

Copyright

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WORLD INTELLECTUAL PROPERTY ORGANIZATION

GERMAN DEMOCRATIC REPUBLIC

Accession to the WIPO Convention

Notification of the Director of BIRPI to the Governments of the Countries invited to the Stockholm Conference

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his compliments to the Minister for Foreign Affairs of and, in accordance with the provisions of the above Convention, has the honor to notify him that the Government of the German Democratic Republic, referring to Article 5(1) and to Article 14(1)(iii), has deposited, on June 20, 1968, its instrument of accession dated May 20, 1968, to the Convention

Establishing the World Intellectual Property Organization (WIPO).

This notification does not mean that the Director of BIRPI has adopted any position on the question of whether the German Democratic Republic fulfils the conditions provided by Article 5(1) above, namely, that it is a member of one of the Unions defined in Article 2(vii) of the Convention. The States members of the said Unions are in disagreement on this question.

Geneva, July 19, 1968

WIPO Notification No. 4

INTERNATIONAL UNION

GERMAN DEMOCRATIC REPUBLIC

Accession to the Stockholm Act of the Berne Convention

Notification of the Director of BIRPI to the Governments of Union Countries

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his compliments to the Minister for Foreign Affairs of and, in accordance with the provisions of the Stockholm Act of the above Convention, has the honor to notify him that the Government of the German Democratic Republic, referring to Article 28(1)(a) of the said Act, deposited, on June 20, 1968, its instrument of accession dated May 20, 1968, to the

Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Stockholm on July 14, 1967.

This notification does not mean that the Director of BIRPI has adopted any position on the question of whether the German Democratic Republic is or is not a party to the said Convention. The Governments of the member countries of the Berne Union are in disagreement on this question.

Geneva, July 19, 1968

Berne Notification No. 5

STATE OF THE INTERNATIONAL UNION ON JULY 1, 1968

Country ¹⁾	Class chosen [Art. 23 (4)]	Date of Accession (Art. 25)	Date on which the Convention was declared applicable (Art. 26) ²⁾	Date of Accession to the Rome Act	Date of Accession to the Brussels Act
1. Australia ³⁾ Nauru, New Guinea, Norfolk and Papua	III —	14-IV-1928 —	5-XII-1887 29-VII-1936	18-I-1935 29-VII-1936	— —
2. Argentina	IV	10-VI-1967	—	—	10-VI-1967
3. Austria	VI	1-X-1920	—	1-VII-1936	14-X-1953
4. Belgium	III	5-XII-1887	—	7-X-1934	1-VIII-1951
5. Brazil	III	9-II-1922	—	1-VI-1933	9-VI-1952
6. Bulgaria	V	5-XII-1921	—	1-VIII-1931	—
7. Cameroon	VI	21-IX-1964 ^{a)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	22-V-1952 ^{c)}
8. Canada ⁴⁾	II	10-IV-1928	5-XII-1887	1-VIII-1931	—
9. Ceylon	VI	24-VI-1959 ^{a)}	1-X-1931 ^{c)}	1-X-1931 ^{c)}	—
10. Congo (Brazzaville)	VI	8-V-1962 ^{a)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	22-V-1952 ^{c)}
11. Congo (Kinshasa)	VI	8-X-1963 ^{a)}	20-XII-1948 ^{c)}	20-XII-1948 ^{c)}	14-II-1952 ^{c)}
12. Cyprus	VI	24-II-1964 ^{a)}	1-X-1931 ^{c)}	1-X-1931 ^{c)}	24-V-1964
13. Czechoslovakia	IV	22-II-1921	—	30-XI-1936	—
14. Dahomey	VI	3-I-1961 ^{a)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	22-V-1952 ^{c)}
15. Denmark	IV	1-VII-1903	—	16-IX-1933	19-II-1962
16. Finland	IV	1-IV-1928	—	1-VIII-1931	28-I-1963
17. France Overseas Departments and Territories	I —	5-XII-1887 —	— 26-V-1930	22-XII-1933 ⁵⁾ 22-XII-1933	1-VIII-1951 22-V-1952
18. Gabon	VI	26-III-1962 ^{b)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	26-III-1962 ^{b)}
19. Germany (Fed. Rep.)	I	5-XII-1887	—	21-X-1933	10-X-1966
20. Greece	VI	9-XI-1920	—	25-II-1932 ⁶⁾	6-I-1957
21. Holy See	VI	12-IX-1935	—	12-IX-1935	1-VIII-1951
22. Hungary	VI	14-II-1922	—	1-VIII-1931	—
23. Iceland	VI	7-IX-1947	—	7-IX-1947 ⁷⁾	—
24. India ⁸⁾	IV	1-IV-1928	5-XII-1887	1-VIII-1931	21-X-1958
25. Ireland ⁹⁾	IV	5-X-1927	5-XII-1887	11-VI-1935 ⁷⁾	5-VII-1959
26. Israel ¹⁰⁾	V	24-III-1950	21-III-1924	24-III-1950	1-VIII-1951
27. Italy	I	5-XII-1887	—	1-VIII-1931	12-VII-1953
28. Ivory Coast	VI	1-I-1962 ^{b)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	1-I-1962 ^{b)}
29. Japan	III	15-VII-1899	—	1-VIII-1931 ⁷⁾	—

¹⁾ Among the newly independent countries to which the Berne Convention was applied, by virtue of Article 26, there are only mentioned those which have so far made a declaration of continued adherence or a formal notification of accession to the Swiss Government under Article 25 of the Convention. This list will be amended as and when declarations of continued adherence or notifications of accession are received by the Swiss Government from other countries.

²⁾ I. e. the date from which the notification made by virtue of Article 26 (1) began to take effect for the application of the Convention on the territory of the country concerned. After the latter's accession to independence, the application was confirmed by a declaration of continued adherence or accession.

³⁾ Australia belonged to the Union from the outset as a country for the international relations of which the United Kingdom was responsible. April 14, 1928, is the date on which Australia made a declaration of accession, as a contracting country of the Union, in conformity with Article 25.

⁴⁾ Same observation as in note ³⁾, for Canada, which acceded with effect from April 10, 1928.

⁵⁾ Reservation concerning works of applied art: Article 2 (4) of the Rome Act had been replaced by Article 4 of the original Convention of 1886.

⁶⁾ Articles 8 and 11 of the Rome Act had been replaced by Articles 5 and 9 of the original Convention of 1886; but, as from January 6, 1957, Greece renounced these reservations in favour of all countries of the Union.

⁷⁾ Reservation concerning the right of translation: Article 8 of the Rome Act or of the Brussels Act has been replaced by Article 5 of the original Convention of 1886, in the version of the Additional Act of 1896.

⁸⁾ Same observation as in note ³⁾, for India, which acceded with effect from April 1, 1928.

⁹⁾ The new free State of Ireland, which was constituted by the Treaty signed with Great Britain on December 6, 1921, acceded, as such, with effect from October 5, 1927.

STATE OF THE INTERNATIONAL UNION ON JULY 1, 1968

Country ¹⁾	Class chosen [Art. 23 (4)]	Date of Accession (Art. 25)	Date on which the Convention was declared applicable (Art. 26) ²⁾	Date of Accession to the Rome Act	Date of Accession to the Brussels Act
30. Lebanon	VI	1-VIII-1924	—	24-XII-1933	—
31. Liechtenstein	VI	30-VII-1931	—	30-VIII-1931	1-VIII-1951
32. Luxembourg	VI	20-VI-1888	—	4-II-1932	1-VIII-1951
33. Madagascar	VI	1-I-1966 ^{a)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	22-V-1952 ^{c)}
34. Mali	VI	19-III-1962 ^{a)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	22-V-1952 ^{c)}
35. Mexico	IV	11-VI-1967	—	—	11-VI-1967 ⁷⁾
36. Monaco	VI	30-V-1889	—	9-VI-1933	1-VIII-1951
37. Morocco	VI	16-VI-1917	—	25-XI-1934	22-V-1952
38. Netherlands Surinam and Netherlands Antilles	III —	1-XI-1912 —	— 1-IV-1913	1-VIII-1931 1-VIII-1931	— —
39. New Zealand ¹¹⁾	V	24-IV-1928	5-XII-1887	4-XII-1947	—
40. Niger	VI	2-V-1962 ^{a)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	22-V-1952 ^{c)}
41. Norway	IV	13-IV-1896	—	1-VIII-1931	28-I-1963
42. Pakistan ¹²⁾	VI	5-VII-1948	5-XII-1887	5-VII-1948	—
43. Philippines	VI	1-VIII-1951	—	—	1-VIII-1951
44. Poland	V	28-I-1920	—	21-XI-1935	—
45. Portugal ¹³⁾	III	29-III-1911	—	29-VII-1937	1-VIII-1951
46. Rumania	V	1-I-1927	—	6-VIII-1936	—
47. Senegal	VI	25-VIII-1962 ^{b)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	25-VIII-1962 ^{b)}
48. South Africa ¹⁴⁾ South West Africa ¹⁵⁾	IV —	3-X-1928 28-X-1931	5-XII-1887 5-XII-1887	27-V-1935 —	1-VIII-1951 —
49. Spain	II	5-XII-1887	—	23-IV-1933	1-VIII-1951
50. Sweden	III	1-VIII-1904	—	1-VIII-1931	1-VII-1961
51. Switzerland	III	5-XII-1887	—	1-VIII-1931	2-I-1956
52. Thailand	VI	17-VII-1931	—	—	—
53. Tunisia	VI	5-XII-1887	—	22-XII-1933 ⁵⁾	22-V-1952
54. Turkey	VI	1-I-1952	—	—	1-I-1952 ⁷⁾
55. United Kingdom ¹⁶⁾ Colonies, Possessions and certain Protectorate Territories	I —	5-XII-1887 —	— various dates	1-VIII-1931 various dates	15-XII-1957 various dates ¹⁷⁾
56. Upper Volta	VI	19-VIII-1963 ^{b)}	26-V-1930 ^{c)}	22-XII-1933 ^{c)}	19-VIII-1963 ^{b)}
57. Uruguay	VI	10-VII-1967	—	—	10-VII-1967
58. Yugoslavia	IV	17-VI-1930	—	1-VIII-1931 ⁷⁾	1-VIII-1951 ⁷⁾

¹⁰⁾ The accession of *Palestine*, as a territory under British mandate, took effect from March 21, 1924. After its accession to independence (May 15, 1948), *Israel* acceded with effect from March 24, 1950.

