

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. 2
FEBRUARY 1973

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WORLD INTELLECTUAL PROPERTY ORGANIZATION

CONGO

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

The Director General of the World Intellectual Property Organization has notified the Governments of the countries invited to the Stockholm Conference of the notification deposited by the Government of the People's Republic of the Congo, 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 January 23, 1973.

Pursuant to the said Article, the People's Republic of the Congo, which is a member of the Paris Union and of the Berne 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. 41, of January 26, 1973.

BERNE UNION

Application of the transitional provisions (five-year privilege) of the Paris Act (1971) of the Berne Convention

CAMEROON

The Director General of the World Intellectual Property Organization has notified the Governments of member countries of the Berne Union of the notification deposited by the Government of the United Republic of Cameroon, in which that Government indicates its desire to avail itself of the provisions of Article 38(1) of the Paris Act (1971) of the Berne Convention.

This notification entered into force on the date of its receipt, that is, on December 29, 1972.

Pursuant to the provisions of the said Article, the United Republic of Cameroon, 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. 41, of January 26, 1973.

CONGO

The Director General of the World Intellectual Property Organization has notified the Governments of member countries of the Berne Union of the notification deposited by the Government of the People's Republic of the Congo, in which that Government indicates its desire to avail itself of the provisions of Article 38(1) of the Paris Act (1971) of the Berne Convention.

This notification entered into force on the date of its receipt, that is, on January 23, 1973.

Pursuant to the provisions of the said Article, the People's Republic of the Congo, 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. 42, of January 26, 1973.

UNITED KINGDOM

**Declaration concerning the application of the Berne Convention
to the territory of Hong Kong**

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of member countries of the Berne Union that, referring to its accession on February 26, 1969, which is limited to Articles 22 to 38, and in accordance with the provisions of Articles 31 and 32(1) of the Stockholm Act of the Berne Convention, the Government of the United Kingdom of Great Britain and

Northern Ireland has declared that the Convention as revised at Brussels on June 26, 1947, is applicable to the territory of Hong Kong.

Pursuant to Article 31(3)(a) of the Stockholm Act, this declaration will take effect three months after the date of this notification, that is, on May 5, 1973.

Berne Notification No. 43, of February 5, 1973.

CONVENTIONS ADMINISTERED BY WIPO

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

Ratification by Sweden

The Director General of the World Intellectual Property Organization (WIPO) has informed the Governments of the States invited to the Diplomatic Conference on the Protection of Phonograms that, according to the notification received from the Secretary-General of the United Nations, the Government of the Kingdom of Sweden deposited on January 18, 1973, its instrument of ratification of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms.

By a notification dated December 28, 1972, deposited with the Director General of WIPO on January 11, 1973, the Gov-

ernment of the Kingdom of Sweden declared, in accordance with Article 7(4) of the above Convention, that it will apply the criterion according to which it affords protection to producers of phonograms solely on the basis of the place of first fixation instead of the criterion of the nationality of the producer.

A separate notification is being made of the entry into force of the said Convention.

Phonograms Notification No. 6, of January 31, 1973.

Entry into Force

The Director General of the World Intellectual Property Organization (WIPO) has informed the Governments of the States invited to the Diplomatic Conference on the Protection of Phonograms that, according to the notification received from the Secretary-General of the United Nations, the Convention will enter into force on

April 18, 1973.

Article 11(1) of the Convention provides the entry into force three months after deposit of the fifth instrument of ratification, acceptance or accession.

It is to be noted that instruments of ratification or accession were deposited by the following five States: Fiji, on June 12, 1972; France, on September 12, 1972; United Kingdom, on December 5, 1972; Finland, on December 18, 1972; and Sweden, on January 18, 1973.

Phonograms Notification No. 7, of January 31, 1973.

NATIONAL LEGISLATION

UNITED STATES OF AMERICA

Public Law 92-566 (92nd Congress, S. J. Res. 247)

(Of October 25, 1972)

Joint Resolution extending the duration of copyright protection in certain cases

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87-668, by Public Law 89-142, by Public Law 90-141, by Public Law 90-416, by Public

Law 91-147, by Public Law 91-555, or by Public Law 92-170 (or by all or certain of said laws), would expire prior to December 31, 1974, such term is hereby continued until December 31, 1974.

Approved October 25, 1972.

UNITED KINGDOM

Performers' Protection Act 1972

(Of June 29, 1972)

An Act to amend the Performers' Protection Acts 1958 and 1963

Increase of fines under Performer's Protection Acts 1958 and 1963

1. — The enactments specified in column 1 of the Schedule to this Act (being enactments creating the offences under the Performers' Protection Acts 1958 and 1963 broadly described in column 2 of that Schedule) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in that enactment were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine not exceeding the amount specified in column 3 of that Schedule.

Amendment of section 1 of Dramatic and Musical Performers' Protection Act 1958

2. — Section 1 of the Dramatic and Musical Performers' Protection Act 1958 (by which the making of records without the consent of the performers and sales of, and other dealings with, such records are rendered punishable) shall have effect as if after the word "transaction" there were inserted the words "or, on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both".

Amendment of Performers' Protection Act 1963

3. — In the Performers' Protection Act 1963 there shall be inserted after section 4 the following section:—

"Offences by bodies corporate

4A. — Where an offence under the principal Act or this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly."

Citation, construction, commencement and extent

4. — (1) This Act may be cited as the Performers' Protection Act 1972, and the Performers' Protection Acts 1958 and 1963 and this Act may be cited together as the Performers' Protection Acts 1958 to 1972.

(2) This Act shall come into operation at the expiration of the period of one month beginning with the date of its passing, but nothing in this Act shall affect the punishment for an offence committed before the commencement of this Act.

(3) It is hereby declared that this Act extends to Northern Ireland.

