

and tel...

Copyright

Review of the WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

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

Published monthly
Annual subscription: Sw.fr. 75.—
Each monthly issue: Sw.fr. 9.— **9th year - No. 1**
JANUARY 1973

Contents

	Page
WORLD INTELLECTUAL PROPERTY ORGANIZATION	
— The World Intellectual Property Organization in 1972	2
— Table of Member States as on December 31, 1972	7
— Membership of the Administrative Bodies	8
— Togo. Application of the transitional provisions (five-year privilege) of the WIPO Convention	8
— Commentary on the draft Convention against the unauthorized distribution of programme-carrying signals transmitted by satellites	9
BERNE UNION	
— State of the Berne Union	17
— Table of Member States as on December 31, 1972	19
— Membership of the Administrative Bodies	21
— Monaco. Application of the transitional provisions (five-year privilege) of the Stockholm Act of the Berne Convention	22
— Netherlands. Accession to the Brussels Act (1948) of the Berne Convention (with effect from January 7, 1973)	22
— The Berne Union and International Copyright in General in 1972	22
CONVENTIONS ADMINISTERED BY WIPO	
— Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms:	
State of Ratifications and Accessions as on December 31, 1972	25
Finland. Ratification of the Convention	25
United Kingdom. Ratification of the Convention	25
— International Convention for the Protection of Performers, Producers of Phono- grams and Broadcasting Organizations. State of Ratifications and Accessions as on December 31, 1972	26
INTERNATIONAL ACTIVITIES	
— International Confederation of Societies of Authors and Composers (CISAC). XXVIII th Congress (Mexico City, October 16 to 21, 1972)	26
CONVENTIONS NOT ADMINISTERED BY WIPO	
— European Agreements. State of Signatures, Ratifications and Accessions as on December 31, 1972	28
— Universal Copyright Convention. State of Ratifications and Accessions as on December 31, 1972	29
CALENDAR	
— WIPO Meetings	30
— UPOV Meetings	31
— Meetings of Other International Organizations concerned with Intellectual Property	31
Vacancy in WIPO	32

for the project be the UNDP itself, "through contract with the World Intellectual Property Organization (WIPO)." In August, WIPO received from the UNDP a proposal for such a contract. On the basis of this proposal, discussions were held in Geneva in September between the International Bureau and a representative of the UNDP as well as with representatives of the Government of Brazil concerning the contract or contracts to be concluded by that Government, the UNDP and WIPO for the funding and the execution of the project. The discussions are continuing.

CUBA

The Government of Cuba has requested the assistance of the International Bureau to build up a collection of patent documents and selected scientific books and journals reflecting the current state of technology essential in examining patent applications. The collection should also facilitate the transfer of technology. The discussions concerning the possibilities of satisfying this request are continuing between officials of the Cuban Industrial Property Office and the International Bureau.

DEMOCRATIC YEMEN

The Government of the Democratic Yemen has requested the International Bureau for assistance notably in training the members of the staff of the Registrar General's Office dealing with trade marks and patents. In response to this request, a representative of the International Bureau had preliminary discussions in December 1972 with the competent authorities in Aden.

LIBYAN ARAB REPUBLIC

At the request of the Government of the Libyan Arab Republic, which has recently established a patent section in the Ministry of Industry, a representative of the International Bureau undertook a mission to that country in May and rendered advice and guidance with a view to organizing that patent section.

VENEZUELA

The Government of Venezuela has asked for assistance in the reorganization of the administrative procedures of its Industrial Property Office and for advice in connection with the planned reform of its Industrial Property Law. In August, a representative of the International Bureau, accompanied by an expert in administrative matters of the German Patent Office (Munich), discussed with Venezuelan authorities the best ways of giving the required assistance. In December, the said expert went to Caracas for a few months to assist the Venezuelan Industrial Property Office in reorganizing its administrative procedures. As to the advice on the reform of the industrial property legislation of Venezuela, the first step was accomplished in September. It consisted in the furnishing by the International Bureau of a detailed written opinion on each provision of the draft of the proposed new industrial property law prepared by the Industrial Property Office of Venezuela.

ZAIRE

In response to a request from the Government of Zaire, a representative of the International Bureau had preliminary discussions in August with the competent government authorities in Kinshasa with a view to determining the nature and scope of the assistance which could be rendered by WIPO in particular as concerns the revision of Zaire's industrial property legislation, the training of national staff and the furnishing of reference works in the patent field.

IDCAS

Examination of the possibilities of creating a regional patent documentation service under the aegis of the Industrial Development Centre for Arab States (IDCAS) continued. Preliminary measures were recommended by the participants in the joint WIPO-IDCAS Seminar held in Cairo in February. These included the carrying out of a survey in order to establish what collections of patent documents exist in which government authorities in Arab States. The survey has been completed.

OAMPI

Also under examination is the request, submitted by the Director General of the African and Malagasy Industrial Property Office (OAMPI), for assistance in the rearrangement of the Libreville Agreement of September 13, 1962, establishing the Office, with a view to harmonizing the provisions of this Agreement with those of the Patent Cooperation Treaty (PCT), modernizing the Agreement in so far as concerns trademarks and industrial designs, and extending the jurisdiction of the Office to questions of literary and artistic property.

ENGLISH-SPEAKING COUNTRIES IN AFRICA

The delegates of nine English-speaking countries participating in the African Seminar on Intellectual Property (see below), held at Nairobi in October, adopted a resolution in which they expressed the wish that a meeting of the Registrars General and Heads of Industrial Property Offices in the English-speaking countries of Africa, jointly sponsored by the United Nations Economic Commission for Africa (ECA) and WIPO, be convened with a view to the harmonization of the patent and industrial design laws in their respective countries and the possible creation of a common office or other link among the said countries in the field of administering such laws.

SIECA

The Secretariat of the Central American Common Market (SIECA) has requested the assistance of the International Bureau in drafting a proposed Central American Patent Convention. Consultations have taken place between the two Secretariats to establish a plan for the preparatory work to be undertaken.

MODEL LAWS FOR DEVELOPING COUNTRIES

It is recalled that in 1965 BIRPI published a Model Law for Developing Countries on *Inventions*. The Patent Cooperation Treaty offers developing countries possibilities for deriving special benefits from it for their patent systems. With a

view to incorporating the said possibilities in the Model Law, the PCT Interim Advisory Committee for Administrative Questions, which is specially competent to deal with questions concerning the Patent Cooperation Treaty, was consulted when it met in its second session in December 1971. The discussions in that Committee yielded valuable material for eventual incorporation in the Model Law.

The International Bureau has prepared and, in December, distributed the draft of a model law for developing countries on *appellations of origin* and *indications of source*. The draft will be submitted to a committee of experts in 1973.

The preparation of model laws for developing countries on *copyright*, based on the Paris Act (1971) of the Berne Convention for the Protection of Literary and Artistic Works, continued during 1972.

The WIPO African Seminar on Intellectual Property (see below) recommended that the International Bureau and the Secretariat of Unesco prepare a single model law for African countries which were party, or which were contemplating the possibility of becoming party, to both the Berne Convention and the Universal Copyright Convention. Towards the end of the year, plans were drawn up by the two Secretariats for implementing the said recommendation during the year 1973.

Seminars

ARAB STATES

A Seminar on Treaties Concerning Industrial Property was organized jointly by WIPO and the Industrial Development Centre for Arab States (IDCAS) at Cairo in February. The following 13 States, all members of the League of Arab States, sent participants: Algeria, Bahrain, Democratic Yemen, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Republic, Sudan, Syrian Arab Republic, Tunisia and Yemen. In addition, a number of international organizations, national associations and private observers took part in the work of the Seminar.

The participants first proceeded to an exchange of information and views on industrial property in Arab countries. This was followed by a review of the principal treaties, conventions and agreements administered by WIPO. The participants also discussed the WIPO program of legal-technical assistance to developing countries, the project to facilitate patent licensing, and the setting up in an Arab country of an inter-Arab documentation center or centers for the centralization of patent documents.

At the end of the deliberations the participants unanimously adopted a series of recommendations. In particular, they recommended that Arab countries adopt modern legislation suited to their economic requirements, on the basis of the Model Laws prepared by WIPO and jointly adapted to the special needs of Arab States by WIPO and IDCAS, that they accede if possible to the Convention establishing WIPO, the Paris Convention and the other treaties and agreements adopted within the framework of the Paris Convention, in so far as they have not already done so, and that they promote the teaching of industrial property and disseminate information on the subject.

AFRICA

An African Seminar on Intellectual Property was organized by WIPO in agreement with the Government of Kenya at Nairobi in October. Seventeen States sent participants: Burundi, Chad, Congo, Ghana, Ivory Coast, Kenya, Lesotho, Liberia, Madagascar, Malawi, Niger, Nigeria, Senegal, Togo, Uganda, United Republic of Tanzania, Zambia. Representatives of several intergovernmental and non-governmental organizations were also present. The Seminar dealt with both industrial property and copyright matters.

The participants informed the Seminar on the status and administration of their respective legislations in the field of industrial property. An exchange of views took place on a number of questions in this field, including the impact of industrial property on developing countries. This exchange revealed the desirability of modernizing and harmonizing the industrial property legislations of several African countries. The discussions highlighted the advantages of further regional cooperation as illustrated by the African and Malagasy Industrial Property Office (OAMPI), and the possibilities of further regional cooperation, particularly in the field of registration of patents. The discussions also brought out the possibilities that participation in WIPO and in the treaties administered by WIPO offer to developing countries, especially in the field of transfer of technology. Finally, they drew attention to the desirability of WIPO's becoming a UN specialized agency.

In the field of copyright, the discussions of the Seminar centered on the 1971 revisions of the Berne and Universal Copyright Conventions. As far as the plans for a model law are concerned, see above.

Acquisition of Foreign Technology by Developing Countries

A Committee of Experts on a Patent Licensing Convention met in October-November. Twenty-seven States, over half of which were developing countries, were represented as were ten international organizations, including four regional intergovernmental organizations. The Committee's discussions were based on studies prepared by the International Bureau and on proposals made by the Governments of Brazil and Sweden concerning measures to be taken in order to facilitate the acquisition of foreign technology by developing countries.

The Committee concluded that since patent documents were numerous and complex, if developing countries were to be able to use them as technical documentation, they had to have the necessary organization and experts at their disposal and therefore it seemed premature to provide for a general obligation to disseminate patent documents.

The Committee also concluded that the study of the question of information on licensing requests and licensing offers should continue with particular emphasis on the publication of the requests of developing countries and the creation of agencies for licensing, particularly in developing countries. Furthermore, the Committee agreed that further examination should be given to the proposal of Brazil that there be established, under the auspices of WIPO, a mechanism for contacts between prospective licensees and prospective licensors with the aim of facilitating the conclusion of licensing agree-

ments. The Committee also agreed that as to measures which could be taken by national legislation, both the "industrial development patent" and the "technology transfer patent" should be further examined.

Finally, the Committee recommended that the competent organs of WIPO should at their next sessions set up a permanent program in this field and that its policy and day-to-day operation should be directed by a Permanent Committee. The Director General was invited to convene first a provisional committee in order to work out detailed proposals to the competent organs of WIPO for the composition of the Permanent Committee, its jurisdiction, program, means of action and financing.

Computer Technology for Development

Pursuant to an invitation contained in a report by the Secretary-General of the United Nations on the application of computer technology for development, and to a resolution of the United Nations Economic and Social Council and also as a follow-up to the recommendations made by an Advisory Group of Governmental Experts on the protection of Computer Programs convened by the Director General in Geneva in March 1971, the International Bureau continued to study the most appropriate forms of protection of computer programs, from the point of view of developing countries. In November 1972, a representative of the International Bureau participated in a meeting of a panel of experts on computer technology convened by the United Nations.

