

# 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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amendment, of an “exclusive” right granted to the producer. I should point out in this connection that, during the Diplomatic Conference at Geneva, the word “exclusive” was indeed inserted in Article 5 before the word “licensee” on the proposal of the Delegation of the United States.

It is understandable, therefore, why the convening of a diplomatic conference for the protection of phonogram producers was considered urgent, especially by the United States of America because of its internal situation. Although doubts were expressed by certain countries, in particular Italy, as to whether it would be appropriate to create such a new instrument at the international level — having regard to the existence of the Rome Convention on neighboring rights, which moreover can always be revised if necessary — and the fact that, at the international level, phonogram producers can already benefit (indirectly) from the multilateral copyright conventions in their capacity as owners of rights deriving from the mechanical reproduction right in the case of the recording of protected works, this fact did not induce any State invited to the Conference and its preparatory work to reject the proposal for such a new convention.

As to the compatibility of the new treaty on phonograms with Article 22 of the Rome Convention, I should recall at this point that, on the occasion of the Geneva meeting, on November 1 and 2, 1971, of the Intergovernmental Committee of the Rome Convention<sup>4</sup> which followed the Diplomatic Conference, the question having been raised, several representatives of States party to the Rome Convention and members of the Committee stated that, in their opinion, the new Convention did not contain provisions contrary to the Rome Convention, and that States party to both instruments would apply the text which gave “the stronger protection” in their relations with each other.

In my personal opinion, the principle of applying the text affording “the stronger protection”, formulated in a general and abstract way, could give rise to doubts, motivated by the fact that the “balance” between the interests of the various categories of persons concerned by the Rome Convention (performers, producers of phonograms, broadcasting organizations) constitutes one of the *raison d'être* of this Convention — a balance which a State party to it should not disturb by accession to another convention which limited protection to a single category. In the case in point, “the stronger” protection which may be derived from Article 2 of the new Convention (“importation of duplicates of the phonogram without the consent of the producer for the purpose of distribution to the public”, “distribution of such duplicates to the public”), in relation to the right granted to the producers under Article 10 of the Rome Convention to authorize or prohibit the direct or indirect reproduction of their phonograms, represents an advantage, even if an indirect one, for the other categories concerned by the Rome Convention. Moreover, the provisions specified under Article 7(1) and (2) of the new Convention may even, in the circumstances, be applied in an interpretative manner, while the right of distributing duplicates to the public, which seems a wider concept than that of

“commercialization”, must be linked with the specific provisions of one or other of the Conventions (namely, Article 6(a) of the new Convention or Article 15 of the Rome Convention).

3. Discussions at the Geneva Diplomatic Conference (as well as previously within the Committee of Governmental Experts at Paris which had preceded it) included, as is customary in such cases, questions relating to substantive provisions and to the structural and administrative provisions of the Convention.

The purpose of this report is not to comment on the Convention article by article, in spite of their relatively small number, but to present certain considerations, particularly as regards the structure of the Convention within the framework of the multilateral conventions in the field of intellectual property in general but also as regards the legal means by which the Convention will be implemented and which, under Article 3, are to be a matter for the domestic law of each Contracting State. As for the purpose of protection, this is protection of legal character in favor of producers of phonograms as regards the “exclusively” aural fixation of sounds of a performance or of other sounds (Article 1(a)) in relation to the reproduction, importation and distribution to the public of the said fixation (Article 2). The protection of images, even associated with sounds and fixed in the same material medium (namely video-cassettes or videograms) does not come under the obligation deriving from the international instrument in question, in particular because, in the legislative systems of certain countries, such productions lie within a much more complex scheme which often relates to the protection of cinematograph and television films, and which it was thought best not to disturb on this occasion.

4. It should be emphasized at the outset that the general principle of national treatment (assimilation or “nationalization”, coupled with minimum rights), which is at the basis not only of the Berne Convention and the Universal Copyright Convention but also of the Rome Convention on neighboring rights (Articles 4, 5 and 6), has no place in the new Convention.

One might, in regard to such a difference of structure, raise certain questions, in particular as to the possible “obligation”, in the absence of specific agreements, to grant the phonogram producers concerned by the international treaty a protection based on domestic legislation which is of wider scope than that afforded by the Convention. I do not think that such an obligation can in fact exist, because there is no evidence of it in the new Convention, and one cannot infer such existence from certain general principles.

Another question, linked so to speak conversely with the first one, concerns the application of the provisions of the Convention to “exclusively” national situations.

Both the Berne Convention and the Rome Convention are based in a general way on the traditional principle of applying their provisions solely in international situations. As a result, it may happen that, on the basis of the domestic law of a specific country party to the said Conventions, protection at a level lower than the minimum protection guaranteed

<sup>4</sup> *Ibid.*, 1971, pp. 206 *et seq.*

by the Convention might be accorded in purely national situations.

Obviously, such consequences, less favorable to purely national situations than to the situations envisaged by the international agreement, may in certain countries be legally removed by provisions of domestic law, such provisions being sometimes even of constitutional character. In Italy, for example, in the field of industrial property, the Decree of June 29, 1939 (No. 1127) on Patents, provided that any benefit which, under international conventions, accrues to foreigners was automatically extended to nationals. At the Rome Conference on neighboring rights, a compromise proposal on this matter put forward by the Delegation of Belgium, envisaging the application of the Convention also to exclusively national situations, but with the faculty of reservation, was rejected. Regulation by convention, with a view to achieving more or less "uniform" rules as regards international and national situations, is found in the Rome Convention only in Article 12, in connection with certain secondary uses.

In my opinion, the new Convention protecting phonograms seems to be based, as far as its structure is concerned, on the traditional principle (application only to international situations). Article 9(4), in which "it is understood that, at the time a State becomes bound by this Convention, it will be in a position in accordance with its domestic law to give effect to the provisions of the Convention" is of quite different significance, in that the domestic order by which the Convention is made effective must, if necessary, include specific provisions facilitating the application, to the persons concerned, of the provisions of international private law deriving from the Convention.

A correct interpretation of the international agreement may be found in the wording of the various articles of the Convention. For example, Article 5 on formalities — drafted as is well known in a form identical with that of Article 11 of the Rome Convention (in place of the formalities that may be legally stipulated as a condition of protection by national law, notice consisting of the symbol (P)) — does not, in my opinion, diverge, as regards its structure and effects, from the traditional general principle cited above. Consequently, there is nothing to prevent the application to "exclusively" national situations of other more burdensome formalities (that is, deposit as a legal requirement). This is a problem which calls for an appropriate solution at the national level in each country. In this connection, I recall what has happened in the past in certain countries of the Union (Italy for example) in regard to deposit as a constituent element of the right in literary and artistic works: in the course of time, this deposit was changed to deposit of a purely administrative character, which was not applicable, however, even as thus changed, to works whose country of origin was a country party to the Berne Convention.