SCHEDULE
Increase of Fines

| (1) Enactment | (2) Description of Offence | (3) Old Maximum Fine | (4) New Maximum Fine |
|---|---|--|--|
| The Dramatic and Musical Performers' Protection Act 1958 — | | | |
| Section 1 | Making, etc., records without consent of performers. | £2 for each record in respect of which an offence is proved subject to a limit of £50 in respect of any one transaction. | £20 for each record in respect of which an offence is proved subject to a limit of £400 in respect of any one transaction. |
| Section 2 | Making, etc., cinematograph films without consent of performers. | £50 | £400 |
| Section 3 | Broadcasting without consent of performers. | £50 | £400 |
| Section 4 | Making or having plates, etc. for making records in contravention of Act. | £50 | £400 |
| The Performers' Protection Act 1963 — | | | |
| Section 3(1) | Relaying performances without consent of performers. | £50 | £400 |
| Section 4(1) | Giving consent without authority. | £50 | £400 |

GENERAL STUDIES

Some problems raised by the publication abroad of scientific works by Polish authors

By Boleslaw NAWROCKI *

Introduction

In this study we have undertaken to examine certain problems raised by the publication abroad of scientific works by Polish authors. "Publication" is used here in the broad sense, which includes making the work available to the public by various means, and not simply "graphic" publication.

Polish authors who are in a position to publish their works abroad, and potential exploiters of those works — particularly foreign publishing houses — are often confronted with a number of difficulties owing to certain restrictions imposed and permissions required by the Polish authorities.¹

In the case of the publication abroad of the works of Polish authors, the measures referred to above are generally of two kinds. They concern either:

- (a) the actual contents of the scientific work (permission for the publication abroad of a given text of the scientific work), or
- (b) the financial aspects of the exploitation abroad of the copyright in a given scientific work (permission for the use by the copyright owner of monies received from abroad as royalties).

The difference between these two types of permissions, although of fundamental importance, is sometimes difficult to discern. There are no legislative provisions which deal with the problem as a whole and list expressly all the required permissions as well as all the cases in which the author of a scientific work is obliged to obtain a specific permission. Implementing texts for internal use (such as circulars, internal instructions, etc.), even if they contain the required provisions, generally deal with only part of the problem. Moreover, they are difficult of access in the majority of cases. In practice, this is likely to give rise to a wide variety of misunderstandings and complicate international transactions in the publishing field.

The Polish authorities became aware of certain gaps in the legislative provisions currently in force and the shortcomings of the solutions which have been applied for years and no

longer correspond, at the economic and cultural levels, to the present circumstances of the country. Consequently, work has recently been started with a view to amending the relevant legal provisions.² This work, which is still in progress, seems to show a tendency towards simplifying and liberalizing a number of provisions, in the interests of the Polish author himself and in order to promote an intensification of international collaboration in science and technology.

In this study, we shall endeavor to examine successively the following problems:

- (1) publication abroad of a scientific work which has not been published for the first time on the territory of the Polish People's Republic;
- (2) reproduction abroad of a scientific work published for the first time on the territory of the Polish People's Republic;
- (3) certain financial aspects of the exploitation abroad of the copyright in a scientific work by a Polish author.

I

Publication abroad of a scientific work which has not been published for the first time on the territory of the Polish People's Republic

If a Polish author wishes to give a lecture in a foreign country or send the manuscript of a scientific work abroad for its first publication, he must obtain approval of the competent authorities for the contents of the work. Permission of this kind is granted on the basis of the various legislative provisions in force in the Polish People's Republic regarding the observance of State secrets or professional secrets, collaboration with foreign countries in science and technology, etc. (for instance, Ordinance of the President of the Council of Ministers, No. 12, dated January 23, 1963, *Monitor Polski* No. 9/1963).

Every author of a scientific work who is a Polish citizen or has his permanent residence on the territory of the Polish People's Republic is obliged to observe the above secrets, whether he is a salary earner or a research scientist, under a research contract with a State agency, for instance. The various legislative provisions and the corresponding contractual clauses ensure that the author keeps secret the results of his work and any information which may have been imparted

* Doctor of Law.

Note: This study is an updated adaptation of an article written in July 1970 and published in Polish by *Państwo i Prawo* (State and Law), the official periodical of the Institute of Juridical Science of the Polish Academy of Science, No. 10(308)1971. The adaptation has been prepared by the author and is published here by courtesy of *Państwo i Prawo*.

¹ It should be explained that the Polish term "zezwolenie" is translated in the official English version of the 1952 Polish Copyright Law by "authorization" where it concerns the "authorization of the author" (Article 3(2)) and by "permission" where it means the authorization granted by the Polish competent authorities (for instance permission of the Council of Ministers — Article 16(4)). See *Copyright Laws and Treaties of the World*, Vol. II, 1962.

² One such document which has been produced is the draft ordinance of the Minister of Finance on the interpretation of certain provisions of the Polish Law on Foreign Currency and Permissions concerning the Use of Foreign Currency (May 1972).

to him for the purposes of research and the completion of his task. They also provide that special permission must be sought for the first publication of a scientific work by a Polish author, whether this takes place on the territory of the Polish People's Republic or abroad.

The authorities competent to grant the above permissions are the heads of the various State administrative bodies, such as the Ministries, the Polish Academy of Science or the Committee for Radio and Television, on which the authors of scientific works are dependent, being salary earners or bound by various kinds of contracts of service or the commissioning of work. The same permissions may also be granted by persons invested with special powers for that purpose.

The following persons are therefore competent to grant permission in the respective cases:

scientific workers at the Polish Academy of Science:
the heads of the administrative units of the Academy (see the Normative Instruments of the Science Secretary of the Polish Academy of Science: Ordinance No. 28, of July 27, 1970; Circular No. 5, of May 9, 1969; Circular No. 9, of December 1, 1969);

scientific workers at schools of higher education:
the rectors of such schools;

authors attached to institutions responsible to the Ministry of Culture and the Arts (for instance, employees of the National Museum, those of the office of the Art Agency PAGART or the Society of Authors ZAIKS: in other words, employees of institutions under the supervision of the Ministry of Culture and the Arts),
the head of that Ministry.