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 as an observer at the Second Conference of the Organization of American States (OAS) held in April 1972 at Washington. The program and budget approved by the Conference include a project calling for the preparation by the OAS Secretariat of a study concerning the revision of the Inter-American Conventions on Industrial Property. The study is to be considered by governmental experts during meetings to be convened in 1973 and 1974.

WIPO was also represented at the Specialized Conference on the Application of Science and Technology to Latin American Development (CACTAL) convened by the OAS at Brasilia in May.

Visits were made in Argentina, Brazil, Colombia, Democratic Yemen, Egypt, Kenya, Kuwait, Liberia, Libyan Arab Republic, Mexico, Thailand, Venezuela and Zaire for the purpose of exchanging views with the government authorities of those countries in the industrial property field, from the point of view of both legislation and the operation of Patent Offices, and also in the copyright field.

WIPO was represented by its Director General at the meeting of the Governing Body of the African and Malagasy Industrial Property Office (OAMPI), which was held in Libreville, Gabon, in August.

D. Cooperation between WIPO and Organizations of the United Nations System

During the period under review, WIPO continued and further developed its cooperation with the United Nations and the other organizations of the United Nations system.

Future Cooperation and Coordination with the United Nations

At its session in September, the WIPO Coordination Committee examined a report by the Director General on the progress of his work under the WIPO General Assembly and Conference resolution concerning the means of securing the most appropriate cooperation and coordination between WIPO and the United Nations, including the possibility and desirability of entering into an agreement under Articles 57 and 63 of the Charter of the United Nations. The Coordination Committee adopted a resolution on the subject of a relationship agreement with the United Nations under those Articles. In the resolution, the Coordination Committee considers that such a relationship agreement appears desirable and requests the Director General, with a view to exploring the possibilities of entering into such an agreement, to bring the resolution to the attention of the United Nations.

The Director General transmitted the resolution of the WIPO Coordination Committee to the Secretary General of the United Nations who, in October, replied that a reference to the resolution of the WIPO Coordination Committee would be included in the draft 1973 Programme of Work of the Economic and Social Council of the United Nations (ECOSOC) which would be submitted to ECOSOC at its organizational meetings in January 1973.

Information, Studies and Reports requested by, and Coordination of Activities with, United Nations Bodies

At the request of various United Nations bodies, the International Bureau has furnished information, contributed to studies and presented papers or reports on topics of mutual interest. The International Bureau has provided information or contributed to studies made by the Secretariats of the United Nations Conference on Trade and Development (UNCTAD) and the United Nations Industrial Development Organization (UNIDO) on restrictive business practices, the transfer of technology and on the legal aspects of licensing agreements. The International Bureau also submitted a paper on WIPO's program to the United Nations Commission on International Trade Law (UNCITRAL).

With respect to the program of work of the International Law Commission of the United Nations, the International Bureau assisted the Special Rapporteur for the question of treaties concluded by international organizations by providing information on a number of points developed by him for inclusion in a questionnaire.

The Third United Nations Conference on Trade and Development (UNCTAD), held at Santiago, Chile, in April-May, adopted two resolutions in which reference is made to cooperation or coordination between, or joint action by, UNCTAD and WIPO. The WIPO Coordination Committee and the

Executive Committee of the Paris Union took note of these resolutions at their meetings in September.

Paragraph 10 of UNCTAD resolution 39(III) invites the Secretary-General of the United Nations, in cooperation with the Secretary-General of UNCTAD and the Director General of WIPO, to carry out a study "with a view to bringing up to date the report prepared by the Secretary-General of the United Nations on the 'Role of Patents in the Transfer of Technology to Developing Countries' (document E/3861/Rev. 1) and to devote special consideration in this study to the role of the international patent system in such transfer, with a view to providing a better understanding of this role in the context of a future revision of the system." In October, the Secretariats of WIPO, the United Nations and UNCTAD agreed on a work plan for carrying out, in 1973, the task of updating the said report.

Consultations have also taken place on the inter-secretariat level between UNCTAD and WIPO with respect to the other decisions of UNCTAD III which call upon the Secretary-General of UNCTAD, in cooperation with other UN bodies and with other organizations, including WIPO, to carry out studies, in particular on the "possible bases for new international legislation regulating the transfer from developed to developing countries of patented and non-patented technology, including related commercial and legal aspects of such transfer" and on "the elements of a model law or laws for developing countries in regard to restrictive business practices."

Close cooperation was maintained with the United Nations Educational, Scientific and Cultural Organization (Unesco) and the International Labour Organisation (ILO) on matters relating to copyright and neighboring rights.

Representation at meetings of United Nations Bodies

During 1972, WIPO was represented at various meetings of the following United Nations bodies at which questions concerning the application of science and technology for development, scientific and technical cooperation or the need to create or develop information systems, data banks, centers for the transfer of technology and related activities were discussed: the Economic and Social Council (ECOSOC), the Advisory Committee on Science and Technology (ACAST), subsidiary bodies of the Administrative Committee on Coordination (ACC), Committees or Groups of Experts convened by the Economic Commission for Europe (ECE). WIPO was also represented at the Third United Nations Conference on Trade and Development (UNCTAD) as well as at meetings of its Trade and Development Board during which matters con-

cerning restrictive business practices and the transfer of technology were discussed. In addition, WIPO was represented at meetings of the various bodies of the United Nations Industrial Development Organization (UNIDO) including the Industrial Development Board and its Working Groups on Program and Coordination, at which UNIDO's activities in the field of industrial property and cooperation with WIPO were considered.

With respect to the specialized agencies, WIPO was represented by an observer at meetings of the governing bodies of certain specialized agencies, such as the Conference of the International Labour Organisation (ILO) and the General Conference of the United Nations Educational, Scientific and Cultural Organization (Unesco).

E. Cooperation with other Intergovernmental Organizations

Working Agreement with IDCAS

The WIPO Coordination Committee at its third session in September approved the terms of an agreement establishing working relations and cooperation between WIPO and the Industrial Development Centre for Arab States (IDCAS). The Board of Directors of IDCAS at its session in November also approved the agreement. The agreement is expected to be signed by the Directors General of the two Organizations in 1973.

F. WIPO Publications

Reviews

The reviews *Copyright* and *Industrial Property* continued to appear monthly in English and French. The review *La Propiedad Intelectual* 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 were published in 1972. Official texts in various languages of the international agreements administered by WIPO were published in brochure form during the course of the year. A study entitled "Transfer of Technology to Developing Countries — Legal Aspects of License Agreements in the field of Patents, Trademarks and Know-how" was published in June. A revised edition of the report entitled "Transfer of Technology and Licensing Opportunities" was published in September. The third edition of the survey entitled "Teaching of the Law of Intellectual Property Throughout the World" was also published in August.

Member States of the World Intellectual Property Organization as on December 31, 1972

State ¹			Deposit of instrument ²	Date on which the State became a member
Australia	P-B	A	May 10, 1972	August 10, 1972
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	A	September 22, 1970	December 22, 1970
Denmark	P-B	R	January 26, 1970	April 26, 1970
Fiji	B	A	December 11, 1971	March 11, 1972
Finland	P-B	R	June 8, 1970	September 8, 1970
German Democratic Republic	P-B	A	June 20, 1968	April 26, 1970 ³
Germany, Federal Republic of	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
Jordan	P	A	April 12, 1972	July 12, 1972
Kenya	P	R	July 5, 1971	October 5, 1971
Liechtenstein	P-B	R	February 21, 1972	May 21, 1972
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

(Total: 28 States)

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 "A" means *accession*;

"R" means *ratification*;

"S" means *signature* without reservation as to ratification;
 (see Article 14(1) of the Convention Establishing WIPO).

³ At that time, a number of States had declared that they did not recognize the validity of the accession of the German Democratic Republic.

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

The States listed below have 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:

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

(Total: 31 States)

Membership of the Administrative Bodies of WIPO

On December 31, 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*, Fiji, Finland, France*, Gabon*, German Democratic Republic, Germany (Federal Republic of), Greece*, Holy See*, Hungary, Ireland, Israel, Italy*, Ivory Coast*, Japan*, Jordan, Kenya, Liechtenstein, Luxembourg*, Malawi, Malta*, Mexico*, Morocco, Netherlands*, Niger*, Norway*, Poland*, Portugal*, Romania, Senegal, South Africa*, Soviet Union, Spain, Sweden, Switzerland, Syrian Arab Republic*, Thailand*, Togo*,

Tunisia*, 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 of), Hungary, Italy, Japan, Kenya, Pakistan, Romania, Senegal, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America. ASSOCIATE MEMBERS: India, Mexico, Philippines, Poland, Sri Lanka, Zaire.

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

* Member until April 26, 1975.

TOGO

Application of the transitional provisions (five-year privilege) of the WIPO Convention

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of the countries invited to the Stockholm Conference of the notification deposited by the Government of the Togolese Republic, in which that Government indicates its desire to avail itself of the provisions of Article 21(2) of the Convention.

This notification entered into force on the date of its receipt, that is, on December 5, 1972.

Pursuant to the said Article, the Togolese Republic, which is a member of the Paris Union but has not yet become party to the WIPO Convention, may, until the expiration of five years from the date of entry into force of the said Convention, that is to say until April 26, 1975, exercise the same rights as if it had become party.

WIPO Notification No. 40, of December 12, 1972.

Commentary on the draft Convention against the unauthorized distribution of programme-carrying signals transmitted by satellites

Introduction

1. Following decisions taken by the governing bodies of Unesco and the Berne Union, the Directors-General of Unesco and WIPO convened a Committee of governmental experts in Lausanne (Switzerland) from April 21 to 30, 1971. The object of the meeting was to study problems raised by transmissions by satellites in the field of copyright and of the protection of performers, of producers of phonograms and of broadcasting organizations, and in particular to specify whether the protection of television signals transmitted by communications satellites would require modification of existing conventions or the preparation of a new international instrument.

2. Four possible solutions were considered by the Committee:

- (i) the adoption of a mere resolution condemning the unauthorized use of satellite-transmitted signals;
- (ii) revision of the Radio Regulations of the International Telecommunication Union (ITU);
- (iii) application of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (hereafter called the Rome Convention), and
- (iv) establishment of a separate new instrument.

The arguments for and against each of these possible solutions are reflected in the report of the meeting. After having heard these arguments, the Committee proceeded to draw up the draft text of a new convention on the subject, but concluded that the matter was not yet ripe for a diplomatic conference. It therefore expressed the wish "that the Committee of experts be convened at least once more to attempt to achieve a greater degree of reconciliation between the positions both of governments and of the interested circles".

3. The second Committee of governmental experts was convened at Unesco Headquarters in Paris from May 9 to 17, 1972, by the Directors-General of Unesco and WIPO following decisions of the governing bodies of their Organizations. Following a general discussion that closely paralleled that at Lausanne, most of the delegations, including those that would rather have settled the matter in the context of the Rome Convention, declared their readiness to co-operate in drawing up an independent new treaty. It was understood that, were any such new treaty adopted, it should not prejudice wider acceptance of the Rome Convention.

4. After an article-by-article review of the draft convention prepared by the first Committee of experts, the second Committee prepared a new draft (hereafter called the Paris text)

which incorporated a number of major revisions. The most notable changes involved the nature of the obligations to be undertaken by Contracting States, and protection of the interests of authors and performers.

5. The Committee also adopted a resolution recommending, among other things, that "the Secretariats of Unesco and WIPO prepare explanatory notes on the draft text of the convention adopted by the Committee and if, in the course of preparing such notes, it appears to them that provisions in the text could be simplified and clarified, propose such simplifications and clarifications". This document has been prepared and is presented in accordance with this resolution.

Title

6. The title characterizes the convention as "against" the unauthorized distribution of certain signals; it deliberately omits any reference to "protection", "prohibition" or "prevention" so as not to imply a prejudgment concerning the means for implementing the convention.

