extent the preparation of an additional protocol to the Rome Convention or any other solution which relied on an international instrument might not be premature. What was needed was national legislation to protect broadcasting organizations in this respect.

52. The observer from the Federal Republic of Germany considered that it would be desirable for the

proposed subcommittee, which would be established to examine problems arising from the transmission of television programs, to meet after a meeting of the Committee of Experts currently being planned by the Council of Europe for 1978.

53. The representative of the Council of Europe said that the work program of his organization had not yet been finalized and that consequently there was no preference for any particular date in this respect.

54. The delegations of Denmark and the United Kingdom once again stressed the pressing need for regulations in this sphere and they felt that it was not essential that the subcommittee await the results of the meeting of the Council of Europe expert group.

Adoption of the Report and Closing of the Session

55. After the Committee unanimously adopted the draft report prepared by the Secretariat, the Chairman declared the session closed.

List of Participants

I. Members of the Committee

Austria: R. Dittrich. **Brazil:** J. I. Macdowell. **Czechoslovakia:** G. Kanka; J. Kordač; M. Jelinek. **Denmark:** W. Weincke. **Ecuador:** E. Tobar. **Mexico:** F. Remolina Roqueni; J. Muñoz; M. F. Ize de Charrin; E. Lizalde Chavez; A. Gutierrez Magallon. **Sweden:** H. Olsson. **United Kingdom:** A. J. Needs; A. Holt.

II. Observers

(i) States party to the Convention

Chile: P. E. Oyarce. **Germany (Federal Republic of):** E. Bungeroth. **Italy:** I. Papini; M. F. Pini. **Luxembourg:** E. Emringer; J. Jungers.

(ii) Other States

Algeria: R. Hamimi. **Australia:** F. J. Smith. **Belgium:** P. De-wonck. **El Salvador:** N. R. Monge López. **Greece:** A. Sideris. **India:** G. S. Edwin. **Iran:** P. Porkar. **Netherlands:** F. Klaver; M. Reinsma; J. M. Felkers. **Nicaragua:** G. Cajina Mejicano. **Spain:** M. del Corral Beltran; E. Puente Garcia; C. Grande; J. M. Segovia-Galindo. **Uganda:** C. Warugaba. **United States of America:** B. Ringer; G. E. Danielson; T. Railsback; B. Lehman; T. Mooney; I. A. Williamson, Jr. **Venezuela:** H. Griffin.

(iii) Intergovernmental Organizations

Council of Europe: H. P. Furrer.

(iv) International Non-Governmental Organizations

European Broadcasting Union (EBU): W. Rumphorst. **International Alliance for Diffusion by Wire (AID):** G. Klemperer. **International Bureau of the Societies Administering the Rights of Mechanical Recordings and Reproduction (BIEM):** J.-A. Ziegler. **International Confederation of Societies of Authors and Composers (CISAC):** J.-A. Ziegler. **International Copyright Society (INTERGU):** G. Halla. **International Federation of Actors (FIA):** G. Croasdell. **Interna-**

tional Federation of Film Producers Associations (FIAPF): A. Brisson. **International Federation of Musicians (FIM):** J. Morton; R. Leuzinger; S. Piraccini; F. Hamasaka. **International Federation of Producers of Phonograms and Videograms (IFPI):** S. M. Stewart; G. Davies; I. D. Thomas; E. Thompson; S. Gortikov; C. de Souza Amaral. **International Literary and Artistic Association (ALAI):** D. K. Catterns. **International Music Council (IMC):** J. Morton. **International Union of Cinematograph Exhibitors (UIEC):** J. Handl. **International Writers Guild (IWG):** R. Fernay. **Union of National Radio and Television Organisations of Africa (URTNA):** R. Hamimi.

III. Secretariat

International Labour Office (ILO):

A. A. Shaheed (*Chief, Sectoral Activities Department*); B. Bohère (*Chief, Salaried Employees and Professional Workers Branch*); S. C. Cornwell (*Salaried Employees and*

Professional Workers Branch); I. Chambers (*Office of the Legal Adviser*).

United Nations Educational, Scientific and Cultural Organization (UNESCO):

C. Lussier (*Director, Office of International Standards and Legal Affairs*); M.-C. Dock (*Director, Copyright Division*).

World Intellectual Property Organization (WIPO):

K.-L. Liguier-Laubhouet (*Deputy Director General*); C. Masouyé (*Director, Copyright and Public Information Department*); S. Alikhan (*Director, Copyright Division*).

IV. Officers

Chairman: W. Weincke (Denmark); *Vice-Chairmen:* J. I. Macdowell (Brazil); E. Tobar (Ecuador); *Co-Secretaries:* S. C. Cornwell (ILO); M.-C. Dock (UNESCO); S. Alikhan (WIPO).