Be that as it may, aside from any strictly legal considerations, a greater uniformity of legal treatment between foreigners and nationals is desirable and should in my opinion be promoted in the case of countries bound by an international convention in the intellectual property field, even

where such uniformity does not constitute an obligation of international or domestic constitutional character.

5. Article 3 of the Convention provides that: "The means by which this Convention is implemented shall be a matter for the domestic law of each Contracting State and shall include one or more of the following: protection by means of the grant of a copyright or other specific right; protection by means of the law relating to unfair competition; protection by means of penal sanctions."

Article 3 touches on a fundamental aspect of the scope of the international commitment.

It should be pointed out in this connection that the legal means specified in this Article, considered in relation to the attainment of protection under the Convention for phonogram producers, are very far removed from one another by their structure and in their effects: protection by legislation on unfair competition (and even protection by penal sanctions) is very different in every respect from protection by the grant of copyright or any other specific right. The control of competition is indeed provided for at quite another level, from both the legal and the economic standpoints. This dilemma is bound to come up again in Article 4, which relates to the minimum period of protection, where it is consequently, and above all, a determining factor in the lack of balance in the obligations assumed by each Contracting State under the Convention.

Moreover, it should be noted that, by reason of the legal concepts adopted by the countries which have been inspired by Article 1382 of the *Code Napoléon*, proceedings in respect of unfair competition are proceedings for damages, linked therefore with the existence of fraud or an offense. A very different legal situation may arise, with regard to the effective protection of the phonogram, in the field of unfair competition in an action where liability for damages relates to matters which are of a subsidiary and provisional character. As regards international obligations, this consideration has in my view a certain importance, independently of the adjustments which may be made by national jurisprudence to the effect on domestic legislation of the Paris Convention for the Protection of Industrial Property on the basis of Article 10<sup>bis</sup> of the Hague revision, and even independently of differing forms of unfair competition, including slavish imitation.

Finally, still with relation to the disparity between the obligations of the various Contracting States, it must not be overlooked that, in the absence of bilateral agreements based on the Convention, a producer who enjoys the benefits deriving from the grant of a specific right is not prevented from availing himself, if occasion arises, of the indirect protection deriving in the same country from the legal provisions existing in the field of unfair competition in its various forms, irrespective, moreover, of the legal theory applied as regards the subject protected (clientele, goodwill, enterprise, etc.). This means that, while protection is double in some countries, it is single and less effective in others.

6. The new Convention, which will enter into force three months after the deposit of the fifth instrument of ratifica-

tion, acceptance or accession (Article 11(1)) is open to signature (until April 30, 1972), ratification or acceptance by any State that is a member of the United Nations, any of the Specialized Agencies of the United Nations, or the International Atomic Energy Agency, or is a party to the Statute of the International Court of Justice (Article 9(1)).

Unlike in the Rome Convention on neighboring rights, there is no "condition" to the effect that the Contracting State must be party to the Universal Copyright Convention or a member of the Berne Union for the Protection of Literary and Artistic Works. The mention of the rights and interests of performers and authors whose performances and works are recorded on the phonograms, which is found in the Preamble and in Article 7(1) and (2) of the new Convention (independently of certain indirect effects to which I have already referred) is not accompanied by specific provisions making it an "obligation" under the Convention to protect those rights and interests. It could happen, therefore, at least in theory, that a specific country, obliged under the Convention to afford the protection to producers, does not, in the international context at least, afford such protection to performers and authors.

As regards the functions of depositary and secretariat of the Convention, I take the liberty of recalling here certain facts of some importance in connection with the general policy on the competence of certain international organizations in the field of intellectual property protection which emerged during discussions in the Main Committee and in the Plenary Conference, and which led to final decisions (Articles 7 and 13).

In the course of the work of the Main Committee, the Delegation of Italy had proposed that the functions of depositary of the Convention be entrusted to the Secretary-General of the United Nations by analogy with the provisions of the Rome Convention on neighboring rights. As for the secretariat of the Convention, it was proposed to entrust it to the World Intellectual Property Organization (WIPO), which would act in close liaison with Unesco, and with the International Labour Organisation (ILO) where questions arise which are specifically within the latter's province. This proposal was in line with the already well-known ideas of the Italian Government about the concentration of certain functions within the framework of WIPO.

Whereas, regarding the secretariat of the new Convention, the Main Committee had by a large majority expressed itself in favor of these ideas during its last session, it considered it appropriate, on the other hand, to entrust the depositary functions to WIPO, mainly on the basis of a proposal by the Delegation of the United Kingdom, which obtained a very small majority.

As a result of a misunderstanding which arose in the discussions on the organization which was to act as depositary of the Convention, and on certain related functions, the decision taken by the Main Committee, which appears in the corresponding articles of the text prepared by the Drafting Committee of the Conference (at least in the first draft), seems likely to have an adverse effect on the harmony which should exist between the two international organizations concerned,

and even to render difficult, for reasons of political principle, the ratification of the Convention by certain States. On the other hand, it must be remembered that, in the course of the debates within the Main Committee, the Director General of WIPO himself had envisaged a compromise solution on the question of the international organization which was to act as depositary of the Convention, but unhappily no suggestion to this effect was debated or put to the vote in the Main Committee.

At the eleventh hour, on the basis of a formal proposal presented, after unofficial consultations, by Italy and other delegations (including France, Belgium and the United States of America), a solution was found and, despite the previous decision, provisions concerning the tasks entrusted to the Secretary-General of the United Nations and the Director General of WIPO (Article 9(3); Article 13(3) and (4)) were unanimously approved. In terms of this compromise, instruments of ratification, acceptance or accession are to be deposited with the Secretary-General of the United Nations, whereupon the latter notifies WIPO, Unesco and the ILO of the deposit of the said instruments as well as the date of entry into force of the Convention and other relevant details. WIPO, for its part, will have tasks to accomplish later, on the basis of the provisions specified in Article 13(4), and others under Article 8 in its entirety, and Article 7(4).

A proposal by Austria for the creation of a Permanent Consultative Committee was not adopted, in order particularly to avoid burdening the administration of the new Convention and changing its structure as an international treaty having no "permanent organization" of States. Moreover, there is already an Intergovernmental Committee of the Rome Convention, established under Article 32 of that Convention, which can always be used as "forum" for debates on this subject without in any way committing the countries party to the new Geneva Convention which are not at the same time bound by the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.