¹¹⁾ Same observation as in note ³⁾, for *New Zealand*, which acceded with effect from April 24, 1928.

¹²⁾ When *Pakistan* formed part of India, it belonged *ipso facto* to the Union as from the outset [see note ⁸⁾]; subsequently, *Pakistan* became a separate State from India and, on July 5, 1948, made a declaration of accession to the Berne Convention as revised at Rome in 1928.

¹³⁾ The former colonies have become "Portuguese Overseas Provinces". The Brussels Act has been applicable to these provinces since August 3, 1956.

¹⁴⁾ Same observation as in note ³⁾, for the *Union of South Africa*, which acceded with effect from October 3, 1928.

¹⁵⁾ The *Union of South Africa* later made a declaration of accession for *South West Africa*, a territory under mandate, and fixed the date of accession at October 28, 1931.

¹⁶⁾ United Kingdom of Great Britain and Northern Ireland.

¹⁷⁾ Application of the Convention to the Isle of Man, Fiji, Gibraltar and Sarawak (see *Le Droit d'Auteur-Copyright*, 1962, p. 32); to Zanzibar, Bermudas and North Borneo (*ibid.*, 1963, p. 8); to Bahamas and Virgin Islands (*ibid.*, 1963, p. 144); to Falkland Islands, Kenya, St. Helena and Seychelles (*ibid.*, 1963, p. 180); to Mauritius (*ibid.*, 1964, p. 192); to Montserrat, Santa-Lucia and Bechuanaland (*Copyright*, 1966, p. 67); to Grenada, the Cayman Islands and British Guiana (*ibid.*, 1966, p. 91); to the British Honduras (*ibid.*, 1966, p. 242); to Saint Vincent (*ibid.*, 1967, p. 208). The Republic of the Philippines, however, reserved its position as regards the application to Sarawak.

^{a)} Date of the despatch of the declaration of continued adherence after the accession of this country to independence.

^{b)} Date of the entry into force of the accession, by virtue of Article 25 (3) of the Convention.

^{c)} As a colony (date of the application resulting from the notice made by the colonising power or the power exercising trusteeship or being responsible for the international relations of a country, by virtue of Article 26 (1) of the Convention).

NATIONAL LEGISLATION

SIERRA LEONE

The Copyright Act, 1965

(No. 28, of May 5, 1965)

(Continued)¹⁾

PART III

Copyright in sound recordings, cinematograph films, broadcasts, etc.

Copyright in sound recordings

14. — (1) Copyright shall subsist, subject to the provisions of this Act, in every sound recording of which the maker was a qualified person at the time when the recording was made.

(2) Without prejudice to subsection (1), copyright shall subsist, subject to the provisions of this Act, in every sound recording which has been published, if the first publication of the recording took place in Sierra Leone.

(3) Copyright subsisting in a sound recording by virtue of this section shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the recording is first published, and shall then expire.

(4) Subject to the provisions of this Act, the maker of a sound recording shall be entitled to any copyright subsisting in the recording by virtue of this section:

Provided that where a person commissions the making of a sound recording, and pays or agrees to pay for it in money or money's worth, and the recording is made in pursuance of that commission, that person, in the absence of any agreement to the contrary, shall subject to the provisions of Part VI, be entitled to any copyright subsisting in the recording by virtue of this section.

(5) The acts restricted by the copyright in a sound recording are the following, whether a record embodying the recording is utilised directly or indirectly in doing them, that is to say, —

- (a) making a record embodying the recording;
- (b) causing the recording to be heard in public;
- (c) broadcasting the recording.

(6) The copyright in a sound recording is not infringed by a person who does any of those acts in Sierra Leone in relation to a sound recording, or part of a sound recording, if, —

- (a) records embodying that recording, or that part of the recording, as the case may be, have previously been issued to the public in Sierra Leone, and
- (b) at the time when those records were so issued, neither the records nor the containers in which they were issued,

bore a label or other mark indicating the year in which the recording was first published:

Provided that this subsection shall not apply if it is shown that the records in question were not issued by or with the licence of the owner of the copyright, or that the owner of the copyright had taken all reasonable steps for securing that records embodying the recording or part thereof would not be issued to the public in Sierra Leone without such a label or mark either on the records themselves or on their containers.

(7) Where a sound recording is caused to be heard in public —

- (a) at any premises where persons reside or sleep, as part of the amenities provided exclusively or mainly for residents or inmates therein, or
- (b) as part of the activities of, or for the benefit of, a club society or other organisation which is not established or conducted for profit and whose main objects are charitable or are otherwise concerned with the advancement of a religion, education or social welfare,

the act of causing it to be so heard shall not constitute an infringement of the copyright in the recording:

Provided that this subsection shall not apply —

- (i) in the case of such premises as are mentioned in paragraph (a), if a special charge is made for admission to the part of the premises where the recording is to be heard; or
- (ii) in the case of such an organisation as is mentioned in paragraph (b), if a charge is made for admission to the place where the recording is to be heard, and any of the proceeds of the charge are applied otherwise than for the purposes of the organisation.

(8) For the purposes of this Act a sound recording shall be taken to be made at the time when the first record embodying the recording is produced, and the maker of a sound recording is the person who owns that record at the time when the recording is made.

(9) In this Act "sound recording" means the aggregate of the sounds embodied in, and capable of being re-produced by means of, a record of any description, other than a sound-track associated with a cinematograph film; and "publication", in relation to a sound recording, means the issue to the public of records embodying the recording or any part thereof.

¹⁾ See *Copyright*, 1968, pp. 127 et seq.

Copyright in cinematograph films

15. — (1) Copyright shall subsist, subject to the provisions of this Act, in every cinematograph film of which the maker was a qualified person for the whole or a substantial part of the period during which the film was made.

(2) Without prejudice to subsection (1), copyright shall subsist, subject to the provisions of this Act, in every cinematograph film which has been published, if the first publication of the film took place in Sierra Leone.

(3) Copyright subsisting in a cinematograph film by virtue of this section shall continue until the film is published, and thereafter until the end of the period of fifty years from the end of the calendar year which includes the date of its first publication, or, if copyright in the film subsists by virtue only of subsection (2), shall continue as from the date of first publication until the end of the period of fifty years from the end of the calendar year which includes that date, and shall then expire.

(4) Subject to the provisions of Part VI the maker of a cinematograph film shall be entitled to any copyright subsisting in the film by virtue of this section.

(5) The acts restricted by the copyright in a cinematograph film are —

- (a) making a copy of the film;
- (b) causing the film, in so far as it consists of visual images, to be seen in public, or, in so far as it consists of sounds, to be heard in public;
- (c) broadcasting the film;
- (d) causing the film to be transmitted to subscribers to a diffusion service.

(6) The copyright in a cinematograph film is not infringed by making a copy of it for the purposes of a judicial proceeding, or by causing it to be seen or heard in public for the purposes of such a proceeding.

(7) Where by virtue of this section copyright has subsisted in a cinematograph film, a person who, after that copyright has expired, causes the film to be seen, or to be seen and heard, in public does not thereby infringe any copyright subsisting by virtue of Part II in any literary, dramatic, musical or artistic work.

(8) In the case of newsreel the copyright in the newsreel is not infringed by causing it to be seen or heard in public after the end of the period of fifty years from the end of the calendar year in which the principal events depicted in the newsreel occurred. For the purposes of this subsection "newsreel" means a film consisting wholly or mainly of photographs which at the time when they were taken, were means of communicating news.

(9) For the purposes of this Act a cinematograph film shall be taken to include the sounds embodied in any sound-track associated with the film, and references to a copy of a cinematograph film shall be construed accordingly:

Provided that where those sounds are also embodied in a record, other than such a sound-track or a record derived (directly or indirectly) from such a sound-track, the copy-

right in the film is not infringed by any use made of that record.

(10) In this Act —

"cinematograph film" means any sequence of visual images recorded on material of any description (whether translucent or not) so as to be capable, by the use of that material, —

- (a) of being shown as a moving picture, or
- (b) of being recorded on other material (whether translucent or not), by the use of which it can be so shown;

"the maker", in relation to a cinematograph film, means the person by whom the arrangements necessary for the making of the film are undertaken;

"publication", in relation to a cinematograph film, means the sale, letting for hire, or offer for sale or hire, of copies of the film to the public;

"copy", in relation to a cinematograph film, means any print, negative, tape or other article on which the film or part of it is recorded,

and references in this Act to a sound-track associated with a cinematograph film are references to any record of sounds which is incorporated in any print, negative, tape or other article on which the film or part of it, in so far as it consists of visual images, is recorded, or which is issued by the maker of the film for use in conjunction with such an article.

Copyright in television broadcasts and sound broadcasts

16. (1) Copyright shall subsist, subject to the provisions of this Act —

- (a) in every television broadcast made by the Sierra Leone Broadcasting Service (in this Act referred to as the Service) or by the Sierra Leone Television Authority (in this Act referred to as the Authority) from a place in Sierra Leone, and
- (b) in every sound broadcast made by the Service or the Authority, from such a place.

(2) Subject to the provisions of this Act, the Service or the Authority, as the case may be, shall be entitled to any copyright subsisting in a television broadcast or sound broadcast made by them; and any such copyright shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the broadcast is made, and shall then expire.

(3) In so far as a television broadcast or sound broadcast is a repetition (whether the first or any subsequent repetition) of a television broadcast or sound broadcast previously made as mentioned in subsection (1) (whether by the Service or by the Authority), and is made by broadcasting material recorded on film, records or otherwise, —

- (a) copyright shall not subsist therein by virtue of this section if it is made after the end of the period of fifty years from the end of the calendar year in which the previous broadcast was made; and

(b) if it is made before the end of that period, any copyright subsisting therein by virtue of this section shall expire at the end of that period.

(4) The acts restricted by the copyright in a television broadcast or sound broadcast are —

(a) in the case of a television broadcast in so far as it consists of visual images, making, otherwise than for private purposes, a cinematograph film of it or a copy of such film;

(b) in the case of a sound broadcast, or of a television broadcast in so far as it consists of sounds, making, otherwise than for private purposes, a sound recording of it or a record embodying such a recording;

(c) in the case of a television broadcast, causing it, in so far as it consists of visual images, to be seen in public, or, in so far as it consists of sounds, to be heard in public, if it is seen or heard by paying audience;

(d) in the case either of a television broadcast or of a sound broadcast, re-broadcasting it.