Preamble

The Contracting States,

(a) Aware that the distribution of programme-carrying signals transmitted by satellites is rapidly developing both in volume and in geographical coverage;

(b) Noting that the lack of effective worldwide legal protection against the unauthorized distribution of such signals presents an increasing danger to the interests of authors, performers, producers of phonograms, [and] broadcasting organizations [and other contributors to the programmes];

(c) Convinced that protection of programme-carrying signals against unauthorized distribution will benefit the said persons and organizations;

(d) Anxious not to impair in any way international agreements already in force and in particular in no way to prejudice wider acceptance of the Rome Convention of 26 October 1961, which affords protection to performers, producers of phonograms and broadcasting organizations,

Have agreed as follows:

7. The phrase "and other contributors to the programmes" appears in square brackets in both paragraph (b) of the Preamble and in Article IV. There was a difference of opinion as to whether the reference to the persons or organizations whose interests are involved in the convention should mention, in addition to authors, only the beneficiaries specified in the Rome Convention (performers, producers of phonograms and broadcasting organizations), or whether the reference should be broadened to include, for example, organizers of sporting events and newsfilm agencies. As to the question whether the phrase could be interpreted as conferring rights of some sort on the technicians and craftsmen involved in the production and transmission of programmes, it was the agreed interpretation not to extend the benefits of the convention to

Note: This commentary has been prepared by the Secretariat of Unesco and the International Bureau of WIPO in accordance with paragraph (i) of the resolution adopted by the second Committee of governmental experts (Paris, May 9 to 17, 1972) (see *Copyright*, 1972, pp. 142 *et seq.*).

those whose contributions to the emission and distribution are essentially technical.

8. Paragraph (d) of the Preamble, embodying the principle that the convention should not impair any other international agreement, singles out the Rome Convention for special mention. In doing so, it follows the model of a corresponding provision in the Preamble to the 1971 Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms (hereafter called the Phonograms Convention). There was lack of unanimity on the question of making separate mention of the Rome Convention, but the reference was included because of the close correspondence between the subject matter of the new proposed satellite convention and the Rome Convention.

Article I (Field of application)

This Convention applies to programme-carrying signals which, after their emission, pass through a satellite, including the case where they are derived from a fixation of the emitted signals.

9. For the treaty to be applicable under Article I, two basic factors must exist: first, the signals involved must carry programmes and, second, after their emission, the signals must pass through a satellite. The article also makes clear that the convention is applicable to all programme-carrying signals, that is, all signals carrying live or recorded material. It is expressly stated that the convention applies where the signal has been fixed after the emission. This fixation can occur either upon reception after passage through the satellite, or in the satellite itself by means of a remote control storage system.

10. Under Article I, the convention covers signals that pass through a satellite, but this does not rule out the possibility of controlling certain activities that precede this passage, including the "up-link" of the transmission.

Article I^{bis} (Definitions)

For the purposes of this Convention:

- (i) "signal" is an electronically-generated carrier capable of transmitting programmes;
- (ii) "programme" is a body of live or recorded material, consisting of [Alternative A: images or a combination of sounds and images] [Alternative B: images, sounds or both] embodied in signals emitted for the purpose of ultimate distribution;
- (iii) "satellite" is any device in extraterrestrial space capable of transmitting signals;
- (iv) "originating organization" is the person or entity that decides what programme the signals will carry;
- (v) "distribution" is the transmission of signals to the general public or any segment thereof.

"Signal"

11. Although the term "signal" is not defined in the ITU Radio Regulations, a definition under the convention was considered useful. This term is intended to mean the electronic "carrier" capable of transmitting a programme from the point of origin. As long as a signal has the potential capacity of transmitting programmes, it makes no difference what

electronic means, or combination of means, are used to generate or regenerate the signals: radio waves of all sorts, laser beams, etc.

"Programme"

12. There were differences of opinion as to whether the definition of "programme" should be limited to television or should include sound transmissions as well. Those favouring limitation of the concept to television urged the desirability of doing no more than is really necessary under the treaty, and the lack of a realistic economic basis for satellite radio broadcasting in the immediate future. Those advocating the broader approach argued that future patterns of communications cannot be foretold, especially as to the use of direct broadcasting satellites for mere sound transmissions, that there might be a danger to news services and press agencies and that, under Alternative A of Article IV, authors might be jeopardized if sound transmissions were excluded.

13. A second problem was whether the definition of "programme" should require that the "bodies of material" be "produced for the purpose of ultimate reception by the general public", or that the material be "embodied in signals emitted for the purpose of ultimate distribution". The second approach was chosen since it would include material such as privately-made films or tapes not initially intended for public consumption, but would exclude scientific and technical data, military intelligence, private communications, and other masses of material now being transmitted via satellite for specialized uses.

14. The phrase "bodies of material" does not imply that the "body" or "material" must exist in the form of a fixation; thus, the signals may carry both "live" (unfixed) and fixed programmes. It may be noted that the terminology of the Paris text, which speaks of "live or recorded material", departs from the usual pattern in existing conventions, which generally distinguish between "fixed" or "unfixed" material. This also applies to the terminology of Article IV (4^{bis}) of Alternative A.

"Satellite"

15. Under the definition, a "satellite" is a man-made object for transmitting signals, located in orbit around the earth or on a celestial body. It includes both an active satellite which transmits or retransmits signals, and a passive satellite which is intended for transmission by reflection. The word "extra-terrestrial" was added to the definition to make clear that, at least during part of its orbit, the satellite must be located outside the earth and its atmosphere. However, the definition is not intended to exclude satellites, such as those in elliptical orbit, which pass through the earth's atmosphere during part of their orbital path.

"Originating organization"

16. Under the definition in the Paris text, the sole criterion for the "originating organization" is the "person or entity that decides what programme the signals will carry". Thus, the definition excludes telecommunications authorities and common carriers who exercise no control over what program-

mes signals carry, and it also excludes the creators and producers of programmes as such, since their control is over the content of programmes, not signals.

“Distribution”

17. Perhaps the most important definition in the draft is that of “distribution”, since this is the act the convention would control under Article II. The definition “the transmission of signals to the general public or any segment thereof”¹ is quite broad, and must be read in conjunction with the provisions of Article II defining the scope of the protection accorded to signals.

18. The following observations can be made regarding the definition itself:

(a) It is intended that a transmission should constitute “distribution” of a signal whether it is made simultaneously with the original emission to the satellite or from a fixation.

(b) “Distribution” is not limited to traditional broadcasting or cable transmissions, since other methods for conveying signals to the public may evolve in the future. Transmission to the public includes not only traditional forms of broadcasting but also transmission by cable, closed-circuit television, laser transmission, and transmission through any other channels of communication to subscribing members of the public, whether or not those members are required to pay a fee or charge (see Article IX(3)).

(c) Since the transmission must be “to the general public or any segment thereof”, it is not a “distribution”, and hence outside the scope of the convention, to make unauthorized transmissions of signals passing through a satellite for personal or private use, for testing, or for technical or experimental purposes.

(d) Under the present text, it seems doubtful whether a transmission of signals for reception in a non-contracting country is a distribution and hence within the convention. To dispel any doubt on this important point it could be desirable to make revisions in both Articles I^{bis} and II. The revision in the definition of “distribution” would read “‘distribution’ is the act of transmitting signals to the general public or any section thereof”.² In effect, this would make the act that is controlled by the convention the act of sending signals from one place to another whether or not the general public receiving them is in the country from which the signals are transmitted. As for the revision of Article II, see paragraph 21.

Other Points

19. The importance attached throughout the draft convention to the term “emission”, notably in Articles I, III(2), IV(3), and IX(2), raises the question as to whether a definition of this term could not usefully be added to Article I^{bis}. If a definition were to be included, it might read: “‘Emission’ is the act of transmitting a signal from the earth to a satellite”.

¹ The “general public or any segment thereof” means any part of the public in any place on earth. Note that the corresponding definition in Article 1(d) of the Phonograms Convention uses the phrase “the general public or any section thereof”. Unless a difference is intended, it might be wise to conform the two definitions, and to make the same adjustment in Article IX in the English text.

² If such a change is made, consequential changes of a purely drafting nature would be required in Article IV(2)(a) of Alternative A.

Article II

(Obligations imposed upon Contracting States)

(1) Each Contracting State shall ensure that it is illicit to distribute on its territory programme-carrying signals without the authorization of the originating organization where such organization is a national of another Contracting State.

(2) However, paragraph (1) shall not apply where the distribution is directly or indirectly derived from a terrestrial distribution that was authorized by the originating organization.

20. To avoid any suggestion of a penal connotation, the text of Article II refrains from speaking in terms of “preventing” or “prohibiting”. The provision requires merely that “Each Contracting State shall ensure that it is illicit to distribute in its territory programme-carrying signals without the authorization of the originating organization . . .”.

21. It is the intention of the draft convention to prescribe the unauthorized distribution of programme-carrying signals either from the territory of a Contracting State to the territory of another State, or on its own territory. To avoid any ambiguity on this point, it might be advisable to revise the wording of Article II(1) to provide that it is “illicit to distribute on or from its territory . . .”.³

22. The sole point of attachment provided by Article II is the nationality of the originating organization, although Article IX(2) allows Contracting States to apply the criterion of emission under certain limited conditions. The argument for the single criterion of nationality is that it could encourage acceptance of the convention by countries lacking their own facilities for emitting signals to a satellite.

23. The provisions of paragraph (2) of Article II, which appear in the draft convention as an exception, prescribe that the obligations of paragraph (1) and hence of the convention, do not apply where the unauthorized distribution was taken directly or indirectly from an authorized terrestrial distribution. In other words, no authorization under the convention would be needed to distribute signals picked up from a transmission made on earth if that transmission, or any transmission preceding it in a chain starting after the signals had passed through the satellite, had been authorized by the originating organization. It should also be specified that the application of the exception depends on a lawful “terrestrial” distribution, which by implication means that a lawful non-terrestrial distribution does not render a distribution deriving therefrom lawful.

Article III

(Implementation of the Convention)

(1) The means by which the obligation provided for in Article II is implemented shall be a matter for the national legislation of each Contracting State. These may include civil, penal or administrative measures.

(2) The national legislation of any Contracting State may provide that it shall not be illicit to distribute any given programme-carrying signal after the expiration of twenty years from the end of the year in which the signal was emitted to the satellite.

³ In this event, consequential changes of a purely drafting nature would be necessary in Article IV, Alternative A.

24. Each Contracting State is left completely free, under paragraph (1) of Article III, to decide for itself the means best calculated for implementing the obligations of Article II, whether civil (for example, injunctions and damages), penal, administrative, or any combination of these means.

25. While some delegations reserved their position on the point, the draft convention provides for a minimum term of twenty years during which unauthorized distribution would be considered illicit. It was argued that such a provision is necessary for States party to the Rome Convention. It was also urged that, in any case, a reasonable term is necessary to avoid uncertainty as to whether unauthorized distributions of fixations of protected signals must be considered illegal in perpetuity or, at the other extreme, whether they could be protected for an unjustifiably short time.

26. Another question involves the starting point for computing the term. The draft convention adopts "the end of the year in which the signal was emitted to the satellite" as the starting point, since this is the act which brings the convention into operation. Although this approach was criticized, the prevailing view was that, while each new emission of signals carrying the same programme gives rise to a new term, it does not extend the term of the signals as originally emitted. Therefore, the distribution of the originally-emitted signals is lawful after their term has lapsed, notwithstanding the new emission.

27. The term provided in Article III(2) concerns only the distribution of programme-carrying signals, and not the programme carried. The twenty-year term provided is a minimum, and States are free to choose any longer period.

Article IV

(Safeguard of the interests of contributors to programmes)

General comments

28. Two principal viewpoints emerged at the Paris meeting. A presentation of these views is complicated by their lack of mutual exclusivity and by differences of opinion on specific points among those holding the same general view.