In the context of the foregoing considerations, I should like to deal with certain questions concerning the administration of the new Convention so as to highlight the necessity, in my view, to concentrate as far as possible inside WIPO, in the form of participation (Article 4(iii) of the Convention establishing WIPO), in other words in collaboration with Unesco, the administration of the new Convention, which, on the other hand, is aligned in certain respects with the Rome Convention. The necessity for such close coordination of effort in the framework of WIPO is all the more essential in that the Convention in question, in regard to the application of principles governing the legal control of unfair competition, has points in common with some of the specific objectives of the Paris Convention for the Protection of Industrial Property.

7. Before concluding these various observations on the new Geneva International Convention for the protection of phonogram producers, I should like, again referring to certain stages in the development of this problem during nearly forty years, to formulate a conclusion and a hope.

At the first International Congress of the Phonographic Industry in Rome in 1933, during which the Statutes of the International Federation of the Phonographic Industry, whose headquarters are in London, were approved (Congress in which I had the honor to take part), the following resolution was adopted: "The phonogram must be protected, in consideration of its special nature, within the framework of the Berne Convention for the Protection of Literary and Artistic Works, either in the Convention itself or in an Appendix to that Convention, on the understanding that this latter solution would be applied if the Brussels Conference were to consider it appropriate to regulate in Appendices certain matters which, although not falling strictly within the Convention's field, have close links with a number of problems which are dealt with in the Convention itself."

The idea put forward by the Rome Congress of the Phonographic Industry as a "second solution" (setting aside for the moment all legal questions relative to the assimilation of the phonogram to photography), which involved an Appendix to the Berne Convention, has progressed in the course of time, becoming wider in scope in the meantime and evolving in the first place in the draft international conventions drawn up at Samaden, in April 1939, by a Committee of Experts (in which I also participated) convened jointly by the International Institute for the Unification of Private Law and the International Berne Bureau, conventions conceived as autonomous instruments but at the same time linked in some respects with the Berne Convention. A preliminary draft agreement, also linked with the Berne Convention, concerning the protection of "certain rights neighboring on copyright" (drafted by Mr. Ostertag, formerly Director of the United International Berne Bureaux immediately after the Samaden meeting), comes into the same category.

At that stage, in my personal opinion, we were well on the way to a logical and happy solution at the international level.

After the war, however, because of the adoption of the Universal Copyright Convention and for other reasons, again of the psychological character that I have often had occasion to mention, while the idea took shape at the national level to the extent that it played a part in the copyright legislation of several countries, the "main road" at the international level changed direction slightly and led to the adoption of the Rome Convention on neighboring rights, which is linked to the copyright conventions by Article 24(2). This is indeed a "pioneer" Convention, as it was well called quite recently by a famous jurist closely concerned with "manoeuvres" in the field of international conventions.

The international protection of phonogram producers — after having avoided (happily, in my opinion) the setback which it would have suffered if it had been incorporated in one of the copyright conventions, as had been requested, thereby seriously disturbing the whole legal and structural harmony of the subject at the international level — now becomes the subject, after the Geneva Conference of States, of a specific Convention open to all countries of the world and even to countries which are not bound by a specific convention protecting copyright. Such an event, it can hardly be denied, represents an abrupt change of direction in the "main road" to which I have referred, and therefore gives cause for some anxiety in my opinion. This is the conclusion which I feel I must draw from these few reflections on the new Convention.

This does not prevent me from admitting that such a change of direction may well be justified by the steady increase of piracy in this field in some countries and by the plundering which affects not only records but, as has been shown, more and more every form of mechanical reproduction of original recordings. On the other hand, the "express" recognition of the necessity to protect the phonogram against importation of copies made in another State without the producer's consent is a factor which, even independently of any future revision of the Rome Convention, is most important for the interpretation of national laws and international conventions.

My main hope concerns the means by which the new Convention will be implemented and, more specifically, protection through legislation on unfair competition.

A large number of countries now protect phonograms through the grant of copyright or another specific right, particularly a "neighboring right". The general principles for the repression of unfair competition, as I have already remarked in the course of these considerations, are situated on a quite different plane. It seems to me desirable, therefore, that the countries which do not yet protect phonograms (and I would add also the performance of artists) by clear and specific legal provisions should fill this gap. In this connection, a mention should be made, at the end of this report, of the Furtwängler case in the French Courts and the final verdict of the Supreme Court of Appeal on January 4, 1964, which, even from the point of view of doctrine, had such great repercussions in this field, both in France and elsewhere. Yet, in spite of commendable efforts on the part of the courts, case law is still inconsistent and of little practical value to business, particularly in international relations.



Sweden on its ratification of the Stockholm text. The same applies, in their opinion, to the right of reproduction, the principle of which is stated in Article 9(1) of the Stockholm text. However, the experts did find it necessary to examine more closely certain exceptions to the exclusive right provided for in Chapter 2 of the Swedish Law. After an exhaustive discussion of the interpretation to be given to Article 10 of the Convention, and its compatibility with certain national provisions, the Committee concluded that no legislative measures were called for. With regard to the other provisions of the Berne Convention in its Stockholm version, it should be pointed out that the experts saw no need to propose amendments in connection with cinematographic works, the regime of which was one of the problems debated at greatest length at the 1967 Conference.

The Committee reached the conclusion that five provisions of the Law of 1960 would have to be amended, namely §§ 8, 11, 21, 25 and 60, that § 61 would have to undergo a drafting change to bring it into line with the new text of § 60, and that — although the Stockholm text did not make it absolutely essential — §§ 15(1), 17 and 19(1) of the 1960 Law should be repealed. Appropriate amendments to the 1960 Law on Rights in Photographic Pictures were proposed at the same time. The experts' proposals concerning the Law of 1960 on Copyright in Literary and Artistic Works are set out below.

Under § 8(2) of the 1960 Law, a work is deemed to have been disseminated when copies of it have been *lawfully* put on sale or otherwise distributed. However, in order to take into account the new wording of Article 3(3) of the Convention, it was proposed that the word "lawfully" be replaced by the phrase "with the author's consent", but with the indication that from the point of view of Swedish law the amendment was solely one of form.

