

Copyright

Review of the
WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO)

and the United International Bureaux for the
Protection of Intellectual Property (BIRPI)

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petent Brazilian authorities, in particular the National Institute of Industrial Property. A plan has been drafted and the United Nations Development Programme (UNDP) consulted. Examination of another request for technical assistance, submitted by the Industrial Development Centre for Arab States (IDCAS) with a view to the creation of a regional patent documentation center for Arab countries, proceeded during 1971.

4. Model Laws for Developing Countries

The English, French and Spanish versions of a Model Law for Developing Countries on Industrial Designs were published in early 1971. This third Model Law joins the two already drafted and published, the first on inventions and the second on marks, trade names and acts of unfair competition.

A Committee of Arab Experts met at the headquarters of WIPO under the auspices of the Industrial Development Centre for Arab States (IDCAS) and with the assistance of WIPO. It examined the "First Draft of the Model Law for Arab States on Inventions" and dealt in particular with the problems relating to the protection of "small inventions", the question of "licenses of right" and that of harmonizing the Model Law with the Patent Cooperation Treaty (PCT).

5. Proposal for a Patent Licensing Convention

In accordance with a decision adopted by the General Assembly of WIPO in September 1970, the International Bureau prepared a questionnaire on the proposal, made by the Government of Sweden, for a patent licensing convention.

The purpose of the proposal is twofold: to promote the dissemination among developing countries of technology originating in industrialized countries, and to facilitate the conclusion of license contracts between industrialized and developing countries. The basic question it raises is that of deciding what means could be instituted within WIPO to enable developing countries and persons residing therein to communicate more readily with foreign owners of patents and unpatented technology, with a view to the conclusion of license contracts.

At its seventh ordinary session the Executive Committee of the Paris Union noted the observations received from a certain number of countries in reply to the questionnaire. It asked the International Bureau to analyze these observations and make a study of possible solutions in a report which it would submit to a Committee of Experts specially convened for the purpose.

6. Application of Computer Technology for Development

An Advisory Group of Governmental Experts on the Protection of Computer Programs met in March 1971 (see p. 12 below).

7. Status of Developing Countries in the Berne Union

See p. 11 below.

8. Relations with Developing Countries

The Director General or other officers of WIPO visited the governments or the competent authorities of developing countries, or had contacts with the latter at international meetings.

WIPO was represented at the tenth session of the Administrative Council of the African and Malagasy Industrial Property Office (OAMPI), which was held in Abidjan (Ivory Coast), and at the third Congress of the Inter-American Association of Industrial Property (ASIPI), held in Caracas, Venezuela.

A tour was made for the purpose of obtaining information and making contact with governmental authorities in the following Latin American countries: Guatemala, Venezuela, Colombia, Peru and Chile. Talks took place in Guatemala with the Permanent Secretariat of the Central American Economic Integration Treaty (SIECA), which is planning to apply to WIPO for assistance in the preparation of a draft Central American Patent Convention. In Venezuela, Colombia, Peru and Chile the talks concerned the activities of the authorities of those countries in the industrial property field, from the point of view of both legislation and the operation of the patent offices, and also in the copyright field. An information mission was made to Havana, in particular to assist the Directorate of Industrial Property of Cuba in its administrative reorganization work.

At the invitation of the Board of the Andean Pact (*Junta del Acuerdo de Cartagena*), the member countries of which are Bolivia, Colombia, Chile, Ecuador and Peru, the Director General visited the Secretariat of that body in Lima, Peru, in order to advise the Board on the establishment of a regional industrial property office. Discussions covered also the fundamental principles on which the Board could base the preparation of draft industrial property regulations which would be common to all five member countries.

E. Cooperation between the United Nations and WIPO

In 1971 WIPO continued and extended the cooperation established with the United Nations and the organizations of the United Nations System.

Preliminary discussions have been begun with the Office for Inter-Agency Affairs of the United Nations Secretariat concerning the questions of cooperation and coordination which the General Assembly and the Conference of WIPO invited the Director General to examine. These questions include the possibility of entering into an agreement under Articles 57 and 63 of the Charter of the United Nations and therefore becoming a Specialized Agency of the United Nations. The discussions have so far been merely exploratory in their nature.

The International Bureau has also entered into discussions with the Secretariat of the United Nations Conference for Trade and Development (UNCTAD) concerning practical cooperation in the work of the UNCTAD Committee on Manufactures whose program includes a comparative analysis of laws and regulations dealing with patents and trademarks and unpatented know-how. The International Bureau has otherwise maintained close contact with the UNCTAD Secretariat, particularly in connection with its studies of restrictive business practices which affect the export interests of developing countries, and has represented the Organization in meetings of the UNCTAD Conference and its commissions and workings groups.

At the request of other United Nations bodies, the International Bureau has submitted papers or studies on topics of mutual interest. Thus, at the invitation of the Executive Director of the United Nations Industrial Development Organization (UNIDO), the International Bureau presented to the Special International Conference of UNIDO a paper on "Industrial Property and Transfer of Technology: Cooperation and Collaboration between UNIDO and WIPO". The International Bureau also responded to a request by the Under-Secretary-General for Political and Security Council Affairs of the United Nations for assistance in compiling an index of existing international instruments (conventions, treaties and agreements) relating to or bearing upon broadcast satellite services. A study on the relevant practices of the Unions administered by WIPO was submitted to the International Law Commission in relation to its work on the succession of States in respect of treaties. The International Bureau also submitted a paper to the United Nations Commission on International Trade Law (UNCITRAL) which was incorporated in a UNCITRAL document concerning the current activities of other organizations in the field of harmonization and unification of trade law.

The Organization was represented during the year at various meetings of the United Nations bodies, including those of the Economic and Social Council (ECOSOC), the Advisory Committee on the Application of Science and Technology to Development (ACAST), the Economic Commission for Europe (ECE) and subsidiary bodies of the Administrative Committee on Coordination (ACC), at which questions concerning application of science and technology for development, scientific and technical cooperation or the need for the creation or development of information centers, patent offices, data banks, information systems and related activities were discussed. The Organization was also represented at meetings of the various bodies of the United Nations Industrial Development Organization (UNIDO), at which the organization, financing and the program of UNIDO, and in particular its activities in the field of industrial property as well as cooperation with WIPO were considered.

F. WIPO Publications

Records of the Stockholm Conference. The French and English editions were published in 1971. Each is in two volumes, with a total of 1,600 pages.

The Review *La Propiedad Intelectual*, which concerns several Unions, continued to appear quarterly. In it were

published general information and studies concerning WIPO, industrial property and copyright.

Other Publications. Updated editions of the WIPO *General Information* brochure in the English, French, German, Russian and Spanish languages were published in 1971, as well as two new versions, one in Arabic and the other in Japanese. The original text of the *Patent Cooperation Treaty (PCT)* in the English and French languages, and the official German text, have been published in brochure form. The establishment of official texts in the Japanese, Portuguese and Russian languages is in progress. Supplements to the *Manual of Industrial Property Conventions* in English and French were published in 1971. The original English and French texts of the *Strasbourg Agreement Concerning the International Patent Classification*, signed on March 24, 1971, has been published in brochure form. A second French edition of the *International Classification of Goods and Services for the Purposes of the Registration of Marks* was published early in 1971. Finally, a supplement to the three-language version (English, French, German) of the same Classification was published at the end of 1971.

G. Other Activities

Teaching of Intellectual Property Laws. In 1970 BIRPI published, in brochures in the English and French languages, the results of an inquiry on the universities and other higher education establishments in which intellectual property law (industrial property and copyright) is taught. A new questionnaire has been sent to the various universities in order to complete the information contained in the brochure. The replies to this questionnaire made it possible to publish a new edition in 1971.

Montreux Lecture Series. The International Bureau organized a Lecture Series on "Current Trends in the Field of Intellectual Property", which was held in Montreux from June 22 to 25, 1971. Twenty-six speakers, from Argentina, Cameroon, Canada, France, Germany (Federal Republic), India, Italy, Japan, Mexico, the Netherlands, the Soviet Union, Switzerland, the United Kingdom, the United States of America and Yugoslavia, gave lectures on recent developments and future prospects, either in their respective countries or on the international level, in the field of patents, marks, international classifications of patents and marks, protection of new plant varieties and copyright. The lectures were attended by nearly six hundred participants, representing over forty countries. The original texts of the lectures were assembled in brochure form and published in September 1971.

Member States of the World Intellectual Property Organization as on January 1, 1972

State ¹	Deposit of instrument ²	Date on which the State became a member
Bulgaria	P R	February 19, 1970 May 19, 1970
Byelorussian SSR R	March 19, 1969 April 26, 1970
Canada	P-B A	March 26, 1970 June 26, 1970
Chad	P-B A	June 26, 1970 September 26, 1970
Czechoslovakia	P-B A	September 22, 1970 December 22, 1970
Denmark	P-B R	January 26, 1970 April 26, 1970
Finland	P-B R	June 8, 1970 September 8, 1970
German Democratic Republic ³	P ³ -B ³ A ³	June 20, 1968 April 26, 1970
Germany (Federal Republic)	P-B R	June 19, 1970 September 19, 1970
Hungary	P-B R	December 18, 1969 April 26, 1970
Ireland	P-B S	January 12, 1968 April 26, 1970
Israel	P-B R	July 30, 1969 April 26, 1970
Kenya	P R	July 5, 1971 October 5, 1971
Malawi	P A	March 11, 1970 June 11, 1970
Morocco	P-B R	April 27, 1971 July 27, 1971
Romania	P-B R	February 28, 1969 April 26, 1970
Senegal	P-B R	September 19, 1968 April 26, 1970
Soviet Union	P R	December 4, 1968 April 26, 1970
Spain	P-B R	June 6, 1969 April 26, 1970
Sweden	P-B R	August 12, 1969 April 26, 1970
Switzerland	P-B R	January 26, 1970 April 26, 1970
Ukrainian SSR R	February 12, 1969 April 26, 1970
United Kingdom	P-B R	February 26, 1969 April 26, 1970
United States of America	P R	May 25, 1970 August 25, 1970

¹ "P" means State having ratified or acceded to the administrative provisions of the Stockholm Act of the *Paris* Convention;
 "B" means State having ratified or acceded to the administrative provisions of the Stockholm Act of the *Berne* Convention.

² "S" means *signature* without reservation as to ratification;

"R" means *ratification*;

"A" means *accession*;

(see Article 14(1) of the Convention Establishing WIPO).

³ The validity of this accession is contested by a number of Member States.

Declarations made under Article 21(2) of the Convention Establishing the World Intellectual Property Organization

The States listed below had, by January 1, 1972, availed themselves of Article 21(2)(a) of the Convention, which enables them to exercise, until April 26, 1975, the same rights as if they had become party to the Convention Establishing the World Intellectual Property Organization:

Algeria	Gabon	Norway
Argentina	Greece	Poland
Australia	Holy See	Portugal
Belgium	Italy	South Africa
Brazil	Ivory Coast	Syria
Cameroon	Japan	Thailand
Cuba	Luxembourg	Tunisia
Dahomey	Malta	Turkey
Egypt	Netherlands	Upper Volta
France	Niger	Yugoslavia

Membership of the Administrative Bodies of WIPO

On January 1, 1972, the membership of the administrative bodies of the World Intellectual Property Organization was as follows:

General Assembly: Algeria *, Argentina *, Australia *, Belgium *, Brazil *, Bulgaria, Cameroon *, Canada, Chad, Cuba *, Czechoslovakia, Dahomey *, Denmark, Egypt *, Finland, France *, Gabon *, German Democratic Republic ¹, Germany (Federal Republic), Greece *, Holy See *, Hungary, Ireland, Israel, Italy *, Ivory Coast *, Japan *, Kenya, Luxembourg *, Malawi, Malta *, Morocco, Netherlands *, Niger *, Norway *, Poland *, Portugal *, Romania, Senegal, South Africa *, Soviet Union, Spain, Sweden, Switzerland, Syria *, Thailand *, Tu-

nisia *, Turkey *, United Kingdom, United States of America, Upper Volta *, Yugoslavia *.

Conference: The same States as above, with Byelorussian SSR and Ukrainian SSR.

Coordination Committee: ORDINARY MEMBERS: Argentina, Australia, Brazil, Cameroon, Canada, France, Germany (Federal Republic), Hungary, Italy, Japan, Kenya, Pakistan, Romania, Senegal, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America. ASSOCIATE MEMBERS: Ceylon, India, Mexico, Philippines, Poland, Zair.

WIPO Headquarters Building Subcommittee: Argentina, Cameroon, France, Germany (Federal Republic), Italy, Netherlands, Switzerland, United States of America.

* Member until April 26, 1975.

¹ The validity of the instrument of accession deposited by the German Democratic Republic is contested by a number of Member States.

BERNE UNION

State of the Berne Union on January 1, 1972

The texts of the Convention

The Charter of the International Union for the Protection of Literary and Artistic Works is the *Berne Convention* of September 9, 1886, which came into force on December 5, 1887.

This Convention was amended and supplemented in Paris on May 4, 1896, by an *Additional Act* and an *Interpretative Declaration* brought into operation on December 9, 1897.

A thorough overhaul took place in Berlin on November 13, 1908. The *Berlin Act*, which bears the title of the *Revised Berne Convention for the Protection of Literary and Artistic Works*, came into force on September 9, 1910. At the time of the revision effected in Berlin, countries were given the right to indicate, by means of reservations, those provisions of the original Convention of 1886, or of the Additional Act of 1896, which they wished to substitute for the corresponding provisions of the Convention of 1908.

On March 20, 1914, an *Additional Protocol* to the revised Berne Convention of 1908 was signed in Berne, in order to enable Union countries to restrict, should they deem fit, the protection given to authors who are nationals of a non-Union country. This Protocol came into force on April 20, 1915.

The Berlin Act, in its turn, underwent revision in Rome. The *Rome Act*, signed on June 2, 1928, has been in force since August 1, 1931. Countries joining the Union by direct accession to the latter Act could stipulate only one reservation, in respect of the right of translation into the language or languages of such countries. Countries already members of the Union could retain the benefit of the reservations they had previously formulated.

The Berne Convention was again revised in Brussels. The *Brussels Act*, signed on June 26, 1948, has been in force since August 1, 1951. As for the possibility of making reservations, the same rule as that mentioned in the preceding paragraph is applicable both to countries acceding directly to this Act and to those already members of the Union.

Another revision of the Berne Convention took place in Stockholm. The *Stockholm Act*, signed on July 14, 1967, has entered into force only as far as its administrative provisions and final clauses are concerned.

Lastly, a revision conference was held in Paris: however, the *Paris Act*, signed on July 24, 1971, has not yet entered into force.