It should be pointed out here that the permission relating to the actual contents of the work, for instance, the permission to give a lecture or publish a work in a foreign country, which is given by the administrative bodies of the State, is not regarded as being at the same time permission to use foreign currency received from abroad as royalties. Only in certain specific cases is a permission relating to the contents of the work, granted by the Ministry of Culture and the Arts (for instance, to employees of ZAIKS), interpreted as implicit permission to use foreign currency, granted pursuant to the Ordinance of August 9, 1960, of the Minister of Finance (see Part III of this study).

The provisions currently in force in the Polish People's Republic do not state expressly to whom the author of a scientific work should apply when, in Poland, he is neither earning a salary from nor is bound by a contract of service or for the commissioning of a work with an institution competent to grant the respective permission. Some years ago, there was an attempt to place such authors under the authority of the Ministry of Culture and the Arts, it being the Ministry in charge of copyright matters. In practice, however, these authors came up against obstacles which, to all intents and purposes, were insurmountable. The Ministry of Culture and the Arts did not have specialized services capable of passing judgment on scientific works, which often dealt with very specialized subjects, and was, therefore, obliged to refer to competent authorities or persons to ask their opinions on the

scientific works submitted. However, the works themselves more often than not became out of date while awaiting publication.

Nor does ZAIKS, which groups a few hundred authors in its section of authors of scientific works, have any competence in this respect.

The problem is, so to speak, still outstanding, and the Polish authorities have not yet taken a decision; they appear to think that there are no more authors of scientific works in the Polish People's Republic who are not salary earners or are not formally bound in one way or another to a State agency which is competent to grant the necessary permissions.

The other problem which is somewhat controversial is the publication abroad of scientific works created by Polish authors in the course of their stay in foreign countries, either on official duties or privately. A number of questions have arisen in this connection. Is the permission of the Polish authorities required for the publication abroad of a doctoral thesis written by a Polish citizen under a foreign grant awarded with the consent of the Polish authorities? If so, which Polish authorities are competent to decide on such cases? Does the fact of a scientific worker having been seconded to an international organization or scientific research institute — under the French National Scientific Research Center, for instance — carry the implicit permission for the publication abroad of the results of scientific research undertaken within the framework of the work of the person in question in a given institute or international organization?

This problem has frequently arisen when the authors of scientific works, on their return to the Polish People's Republic, received reward in foreign currency in the form of royalties and met with difficulties in using it as they wished because they lacked the express prior permission of the Polish authorities regarding the use of foreign currency.

It has always been stressed in the past that permission to publish a given text in a foreign country is an essential prerequisite for the permission regarding the use of foreign currency. In practice, however, the administrative bodies of the State have more often than not declared themselves not competent to accede to specific requests for permission for want of the relevant specific provisions. It was therefore necessary to draft precise provisions as soon as possible, in order finally to bring about a reasonable solution of the problem under consideration.

Work is currently in progress on the amendment and codification of the provisions in force in the Polish People's Republic, on the basis of conceptions which are much more liberal and more favorable to authors. For instance, it is proposed that persons described as "*krajowiec dewizowy*"³ should be authorized to undertake all gainful work and activities (notably in the field of intellectual creation) during stays in foreign countries, in so far as the provisions in force in the countries where they were temporarily staying were not

³ The term "*krajowiec dewizowy*" is untranslatable; it means any Polish or foreign citizen residing permanently in the Polish People's Republic and subject to the restrictions provided for in Polish foreign currency legislation.

thereby infringed. Such a provision would, therefore, embody general permission, in particular, for the publication of scientific works created by Polish authors during their stay abroad. When it comes into force it would undoubtedly fill a gap in the existing provisions — a gap which has been the basis of a number of interpretations, often very adverse to the interests of Polish authors.

The scope of such a general permission can obviously be restricted by special provisions, for example, those which oblige the salaried author to observe professional secrecy for a certain time after the expiration of his employment contract. It is possible, therefore, to foresee a situation where the Polish author staying abroad is nevertheless obliged to seek the permission of the competent Polish authorities to publish specific scientific works. The publication of a work abroad, with the express consent of the author but without the permission mentioned above, could implicate the author's responsibility at the administrative or contractual level in Poland, which, however, need not have economic consequences, i. e., impossibility for the author to use freely, in the Polish People's Republic, foreign currency received from abroad as royalties, for instance to cover the travel expenses and the cost of the stay abroad, and obligation to exchange the sums received at the National Bank at the official, nonpreferential, rate.

II

Reproduction abroad of a scientific work published for the first time on the territory of the Polish People's Republic

It should first be pointed out that, in the Polish People's Republic, a distinction is generally made in practice between scientific works published in printed form (graphic publication), either in the form of printed books or in the form of articles in scientific periodicals, in the press, etc.

(a) As far as *scientific works published in book form* are concerned, any assignment of economic rights must, to be valid, be evidenced in writing. The form of the publishing contract, which is mandatory in such cases, is determined by Ordinance No. 190 of the Council of Ministers, dated June 11, 1955, which sets the rates of remuneration and lays down rules for the conclusion of contracts for the publication in book form of literary, scientific and professional works (*Dziennik Ustaw* No. 32/1955). The effect of such a contract is *erga omnes*. The publisher acquires the exclusive right of the author. If, therefore, a third party were to publish such a scientific work, it would automatically be in conflict with the exclusive right acquired by the publisher.