Paragraph 11(1) of the 1960 Law establishes the right of any person to make a small number of copies, for his own personal use, of a work which has been published, but on condition that the copies are not used for other purposes. The principle laid down here is not in direct contradiction with Article 9(2) of the Stockholm text of the Berne Convention, which makes the permitting of the reproduction of protected works a matter for national legislation in certain special cases (and personal use was one of those covered in the preparatory work), "provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author". The majority of the Swedish experts (Prof. Bergström and Prof. Strömholm) considered that even if the text of § 11 of the 1960 Law was not incompatible with the Convention, the fact that abuse had been noted, particularly in the education sector, where modern reproduction techniques have made possible the complete reproduction on a large scale, of substantial sections of protected works, meant that the text should be so amended as to place more emphasis on the strict limitations on the freedom to produce copies for private use. In the light of these considerations the two experts proposed the following wording: "Any person may produce, for *his* personal use, a small number of copies of a published work, provided that such re-

production does not conflict with the normal exploitation of the work by the author and does not unreasonably prejudice his exclusive right of disposal in the work." The third expert proposed for his part that § 11 be amended only in the case of total revision of the 1960 legislation.

In connection with the problem of private use, the experts received a proposal from STIM, the authors' society, in terms of which a fee should be charged on behalf of authors for the use of recording equipment and magnetic tapes. While subscribing to the idea as such — the charging of a fee would appear to be the only practicable means of solving the problems raised by the ever more widespread use of these appliances — the Committee nevertheless rejected the proposal: the radical nature of its terms seemed to imply that the problem was one to be studied in the context of a revision of copyright as a whole.

Although "press borrowings" ultimately were not ruled out in the Stockholm text (see Article 10<sup>bis</sup>(1), which in fact even gives this right a broader scope), the Swedish experts agreed to propose the repeal of § 15(1) of the 1960 Law, which allows newspapers and magazines to publish articles on current religious, political or economic topics which have previously been published in other newspapers or magazines.

By the same token, the experts proposed the repeal of § 17 of the 1960 Law. Under this provision it is permitted, "in educational activities", to make sound recordings of disseminated works "for occasional use", except where such recording involves copying a record or similar instrument produced commercially, and on condition that the copies are not used outside the educational activity. The experts were of the opinion that the form of reproduction referred to in § 17 had come to represent a real asset for authors, and that consequently the provision could not be maintained after the introduction of new wording in Article 9(1) and (2) of the Berne Convention. It should be added that the experts' proposal will certainly be faced with opposition from educational circles. Indeed, in the course of their work they were approached by the Royal Directorate of Schools with a proposal which, far from accepting the repeal of § 17, tended rather to enlarge its scope in order that freedom of reproduction might also include television.

Without placing too much emphasis on the relationship of the proposal and the Berne Convention, the experts further proposed the repeal of § 19(1) of the 1960 Law, which provides for a sort of compulsory license for "a short published poem or part of a published poem . . . used as text for a new musical composition", for the benefit of music publishers and performers.

In order to follow up the adoption of a new wording for Article 10<sup>bis</sup>(2) of the Berne Convention, the experts proposed a number of lesser amendments to § 21, which deals with film, radio or television reports on current events in which protected works are seen or heard.

Another of the amendments proposed is to § 25 of the 1960 Law. The first paragraph of this text establishes the principle according to which copies of a work of art having been published or assigned may subsequently be distributed

and publicly exhibited. On being presented with a proposal by certain artists' associations, the Committee proposed that the principle be abandoned as far as communication to the public by film and television was concerned. Yet it proposed the maintenance, in a new paragraph (2) and subject to certain drafting changes, of the rule under which the works of art referred to in paragraph (1) might be included in a film or television program, "provided that such use is of minor importance in relation to the contents of the film or broadcast". It was proposed that a sentence be added to the new paragraph (2) modelled on the present § 22, which would grant a television company designated by the King the right to present the works of art referred to in paragraph (1) in its programs, subject to the payment of royalties to the author of the work.

In the light of the important amendments to Articles 3 to 6 of the Berne Convention, introduced at Stockholm in 1967 on a proposal by Professor Ulmer, the Swedish experts examined the question whether § 60 of the 1960 Law, which "translates" into national rules the somewhat complex provisions of Articles 4 to 6 of the Brussels text, would have to be substantially redrafted. Two opinions were argued within the Committee on this point. The majority (Mr. Hesser and Prof. Strömholm) opted for the maintenance of the established system, under which § 60 lists the categories of authors and works which are entitled to "immediate" protection by Swedish legislation, § 61 contains the corresponding rules on neighboring rights, and § 62 gives the King the right to extend, subject to reciprocity, the same protection to the nationals of certain countries and to certain international bodies, and finally a Royal Decree indicates who are the beneficiaries of this enlargement of the text's international scope of application and sets out the amendments to the legal system with respect to international relations. Within the limits of this traditional system, the two experts who made up the majority took into account the substantive amendments which the Stockholm text made to the eligibility criteria and to the definition of the country of origin. The third expert (Prof. Bergström) favored a total systematic revision which would make international protection part of the law itself. According to his proposal, § 60(1) should indicate that the provisions of the law which concerned copyright (as opposed to the rules of Chapter 3 on copyright contracts) applied to any work of which Sweden or a member country of the Berne Union was the country of origin. In the second paragraph of § 60, the concept of "country of origin" would be defined in accordance with the Stockholm text (Article 5(4)). This would be followed in Professor Bergström's version by the special provisions required under the Convention for the comparison of terms, contracts for contribution to the making of a cinematographic work, etc.; in the traditional drafting system preferred by the other two experts, the latter provisions would appear in the implementing decree.

The 1970 Report contains extensive consideration of the advantages and drawbacks of the two presentation systems we have outlined here. We cannot go into the problem of legislative technique or "viewpoint" here, but we should

mention that the comparison of the two systems has made it possible to analyze thoroughly the relationship between the Berne Convention and national legislation and, in a more general context, what one might perhaps call the "logical" or "syntactical" aspect of this relationship, particularly from the point of view of States which are accustomed to "translate" international agreements into national legislative texts.

Before ending this review of the 1970 Report we would add that, in connection with the Law on Rights in Photographic Pictures, it contains amendment proposals corresponding to those which relate to the Law on Copyright in Literary and Artistic Works (§§ 5, 8, 22 and 23 of the Law on Photographs).

3. In addition to the task entrusted to the Committee in 1967 concerning the amendments to be made to Swedish legislation before the Stockholm text might be ratified, the experts were also asked to express their views on a draft published in 1967 on "Copyright and Public Documents" (*Statens offentliga utredningar* 1967:28), and to propose a solution to this problem.

Before the Stockholm Conference there was no very marked possibility of conflict between the Berne Convention and the principle of Swedish constitutional law according to which any citizen had not only free access to public documents, in other words all documents either drawn up by a public authority or delivered to such an authority by the public, but also the right to reproduce them; this may of course be due to the fact that the Convention contained no express provision on the right of reproduction. The present position of Swedish law in this matter is determined by §§ 9 and 24 of the 1960 Copyright Law.