Field of application of the various revised texts of the Berne Convention

Countries of the Union, or Contracting States (62 in number¹), and the territories for the external relations of which they are responsible, apply at present either the Berlin Act, the Rome Act, or the Brussels Act.

(a) Berlin Act

Thailand which has acceded neither to the Rome Act nor to the Brussels Act, remains bound by the Berlin Act as regards the other countries of the Union and their dependent territories.

South West Africa, which is a trust territory of the Republic of South Africa, also remains bound by the Berlin Act.

The reservations made by Thailand are indicated in the table which follows, note¹⁵.

(b) Rome Act

In accordance with the provisions of the Convention, the Rome Act is applicable in relations between the following 16 countries which have not yet acceded to the Brussels Act:

Bulgaria	Japan
Canada	Lebanon
Ceylon	Malta
Cyprus	Netherlands
Czechoslovakia	New Zealand
German Democratic Republic ²	Pakistan
Hungary	Poland
Iceland	Romania

The Rome Act is also applicable in relations between the above-mentioned 16 countries and the following 27 countries which, *after having acceded to this Act*, have ratified or acceded to the Brussels Act:

Australia	Italy
Austria	Liechtenstein
Belgium	Luxembourg
Brazil	Monaco
Denmark	Morocco
Finland	Norway
France	Portugal
Germany (Federal Republic)	South Africa
Greece	Spain
Holy See	Sweden
India	Switzerland
Ireland	Tunisia
Israel	United Kingdom
	Yugoslavia

Lastly, the Rome Act is applicable in relations between the above-mentioned 16 countries and the 18 countries which have acceded to the Brussels Act only or have made declarations of continued adherence to the latter, or which are bound by Articles 1 to 20 of the Brussels Act by virtue of Article 29 of the Stockholm Act, i. e.:

Argentina	Mexico
Cameroon	Niger
Chad	People's Republic of the Congo
Chile	Philippines
Dahomey	Senegal
Fiji	Turkey
Gabon	Uruguay
Ivory Coast	Zair
Madagascar	
Mali	

The only reservations applicable in relations between the countries to which the Rome Act is applicable are those formulated by Iceland and Japan in respect of the right of translation.

(c) Brussels Act

Forty-five contracting countries apply the Brussels Act in their mutual relations; they are:

Argentina	Luxembourg
Australia	Madagascar
Austria	Mali
Belgium	Mexico
Brazil	Monaco
Cameroon	Morocco
Chad	Niger
Chile	Norway
Dahomey	People's Republic of the Congo
Denmark	Philippines
Fiji	Portugal
Finland	Senegal
France	South Africa
Gabon	Spain
Germany (Federal Republic)	Sweden
Greece	Switzerland
Holy See	Tunisia
India	Turkey
Ireland	United Kingdom
Israel	Uruguay
Italy	Yugoslavia
Ivory Coast	Zair
Liechtenstein	

Seventeen countries of the Union have not yet acceded to the Brussels Act (i. e., the 16 countries between which the Rome Act is applicable and Thailand).

The only reservations applicable in relations between the above-mentioned 45 countries of the Union are those formulated by Mexico, Turkey and Yugoslavia in respect of the right of translation.

¹ Or 61, if the German Democratic Republic is not considered a party to the Convention.

² See *Le Droit d'Auteur*, 1955, p. 149.

(d) Stockholm Act

Articles 1 to 21 of this Act, and the Protocol Regarding Developing Countries which forms an integral part of it, have not entered into force. Accordingly, as far as the substantive clauses are concerned, the relations between the countries of the Union remain the same as mentioned above.

However, by virtue of the declarations made under Article 5 of the Protocol, the latter applies in the relations between the following countries: Bulgaria, Pakistan, Senegal, Sweden.

The other provisions of the Stockholm Act (administrative provisions and final clauses) entered into force at the

beginning of 1970. A certain number of countries is bound by these provisions³.

(e) Paris Act

As already mentioned above, the Paris Act has not yet entered into force.

However, the United Kingdom has declared that it admits the application of the Appendix to works of which it is the country of origin⁴.

³ See the table below, and particularly footnotes 2, 3, 7, 9, 11 and 14 concerning the Stockholm Act.

⁴ See *Copyright*, 1971, p. 189.

Members of the Berne Union as on January 1, 1972

States	Class	Date on which membership in the Union took effect	Latest Act by which the State is bound and date on which the ratification of or accession to such Act became effective
Argentina	IV	June 10, 1967	Brussels: June 10, 1967 ²
Australia	III	April 14, 1928 ¹	Brussels: June 1, 1969 ²
Austria	VI	October 1, 1920	Brussels: October 14, 1953
Belgium	III	December 5, 1887	Brussels: August 1, 1951 ²
Brazil	III	February 9, 1922	Brussels: June 9, 1952 ²
Bulgaria	VI	December 5, 1921	Rome: August 1, 1931 ^{2,3}
Cameroon	VI	September 21, 1964 ^{1,4}	Brussels: September 21, 1964 ^{2,4,5}
Canada	II	April 10, 1928 ¹	Substance: Rome: August 1, 1931 ⁶ Administration: Stockholm: July 7, 1970 ⁷
Ceylon	VI	July 20, 1959 ^{1,4}	Rome: July 20, 1959 ^{4,8}
Cbad	VII	November 25, 1971 ¹	Substance: Brussels: November 25, 1971 ^{5,16} Administration: Stockholm: November 25, 1971
Chile	VI	June 5, 1970	Brussels: June 5, 1970
Cyprus	VI	February 24, 1964 ^{1,4}	Rome: February 24, 1964 ⁴
Czechoslovakia	IV	February 22, 1921	Rome: November 30, 1936 ²
Dahomey	VI	January 3, 1961 ^{1,4}	Brussels: January 3, 1961 ^{2,4,5}
Denmark	IV	July 1, 1903	Substance: Brussels: February 19, 1962 ⁶ Administration: Stockholm: May 4, 1970 ⁷
Fiji	VII	December 1, 1971 ^{1,4}	Substance: Brussels: December 1, 1971 ^{4,5,6} [Administration: Stockholm: March 15, 1972 ⁷]
Finland	IV	April 1, 1928	Substance: Brussels: January 28, 1963 ⁶ Administration: Stockholm: September 15, 1970 ⁷
France	I	December 5, 1887	Brussels: August 1, 1951 ²
Gabon	VI	March 26, 1962 ¹	Brussels: March 26, 1962 ^{2,5}
German Democratic Republic ⁹	I	December 5, 1887 ¹⁰	Substance: Rome: October 21, 1933 ^{6,11,12} Administration: Stockholm: January 29, 1970 ¹¹
Germany (Federal Republic)	I	December 5, 1887 ¹⁰	Substance: Brussels: October 10, 1966 ⁶ Administration: Stockholm: September 19, 1970 ⁷
Greece	VI	November 9, 1920	Brussels: January 6, 1957 ²
Holy See	VI	September 12, 1935	Brussels: August 1, 1951 ²
Hungary	VI	February 14, 1922	Rome: August 1, 1931 ²
Iceland ¹³	VI	September 7, 1947	Rome: September 7, 1947

States	Class	Date on which membership in the Union took effect	Latest Act by which the State is bound and date on which the ratification of or accession to such Act became effective
India	IV	April 1, 1928 ¹	Brussels: October 21, 1958
Ireland	IV	October 5, 1927 ¹	Substance: Brussels: July 5, 1959 ⁶ Administration: Stockholm: December 21, 1970 ⁷
Israel	V	March 24, 1950 ¹	Substance: Brussels: August 1, 1951 ⁶ Administration: Stockholm: February 26, 1970 ^{7, 14}
Italy	I	December 5, 1887	Brussels: July 12, 1953 ²
Ivory Coast	VI	January 1, 1962 ¹	Brussels: January 1, 1962 ^{2, 5}
Japan ¹³	III	July 15, 1899	Rome: August 1, 1931 ²
Lebanon	VI	September 30, 1947 ¹	Rome: September 30, 1947 ⁸
Liechtenstein	VI	July 30, 1931	Brussels: August 1, 1951
Luxembourg	VI	June 20, 1888	Brussels: August 1, 1951 ²
Madagascar	VI	February 11, 1966 ^{1, 4}	Brussels: February 11, 1966 ^{4, 5}
Mali	VI	March 19, 1962 ^{1, 4}	Brussels: March 19, 1962 ^{4, 5}
Malta	VI	May 29, 1968 ^{1, 4}	Rome: May 29, 1968 ^{2, 4, 8}
Mexico ¹³	IV	June 11, 1967	Brussels: June 11, 1967
Monaco	VI	May 30, 1889	Brussels: August 1, 1951
Morocco	VI	June 16, 1917	Substance: Brussels: May 22, 1952 ⁶ Administration: Stockholm: August 6, 1971 ⁷
Netherlands	III	November 1, 1912	Rome: August 1, 1931 ²
New Zealand	V	April 24, 1928 ¹	Rome: December 4, 1947
Niger	VI	May 2, 1962 ^{1, 4}	Brussels: May 2, 1962 ^{2, 4, 5}
Norway	IV	April 13, 1896	Brussels: January 28, 1963 ²
Pakistan	VI	July 5, 1948 ¹	Substance: Rome: July 5, 1948 ^{3, 6, 8, 11} Administration: Stockholm: February 26, 1970 ^{11, 14}
People's Republic of the Congo	VI	May 8, 1962 ^{1, 4}	Brussels: May 8, 1962 ^{4, 5}
Philippines	VI	August 1, 1951	Brussels: August 1, 1951
Poland	V	January 28, 1920	Rome: November 21, 1935
Portugal	V	March 29, 1911	Brussels: August 1, 1951 ²
Romania	V	January 1, 1927	Substance: Rome: August 6, 1936 ^{6, 11} Administration: Stockholm: February 26, 1970 ^{11, 14}
Senegal	VI	August 25, 1962 ¹	Substance: Brussels: August 25, 1962 ^{3, 5, 6, 11} Administration: Stockholm: February 26, 1970 ^{11, 14}
South Africa	IV	October 3, 1928 ¹	Brussels: August 1, 1951 ²
Spain	II	December 5, 1887	Substance: Brussels: August 1, 1951 ⁶ Administration: Stockholm: February 26, 1970 ^{7, 14}
Sweden	III	August 1, 1904	Substance: Brussels: July 1, 1961 ^{3, 6} Administration: Stockholm: February 26, 1970 ^{7, 14}
Switzerland	III	December 5, 1887	Substance: Brussels: January 2, 1956 ⁶ Administration: Stockholm: May 4, 1970 ⁷
Thailand ¹⁵	VI	July 17, 1931	Berlin: July 17, 1931
Tunisia	VI	December 5, 1887	Brussels: May 22, 1952 ²
Turkey ¹³	VI	January 1, 1952	Brussels: January 1, 1952 ²
United Kingdom	I	December 5, 1887	Substance: Brussels: December 15, 1957 ⁶ Administration: Stockholm: February 26, 1970 ^{7, 14}
Uruguay	VI	July 10, 1967	Brussels: July 10, 1967
Yugoslavia ¹³	VI	June 17, 1930	Brussels: August 1, 1951 ²
Zair	VI	October 8, 1963 ^{1, 4}	Brussels: October 8, 1963 ^{4, 5}

(Total: 62 States)¹⁷

¹ The Convention had also been applied, by virtue of the provisions concerning dependent territories, to the territories of the States listed hereafter before their accession to independence as from the following dates: December 5, 1887 (Australia, Cameroon, Canada, Chad, Dahomey, Fiji, Gabon, India, Ireland, Ivory Coast, Madagascar, Mali, Malta, Niger, New Zealand, Pakistan, People's Republic of the Congo, Senegal, South Africa); March 21, 1924 (Israel); August 1, 1924 (Lebanon); October 1, 1931 (Ceylon, Cyprus); December 20, 1948 (Zair).

² This country has deposited the declaration provided for in Article 38(2) of the Stockholm Act. It may exercise the rights provided for in Articles 22 to 26 of the said Act as if it were bound by those Articles. It is deemed to be a member of the Assembly. These privileges shall expire on April 26, 1975.

Notes — continued

- ³ This country has made a declaration under Article 5(1) of the Protocol Regarding Developing Countries of the Stockholm Act. The text of that paragraph reads as follows:
 “(1) Any country of the Union may declare, as from the signature of this Convention, and at any time before becoming bound by Articles 1 to 21 of this Convention and by this Protocol,
 (a) in the case of a country referred to in Article 1 of this Protocol, that it intends to apply the provisions of this Protocol to works whose country of origin is a country of the Union which admits the application of the reservations under the Protocol, or
 (b) that it admits the application of the provisions of the Protocol to works of which it is the country of origin by countries which, on becoming bound by Articles 1 to 21 of this Convention and by this Protocol, or on making a declaration of application of this Protocol by virtue of the provision of subparagraph (a), have made reservations permitted under this Protocol.”
 The declaration became effective on the day of its deposit, namely: on November 14, 1967, for Senegal (sub-paragraph (a)); on January 11, 1968, for Bulgaria (sub-paragraph (b)); on August 12, 1969, for Sweden (sub-paragraph (b)); on November 26, 1969, for Pakistan (sub-paragraph (a)).
- ⁴ Date on which the declaration of continued adherence was sent, after the accession of the country to independence.
- ⁵ The Brussels Act had also been applied, by virtue of its Article 26, to the territories of the following States before their accession to independence as from the dates indicated: February 14, 1952 (Zair); May 22, 1952 (Cameroon, Chad, Dahomey, Gahon, Ivory Coast, Madagascar, Mali, Niger, People's Republic of the Congo, Senegal); March 6, 1962 (Fiji).
- ⁶ With regard to the substantive provisions included in the different Acts (namely, Articles 1 to 20), this country is bound by the provisions of the said Act as well as by the provisions of any previous Act which it ratified or acceded to.
- ⁷ In ratifying (or acceding to) the Stockholm Act, this country made declaration to the effect that its ratification (or accession) did not apply to Articles 1 to 21 and to the Protocol Regarding Developing Countries (see Article 28(1)(b)(i) of the Stockholm Act). Accordingly, this country is bound by the Stockholm Act only as far as the administrative provisions (Articles 22 to 26) and the final clauses (Articles 27 to 38) are concerned.
- ⁸ The Rome Act had also been applied, by virtue of its Article 26, to the territories of the following States before their accession to independence as from the dates indicated: Ceylon (October 1, 1931), Lebanon (December 24, 1933), Malta (August 1, 1931) and Pakistan (August 1, 1931).
- ⁹ The States members of the Union disagree on the question of whether the German Democratic Republic is a member of the Union and on the question of the validity of the instrument of accession to the Stockholm Act deposited by that country.
- ¹⁰ Date on which the accession of the German Empire became effective.
- ¹¹ These countries deposited their instruments of ratification of (or of accession to) the Stockholm Act in its entirety on the following dates: June 20, 1968 (German Democratic Republic), September 19, 1968 (Senegal), October 29, 1969 (Romania), November 26, 1969 (Pakistan); however, Articles 1 to 21 (substantive clauses) of the Stockholm Act have not yet entered into force.
- ¹² Date on which the accession of the German Reich became effective. The Government of the German Democratic Republic declared, on May 11, 1955, that it considered the Berne Convention as again applicable to the territory of the German Democratic Republic in its version of June 2, 1928 (Rome Act).
- ¹³ Accession subject to the reservation concerning the right of translation.
- ¹⁴ Or January 29, 1970, if the validity of the instrument of accession deposited by the German Democratic Republic is accepted (see note ⁹).
- ¹⁵ Accession subject to reservations concerning works of applied art, conditions and formalities required for protection, the right of translation, the right of reproduction of articles published in newspapers or periodicals, the right of performance, and the application of the Convention to works not yet in the public domain at the date of its coming into force.
- ¹⁶ In accordance with the provisions of Article 29 of the Stockholm Act applicable to the countries outside the Union which accede to the said Act, this country is bound by Articles 1 to 20 of the Brussels Act pending the entry into force of Articles 1 to 21 of the Stockholm Act.
- ¹⁷ Or 61, if the German Democratic Republic is not considered as a party to the Convention (see note ⁹).