29. The first general view was that the treaty should seek affirmatively to serve a two-fold purpose: to interdict the unauthorized distribution of signals and, equally important, to preserve and regulate the equilibrium between, on the one hand, the rights of originating organizations and, on the other, the rights of authors, performers, producers of phonograms, and broadcasting organizations, with respect to satellite transmissions. The essential points here are that the protection of authors and other creative contributors in the case of satellite broadcasting is, at best, problematical under the copyright and neighbouring rights conventions, and that by their nature satellite transmissions preclude the effective control by contract of exclusive rights within a specific geographic area. Thus, the originating organization should not be given the degree of control envisioned by Article II without, at the same time, including provisions establishing the responsibilities owed to authors and other contributors in various situations. The variables, which inevitably make these provisions

complex, include the nature of the satellite transmission (direct or point-to-point) and the copyright situation in the recipient countries.

30. Other delegations, taking another viewpoint, were strongly opposed to the establishment of affirmative rights *vis-à-vis* programme-contributors in a convention simply intended to repress poaching of satellite signals. Under this view, the convention should confine itself to the suppression of a reprehensible practice, and should leave the rights of authors, performers, etc., to be dealt with in the conventions designed for the protection of those rights. It was argued that the simple suppression of satellite piracy would benefit originating organizations and programme-contributors alike, and would not upset the balance of their relationships *inter se*.

31. It should also be noted at the outset that the proposed new treaty does not concern in any way the right of reproduction, the exercise of which remains entirely reserved in cases where this right is involved in satellite transmission.

Paragraph (1)

(1) This Convention shall in no way be interpreted to limit or prejudice the protection otherwise secured to authors, performers, producers of phonograms, [or] broadcasting organizations [or other contributors to the programmes] under any national legislation or international agreement.

32. This provision, which appears in both Alternatives A and B, is the counterpart of Article 7(1) of the 1971 Phonograms Convention. It is intended to preclude any prejudice to the rights of authors and other programme-contributors "under any national legislation⁴ or international agreement".

33. With respect to the terms used in paragraph (1), the following comments can be made:

(a) The term "authors" includes not only individuals but also copyright owners who are their successors in title.

(b) The term "broadcasting" in the phrase "broadcasting organizations" can be interpreted to exclude transmission systems such as cable and closed-circuit television. Since cablecasters and closed-circuit transmitters may be accorded rights under domestic law, it is for consideration whether the terminology in Article IV should be broadened to include them explicitly.

(c) For the reasons noted above in connection with the Preamble, the phrase "or other contributors to the programmes" appears in square brackets in Article IV(1).

Alternative A: In general

34. In general, Alternative A of Article IV would impose certain obligations on Contracting States with respect to satellite transmissions, but only to the extent that their domestic law grants equivalent rights with respect to broadcasting or other transmissions:

⁴ The term "national legislation", which appears throughout the English text of the draft convention, may present a problem since, in ordinary English usage, the term "legislation" refers to statutory enactments by a legislative body and could be taken to exclude judge-made and administrative law. The term "domestic law" is used throughout the recent Phonograms Convention, and it might be preferable to adopt the same term here.

(a) If a direct broadcasting satellite is used, the originating organization is liable to authors and other contributors if the country of which the organization is a national imposes liability for domestic broadcasts.

(b) If a point-to-point satellite is used, the liability is placed on the distributor, and the domestic law of the distributing country controls.

(c) Under certain conditions, authors of copyrighted works are entitled to prohibit the originating organization from authorizing distribution in countries where they have copyright protection; to obtain equitable remuneration from the organization for authorizing distribution in countries where no copyright protection exists; and to be informed in advance of the planned distribution.

(d) Under certain conditions, performers are also entitled to advance notice of the planned distribution.

35. For the most part, the rights and obligations envisioned in Alternative A with respect to satellite transmissions can exist only if, and to the extent that, domestic law provides corresponding rights with respect to terrestrial transmissions. However, where these domestic provisions exist, the draft could impose, as a matter of treaty law, rights and obligations as between the nationals of the same Contracting State. Moreover, as drafted, Alternative A imposes obligations directly on organizations in a Contracting State, rather than obliging the State to enforce its treaty obligations. This approach could have some advantages in countries where the treaty would be regarded as self-executing.

Alternative A: Paragraph (2)

(2) Without prejudice to paragraph (1),

(a) the originating organization which is a national of a Contracting State and which uses a satellite for the distribution of programme-carrying signals made directly by the satellite itself shall be responsible vis-à-vis the authors, performers, producers of phonograms and broadcasting organizations, in accordance with the legislation of the State of which the organization is a national, if and to the extent that such legislation grants to them rights in the case of the broadcasting of their works, performances, phonograms, or broadcasts;

(b) where the distribution of programme-carrying signals is made on the territory of a Contracting State, the organization making the distribution shall be responsible vis-à-vis the authors, performers, producers of phonograms and broadcasting organizations, in accordance with the legislation of the said State, if and to the extent that such legislation grants to them rights in the case, respectively, of the broadcasting or other distribution of their works, performances, phonograms, or broadcasts.

36. This provision is divided into two sub-paragraphs, the first dealing with direct broadcast satellites and the second chiefly with point-to-point satellites. In the first case, the responsibility of the originating organization to authors, performers, producers of phonograms and broadcasting organizations arises only to the extent that the domestic law of the Contracting State of which the organization is a national, grants broadcasting rights to these groups. In the second case, the rights arise where the law of the State where the distribution is being made grants equivalent rights of either broadcasting or other forms of distribution. This also applies if this distribution uses signals derived from a direct broadcasting

satellite, without prejudice to any responsibility of the originating organization under sub-paragraph (a).

Alternative A: Paragraphs (3) to (4^{bis})

(3) Without prejudice to paragraph (1), the authors, whose works, protected in the Contracting State of which the originating organization is a national, are used in an emission of programme-carrying signals to a satellite,

(a) may forbid the originating organization to authorize the distribution of such signals in another Contracting State which is a party to the Universal Copyright Convention or a member of the International Union for the Protection of Literary and Artistic Works or bound to the State of which the originating organization is a national by a bilateral copyright treaty, where the distribution of these works is not authorized by their authors or is not otherwise lawful under the legislation of that other Contracting State;

(b) shall be entitled to claim from the originating organization, for the distribution of such signals, an appropriate remuneration, where the said organization has authorized such distribution in another Contracting State which is neither a party to the Universal Copyright Convention nor a member of the International Union for the Protection of Literary and Artistic Works nor is bound to the State of which the originating organization is a national by a bilateral copyright treaty, on condition that the distribution does not entitle the said authors to a remuneration under the national legislation of that other Contracting State and that it is not subject to the provisions of Article V.

(4) In the cases provided for in paragraph (3), the originating organization is required to inform the authors of works which are intended for use in a distribution of programme-carrying signals before the said distribution and in time to allow them to exercise the prerogatives granted to them in paragraph (3). It shall be a matter for national legislation of each Contracting State to determine the sanctions for non-compliance with the preceding provision.

(4^{bis}) Unless otherwise agreed, the originating organization which is a national of a Contracting State is required to inform the performers whose live performances of literary or artistic works it intends to use in a distribution of programme-carrying signals before the said distribution and in time to allow them to exercise any rights they may have. It shall be a matter for national legislation of each Contracting State to determine the sanction for non-compliance with this provision, and each Contracting State may, by its national legislation, specify the manner in which performers will be represented for the purpose of this provision, if several of them participate in the same performance.

37. Paragraph (3) deals only with the rights of authors of copyrighted works and attempts to regulate two situations:

- (i) where the country in which the signals are to be distributed belongs to a copyright convention or is linked to the Contracting State of which the originating organization is a national by a bilateral copyright treaty, the author is entitled to forbid transmission to the receiving State if it is unauthorized or unlawful there;
- (ii) in other cases, the author is entitled to "appropriate remuneration" from the originating organization, so long as he is not entitled to remuneration in the receiving country or the distribution is not exempted under Article V of this convention.

In other words, the effort in paragraph (3) is to assure that an author is not deprived of copyright control over the satellite transmission of his works into areas where his copyright is recognized, and to assure that he is paid for such transmissions into areas where it is not.

38. The rights provided in paragraph (3) are *jure conventionis*, since the Contracting State is obliged to protect them regardless of its domestic law. The same is true of the requirement of paragraph (4), that authors be notified in advance of any of the intended uses described in paragraph (3).

39. Paragraph (4^{bis}) extends the right of advance notice to performers, but under conditions that are somewhat different from those in paragraph (4). Unless a contractual arrangement has been made, the originating organization in the Contracting State is obliged to inform "the performers whose live performances . . . it intends to use in a distribution of programme-carrying signals" sufficiently in advance of the distribution so that they would be able "to exercise any rights they may have". Note that the performances in question must be live, and that the requirement applies whether the performer is protected under domestic law or not.

40. Neither paragraph (4) nor paragraph (4^{bis}) provides for an exception to the requirement for advance notice in the case of reports of current events, where the contents of a programme cannot be determined before the event. It is for consideration whether, as under most interpretations of domestic and international instruments in the copyright field, an exception should not be recognized in this situation.

Alternative B: Paragraph (2)

(2) The originating organization shall be required to indicate, before the emission of the programme-carrying signals, the organizations for which the signals are destined. It shall be a matter for the national legislation of each Contracting State to determine the sanctions for non-compliance with the preceding provision.

41. This alternative is based on the theory that the convention should not seek to regulate the interrelationships of programme-producers and transmitters. It offers instead a requirement that the originating organization precede each emission of programme-carrying signals to a satellite with an announcement (presumably aural or visual) of the organizations authorized to receive the transmission. The assumption behind this proposal was that it would permit all those with rights in the countries reached by the signals to assert their rights as against the distributing organizations in those countries. The validity of this assumption depends, of course, upon whether the announcement is taken over by the distributor when he transmits the programme; this added factor is not assured by the text, and indeed may not be possible for practical reasons (e.g., where the distribution is authorized in a very large number of countries, or where timing makes a listing unrealistic).

42. Alternative A also includes, in brackets, a saving clause seeking to avoid prejudice to the construction of the term "broadcasting" in other conventions and national laws.

Article IV^{bis}

(Non-retroactivity of the Convention)

No Contracting State shall be required to apply the provisions of this Convention with respect to any programme-carrying signals emitted before this Convention entered into force in that State.

43. This provision is patterned on Article 7(3) of the 1971 Phonograms Convention. It means that, unless a Contracting State provides otherwise, the entry into force of the convention in that particular State does not alter the legal status of signals that have already been emitted to a satellite.

Article V

(Exceptions)

Notwithstanding the provisions of this Convention,

- (i) any Contracting State may, in its national legislation, permit the distribution, for the purpose of reporting current events, and only to the extent justified by the informatory purpose, of short excerpts from programmes containing reports of such events;
- (ii) any Contracting State regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations may also, in its national legislation permit the distribution of programmes solely for the purposes of teaching or scientific research.

General comments

44. On the question of exceptions, the prevailing sentiment at the two experts meetings was that a provision on the point is necessary, and there appeared to be agreement that the exceptions should cover use of short excerpts for reporting current events and use solely for teaching and scientific research. However, the scope of these two exceptions cannot be regarded as a settled issue. The variables discussed in connection with this calculus include:

- (a) whether either or both exceptions should be confined to developing countries;
- (b) whether the application of either or both exceptions should give rise to equitable remuneration and, if so, whether developing countries should be freed from the obligation to pay it;
- (c) whether the use of short excerpts for reporting current events should extend to events for which an admission fee is charged.

Paragraph (i)

45. Under the Paris draft, distribution of signals containing short excerpts from programmes reporting current events is permissible without regard to whether the country is developing or an admission fee is charged, and without any requirement for equitable remuneration. However, the distribution must be "for the purpose of reporting current events, and only to the extent justified by the informatory purpose". The terminology employed is in some measure patterned on Article 10^{bis}(2) of the Berne Convention as revised in Stockholm, which was retained unaltered in the 1971 Paris Act of that Convention. The concept of current events thus has the same meaning in both texts: events of public life in the broad sense.