§ 9. — Documents, drawn up by such authorities, as defined in Chapter 2, § 3 of the Ordinance on the Freedom of the Press, are not subject to copyright.

Without prejudice to this provision, copyright may be claimed in respect of an official map, drawn up by the Geographical Survey Office, the National Hydrographic Office or the National Board of Shipping and Navigation.

§ 24. — Oral and written statements before an authority or in official or local representations, or at public meetings concerning community problems may be reproduced without the author's consent; however, opinions, as well as writings or similar works, referred to as evidence may only be reproduced in connection with an account of the case or the matter in which they were used and only to the extent required by the purpose of such account. The author shall have the exclusive right to publish a compilation of his statements.

In 1967 a Legislative Committee had published a report (see above) which contained the draft of a law designed to solve the problem of official documents, account being taken, in particular, of the interest shown recently by certain authorities in securing effective protection for documents of an essentially scientific or commercial nature, the free reproduction of which on the part of individuals would correspond only to a very small extent to the interests of freedom of expression and debate. The draft encountered some energetic criticism from the authorities and organizations to which it was submitted for advice.

The three experts appointed in 1967 were assigned the task of proposing texts which took account of both the practical interests mentioned above and the international obligations which Sweden assumed on signing the Stockholm text of the Berne Convention, which establishes officially, subject to certain clearly defined exceptions, the author's exclusive right of reproduction.

The balancing of the interests involved, of constitutional principles and of the obligations arising out of the Berne Convention is dealt with at length in the report drawn up by the experts on October 24, 1969. In addition, the experts attempted to devise a more coherent and logical system for official documents by extending its scope to productions protected by neighboring rights and to photographic pictures.

The main proposals of the majority of the experts (Prof. Bergström and Prof. Strömholm) are as follows:

§ 9. — Laws, ordinances, decrees and decisions of the authorities, and official translations of such texts, shall not be subject to copyright under this Law; this shall apply also to opinions, reports and advice imparted by the authorities designated in Chapter 2, § 3, of the Ordinance on the Freedom of the Press.

§ 24. — If a work which does not belong to one of the categories specified in § 9 is incorporated in a public document referred to in Chapter 2 of the Ordinance on the Freedom of the Press, it shall not be subject to pecuniary rights as defined in § 2 of this Law.

The provision of the preceding paragraph shall not apply to official maps and plans, technical designs produced within a public authority, works created within a public authority which are intended for educational purposes or are the result of scientific research, works which are offered to the public by an authority, either free or for a consideration, in connection with a profitmaking activity, works having been incorporated in a public document without the consent of the author, or works handed to an authority by an individual, for approval or adoption or reference as proof or otherwise in support of a judicial proceeding or any other petition addressed to an authority. However, any official document in which the work is incorporated may be freely made accessible to the public in accordance with Chapter 2 of the Ordinance on the Freedom of the Press. In addition, the work may be reproduced or communicated to the public without the consent of the author together with the record of a judicial proceeding or affair in which it was implicated, but only to the extent necessary to fulfil the purpose of such record.

The provisions of the two preceding paragraphs shall apply also to works incorporated in a text delivered orally before a public authority, within national, departmental, municipal or ecclesiastical representations or assemblies, or in a speech delivered in the course of a public debate on matters of general interest.

We shall not go into the details of this text, the complexity of which gives an idea of the delicate nature of the problems raised by the attempt to balance out the various elements referred to earlier. We shall only mention that the majority of the 1967 experts added to §§ 45, 46, 48 and 49 (on neighboring rights), and to § 12 of the Law on Photographic Pictures, references to the new §§ 9 and 24. The Chairman of the Committee of Experts approved § 9 as proposed but, with respect to § 24, confined himself to a certain number of minor amendments to the text currently in force.

4. It would be premature to express any view on the future of the draft texts which we have just presented; they are currently being studied within the Ministry of Justice. After the Stockholm Conference the authors' associations became

intensely active in their efforts to bring about a complete re-drafting of the 1960 Law, and particularly of its Chapter 2, which contains a catalog — too long, according to the representatives of the authors — of exceptions to the exclusive right; concrete proposals to this end have been submitted to the Minister of Justice. As early as 1970, only a few months after the report of the three experts appointed in 1967 was submitted to the Minister of Justice, a Nordic Committee was set up according to a new method to study the question of a general revision. This Committee includes two Swedish experts (Mr. Hesser, Counsellor at the Supreme Court, and Mr. Danelius, Deputy Director of Legal Affairs at the Ministry of Foreign Affairs) and a secretary. A certain number of Nordic meetings have already taken place, but for the moment it is impossible to make any evaluation of the work accomplished.

5. Before leaving the field of legislation, a brief mention should be made of two undertakings which in fact are outside the field of copyright in the strict sense of the word but are nevertheless of interest to this branch of law, partly for practical reasons and partly because of the traditional affinity of the subjects considered.

6. On June 29, 1970, the "Design Protection Act" (No. 485) was promulgated; this law was the result of legislative work which began in 1958, when a Legislative Committee was appointed under the chairmanship of Professor S. Ljungman, with, among others, Mr. von Zweigbergk, Director General of the Patent Office, as member, and Mr. G. Sterner and Mr. C. Ugglå as experts. The Committee presented a printed report with a complete text in 1965 ("Mönsterskydd", *Statens offentliga utredningar* 1965, No. 61), and after consultations and studies within the Ministry of Justice, the draft was placed before the Riksdag in 1969 (Royal Proposal No. 168, 1969; see also the report of the First Legislative Committee of the Riksdag, *Första lagutskottets utlåtande* No. 44, 1970).

The previous Swedish law, which dated back to 1899, provided only very incomplete protection applicable solely to ornamental designs in the metallurgical industry. The new text covers any design being a "prototype for an article's appearance or for an ornament"; protection is acquired by registration at the Patent Office, which grants an exclusive right for a period of five years; protection may be renewed twice, each time for a further period of five years. The competent authority automatically examines the design for novelty. The new legislation admits of Sweden's accession to the Stockholm text of the Paris Convention. The law was drafted in close collaboration with the other Nordic countries, and essentially identical texts were adopted in all four.

The new law has quite considerable implications as far as copyright is concerned. The absence of effective protection for applied arts other than by copyright legislation meant that the level of originality and artistic expression required for an intellectual production to be considered a protected work was relatively low. Furthermore the legislator had drawn the practical conclusions from this system by making a distinction, in § 43 of the 1960 Law, between the protection

period for intellectual works in general, which was fifty years starting with the calendar year following that of the author's death, and that for "works belonging to industrial arts and crafts", which was only ten years starting with the calendar year following that of the publication of the work.