Explanation of type:

Heavy type: States bound by the Brussels Act (1948).

Italics: States bound by the Rome Act (1928).

Thailand: State bound by the Berlin Act (1908).

Membership of the Administrative Bodies of the Berne Union

Assembly: Argentina *, Australia *, Belgium *, Brazil *, Bulgaria *, Cameroon *, Canada, Chad, Czechoslovakia *, Dahomey *, Denmark, Fiji ¹, Finland, France *, Gabon *, German Democratic Republic ², Germany (Federal Republic), Greece *, Holy See *, Hungary *, Ireland, Israel, Italy *, Ivory Coast *, Japan *, Luxembourg *, Malta *, Morocco, Netherlands *, Niger *, Norway *, Pakistan, Portugal *, Romania, Senegal, South

Africa *, Spain, Sweden, Switzerland, Tunisia *, Turkey *, United Kingdom, Yugoslavia *.

Conference of Representatives: Austria, Ceylon, Chile, Cyprus, Iceland, India, Lebanon, Liechtenstein, Madagascar, Mali, Mexico, Monaco, New Zealand, People's Republic of the Congo, Philippines, Poland, Thailand, Uruguay, Zair.

Executive Committee: ORDINARY MEMBERS: Canada, France, Germany (Federal Republic), Italy, Pakistan, Romania, Spain, Switzerland, Tunisia, United Kingdom. ASSOCIATE MEMBERS: India, Mexico, Philippines, Poland, Zair.

* Member of the relevant body until April 26, 1975.

¹ This country shall be bound by the administrative provisions and final clauses of the Stockholm Act as of March 15, 1972.

² See note ⁹ above.

The Berne Union and International Copyright in 1971

Two events highlighted the international copyright scene in 1971: first, in the copyright field proper, the parallel revision, in July at Paris, of the two multilateral conventions having a worldwide character, the Berne Convention for the Protection of Literary and Artistic Works and the Universal Copyright Convention; second, rather more in the field termed "neighboring rights", the signature, in October at Geneva, of the new Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms.

I. Copyright

1. Berne Union

Diplomatic Conference for the Revision of the Berne Convention

The purpose of the Conference for the Revision of the Berne Convention, held at Paris from July 5 to 24, 1971, was to revise the provisions relating to the developing countries contained in the Stockholm Act (1967) of the Convention, and to introduce in the final clauses of the said Act the modifications consequent upon that revision.

Following its discussions, the Conference adopted unanimously a new Act, called the *Paris Act of the Berne Convention*, which contains, in an Appendix forming an integral part of the Act, special provisions for developing countries. This Appendix, which, in comparison to the Stockholm Act, replaces the Protocol, provides for a system of non-exclusive and non-transferable compulsory licenses in respect of translation and reproduction of works protected by the Convention. It is to be noted that several provisions of the Appendix are analogous to provisions of the Universal Copyright Convention as revised at its Revision Conference held at the same time and place.

As a result of the adoption of the Appendix, consequential modifications were introduced in Articles 27 to 38 (the final clauses). The provisions which were not the subject of the discussions at the Revision Conference and which are thus incorporated in the Paris Act with exactly the same content and in exactly the same form as they appear in the Stockholm Act are the general substantive provisions (Articles 1 to 20) and the administrative provisions (Articles 22 to 26).

The Paris Act was signed on July 24, 1971, by the plenipotentiaries of 28 States¹. Since then, three more States have also signed the said Act. The expiration date for signature is January 31, 1972.

State of the Union

On January 1, 1972, the number of States members of the International Union for the Protection of Literary and Artistic Works was 62 or 61, depending on whether the German Democratic Republic is considered a member².

¹ The text of the Paris Act as well as the General Report on the Conference were published in *Copyright*, 1971, pp. 135 *et seq.*

² For more details, see pp. 8 to 10 above.

Brussels Act (1948)

In accordance with the provisions of Article 29 of the Stockholm Act (see below), *Chad* became bound, as of November 25, 1971, by Articles 1 to 20 of the Brussels Act³.

In its instrument of accession to the Stockholm Act, dated December 1, 1971, *Fiji* stated that, by letter addressed to the depository, the Government of the Swiss Confederation, of even date, it had declared its continued application of the Berne Convention (Brussels Act). Consequently, this country is deemed bound by the said Act as of the date of its independence (October 10, 1970)⁴.

Stockholm Act (1967)

Morocco deposited, on April 27, 1971, its instrument of ratification of the Stockholm Act with the exception of Articles 1 to 21 and the Protocol Regarding Developing Countries; consequently, Articles 22 to 38 of the said Act entered into force, with respect to Morocco, on August 6, 1971⁵.

Chad deposited, on August 4, 1971, an instrument of accession to the Stockholm Act. In accordance with Article 29 of the latter, Chad is bound, as of November 25, 1971, by Articles 1 to 20 of the Brussels Act and by Articles 22 to 38 of the Stockholm Act⁶.

Fiji deposited, on December 11, 1971, its instrument of accession to the Stockholm Act with the exception of Articles 1 to 21 and the Protocol Regarding Developing Countries; consequently, this country will be bound by Articles 22 to 38 of the said Act as of March 15, 1972⁷.

Furthermore, during the year 1971 the Governments of the following two countries notified the Director General of WIPO of their desire to avail themselves of the provisions of Article 38(2) (five-year privilege) of the Stockholm Act: *Argentina* (on July 23, 1971)⁸ and *Australia* (on September 21, 1971)⁹.

Paris Act (1971)

The Government of the *United Kingdom*, referring to Article VI(1)(ii) of the Appendix to the Paris Act, has declared that it admits the application of the Appendix to works of which it is the country of origin by countries which have made a declaration under Article VI(1)(i) of the Appendix or a notification under Article I of the Appendix. This declaration became effective from the date of its deposit, that is, September 27, 1971¹⁰.

Sessions of the Executive Committee

Second Ordinary Session. — The Executive Committee of the Berne Union held its second ordinary session at Geneva

³ *Ibid.*, 1971, p. 168.

⁴ *Ibid.*, 1971, p. 239.

⁵ *Ibid.*, 1971, p. 100.

⁶ *Ibid.*, 1971, p. 168.

⁷ *Ibid.*, 1971, p. 239.

⁸ *Ibid.*, 1971, p. 168.

⁹ *Ibid.*, 1971, p. 189.

¹⁰ *Ibid.*, 1971, p. 189.

from September 27 to October 2, 1971. The Committee approved the program and budget of the Union for the year 1972. In addition to the usual tasks relating to publications concerning the Berne Union (monthly periodicals, collections of legislative texts, records of the Paris Revision Conference, etc.), the program provides particularly for the establishing of a model law on copyright for developing countries in order to assist them in taking advantage of the possibilities offered by the Paris Act of the Berne Convention and adopting legislation compatible with membership in the Berne Union. The program provides also for further study of possible solutions to the copyright problems posed in connection with the use of electronic computers for storing and reproducing copies of protected works, as well as the convening of a second committee of governmental experts on the questions raised by the use of communications satellites¹¹.

Extraordinary Session (Geneva, November 3 to 5, 1971). — At this session, the Executive Committee of the Berne Union expressed the wish that the practice would be maintained of holding certain meetings jointly with the Intergovernmental Copyright Committee. Sitting with the latter, it adopted two resolutions. By the first, concerning photographic reproduction of copyright works, the Secretariats of WIPO and Unesco were asked to continue the study of this matter, with the assistance of experts from developed and developing countries, and to formulate proposals on this subject in the first half of 1973. By the second, concerning transmission via space satellites, the Executive Committee endorsed the wish expressed by the Committee of Experts, held at Lausanne from April 21 to 30, 1971 (see below), and considered that studies on this subject should be continued. It also decided to place on the agenda of its next sessions the problems arising from the use of computers and other technological equipment¹².

2. Meetings organized by WIPO

Committee of Governmental Experts on Problems in the Field of Copyright and of the Protection of Performers, Producers of Phonograms and Broadcasting Organizations Raised by Transmission Via Space Satellites (Lausanne, April 21 to 30, 1971). — This Committee of Experts, convened jointly by the Directors General of Unesco and WIPO, prepared a draft convention to prohibit the unauthorized distribution of program-carrying signals communicated by satellites. It also adopted a resolution expressing the wish that the same Committee be convened at least once more to attempt to achieve a greater degree of reconciliation between the positions both of governments and of interested circles¹³.

Advisory Group of Governmental Experts on the Protection of Computer Programs (Geneva, March 8 to 12, 1971). — After having adopted a certain number of conclusions on this subject, the Advisory Group expressed the wish that the International Bureau of WIPO be entrusted with the task of pre-

paring or commissioning studies in depth upon the economic and legal aspects of the problem, with particular reference to the needs of the developing countries, and of preparing documentation based on those studies to be presented to a future meeting of governmental experts¹⁴.

Committee of Experts for the Protection of Type Faces (Geneva, February 22 to 26, 1971). — This Committee, after having examined two preliminary drafts which were the result of the work of four earlier committees of experts, expressed its opinion on a certain number of points. Provision has been made to place this question on the agenda of a diplomatic conference to be held at Vienna in 1973¹⁵.

3. Bilateral Relations

The validity of the Convention on the Reciprocal Protection of Copyright, concluded between the *Soviet Union* and *Hungary* on November 17, 1967¹⁶, was extended, by an exchange of notes on March 2, 1971, until January 1, 1978¹⁷.

4. National Legislation

Several laws, regulations and orders, promulgated earlier, were published in this Review during the year 1971. They include the following countries: *Belgium*¹⁸, *Chile*¹⁹, *Iran*²⁰, *Japan*²¹, *Malaysia*²², *Malta*²³, *Morocco*²⁴, *United Kingdom*²⁵, *United States of America*²⁶.

II. Neighboring Rights

1. Rome Convention

State of the Convention

Costa Rica deposited, on June 9, 1971, an instrument of accession to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention). This accession became effective on September 9, 1971, thus bringing the number of Contracting States to twelve²⁷.

Session of the Intergovernmental Committee

The Intergovernmental Committee established under Article 32 of the Rome Convention held its third ordinary session in Geneva, on November 1 and 2, 1971. The Committee approved the idea of the preparation of a draft model law to facilitate the application of the Rome Convention or accession to it. It also examined the problems in the field termed "neighboring rights" raised by transmission via space satellites, and particularly the results of the Committee of Governmental Experts which met in April 1971. Lastly, the Com-

¹⁴ *Ibid.*, 1971, pp. 35 *et seq.*

¹⁵ *Ibid.*, 1971, p. 100.

¹⁶ *Ibid.*, 1968, p. 63.

¹⁷ *Ibid.*, 1971, p. 123.

¹⁸ *Ibid.*, 1971, p. 124.

¹⁹ *Ibid.*, 1971, p. 210.

²⁰ *Ibid.*, 1971, p. 65.

²¹ *Ibid.*, 1971, p. 71.

²² *Ibid.*, 1971, p. 41.

²³ *Ibid.*, 1971, p. 169.

²⁴ *Ibid.*, 1971, p. 24.

²⁵ *Ibid.*, 1971, p. 49.

²⁶ *Ibid.*, 1971, p. 30.

²⁷ *Ibid.*, 1971, p. 168.

¹¹ *Ibid.*, 1971, p. 187.

¹² For more details, see pp. 14 *et seq.*

¹³ The text of the Draft Convention as well as the Report on the meeting were published in *ibid.*, 1971, pp. 102 *et seq.*

mittee took note of the adoption of the new Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms (see below)²⁸.

2. Convention for the Protection of Producers of Phonograms

Committee of Governmental Experts on the Protection of Phonograms

The Committee of Governmental Experts on the Protection of Phonograms, convened jointly by the Directors General of Unesco and WIPO, met in Paris from March 1 to 5, 1971. The object of the meeting was to study the comments and proposals put forth by certain governments for a draft instrument to protect producers of phonograms against unauthorized reproduction of their phonograms, and to prepare such a draft. The Committee formulated the text of a draft convention to be submitted for adoption at a diplomatic conference²⁹.

Diplomatic Conference on the Protection of Phonograms

A Diplomatic Conference on the Protection of Phonograms, convened by the Directors General of Unesco and WIPO, was held in Geneva from October 18 to 29, 1971. The *Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms* was signed at the conclusion of the Conference. The new instrument is designed to provide protection, at the international level, for producers of phonograms against the making of duplicates without their consent and against the importation of such duplicates, if any such making or importation is for the purpose of distribution to the public, as well as against the distribution of such duplicates to the public. The means by which

²⁸ *Ibid.*, 1971, pp. 206 *et seq.*

²⁹ *Ibid.*, 1971, pp. 54 *et seq.*

the Convention is implemented shall be a matter for the domestic law of each Contracting State. The Convention shall be open to any State member of the United Nations or of the organizations which belong to the United Nations system. The secretariat functions have been entrusted to WIPO, which is to exercise them in cooperation, for matters within their respective competence, with Unesco and ILO.

The Convention was signed on October 29, 1971, by the plenipotentiaries of 23 States³⁰.

3. National Legislation

A new law was promulgated in the *United States of America* providing for the creation of a limited copyright in sound recordings³¹.