(5) The restrictions imposed by virtue of subsection (4) in relation to a television broadcast or sound broadcast made by the Service or by the Authority shall apply whether the act in question is done by the reception of the broadcast or by making use of any record, print, negative, tape or other article on which the broadcast has been recorded.

(6) In relation to copyright in television broadcasts, in so far as they consist of visual images, the restrictions imposed by virtue of subsection (4) shall apply to any sequence of images sufficient to be seen as a moving picture and accordingly, for the purpose of establishing an infringement of such copyright, it shall not be necessary to prove that the act in question extended to more than such a sequence of images.

(7) For the purposes of subsection (4) a cinematograph film or a copy thereof, or a sound recording or a record embodying a recording, shall be taken to be made otherwise than for private purposes if it is made for the purposes of the doing by any person of any of the following acts, that is to say —

(a) the sale or letting for hire of any copy of the film, or, as the case may be, of any record embodying the recording;

(b) broadcasting the film or recording;

(c) causing the film or recording to be seen or heard in public.

(8) For the purposes of paragraph (c) of subsection (4), a television broadcast shall be taken to be seen or heard by a paying audience if it is seen or heard by persons who either —

(a) have been admitted for payment to the place where the broadcast is to be seen or heard, or have been admitted for payment to a place of which that place forms part, or

(b) have been admitted to the place where the broadcast is to be seen or heard in circumstances where goods or services are supplied there at prices which exceed the prices usually charged at that place and are partly attri-

butable to the facilities afforded for seeing or hearing the broadcast:

Provided that for the purposes of paragraph (a) no account shall be taken —

(i) of persons admitted to the place in question as resident or inmates therein, or

(ii) of persons admitted to that place as members of a club or society, where the payment is only for membership of the club or society and the provision of facilities for seeing or hearing television broadcasts is only incidental to the main purposes of the club or society.

(9) The copyright in a television broadcast or sound broadcast is not infringed by anything done in relation to the broadcast for the purposes of a judicial proceeding.

(10) In this Act “television broadcast” means visual images broadcast by way of television, together with any sounds broadcast for reception along with those images and “sound broadcast” means sounds broadcast otherwise than as part of a television broadcast; and for the purposes of this Act a television broadcast or sound broadcast shall be taken to be made by the body by whom, at the time when, and from the place from which, the visual images or sounds in question, or both, as the case may be, are broadcast.

Copyright in published editions of works

17. — (1) Copyright shall subsist, subject to the provision of this Act, in every published edition of any one or more literary, dramatic or musical works in the case of which either —

(a) the first publication of the edition took place in Sierra Leone, or

(b) the publisher of the edition was a qualified person at the date of the first publication thereof:

Provided that this subsection does not apply to an edition which reproduces the typographical arrangement of a previous edition of the same work or works.

(2) Subject to the provisions of this Act, the publisher of an edition shall be entitled to any copyright subsisting in the edition by virtue of this section; and any such copyright shall continue to subsist until the end of the period of twenty-five years from the end of the calendar year in which the edition was first published, and shall then expire.

(3) The act restricted by the copyright subsisting by virtue of this section in a published edition is the making by any photographic or similar process, of a reproduction of the typographical arrangement of the edition.

(4) The copyright under this section is not infringed by the making by or on behalf of a librarian of a reproduction of the typographical arrangement of the edition, if he is the librarian of a library of a class prescribed by Regulations made under this subsection by the Minister of Education, and the conditions prescribed by those Regulations are complied with.

Supplementary provisions for purposes of Part III

18. — (1) The provisions of this section shall have effect with respect to copyright subsisting by virtue of this Part in

sound recordings, cinematograph films, television broadcasts and sound broadcasts, and in published editions of literary, dramatic and musical works; and in those provisions references to the relevant provision of this Part, in relation to copyright in a subject matter of any of those descriptions, are references to the provision of this Part whereby it is provided that (subject to compliance with the conditions specified therein) copyright shall subsist in that description of subject-matter.

(2) Any copyright subsisting by virtue of this Part is infringed by any person who, without the licence of the owner of the copyright, imports an article (otherwise than for his private and domestic use) into Sierra Leone if to his knowledge the making of that article constituted an infringement of that copyright or would have constituted such an infringement if the article had been made in Sierra Leone.

(3) Any such copyright is also infringed by any person who, in Sierra Leone and without the licence of the owner of the copyright —

- (a) sells, lets for hire, or by way of trade offers or exposes for sale or hire any article, or
- (b) by way of trade exhibits any article in public,

if to his knowledge the making of the article constituted an infringement of that copyright, or (in the case of an imported article) would have constituted an infringement of that copyright if the article had been made in Sierra Leone.

(4) Subsection (3) shall apply in relation to the distribution of any articles either —

- (a) for purposes of trade, or
- (b) for other purposes, but to such an extent as to affect prejudicially the owner of the copyright in question,

as it applies in relation to the sale of an article.

(5) Subsections (2), (3) and (4) shall have effect without prejudice to the general provisions of section 3 as to infringement of copyright.

(6) Where by virtue of this Part copyright subsists in a sound recording, cinematograph film, broadcast or other subject matter, nothing in this Part shall be construed as affecting the operation of Part II in relation to any literary, dramatic, musical or artistic work from which that subject-matter is wholly or partly derived; and copyright subsisting by virtue of this Part shall be additional to, and independent of, any copyright subsisting by virtue of Part II:

Provided that this subsection shall have effect subject to the provisions of subsection (7) of section 15.

(7) The subsistence of copyright under any of the preceding sections of this Part shall not affect the operation of any other of those sections under which copyright can subsist.

PART IV

Remedies for infringement of copyright

Action by owner of copyright for infringement

19. — (1) Subject to the provisions of this Act, infringements of copyright shall be actionable at the suit of the owner of the copyright; and in any action for such an in-

fringement all such relief, by way of damages, injunction, accounts or otherwise, shall be available to the plaintiff as is available in any corresponding proceedings in respect of infringement of other proprietary rights.

(2) Where in an action for infringement of copyright it is proved or admitted —

- (a) that an infringement was committed, but
- (b) that at the time of the infringement the defendant was not aware, and had not reasonable grounds for suspecting, that copyright subsisted in the work or other subject-matter to which the action relates

the plaintiff shall not be entitled under this section to any damages against the defendant in respect of the infringement but shall be entitled to an account of profits in respect of the infringement whether any other relief is granted under this section or not.

(3) Where in an action under this section an infringement of copyright is proved or admitted, and the court, having regard (in addition to all other material considerations) to —

- (a) the flagrancy of the infringement, and
- (b) any benefit shown to have accrued to the defendant by reason of the infringement,

is satisfied that effective relief would not otherwise be available to the plaintiff, the court, in assessing damages for the infringement, shall have power to award such additional damages by virtue of this subsection as the court may consider appropriate in the circumstances.

(4) In an action for infringement of copyright in respect of the construction of a building, no injunction or other order shall be made —

- (a) after the construction of a building has been begun, so as to prevent it from being completed, or
- (b) so as to require the building in so far as it has been constructed, to be demolished.

(5) In this Part "action" includes a counterclaim, and references to the plaintiff and to the defendant in an action shall be construed accordingly.

Rights of owner of copyright in respect of infringing copies

20. — (1) Subject to the provisions of this Act, the owner of the copyright shall be entitled to all such rights and remedies, in respect of the conversion or detention by any person of any infringing copy, or of any plate used or intended to be used for making infringing copies, as he would be entitled to if he were the owner of every such copy or plate and had been the owner thereof since the time when it was made:

Provided that if, by virtue of subsection (2) of section 5 of the Limitation Act, 1961, (which relates to successive conversions or detentions), the title of the owner of the copyright to such a copy or plate would (if he had been the owner of the copy or plate) have been extinguished at the end of the period mentioned in that subsection, he shall not be entitled to any rights or remedies under this subsection in respect of anything done in relation to that copy or plate after the end of that period.

(2) A plaintiff shall not be entitled by virtue of this section to any damages or to any other pecuniary remedy (except costs) if it is proved or admitted that, at the time of the conversion or detention in question —

- (a) the defendant was not aware, and had no reasonable grounds for suspecting, that copyright subsisted in the work or other subject-matter to which the action relates, or
- (b) where the articles converted or detained were infringing copies, the defendant believed, and had reasonable grounds for believing, that they were not infringing copies, or
- (c) where the article converted or detained was a plate used or intended to be used for making any article, the defendant believed, and had reasonable grounds for believing, that the articles so made or intended to be made were not, or (as the case may be) would not be, infringing copies.

(3) In this Part “infringing copy” —

- (a) in relation to a literary, dramatic, musical or artistic work, or to such a published edition as is mentioned in section 17, means a reproduction otherwise than in the form of a cinematograph film,
- (b) in relation to a sound recording, means a record embodying that recording,
- (c) in relation to a cinematograph film, means a copy of the film, and
- (d) in relation to a television broadcast or a sound broadcast, means a copy of a cinematograph film of it or a record embodying a sound recording of it,

being (in any such case) an article the making of which constituted an infringement of the copyright in the work, edition recording, film or broadcast, or, in the case of an imported article, would have constituted an infringement of that copyright if the article had been made in Sierra Leone and “plate” includes any stereotype, stone, block, mould, matrix, transfer, negative or other appliance.

Proceedings in case of copyright subject to exclusive licence

21. — (1) The provisions of this section shall apply to proceedings in the case of any copyright in respect of which an exclusive licence has been granted and is in force at the time of the events to which the proceedings relate.

(2) Subject to the following provisions of this section —

- (a) the exclusive licensee shall (except against the owner of the copyright) have the same rights of action, and be entitled to the same remedies, under section 19 as if the licence had been an assignment, and those rights and remedies shall be concurrent with the rights and remedies of the owner of the copyright under that section;
- (b) the exclusive licensee shall (except against the owner of the copyright) have the same rights of action, and be entitled to the same remedies, by virtue of section 20 as if the licence had been an assignment; and
- (c) the owner of the copyright shall not have any rights of action, or be entitled to any remedies, by virtue of sec-

tion 20 which he would have had or been entitled to if the licence had been an assignment.

(3) Where an action is brought either by the owner of the copyright or by the exclusive licensee, and the action, in so far as it is brought under section 19, relates (wholly or partly) to an infringement in respect of which they have concurrent rights of action under this section, the owner or licensee, as the case may be, shall not be entitled, except with the leave of court, to proceed with the action, in so far as it is brought under this section and relates to that infringement, unless the other party is either joined as a plaintiff in the action or added as a defendant:

Provided that this subsection shall not affect the granting of an interlocutory injunction on the application of either of them.