The introduction of an up-to-date protection system for designs has made the distinction superfluous. It is expressly stated in the preparatory documents for the law on the protection of designs that the introduction of this new system will bring about a less liberal attitude in the application of the criteria which determine whether a given production embodies the requisite characteristics of a "work" protected by copyright. At the same time as the King promulgated the Design Protection Act, amendments to the 1960 Law were adopted (by a law dated June 29, 1970, No. 488). Thus the (non-limitative) list of protected works in § 1 of the text underwent an amendment which might at first seem to relate essentially to drafting, but which in fact is intended to express that more restrictive attitude which must now predominate at the time of examining whether an artistic production may be qualified as a "work". In the list, the words "work of artistic handicraft or industrial art" have been replaced by the expression "work . . . of applied art" (in Swedish: *alster av . . . brukskonst*). However, the principle expressed in § 10 of the Copyright Law, according to which a production registered as a design may nevertheless enjoy the protection afforded to "works" in the strict sense, has been retained. The special term of protection for "small change" in § 43 has been abolished (as has the exception, provided for this category in § 44, to the regime of anonymous and pseudonymous works).

7. In continental countries, there has been a marked tendency in doctrine and case law to consider moral rights, and even copyright as a whole, to be a "right of the personality", and by way of this theoretical concept legal matters which in fact are far removed from copyright have often been treated as elements belonging, at least in respect of principles, to intellectual rights. This applies in particular to the picture, name, voice, even the private life of a person. This combining of rules of law which are rather different in substance — at least in modern times, when moral rights have been accepted by legislation as an essential feature of copyright, and when "rights of the personality" have also been increasingly the subject of legislative initiatives taking account of their peculiar features — may be criticized but may just as easily be defended, not only by reference to a time-honored doctrinal tradition, but also by considering the affinity existing between the non-pecuniary interests embodied in both categories of rights. Although the traditional combination of copyright and "rights of the personality" is relatively undeveloped in Swedish law, largely because the latter concept plays a very much less important part, some brief mention should be made of the main legislative developments concerning the protection of the human personality, and privacy in particular. Since about 1960 members of Parliament, jurists, psychologists, sociologists and others have anxiously discussed the problems raised in this respect by the ever more aggressive meth-

ods used by the mass communications media, by the new electronic devices available for undetected listening, spying, and recording, and by the collecting, storage and distribution of practically unlimited amount of information made possible by computers. Legislative steps were taken in Norway as long ago as in the nineteen-fifties. In Sweden, the Minister of Justice appointed a Committee of Experts in 1966, under the chairmanship of Mr. Lännergren, Chancellor of Justice, to study the protection of the human personality, especially in connection with modern electronic surveillance techniques. Other experts have been applying themselves since 1969 to the same problems in connection with mass communications and computers.

The experts who had been entrusted with the task of preparing legislative measures on surveillance and spying published their first report in 1969, on the subject of protection against clandestine listening devices ("Skydd mot avlyssning", *Statens offentliga utredningar* 1970, No. 47). The draft text presented in the report is essentially similar to the solutions adopted in this field by continental legislators (for instance the German Law of December 22, 1967, amending Article 298 of the Penal Code, and the French Law of July 17, 1970, No. 70-643, amending Articles 368 to 372 of the Penal Code). There is no need, therefore to deal with the Swedish draft at length, since in any event it will soon be joined by a second report on the individual's rights in his picture. It would be premature to pass judgment on the result of the work of the other Legislative Committees to which we referred to above.

### III. Court decisions

1. Compared with the situation in larger countries, Swedish court decisions in the field of copyright are limited in number. There are some such decisions, however, which seem to have sufficient general interest to be mentioned here.

2. *Moral rights.* — A decision of the Court of Stockholm dated January 16, 1968 (*Nordiskt Immateriellt Rättskydd (NIR)* 1970, p. 209), applies § 45 of the 1960 Copyright Law, the provision which establishes the neighboring rights of performers and refers, in connection with moral rights, to § 3 of the text, *sedes materiae* of the moral rights of authors. A film producer had, without her consent, inserted in a film, in which a young actress had taken part, a few nude scenes in which another woman acted as stand-in. The actress was vindicated by the Court and was awarded damages of five thousand crowns. In view of the length and content of the scenes featuring the other woman, the Court held that the action of the producer had brought about fundamental changes in the actress's part and at the same time prejudiced her artistic originality.

The love of film-makers for spicy scenes resulted in the condemnation of another producer for infringement of moral rights in a recent case (Court of Stockholm, November 16, 1970, final; *NIR* 1971, p. 219). In a much talked-about scandal film there were scenes in which the camera focused alternately on a group of people taking part in an open-air religious service and a young couple indulging half-naked in some very sophisticated sex-play in a supremely original set-

ting provided by the branches of an oak tree. These alternating scenes were accompanied for 24 seconds by a hymn of which the author turned out to be still alive. The hymn was part of the repertoire of STIM, the collecting society, with which the film producer was on quite proper contractual terms, and there was therefore no question of infringement of pecuniary rights. The author lodged a complaint, whereupon the producer removed the hymn from the strip of film to be projected, but the author, considering his better feelings to have been adversely affected, brought action, thereby causing the judiciary to intervene, and claimed damages in addition. The Court sentenced the producer to a fine and three thousand crowns in damages. The most interesting aspect of this case is the reason given by the Court for its decision: on one hand it dismissed the claim that the *reputation* of the author had been prejudiced, but on the other hand it considered that the linking of the hymn with the erotic scene had affected the author's feeling of creative *originality*. The importance attributed here to the *subjective* reaction of the author who considers his interests prejudiced does not seem to be quite in line with some of the comments in the preparatory documents of the 1960 legislation, and it remains to be seen whether the decisions of higher courts will be inspired by the same liberal attitude towards authors (see our *Teaterrätt*, Stockholm 1971, pp. 102 *et seq.*).