Among the laws, regulations or orders concerning copyright and published in this Review, several included provisions on neighboring rights. This is particularly the case with the legislative texts of *Chile*³² and *Japan*³³ (performers, producers of phonograms and broadcasting organizations), *Malaysia*³⁴ (producers of phonograms and broadcasting organizations), *Malta*³⁵ (producers of phonograms) and the *United Kingdom*³⁶ (broadcasting organizations).

4. Publication

Prepared by the International Bureau of WIPO, the French version of *Laws and Treaties of the World on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations* was published at the end of 1971.

³⁰ The text of the Convention as well the Report on the Conference were published in *ibid.*, 1971, pp. 240 *et seq.*

³¹ *Ibid.*, 1971, p. 221.

³² *Ibid.*, 1971, p. 210.

³³ *Ibid.*, 1971, p. 71.

³⁴ *Ibid.*, 1971, p. 41.

³⁵ *Ibid.*, 1971, p. 169.

³⁶ *Ibid.*, 1971, p. 49.

**Executive Committee of the International Union
for the Protection of Literary and Artistic Works (Berne Union)**

Extraordinary Session (Geneva, November 3 to 5, 1971)

Report

presented by the Secretariat and adopted by the Committee

Part I: Report on the meetings of the Executive Committee sitting alone

Opening of the session

1. The Executive Committee of the Berne Union (hereinafter called "the Executive Committee"), having been convened by the Director General of WIPO, met in extraordinary session, from November 3 to 5, 1971, at the Headquarters of the International Labour Office (ILO), at Geneva.

2. Twelve of the fifteen States members of the Executive Committee were represented: *Ordinary Members*: Canada, France, Germany (Federal Republic), Italy, Pakistan, Spain, Switzerland, Tunisia, United Kingdom (9); *Associate Members*: India, Mexico, Philippines (3). Romania (ordinary member), Poland and Zair (associate members) were not represented.

3. The following States, members of the Berne Union, were represented in an observer capacity: Argentina, Australia, Belgium, Brazil, Chile, Czechoslovakia, Denmark, Finland, Greece, Holy See, Israel, Ivory Coast, Japan, Lebanon, Netherlands, Portugal, Sweden, Yugoslavia (18).

4. As a result of the fact that the Executive Committee held joint meetings with the Intergovernmental Copyright Committee, the following States were also represented in an observer capacity: Cuba, Ecuador, Guatemala, Kenya, Khmer Republic, Nigeria, Panama, United States of America (8).

5. Two intergovernmental organizations and seventeen international non-governmental organizations appointed observers.

6. The list of participants is contained in the annex to this Report (Annex B).

7. The session was opened by the President of the Executive Committee, His Excellency Mr. Rafik Saïd (Tunisia).

Adoption of the agenda

8. The Executive Committee adopted the agenda proposed in document B/EC(Extr.)/I/1.

Advisability of holding joint meetings of the Executive Committee and the Intergovernmental Copyright Committee

9. The Executive Committee unanimously expressed the wish that the practice should be maintained of holding certain meetings jointly with the Intergovernmental Copyright Committee. It decided, therefore, to continue on this basis so far as questions of common interest to the two Committees are concerned.

10. The Executive Committee noted that the continuation of this system would require the convening of extraordinary sessions at the same time as the ordinary sessions of the Intergovernmental Copyright Committee, every two years, in view of the fact that the ordinary sessions of the Executive Committee are held each year at the same time as those of the Executive Committee of the Paris Union and the Coordination Committee of WIPO.

Part II: Report on the joint meetings of the Executive Committee and the Intergovernmental Copyright Committee

11. Following the decision mentioned above, the other questions contained in the agenda of the Executive Committee were examined during joint meetings with the Intergovernmental Copyright Committee.

Photocopying of copyright works

12. The Secretariat of Unesco introduced document B/EC/ES/3-IGC/XI/5 and drew to the attention of the Committees Resolution 5.132 adopted by the General Conference of Unesco at its sixteenth session, which decided to defer to its seventeenth session, to be held in October/November 1972, the study of the advisability of adopting a means of international regulation of photocopying of works protected by copyright.

13. After an exchange of views, the Executive Committee and the Intergovernmental Copyright Committee considered that the subject was complex, required further study and could not yet be regarded as being ripe for a final decision. Certain delegations remarked that the recommendations adopted by the Committee of Experts convened in 1968 under the joint auspices of Unesco and BIRPI should be reviewed in the light of the recent revisions of the multilateral copyright conventions and added to in certain respects, particularly as regards the uses which could be made in the industrial and commercial sectors. It was also emphasized that the question whether a library was or was not "profit-making" was less important than the profit-making purposes of the use made of a photocopy by the person ordering it.

14. The Committees considered that the drafting of any text to serve as a guide to national legislation in this field should, since the question was essentially of a technical nature, be undertaken under their own auspices by the Secretariats of Unesco and WIPO with the assistance of experts from developed and developing countries. Several delegations expressed the wish that in the selection of these experts account should be taken of the interests of countries which, while economically developed, were still importers of works.

15. They also expressed the conviction that if the question were to be regulated at the international level this should be done by means of recommendations and not by the establishment of a new international convention.

16. The Executive Committee and the Intergovernmental Copyright Committee decided respectively to adopt identical resolutions reflecting their point of view on this question. This resolution is contained in an annex to this Report (Annex A).

Problems arising from the use of electronic computers and other technological equipment

17. The Executive Committee and the Intergovernmental Copyright Committee took note of the report on this subject drawn up by Professor Eugen Ulmer, Director of the Max-Planck-Institut at Munich (Germany (Federal Republic)), at the request of the Secretariats of WIPO and Unesco; this request had been made in accordance with the previous decisions of the Committees.

18. In presenting his report, Professor Ulmer emphasized that the essential question, so far as copyright was concerned, was whether the owners of copyright could exercise control at the point of input into a computer system, or only at the output stage, and to what extent the international conventions regulated this question. The provisions of the Berne Convention (Stockholm and Paris Acts), in that they clearly protected works at the input stage, appeared to him to provide a suitable basis for the regulation at the international level of problems arising from the computer storage and retrieval of protected works. So far as the revised Universal Copyright Convention was concerned, it was true that the provisions were not as precise as those of the Berne Convention. Nevertheless, a broad interpretation of the concept of reproduction would permit the view that, under the Universal Convention, input into a computer should also be considered a reproduction, whatever the process employed. In any event, given the present situation, a revision of the two Conventions or a new international convention did not seem to be necessary in this connection. On the other hand, Professor Ulmer expressed the hope that agreements would be discussed and concluded between copyright and computer owners in the interests of facilitating access to protected works; at the same time the possibility would be examined of establishing clearing-houses both at the national and at the international levels. He suggested that WIPO and Unesco should encourage such cooperation by convening a committee of experts; this, however, was not urgent.

19. The Executive Committee and the Intergovernmental Copyright Committee, having warmly congratulated Professor Ulmer upon his outstanding study, supported his suggestion of convening, under the joint auspices of WIPO and Unesco, a committee of experts with the task of studying these problems. They also considered that it was not urgent to convene such a meeting, and decided to place the question on the agenda of their next sessions.

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

20. The International Bureau of WIPO introduced document B/EC/ES/5-IGC/XI/7 concerning the development of the said Convention. It also gave an account of the results of the third ordinary session of the Intergovernmental Committee established under Article 32 of the Convention, held at Geneva on November 1 and 2, 1971.

21. The Executive Committee and the Intergovernmental Copyright Committee took note of the information presented to them.

Transmission via space satellites

22. This item of the agenda was introduced by the Secretariat of Unesco (document B/EC/ES/6-IGC/XI/8), which referred to the work of the Committee of Governmental Experts on Problems in the Field of Copyright and of the Protection of Performers, Producers of Phonograms and Broadcasting Organizations Raised by Transmission Via Space Satellites, convened jointly by the Directors General of Unesco and WIPO at Lausanne-Ouchy, Switzerland, from April 21 to 30, 1971.

23. Before examining the substance of the question, the Executive Committee and the Intergovernmental Copyright Committee were informed of the invitation addressed by the Government of Kenya to the Directors General of Unesco and WIPO to hold in Nairobi in 1972 the second Committee of Governmental Experts, the convening of which had been regarded as desirable by the experts who met in Lausanne.

24. The Director General of WIPO recalled that he had already communicated this invitation to the Executive Committee at its ordinary session held at the end of September 1971, and that the Committee had authorized him to accept it, subject to certain reservations of a budgetary nature. He added that, having examined the financial implications, WIPO was able to bear the costs of a meeting in Nairobi of the said Committee of Experts and that he had so informed the Government of Kenya. He indicated that he had later been warned of financial problems which confronted Unesco in this respect.

25. The representative of the Director-General of Unesco gave an account of the reasons which had led to the position adopted by the latter in this regard, of which the Director General of WIPO had been informed. He emphasized the vital interest of Unesco in all matters concerning developing countries and he assured the Committees that the kind invitation of the Government of Kenya had been considered with all the sympathy which it deserved.

26. Having recalled the scope and size of Unesco's program in the matter of the use of satellites for the promotion of education, science and culture and of the progress of developing countries by these means, and having recalled also the effect of the different decisions taken since 1968 by the competent bodies of Unesco for the putting into operation of a joint Unesco/WIPO program in the field of the protection of signals transmitted by satellites, he explained that Unesco found itself in a situation of a severe budgetary deficit for the years 1971-1972, and he informed the Committees of clear directives given to the Director-General by the Executive Board at its last session with a view to absorbing the present deficit and that foreseeable for the years 1971 and 1972.

27. In these conditions, and without prejudice to the execution of the program provided for, the Director-General considered that he could not justify, in the present circumstances and to his great regret, accepting the invitation of Kenya; this would have, in the area of administrative expenses, consequences which would run counter to the very clear instructions of the Executive Board. Consequently, and for the reasons indicated, the Director-General of Unesco thought it desirable that the second Committee of Governmental Experts, the convocation of which was authorized by the Executive Board of Unesco at its 88th session (October 1971), should be held either in Geneva or in Paris, while indicating his preference that the meeting be held in Paris on the dates originally foreseen.

28. In reply to questions put to him, the representative of the Director-General of Unesco made it clear that, because a meeting in Nairobi would involve expenses additional to those provided for in the program and budget for 1971-1972, the question was one of an increase of costs. Consequently, and in view of the decisions adopted in this connection by the Executive Board, the Director-General of Unesco did not consider that he was able to accept the invitation of the Government of Kenya.

29. Having heard these declarations, the Executive Committee and the Intergovernmental Copyright Committee were informed by the Delegation of Kenya that its Government, convinced of the urgency of holding a meeting of the Committee of Experts in the course of the first half of 1972 at the latest, but understanding also the situation explained by the representative of the Director-General of Unesco, had decided with regret to withdraw its invitation in order not to delay the convening of the said Committee. The Delegation of Canada, supported by the Delegation of Spain, also expressed the view that the holding of a further meeting of experts was a matter of some urgency.

30. The Executive Committee and the Intergovernmental Copyright Committee unanimously requested the Delegation of Kenya to express, on their behalf, their thanks to its Government for its kind invitation.

31. Taking into account the views expressed by the representative of the Director-General of Unesco, and after the Director General of WIPO had indicated his agreement, the Com-

mittees agreed that the second Committee of Experts should be convened at the Headquarters of Unesco in Paris on the dates previously envisaged, that is to say from May 9 to 17, 1972.

32. The Executive Committee and the Intergovernmental Copyright Committee then proceeded to a brief exchange of views on the problems considered by the Committee of Experts which met in Lausanne. They recognized the importance of these problems and recommended that the results of the said Committee of Experts, as well as the views expressed on these results by the Executive Committee of the Berne Union, the Intergovernmental Copyright Committee and the Intergovernmental Committee of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, as suggested by paragraph 3(b) of the resolution adopted by the Lausanne Committee of Experts, should, as soon as possible, be brought to the attention of governments and of the international non-governmental organizations concerned in order to enable them to study the problems in depth and to make observations upon them. They decided to adopt, each as far as it is concerned, a resolution on this subject which is reproduced in an annex to this Report (Annex A).

33. Certain delegations stressed the importance and necessity of protecting the rights of the public which would receive the emissions, and thought it desirable that the competent bodies continue to study this question.

34. The Delegation of the United Kingdom expressed its reservations on the advisability of preparing a new international instrument on this subject, and therefore abstained when the previously cited resolution was adopted.

35. The Delegation of Italy recalled its suggestion, which still held good, that the whole question of the protection of signals be regulated in a protocol to be annexed to the Rome Convention.

36. The observers representing authors and legal circles concerned with the protection of copyright drew the attention of the Committees to the need not to lose sight of the interests of authors, particularly in the problems posed by the use of direct broadcasting satellites; these problems also required urgent study.

Protection of phonograms

37. The International Bureau of WIPO introduced document B/EC/ES/7-IGC/XI/9 and reported upon the results of the Diplomatic Conference held at Geneva from October 18 to 29, 1971. This Conference had led to the adoption of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms. The Convention was signed on October 29 by twenty-three States; it is to be deposited with the Secretary-General of the United Nations and remains open for signature until April 30, 1972.

38. The observer of the International Federation of the Phonographic Industry (IFPI), recalling the resolutions adopted in 1970, expressed his thanks to the Executive Committee and to the Intergovernmental Copyright Committee for

having taken the initiative to ask the competent organs of WIPO and of Unesco to take the necessary steps for the preparation of this new international instrument. He congratulated the Secretariats of the two Organizations upon the rapidity with which they had successfully concluded the work.

Assistance to States in developing their national copyright laws

39. Information concerning assistance to States in developing their national copyright laws was presented by the Secretariats.

40. The Director General of WIPO indicated that the program of work adopted by the competent bodies of the Berne Union for 1972 provided for the preparation of a model law on copyright for developing countries on the basis of the new provisions, adopted at Paris in July 1971, of the Berne Convention.

41. The representative of the Director-General of Unesco declared that the revision of the Universal Convention, also carried out at Paris in July 1971, led to the need for a reshaping of the African Model Law established in 1964 by a committee of African experts convened under the joint auspices of Unesco and BIRPI, and that it was intended that the necessary means to this end should be included in the draft program of Unesco for 1973-1974.

42. In reply to a question, the Director General of WIPO and the representative of the Director-General of Unesco made it clear that experts would be associated with the work to be undertaken by the two Secretariats in this field, which would do their best to coordinate their activities. The representative of the Director-General of Unesco added that, in order to avoid any duplication of work, such activities could be carried out within the framework of a joint program of the two Organizations.