(b) As for *scientific works published in the form of articles in scientific periodicals, the press, etc.*, the conclusion of a formal publishing contract in writing is not required. This question has been settled by an Ordinance of the President of the Central Office for Publication, Graphic Industry and Bookselling,⁴ dated December 15, 1955, concerning the principles for the remuneration of authors, translators, experts, proofreaders and illustrators, for the preparation of works

published in periodicals (*Monitor Polski* No. 127/1953). The Ordinance does not make it mandatory to conclude a publishing contract. It refers only to a "commissioned work", in other words, a work written in compliance with an order made by the editor of a given periodical (Article 31(5)).

It should be borne in mind that an order of this kind is almost always made by word of mouth. Under these circumstances, the contract entered into by the chief editor of the periodical and the author, without respect for the formal and substantive terms and conditions which are specific to publishing contracts, produces its effects only between the parties to the contract, and not *erga omnes*. According to the most widely held opinion, the publisher does not in that case acquire an exclusive right in the respective scientific work, but only the right to make a single publication of the work in exchange for a specified remuneration.

After this very brief outline of the nature of the relationship between the Polish publisher and the author of a scientific work, we propose now to embark on the main theme of the second part of this study, namely the reproduction abroad of a scientific work published for the first time on the territory of the Polish People's Republic.

The first problem which arises is that of establishing whether, in this case, any authorization on the part of the author of the scientific work is necessary and, if so, whether that author may authorize the reproduction abroad of the work which he has published for the first time in the Polish People's Republic, without first obtaining the permission to do so from the Polish authorities.

Let us first examine the case of scientific works published in book form.

By entering into a publishing contract with a State publishing house — such as "*Państwowe Wydawnictwo Naukowe*" (PWN)⁵ — for the publication of a book in the Polish People's Republic, the author of the book assigns to the publisher the exclusive right to publish the work abroad in book form, both in the original language and translated into other languages (see PWN standard publishing contract §§ 2(b) and 23(2)). Therefore, when an opportunity to publish the work abroad presents itself, it is the publisher and not the author who takes care of all the formalities, after having notified the author of the remuneration to which he is entitled under the license to be granted to the foreign publisher.

The situation is somewhat different, however, for the reproduction abroad of scientific articles published for the first time in the Polish People's Republic in newspapers, periodicals, etc.

We shall start our examination of the problem by mentioning some of the provisions of the 1952 Polish Copyright Law.

The content of copyright is laid down in Article 15, which reads as follows:

Within the limits fixed by law, copyright shall consist of the right:

- (1) to the protection of the personal rights of the author;
- (2) to the exclusive disposal of the work;
- (3) to remuneration for any use of the work by other persons.

⁴ In 1956, this Office was disposed of and its tasks entrusted to the Ministry of Culture and the Arts.

⁵ PWN: State enterprise for the publication of scientific works.

The limits of the exclusive rights of the author referred to in Article 15 are specified among other things in Articles 18(1) and 21(3).

Article 18(1) limits the author's right of exclusive disposal of the work by providing that:

In the literary domain, any person may:

- (1) reproduce in the press current articles and items which have previously appeared in newspapers and periodicals on political, economic, scientific, technical and cultural subjects.

Article 21(3) deprives the author of his right to remuneration by stating that:

The distribution of works or quotation therefrom, in whole or in part, in accordance with the principles and limitations specified in Articles 18 to 20, shall not entitle the author to claim remuneration, except in the case where the work is included in an anthology or chrestomathy.

There has been much discussion in the Polish People's Republic about the legal scope of the above provisions. They were inserted in the text of the 1952 Law to allow unrestricted and cost-free reproduction of specific works by the Polish press.

The extensive interpretation of the word "current" was widely used during the years which followed the entry into force of the 1952 Law; it has always been very much open to criticism. It often precludes the appropriate protection of the interests of Polish authors. Among the arguments used against this broad interpretation of Article 18(1) and the word "current", we should mention in particular the one which is based on the general principles of civil law: if a legal instrument contains general provisions determining the rights of an individual, the special provisions limiting those rights must always be interpreted restrictively, to the advantage of the individual — in our case, the author of a given article.

The other arguments put forward in favor of the restrictive interpretation of the provisions in question are based on the semantic meaning of the word "current". According to this opinion, a current article is an article dealing with a subject which, at a given moment, attracts attention and interest, but soon ceases to do so — in other words, a descriptive article or editorial commenting on daily events of a political, economic or other nature. Great care must therefore be exercised in the use of the legal license provided for in Article 18(1), particularly in the case of scientific works where the authors are often obliged to deal with general problems with no topical content in order to reach a solution in a certain concrete case. All these reservations were obviously designed not to prevent the free use of a scientific work in the general interest of society and scientific development, but rather to prevent the unwarranted misuse by the press of the legal license mentioned above.

Article 18(1) of the 1952 Law in fact makes a distinction between current articles and other articles, in respect of which the legal position is obviously different. The former, therefore, may be reproduced (subject to the application of a restrictive interpretation) without the consent of the author or publisher — in other words, the editor of the periodical which published a given article first — and without payment

of royalties. For the other articles, the consent of the author and the payment of royalties are essential.

As we have already mentioned, the publication of an article of scientific character does not require the conclusion, with the periodical or newspaper, of a contract in the written form prescribed by Article 30(2) of the 1952 Law. Consequently, the consent of the chief editor of the periodical or newspaper is not required for the reproduction abroad of a scientific article with no topical character published for the first time on the territory of the Polish People's Republic by that periodical or newspaper, in view of the fact that the latter has not acquired the exclusive right in a given scientific work.

Provisions similar to those of Article 18(1) of the 1952 Polish Copyright Law may be found, on the one hand, in the Berne Convention for the Protection of Literary and Artistic Works (1928 Rome Act, still in force in the Polish People's Republic (Article 9(2)) and, on the other hand, in the copyright laws of certain other countries.⁶

Article 9(2) of the Berne Convention (1928 Rome Act) provides that:

Articles on current economic, political or religious topics may be reproduced by the press unless the reproduction thereof is expressly reserved. Nevertheless, the source must always be clearly indicated; the legal consequences of the breach of this obligation shall be determined by the laws of the country where protection is claimed.