(4) In any action brought by the exclusive licensee by virtue of this section, any defence which would have been available to a defendant in the action, if this section had not been enacted and the action had been brought by the owner of the copyright, shall be available to that defendant as against the exclusive licensee.

(5) Where an action is brought in the circumstances mentioned in subsection (3), and the owner of the copyright and the exclusive licensee are not both plaintiffs in the action, the court, in assessing damages in respect of any such infringement as is mentioned in that subsection —

- (a) if the plaintiff is the exclusive licensee, shall take into account any liabilities (in respect of royalties or otherwise) to which the licence is subject, and
- (b) whether the plaintiff is the owner of the copyright or the exclusive licensee, shall take into account any pecuniary remedy already awarded to the other party under section 19 in respect of that infringement, or, as the case may require, any right of action exercisable by the other party under that section in respect thereof.

(6) Where an action, in so far as it is brought under section 19, relates (wholly or partly) to an infringement in respect of which the owner of the copyright and the exclusive licensee have concurrent rights of action under this section, and in that action (whether they are both parties to it or not) an account of profits is directed to be taken in respect of that infringement, then, subject to any agreement of which the court is aware, whereby the application of those profits is determined as between the owner of the copyright and the exclusive licensee, the court shall apportion the profits between them as the court may consider just, and shall give such directions as the court may consider appropriate for giving effect to that apportionment.

(7) In an action brought either by the owner of the copyright or by the exclusive licensee —

- (a) no judgment or order for the payment of damages in respect of an infringement of copyright shall be given or made under section 19, if a final judgment or order has been given or made awarding an account of profits to the other party under that section in respect of the same infringement; and

(b) no judgment or order for an account of profits in respect of an infringement of copyright shall be given or made under that section, if a final judgment or order has been given or made awarding either damages or an account of profits to the other party under that section in respect of the same infringement.

(8) Where, in an action brought in the circumstances mentioned in subsection (3), whether by the owner of the copyright or by the exclusive licensee, the other party is not joined as a plaintiff (either at the commencement of the action or subsequently), but is added as a defendant he shall not be liable for any costs in the action unless he enters an appearance and takes part in the proceedings.

(9) In this section "exclusive licence" means a licence in writing, signed by or on behalf of the owner or prospective owner of the copyright, authorising the licensee, to the exclusion of all other persons, including the grantor of the licence, to exercise a right which by virtue of this Act would (apart from the licence) be exercisable exclusively by the owner of the copyright, and "exclusive licensee" shall be construed accordingly; "the other party" in relation to the exclusive licensee, means the owner of the copyright; and "if the licence had been an assignment" means if, instead of the licence, there had been granted (subject to terms and conditions corresponding as nearly as may be with those subject to which the licence was granted) an assignment of the copyright in respect of its application to the doing at the places and times authorised by the licence, of the acts so authorised.

Proof of facts in copyright actions

22. — (1) In any action brought by virtue of this Part —

- (a) copyright shall be presumed to subsist in the work or other subject-matter to which the action relates, if the defendant does not put in issue the question whether copyright subsists therein, and
- (b) where the subsistence of the copyright is approved or admitted, or is presumed in pursuance of paragraph (a), the plaintiff shall be presumed to be the owner of the copyright, if he claims to be the owner of the copyright and the defendant does not put in issue the question of his ownership thereof.

(2) Subject to subsection (1), where, in the case of a literary, dramatic, musical or artistic work, a name purporting to be that of the author appeared 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 appeared (if it was his true name or a name by which he was commonly known) shall, in any action brought by virtue of this Part, be presumed, unless the contrary is proved —

- (a) to be the author of the work, and
- (b) to have made the work in circumstances not falling within subsections (2), (3) or (4) of section 6.

(3) In the case of a work alleged to be a work of joint authorship, subsection (2) shall apply in relation to each person alleged to be one of the authors of the work, as if

references in that subsection to the author were references to one of the authors.

(4) Where, in an action brought by virtue of this Part with respect to a literary, dramatic, musical or artistic work, subsection (2) does not apply, but it is established —

- (a) that the work was published in Sierra Leone, and was so published within the period of fifty years ending with the beginning of the calendar year in which the action was brought, and
- (b) that a name purporting to be that of the publisher appeared on copies of the work as first published,

then, unless the contrary is shown, copyright shall be presumed to subsist in the work and the person whose name so appeared shall be presumed to have been the owner of that copyright at the time of the publication.

For the purposes of this subsection a fact shall be taken to be established if it is proved or admitted, or it is proved in pursuance of the following provisions of this section.

(5) Where in an action brought by virtue of this Part with respect to a literary, dramatic, musical or artistic work it is proved or admitted that the author of the work is dead —

- (a) the work shall be presumed to be an original work unless the contrary is proved, and
- (b) if it is alleged by the plaintiff that a publication specified in the allegation was the first publication of the work, and that it took place in a country and on a date so specified, that publication shall be presumed, unless the contrary is proved, to have been the first publication of the work, and to have taken place in that country and on that date.

(6) Paragraphs (a) and (b) of the subsection (5) shall apply where a work has been published, and —

- (a) the publication was anonymous, or was under a name alleged by the plaintiff to have been a pseudonym, and
- (b) it is [not] shown that the work has ever been published under the true name of the author, or under a name by which he was commonly known, or that it was possible for a person without previous knowledge of the facts to ascertain the identity of the author by reasonable inquiry.

as those paragraphs apply in a case where it is proved that the author is dead.

(7) In any action brought by virtue of this Part with respect to copyright in a sound recording, if records embodying that recording or part thereof have been issued to the public, and at the time when those records were so issued they bore a label or other mark comprising any one or more of the following statements, that is to say —

- (a) that a person named on the label or mark was the maker of the sound recording;
- (b) that the recording was first published in a year specified on the label or mark;
- (c) that the recording was first published in a country specified on the label or mark,

that label or mark shall be sufficient evidence of the facts so stated except in so far as the contrary is proved.

Penalties and summary proceedings in respect of dealings which infringe copyright

23. — (1) Any person who at a time when copyright subsists in a work: —

- (a) makes for sale or hire, or
- (b) sells or lets for hire, or by way of trade offers or exposes for sale or hire, or
- (c) by way of trade exhibits in public, or
- (d) imports into Sierra Leone, otherwise than for his private and domestic use.

any article which he knows to be an infringing copy of the work, shall be guilty of an offence under this subsection.

(2) Any person who, at a time when copyright subsists in a work, distributes either —

- (a) for purposes of trade, or
- (b) for other purposes, but to such an extent as to effect prejudicially the owner of the copyright,

articles which he knows to be infringing copies of the work, shall be guilty of an offence under this subsection.

(3) Any person who, at a time when copyright subsists in a work, makes or has in his possession a plate, knowing that it is to be used for making infringing copies of the work, shall be guilty of an offence under this subsection.

(4) The preceding subsections shall apply in relation to copyright subsisting in any subject-matter by virtue of Part III, as they apply in relation to copyright subsisting by virtue of Part II.

(5) Any person who causes a literary, dramatic or musical work to be performed in public, knowing that copyright subsists in the work and that the performance constitutes an infringement of the copyright, shall be guilty of an offence under this subsection.

(6) The preceding provisions of this section apply only in respect of acts done in Sierra Leone.

(7) A person guilty of an offence under subsections (1) or (2) shall on summary conviction —

- (a) if it is his first conviction of an offence under this section, be liable to a fine not exceeding four leones for each article to which the offence relates;
- (b) in any other case, be liable to such a fine, or to imprisonment for a term not exceeding two months:

Provided that a fine imposed by virtue of this subsection shall not exceed one hundred leones in respect of articles comprised in the same transaction.

(8) A person guilty of an offence under subsections (3) or (5) shall on summary conviction —

- (a) if it is his first conviction of an offence under this section, be liable to a fine not exceeding one hundred leones;
- (b) in any other case, be liable to such a fine, or to imprisonment for a term not exceeding two months.

(9) The court before which a person is charged with an offence under this section may, whether he is convicted of the offence or not, order that any article in his possession which appears to the court to be an infringing copy, shall

be destroyed or delivered up to the owner of the copyright in question or otherwise dealt with as the court may think fit.

Provision for restricting importation of printed copies

24. — (1) The owner of the copyright in any published literary, dramatic or musical work may give notice in writing to the Comptroller of Customs and Excise (in this section referred to as “the Comptroller”)

- (a) that he is the owner of the copyright in the work, and
- (b) that he requests the Comptroller, during a period specified in the notice, to treat as prohibited goods copies of the work to which this section applies:

Provided that the period specified in a notice under this subsection shall not exceed five years and shall not extend beyond the end of the period for which the copyright is to subsist.

(2) This section applies, in the case of a work, to any printed copy made outside Sierra Leone, which if it had been made in Sierra Leone would be an infringing copy of the work.

(3) Where a notice has been given under this section in respect of a work, and has not been withdrawn, the importation into Sierra Leone, at a time before the end of the period specified in the notice of any copy of the work to which this section applies shall, subject to the following provisions of this section, be prohibited:

Provided that this subsection shall not apply to the importation of any article by a person for his private and domestic use.

(4) The Comptroller may make Regulations prescribing the form in which notices are to be given under this section, and requiring a person giving such a notice, either at the time of giving the notice or at the time when the goods in question are imported, or at both those times to furnish the Comptroller with such evidence, and to comply with such other conditions (if any), as may be specified in the Regulations; and any such Regulations may include such incidental and supplementary provisions as the Comptroller considers expedient for the purposes of this section.

(5) Without prejudice to the generality of the subsection (4), Regulations made under that subsection may include provision for requiring a person who has given a notice under subsection (1), or a notice purporting to be a notice under that subsection —

- (a) to pay such fees in respect of the notice as may be prescribed by the Regulations;
- (b) to give the Comptroller such security as may be so prescribed, in respect of any liability or expense which he may incur in consequence of the detention, at any time within the period specified in the notice, of any copy of the work to which the notice relates, or in consequence of anything done in relation to a copy so detained;
- (c) whether any such security is given or not, to keep the Comptroller indemnified against any such liability or expense as is mentioned in paragraph (b).

(6) Any fees paid in pursuance of Regulations made under this section shall be treated as money collected on account of customs.

(7) The fact that any goods are treated as prohibited goods by reason of this section shall render the goods liable to forfeiture but shall not render any person liable to any penalty other than such forfeiture.