43. The Secretariat of Unesco also indicated that in the course of the year 1971 an expert had been sent to the People's Republic of the Congo who had prepared, in cooperation with the national competent authorities, a draft copyright law which had now been submitted for the approval of the bodies provided for by the constitution of that country. Legal-technical assistance had also been furnished to the Republic of Viet-Nam in the preparation of a new copyright law. For 1972, fellowships in the field of copyright had already been granted to nationals of the People's Republic of the Congo, of Nepal and of Ghana; in the case of this last country, an expert would also be provided to assist the Government in the establishment of a copyright office and a national center of information concerning copyright.

44. Finally, the Secretariat of Unesco reported that an international copyright information center had been created at Unesco, in accordance with Resolution 4.122 adopted by the General Conference at its sixteenth session. It indicated that the functions of this center were as follows: (i) to assemble copyright information relating to books which developing countries may obtain on as favorable conditions as possible; (ii) to arrange the transfer to developing countries of rights granted by copyright owners; (iii) to contribute to the prepa-

ration of simple standard forms of contract concerning rights of translation, of reproduction, etc., needed by developing countries; (iv) to study measures for the obtaining of the grant of copyright or of other rights in the case of a lack of foreign currency; (v) to facilitate arrangements for the adaptation and publication of works, in particular those which have a technical or educational character.

45. The Secretariat of Unesco added that, in all its activities concerning the exchange of information, the center would work in close liaison with national associations of authors and publishers, national centers of copyright information and international professional organizations concerned with books.

46. The Delegation of Brazil, referring to a document prepared for a Symposium to be organized by WIPO in Bogota in November 1971, concerning "the established practice of the General Assembly of the United Nations" to be taken into account when considering which countries were to be regarded as developing countries for the purposes of the Appendix to the Paris Act of the Berne Convention, asked whether the said document reflected any decisions taken on this question by the competent bodies of WIPO. The Delegation of India asked why WIPO was not organizing the Bogota Symposium jointly with Unesco. On the first question, the Director General of WIPO indicated that no decisions had been taken on this subject and that this point would be emphasized at the Symposium, possibly by means of a short additional document. On the second question, he pointed out that by far the greater part of the Symposium would be devoted to industrial property questions, in which Unesco had no role to play, and, in any case, not all activities of WIPO and Unesco were joint in the field of copyright.

Recommendations adopted by international organizations in the field of copyright or likely to have repercussions on copyright

47. The Intergovernmental Copyright Committee and the Executive Committee took note of information on this subject contained in document B/EC/ES/8-IGC/XI/10. They were also informed that the International Secretariat of Entertainment Trade Unions had adopted at its Third Congress, held in Vienna from May 19 to 22, 1971, several resolutions concerning, *inter alia*, video-cassettes, residual rights and satellites, but that it had not been possible to reproduce these resolutions in the document under consideration, for their texts had not reached the Secretariat of Unesco or the International Bureau of WIPO at the time of its preparation.

Miscellaneous

48. Under this heading, the Secretariat of Unesco informed the Intergovernmental Copyright Committee and the Executive Committee that the General Conference of Unesco at its sixteenth session in November 1970 had adopted by acclamation Resolution 4.121 proclaiming 1972 International Book Year (IBY); it indicated that under the general theme "books for all" the essential objectives were the following: (i) the encouragement of the activities of writers and translators (taking into account the protection of copyright); (ii) the production and distribution of books (including the devel-

opment of libraries); (iii) the promotion of reading; (iv) books in the service of education, of international understanding and of peaceful cooperation. Among the initiatives already taken in this respect, the preparation by international non-governmental organizations concerned of a "Charter of the Book" was the subject of particular mention.

Date and place of the next sessions

49. The representative of the Director-General of Unesco recalled that, in the absence of a formal invitation from a member State, the Committees held their sessions at the headquarters of the two Secretariats alternately. In these circumstances, he suggested that the twelfth ordinary session of the Intergovernmental Copyright Committee and the second extraordinary session of the Executive Committee be held at the Headquarters of Unesco in Paris, preferably at the end of 1973. The Director General of WIPO declared that he willingly accepted this suggestion, which was adopted unanimously by the two Committees.

Closing of the meeting

50. The Chairman of the Committees, after thanking the Director General of ILO for his willingness to receive them, congratulated the participants on the work they had accomplished. He emphasized the quality of the preparatory work done by Unesco and WIPO and thanked the two intergovernmental organizations for it.

51. The Delegation of India spoke on behalf of the participants of both Committees when it thanked the Chairman for the skill with which he had conducted the discussions and the Secretariats for their contribution to the success of the work.

ANNEX A

Resolutions

Resolution No. 1: Photographic reproduction of copyright works

The Executive Committee of the Berne Union sitting with the Intergovernmental Copyright Committee,

Having considered the item of its agenda relating to the photographic reproduction of copyright works,

Being of the opinion that the matter is not yet ripe for international regulation, that its study should be continued and that the Secretariats of WIPO and Unesco, with the assistance of experts from developed and developing countries, should formulate proposals on this subject in the first half of 1973,

Considers that the said matter should, after this study, be regulated at the international level by a recommendation, which could serve as a guide-line for national legislations, and not by an international convention;

Further expresses the wish that the said proposals should be referred to the two Committees at their joint meetings in 1973.

Resolution No. 2: Transmission via space satellites

The Executive Committee of the Berne Union sitting with the Intergovernmental Copyright Committee,

Having considered the report of the Committee of Governmental Experts on Problems in the Field of Copyright and of the Protection of Performers, Producers of Phonograms and Broadcasting Organizations

Raised by Transmission Via Space Satellites, convened by the Directors General of Unesco and of WIPO at Lausanne-Ouchy from April 21 to 30, 1971,

Recognizing the importance of the problems which were the subject of the deliberations of the said Committee of Experts,

Endorses the wish, expressed by the Committee of Experts, that the results of its deliberations be communicated as soon as possible to the governments, and also to the international non-governmental organizations concerned, in order to enable them to study the said problems in depth and to communicate their observations to the Secretariat of Unesco and to the International Bureau of WIPO;

Considers that, in order to adopt a final position, studies on this subject should be continued;

Takes note that the Directors General of Unesco and of WIPO will convene jointly a new Committee of Governmental Experts for this purpose in the course of the first half of 1972 at the latest.

ANNEX B

List of Participants*

I. States Members of the Committee

(a) Ordinary Members

Canada: F. W. Simons; A. A. Keyes. France: P. Charpentier; M. Boutet; P. B. Nollet; J. Buffin. Germany (Federal Republic): E. Ulmer; E. Steup (Mrs.). Italy: G. Trotta. Pakistan: T. Ahdullah. Spain: M. Fernandez-Shaw; I. Fonseca-Ruiz (Mrs.). Switzerland: M. M. Pedrazzini; J.-L. Marro. Tunisia: R. Saïd; A. Amri; H. Ben Achonr. United Kingdom: W. Wallace; D. L. T. Cadman.

(b) Associate Members

India: K. Chaudhuri. Mexico: G. E. Larrea Richerand; J. L. Cahallero. Philippines: M. S. Aguillon.

II. Observer States Members of the Berne Union

Argentina: L. M. Laurelli. Australia: K. B. Petersson. Belgium: G. de San. Brazil: J. C. Ribeiro. Chile: F. Gamhoa. Czechoslovakia: J. Stahl. Denmark: B. von Linstow. Finland: R. Meinander. Greece: G. Pilavachi; A. Galatoponlos. Holy See: S. Lnoni; O. Rouillet (Mrs.). Israel: M. Gahay. Ivory Coast: F. Djih. Japan: M. Kato. Lebanon: C. Choueri; R. Homsy (Mrs.). Netherlands: J. A. W. Schwan. Portugal: J. de Oliveira Ascensão; M. T. Pereira de Castro Ascensão (Mrs.); F. A. Cunha de Sá; L. Pazos Alonso. Sweden: A. Klm. Yugoslavia: V. Spaić.

III. Other Observer States

Cuba: F. Ortiz-Rodriguez. Ecuador: R. Valdez. Guatemala: C. Peralta (Mrs.). Kenya: G. Straschnov. Khmer Republic: B. H. Phan. Nigeria: H. Muhammadu. Panama: J. M. Espino-González. United States of America: G. D. Cary; H. J. Winter; R. D. Hadl.

IV. Intergovernmental Organizations (Observers)

International Labour Organisation (ILO): E. Thompson. United Nations Educational, Scientific and Cultural Organization (Unesco): C. Lussier; M. C. Dock (Miss).

V. International Non-Governmental Organizations (Observers)

European Broadcasting Union (EBU): M. Larrue (Mrs.). International Confederation of Professional and Intellectual Workers (CITI): D. Martin-Achard. International Confederation of Societies of Authors and Composers (CISAC): R. Fernay. International Federation of Actors (FIA): R. Leuzinger. International Federation of Film Distributors' Associations

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

(FIAD): G. Schwaller. International Federation of Film Producers Associations (FIAPF): A. Brisson. International Federation of Musicians (FIM): H. Ratcliffe; R. Leuzinger. International Federation of the Phonographic Industry (IFPI): S. M. Stewart. International Federation of Translators (FIT): R. Dupuy. International Federation of Variety Artistes (IFVA): R. Leuzinger. Internationale Gesellschaft für Urheberrecht (INTERGU) (International Copyright Society): W. Jost. International Hotel Association (IHA): R. Perego. International Literary and Artistic Association (ALAI): R. Dupuy. International Publishers Association (IPA): J. A. Koutchoumow. International Secretariat of Entertainment Trade Unions (ISETU): A.

Forrest. International Writers Guild (IWG): R. Fernay. Union of National Radio and Television Organizations of Africa (URTNA): A. Chakroun.

VI. Secretariat

World Intellectual Property Organization (WIPO):

G. H. C. Bodenhausen (*Director General*); C. Masouyé (*Senior Counsellor, Head, External and Public Relations Division, Head a. i., Copyright Division*); R. Harhen (*Counsellor, Deputy Head, External and Public Relations Division*); M. Stojanović (*Counsellor, Copyright Division*).

CONVENTIONS ADMINISTERED BY WIPO

International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations

(Rome, October 26, 1961)

State of Ratifications and Accessions as on January 1, 1972

Contracting States	Deposit of instrument	Entry into force	Ratification ¹ (R) or accession (A)
Brazil	June 29, 1965	September 29, 1965	R
Czechoslovakia *	May 13, 1964	August 14, 1964	A
Costa Rica	June 9, 1971	September 9, 1971	A
Denmark *	June 23, 1965	September 23, 1965	R
Ecuador	December 19, 1963	May 18, 1964	R
Germany (Federal Republic) *	July 21, 1966	October 21, 1966	R
Mexico	February 17, 1964	May 18, 1964	R
Niger *	April 5, 1963	May 18, 1964	A
Paraguay	November 26, 1969	February 26, 1970	R
People's Republic of the Congo *	June 29, 1962	May 18, 1964	A
Sweden *	July 13, 1962	May 18, 1964	R
United Kingdom *	October 30, 1963	May 18, 1964	R

Note: The secretarial tasks relating to this Convention are performed jointly with the International Labour Office and Unesco.

* The instruments of ratification or accession deposited with the Secretary-General of the United Nations contain declarations made under the Articles mentioned hereafter: for Czechoslovakia, Article 16(1)(a)(iii) and (iv) [*Le Droit d'Auteur (Copyright)*, 1964, p. 110]; for Denmark, Articles 6(2), 16(1)(a)(ii) and (iv), and 17 [*Copyright*, 1965, p. 214]; for Germany (Fed. Rep.), Articles 5(3) (concerning Article 5(1)(b)) and 16(1)(a)(iv) [*ibid.*, 1966, p. 237]; for Niger, Articles 5(3) (concerning Article 5(1)(c)) and 16(1)(a)(i) [*Le Droit d'Auteur (Copyright)*, 1963, p. 99]; for the People's Republic of the Congo, Articles 5(3) (concerning Article 5(1)(c)) and 16(1)(a)(i) [*ibid.*, 1964, p. 127]; for Sweden, Articles 6(2), 16(1)(a)(ii) and (iv), 16(1)(b) and 17 [*ibid.*, 1962, p. 138]; for the United Kingdom, Articles 5(3) (concerning Article 5(1)(b)), 6(2) and 16(1)(a)(ii), (iii) and (iv) [*ibid.*, 1963, p. 244]; the same declarations were made for Gibraltar and Bermuda [*Copyright*, 1967, p. 36, and 1970, p. 108].

“The position of France with regard to the representation of the interests of Andorra at international conferences is not arbitrary: it derives necessarily from a very clear legal situation.

1° The Valleys of Andorra do not constitute a sovereign State, but a territory; for this reason, they cannot be represented at international conferences, nor be a contracting party to international agreements.

2° The situations of the two co-princes — the Bishop of Urgel and the President of the French Republic — are not legally equivalent. Of the two co-princes, only the President of the French Republic is an international legal person; as a result, only he has the capacity to represent Andorran interests in international relations and, as the case may be, to extend the field of application of an agreement to the Valleys.”

14. The Delegation of Spain made the following declaration:

“Spain does not share the view of the Delegation of France. Spain recognizes the international personality of Andorra which has been confirmed on numerous occasions as witnessed by its presence at several international meetings in the capacity of a sovereign entity. Unesco itself shared this point of view, and thus Andorra was able to sign the Universal Copyright Convention of 1952, as indicated by the document under discussion.

Furthermore, Andorra has two co-princes as sovereigns who are on completely equal footing, on the international as well as the domestic level. Both may designate representatives of Andorra abroad: the Bishop of the Seo de Urgel and the President of the French Republic, in his personal capacity.”

Conference for Revision of the Universal Copyright Convention

15. The Secretariat of the Committee reported on the work of the Conference for Revision of the Universal Copyright Convention which was held from July 5 to 24, 1971, at Unesco Headquarters in Paris (document IGC/XI/3). It indicated that the new and fundamental provisions of the revised Convention were the following:

- (i) Article IV^{bis}, which recognizes the exclusive rights of reproduction, public performance and broadcasting and thus extends the minimum scope of protection guaranteed by the Convention;
- (ii) Articles V^{bis}, V^{ter} and V^{quater}, which concern the preferential system instituted for the benefit of developing States. Article V^{bis} defines those countries by reference to the established practice of the General Assembly of the United Nations, as well as the duration of the preferential system from which those States may benefit. Article V^{ter} concerns the right of translation and reduces, in favour of developing countries and only for works used for the purpose of teaching, scholarship or research, the period of seven years, at the expiration of which a translation licence may be obtained under the terms of Article V of the 1952 Convention, to three years in the case of a language in general use in one or more of the developed countries, and one year in the case of a translation into a vernacular language. In addition,

the Conference decided to extend the licence, initially intended to apply only to publishers of printed works, so as to include, under certain conditions, broadcasting organizations having their headquarters in a Contracting State corresponding with the definition of a developing State. Finally, Article V^{quater} establishes a reproduction licence at the expiration of a five-year period, this period being reduced to three years for works of the natural and physical sciences, including mathematics, and of technology, and extended to seven years for works of the imagination;

- (iii) Article XI(2), which raised the number of members of the Intergovernmental Copyright Committee, originally fixed at twelve by the 1952 Convention, to eighteen;
- (iv) sub-paragraph (b) of the Appendix Declaration relating to Article XVII sets aside for developing countries the sanctions on withdrawal from the Berne Union provided for in sub-paragraph (a) of the same text.