Comparison of the text of Article 18(1) of the 1952 Polish Copyright Law with that of Article 9(2) of the Berne Convention (1928 Rome Act) reveals some fundamental differences.

Article 9(2) specifies that "articles on current . . . topics may be reproduced by the press unless the reproduction thereof is expressly reserved". This reservation clause appeared in the preceding 1926 Polish Copyright Law (amended in 1935 — Article 13(1)), but was omitted in the text of the 1952 Law in order to facilitate the disclosure of science and culture in the general interest.

Unlike the 1952 Polish Law (Article 21(3)), the Berne Convention (1928 Rome Act) does not relieve the press of the obligation to pay remuneration to the author of the topical article for the reproduction of the article without his consent. Also, Article 9(2) of the Convention does not mention scientific works among the articles on current political or religious topics.

Under Article 9(1) of the Convention, scientific works, whatever their object, published in the newspapers or periodicals of one of the countries of the Union, may not be reproduced in other countries without the consent of their authors.

The text of Article 9(2) of the Berne Convention (1928 Rome Act) differs from the text of the 1967 Stockholm Act, which was reproduced without change in the 1971 Paris Act of the same Convention. The latter sanctioned in Article 9(2) the principle according to which the copyright laws of the countries of the Berne Union may permit the reproduction of

⁶ See, for instance: Czechoslovakia, Law of 1965 (Article 15(2)(e)); Germany (Federal Republic of), Law of 1965 (Article 49(1)); Italy, Law of 1941 (Article 65); Japan, Law of 1970 (Article 39(1)); Luxembourg, Law of 1972 (Article 14, second paragraph); Mexico, Law of 1963 (Article 10, second paragraph); Sweden, Law of 1960 (Article 15, first paragraph); Switzerland, Law of 1922 (amended in 1955) (Article 25(2)).

works — including scientific works — “in certain special cases, provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author”.

Be this as it may, the 1967 Stockholm and 1971 Paris Acts have not yet been ratified by the Polish People's Republic, neither have they taken effect in relations between the other countries of the Berne Union.

We shall now proceed to make a brief analysis of some national laws.

A number of countries⁷ have legislative provisions on the problem we are considering which are visibly copied from Article 9(2) of the Berne Convention (1928 Rome Act).⁸

Article 65 of the 1941 Italian Copyright Law may serve as an example of what is now the most widespread solution. It provides that:

Articles of current interest of an economic, political or religious character, published in magazines or newspapers, may be freely reproduced in other magazines or newspapers, or may be broadcast, unless such reproduction is expressly reserved, provided that an indication is given of the magazine or newspaper from which they are taken, the date and the number of the said magazine or newspaper and, in the case of a signed article, the name of the author.

We may observe that what varies in the wording of the corresponding provisions of the different national legislations is in particular the manner in which the laws define the character of the topical articles (the 1963 Mexican Law, for instance, does not specify that character, whereas the 1965 Czechoslovak Law refers to “articles of current interest on economic or political matters”). In addition, some laws, such as the 1965 Act of the Federal Republic of Germany, stipulate expressly that “the author must be paid an equitable remuneration” for the reproduction of the articles “if they concern political, economic or religious questions of the day . . .”.

The 1970 Japanese Law allows the reproduction of articles “on current political, economic or social topics”, but on condition that they are not of a “scientific character”.

Unlike Article 18(1) of the 1952 Polish Law and with the exception of the Japanese Law, none of the above-mentioned legislative provisions make any reference to articles of a scientific character.

The problems, some of them of an extremely delicate nature, which may arise in the relations of the Polish People's Republic with certain other countries, concern the following:

- (a) the manner in which the relevant legislative provisions should be interpreted when there are more substantial differences of wording between the two texts;
- (b) ascertaining whether current articles of scientific character by Polish authors come under the legislative provisions mentioned above, and how their “scientific character” should be determined, where this is necessary;

- (c) the person or entity to whom the foreign periodical should apply when it has to seek authorization for the reproduction of a scientific article by a Polish author;
- (d) the obligations, in the case considered above, of the Polish author towards the Polish authorities: does he have to obtain prior permission from the Polish authorities before giving his consent to the foreign periodical which has applied to him directly?

There would seem to be no disputing that, in the event of differences of drafting, the provisions of the copyright legislation of the country on the territory of which a given foreign periodical has its registered office, determine whether that periodical should seek authorization for the reproduction of a current scientific article published for the first time in the Polish press.

In practice, the relevant legislative provisions are interpreted extensively, notably in cases where effective application of the principle of material reciprocity in international relations is called for.

In this way, we may disregard the fundamental difference between Article 18(1) of the 1952 Polish Copyright Law and the corresponding provisions of the copyright laws of other countries.

The provisions currently in force in the Polish People's Republic do not specify how a Polish author of a scientific article should proceed on receipt, from a foreign periodical, of a formal request for authorization to reproduce his article or of a note informing him of the periodical's intention to reproduce it, asking him whether he has any suggestions to make on the subject and informing him, where applicable, of the payment of remuneration for such reproduction.

Where the legislation of the country, on the territory of which a foreign periodical has its registered office, permits the free reproduction by the said periodical of certain current scientific articles already published, the periodical is naturally under no formal obligation to obtain the consent of the Polish periodical or the Polish author for the reproduction of a given article.

The practice in Poland is that, once such an article has been published and disclosed in the Polish People's Republic, the author, on being informed of the foreign publisher's intentions, is not required to take further steps to obtain permission to reproduce the article abroad, in the original language or in translation.

In the case of all other articles of scientific character, which are not of a topical nature, etc., the foreign periodical, which is obliged by its national legislation to seek the express authorization of the owner of the copyright in a given scientific work, may, in accordance with Polish practice, apply for this purpose to the chief editor of the Polish periodical which published the article for the first time, or to the author himself (if it knows the latter's address), or again to ZAIKS — the sole body for the protection of copyright in the Polish People's Republic. However, the authorization thus requested may not be granted by the Polish periodical or by ZAIKS without the express consent of the author.