PART V

Extension or restriction of operation of Act

Application of Act to countries outside Sierra Leone

25. — (1) The Governor-General may by Order make provision for applying any of the provisions of this Act specified in the Order, in the case of a country outside Sierra Leone in any one or more of the following ways, that is to say, so as to ensure that those provisions —

- (a) apply in relation to literary, dramatic, musical or artistic works, sound recordings, cinematograph films or editions first published in that country as they apply in relation to literary, dramatic, musical or artistic works, sound recordings, cinematograph films or editions first published in Sierra Leone;
- (b) apply in relation to persons who, at a material time, are citizens or subjects of that country as they apply in relation to persons who, at such a time, are Sierra Leone citizens;
- (c) apply in relation to persons who, at a material time, are domiciled or resident in that country as they apply in relation to persons who, at such a time, are domiciled or resident in Sierra Leone;
- (d) apply in relation to bodies incorporated under the laws of that country as they apply in relation to bodies incorporated under the laws of Sierra Leone;
- (e) apply in relation to television broadcasts and sound broadcasts made from places in that country, by one or more organisations constituted in, or under the laws of, that country, as they apply in relation to television broadcasts made from places in Sierra Leone by the Service or the Authority.

(2) An Order under this section —

- (a) may apply the provisions in question as mentioned in subsection (1), but subject to exceptions or modifications specified in the Order;
- (b) may direct that the provisions in question shall so apply either generally or in relation to such classes of works, or other classes of cases, as may be specified in the Order.

(3) The Governor-General shall not make an Order under this section applying any of the provisions of this Act in the case of a country, other than a country which is a party to a Convention relating to copyright to which Sierra Leone is also a party, unless he is satisfied that, in respect of the class of works or other subject-matter to which those provisions relate, provision has been or will be made under the laws of that country whereby adequate protection will be given to owners of copyright under this Act.

Provisions as to international organisations

26. — (1) Where it appears to the Governor-General that one or more sovereign Powers, or the Government or Governments thereof, are members of an organisation, and that it is expedient that the provisions of this section should apply to that organisation, the Governor-General may by Order declare that the organisation is one to which this section applies.

(2) Where an original literary, dramatic, musical or artistic work is made by or under the direction or control of an organisation to which this section applies in such circumstances that —

- (a) copyright would not subsist in the work apart from this subsection, but
- (b) if the author of the work had been a Sierra Leone citizen at the time when it was made, copyright would have subsisted in the work immediately after it was made and would thereupon have vested in the organisation,

copyright shall subsist in the work as if the author had been a Sierra Leone citizen when it was made, that copyright shall continue to subsist so long as the work remains unpublished, and the organisation shall, subject to the provisions of this Act, be entitled to that copyright.

(3) Where an original literary, dramatic, musical or artistic work is first published by or under the direction or control of an organisation to which this section applies, in such circumstances that, apart from this subsection, copyright does not subsist in the work immediately after the first publication thereof and either —

- (a) the work is so published in pursuance of an agreement with the author which does not reserve to the author the copyright (if any) in the work, or
- (b) the work was made in such circumstances that, if it had been first published in Sierra Leone, the organisation would have been entitled to the copyright in the work,

copyright shall subsist in the work (or if copyright in the work subsisted immediately before its first publication, shall continue to subsist) as if it had been first published in Sierra Leone, that copyright shall subsist until the end of the period of fifty years from the end of the calendar year in which the work was first published, and the organisation shall subject to the provisions of Part VI, be entitled to that copyright.

(4) The provisions of Part II, with the exception of provisions thereof relating to the subsistence, duration or ownership of copyright, shall apply in relation to copyright subsisting by virtue of this section as they apply in relation to copyright subsisting by virtue of the said Part II.

(5) An organisation to which this section applies which otherwise has not, or at some material time otherwise had not, the legal capacities of a body corporate shall have, and shall be deemed at all material times to have had the legal capacities of a body corporate for the purpose of holding, dealing with and enforcing copyright and in connection with all legal proceedings relating to copyright.

Extended application of provisions relating to broadcasts

27. — (1) The Governor-General may by Order provide that, subject to such exception and modifications (if any) as may be specified in the Order, such provisions of this Act relating to television broadcasts or to sound broadcasts as may be so specified shall apply in relation to the operation of wireless telegraphy apparatus by way of the emission (as opposed to reception) of electromagnetic energy —

(a) by such persons or classes of persons, other than the Service and the Authority, as may be specified in the Order, and

(b) for such purposes (whether involving broadcasting or not) as may be so specified,

as they apply in relation to television broadcasts, or, as the case may be, to sound broadcasts, made by the Service and the Authority.

Denial of copyright to citizens of countries not giving adequate protection to Sierra Leone works

28. — (1) If it appears to the Governor-General that the laws of a country fail to give adequate protection to Sierra Leone works to which this section applies, or fail to give such protection in the case of one or more classes of such works (whether the lack of protection relates to the nature of the work or the country of its author or both), the Governor-General may make an Order designating that country and making such provision in relation thereto as is mentioned in the following provisions of this section.

(2) An Order under this section shall provide that, either generally or in such classes of cases as are specified in the

Order, copyright under this Act shall not subsist in the works to which this section applies which were first published after a date specified in the Order, if at the time of their first publication the authors thereof were —

(a) citizens or subjects of the country designated by the Order, not being at that time persons domiciled or resident in Sierra Leone;

(b) bodies incorporated under the laws of the country designated by the Order.

(3) In making an Order under this section the Governor-General have regard to the nature and extent of the lack of protection for Sierra Leone works in consequence of which the Order is made.

(4) This section applies to the following works, that is to say, literary, dramatic, musical or artistic works, sound recordings and cinematograph films.

(5) In this section —

“Sierra Leone work” means a work of which the author, at the time when the work was made, was a qualified person for the purposes of the relevant provision of this Act;

“author”, in relation to a sound recording or a cinematograph film means the maker of the recording or film;

“the relevant provision of this Act”, in relation to literary, dramatic and musical works means section 4, in relation to artistic works means section 5, in relation to sound recordings means section 14, and in relation to cinematograph films means section 15.

(To be continued)

GENERAL STUDIES

The Scope of Protection according to the Stockholm Act of the Berne Convention

1. With a view to ensuring a more effective system of international protection for literary and artistic works than that deriving from bilateral international treaties, the countries¹⁾ that signed the first multilateral international treaty concerning such protection, at Berne on September 9, 1886, established the system of the International Union in this field²⁾.

Under the system, the problem of international copyright protection could be solved either by providing for unified copyright throughout the territory of the Union or, while maintaining national legislation on copyright in each country of the Union, through the assimilation of authors resident in a Union country to nationals of that country.

The countries that established the Berne Union were not in favor of the complete unification of copyright because they were aware that considerable differences existed between their national systems of copyright protection.

Nevertheless, as declared in the preamble to the Convention, they were "equally animated by the desire to protect in as effective and uniform a manner as possible the rights of authors over their literary and artistic works" and they adopted the mixed system of protection under which authors of a Union country are assimilated to the nationals of other Union countries (national treatment) and providing also for the unification of certain rights of authors under the Convention, constituting the minimum level of protection (*jure conventionis*).

2. Since the adoption of the Berlin revision of the Convention, however, the protection afforded by the Convention did not have the same scope in all cases. Authors enjoying protection under the Berlin Act (or the Rome Act and the Brussels Act) do not enjoy simultaneously in all countries of the Union national treatment and rights specially granted by the Convention. The provisions on the scope of protection under the Convention are to be found in the fundamental rules of the Convention, Articles 4, 5 and 6, which provide in particular as follows:

- (a) the provisions on eligibility criteria, i. e. those specifying which authors enjoy protection and in respect of which works (Article 4(1), Article 5 and Article 6(1));
- (b) the provisions on the scope of protection under the Convention, that is to say, specifying the treatment to be granted to authors eligible for protection in the territory of the Union (same articles and paragraphs);

¹⁾ Belgium, France, Germany, Great Britain, Haiti, Italy, Liberia, Spain, Switzerland and Tunisia. — See "Le cinquantenaire de la création de l'Union internationale pour la protection des œuvres littéraires et artistiques", in *Le Droit d'Auteur*, 1936, p. 98.

²⁾ Masouyé, "The Berne Convention from 1886 to 1967", New Delhi, 1967, p. 2.

(c) the provisions on the conditions for protection concerning formalities (Article 4(2));

(d) definitions of concepts that are of essential importance for application of the fundamental rules of the Convention, the definition of the concept of the country of origin of a work within the meaning of the Convention (Article 4(3) generally and in the Brussels text, paragraph (5)) and the definition of the concept of published works within the meaning of the Convention (Article 4(4));

(e) since the Berne Additional Protocol of March 20, 1914, the provisions on retaliatory measures against non-Union countries (embodied in paragraphs (2), (3) and (4) of Article 6 in the Rome Act and the Brussels Act).

3. The question as to which authors enjoy protection in the territory of the Union, and in respect of which works, is settled in the Berlin, Rome and Brussels texts according to different principles, depending on whether or not the work is published within the meaning of the Convention. For unpublished works, the criterion for eligibility is the fact that the author is a national of a country of the Union (principle or criterion of the author's nationality) and, for published works, the criterion of first publication in a country of the Union, regardless of the author's nationality (principle or criterion of "nationality" of the work).

The scope of protection granted to authors who enjoy protection under the above-mentioned principles is determined by the circumstances of the author's nationality and of the country of origin of the work. The above-mentioned clauses of the Convention provide for four categories of cases:

(a) "Authors who are nationals of any of the countries of the Union shall enjoy in countries other than the country of origin of the work, for their works, whether unpublished or first published in a country of the Union, the rights which their respective laws do now or may hereafter grant to their nationals, as well as the rights specially granted by this Convention." (Article 4(1))

The authors referred to therefore enjoy, outside the country of origin, national treatment and in addition "the rights specially granted by this Convention". Consequently, the above-mentioned provisions of the Convention do not afford protection to works published for the first time outside the Union, even if the authors are nationals of a country of the Union. According to these provisions of the Convention, the criterion of "nationality" of the work is the general criterion.

The question of which country is to be considered as being the country of origin depends on whether or not the work is published. For unpublished works, it is the country

to which the author belongs or, in the case of works or architecture or of graphic and three-dimensional works forming part of a building, the country of the Union where these works have been built or incorporated in a building. For published works, it is the country of first publication.