The Secretariat also stated that twenty-eight States have to-date signed the revised Convention as well as annexed Protocol 2, and twenty-six States have signed annexed Protocol 1 (which are open for signature for a period of 120 days after their date); Japan, having signed these instruments on October 22, 1971, that is after the establishment of document IGC/XI/3, is thus not mentioned among the signatories.

16. The Delegation of the United Kingdom stated that, although ratification by its Government of the revised Universal Convention would not entail revision of its national legislation, it was necessary to follow the appropriate parliamentary procedure. Recalling that the United Kingdom had already deposited with the Director General of WIPO a declaration admitting the application of the Annex of the Paris Act of the Berne Convention, he was of the opinion that this first measure would soon be followed by the ratification of the revised Universal Convention.

Partial renewal of the Intergovernmental Copyright Committee

17. The Committee proceeded to the partial renewal of the Intergovernmental Committee by means of a formal vote taken on November 4, in application of Articles 2 and 29 of its Rules of Procedure.

18. The Delegation of Switzerland drew to the attention of the Committee that it was renouncing its right of reelection to the seat its country had occupied since the creation of the Intergovernmental Committee. It said that its gesture was inspired by several considerations among which it wished to specify one. With regard to this matter, it recalled that at the last revision of the Rules of Procedure of the Intergovernmental Committee in 1967, the representative of Switzerland had proposed that at least two out of four members of the Committee should yield their seats every two years, in order to assure a better renewal of the Committee. This proposal, considered as too radical, had not been retained.

The federal authorities were of the opinion that it was desirable to give all the States members of the Universal Copyright Convention the possibility of sitting in turn on

the Intergovernmental Committee. It was in this spirit that Switzerland voluntarily renounced its right, while expressing the hope that this point of view would be shared by the authorities of other countries members of the Committee when their terms expire.

19. The results of the vote were the following: Brazil: 12 votes, Spain: 12 votes, Federal Republic of Germany: 11 votes, Israel: 6 votes, Belgium: 2 votes, Lebanon: 1 vote, Mexico: 1 vote, Nicaragua: 1 vote, Philippines: 1 vote, Sweden: 1 vote.

20. Brazil, Spain, Federal Republic of Germany and Israel were declared elected.

21. The Delegations of the Federal Republic of Germany, Brazil and Spain, after expressing their appreciation for the gesture of the Delegation of Switzerland, thanked the members of the Committee for having reelected their countries. The Delegation of Israel also thanked them for having been elected.

Advisability of holding joint meetings of the Intergovernmental Copyright Committee and the Executive Committee of the Berne Union

22. The Intergovernmental Committee unanimously expressed the wish that the practice would be maintained of holding certain sessions jointly with the Executive Committee. It decided, therefore, to continue on this basis so far as questions of common interest to the two Committees are concerned.

Other questions

23. Following the decision mentioned above, the other questions contained in the agenda of the Intergovernmental Committee were examined during joint meetings with the Executive Committee of the Berne Union².

² See pp. 14 to 18 above.

CONVENTIONS NOT ADMINISTERED BY WIPO

Universal Copyright Convention as revised at Paris on 24 July 1971

The Contracting States,

Moved by the desire to ensure in all countries copyright protection of literary, scientific and artistic works,

Convinced that a system of copyright protection appropriate to all nations of the world and expressed in a universal convention, additional to, and without impairing international systems already in force, will ensure respect for the rights of the individual and encourage the development of literature, the sciences and the arts,

Persuaded that such a universal copyright system will facilitate a wider dissemination of works of the human mind and increase international understanding,

Have resolved to revise the Universal Copyright Convention signed at Geneva on 6 September 1952 (hereinafter called "the 1952 Convention"), and consequently,

Have agreed as follows:

Article I

Each Contracting State undertakes to provide for the adequate and effective protection of the rights of authors and other copyright proprietors in literary, scientific and artistic works, including writings, musical, dramatic and cinematographic works, and paintings, engravings and sculpture.

Article II

1. Published works of nationals of any Contracting State and works first published in that State shall enjoy in each other Contracting State the same protection as that other State accords to works of its nationals first published in its own territory, as well as the protection specially granted by this Convention.

2. Unpublished works of nationals of each Contracting State shall enjoy in each other Contracting State the same protection as that other State accords to unpublished works of its own nationals, as well as the protection specially granted by this Convention.

3. For the purpose of this Convention any Contracting State may, by domestic legislation, assimilate to its own nationals any person domiciled in that State.

Article III

1. Any Contracting State which, under its domestic law, requires as a condition of copyright, compliance with formalities such as deposit, registration, notice, notarial certificates, payment of fees or manufacture or publication in that Contracting State, shall regard these requirements as satisfied with respect to all works protected in accordance with this Convention and first published outside its territory and the author of which is not one of its nationals, if from the time of the first publication all the copies of the work published with the authority of the author or other copyright proprietor bear the symbol © accompanied by the name of the copyright proprietor and the year of first publication placed in such manner and location as to give reasonable notice of claim of copyright.

2. The provisions of paragraph 1 shall not preclude any Contracting State from requiring formalities or other conditions for the acquisition and enjoyment of copyright in respect of works first published in its territory or works of its nationals wherever published.

3. The provisions of paragraph 1 shall not preclude any Contracting State from providing that a person seeking judicial relief must, in bringing the action, comply with procedural requirements, such as that the complainant must appear through domestic counsel or that the complainant

must deposit with the court or an administrative office, or both, a copy of the work involved in the litigation; provided that failure to comply with such requirements shall not affect the validity of the copyright, nor shall any such requirement be imposed upon a national of another Contracting State if such requirement is not imposed on nationals of the State in which protection is claimed.

4. In each Contracting State there shall be legal means of protecting without formalities the unpublished works of nationals of other Contracting States.

5. If a Contracting State grants protection for more than one term of copyright and the first term is for a period longer than one of the minimum periods prescribed in Article IV, such State shall not be required to comply with the provisions of paragraph 1 of this Article in respect of the second or any subsequent term of copyright.

Article IV

1. The duration of protection of a work shall be governed, in accordance with the provisions of Article II and this Article, by the law of the Contracting State in which protection is claimed.

2. (a) The term of protection for works protected under this Convention shall not be less than the life of the author and twenty-five years after his death. However, any Contracting State which, on the effective date of this Convention in that State, has limited this term for certain classes of works to a period computed from the first publication of the work, shall be entitled to maintain these exceptions and to extend them to other classes of works. For all these classes the term of protection shall not be less than twenty-five years from the date first publication.

(b) Any Contracting State which, upon the effective date of this Convention in that State, does not compute the term of protection upon the basis of the life of the author, shall be entitled to compute the term of protection from the date of the first publication of the work or from its registration prior to publication, as the case may be, provided the term of protection shall not be less than twenty-five years from the date of first publication or from its registration prior to publication, as the case may be.

(c) If the legislation of a Contracting State grants two or more successive terms of protection, the duration of the first term shall not be less than one of the minimum periods specified in sub-paragraphs (a) and (b).

3. The provisions of paragraph 2 shall not apply to photographic works or to works of applied art; provided, however, that the term of protection in those Contracting States which protect photographic works, or works of applied art in so far as they are protected as artistic works, shall not be less than ten years for each of said classes of works.

4. (a) No Contracting State shall be obliged to grant protection to a work for a period longer than that fixed for the class of works to which the work in question belongs, in the case of unpublished works by the law of the Contracting State of which the author is a national, and in the case of published works by the law of the Contracting State in which the work has been first published.

(b) For the purposes of the application of sub-paragraph (a), if the law of any Contracting State grants two or more successive terms of protection, the period of protection of that State shall be considered to be the aggregate of those terms. However, if a specified work is not protected by such State during the second or any subsequent term for any reason, the other Contracting States shall not be obliged to protect it during the second or any subsequent term.

5. For the purposes of the application of paragraph 4, the work of a national of a Contracting State, first published in a non-Contracting State, shall be treated as though first published in the Contracting State of which the author is a national.

6. For the purposes of the application of paragraph 4, in case of simultaneous publication in two or more Contracting States, the work shall be treated as though first published in the State which affords the shortest term; any work published in two or more Contracting States within thirty days of its first publication shall be considered as having been published simultaneously in said Contracting States.

Article IV^{bis}

1. The rights referred to in Article I shall include the basic rights ensuring the author's economic interests, including the exclusive right to authorize reproduction by any means, public performance and broadcasting. The provisions of this Article shall extend to works protected under this Convention either in their original form or in any form recognizably derived from the original.

2. However, any Contracting State may, by its domestic legislation, make exceptions that do not conflict with the spirit and provisions of this Convention, to the rights mentioned in paragraph 1 of this Article. Any State whose legislation so provides, shall nevertheless accord a reasonable degree of effective protection to each of the rights to which exception has been made.

Article V

1. The rights referred to in Article I shall include the exclusive right of the author to make, publish and authorize the making and publication of translations of works protected under this Convention.

2. However, any Contracting State may, by its domestic legislation, restrict the right of translation of writings, but only subject to the following provisions:

(a) If, after the expiration of a period of seven years from the date of the first publication of a writing, a translation of such writing has not been published in a language in general use in the Contracting State, by the owner of the right of translation or with his authorization, any national of such Contracting State may obtain a non-exclusive licence from the competent authority thereof to translate the work into that language and publish the work so translated.

(b) Such national shall in accordance with the procedure of the State concerned, establish either that he has requested, and been denied, authorization by the proprietor of the right to make and publish the translation, or that, after due diligence on his part, he was unable to find the owner of the right. A licence may also be granted on the same conditions if all previous editions of a translation in a language in general use in the Contracting State are out of print.

(c) If the owner of the right of translation cannot be found, then the applicant for a licence shall send copies of his application to the publisher whose name appears on the work and, if the nationality of the owner of the right of translation is known, to the diplomatic or consular representative of the State of which such owner is a national, or to the organization which may have been designated by the government of that State. The licence shall not be granted before the expiration of a period of two months from the date of the dispatch of the copies of the application.

(d) Due provision shall be made by domestic legislation to ensure to the owner of the right of translation a compensation which is just and conforms to international standards, to ensure payment and transmittal of such compensation, and to ensure a correct translation of the work.

(e) The original title and the name of the author of the work shall be printed on all copies of the published translation. The licence shall be valid only for publication of the translation in the territory of the Contracting State where it has been applied for. Copies so published may be imported and sold in another Contracting State if a language in general use in such other State is the same language as that into which the work has been so translated, and if the domestic law in such other State makes provision for such licences and does not prohibit such importation and sale. Where the foregoing conditions do not exist, the importation and sale of such copies in a Contracting State, shall be governed by its domestic law and its agreements. The licence shall not be transferred by the licensee.

(f) The licence shall not be granted when the author has withdrawn from circulation all copies of the work.

Article V^{bis}

1. Any Contracting State regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations may, by a notification deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization (hereinafter called "the Director-General") at the time of its ratifica-

tion, acceptance or accession or thereafter, avail itself of any or all of the exceptions provided for in Articles V^{ter} and V^{quater}.

2. Any such notification shall be effective for ten years from the date of coming into force of this Convention, or for such part of that ten-year period as remains at the date of deposit of the notification, and may be renewed in whole or in part for further periods of ten years each if, not more than fifteen or less than three months before the expiration of the relevant ten-year period, the Contracting State deposits a further notification with the Director-General. Initial notifications may also be made during these further periods of ten years in accordance with the provisions of this Article.

3. Notwithstanding the provisions of paragraph 2, a Contracting State that has ceased to be regarded as a developing country as referred to in paragraph 1 shall no longer be entitled to renew its notification made under the provisions of paragraph 1 or 2, and whether or not it formally withdraws the notification such State shall be precluded from availing itself of the exceptions provided for in Articles V^{ter} and V^{quater} at the end of the current ten-year period, or at the end of three years after it has ceased to be regarded as a developing country, whichever period expires later.

4. Any copies of a work already made under the exceptions provided for in Articles V^{ter} and V^{quater} may continue to be distributed after the expiration of the period for which notifications under this Article were effective until their stock is exhausted.

5. Any Contracting State that has deposited a notification in accordance with Article XIII with respect to the application of this Convention to a particular country or territory, the situation of which can be regarded as analogous to that of the States referred to in paragraph 1 of this Article, may also deposit notifications and renew them in accordance with the provisions of this Article with respect to any such country or territory. During the effective period of such notifications, the provisions of Articles V^{ter} and V^{quater} may be applied with respect to such country or territory. The sending of copies from the country or territory to the Contracting State shall be considered as export within the meaning of Articles V^{ter} and V^{quater}.

Article V^{ter}

1. (a) Any Contracting State to which Article V^{bis} (1) applies may substitute for the period of seven years provided for in Article V (2) a period of three years or any longer period prescribed by its legislation. However, in the case of a translation into a language not in general use in one or more developed countries that are party to this Convention or only the 1952 Convention, the period shall be one year instead of three.

(b) A Contracting State to which Article V^{bis} (1) applies may, with the unanimous agreement of the developed countries party to this Convention or only the 1952 Convention and in which the same language is in general use, substitute, in the case of translation into that language, for the period of three years provided for in sub-paragraph (a) another period as determined by such agreement but not shorter than one year. However, this sub-paragraph shall not apply where the language in question is English, French or Spanish. Notification of any such agreement shall be made to the Director-General.

(c) The licence may only be granted if the applicant, in accordance with the procedure of the State concerned, establishes either that he has requested, and been denied, authorization by the owner of the right of translation, or that, after due diligence on his part, he was unable to find the owner of the right. At the same time as he makes his request he shall inform either the international copyright information centre established by the United Nations Educational, Scientific and Cultural Organization or any national or regional information centre which may have been designated in a notification to that effect deposited with the Director-General by the government of the State in which the publisher is believed to have his principal place of business.

(d) If the owner of the right of translation cannot be found, the applicant for a licence shall send, by registered airmail, copies of his application to the publisher whose name appears on the work and to any national or regional information centre as mentioned in sub-paragraph (c). If no such centre is notified he shall also send a copy to the interna-

tional copyright information centre established by the United Nations Educational, Scientific and Cultural Organization.