A Supreme Court decision in a still more recent case (decision dated June 7, 1971; unpublished) seems to provide at least the first elements of a reply to this question. A television producer employed by the Swedish Broadcasting Corporation (*Sveriges Radio*) had made a television film intended to illustrate the contracts and conflicting interests existing in Swedish society today. Scenes of varied content were interspersed with a number of other scenes representing anti-American demonstrations. After unsuccessful negotiations with the producer the Director General of *Sveriges Radio*, ordered the cutting of the demonstration scenes, and the film was televised in that state. The producer caused the Public Prosecutor to intervene, and his action was upheld by the Court of Stockholm (decision of October 31, 1969, 17<sup>th</sup> Chamber, Decision DB 3; unpublished), which merely noted that the cuts had sufficiently altered the artistic content of the work to affect the artistic reputation and originality of its author. The Stockholm Court of Appeal (4<sup>th</sup> Chamber, Decision DB 136, dated October 21, 1970; unpublished) acquitted the producer, arguing in particular that the rhapsodic nature of the film diminished the importance of the cuts, and that consequently these did not seriously affect the critical and artistic value of the work. Finally the Supreme Court, where the decision of the Court of Appeal was attacked by the producer and the Public Prosecutor of the Kingdom, confirmed the latter decision in terms which suggest that the highest judicial body endorsed the reasoning of the Court of Appeal. When compared with the decision of the Court of Stockholm in the case of the hymn, the reasoning of the different Courts in this more recent case indicates a return to the *objective criteria* specified in the preparatory documents, notably by the Reporting Minister and the Parliamentary Committee entrusted with the examination of the draft which subse-

quently became the 1960 Copyright Law. We would add that the Courts did not rule on the question particularly stressed by *Sveriges Radio*, namely the implications of the producer's employee status and the resulting obligation of obedience on his exclusive right of decision as to the contents of a production entrusted to him in connection with his duties.

3. *Criteria determining the protected work. Facts constituting infringement.* — It is not often that the question of the criteria determining whether a given production reaches the required level for it to be considered a "work" is raised in a case which goes as far as the Supreme Court. Yet in 1965 the Supreme Court had to pass judgment on the following case (*Nytt Jurisdikt Arkiv (NJA)* 1965, p. 523; *NIR* 1966, p. 250, and 1967, p. 139). A catalog of books published in 1908 had long been out of print when a publisher undertook to reproduce it. This catalog, which was produced on the initiative of the associations of Swedish publishers, was in two parts: the first listed all the books published in Sweden during the period from 1901 to 1905 in the alphabetical order of the authors' names (and, for each author, in the alphabetical order of titles), indicating for each book the number of pages, the name of the publisher, the price and the subject-matter; the second part listed the same works by subject under 35 headings, most of these being divided into subheadings. The successors in title of the original publishers lost the infringement action they brought against the publisher responsible for the reproduction: the catalog lacked sufficient originality to be an "intellectual work".

A case in 1962 which gave rise to long debates referred back to a decision of the Supreme Court acknowledging the right to copyright protection of the creators of a system of wire shelving for books which had a completely unornamental shape largely determined by its basic function (*NJA* 1962, p. 750; *NIR* 1963, p. 122). The owners of the rights in this product wrote letters on several occasions between 1960 and 1964 to clients of an industrialist who manufactured a similar shelving system, informing them of the risks they ran by dealing in the allegedly illicit copies produced by the industrialist. In 1964 the industrialist brought action against the makers of the protected shelving; he claimed redress for the damages caused to his firm by the defendants' action, arguing that their product was not worthy of protection and had in any case ceased to be protected in 1959, having been available to the public since 1949 (cf. our earlier comments on the ten-year protection period provided for in § 43 of the 1960 Law; there was, however, a transitional provision concerning the entry into force of the 1960 Law which stated that works of industrial art or crafts in respect of which the exclusive right should normally expire between 1960 and 1970 would be protected until the end of 1971). Both the Court of Stockholm and the Court of Appeal (the decision of the latter being final) found that the protected shelving had not been made available to the public before 1950, and that it therefore qualified for the extension granted under the provisions mentioned above on the entry into force of the 1960 Law. With regard to the eligibility for copyright of the defendants' shelving, the Courts did not hesitate to endorse the conclusions of the Supreme Court in the 1962 case.

In a case in 1964 involving two wood-framed mirrors, one of which was alleged to be an illicit copy of the other (*NJA* 1964, p. 532; *NIR* 1966, p. 69), the Supreme Court ruled that when a protected product embodied only a very small degree of creative originality, a subsequent work differing from the first, even if only in certain specific respects, could not be regarded as an infringement unless it was the result of intentional or wrongful imitation.

The fact of having publicity designs made on the basis of photographs, the former being a faithful reproduction of the latter, may constitute an act of "reproduction" of the photographs in terms of the law on photographic pictures, and therefore infringe the exclusive right of the photographer and his successors in title. This principle was stated by the Supreme Court in a case in 1967 (*NJA* 1967, p. 264).

4. *Publicity of performances.* — The Supreme Court rendered a decision of principle in the case referred to in *NJA* 1967, p. 150 (*NIR* 1968, p. 125). *STIM*, the collecting society, brought action against the president of a small local association whose main aim was to organize evenings of traditional dancing for its 75 to 100 members; only the members were admitted to these evenings, at which protected works of music were played. After having been acquitted by the lower court and the Court of Appeal, the president of the association was condemned by the Supreme Court for unauthorized public performance of protected works. This decision is in line with certain suggestions for the interpretation of the 1960 text which appear in the preparatory documents.

5. *Free borrowings. Quotations.* — In the case reported on in *NIR* 1966, p. 247, the Stockholm Court of Appeal gave a narrow interpretation, and therefore one which favored authors, to § 14 of the 1960 Law on lawful quotations. A magazine had published without authorization four humorous drawings by a known artist, together with other drawings of foreign origin on which the first drawings had visibly been based. The set of drawings was headed by an ironical caption which cast doubt on the artist's originality. The Court found that the author's personal adaptation of the subjects borrowed from the other drawings was sufficient to give his works the originality required for them to be protected under the law. Since it was manifestly the pictures and not the caption which constituted the essential part of the publication in the magazine, the latter could not claim the right of quotation in its defense.

6. *Copyright contracts. Tangible and intellectual property.* — In the case recorded in *NJA* 1964, p. 99, involving a cartoon which a famous painter gave to an artist who used it to make a tapestry, the Supreme Court unequivocally stated the principle according to which the assignment of reproduction rights did not cause alienation of the material subject used for reproduction; it added, however, that the right of ownership in the material subject had to be determined in relation to whatever established customs might exist in the respective field and in the light of all the facts of the case. In the action referred to here the artist, who had kept the cartoon for

about thirty years and had even incorporated it in a building, with the knowledge of the painter and his successors in title, won his case against the painter's heirs.

A similar problem presented itself in the case related in *NJA* 1967, p. 143. In the course of about ten years an artist had submitted over two hundred drawings to a magazine, which reproduced them once or in certain cases twice. When the artist asked to have the originals returned to him, it happened that they were nowhere to be found. The artist won his case before the Court of Stockholm, lost it again before the Court of Appeal, and finally came out victorious after it had been referred to the Supreme Court.