⁷ See footnote 6.

⁸ The new wording of Article 9(2) adopted in the course of the Stockholm Diplomatic Conference of 1967 is, in a manner of speaking, the result of new trends revealed during the discussions on the draft of Article 9(2) (see *Records of the Intellectual Property Conference of Stockholm (1967)*, WIPO, Geneva, 1971, Vol. I, p. 114). However, with one or two exceptions, these trends have not had a very far-reaching effect on the corresponding national legislative provisions.

It should be added that — according to widespread opinion — the author who has not entered into a formal publishing contract with the Polish periodical is under no obligation to ask the permission of that periodical for the reproduction of the article abroad. However, in the interests of courtesy and for practical reasons, the author more often than not informs the periodical which published his scientific work for the first time in the Polish People's Republic of the request for authorization received from abroad, communicates, where appropriate, his consent to such reproduction and, at the same time, entrusts ZAIKS with the task of handling all the formalities which have to be met in such cases.

The solution whereby the author receives the remuneration from abroad through the intermediary of ZAIKS is the most advantageous for him, both from an administrative viewpoint (procedure to be observed) and from a financial viewpoint (permission concerning the use of foreign currency for specific purposes — see Part III of this study).

III

Certain financial aspects of the exploitation abroad of the copyright in a scientific work by a Polish author

The permission for the use of foreign currency relates to the financial aspects of the exploitation abroad of a given scientific work. It is essential when the author, who is a "*krajowiec dewizowy*,"⁹ wishes to enter into a publishing contract (or a contract relating to any other form of exploitation of his work) with a foreign publisher (or any other contracting party), and thereafter when he wishes to dispose freely of his royalties in the form of foreign currency received from abroad.

The reason for the restrictive provisions on the supervision and control of foreign exchange operations in the Polish People's Republic is naturally the need for foreign currency for the development of the national economy.

Permissions for the use of foreign currency are granted on the basis of the legislative provisions governing the problem of supervising foreign exchange operations, and in particular on the Law on Foreign Currency of March 28, 1952 (*Dziennik Urzędowy* No. 21/1952). The 1952 Polish Law on Foreign Currency distinguishes between general permissions for the use of foreign currency and individual permissions.

General permissions are granted, solely in the form of ordinances enacted by the Minister of Finance pursuant to Article 10(1)(i), in conjunction with Article 19 of the 1952 Law on Foreign Currency:

- (a) either to a specific category of natural persons or legal entities (ZAIKS, for instance),
- (b) or for specific types of activity.

As an example of such a legal act, we could mention the Ordinance of the Minister of Finance of August 9, 1960, concerning the permission for the disposal of foreign currency received from abroad in respect of certain forms of copyright (*Monitor Polski* No. 66/1960).

Individual permissions are granted by the Polish National Bank either to specific natural persons or legal entities or to specific groups of such persons or entities — in both cases on a justified and documented application by the person or entity concerned. Up to now, the procedure to be followed by Polish authors to obtain permission for the use of foreign currency has lacked unity.

The author may take steps either in a personal capacity, by filing his request directly with the Polish National Bank, or through the intermediary of ZAIKS.

Under the general permissions granted it by the Ordinances of the Minister of Finance of April 9 and August 9, 1960, ZAIKS is:

- (a) competent to enter into publishing contracts and other contracts relating to the use of the work with foreign parties, on behalf of the authors, such contracts falling into the category of "grand rights", subject to prior approval by the Ministry of Culture and the Arts of the terms of the draft of each contract;
- (b) authorized to hold a special foreign currency account at the Warsaw Trade Bank, to which may be credited remuneration in foreign currency paid under contracts concluded through it with the consent of the Minister of Culture and the Arts;
- (c) authorized to pay, without any specific permission, to authors indicated above, certain limited amounts of foreign currency from the special account to cover the cost of travel and a stay of two weeks abroad for the author and his dependants, for the purpose of purchases payable in foreign currency, etc.

It should be noted that the provisions in question concern all Polish authors resident in the Polish People's Republic, and not only those who are members of ZAIKS. They specify very clearly the obligation of ZAIKS to render certain special services to all Polish authors, irrespective of whether or not they are members of the Society. If, therefore, the author enters into a publishing contract with a foreign publisher through ZAIKS, the indispensable "permission for the use of foreign currency" is issued to him by the Society and, as a result, a number of facilities are available to him, particularly with regard to the use, for specific purposes, of the remuneration received in foreign currency (possibility of using the foreign currency to cover the cost of travelling abroad, to buy goods of foreign origin obtainable only against payment in foreign currency, or of exchanging the foreign currency into Polish zlotys at the preferential rate).

The Ordinance of the Minister of Finance dated August 9, 1960, which grants certain prerogatives to ZAIKS, is somewhat imprecise, however, and does not seem to cover a situation which, in 1960, was already very real. Since 1952, ZAIKS is no longer a society of authors and publishers, since the latter were excluded from it as a result of the entry into force of the new Copyright Law in the Polish People's Republic. Furthermore, the Ordinance of August 9, 1960, does not, among other things, provide for the instances in which it is possible to obtain remuneration from abroad for the exploitation of "grand rights" (which include the reproduction of

⁹ See footnote 3.

press articles), without a contract having first been concluded with the foreign party.

In practice, therefore, ZAIKS requires the author to obtain *ex post facto* permission from the Ministry of Culture and the Arts to credit to a special account the remuneration for the lawful exploitation abroad, without contract, of certain "grand rights" (for instance, reproduction of a press article). All this seems to be no more than a formality, particularly in cases where there is no question of obtaining permission in due form from the competent authorities for the publication abroad of a given scientific work.