Paragraph (ii)

46. The exception covering distribution for teaching or scientific research makes the privilege available only with respect to distribution in developing countries, and includes no requirement for equitable remuneration.

47. The criterion for determining whether a country is "developing" is that adopted in the recent revisions of the copyright conventions: the established practice of the General Assembly of the United Nations. It is understood that the interpretation to be given to this criterion should be the same as that which was developed for the application of analogous provisions in the 1971 Paris texts of the Berne and Universal Conventions. The rather elaborate machinery of those Conventions dealing with the situation when a country ceases to be developing is not needed here, since the determining factor is the status of the country at the one moment in time when the distribution takes place.

48. The term "teaching" includes adult education, as distinguished from general programming that is cultural or informational in character. The concept of scientific research is not intended to include purely industrial operations.

49. It is apparent that the status of sporting events is of the utmost importance under Article V. Under paragraph (i), short excerpts of a contest or spectacle could be distributed if the genuine purpose was the reporting of a newsworthy event, but only to the extremely brief extent "justified by the informatory purpose". To warrant the use of a short excerpt under this provision, the programming must be done as part of a report of general news of the day and would therefore, as a rule, have to be transmitted on the basis of a fixation. The possibilities of distributing all or any part of a sporting event under paragraph (ii) seem even more limited, since the sole purpose of the distribution must be teaching.

Articles VI to VIII (Final clauses)

Article VI

(1) This Convention shall be deposited with the Secretary-General of the United Nations. It shall be open until ... for signature by any State that is a member of the United Nations, any of the Specialized Agencies brought into relationship with the United Nations, or the International Atomic Energy Agency, or is a party to the Statute of the International Court of Justice.

(2) This Convention shall be subject to ratification or acceptance by the signatory States. It shall be open for accession by any State referred to in paragraph (1).

(3) Instruments of ratification, acceptance or accession shall be deposited with the Secretary-General of the United Nations.

(4) It is understood that, at the time a State becomes bound by this Convention, it will be in a position in accordance with its national legislation to give effect to the provisions of the Convention.

Article VII

(1) This Convention shall enter into force three months after deposit of the ...th instrument of ratification, acceptance or accession.

(2) For each State ratifying, accepting or acceding to this Convention after the deposit of the ...th instrument of ratification, acceptance or accession, this Convention shall enter into force three months after deposit of its instrument.

(3) (a) Any State may, at the time of ratification, acceptance or accession or at any later date, declare by notification addressed to the Secretary-General of the United Nations that the present Convention shall apply to all or any one of the territories for whose international affairs it is responsible. This notification shall take effect three months after the date on which it is received.

(b) However, sub-paragraph (a) may in no case be interpreted as implying recognition or tacit acceptance by any one of the Contracting States of the actual situation in any territory to which the present Convention is made applicable by another Contracting State by virtue of the said sub-paragraph.

Article VIII

(1) Any Contracting State may denounce this Convention by written notification addressed to the Secretary-General of the United Nations, on its own behalf or on behalf of all or any of the territories referred to in Article VII (3).

(2) Denunciation shall take effect twelve months after the date of receipt by the Secretary-General of the United Nations of the notification of denunciation.

50. These formal provisions raise few, if any, problems following closely the equivalent provisions in the Phonograms Convention.

Article IX (Reservations)

Paragraphs (1) and (2)

(1) Subject to paragraphs (2) and (3), no reservation to this Convention shall be permitted.

(2) Any Contracting State which on ... prohibits the unauthorized distribution of programme-carrying signals solely on the basis of the place from which the signals are emitted may, by a notification deposited with the Secretary-General of the United Nations, declare that it will apply this criterion instead of the criterion provided for in Article II.

51. The decision to adopt, as the sole criterion for the applicability of the convention in Article II, the nationality of the originating organization, creates difficulties for a few countries whose present law is based on the criterion of the place from which the signals are emitted. It was therefore agreed that a limited reservation should be permitted on this point.

52. It was understood that Article IX(2) has no bearing on obligations that may be imposed upon originating organizations under Article IV, Alternative A.

Paragraph (3)

(3) (a) Any Contracting State that, on ..., limits or denies protection with respect to the distribution of programme-carrying signals by means of wires, cables or other communications channels to subscribing members of the public, may, by a notification deposited with the Secretary-General of the United Nations, declare that, to the extent that and as long as its domestic legislation limits or denies protection, it will not apply this Convention to such distributions [, provided that:

(i) the distribution in question takes place simultaneously with or after a distribution of the programme-carrying signals by wireless means on the territory of the State, or

(ii) if the distribution in question is derived from a distribution made by the satellite itself, the signals can be received by the general public in that State, or any segment of that public].

(b) Any State that has deposited a notification in accordance with sub-paragraph (a) shall notify the Secretary-General of the United Nations, within six months of their coming into effect, of any changes in its national legislation whereby the reservation under that sub-paragraph becomes inapplicable or more limited in scope.

53. This paragraph involves the difficult problem of reconciling the present convention with the domestic law of a few countries, under which retransmissions of broadcasts to subscribers of wire or cable systems have been held to fall outside

the control of copyright owners. Although misgivings were expressed concerning any provision permitting a reservation in this situation, it was recognized that such a reservation might be necessary to secure wider ratification of the convention.

54. The main part of the paragraph would permit a Contracting State that, on a particular date, "limits or denies protection with respect to the distribution of programme-carrying signals by means of wires, cable or other communications channels to subscribing members of the public" to make a reservation under this convention, but only "to the extent that and as long as" the protection is denied under its domestic law. Clause (b) requires the State to give notice of any changes in its law affecting the scope of the reservation. The modality of a country's domestic law would necessarily have to be established on the basis of some express provision of law or court precedent; the mere absence of a provision or decision explicitly on the point would not be sufficient to permit a reservation.

55. The determinative date with respect to whether a State can make the reservation is intended to be the first day on which signature of the convention is possible. The phrase "other communications channels" refers to connections, other than wire or cable, whether material or immaterial, by which programme material can be directed to specific receivers without being received by the public at large; examples may include transmission by laser beams and microwave transmission of coded material which can be decoded only by a subscriber. "Subscribing members of the public" refers to persons who are capable of identification as the specific recipients of programming, but it is not necessary that they pay any fee or other contribution for being able to receive the programmes.

56. Paragraph (3)(a) also contains, in square brackets, a proviso that would further narrow the scope of the possible

reservation. In effect, no such reservation would be possible where the signals have not yet been distributed by wireless on the State's territory, and also, in the case of direct broadcast satellite distributions, where the signals cannot be received by any part of the public in the State. It was pointed out, however, that, regardless of its logical merits, adoption of this proviso might defeat the purpose of paragraph (3), since the present domestic law of countries in this category makes no such distinctions as to the signals a cable system can lawfully retransmit.

Article X (Notifications)

(1) This Convention shall be established in a single original in English, French, Russian and Spanish, all four versions being equally authentic.

(2) In addition, official versions of this Convention shall be established in

(3) The Secretary-General of the United Nations shall notify the States to which reference is made in Article VI(1), as well as the Director-General of the United Nations Educational, Scientific and Cultural Organization, the Director General of the World Intellectual Property Organization, the Director-General of the International Labour Office [*Alternative: add: and the Secretary-General of the International Telecommunication Union*] of:

- (i) signatures of this Convention;
- (ii) deposits of instruments of ratification, acceptance and accession;
- (iii) the date of entry into force of this Convention;
- (iv) the deposit of notifications relating to Article IX, with the text of the declarations made;
- (v) the receipt of notifications of denunciation.

(4) The Secretary-General of the United Nations shall transmit two certified copies of this Convention to all States to which reference is made in Article VI(1).

57. It was agreed that matters involving secretariat, depositary responsibilities, and the languages in which official versions of the treaty may be established, should be deferred for consideration by the diplomatic conference.

by Articles 1 to 20 of the Brussels Act by virtue of Article 29 of the Stockholm Act, i. e.:

Argentina	Mali
Cameroon	Mauritania ²
Chad	Mexico
Chile	Niger
Congo	Philippines
Dahomey	Senegal
Fiji	Turkey
Gabon	Uruguay
Ivory Coast	Zaire
Madagascar	

The only reservations which apply 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*

Subject to what is said below in connection with the Stockholm and Paris Acts, 47 contracting countries apply the Brussels Act in their mutual relations; they are:

Argentina	Liechtenstein
Australia	Luxembourg
Austria	Madagascar
Belgium	Mali
Brazil	Mauritania ²
Cameroon	Mexico
Chad	Monaco
Chile	Morocco
Congo	Niger
Dahomey	Netherlands ¹
Denmark	Norway
Fiji	Philippines
Finland	Portugal
France	Senegal
Gabon	South Africa
Germany, Federal Republic of	Spain
Greece	Sweden
Holy See	Switzerland
India	Tunisia
Ireland	Turkey
Israel	United Kingdom
Italy	Uruguay
Ivory Coast	Yugoslavia
	Zaire

Sixteen countries of the Union have not yet acceded to the Brussels Act (i. e., the 15 countries between which the Rome Act is applicable and Thailand).

The only reservations applicable in relations between the above-mentioned 47 countries of the Union are those formulated by Mexico, Turkey and Yugoslavia in respect of the right of translation.

(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 provisions 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 Protocol 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. As on December 31, 1972, the following countries apply these provisions:

Argentina	Ivory Coast
Australia	Japan
Belgium	Liechtenstein
Brazil	Luxembourg
Bulgaria	Malta
Cameroon	Mauritania ²
Canada	Monaco
Chad	Morocco
Czechoslovakia	Netherlands
Dahomey	Niger
Denmark	Norway
Fiji	Pakistan
Finland	Portugal
Gabon	Romania
German Democratic Republic	Senegal
Germany, Federal Republic of	South Africa
Greece	Spain
Holy See	Sweden
Ireland	Switzerland
Israel	Tunisia
Italy	Turkey
	United Kingdom
	Yugoslavia

(e) *Paris Act*

The substantive provisions of the Paris Act (i. e., Articles 1 to 21 and the Appendix) have 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 origin by countries which have made a declaration under Article VI(1)(i) of the Appendix or a notification under Article I of the Appendix³.

As for the administrative provisions and final clauses of the said Act (i. e., Articles 22 to 38), two countries (France and Hungary) are bound by them pursuant to Article 28 (3)⁴.

³ See *Copyright*, 1971, p. 189.

⁴ *Ibid.*, 1972, p. 199.

² From February 6, 1973.