2. (a) Licences obtainable after three years shall not be granted under this Article until a further period of six months has elapsed and licences obtainable after one year until a further period of nine months has elapsed. The further period shall begin either from the date of the request for permission to translate mentioned in paragraph 1 (c) or, if the identity or address of the owner of the right of translation is not known, from the date of dispatch of the copies of the application for a licence mentioned in paragraph 1 (d).

(b) Licences shall not be granted if a translation has been published by the owner of the right of translation or with his authorization during the said period of six or nine months.

3. Any licence under this Article shall be granted only for the purpose of teaching, scholarship or research.

4. (a) Any licence granted under this Article shall not extend to the export of copies and shall be valid only for publication in the territory of the Contracting State where it has been applied for.

(b) Any copy published in accordance with a licence granted under this Article shall bear a notice in the appropriate language stating that the copy is available for distribution only in the Contracting State granting the licence. If the writing bears the notice specified in Article III (1) the copies shall bear the same notice.

(c) The prohibition of export provided for in sub-paragraph (a) shall not apply where a governmental or other public entity of a State which has granted a licence under this Article to translate a work into a language other than English, French or Spanish sends copies of a translation prepared under such licence to another country if:

- (i) the recipients are individuals who are nationals of the Contracting State granting the licence, or organizations grouping such individuals;
- (ii) the copies are to be used only for the purpose of teaching, scholarship or research;
- (iii) the sending of the copies and their subsequent distribution to recipients is without the object of commercial purpose; and
- (iv) the country to which the copies have been sent has agreed with the Contracting State to allow the receipt, distribution or both and the Director-General has been notified of such agreement by any one of the governments which have concluded it.

5. Due provision shall be made at the national level to ensure:

- (a) That the licence provides for just compensation that is consistent with standards of royalties normally operating in the case of licences freely negotiated between persons in the two countries concerned; and
- (b) Payment and transmittal of the compensation; however, should national currency regulations intervene, the competent authority shall make all efforts, by the use of international machinery, to ensure transmittal in internationally convertible currency or its equivalent.

6. Any licence granted by a Contracting State under this Article shall terminate if a translation of the work in the same language with substantially the same content as the edition in respect of which the licence was granted is published in the said State by the owner of the right of translation or with his authorization, at a price reasonably related to that normally charged in the same State for comparable works. Any copies already made before the licence is terminated may continue to be distributed until their stock is exhausted.

7. For works which are composed mainly of illustrations a licence to translate the text and to reproduce the illustrations may be granted only if the conditions of Article V^{quater} are also fulfilled.

8. (a) A licence to translate a work protected under this Convention, published in printed or analogous forms of reproduction, may also be granted to a broadcasting organization having its headquarters in a Contracting State to which Article V^{bis} (1) applies, upon an application made in that State by the said organization under the following conditions:

- (i) the translation is made from a copy made and acquired in accordance with the laws of the Contracting State;

- (ii) the translation is for use only in broadcasts intended exclusively for teaching or for the dissemination of the results of specialized technical or scientific research to experts in a particular profession;
- (iii) the translation is used exclusively for the purposes set out in condition (ii), through broadcasts lawfully made which are intended for recipients on the territory of the Contracting State, including broadcasts made through the medium of sound or visual recordings lawfully and exclusively made for the purpose of such broadcasts;
- (iv) sound or visual recordings of the translation may be exchanged only between broadcasting organizations having their headquarters in the Contracting State granting the licence; and
- (v) all uses made of the translation are without any commercial purpose.

(b) Provided all of the criteria and conditions set out in sub-paragraph (a) are met, a licence may also be granted to a broadcasting organization to translate any text incorporated in an audio-visual fixation which was itself prepared and published for the sole purpose of being used in connexion with systematic instructional activities.

(c) Subject to sub-paragraphs (a) and (b), the other provisions of this Article shall apply to the grant and exercise of the licence.

9. Subject to the provisions of this Article, any licence granted under this Article shall be governed by the provisions of Article V, and shall continue to be governed by the provisions of Article V and of this Article, even after the seven-year period provided for in Article V (2) has expired. However, after the said period has expired, the licensee shall be free to request that the said licence be replaced by a new licence governed exclusively by the provisions of Article V.

Article V^{quater}

1. Any Contracting State to which Article V^{bis} (1) applies may adopt the following provisions:

(a) If, after the expiration of

- (i) the relevant period specified in sub-paragraph (c) commencing from the date of first publication of a particular edition of a literary, scientific or artistic work referred to in paragraph 3, or
- (ii) any longer period determined by national legislation of the State, copies of such edition have not been distributed in that State to the general public or in connexion with systematic instructional activities at a price reasonably related to that normally charged in the State for comparable works, by the owner of the right of reproduction or with his authorization, any national of such State may obtain a non-exclusive licence from the competent authority to publish such edition at that or a lower price for use in connexion with systematic instructional activities. The licence may only be granted if such national, in accordance with the procedure of the State concerned, establishes either that he has requested, and been denied, authorization by the proprietor of the right to publish such work, or that, after due diligence on his part, he was unable to find the owner of the right. At the same time as he makes his request he shall inform either the international copyright information centre established by the United Nations Educational, Scientific and Cultural Organization or any national or regional information centre referred to in sub-paragraph (d).

(b) A licence may also be granted on the same conditions if, for a period of six months, no authorized copies of the edition in question have been on sale in the State concerned to the general public or in connexion with systematic instructional activities at a price reasonably related to that normally charged in the State for comparable works.

(c) The period referred to in sub-paragraph (a) shall be five years except that:

- (i) for works of the natural and physical sciences, including mathematics, and of technology, the period shall be three years;
- (ii) for works of fiction, poetry, drama and music, and for art books, the period shall be seven years.

(d) If the owner of the right of reproduction cannot be found, the applicant for a licence shall send, by registered airmail, copies of his application to the publisher whose name appears on the work and to any national or regional information centre identified as such in a notifi-

cation deposited with the Director-General by the State in which the publisher is believed to have his principal place of business. In the absence of any such notification, he shall also send a copy to the international copyright information centre established by the United Nations Educational, Scientific and Cultural Organization. The licence shall not be granted before the expiration of a period of three months from the date of dispatch of the copies of the application.

(e) Licences obtainable after three years shall not be granted under this Article,

- (i) until a period of six months has elapsed from the date of the request for permission referred to in sub-paragraph (a) or, if the identity or address of the owner of the right of reproduction is unknown, from the date of the dispatch of the copies of the application for a licence referred to in sub-paragraph (d);

- (ii) if any such distribution of copies of the edition as is mentioned in sub-paragraph (a) has taken place during that period.

(f) The name of the author and the title of the particular edition of the work shall be printed on all copies of the published reproduction. The licence shall not extend to the export of copies and shall be valid only for publication in the territory of the Contracting State where it has been applied for. The licence shall not be transferable by the licensee.

(g) Due provision shall be made by domestic legislation to ensure an accurate reproduction of the particular edition in question.

(h) A licence to reproduce and publish a translation of a work shall not be granted under this Article in the following cases:

- (i) where the translation was not published by the owner of the right of translation or with his authorization;
- (ii) where the translation is not in a language in general use in the State with power to grant the licence.

2. The exceptions provided for in paragraph 1 are subject to the following additional provisions:

(a) Any copy published in accordance with a licence granted under this Article shall bear a notice in the appropriate language stating that the copy is available for distribution only in the Contracting State to which the said licence applies. If the edition bears the notice specified in Article III (1), the copies shall bear the same notice.

(b) Due provision shall be made at the national level to ensure:

- (i) that the licence provides for just compensation that is consistent with standards of royalties normally operating in the case of licences freely negotiated between persons in the two countries concerned; and
- (ii) payment and transmittal of the compensation; however, should national currency regulations intervene, the competent authority shall make all efforts, by the use of international machinery, to ensure transmittal in internationally convertible currency or its equivalent.

(c) Whenever copies of an edition of a work are distributed in the Contracting State to the general public or in connexion with systematic instructional activities, by the owner of the right of reproduction or with his authorization, at a price reasonably related to that normally charged in the State for comparable works, any licence granted under this Article shall terminate if such edition is in the same language and is substantially the same in content as the edition published under the licence. Any copies already made before the licence is terminated may continue to be distributed until their stock is exhausted.

(d) No licence shall be granted when the author has withdrawn from circulation all copies of the edition in question.

3. (a) Subject to sub-paragraph (b), the literary, scientific or artistic works to which this Article applies shall be limited to works published in printed or analogous forms of reproduction.

(b) The provisions of this Article shall also apply to reproduction in audio-visual form of lawfully made audio-visual fixations including any protected works incorporated therein and to the translation of any incorporated text into a language in general use in the State with power to grant the licence; always provided that the audio-visual fixations in question were prepared and published for the sole purpose of being used in connexion with systematic instructional activities.

Article VI

"Publication", as used in this Convention, means the reproduction in tangible form and the general distribution to the public of copies of a work from which it can be read or otherwise visually perceived.

Article VII

This Convention shall not apply to works or rights in works which, at the effective date of this Convention in a Contracting State where protection is claimed, are permanently in the public domain in the said Contracting State.

Article VIII

1. This Convention, which shall bear the date of 24 July 1971, shall be deposited with the Director-General and shall remain open for signature by all States party to the 1952 Convention for a period of 120 days after the date of this Convention. It shall be subject to ratification or acceptance by the Signatory States.

2. Any State which has not signed this Convention may accede thereto.

3. Ratification, acceptance or accession shall be effected by the deposit of an instrument to that effect with the Director-General.

Article IX

1. This Convention shall come into force three months after the deposit of twelve instruments of ratification, acceptance or accession.

2. Subsequently, this Convention shall come into force in respect of each State three months after that State has deposited its instrument of ratification, acceptance or accession.

3. Accession to this Convention by a State not party to the 1952 Convention shall also constitute accession to that Convention; however, if its instrument of accession is deposited before this Convention comes into force, such State may make its accession to the 1952 Convention conditional upon the coming into force of this Convention. After the coming into force of this Convention, no State may accede solely to the 1952 Convention.

4. Relations between States party to this Convention and States that are party only to the 1952 Convention shall be governed by the 1952 Convention. However, any State party only to the 1952 Convention may, by a notification deposited with the Director-General, declare that it will admit the application of the 1971 Convention to works of its nationals or works first published in its territory by all States party to this Convention.

Article X

1. Each Contracting State undertakes to adopt, in accordance with its Constitution, such measures as are necessary to ensure the application of this Convention.

2. It is understood that at the date this Convention comes into force in respect of any State, that State must be in a position under its domestic law to give effect to the terms of this Convention.

Article XI

1. An Intergovernmental Committee is hereby established with the following duties:

- (a) to study the problems concerning the application and operation of the Universal Copyright Convention;
- (b) to make preparation for periodic revisions of this Convention;
- (c) to study any other problems concerning the international protection of copyright, in co-operation with the various interested international organizations, such as the United Nations Educational, Scientific and Cultural Organization, the International Union for the Protection of Literary and Artistic Works and the Organization of American States;
- (d) to inform States party to the Universal Copyright Convention as to its activities.

2. The Committee shall consist of the representatives of eighteen States party to this Convention or only to the 1952 Convention.

3. The Committee shall be selected with due consideration to a fair balance of national interests on the basis of geographical location, population, languages and stage of development.

4. The Director-General of the United Nations Educational, Scientific and Cultural Organization, the Director-General of the World Intellectual Property Organization and the Secretary-General of the Organization of American States, or their representatives, may attend meetings of the Committee in an advisory capacity.

Article XII

The Intergovernmental Committee shall convene a conference for revision whenever it deems necessary, or at the request of at least ten States party to this Convention.

Article XIII

1. Any Contracting State may, at the time of deposit of its instrument of ratification, acceptance or accession, or at any time thereafter, declare by notification addressed to the Director-General that this Convention shall apply to all or any of the countries or territories for the international relations of which it is responsible and this Convention shall thereupon apply to the countries or territories named in such notification after the expiration of the term of three months provided for in Article IX. In the absence of such notification, this Convention shall not apply to any such country or territory.

2. However, nothing in this Article shall be understood as implying the recognition or tacit acceptance by a Contracting State of the factual situation concerning a country or territory to which this Convention is made applicable by another Contracting State in accordance with the provisions of this Article.

Article XIV

1. Any Contracting State may denounce this Convention in its own name or on behalf of all or any of the countries or territories with respect to which a notification has been given under Article XIII. The denunciation shall be made by notification addressed to the Director-General. Such denunciation shall also constitute denunciation of the 1952 Convention.

2. Such denunciation shall operate only in respect of the State or of the country or territory on whose behalf it was made and shall not take effect until twelve months after the date of receipt of the notification.

Article XV

A dispute between two or more Contracting States concerning the interpretation or application of this Convention, not settled by negotiation, shall, unless the States concerned agree on some other method of settlement, be brought before the International Court of Justice for determination by it.

Article XVI

1. This Convention shall be established in English, French and Spanish. The three texts shall be signed and shall be equally authoritative.

2. Official texts of this Convention shall be established by the Director-General, after consultation with the governments concerned, in Arabic, German, Italian and Portuguese.

3. Any Contracting State or group of Contracting States shall be entitled to have established by the Director-General other texts in the language of its choice by arrangement with the Director-General.

4. All such texts shall be annexed to the signed texts of this Convention.

Article XVII

1. This Convention shall not in any way affect the provisions of the Berne Convention for the Protection of Literary and Artistic Works or membership in the Union created by that Convention.

2. In application of the foregoing paragraph, a declaration has been annexed to the present Article. This declaration is an integral part of this Convention for the States bound by the Berne Convention on 1 January 1951, or which have or may become bound to it at a later date. The signature of this Convention by such States shall also constitute signature of the said declaration, and ratification, acceptance or accession by such States shall include the declaration, as well as this Convention.

Article XVIII

This Convention shall not abrogate multilateral or bilateral copyright conventions or arrangements that are or may be in effect exclusively between two or more American Republics. In the event of any difference either between the provisions of such existing conventions or arrangements and the provisions of this Convention, or between the provisions of this Convention and those of any new convention or arrangement which may be formulated between two or more American Republics after this Convention comes into force, the convention or arrangement most recently formulated shall prevail between the parties thereto. Rights in works acquired in any Contracting State under existing conventions or arrangements before the date this Convention comes into force in such State shall not be affected.

Article XIX

This Convention shall not abrogate multilateral or bilateral conventions or arrangements in effect between two or more Contracting States. In the event of any difference between the provisions of such existing conventions or arrangements and the provisions of this Convention, the provisions of this Convention shall prevail. Rights in works acquired in any Contracting State under existing conventions or arrangements before the date on which this Convention comes into force in such State shall not be affected. Nothing in this Article shall affect the provisions of Articles XVII and XVIII.