The purpose of the Ordinance of the Minister of Finance of August 9, 1960, was undoubtedly to make ZAIKS into a sort of service for the control of the foreign exchange operations resulting from the exploitation of "grand rights" abroad. This task could be carried out successfully:

- (a) if the Ordinances of the Minister of Finance of August 14, 1958, and August 9, 1960, which are still in force, did not lay down different conditions and methods for the grant of permission for the use of remuneration in foreign currency received for the exploitation of "grand rights" in connection with transactions with foreign parties, or different principles for determining the limits within which such remuneration might be freely used by authors for specific purposes, and
- (b) if the Ordinance of the Minister of Finance of August 9, 1960, expressly allowed the automatic payment of reproduction royalties into a special ZAIKS account at the Warsaw Trade Bank.

The intervention of ZAIKS in the collection of all remuneration coming from abroad seems to be the simplest and most advantageous solution, both for authors who are members of ZAIKS and for those who are not — provided, of course, that the principles of equal treatment of all authors are applied strictly.¹⁰

It seems that the Polish authorities have taken certain aspects of the present state of affairs into account. The normative instruments currently in preparation — which among other things would replace the much-criticized provisions of the Ordinance of the Minister of Finance of August 9, 1960 — are obviously more to the advantage of Polish authors.

It is, for instance, provided that the author will have the possibility of disposing freely of the full amount of royalties received in foreign currency, either during his stay abroad or in the Polish People's Republic — in the latter case, provided that the royalties are paid through ZAIKS. The drafts in preparation confirm the right of ZAIKS to collect all royalties coming from abroad under contracts concluded through it as well as where the work is used without a contract — for instance, remuneration for the reproduction abroad of a current article published in the press. Every author, whether he is a member of ZAIKS or not, could, through the society, enter into contracts for the exploitation abroad of the "grand

rights" in his works, and particularly a publishing contract in respect of his scientific work, provided that the latter has not been published for the first time in book form in the Polish People's Republic. In the latter case, the legal position of the author is different.

It has already been said that the author who enters into a contract with a Polish publisher assigns to the latter the right to publish his work in printed form abroad. Therefore, the Polish publisher enters into a publishing contract with a foreign publisher not in the name of the author, but in his own.

In practice, three different possible situations may be taken into consideration:

- (a) the Polish publisher enters into a co-publication contract with the foreign publisher;
- (b) the Polish publisher sells to the foreign publisher the copyright in the scientific work by a Polish author;
- (c) the Polish publishing house allows the author to take the initiative of carrying on negotiations and entering into contracts with foreign parties.

Co-publication contracts are the result of special agreements between publishers of different countries for the joint publication of a given book. These contracts are concluded in the Polish People's Republic through the intermediary of the State bodies, either *Ars Polona* or *Ruch*. The publication in a foreign language and in book form, under a co-publication contract, of scientific works which have first been published by PWN, for instance, then being published jointly by PWN and a foreign publisher, requires in practice the conclusion of three agreements: *Ars Polona* — foreign publisher, *Ars Polona* — PWN, and PWN — author. For such a publication the author receives — in accordance with the provisions in force in the Polish People's Republic — royalties in Polish zlotys not exceeding 50 percent of the basic remuneration for the first edition. He can buy foreign currency at the tourist rate without any special permission, but only up to 10 percent of the sums paid annually in foreign currency to *Ars Polona* for the royalties due to him. In actual fact, the percentage of royalties paid to the authors in Polish zlotys very seldom reaches 50 percent of the basic remuneration. In practice, the amounts of remuneration paid for joint publication are considerably smaller. This method of remuneration is highly detrimental to the interests of Polish authors of scientific works, especially if one considers that the remuneration for the second edition of the original work published in the Polish People's Republic by the Polish publisher represents only 80 percent of the basic remuneration as laid down in the scale (see Annex No. 1 to Ordinance of the Council of Ministers, dated June 11, 1955, which sets the rates of remuneration, and the general rules on the conclusion of contracts for the publication in book form of literary, scientific and professional works (*Dziennik Ustaw* No. 32/1955).

The draft normative instruments currently in preparation do not seem to contain provisions which might, in this case, improve the lot of the author of a scientific work.

Let us now consider the case where the Polish publisher (for instance, PWN, the State enterprise for the publication

¹⁰ See B. Nawrocki, "Réalisation des droits d'auteur par les organismes nationaux de la protection des droits d'auteur", in *Il Diritto di Autore*, No. 4/1969 (in French).

of scientific works), sells the copyright in a given scientific work to a foreign publisher. PWN is a body which is very active in the maintenance of contacts relating to the publication of scientific works abroad. By virtue of the powers conferred on it by the author, PWN carries on the negotiations, and then, after having informed the Ministry of Culture and the Arts, concludes with the foreign publisher a licensing contract for publication of a work by that Polish author. In addition, PWN periodically sends ZAIKS information on contracts concluded and the royalties in convertible foreign currency received from abroad, so that the latter may be available to the authors. Up to now, PWN has carried out these formalities free of charge, without asking the authors to pay any fee for services rendered. Only ZAIKS, when paying remuneration to the authors, deducts a certain amount for services rendered. PWN's collaboration with ZAIKS in this field has been regulated in terms of an agreement concluded between the two bodies on November 23, 1964, concerning the payment into a special ZAIKS account at the Warsaw Trade Bank of royalties collected under contracts concluded between PWN and foreign publishers. In this case, therefore, the authors of scientific works enjoy all the advantages of the special account.

The provisions of the normative instruments currently in preparation do not provide for any new solutions, the remuneration due to the author still being payable to him through the intermediary of ZAIKS.

The third possible alternative is the one whereby the publisher leaves it to the author to take the initiative of carrying on negotiations and entering into contracts with a foreign publisher for the publication abroad of his scientific work, already published in book form in the Polish People's Republic.