Members of the Berne Union as on December 31, 1972

State	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	Substance: Brussels: June 1, 1969 ⁶ Administration: Stockholm: August 25, 1972 ⁷
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
Chad	VII	November 25, 1971 ¹	Substance: Brussels: November 25, 1971 ^{5,14} Administration: Stockholm: November 25, 1971
Chile	VI	June 5, 1970	Brussels: June 5, 1970
Congo	VI	May 8, 1962 ^{1,4}	Brussels: May 8, 1962 ^{4,5}
Cyprus	VI	February 24, 1964 ^{1,4}	Rome: February 24, 1964 ⁴
Czechoslovakia	IV	February 22, 1921	Rome: November 30, 1936 ²
Dabomey	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	Substance: Brussels: August 1, 1951 ⁶ Administration: Paris: December 15, 1972 ¹⁵
Gabon	VI	March 26, 1962 ¹	Brussels: March 26, 1962 ^{2,5}
German Democratic Republic	I	December 5, 1887 ⁹	Substance: Rome: October 21, 1933 ^{6,10,11} Administration: Stockholm: January 29, 1970 ^{10,16}
Germany, Federal Republic of	I	December 5, 1887 ⁹	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	Substance: Rome: August 1, 1931 ⁶ Administration: Paris: December 15, 1972 ¹⁵
Iceland ¹²	VI	September 7, 1947	Rome: September 7, 1947
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: January 29 or February 26, 1970 ^{7,17}
Italy	I	December 5, 1887	Brussels: July 12, 1953 ²
Ivory Coast	VI	January 1, 1962 ¹	Brussels: January 1, 1962 ^{2,5}
Japan ¹²	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	Substance: Brussels: August 1, 1951 ⁶ Administration: Stockholm: May 25, 1972 ⁷
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}

State	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
Mexico ¹²	IV	June 11, 1967	Brussels: June 11, 1967
Monaco	VI	May 30, 1889	Brussels: August 1, 1951 ²
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 ^{3,6,8,10} Administration: Stockholm: January 29 or February 26, 1970 ^{10,17}
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 ^{8,10} Administration: Stockholm: January 29 or February 26, 1970 ^{10,17}
Senegal	VI	August 25, 1962 ¹	Substance: Brussels: August 25, 1962 ^{3,5,6,10} Administration: Stockholm: January 29 or February 26, 1970 ^{10,17}
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: January 29 or February 26, 1970 ^{7,17}
Sri Lanka (Ceylon)	VI	July 20, 1959 ^{1,4}	Rome: July 20, 1959 ^{4,8}
Sweden	III	August 1, 1904	Substance: Brussels: July 1, 1961 ^{3,6} Administration: Stockholm: January 29 or February 26, 1970 ^{7,17}
Switzerland	III	December 5, 1887	Substance: Brussels: January 2, 1956 ⁶ Administration: Stockholm: May 4, 1970 ⁷
Thailand ¹³	VI	July 17, 1931	Berlin: July 17, 1931
Tunisia	VI	December 5, 1887	Brussels: May 22, 1952 ²
Turkey ¹²	VI	January 1, 1952	Brussels: January 1, 1952 ²
United Kingdom	I	December 5, 1887	Substance: Brussels: December 15, 1957 ⁶ Administration: Stockholm: January 29 or February 26, 1970 ^{7,17}
Uruguay	VI	July 10, 1967	Brussels: July 10, 1967
Yugoslavia ¹²	IV	June 17, 1930	Brussels: August 1, 1951 ²
Zaire	VI	October 8, 1963 ^{1,4}	Brussels: October 8, 1963 ^{4,5}

(Total: 62 States)

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, Congo, Dahomey, Fiji, Gabon, India, Ireland, Ivory Coast, Madagascar, Mali, Malta, New Zealand, Niger, Pakistan, Senegal, South Africa); March 21, 1924 (Israel); August 1, 1924 (Lebanon); October 1, 1931 (Cyprus, Sri Lanka); December 20, 1948 (Zaire).

² This country has deposited the notification 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.

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)).

Notes — continued

- 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 (Zaire); May 22, 1952 (Cameroon, Chad, Congo, Dahomey, Gabon, Ivory Coast, Madagascar, Mali, Niger, 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 a 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: Lebanon (December 24, 1933), Malta (August 1, 1931), Pakistan (August 1, 1931) and Sri Lanka (October 1, 1931).
- ⁹ Date on which the accession of the German Empire became effective.
- ¹⁰ 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.
- ¹¹ Date on which the accession of the German Reich became effective. 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). Thereafter, a number of States declared that they did not recognize the validity of this declaration.
- ¹² Accession subject to the reservation concerning the right of translation.
- ¹³ 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.
- ¹⁴ 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.
- ¹⁵ This country is bound by the Paris Act only as far as the administrative provisions (Articles 22 to 26) and the final clauses (Articles 27 to 38) are concerned. Articles 1 to 21 and the Appendix have not yet entered into force.
- ¹⁶ At that time, a number of States had declared that they did not recognize the validity of the accession of the German Democratic Republic.
- ¹⁷ The date of February 26, 1970, applied to States which, at that date, did not recognize the validity of the accession of the German Democratic Republic.

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, Finland, France, Gabon *, German Democratic Republic, Germany (Federal Republic of), Greece *, Holy See *, Hungary, Ireland, Israel, Italy *, Ivory Coast *, Japan *, Liechtenstein, Luxembourg *, Malta *, Mauritania **, Monaco *, Morocco, Netherlands *, Niger *, Norway *, Pakistan, Portugal *, Romania, Senegal, South Africa *, Spain, Sweden,

Switzerland, Tunisia *, Turkey *, United Kingdom, Yugoslavia *.

Conference of Representatives: Austria, Chile, Congo, Cyprus, Iceland, India, Lebanon, Madagascar, Mali, Mexico, New Zealand, Philippines, Poland, Sri Lanka (Ceylon), Thailand, Uruguay, Zaire.

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

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

** Member as from February 6, 1973.

MONACO

**Application of the transitional provisions (five-year privilege) of the Stockholm Act
of the Berne Convention**

The Director General of the World Intellectual Property Organization (WIPO) has notified the governments of member countries of the Berne Union of the notification deposited by the Government of the Principality of Monaco in which that Government indicates its desire to avail itself of the provisions of Article 38(2) of the Stockholm Act of the Berne Convention.

This notification entered into force on the date of its receipt, that is, on December 14, 1972.

Pursuant to the provisions of the said Article, the Principality of Monaco, which is a member of the Berne Union, may, until the expiration of five years from the date of entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO), that is to say until April 26, 1975, exercise the rights provided under Articles 22 to 26 of the Stockholm Act of the Berne Convention, as if it were bound by those Articles.

Berne Notification No. 40, of December 20, 1972.

NETHERLANDS

**Accession to the Brussels Act (1948) of the Berne Convention
(with effect from January 7, 1973)**

*Notification of the Swiss Government to the Governments
of Union Countries*

On November 16, 1972, the Netherlands deposited with the Federal Political Department, for the Kingdom in Europe, an instrument of accession to the Berne Convention for the Protection of Literary and Artistic Works of September 9,

1886, as revised in Brussels on June 26, 1948, in conformity with its Article 25, paragraph (2).

This accession is notified in accordance with Article 25, paragraph (2), of the Convention and will take effect on January 7, 1973, pursuant to paragraph (3) of the said Article.

Berne, December 7, 1972.

The Berne Union and International Copyright in General in 1972

I. Copyright

1. Berne Union

State of the Union

On December 31, 1972, the number of States members of the International Union for the Protection of Literary and Artistic Works was 62. During the year, *Mauritania* deposited its instrument of accession to the Berne Convention for the Protection of Literary and Artistic Works (Stockholm Act). It will become a member of the Berne Union as from February 6, 1973. On that date, the number of States members will become 63.

Brussels Act (1948)

The *Netherlands* deposited, on November 16, 1972, its instrument of accession to the Brussels Act. It will take effect on January 7, 1973.¹

Mauritania deposited its instrument of accession to the Stockholm Act on October 16, 1972. Since, however, Articles 1 to 21 of that Act are not yet in force, Mauritania will, in accordance with the provisions of Article 29 of the Stockholm Act and as from February 6, 1973, be bound by Articles 1 to 20 of the Brussels Act.

Stockholm Act (1967)

Liechtenstein deposited, on February 21, 1972, 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 Liechtenstein, on May 25, 1972.²

Australia deposited, on May 10, 1972, its instrument of accession to the Stockholm Act with the exception of Arti-

¹ See above.

² Copyright, 1972, p. 66.

cles 1 to 21 and the Protocol Regarding Developing Countries; consequently, Articles 22 to 38 entered into force, with respect to Australia, on August 25, 1972.³

Mauritania deposited, on October 16, 1972, its instrument of accession to the Stockholm Act. Since, however, Articles 1 to 21 of that Act are not yet in force, Mauritania will, in accordance with Article 29 of that Act and as from February 6, 1973, be bound by Articles 1 to 20 of the Brussels Act and by Articles 22 to 38 of the Stockholm Act.⁴

Furthermore, on December 14, 1972, *Monaco*⁵ notified the Director General of WIPO of its desire to avail itself of the provisions of Article 38(2) (five-year privilege) of the Stockholm Act.

Paris Act (1971)

Signatory States. The Paris Act of the Berne Convention was open for signature until January 31, 1972. By that date, the following 35 States signed the Paris Act: Brazil, Cameroon, Congo, Cyprus, Denmark, France, Germany (Federal Republic of), Holy See, Hungary, India, Israel, Italy, Ivory Coast, Lebanon, Liechtenstein, Luxembourg, Mexico, Monaco, Morocco, Netherlands, Senegal, Spain, Sri Lanka (Ceylon), Sweden, Switzerland, Tunisia, United Kingdom and Yugoslavia, on July 24, 1971; Belgium, on August 12, 1971; Uruguay, on October 4, 1971; Norway, on December 28, 1971; Finland and Japan, on January 25, 1972; Austria, on January 28, 1972; Romania, on January 31, 1972.

At the time of signature, Romania declared that it intended to avail itself of the right provided for under Article 7(7) of the Paris Act regarding the term of protection. It also made a declaration concerning Articles 31 and 33(1).⁶

Contracting Parties. *France*⁷ and *Hungary*⁸ deposited, on September 11, 1972, their instruments of ratification. Articles 22 to 38 of the Paris Act entered into force with respect to these two States on December 15, 1972. Articles 1 to 21 of that Act were not yet in force at the end of 1972 as the conditions contained in Article 28(2)(a) of the Act had not yet been fulfilled.

The *United Kingdom* had 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 on September 27, 1971.⁹

Relations with Member States

During 1972, the Director General or other officers of WIPO visited Colombia, Gabon, Italy, Kenya, Mexico, Pakistan and Thailand in order to exchange views with the Government authorities of these countries concerning the Berne Union and copyright in general.

Session of the Executive Committee

The Executive Committee of the Berne Union held its third ordinary session at Geneva in September. The Executive Committee approved the program and budget of the Union for the year 1973. In addition to the usual tasks relating to publications concerning copyright and related rights, the program provides particularly for the preparation of model laws on copyright for developing countries based on the Paris (1971) Act of the Berne Convention (see also page 4). The program also provides for a study to be carried out on the desirability and feasibility of establishing in the International Bureau an international service for the identification of literary and artistic works. The Executive Committee accepted the invitation of the Government of Kenya to hold in Nairobi the meeting of the Third 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 (see below).

2. Meetings organized by WIPO

Space satellites. A second 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 was convened jointly with the United Nations Educational, Scientific and Cultural Organization (Unesco) at Paris in May. The Committee had before it a "Draft Convention to Prohibit the Unauthorized Distribution of Program-Carrying Signals Communicated by Satellites", which had been prepared by the First Committee of Governmental Experts which met in Lausanne in April 1971, as well as the observations of States and certain international organizations. On the basis of the deliberations, the Committee adopted a revised draft text of a convention on the subject. It recommended that the Secretariats of Unesco and WIPO prepare explanatory notes on this draft text and possibly propose simplifications or clarifications of the text and that, after the governments and interested organizations have made their comments on the documentation prepared, a third Committee of Experts might be convened in 1973. The draft text of the convention, together with the explanatory notes, was communicated for comments to governments and interested organisations in December.¹⁰

3. Bilateral Relations

The Agreement on the Reciprocal Protection of Copyright, concluded between the People's Republic of Bulgaria and the Union of Soviet Socialist Republics on October 8, 1971, came into force on January 1, 1972.¹¹

4. National Legislation

Several laws, decrees and orders on copyright, some of them promulgated earlier, were published in this Review

³ *Ibid.*, 1972, p. 128.

⁴ *Ibid.*, 1972, p. 240.

⁵ See above, p. 22.

⁶ *Copyright*, 1972, p. 36.

⁷ *Ibid.*, 1972, p. 199.

⁸ *Ibid.*, 1972, p. 199.

⁹ *Ibid.*, 1971, p. 189.

¹⁰ The draft text, together with the notes, appears on pp. 9 *et seq.* above.

¹¹ *Copyright*, 1972, p. 163.

during the year 1972. They include those of the following countries: *Bolivia*¹², *Bulgaria*¹³, *Canada*¹⁴, *Hungary*¹⁵, *Iraq*¹⁶, *Luxembourg*¹⁷, *Nigeria*¹⁸, *Sweden*¹⁹, *United Kingdom*²⁰, *United States of America*²¹.