Meeting of Governmental Representatives

for the Re-election of the Intergovernmental Committee of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations

(Geneva, December 9, 1977)

Report of the Tellers

1. In accordance with the revised Rules of Procedure adopted by the Intergovernmental Committee at its fourth session (1973), the Directors General of the International Labour Office (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Intellectual Property Organization (WIPO) convened a meeting of all the States party to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations on December 9, 1977, in order to elect the members of the Intergovernmental Committee established by Article 32 of the Convention.
2. The representatives of the following contracting States were present and took part in the elections: Austria, Brazil, Czechoslovakia, Denmark, Ecuador, Germany (Federal Republic of), Italy, Sweden, United Kingdom. Total: 9 States.
3. The Meeting adopted the Provisional Agenda (document ILO/UNESCO/WIPO/RCEM. 77/1) and

took note of the report prepared by the Secretariat on election procedure (document ILO/UNESCO/WIPO/RCEM. 77/2).

4. The election was conducted in accordance with Rule 31 of the revised Rules of Procedure. The Nominations Committee consisting of the Chairman and the two Vice-Chairmen of the Intergovernmental Committee proposed the following 12 States for membership of the Intergovernmental Committee: Austria, Brazil, Colombia, Czechoslovakia, Denmark, Ecuador, Fiji, Mexico, Niger, Paraguay, Sweden, United Kingdom. The Chairman explained that the proposed list represented an equitable geographical distribution, in accordance with Article 32 of the Convention, as well as the required rotation of contracting States, in accordance with Rule 31 of the revised Rules of Procedure.

5. After a vote by secret ballot, the proposal of the Nominations Committee was adopted unanimously by the Meeting.

Gérard BOHÈRE

Chief
Salaried Employees and
Professional Workers Branch
ILO

Marie-Claude DOCK

Director
Copyright Division
UNESCO

Shahid ALIKHAN

Director
Copyright Division
WIPO

Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms

ISRAEL

Ratification of the Convention

The Director General of the World Intellectual Property Organization (WIPO) has informed the Governments of the States invited to the Diplomatic Conference on the Protection of Phonograms* that, according to the notification received from the Secretary-General of the United Nations, the Government of the State of Israel deposited, on January 10, 1978, its instrument of ratification of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms.

The Convention will enter into force, with respect to the State of Israel, three months after the date of the notification given by the Director General of WIPO, that is, on May 1, 1978.

* Phonograms Notification No. 33, of February 1, 1978.

Conventions Not Administered by WIPO

European Agreement concerning Programme Exchanges by means of Television Films

ISRAEL

Accession to the Agreement

In a letter dated January 26, 1978, the Secretary-General of the Council of Europe informed the International Bureau of WIPO that, on January 16, 1978, the Consul General of Israel in Strasbourg deposited the instrument of accession by the State of Israel to the European Agreement concern-

ing Programme Exchanges by means of Television Films, signed at Paris on December 15, 1958.

The Arrangement, which is already in force with respect to the following Member States: Belgium, Cyprus, Denmark, France, Greece, Ireland, Luxembourg, Netherlands, Norway, Spain, Sweden, Turkey, United Kingdom, as well as to Tunisia (which acceded to it), took effect, for Israel, on February 15, 1978, in accordance with paragraph (2) of its Article 8.