The most profitable solution for the Polish author in such a case is to entrust ZAIKS with the task of handling all the formalities and to conclude the publishing contract through it.

In conclusion, it should be pointed out that the Polish author cannot be held responsible for the possible publication abroad of his works, without his knowledge or consent and also in a manner not in keeping with the legislative provisions in force in the country concerned. He should not, therefore, suffer any of the consequences, especially where the remuneration to which he is entitled for the reproduction of his works is transmitted, to his credit, in foreign currency by the bank to ZAIKS.

* * *

The work undertaken recently by the Polish authorities is concerned with the amendment of certain legislative provisions which determine the legal position of the author of a scientific work. It has not yet been completed, as the problems under examination are extremely complex and special. It is as yet too early to express views and draw conclusions. A certain trend towards simplification and liberalization can be observed, however, in the interests of the author of the scientific work himself as well as all those who might wish to exploit the copyright in their works abroad.

We hope that the information and views formulated in this study will nevertheless prove useful and contribute something to the better understanding of the problems examined as well as an intensification of international collaboration on the part of the Polish People's Republic in the field of science and technology.

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CALENDAR

WIPO Meetings

- March 5 to 9, 1973 (Geneva) — Working Group on the International Cooperation in the Classification of Search Files According to the International Patent Classification**
Object: Consideration of the possibilities of international cooperation in classifying search files — *Invitations:* Algeria, Austria, Brazil, Czechoslovakia, Germany (Federal Republic of), Japan, Mexico, Philippines, Romania, Sweden, Soviet Union, United States of America — *Observers:* Intergovernmental organizations concerned
- March 12 to 16, 1973 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee**
- March 19 to 23, 1973 (Geneva) — Working Group on a Copyright Model Law for African States**
Participants: Experts invited in their personal capacity — *Note:* Meeting convened jointly with Unesco
- April 9 to 13, 1973 (Geneva) — Committee of Experts on a Model Law for Developing Countries on Appellations of Origin and Indications of Source**
Object: To study a Draft Model Law — *Invitations:* Developing countries members of the United Nations — *Observers:* Intergovernmental and international non-governmental organizations concerned
- April 25 to 30, 1973 (Geneva) — Patent Cooperation Treaty (PCT) — Standing Subcommittee of the Interim Committee for Technical Cooperation**
- April 30 to May 4, 1973 (Geneva) — ICIREPAT — Subcommittee on Organic Chemistry (STC)**
- May 2 to 4, 1973 (Geneva) — WIPO Coordination Committee — Extraordinary Session**
- May 2 to 4, 1973 (Paris) — Working Group on Photocopying**
Participants: Experts invited in their personal capacity — *Note:* Meeting convened jointly with Unesco
- May 7 to 11, 1973 (Geneva) — ICIREPAT — Technical Committee for Shared Systems (TCSS)**
- May 14 to 18, 1973 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)**
- May 17 to June 12, 1973 (Vienna) — Vienna Diplomatic Conference on Industrial Property, 1973**
Object: Adoption of (a) the Trademark Registration Treaty, (b) the Agreement for the Protection of Type Faces and their International Deposit, (c) an instrument establishing an International Classification of the Figurative Elements of Marks — *Invitations:* States members of WIPO, 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
- June 12 to 23, 1973 (Stockholm) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee**
- June 25 to 29, 1973 (Geneva) — WIPO Permanent Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Provisional Committee**
Object: To make proposals to the competent organs of WIPO — *Invitations:* Member States 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
- June 26 to 30, 1973 (Stockholm) — International Patent Classification (IPC) — Joint ad hoc Committee**
- July 2 to 11, 1973 (Nairobi) — 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**
Object: Study of the problems — *Invitations:* States members of the Berne Union or of the Paris Union and other States members of the United Nations or of a Specialized Agency — *Observers:* Intergovernmental and international non-governmental organizations concerned — *Note:* Meeting convened jointly with Unesco
- July 4 to 6, 1973 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)**
- September 3 to 7, 1973 (Geneva) — Madrid Union — Assembly and Committee of Directors of the National Industrial Property Offices**
Object: Revision of the Regulations of the Madrid Agreement Concerning the International Registration of Marks — *Members:* States members of the Madrid Union — *Observer:* Benelux Trademark Office
- September 10 to 18, 1973 (Geneva) — Nice Union — Committee of Experts for the International Classification of Goods and Services for the Purposes of the Registration of Marks**
Object: Amendments and additions to the International Classification — *Members:* States members of the Nice Union — *Observer:* Benelux Trademark Office
- September 17 to 21, 1973 (Geneva) — Committee of Experts on a Model Law on Neighboring Rights**
Object: To study a Draft Model Law — *Participants:* International non-governmental organizations concerned — *Note:* Meeting convened jointly with the International Labour Organisation and Unesco
- September 24 to 28, 1973 (Geneva) — Sub-Working Group for the Mechanization of Trademark Searches**
Object: Examination of tests carried out concerning mechanized trademark searches — *Members:* Belgium, Canada, France, Germany (Federal Republic of), Netherlands, Spain, United Kingdom, United States of America — *Observer:* Benelux Trademark Office
- October 1 to 12, 1973 (Abidjan) — Committee of Governmental Experts on a Copyright Model Law for African States**
Object: To study a Draft Model Law — *Invitations:* African States — *Observers:* States members of the Berne Union or party to the Universal Copyright Convention; intergovernmental and international non-governmental organizations concerned — *Note:* Meeting convened jointly with Unesco
- 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
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- November 28 to 30, 1973 (Geneva) — Working Group on Scientific Discoveries
- Invitations and observers:* To be announced later
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- 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 20 to 26, 1973 (Rio de Janeiro) — International Chamber of Commerce — Congress
- May 21 to 25, 1973 (Paris) — Unesco International Copyright Information Centre
- 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 28 to November 3, 1973 (Jerusalem) — International Writers Guild — Congress