(b) Authors who are nationals of one of the countries of the Union, and "who first publish their works in another country of the Union, shall have in the latter country the same rights as native authors." (Article 5)

The country of first publication is the country of origin and, consequently, the authors mentioned above enjoy national treatment in the country of origin of the work. They cannot claim the benefit of "the rights specially granted by this Convention".

(c) "Authors who are not nationals of one of the countries of the Union, and who first publish their works in one of those countries, shall enjoy in that country the same rights as native authors." (Article 6(1))

These authors therefore enjoy national treatment also in the country of origin of the work, without the "rights specially granted by this Convention".

(d) The same authors enjoy "in the other countries of the Union the rights granted by this Convention".

4. In the Programme of the Stockholm Conference, certain modifications were proposed in Articles 4, 5 and 6 in regard to the eligibility criteria for protection (replacement of the criterion of "nationality" of the work by the criterion of nationality of the author as the general criterion for protection, assimilation of authors not nationals of a Union country but domiciled in one such country to authors nationals of that country, introduction of a new criterion of protection for cinematographic works and for works of architecture or graphic and three-dimensional works incorporated in a building), definitions in the Convention ("country of origin of the work" and "published works"), and introduction of a new definition of the term "maker" of a cinematographic work³).

On the other hand, the Programme of the Stockholm Conference did not propose any amendment of the provisions of the Brussels text concerning the scope of protection under the Convention, the conditions of protection so far as formalities are concerned, and retaliatory measures.

The Stockholm Conference adopted the proposals in the Programme concerning: the nationality of the author as the general criterion for protection under the Convention; the assimilation of authors not nationals of a Union country but domiciled in one such country to authors nationals of that country, by replacing the words "are domiciled" by "have their habitual residence"; the new criterion of protection for works of architecture and other artistic works incorporated in a building; the modification of the definition of "country of origin" and "published works" (the latter amendment went further than the proposal in the Programme). The Con-

ference rejected, however, the proposal for inserting a definition of "maker of the cinematographic work".

A new draft of Articles 4, 5 and 6 of the Brussels text was, however, proposed by Professor Ulmer, Chairman of Main Committee I of the Stockholm Conference, established to consider the proposals for revising the substantive copyright provisions of the Convention (Articles 1 to 20). The draft proposed by Professor Ulmer provided for a renumbering of these articles (Articles 3 to 6). Under his proposal, a new Article 3 would indicate the main criteria for the application of the Convention, with the definition of the concept of publication within the meaning of the Convention; Article 4 would contain certain special criteria for the application of the Convention, with respect to cinematographic works and works of architecture; Article 5 would state the scope of protection, with the definition of the concept of country of origin; and Article 6 would reproduce the provisions on retaliatory measures⁴).

The Stockholm Conference adopted Professor Ulmer's proposal, and the fundamental provisions were approved in a new wording.

In this wording, the provisions on the main criteria for application of the Convention read as follows (Article 3(1)):

The protection of this Convention shall apply to:

- (a) authors who are nationals of one of the countries of the Union, for their works, whether published or not;
- (b) authors who are not nationals of one of the countries of the Union, for their works first published in one of those countries, or simultaneously in a country outside the Union and in a country of the Union.

The provisions concerning the scope of protection under the Convention according to the Stockholm Act are as follows (Article 5(1) and (3)):

(1) Authors shall enjoy, in respect of works for which they are protected under this Convention, in countries of the Union other than the country of origin, the rights which their respective laws do now or may hereafter grant to their nationals, as well as the rights specially granted by this Convention.

(3) Protection in the country of origin is governed by domestic law. However, when the author is not a national of the country of origin of the work for which he is protected under this Convention, he shall enjoy in that country the same rights as national authors.

If we compare the provisions of the Stockholm Act on the scope of protection under the Convention with the corresponding provisions of the Brussels Act (taking them in the order of the latter text) we arrive at the following result:

(a) Authors who are nationals of one of the countries of the Union enjoy, in countries of the Union other than the country of origin of the work, national treatment and in addition the "rights specially granted by this Convention", as is also the case in the Brussels Act.

(b) In the country of origin of the work, the same authors enjoy only national treatment without any of the "rights specially granted by this Convention", as is also the case in the Brussels Act.

³ Intellectual Property Conference of Stockholm, 1967 — International Convention for the Protection of Literary and Artistic Works — Proposals for Revising the Substantive Copyright Provisions (Articles 1 to 20) — Document S/1, Geneva, 1966, pp. 20 to 33.

⁴ Bergström, Report on the Work of Main Committee I (Substantive Provisions of the Berne Convention: Articles 1 to 20), in Reports on the Work of the Five Main Committees of the Intellectual Property Conference of Stockholm, 1967, Geneva, 1967, p. 13.

(c) Authors who are not nationals of one of the countries of the Union enjoy in respect of works first published by them in one of those countries (or simultaneously in a country outside the Union and a country of the Union), that is to say, in the country of origin of the work, national treatment without any of the "rights specially granted by this Convention", as is also the case in the Brussels Act.

(d) The authors mentioned under (c) above enjoy in the other countries of the Union, according to the Stockholm Act, national treatment "as well as the rights specially granted by this Convention" (Article 5 (1)) and, according to the Brussels Act, "the rights granted by this Convention" (Article 6(1)).

5. The question arises whether the wording "the rights granted by this Convention" in Article 6(1) of the Brussels text implies national treatment and in addition the "rights specially granted by this Convention" as mentioned in Article 4(1) of the Brussels text and in Article 5(1) of the Stockholm text. If so, there is no difference of substance as between the two texts. These provide for two categories of protection:

- (a) national treatment together with the rights under the Convention;
- (b) national treatment only.

If, on the other hand, the wording "the rights granted by this Convention" implies only the "rights specially granted by this Convention", then the Brussels Act provides for three categories of protection:

- (a) national treatment together with the rights *jure conventionis* (Article 4(1));
- (b) national treatment only (Article 5 and Article 6(1)), in the country of first publication;
- (c) only the rights under the Convention (Article 6(1), in "the other countries of the Union"). In this case, there is a difference of substance as between the Brussels Act and the Stockholm Act and it is not merely a matter of a new drafting of the text.

The problem is not without practical significance. Many works, in particular musical works, are created by authors who are nationals of a country outside the Union, but are published for the first time in a country of the Union. The question that arises is whether or not, in the other countries of the Union, such works enjoy national treatment together with the rights *jure conventionis*. If not, under (c) above, the protection would be somewhat incomplete: for example, the Brussels Act does not contain any provision specifying that the author has the exclusive right of reproducing the work.

6. The solution of this problem depends on the interpretation of the words "the rights granted by this Convention".

In his study entitled "Points de rattachement et pays d'origine dans le système de la Convention de Berne"⁵⁾, Professor Ulmer states that the rights granted by the Convention within

the meaning of Article 6(1) of the Brussels text should not be taken as comprising only the rights specially granted by the Convention (Article 4(1)). Professor Ulmer goes on to say that the consensus is that the authors of works protected under Article 6 of the Convention enjoy, in the other countries of the Union, national treatment as well as the minimum level of protection provided by the Convention. In support of that view, Professor Ulmer cites the commentaries by Hoffmann and Bappert-Wagner, but at the same time he mentions that this interpretation has been challenged and that a different opinion exists (that of Professor Desbois).

According to Hoffmann's interpretation⁶⁾, the words "rights granted by this Convention" in Article 6(1) imply the Union protection (*Verbandsschutz*) which comprises national treatment (*Inländerbehandlung*) together with the rights specially instituted by the Convention (*Sonderrechte*).

According to the commentary by Bappert-Wagner⁷⁾, this protection comprises the protection under the Convention in its entirety, that is to say, protection deriving from national legislation (national treatment) and, in addition, the rights granted by the Convention.

On the other hand, Professor Desbois⁸⁾ considers that, according to Article 6 of the Brussels text, assimilation takes place only in the Union country of first publication.

Professor Desbois is not alone in holding this view. For example, Professor Štampihar⁹⁾ expresses the same opinion unequivocally when he states that authors "who are not nationals of a country of the Union enjoy, pursuant to Article 6, assimilation to nationals in the country of first publication, and only the rights *jure conventionis* in the other countries of the Union".

In connection with the interpretation of Article 6(1) of the Brussels Act, certain authors do not express any views as to the meaning of the words "rights granted by this Convention", but merely mention them without comment, for example, Copinger and Skone James¹⁰⁾.

7. Taking into account only the actual wording of this provision, it could be interpreted as meaning that the "rights granted by this Convention" imply the minimum rights afforded under the Convention, because there is no difference in meaning between the wording "rights granted by this Convention" (Article 6(1)) and "rights specially granted by this Convention" (Article 4(1) of the Brussels text).

For a logical interpretation of the text, however, the first question that arises is what would be the rationale of a provision under which authors protected pursuant to Article 6(1) would enjoy in "the other countries of the Union" only the minimum rights deriving from the Convention, and not national treatment. Surely the principle of assimilating authors who are nationals of one Union country to nationals of another Union country is one of the fundamental principles of the protection that the Convention affords.

5) *Die Berner Übereinkunft zum Schutze von Werken der Literatur und Kunst*, Berlin, 1935, pp. 84 and 99.

7) *Internationales Urheberrecht*, Munich-Berlin, 1956, p. 84.

8) *Le droit d'auteur en France*, 2nd Edition, Paris, 1966, p. 879.

9) *Avtorsko pravo*, Ljubljana, 1966, p. 174.

10) *Copinger and Skone James on Copyright*, 10th Edition, London, 1965, p. 407.

5) *Nordiskt Immateriellt Rättsskydd*, 1967, No. 2; "Criteria of Protection and the Country of Origin in the System of the Berne Union" (English Summary: pp. 221 to 225).

8. It seems to me that a solution to the problem can be found in a historical analysis of the provisions contained in Article 6 of the Berlin Act, in which this clause first appears.

At Berlin, the Conference proposed to revise, *inter alia*, the version of Article 3 of the 1886 Berne Convention as set forth in the Paris Additional Act of 1896, which read as follows:

Authors not being subjects or citizens of one of the countries of the Union, who first publish, or cause to be first published, their literary or artistic works in one of those countries, shall enjoy, in respect of such works, the protection granted by the Berne Convention, and by the present Additional Act.

According to this provision, the authors to whom it applied enjoyed the treatment indicated by the words "the protection granted by the Berne Convention, and by the present Additional Act".

The words "the rights granted by this Convention" do not appear in the provision.