II. Neighboring Rights

1. Rome Convention

State of the Convention

Fiji deposited, on January 11, 1972, its 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 April 11, 1972, thus bringing the number of Contracting States to 13. The instrument of accession of *Fiji* contains declarations made in respect of Articles 5(1)(b), 6(1) and 12 of the Convention.²²

Intergovernmental Committee

The Intergovernmental Committee established under Article 32 of the Rome Convention held an extraordinary session at Geneva in September 1972. The Committee considered the Report of the Second 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 (Paris, May 1972). Of the two principal viewpoints that had emerged at the Paris meeting, the Committee generally preferred the view that, should it be decided to adopt a new international instrument to protect program-carrying signals transmitted by space satellites, the instrument should seek affirmatively to serve a two-fold purpose, namely, to interdict the unauthorized distribution of signals and, equally important, to preserve and regulate the equilibrium between the rights of the originating organizations, on the one hand, and the rights of authors, performers, producers of phonograms and broadcasting organizations, on the other hand. The Committee also recommended that it might be made clear that nothing in the instrument should be construed as acceptance by the Contracting States of the proposition that the emission of such program-carrying signals to a satellite is not broadcasting for the purposes of other international conventions relating to copyright or neighboring rights and national legislation dealing with such subjects.

The Intergovernmental Committee requested the Secretariat to consult representative organizations of the parties protected by the Convention and of other interested parties,

with a view to ascertaining how progress could be made towards obtaining further ratifications of the Convention.

The Intergovernmental Committee also requested the Secretariat to continue the preparation of a preliminary draft or drafts of a model law on neighboring rights. Such a draft or drafts should facilitate ratification and implementation of the Rome Convention. The draft or drafts are to be communicated for observations to representative organizations of authors, performers, producers of phonograms and broadcasting organizations, and other interested parties. In the light of the observations received, a revised draft should be prepared by the Secretariat and submitted to the next ordinary session of the Intergovernmental Committee.

Finally, the Intergovernmental Committee co-opted, as members, Ecuador, *Fiji* and Sweden and gave observer status in its meetings to the International Publishers Association (IPA).

2. Phonograms Convention

Signatory States. The Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms (Phonograms Convention) was open for signature until April 30, 1972. By that date, the following 31 States signed the Convention: Brazil, Canada, Colombia, Denmark, Ecuador, France, Germany (Federal Republic of), Holy See, India, Iran, Israel, Italy, Luxembourg, Mexico, Monaco, Nicaragua, Spain, Sweden, Switzerland, United Kingdom, United States of America, Uruguay and Yugoslavia, on October 29, 1971; Kenya, on April 4, 1972; Finland and Japan, on April 21, 1972; Austria, Liechtenstein, Norway and Panama, on April 28, 1972; Philippines, on April 29, 1972.²³

Contracting Parties. *Fiji* deposited, on June 12, 1972, its instrument of accession.²⁴ Instruments of ratification were deposited by *France* on September 12, 1972²⁵, by the *United Kingdom* on December 5, 1972²⁶, and by *Finland* on December 18, 1972.²⁷ The Convention is not yet in force. It will enter into force three months after the deposit of the fifth instrument of ratification, acceptance or accession.

3. National Legislation

Among the laws, decrees or orders concerning copyright and published in this Review, some included provisions on neighboring rights. This is the case with the legislative texts of *Canada* (producers of phonograms)²⁸, *Hungary* (performers, broadcasting organizations)²⁹, *Nigeria* (producers of phonograms, broadcasting organizations)³⁰ and the *United Kingdom* (producers of phonograms, broadcasting organizations).³¹

¹² *Ibid.*, 1972, p. 164.

¹³ *Ibid.*, 1972, p. 223.

¹⁴ *Ibid.*, 1972, p. 129.

¹⁵ *Ibid.*, 1972, p. 201.

¹⁶ *Ibid.*, 1972, p. 165.

¹⁷ *Ibid.*, 1972, p. 129.

¹⁸ *Ibid.*, 1972, p. 67.

¹⁹ *Ibid.*, 1972, p. 170.

²⁰ *Ibid.*, 1972, pp. 179 and 180.

²¹ *Ibid.*, 1972, p. 36.

²² *Ibid.*, 1972, pp. 88 and 178.

²³ *Ibid.*, 1972, p. 200.

²⁴ *Ibid.*, 1972, p. 200.

²⁵ *Ibid.*, 1972, p. 200.

²⁶ See below, p. 25.

²⁷ See below, p. 25.

²⁸ *Copyright*, 1972, p. 129.

²⁹ *Ibid.*, 1972, p. 201.

³⁰ *Ibid.*, 1972, p. 67.

³¹ *Ibid.*, 1972, pp. 179 and 180.

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

(Rome, October 26, 1961)

State of Ratifications and Accessions as on December 31, 1972

Contracting States	Deposit of instrument	Entry into force	Ratification (R) or accession (A)
Brazil	June 29, 1965	September 29, 1965	R
Congo *	June 29, 1962	May 18, 1964	A
Costa Rica	June 9, 1971	September 9, 1971	A
Czechoslovakia *	May 13, 1964	August 14, 1964	A
Denmark *	June 23, 1965	September 23, 1965	R
Ecuador	December 19, 1963	May 18, 1964	R
Fiji *	January 11, 1972	April 11, 1972	A
Germany, Federal Republic of *	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
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 Congo, Articles 5(3) (concerning Article 5(1)(c)) and 16(1)(a)(i) [*Le Droit d'Auteur (Copyright)*, 1964, p. 127]; for Czechoslovakia, Article 16(1)(a)(iii) and (iv) [*ibid.*, 1964, p. 110]; for Denmark, Articles 6(2), 16(1)(a)(ii) and (iv), and 17 [*Copyright*, 1965, p. 214]; for Fiji, Articles 5(3) (concerning Article 5(1)(b)), 6(2) and 16(1)(a)(i) [*ibid.*, 1972, pp. 88 and 178]; for Germany (Federal Republic of), 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 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].

INTERNATIONAL ACTIVITIES

International Confederation of Societies of Authors and Composers (CISAC)

(XXVIIIth Congress, Mexico City, October 16 to 21, 1972)

On the invitation of the Authors' and Composers' Society of Mexico (SACM), CISAC, the World Congress of Authors and Composers, held its XXVIIIth Congress at Mexico City from October 16 to 21, 1972; the Congress was preceded by meetings of the Executive Bureau and the Administrative Council of CISAC.

The Congress was particularly well attended, and delegations from authors' societies of the following 43 States participated in the deliberations: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Czechoslovakia, Denmark, Ecuador, Egypt, Finland, France, Germany (Federal Republic of), Greece, Hungary, Iceland, India, Israel, Italy, Japan, Mexico, Morocco, Netherlands, Norway, Panama, Paraguay, Peru, Poland, Portugal, South Africa, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire.

WIPO was invited to attend with observer status and was represented by Mr. Claude Masouyé, Senior Counsellor, Head, External and Public Relations Division; Unesco, also as an observer, was represented by Mr. Daniel de San, Jurist, Copyright Division.

Observers from the following international non-governmental organizations were also present: the International Literary and Artistic Association (ALAI), the International Copyright Society (INTERGU), the International Writers Guild (IWG) and the International Publishers Association (IPA).

The President of the Mexican Republic, H. E. Mr. Luis Echeverria Alvarez, was present at the opening meeting of the Congress, together with several Ministers or Secretaries of State of the Mexican Government. The deliberations were followed by a number of well-known public figures in Mexico, including Mr. Gabriel de Larrea Richerand, Director General

of Copyright in the Ministry of Public Education. Mr. Miguel Angel Asturias, Nobel prize-winner for literature in 1967, was also present, as guest of honor of CISAC.

As is customary, a number of receptions and other events were organized on the occasion of the Congress.

In addition to matters of an administrative or statutory nature, which were examined in the restricted hodies of CISAC, and questions of a professional character, which had been examined by the International Councils of Authors, the agenda of the Congress included the following items:

- the future of international copyright in the light of the Conferences for revision of the Berne Convention and the Universal Copyright Convention, held at Paris in July 1971 (report by Mr. Valerio De Sanctis, Legal Adviser of the Italian Authors' and Publishers' Society SIAE);
- the role of authors' societies vis-à-vis new techniques for the communication and exploitation of works, such as satellites, cable television, videograms, reprography (report by Mr. Denis de Freitas, Legal Adviser of the Performing Right Society PRS);
- the problems encountered by authors' societies in Latin America (report by Mr. Carlos Gomez Barrera, Director General of the Mexican Society of Authors and Musical Composers SACM);
- problems arising in the establishment and functioning of authors' societies in the developing countries (report by Mr. Abderrahmane Amri, Director General of the Authors' and Composers' Society of Tunisia SODACT);
- authors' rights in respect of works which are commissioned or are created under a contract of service (report by Mr. Ulrich Uchtenhagen, Director General of the Swiss Authors' and Publishers' Society SUISA);
- copyright and anti-trust legislation in the United States of America (report by Mr. Herman Finkelstein, Legal Adviser of the American Society of Composers, Authors and Publishers ASCAP);
- authors' societies and the legal régime under the Treaty establishing the European Economic Community (report by Mr. Jean-Loup Tournier, Director General of the French Society of Authors and Musical Composers SACEM);
- rights neighboring on copyright (report by Mr. Theodore Limperg, Honorary Director General of the Netherlands Authors' and Composers' Society BUMA).

The Congress adopted resolutions on some of these items, and the relevant texts are reproduced below.

After completing its deliberations, the Congress elected as President of CISAC the Italian playwright Diego Fabri, and as Vice-President the Mexican composer Mrs. Consuelo Velasquez. The first gold medal of CISAC was formally presented to Mr. Valerio De Sanctis, in recognition of the eminent services which he has rendered to the cause of the creators of intellectual works.

The next Congress of CISAC will be held in 1974, at a date and place to be determined by the Administrative Council.

Resolutions

Greece: Decree-law No. 451 of February 25, 1970

The International Confederation of Societies of Authors and Composers (CISAC), meeting in General Assembly at Mexico D.F. from October 16 to 21, 1972, on the occasion of its XXVIIIth Congress,

Considering that the Decree-law No. 451 of February 25, 1970, promulgated by the Greek Government is still in force,

Recalls that, on August 6, 1970, the Greek Government publicly stated that, in promulgating that law, it had made a mistake and that this law would, therefore, be repealed;

Deplores the fact that, notwithstanding this publicly announced intention, this expropriatory law remains in force;

Urges the Greek Government to honour, without further delay, its promise to repeal the said law, thereby restoring to authors and composers the entirety of the rights guaranteed to them through membership of Greece in the Berne Union for the Protection of Literary and Artistic Works;

Recommends all member societies, in solidarity with Greek authors and composers, to take all possible measures to persuade the Greek Government to reinstate the full protection of intellectual works in Greece, whose authors, over the centuries, have contributed to the world such a large share of its intellectual heritage.