Calendar

WIPO Meetings

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

1978

- April 3 to 7 (Geneva) — Satellites Convention — Working Group on Model Provisions for the Implementation of the Convention (convened jointly with Unesco)
- April 3 to 17 (14) (London) — International Patent Classification (IPC) — Working Group II
- April 10 to 14 (Geneva) — International Patent Cooperation (PCT) Union — Assembly
- April 10 to 14 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)
- April 17 to 21 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)
- April 17 to 24 (21) (Rijswijk) — International Patent Classification (IPC) — Working Group III
- April 17 to 28 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning
- April 24 to 28 (Geneva) — International Patent Classification (IPC) — Working Group V
- April 25 to 28 (Geneva) — Budapest Union (Microorganisms) — Interim Committee
- May 3 to 5 (Geneva) — WIPO — Budget Committee
- May 7 to 10 (Cairo) — Development Cooperation (Industrial Property) — Meeting of Arab States on Technical Information
- May 22 to 26 (Geneva) — Locarno Union — Committee of Experts
- May 22 to 26 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Inventions and Know-How
- June 5 to 7 (Geneva) — Berne Union — Group of Consultants on New Copyright Laws
- June 12 to 16 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names
- June 19 to 30 (Paris) — Berne Union — Committee of Governmental Experts on Double Taxation of Copyright Royalties (convened jointly with Unesco)
- June 19 to 23 (Geneva) — Revision of the Paris Convention — Working Group on Questions of Special Interest to Developing Countries
- June 19 to 23 (Geneva) — Revision of the Paris Convention — Working Group on Inventors' Certificates
- June 26 to 30 (Geneva) — Revision of the Paris Convention — Preparatory Intergovernmental Committee
- June 26 to July 7 (Tokyo) — International Patent Classification (IPC) — Steering Committee
- July 3 to 6 (Geneva) — Paris Union — Working Group on Industrial Property Aspects of Consumer Protection
- July 3 to 11 (Geneva) — Berne Union, Universal Convention and Rome Convention — Subcommittees of the Intergovernmental Committees on Cable Television (convened jointly with ILO and Unesco)
- July 19 to 21 (Geneva) — Development Cooperation (Industrial Property) — Working Group on Promotion of Domestic Inventive and Innovative Capacity
- September 4 to 8 (Geneva) — International Patent Classification (IPC) — Committee of Experts
- September 13 to 15 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning
- September 13 to 22 (Paris) — Berne Union, Universal Convention and Rome Convention — Subcommittees of the Intergovernmental Committees on Videocassettes (convened jointly with ILO and Unesco)
- September 18 and 19 (Geneva) — ICIREPAT — Plenary Committee
- September 19 to 22 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation
- September 25 to October 3 (Geneva) — Governing Bodies (WIPO Coordination Committee, Executive Committees of the Paris and Berne Unions, Assembly and Conference of Representatives of the Hague Union and Assembly of the International Union PCT)

- September 27 to 29 (Geneva) — International Patent Classification (IPC) — Ad Hoc Working Group on the Revision of the Guide
- October 2 to 6 (Geneva) — International Patent Classification (IPC) — Working Group I
- October 23 to 27 (Hull, Canada) — ICIREPAT — Technical Committee for Standardization (TCST)
- October 23 to 27 (Geneva) — Nice Union — Preparatory Working Group on International Classification
- October 23 to 27 (Geneva) — International Patent Classification (IPC) — Working Group IV
- November 13 to 17 (Geneva) — International Patent Classification (IPC) — Working Group II
- December 4 to 8 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names
- December 4 to 8 (Geneva) — Paris and Madrid Unions — Committee of Experts on the Use of Computers in Trademark Operations
- December 4 to 8 (Geneva) — International Patent Classification (IPC) — Working Group III
- December 4 to 8 (Paris) — Berne Union and Universal Convention — Working Group on questions concerning access to protected works for developing countries, including the implementation of the 1971 revised texts of the Berne Convention and of the Universal Convention (tentative title) (convened jointly with Unesco)
- December 18 to 22 (New Delhi) — Development Cooperation (Copyright) — Copyright Seminar (convened jointly with Unesco)

1979

- January 8 to 12 (Geneva) — International Patent Classification (IPC) — Committee of Experts
- January 29 to February 2 (Geneva) — Rome Convention — Subcommittee of the Intergovernmental Committee on the Administration of Rights under the Rome Convention (convened jointly with ILO and Unesco)
- September 24 to October 2 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union)

UPOV Meetings

1978

- April 17 to 19 (Geneva) — Administrative and Legal Committee
- April 20 and 21 (Geneva) — Consultative Committee
- May 23 to 25 (Zurich-Reckenholz) — Technical Working Party for Agricultural Crops
- June 6 to 8 (Hanover) — Technical Working Party for Vegetables
- June 20 to 22 (Paris) — Technical Working Party for Ornamental Plants
- September 5 to 7 (Florence) — Technical Working Party for Fruit Crops
- September 11 to 15 (Geneva) — Ad Hoc Committee on the Revision of the UPOV Convention
- September 19 to 21 (Melle, Belgium) — Technical Working Party for Forest Trees
- October 9 to 23 (Geneva) — Diplomatic Conference on the Revision of the UPOV Convention
- November 13 to 15 (Geneva) — Technical Committee
- November 15 to 17 (Geneva) — Administrative and Legal Committee
- December 5 and 8 (Geneva) — Consultative Committee
- December 6 to 8 (Geneva) — Council

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

1978

Non-Governmental Organizations

International Confederation of Societies of Authors and Composers (CISAC)

Congress — September 25 to 29 (Toronto and Montreal)

International Copyright Society (INTERGU)

Congress — May 16 to 19 (Athens)

International Federation of Musicians (FIM)

Executive Committee — April 18 to 21 (London)

International Literary and Artistic Association (ALAI)

Congress — May 29 to June 3 (Paris)

International Writers Guild (IWG)

Congress — October 10 to 13 (Mannheim)