An artist employed in a glassmaking company as a designer was deemed to have assigned all the pecuniary rights accruing to works created under the employment contract; consequently the glassmaking company could proceed with the manufacture of articles made to his design, even after termination of the contract, without paying him additional remuneration (Court of Appeal of Jönköping, October 4, 1966, final; *NIR* 1967, p. 455).

7. *Compensation to record manufacturers.* — In the case reported in *NJA* 1968, p. 104 (*NIR* 1969, p. 103), the courts had to decide on a question which had serious material implications, although it was of only minor interest as far as principles were concerned: it involved the compensation which *Sveriges Radio* had to pay under § 47 of the 1960 Law — which in any case contains no indication of amount — to the phonographic industry and to performers who contributed to the making of records (in terms of the provision referred to, the latter are represented by record manufacturers in dealings with the Broadcasting Corporation). After long discussions, in which mention should be made of the important part played by international comparisons, the Supreme Court finally set the royalties due under § 47 of the 1960 Law at ten crowns per minute, making a total of 1,350,000 crowns per annum.

#### IV. Doctrine

In spite of the well-known practical obstacles in the way of the use abroad of Scandinavian legal works, we should nevertheless like to say a few words on the principle developments in Swedish legal doctrine in the copyright field, which has given rise to marked interest on the part of Swedish lawyers during the last twenty years. The long and most original discussion on the concept of the work and, in a more general context, on the fundamental theory of copyright continues in magazine articles which it would be impossible to mention in this summary account (see our article in *GRUR, Internationaler Teil*, 1963, pp. 433 *et seq.*, and, in French, in *NIR* 1965, pp. 113 *et seq.*). However, this discussion is taken up not only in the most widely used copyright manual, *Upphovsrätten och fotografirätten*, by M. Lögdberg (2<sup>nd</sup> edition, Stockholm 1967, 193 pages), but also in two monographs: *Rätten till programinnehållet i TV*, by M. Karnell (Stockholm 1970, 442 pages), which is at the same time a penetrating and intensely original study on televised works as a whole, and our *Upphovsrättens verksamhetsbegrepp* (Stockholm 1970, 266 pages), which

deals with the very problem of the concept of the work and its ontological and practical aspects. On the other hand, our *Teaterrätt* (Stockholm 1971, 171 pages) is an essentially practical work.

#### V. Bodies concerned with copyright

Before concluding we would mention an important merger of bodies concerned with the interests of Swedish authors.

As from January 1, 1971, these are combined in the *Association of Swedish Writers* (Sveriges Författarförbund; postal address Box 5252, 102 45 Stockholm 5), under the chairmanship of the magistrate and novelist J. Gehlin. The creation of a single association has considerably strengthened the resources and defenses of writers, who have already become very active in their endeavors to bring about legislative reforms in favor of authors.

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## CALENDAR

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### WIPO Meetings

June 5 to 9, 1972 (The Hague) — International Patent Classification (IPC) — Joint ad hoc Committee

June 26 to July 7, 1972 (The Hague) — International Patent Classification (IPC) — Working Group I of the Joint ad hoc Committee

July 5 to 7, 1972 (Geneva) — ICIREPAT — Technical Coordination Committee

July 10 to 14, 1972 (The Hague) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee

September 4 to 8, 1972 (London) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee

September 11 to 15, 1972 (London) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee

September 20 to 22, 1972 (Geneva) — ICIREPAT — Plenary Committee

September 21 and 22, 1972 (Geneva) — Intergovernmental Committee Established by the Rome Convention (Neighboring Rights) — Extraordinary Session

*Object:* Consideration of various questions concerning neighboring rights — *Invitations:* Brazil, Denmark, Germany (Fed. Rep.), Mexico, Niger, United Kingdom — *Observers:* Congo, Costa Rica, Czechoslovakia, Ecuador, Fiji, Paraguay, Sweden; intergovernmental and international non-governmental organizations concerned — *Note:* Meeting convened jointly with the International Labour Office and Unesco

September 25 to 29, 1972 (Berne) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee

September 25 to 30, 1972 (Geneva) — Coordination Committee of WIPO, Executive Committees of the Paris and Berne Unions, Assemblies of the Madrid, Lisbon and Locarno Unions

October 2 to 9, 1972 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Committees and Standing Subcommittee of the Interim Committee for Technical Cooperation

*Members of the Interim Committees:* Signatory States of the PCT — *Observers:* Intergovernmental organizations and international non-governmental organizations concerned; *Members of the Standing Subcommittee:* Austria, Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Sweden, United Kingdom, United States of America, International Patent Institute — *Observer:* Brazil

October 9 to 13, 1972 (Geneva) — Committee of Experts on a Model Law for Developing Countries on Appellations of Origin

*Object:* To study a Draft Model Law — *Invitations:* Developing countries members of the United Nations — *Observers:* Intergovernmental and international non-governmental organizations concerned

October 9 to 13, 1972 (Geneva) — ICIREPAT — Technical Committee for Standardization

October 16 to 20, 1972 (Nairobi) — African Seminar on Intellectual Property

October 16 to 20, 1972 (Geneva) — ICIREPAT — Technical Committee for Computerization

October 23 to 27, 1972 (Geneva) — ICIREPAT — Technical Committee for Shared Systems

October 23 to 27, 1972 (Geneva) — ICIREPAT — Advisory Board for Cooperative Systems

October 30 to November 3, 1972 (Geneva) — Committee of Experts on a Patent Licensing Convention

November 20 to 24, 1972 (Geneva) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee

November 27 to December 1, 1972 (Geneva) — International Patent Classification (IPC) — Joint ad hoc Committee

December 13 to 15, 1972 (Geneva) — ICIREPAT — Technical Coordination Committee

May 7 to June 2, 1973 (Vienna) — Diplomatic Conference on: (a) the International Registration of Marks, (b) the International Classification of the Figurative Elements of Marks, (c) the Protection of Type Faces

September 24 to October 2, 1973 (Geneva) — Administrative Bodies of WIPO (General Assembly, Conference, Coordination Committee) and of the Paris, Berne, Nice and Lisbon Unions (Assemblies, Conferences of Representatives, Executive Committees)

## UPOV Meetings

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

June 9 and 10, 1972 (Copenhagen) — International Federation of Inventors Associations — Annual Assembly

June 19 to 30, 1972 (Luxembourg) — Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents

July 3 to 7, 1972 (Paris) — International Literary and Artistic Association — Working Session

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

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