Protection and administration of copyright in the developing countries, particularly in Africa

The International Confederation of Societies of Authors and Composers (CISAC), meeting in General Assembly in Mexico D.F. from October 16 to 21, 1972, on the occasion of its XXVIIIth Congress,

Having heard the report on the problems of authors' societies in the developing countries,

Expresses its satisfaction at the very encouraging results attained by the African societies, in particular those of Egypt (SACERAU), Morocco (BMDA), Tunisia (SODACT) and Zaire (SONECA) both as regards the defence of copyright in their respective countries and the reduction of their administrative expenses;

Applauds the efforts of these young societies to develop their national cultural heritage so that the political and economic progress of their countries may be attended by cultural progress;

Signifies its sympathy for African authors working creatively in the field of designs and models in their struggle against the determination of the users to enforce on them a fixed sum by way of remuneration which is not compatible with the fundamental principle of the author's association with the economic career of his work;

Expresses its resolve:

1. to make a profound study of the difficulties experienced by the young societies in the developing countries as well as of all measures likely to contribute to their solution;
2. to make representations to Unesco and WIPO, which are now drafting model laws for the developing countries, to provide in their drafts, in the drawing up of which it is essential that CISAC collaborate, for the obligation to create professional organizations of authors entrusted with the protection of the moral and material interests of authors;
3. to study the proposal made by the African societies to institute within CISAC a Panafrican Council charged, following the precedent of the Panamerican Council, with the tasks of:
 - (a) ensuring the promotion of copyright on the African continent, particularly by drafting national copyright laws,
 - (b) providing for the creation of African societies of authors and the improvement, if necessary, of the working methods of those already in existence,
 - (c) preventing attempts by Panafrican organizations, under various pretexts having no relation with the true desire to defend authors, to take control of the field of literary and artistic property;
4. to organize among the societies of the developed countries probationary courses and technical improvement studies for African executive personnel whose functions are essential in the management of their societies.

Works created on commission or under a contract of service

The International Confederation of Societies of Authors and Composers (CISAC), meeting in General Assembly at Mexico D. F. from October 16 to 21, 1972, on the occasion of its XXVIIIth Congress,

Having considered the report presented to it on the rights of authors who create works on commission or in execution of a contract of service,

Believes that it is the establishment of a contractual relationship between the author, on the one hand, and the employer or person commissioning a work, on the other, which best meets the nature of that

relationship because it enables both parties to make all the provisions required by their special interests and to inform each other of their intentions;

Considers, nevertheless, that this method should be completed by a system of legal presumptions limited exclusively to the means of exploitation known to the author at the moment he signs the contract;

Decides to put in hand the study by its competent bodies of standard forms of contract intended to regulate the relations between author and employer or person commissioning a work.

CONVENTIONS NOT ADMINISTERED BY WIPO

European Agreements

State of Signatures, Ratifications and Accessions as on December 31, 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) or 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, Federal Republic of *	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) or 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, Federal Republic of	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

Universal Copyright Convention

(Geneva, September 6, 1952)

State of Ratifications and Accessions as on December 31, 1972

Contracting States	Deposit of instrument	Entry into force	Ratification (R) or accession (A)	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	Luxembourg	July 15, 1955	October 15, 1955	R
Argentina	November 13, 1957	February 13, 1958	R	Malawi	July 26, 1965	October 26, 1965	A
Australia	February 1, 1969	May 1, 1969	R	Malta	August 19, 1968	November 19, 1968	A
Austria	April 2, 1957	July 2, 1957	R	Mauritius ⁴	August 20, 1970	March 12, 1968	A
Belgium	May 31, 1960	August 31, 1960	R	Mexico	February 12, 1957	May 12, 1957	R
Brazil	October 13, 1959	January 13, 1960	R	Monaco	June 16, 1955	September 16, 1955	R
Canada	May 10, 1962	August 10, 1962	R	Morocco	February 8, 1972	May 8, 1972	A
Chile	January 18, 1955	September 16, 1955	R	Netherlands	March 22, 1967	June 22, 1967	R
Costa Rica	December 7, 1954	September 16, 1955	A	New Zealand	June 11, 1964	September 11, 1964	A
Cuba	March 18, 1957	June 18, 1957	R	Nicaragua	May 16, 1961	August 16, 1961	R
Czechoslovakia	October 6, 1959	January 6, 1960	A	Nigeria	November 14, 1961	February 14, 1962	A
Denmark	November 9, 1961	February 9, 1962	R	Norway	October 23, 1962	January 23, 1963	R
Ecuador	March 5, 1957	June 5, 1957	A	Pakistan	April 28, 1954	September 16, 1955	A
Fiji ³	December 13, 1971	October 10, 1970		Panama	July 17, 1962	October 17, 1962	A
Finland	January 16, 1963	April 16, 1963	R	Paraguay	December 11, 1961	March 11, 1962	A
France	October 14, 1955	January 14, 1956	R	Peru	July 16, 1963	October 16, 1963	R
Germany, Federal Republic of	June 3, 1955	September 16, 1955	R	Philippines	August 19, 1955	November 19, 1955	A
Ghana	May 22, 1962	August 22, 1962	A	Portugal	September 25, 1956	December 25, 1956	R
Greece	May 24, 1963	August 24, 1963	A	Spain	October 27, 1954	September 16, 1955	R
Guatemala	July 28, 1964	October 28, 1964	R	Sweden	April 1, 1961	July 1, 1961	R
Haiti	September 1, 1954	September 16, 1955	R	Switzerland	December 30, 1955	March 30, 1956	R
Holy See	July 5, 1955	October 5, 1955	R	Tunisia	March 19, 1969	June 19, 1969	A
Hungary	October 23, 1970	January 23, 1971	A	United Kingdom	June 27, 1957	September 27, 1957	R
Iceland	September 18, 1956	December 18, 1956	A	United States of America	December 6, 1954	September 16, 1955	R
India	October 21, 1957	January 21, 1958	R	Venezuela	June 30, 1966	September 30, 1966	A
Ireland	October 20, 1958	January 20, 1959	R	Yugoslavia	February 11, 1966	May 11, 1966	R
Israel	April 6, 1955	September 16, 1955	R	Zambia	March 1, 1965	June 1, 1965	A
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				
Liechtenstein	October 22, 1958	January 22, 1959	A				

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

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

³ In accordance with the provisions of Article XIII, the Universal Convention was already applicable, as from March 1, 1962, to the territory of this State before its independence.

⁴ 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.

The Universal Copyright Convention was revised at Paris on July 24, 1971 (see *Copyright*, 1972, pp. 22 *et seq.*). Instruments of ratification have so far been deposited by France, Hungary, the United Kingdom and the United States of America. The Convention so revised will come into force three months after the deposit of twelve instruments of ratification, acceptance or accession.

- October 8 to 19, 1973 (Geneva) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee
- October 22 to 27, 1973 (Tokyo) — Patent Cooperation Treaty (PCT) — Interim Committees for Administrative Questions, for Technical Assistance and for Technical Cooperation, and Standing Subcommittee of the latter
- November 5 to 9, 1973 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee
- November 14 to 16, 1973 (Geneva) — ICIREPAT — Plenary Committee (PLC)
- November 19 to 27, 1973 (Geneva) — Administrative Bodies of WIPO (General Assembly, Conference, Coordination Committee) and of the Paris, Berne, Madrid, Nice and Locarno Unions (Assemblies, Conferences of Representatives, Executive Committees)
Invitations: States members of WIPO, or of the Paris or Berne Union — *Observers:* Other States members of the United Nations or of a Specialized Agency; intergovernmental and international non-governmental organizations concerned
- November 26 and 27, 1973 (Geneva) — Lisbon Union — Council
Members: States members of the Lisbon Union — *Observers:* Other States members of the Paris Union
- November 28 to 30, 1973 (Geneva) — Working Group on Scientific Discoveries
Invitations and observers: To be announced later
- December 3 to 7, 1973 (Geneva) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee
- December 3 to 7, 1973 (Geneva) — ICIREPAT — Technical Committee for Shared Systems (TCSS)
- December 3 to 5, 1973 (Paris) — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations — Intergovernmental Committee
Note: Meeting convened jointly with the International Labour Organisation and Unesco
- December 5 to 11, 1973 (Paris) — Executive Committee of the Berne Union — Extraordinary Session
Note: Some meetings with the Intergovernmental Copyright Committee established by the Universal Copyright Convention
- December 10 to 14, 1973 (Paris) — ICIREPAT — Technical Committee for Standardization (TCST)
- December 18 to 20, 1973 (Geneva) — Working Group for the Mechanization of Trademark Searches
Object: Report and recommendations to a Committee of Experts on mechanized trademark searches — *Invitations:* Australia, Austria, Belgium, Canada, France, Germany (Federal Republic of), Ireland, Japan, Luxembourg, Netherlands, Soviet Union, Spain, Sweden, United Kingdom, United States of America — *Observers:* Colombia, Benelux Trademark Office

UPOV Meetings

- March 13 and 14, 1973 (Geneva) — Technical Steering Committee
- March 15, 1973 (Geneva) — Symposium Working Party
- April 2 and 3, 1973 (Geneva) — Working Group on Variety Denominations
- April 4 and 5, 1973 (Geneva) — Consultative Committee
- June, 1973 (Avignon) — Technical Working Party for Vegetables
- July 2 to 6, 1973 (London) — Symposium on Plant Breeders' Rights
- October, 1973 (Geneva) — Council

Meetings of Other International Organizations concerned with Intellectual Property

- March 5 and 6, 1973 (London) — International Confederation of Societies of Authors and Composers — Legal and Legislative Commission
- March 13 to 15, 1973 (Rijswijk) — International Patent Institute — Administrative Council
- March 19 to 30, 1973 (Brussels) — European Economic Community — "Community Patent" Working Party
- March 30, 1973 (Paris) — International Chamber of Commerce — Industrial Property Commission
- April 28 to May 1, 1973 (Valencia) — International League against Unfair Competition — Study meetings
- May 7 to 11, 1973 (London) — International Federation of Musicians — Congress
- May 8 to 10, 1973 (Paris) — Unesco International Copyright Information Centre
- May 20 to 26, 1973 (Rio de Janeiro) — International Chamber of Commerce — Congress
- May 22 and 23, 1973 (Malmö) — International Plant Breeders Association for the Protection of New Varieties — Congress
- June 26 to July 17, 1973 (Washington) — Organization of American States — Committee of Governmental Experts on Industrial Property and Technology Applied to Development
- September 10 to 14, 1973 (Stockholm) — International Federation of Actors — Congress
- September 10 to October 6, 1973 (Munich) — Munich Diplomatic Conference for the Setting Up of a European System for the Grant of Patents, 1973
- September 24 to 28, 1973 (Budapest) — International Association for the Protection of Industrial Property — Symposium
- October 23 to November 3, 1973 (Jerusalem) — International Writers Guild — Congress

VACANCY IN WIPO

Competition No. 204

Counsellor

(or "Legal Assistant" *)

General and Periodicals Section
(Industrial Property Division)

Category and grade: P. 4/P. 3 according to qualifications and experience of the selected candidate.

Principal duties:

The incumbent will assist the Head of the General and Periodicals Section in carrying out various tasks which fall under the competence of the above-mentioned Section. His particular duties will be the following:

- (a) undertaking studies on questions relating to industrial property protection;
- (b) undertaking studies concerning international conventions in the above-mentioned field, including the revision of existing conventions and the setting up of new conventions;
- (c) dealing with correspondence relating to questions mentioned under (a) and (b);
- (d) participating in WIPO meetings and representing the latter in meetings of or with other international organizations dealing with questions referred to under (a) and (b);
- (e) as necessary, assisting in other tasks within the jurisdiction of the Section (including preparatory work relating to industrial property Seminars).

*Qualifications required **:*

- (a) University degree in law or qualifications equivalent to such a degree.

* Title applicable if appointment at P. 3 level.

** The full range of these qualifications corresponds to an appointment at the P. 4 level.

- (b) Wide experience in industrial property law (including its international aspects).
- (c) Ability to prepare legal studies and to draft texts of international arrangements.
- (d) Ability to act as a representative of WIPO in specialized meetings relating to the above-mentioned duties.
- (e) Excellent knowledge of either English or French and at least a good knowledge of the other.

Nationality:

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

Type of appointment:

Probationary period of two years, after satisfactory completion of which a permanent appointment will be offered.

Age limit:

Candidates must be less than 50 years of age at date of appointment.

Date of entry on duty:

To be agreed.

Applications:

Application forms and full information regarding the *conditions of employment* may be obtained from the Head of the Administrative Division, WIPO, 32 chemin des Colomnettes, 1211 Geneva, Switzerland. Please refer to the number of the Competition.

Closing date: March 30, 1973.