"The protection granted by the Berne Convention, and by the present Additional Act" could only be taken to mean the protection deriving from Article 2 of the 1886 Berne Convention, in the version of the 1896 Paris Additional Act. Neither the Convention nor the Additional Act recognized the scope of protection as being otherwise. According to Article 2 referred to, authors who are subjects or citizens of any of the countries of the Union enjoy "the rights which the respective laws do now or may hereafter grant to natives" — hence, national treatment.

Article 3 was amended following a proposal presented by the German Government and the International Bureau. The text proposed was as follows¹¹):

Authors not being subjects or citizens of one of the countries of the Union, who first publish, or cause to be first published, their works in a country of the Union, shall enjoy in that country, for those works, at least the same rights as native authors, and, in the other countries of the Union, the rights granted by the present Convention.

In the explanatory notes accompanying the proposal, it was emphasized that in the country of first publication a work should, as a minimum, be treated on the same basis and enjoy the same protection as a work by an author who was a national of that country. That system is right and proper, having already been adopted in respect of authors who are nationals of a Union country, on the grounds that there is no adequate reason for granting under the Convention, in the country of first publication, to authors who are not nationals of that country, rights more extensive than those enjoyed by national authors.

The intention of the proposal was, therefore, to modify, solely in the country of first publication, the treatment granted to authors who are not nationals of a Union country and whose works are first published in a country of the

Union. The proposed amendment would assimilate such authors to nationals.

As regards treatment of the same authors "in the other countries of the Union", the proposal was that the words "the protection granted by the Berne Convention, and by the present Additional Act" should be replaced by the words "the rights granted by this Convention"; the explanatory notes accompanying the proposal contained no indication that any substantive change was being proposed.

The proposal was adopted with certain drafting amendments, and that is how the text of Article 6(1) of the Berlin Act came to be established. It did not change the scope of protection granted to authors to whom this provision was applicable "in the other countries of the Union". Since national treatment was included therein up until the time of the Berlin revision, that treatment was maintained for the authors referred to "in the other countries of the Union" in the Berlin text also. The same clause was reproduced without amendment in the Rome text and in the Brussels text.

The words "the rights granted by this Convention" in Article 6(1) of the Brussels Act must therefore be taken to imply the protection provided by the Convention in its entirety — that is to say, national treatment together with the rights *jure conventionis*.

9. Lastly, it is beyond question that the Brussels Act recognizes only two categories of protection:

- (a) in the countries of the Union other than the country of origin: national treatment together with the rights *jure conventionis* — which one might term complete protection under the Convention;
- (b) in the case of published works in the country of origin: only national treatment, which one might term incomplete protection under the Convention.

So far as the scope of protection is concerned, there is no difference of substance between the Brussels Act and the Stockholm Act. The latter merely improved the drafting of the Brussels Act by avoiding the words "the rights granted by this Convention" which had given rise to different interpretations as to the scope of protection under the Convention.

The Stockholm Conference adopted Professor Ulmer's proposal and, at the same time, confirmed indirectly that his interpretation of the words "the rights granted by this Convention" (Article 6(1) of the Brussels Act) was well founded.

The adoption of this proposal is of twofold importance: so far as the Stockholm Act is concerned, it clarifies the text of the proposal concerning the scope of protection under the Convention, and as regards the Brussels Act, it tacitly provides an authentic interpretation of the significance of the words "the rights granted by this Convention".

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¹¹) Actes de la Conférence réunie à Berlin dn 14 octobre an 14 novembre 1908 avec les Actes de ratification, Berne, 1910, p. 41.

NEWS ITEMS

State of Ratifications of and Accessions to the Conventions and Agreements affecting Copyright on July 1, 1968

1. International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome, October 26, 1961)

Contracting States	Deposit of Instrument	Coming into Force	Ratification (R) or Accession (A)
Brazil	June 29, 1965	September 29, 1965	R
Congo (Brazzaville) *)	June 29, 1962	May 18, 1964	A
Czechoslovakia *)	May 13, 1964	August 14, 1964	A
Denmark *)	June 23, 1965	September 23, 1965	R
Ecuador	December 19, 1963	May 18, 1964	R
Germany (Fed. Rep.) *)	July 21, 1966	October 21, 1966	R
Mexico	February 17, 1964	May 18, 1964	R
Niger *)	April 5, 1963	May 18, 1964	A
Sweden *)	July 13, 1962	May 18, 1964	R
United Kingdom *)	October 30, 1963	May 18, 1964	R

*) The instruments of ratification or accession deposited with the Secretary-General of the United Nations were accompanied by "declarations". As to Congo (Brazzaville), see *Le Droit d'Auteur (Copyright)*, 1964, p. 127; as to Czechoslovakia, see *ibid.*, 1964, p. 110; as to Denmark, see *Copyright*, 1965, p. 214; as to Germany (Fed. Rep.), see *ibid.*, 1966, p. 237; as to Niger, see *Le Droit d'Auteur (Copyright)*, 1963, p. 155; as to Sweden, see *ibid.*, 1962, p. 138; as to United Kingdom, see *ibid.*, 1963, p. 244.

2. Universal Copyright Convention (Geneva, September 6, 1952)

Contracting States	Deposit of Instrument	Coming into Force	Ratification (R) or Accession (A)	Protocols adopted
Andorra	31 XII 1952 ¹⁾ 22 I 1953 ²⁾	16 IX 1955	R	2, 3 1, 2, 3
Argentina . . .	13 XI 1957	13 II 1958	R	1, 2
Austria	2 IV 1957	2 VII 1957	R	1, 2, 3
Belgium ³⁾ . . .	31 V 1960	31 VIII 1960	R	1, 2, 3
Brazil	13 X 1959	13 I 1960	R	1, 2, 3
Cambodia	3 VIII 1953	16 IX 1955	A	1, 2, 3
Canada	10 V 1962	10 VIII 1962	R	3
Chile	18 I 1955	16 IX 1955	R	2
Costa Rica . . .	7 XII 1954	16 IX 1955	A	1, 2, 3
Cuba	18 III 1957	18 VI 1957	R	1, 2
Czechoslovakia .	6 X 1959	6 I 1960	A	2, 3
Denmark	9 XI 1961	9 II 1962	R	1, 2, 3
Ecuador	5 III 1957	5 VI 1957	A	1, 2
Finland	16 I 1963	16 IV 1963	R	1, 2, 3
France ⁴⁾	14 X 1955	14 I 1956	R	1, 2, 3
Germany (Fed. Rep.) ⁵⁾	3 VI 1955	16 IX 1955	R	1, 2, 3
Ghana	22 V 1962	22 VIII 1962	A	1, 2, 3
Greece	24 V 1963	24 VIII 1963	A	1, 2, 3
Guatemala . . .	28 VII 1964	28 X 1964	R	1, 2, 3
Haiti	1 IX 1954	16 IX 1955	R	1, 2, 3
Holy See	5 VII 1955	5 X 1955	R	1, 2, 3
Iceland	18 IX 1956	18 XII 1956	A	

Contracting States	Deposit of Instrument	Coming into Force	Ratification (R) or Accession (A)	Protocols adopted
India	21 X 1957 21 X 1957	21 I 1958 21 I 1958	R A	1, 2 3
Ireland	20 X 1958	20 I 1959	R	1, 2, 3
Israel	6 IV 1955	16 IX 1955	R	1, 2, 3
Italy	24 X 1956 19 XII 1966	24 I 1957 19 XII 1966	R R	2, 3 1
Japan	28 I 1956	28 IV 1956	R	1, 2, 3
Kenya	7 VI 1966	7 IX 1966	A	1, 2, 3
Laos	19 VIII 1954	16 IX 1955	A	1, 2, 3
Lebanon	17 VII 1959	17 X 1959	A	1, 2, 3
Liberia	27 IV 1956	27 VII 1956	R	1, 2
Liechtenstein . .	22 X 1958	22 I 1959	A	1, 2
Luxembourg . . .	15 VII 1955	15 X 1955	R	1, 2, 3
Malawi	26 VII 1965	26 X 1965	A	
Mexico	12 II 1957	12 V 1957	R	2
Monaco	16 VI 1955	16 IX 1955	R	1, 2
Netherlands . . .	22 III 1967 22 III 1967 22 III 1967	22 VI 1967 22 III 1967 22 VI 1967	R R A	3 1, 2
New Zealand ⁶⁾ .	11 VI 1964	11 IX 1964	A	1, 2, 3
Nicaragua	16 V 1961	16 VIII 1961	R	1, 2, 3
Nigeria	14 XI 1961	14 II 1962	A	
Norway	23 X 1962	23 I 1963	R	1, 2, 3
Pakistan	28 IV 1954	16 IX 1955	A	1, 2, 3
Panama	17 VII 1962	17 X 1962	A	1, 2, 3
Paraguay	11 XII 1961	11 III 1962	A	1, 2, 3
Peru	16 VII 1963	16 X 1963	A	
Philippines ⁷⁾ . .	19 VIII 1955	19 XI 1955	A	1, 2, 3
Portugal	25 IX 1956	25 XII 1956	R	1, 2, 3
Spain ⁸⁾	27 X 1954	16 IX 1955	R	2
Sweden	1 IV 1961	1 VII 1961	R	1, 2, 3
Switzerland . . .	30 XII 1955	30 III 1956	R	1, 2
United Kingdom ⁹⁾	27 VI 1957	27 IX 1957	R	1, 2, 3
United States of America ¹⁰⁾	6 XII 1954	16 IX 1955	R	1, 2, 3
Venezuela	30 VI 1966	30 IX 1966	A	1, 2, 3
Yugoslavia	11 II 1966	11 V 1966	R	1, 2, 3
Zambia	1 III 1965	1 VI 1965	A	

¹⁾ Date upon which an instrument of ratification of the Convention and of Protocols 2 and 3 was deposited on behalf of the Bishop of Urgel, co-Prince of Andorra.

²⁾ Date upon which an instrument of ratification of the Convention and of Protocols 1, 2 and 3 was deposited on behalf of the President of the French Republic, co-Prince of Andorra.

³⁾ The Director-General of Unesco received from the Belgian Government a notification of application of the Convention and Protocols 1, 2 and 3 to the Trust Territory of Rwanda-Urundi, effective from April 24, 1961.

⁴⁾ On November 16, 1955, France notified the Director-General of Unesco that the Convention and the three Protocols apply, as from the date of their entry into force in respect of France, to Metropolitan France and to the Departments of Algeria, Guadeloupe, Martinique, Guiana and Réunion.