Article XX

Reservations to this Convention shall not be permitted.

Article XXI

1. The Director-General shall send duly certified copies of this Convention to the States interested and to the Secretary-General of the United Nations for registration by him.

2. He shall also inform all interested States of the ratifications, acceptances and accessions which have been deposited, the date on which this Convention comes into force, the notifications under this Convention and denunciations under Article XIV.

Appendix Declaration relating to Article XVII

The States which are members of the International Union for the Protection of Literary and Artistic Works (hereinafter called "the Berne Union") and which are signatories to this Convention,

Desiring to reinforce their mutual relations on the basis of the said Union and to avoid any conflict which might result from the co-existence of the Berne Convention and the Universal Copyright Convention,

Recognizing the temporary need of some States to adjust their level of copyright protection in accordance with their stage of cultural, social and economic development,

Have, by common agreement, accepted the terms of the following declaration:

- (a) Except as provided by paragraph (b), works which, according to the Berne Convention, have as their country of origin a country which has withdrawn from the Berne Union after 1 January 1951, shall not be protected by the Universal Copyright Convention in the countries of the Berne Union;
- (b) Where a Contracting State is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, and has deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization, at the time of its withdrawal from the Berne Union, a notification to the effect that it regards itself as a developing country, the provisions of paragraph (a) shall not be applicable as long as such State may avail itself of the exceptions provided for by this Convention in accordance with Article Vbis;
- (c) The Universal Copyright Convention shall not be applicable to the relationships among countries of the Berne Union in so far as it relates to the protection of works having as their country of origin, within the meaning of the Berne Convention, a country of the Berne Union.

Resolution concerning Article XI

The Conference for Revision of the Universal Copyright Convention, Having considered the problems relating to the Intergovernmental Committee provided for in Article XI of this Convention, to which this resolution is annexed,

Resolves that,

1. At its inception, the Committee shall include representatives of the twelve States members of the Intergovernmental Committee established under Article XI of the 1952 Convention and the resolution annexed to it, and, in addition, representatives of the following States: Algeria, Australia, Japan, Mexico, Senegal and Yugoslavia.

2. Any States that are not party to the 1952 Convention and have not acceded to this Convention before the first ordinary session of the Committee following the entry into force of this Convention shall be replaced by other States to be selected by the Committee at its first ordinary session in conformity with the provisions of Article XI (2) and (3).

3. As soon as this Convention comes into force the Committee as provided for in paragraph 1 shall be deemed to be constituted in accordance with Article XI of this Convention.

4. A session of the Committee shall take place within one year after the coming into force of this Convention; thereafter the Committee shall meet in ordinary session at intervals of not more than two years.

5. The Committee shall elect its Chairman and two Vice-Chairmen. It shall establish its Rules of Procedure having regard to the following principles:

- (a) The normal duration of the term of office of the members represented on the Committee shall be six years with one-third retiring every two years, it being however understood that, of the original terms of office, one-third shall expire at the end of the Committee's second ordinary session which will follow the entry into force of this Convention, a further third at the end of its third ordinary session, and the remaining third at the end of its fourth ordinary session;
- (b) The rules governing the procedure whereby the Committee shall fill vacancies, the order in which terms of membership expire, eligibility for re-election, and election procedures, shall be based upon a balancing of the needs for continuity of membership and rotation of representation, as well as the considerations set out in Article XI (3).

Expresses the wish that the United Nations Educational, Scientific and Cultural Organization provide its Secretariat.

In faith whereof the undersigned, having deposited their respective full powers, have signed this Convention.

Done at Paris, this twenty-fourth day of July 1971, in a single copy.

Protocol 1

Annexed to the Universal Copyright Convention as revised at Paris on 24 July 1971 concerning the application of that Convention to works of Stateless persons and refugees

The States party hereto, being also party to the Universal Copyright Convention as revised at Paris on 24 July 1971 (hereinafter called "the 1971 Convention"),

Have accepted the following provisions:

1. Stateless persons and refugees who have their habitual residence in a State party to this Protocol shall, for the purposes of the 1971 Convention, be assimilated to the nationals of that State.

2. (a) This Protocol shall be signed and shall be subject to ratification or acceptance, or may be acceded to, as if the provisions of Article VIII of the 1971 Convention applied hereto.

(b) This Protocol shall enter into force in respect of each State, on the date of deposit of the instrument of ratification, acceptance or accession of the State concerned or on the date of entry into force of the 1971 Convention with respect to such State, whichever is the later.

(c) On the entry into force of this Protocol in respect of a State not party to Protocol 1 annexed to the 1952 Convention, the latter Protocol shall be deemed to enter into force in respect of such State.

In faith whereof the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Paris this twenty-fourth day of July 1971, in the English, French and Spanish languages, the three texts being equally authoritative, in a single copy which shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization. The Director-General shall send certified copies to the Signatory States, and to the Secretary-General of the United Nations for registration.

Protocol 2

Annexed to the Universal Copyright Convention as revised at Paris on 24 July 1971 concerning the application of that Convention to the works of certain international organizations

The States party hereto, being also party to the Universal Copyright Convention as revised at Paris on 24 July 1971 (hereinafter called "the 1971 Convention"),

Have accepted the following provisions:

1. (a) The protection provided for in Article II (1) of the 1971 Convention shall apply to works published for the first time by the United

Nations, by the Specialized Agencies in relationship therewith, or by the Organization of American State.

(b) Similarly, Article II (2) of the 1971 Convention shall apply to the said organization or agencies.

2. (a) This Protocol shall be signed and shall be subject to ratification or acceptance, or may be acceded to, as if the provisions of Article VIII of the 1971 Convention applied hereto.

(b) This Protocol shall enter into force for each State on the date of deposit of the instrument of ratification, acceptance or accession of the State concerned or on the date of entry into force of the 1971 Convention with respect to such State, whichever is the later.

In faith whereof the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Paris this twenty-fourth day of July 1971, in the English, French and Spanish languages, the three texts being equally authoritative, in a single copy which shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization. The Director-General shall send certified copies to the Signatory States, and to the Secretary-General of the United Nations for registration.

Universal Copyright Convention

(Geneva, September 6, 1952)

State of Ratifications and Accessions as on January 1, 1972

Contracting States	Deposit of instrument	Entry into force	Ratification (R) or accession (A)
Andorra	December 31, 1952 ¹ January 22, 1953 ²	September 16, 1955 September 16, 1955	R
Argentina	November 13, 1957	February 13, 1958	R
Australia	February 1, 1969	May 1, 1969	R
Austria	April 2, 1957	July 2, 1957	R
Belgium	May 31, 1960	August 31, 1960	R
Brazil	October 13, 1959	January 13, 1960	R
Canada	May 10, 1962	August 10, 1962	R
Chile	January 18, 1955	September 16, 1955	R
Costa Rica	December 7, 1954	September 16, 1955	A
Cuba	March 18, 1957	June 18, 1957	R
Czechoslovakia	October 6, 1959	January 6, 1960	A
Denmark	November 9, 1961	February 9, 1962	R
Ecuador	March 5, 1957	June 5, 1957	A
Finland	January 16, 1963	April 16, 1963	R
France	October 14, 1955	January 14, 1956	R
Germany (Fed. Rep.)	June 3, 1955	September 16, 1955	R
Ghana	May 22, 1962	August 22, 1962	A
Greece	May 24, 1963	August 24, 1963	A
Guatemala	July 28, 1964	October 28, 1964	R
Haiti	September 1, 1954	September 16, 1955	R
Holy See	July 5, 1955	October 5, 1955	R
Hungary	October 23, 1970	January 23, 1971	A
Iceland	September 18, 1956	December 18, 1956	A
India	October 21, 1957	January 21, 1958	R
Ireland	October 20, 1958	January 20, 1959	R
Israel	April 6, 1955	September 16, 1955	R
Italy	October 24, 1956	January 24, 1957	R
Japan	January 28, 1956	April 28, 1956	R
Kenya	June 7, 1966	September 7, 1966	A
Khmer Republic	August 3, 1953	September 16, 1955	A
Laos	August 19, 1954	September 16, 1955	A
Lebanon	July 17, 1959	October 17, 1959	A
Liberia	April 27, 1956	July 27, 1956	R

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.

Contracting States	Deposit of instrument	Entry into force	Ratification (R) or accession (A)
Liechtenstein	October 22, 1958	January 22, 1959	A
Luxembourg	July 15, 1955	October 15, 1955	R
Malawi	July 26, 1965	October 26, 1965	A
Malta	August 19, 1968	November 19, 1968	A
Mauritius ³	August 20, 1970	March 12, 1968	
Mexico	February 12, 1957	May 12, 1957	R
Monaco	June 16, 1955	September 16, 1955	R
Netherlands	March 22, 1967	June 22, 1967	R
New Zealand	June 11, 1964	September 11, 1964	A
Nicaragua	May 16, 1961	August 16, 1961	R
Nigeria	November 14, 1961	February 14, 1962	A
Norway	October 23, 1962	January 23, 1963	R
Pakistan	April 28, 1954	September 16, 1955	A
Panama	July 17, 1962	October 17, 1962	A
Paraguay	December 11, 1961	March 11, 1962	A
Peru	July 16, 1963	October 16, 1963	R
Philippines	August 19, 1955	November 19, 1955	A
Portugal	September 25, 1956	December 25, 1956	R
Spain	October 27, 1954	September 16, 1955	R
Sweden	April 1, 1961	July 1, 1961	R
Switzerland	December 30, 1955	March 30, 1956	R
Tunisia	March 19, 1969	June 19, 1969	A
United Kingdom	June 27, 1957	September 27, 1957	R
United States of America	December 6, 1954	September 16, 1955	R
Venezuela	June 30, 1966	September 30, 1966	A
Yugoslavia	February 11, 1966	May 11, 1966	R
Zambia	March 1, 1965	June 1, 1965	A

³ In accordance with the provisions of Article XIII, the Universal Convention was already applicable, as from January 6, 1965, to the territory of this State before its independence.

Editor's Note: The three Protocols annexed to the Convention were ratified, accepted or acceded to separately; they concern: (1) the application of that Convention to the works of stateless persons and refugees, (2) the application of that Convention to the works of certain international organizations, and (3) the effective date of instruments of ratification or acceptance of or accession to that Convention. For detailed information in this respect, and as to notifications made by governments of certain Contracting States concerning the territorial application of the Convention and the Protocols, see the *Copyright Bulletin*, quarterly review published by Unesco.

European Agreements

State of Signatures, Ratifications and Accessions as on January 1, 1972

European Agreement concerning Programme Exchanges by Means of Television Films (Paris, December 15, 1958)

Contracting States	Deposit of instrument	Entry into force	Signature without reservation in respect of ratification (S) or ratification (R) or accession (A)
Belgium	March 9, 1962	April 8, 1962	R
Cyprus	January 21, 1970	February 20, 1970	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
Tunisia	January 23, 1969	February 22, 1969	A
Turkey	February 27, 1964	March 28, 1964	R
United Kingdom	December 15, 1958	July 1, 1961	S

European Agreement for the Prevention of Broadcasts Transmitted from Stations Outside National Territories (Strasbourg, January 22, 1965)

Contracting States	Deposit of instrument	Entry 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
Ireland	January 22, 1969	February 23, 1969	R
Sweden	June 15, 1966	October 19, 1967	R
United Kingdom	November 2, 1967	December 2, 1967	R

European Agreement on the Protection of Television Broadcasts (Strasbourg, June 22, 1960)

Contracting States	Deposit of instrument	Entry into force	Signature without reservation in respect of ratification (S), ratification (R) or accession (A)
Belgium *	February 7, 1968	March 8, 1968	R
Cyprus	January 21, 1970	February 22, 1970	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
Norway *	July 9, 1968	August 10, 1968	R
Spain	September 22, 1971	October 23, 1971	A
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; as to Norway, see *ibid.*, 1968, p. 191.

** Sweden availed itself of the reservations contained in subparagraphs (b), (c) and (f) of paragraph 1 of Article 3 of the Agreement.

Protocol to the said Agreement (Strasbourg, January 22, 1965)

Contracting States	Deposit of instrument	Entry into force	Signature without reservation in respect of ratification (S), ratification (R) or accession (A)
Belgium	February 7, 1968	March 8, 1968	R
Cyprus	January 21, 1970	February 22, 1970	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
Norway	July 9, 1968	August 10, 1968	R
Spain	September 22, 1971	October 23, 1971	A
Sweden	January 22, 1965	March 24, 1965	S
United Kingdom	February 23, 1965	March 24, 1965	S

UPOV Meetings

- April 11 and 12, 1972 (Geneva) — Working Group for Variety Denominations
April 13 and 14, 1972 (Geneva) — Consultative Working Committees
May 23 and 24, 1972 (Cambridge) — Technical Working Party for Cross-fertilized Agricultural Crops
May 25 and 26, 1972 (Antibes) — Technical Working Party for Ornamental Plants
November 7 and 10, 1972 (Geneva) — Diplomatic Conference
Object: Amendment of the Convention
November 8 and 9, 1972 (Geneva) — Council
July 2 to 6, 1973 (London/Cambridge) — Symposium on Plant Breeders' Rights

Meetings of Other International Organizations concerned with Intellectual Property

- February 28 and 29, 1972 (Rome) — International Confederation of Societies of Authors and Composers — Legal and Legislative Commission
March 27 to 29, 1972 (The Hague) — International Patent Institute — Administrative Council
April 24 to 28, 1972 (Cannes) — International Association for the Protection of Industrial Property — Council of Presidents
April 25 to 27, 1972 (Helsinki) — International Writers Guild — Executive Council
May 21 to 25, 1972 (Geneva) — International League Against Unfair Competition — Congress
July 4 to 6, 1972 (The Hague) — International Patent Institute — Administrative Council
October 16 to 21, 1972 (Mexico) — International Confederation of Societies of Authors and Composers — Congress
October 23 to 26, 1972 (The Hague) — International Patent Institute — Administrative Council
November 12 to 18, 1972 (Mexico) — International Association for the Protection of Industrial Property — Congress
December 11 to 15, 1972 (The Hague) — International Patent Institute — Administrative Council
May 20 to 26, 1973 (Rio de Janeiro) — International Chamber of Commerce — Congress
- Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents (Luxembourg):**
February 21 to 25, 1972 — Working Party IV
February 28 to March 3, 1972 — Working Party I
April 24 to 28, 1972 — Working Party III
June 19 to 30, 1972 — Intergovernmental Conference
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