⁵⁾ Following the deposit of the instrument of ratification, a statement was made on June 3, 1955, on behalf of the Federal Republic of Germany: "The Government of the Federal Republic of Germany reserves the right, after complying with the preliminary formalities, to make a statement regarding the implementation of the Universal Copyright Con-

vention and the additional Protocols 1, 2 and 3 so far as the *Land of Berlin* is concerned". On September 12, 1955, the Director-General of Unesco received the following declaration made on behalf of the Federal Republic of Germany on September 8, 1955: "The Universal Copyright Convention and Protocols 1, 2 and 3 annexed shall likewise be applied in *Land Berlin* as soon as the Convention and the annexed Protocols come into force in respect of the Federal Republic of Germany".

6) On June 11, 1964, New Zealand notified the Director-General of Unesco that the Convention and its three Protocols shall apply, from their coming into force in New Zealand, to the Cook Islands (including Niue) and Tokelau Islands.

7) On November 14, 1955, the following communication was addressed to the Director-General of Unesco on behalf of the Republic of the Philippines: "... His Excellency the President of the Republic of the Philippines has directed the withdrawal of the instrument of accession of the Republic of the Philippines to the Universal Copyright Convention prior to the date of November 19, 1955, at which the Convention would become effective in respect of the Philippines". This communication was received on November 16, 1955. By circular letter of January 11, 1956, the Director-General of Unesco transmitted it to the Contracting States of the Convention as well as to the Signatory States. Observations received from Governments were communicated to the Republic of the Philippines and to other States concerned by circular letter of April 16, 1957.

8) The instrument of ratification deposited on behalf of Spain on October 27, 1954, related to the Convention and the three Protocols. Since Protocols 1 and 3 had not been signed on behalf of Spain, the Director-General of Unesco, by letter of November 12, 1954, drew the attention of the Government of Spain to this fact. In reply, the following communication was addressed to the Director-General of Unesco on January 27, 1955: "I am ... instructed by the Minister of Foreign Affairs to inform you that the Spanish ratification of the Universal Copyright Convention applies solely to the documents in fact signed, viz., the Convention and Protocol No 2 ...". The States concerned were informed of this communication by circular letter of March 25, 1955.

9) The Director-General of Unesco received notifications from the Government of the United Kingdom concerning the application of the Convention to the Isle of Man, Fiji Islands, Gibraltar and Sarawak (coming into force on March 1, 1962), to Zanzibar, to the Bermudas and North Borneo (coming into force on May 4, 1963), to the Bahamas and the Virgin Islands (coming into force on July 24, 1963), to the Falkland Islands, Kenya, St. Helena and Seychelles (coming into force on January 29, 1964), to Mauritius (coming into force on January 6, 1965), to Bechnanaland, Montserrat and Santa-Lucia (coming into force on May 8, 1966), to Grenada (coming into force on May 15, 1966), to the Cayman Islands (coming into force on June 11, 1966), to British Guiana (coming into force on June 15, 1966), to British Honduras (coming into force on October 19, 1966), to Saint Vincent (coming into force on November 10, 1967).

10) On December 6, 1954, the United States of America notified the Director-General of Unesco that the Convention shall apply, in addition to continental United States, to Alaska, Hawaii, the Panama Canal Zone, Puerto Rico and the Virgin Islands. On May 14, 1957, the United States of America further notified the Director-General of Unesco that the Convention shall apply to Guam. Notification was received on May 17, 1957. By letter of November 21, 1957, the Government of Panama contested the right of the Government of the United States of America to extend the application of the Convention to the Panama Canal Zone. By letter of February 28, 1958, the Government of the United States of America asserted that such extension of the Convention was proper under Article 3 of its 1903 treaty with Panama. Copies of the two letters have been communicated by the Director-General to all States concerned.

3. European Agreement concerning Programme Exchanges by Means of Television Films

(Paris, December 15, 1958)

Contracting States	Deposit of Instrument	Coming into Force	Signature without Reservation in respect of Ratification (S) or Ratification (R)
Belgium	March 9, 1962	April 8, 1962	R
Denmark	October 26, 1961	November 25, 1961	R
France	December 15, 1958	July 1, 1961	S
Greece	January 10, 1962	February 9, 1962	R
Ireland	March 5, 1965	April 4, 1965	S
Luxembourg	October 1, 1963	October 31, 1963	R
Netherlands	February 3, 1967	March 5, 1967	R
Norway	February 13, 1963	March 15, 1963	R
Sweden	May 31, 1961	July 1, 1961	R
Turkey	February 27, 1964	March 28, 1964	R
United Kingdom	December 15, 1958	July 1, 1961	S

4. European Agreement on the Protection of Television Broadcasts

(Strasbourg, June 22, 1960)

Contracting States	Deposit of Instrument	Coming into Force	Signature without Reservation in respect of Ratification (S) or Ratification (R)
Belgium *)	February 7, 1968	March 8, 1968	R
Denmark *)	October 26, 1961	November 27, 1961	R
France	June 22, 1960	July 1, 1961	S
Germany (Fed. Rep.) *)	September 8, 1967	October 9, 1967	R
Sweden	May 31, 1961	July 1, 1961	R
United Kingdom *)	March 9, 1961	July 1, 1961	R

*) The instruments of ratification were accompanied by "options" in accordance with Article 3, paragraph 1, of the Agreement. As to Belgium, see *Copyright*, 1968, p. 147; as to Denmark, see *Le Droit d'Auteur*, 1961, p. 360; as to the United Kingdom, see *ibid.*, 1961, p. 152; as to Germany (Fed. Rep.), see *Copyright*, 1967, p. 217.

Protocol to the said Agreement

(Strasbourg, January 22, 1965)

Contracting States	Deposit of Instrument	Coming into Force	Signature without Reservation in respect of Ratification (S) or Ratification (R)
Belgium	February 7, 1968	March 8, 1968	R
Denmark	January 22, 1965	March 24, 1965	S
France	January 22, 1965	March 24, 1965	S
Germany (Fed. Rep.)	September 8, 1967	October 9, 1967	R
Sweden	January 22, 1965	March 24, 1965	S
United Kingdom	February 23, 1965	March 24, 1965	S

5. European Agreement for the Prevention of Broadcasts Transmitted from Stations Outside National Territories

(Strasbourg, January 22, 1965)

Contracting States	Deposit of Instrument	Coming into Force	Ratification (R)
Belgium	September 18, 1967	October 19, 1967	R
Denmark	September 22, 1965	October 19, 1967	R
France	March 5, 1968	April 6, 1968	R
Sweden	June 15, 1966	October 19, 1967	R
United Kingdom	November 2, 1967	December 2, 1967	R

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1) See Copyright, 1968, p. 121.

2) Ibid., 1968, p. 121.

3) Ibid., 1967, p. 293.

4) Ibid., 1967, p. 293.

5) Ibid., 1968, p. 148.

6) Ibid., 1968, p. 148.

CALENDAR

BIRPI Meetings

Date and Place	Title	Object	Invitations to Participate	Observers Invited
1968				
September 24 to 27 Geneva	Interunion Coordination Committee (6 th Session)	Program and Budget of BIRPI for 1969	Argentina, Australia, Austria, Belgium, Brazil, Cameroon, Denmark, France, Germany (Fed. Rep.), Hungary, India, Iran, Italy, Japan, Kenya, Morocco, Mexico, Netherlands, Poland, Portugal, Rumania, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America	—
September 24 to 27 Geneva	Executive Committee of the Conference of Representatives of the Paris Union (4 th Session)	Program and Budget (Paris Union) for 1969	Argentina, Australia, Austria, Cameroon, France, Germany (Fed. Rep.), Hungary, Iran, Japan, Kenya, Morocco, Mexico, Netherlands, Poland, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America	All the other Member States of the Paris Union; United Nations
September 26 and 27, 1968 Geneva	Council of the Lisbon Union for the Protection of Appellations of Origin and their International Registration (3 rd Session)	Annual Meeting	All Member States of the Lisbon Union	All other Member States of the Paris Union
October 2 to 8 Locarno	Diplomatic Conference	Adoption of a Special Agreement Concerning the International Classification of Industrial Designs	All Member States of the Paris Union	States not members of the Paris Union <i>Intergovernmental Organizations:</i> United Nations; Unesco; Council of Europe <i>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; International League Against Unfair Competition; International Literary and Artistic Association; Union of European Patent Agents
October 14 to 16 Geneva	Working Group on Copyright Problems of Satellite Communications	Exchange of views on the copyright and neighbouring rights problems which might arise from broadcast transmissions by communications satellites	Experts invited individually and the international and national Organizations concerned	—
October 21 to November 1 Tokyo	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT) - Technical Meetings	Questions of technical cooperation in information retrieval	All Member States of ICIREPAT	International Patent Institute; Council of Europe; European Atomic Energy Community; Fédération internationale de documentation
November 25 to 29 Geneva	BIRPI Symposium on Practical Aspects of Copyright [held with the cooperation of the International Confederation of Societies of Authors and Composers (CISAC)]	To offer to participants information on practical aspects of copyright protection (collection and distribution of royalties, organization and working of authors' societies or other bodies, etc.)	Personalities from developing countries. Members and officers of authors' societies. Individual participants against payment of a registration fee	International Labour Office; Unesco; Council of Europe

Date and Place	Title	Object	Invitations to Participate	Observers Invited
December 2 to 10 *) Geneva	Committee of Experts — Patent Cooperation Treaty (PCT)	New Draft Treaty	All Member States of the Paris Union	State not member of the Paris Union: India <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 Atomic Energy Community; European Economic Community; European Free Trade Association; African and Malagasy Industrial Property Office <i>Non-Governmental Organizations:</i> Committee of National Institutes of Patent Agents; Council of European Industrial Federations; European Industrial Research Management Association; Inter-American Association of Industrial Property; International Association for the Protection of Industrial Property; International Chamber of Commerce; International Federation of Patent Agents; Japan Patent Association; National Association of Manufacturers (U. S. A.); Union of European Patent Agents; Union des industries de la Communauté européenne

*) This meeting replaces the meetings previously announced for July 1 to 9, and November 4 to 12, 1968.

Meetings of Other International Organizations Concerned with Intellectual Property

Place	Date	Organization	Title
1968			
Paris	October 31	International Chamber of Commerce	Committee for International Protection of Industrial Property
The Hague	November 6 and 7	International Patent Institute (IIB)	98th Session of the Administrative Council
Lima	December 2 to 6	Inter-American Association of Industrial Property (ASIPI)	Congress
1969			
London	January 16 to 18	International Writers Guild (IWG)	Executive Committee

