

# 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.—

9<sup>th</sup> year - No. 8

AUGUST 1973

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course, there is nothing in the Nairobi Draft which would prevent a Contracting State from implementing its treaty obligations by simply granting to the broadcaster an exclusive right of authorization. But — and this is what is important — the Nairobi Draft also allows of other methods of implementing the obligation assumed under the treaty by a Contracting State: for example, it may fine the pirate or it may withdraw his distributor's license.

This change in the approach allowed — at least in the opinion of the great majority of the participants of the Nairobi meeting — the question to be resolved which, in the Lausanne and Paris meetings, had sharply divided the experts. The question, roughly stated, was whether the proposed treaty should recognize certain (new) rights also to authors (and other copyright owners, performers and phonogram manufacturers) since, in the opinion of those who wished to introduce such recognition, it would have been unjust to recognize rights for the benefit only of the organization which causes the programme to be carried by electronic signals and not also of those whose creative talent makes the programme valuable (especially when it consists of music or literature). Also, the occasion presented by a new treaty seemed, to those wishing for such recognition, a good opportunity for asserting, on the international level, the rights of authors and performers in situations which the existing copyright conventions or the Rome Convention on neighboring rights may not clearly cover.

Most of the experts at whose insistence the Paris Draft contained provisions giving certain rights to authors and performers (Paris Draft, Article IV, Alternative A; see *Copyright*, 1972, p. 151) found at the Nairobi meeting, once it had abandoned the idea of giving an exclusive right of authorization to the originating organization, that such provisions were no longer needed. This removed the main point on which opinions had diverged in Lausanne and Paris and, consequently, the Nairobi Draft does not contain provisions granting rights to authors and performers. (It does continue to include a provision according to which the new treaty "shall in no way be interpreted to limit or prejudice the protection secured to authors, performers, producers of phonograms, or broadcasting organizations, under any domestic law or international agreement"; this, however, is an entirely different

matter: it preserves the *status quo* and does not clarify the rights of, or give new rights to, authors, etc.)

The new approach, adopted in Nairobi, resulted in a number of consequential changes. The Paris Draft was also revised on some other, relatively secondary points, and its wording — as far as clarity and precision are concerned — was improved. As in the case of the Paris Draft, the Nairobi Draft also took into account the special needs of developing countries.

A report, adopted by the Nairobi Committee on the last day of the meeting, explains all the changes, comments amply on the new features of the Draft, and relates the discussions. Copies of the report may be obtained from the International Bureau of WIPO or from the Secretariat of Unesco.

The text of the Nairobi Draft is reproduced below.

#### *Further Steps*

One of the tasks of the Nairobi Committee was to revise the Paris Draft in such a way as to encourage the hope that there would be wide acceptance of a treaty that would be adopted by a diplomatic conference on the basis of the revised draft.

The other task of the Nairobi Committee was to express an opinion on the question whether such a diplomatic conference should be convened in 1974. It gave an affirmative reply to the question by adopting the following resolution:

"The Third Committee of Governmental Experts on Problems in the Field of Copyright and the Protection of Performers, Producers of Phonograms and Broadcasting Organizations Raised by Transmission Via Space Satellites, meeting at Nairobi, Kenya, from July 2 to 11, 1973,

(1) *Having examined*, in accordance with its mandate, the problems described in its title,

(2) *Considers* that it has entirely fulfilled its mandate by drawing up a draft Convention susceptible of general acceptance, and

(3) *Recommends* that a Diplomatic Conference for the purpose of concluding an international convention on this subject be convened in 1974."

## Draft Text of the Proposed Convention

Adopted by the Committee on July 9, 1973

### Convention

#### Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite

The Contracting States,

(a) *Aware* that the use of satellites for the distribution of programme-carrying signals is rapidly growing both in volume and geographical coverage;

(b) *Concerned* that there is no world-wide system to prevent distributors from distributing programme-carrying signals transmitted by satellite which were not intended for those distributors, and that this lack is likely to hamper the use of satellite communications;

(c) *Recognizing*, in this respect, the importance of the interests of authors, performers, producers of phonograms and broadcasting organizations;

(d) *Convinced* that an international system should be established under which measures would be provided to prevent distributors from distributing programme-carrying signals transmitted by satellite which were not intended for those distributors;

(e) *Conscious* of the need 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 October 26, 1961, which affords protection to performers, producers of phonograms and broadcasting organizations,

Have agreed as follows:

#### Article 1

(1) Each Contracting State undertakes to take all appropriate measures to prevent the distribution on or from its territory of any programme-carrying signal by any distributor for whom the signal emitted to or through the satellite is not intended. This obligation shall apply where the originating organization is a national of another Contracting State and where the signal distributed

- (i) is the emitted signal or is derived therefrom, or
- (ii) is derived from a fixation of the emitted signal or of a signal derived therefrom.

(2) The obligation provided in paragraph (1) shall not apply to the distribution of signals derived from signals which have already been distributed by a distributor for whom the emitted signals were intended.

#### Article 2

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) "emitted signal" or "signal emitted" is any programme-carrying signal that goes to a satellite and any such signal that goes through a satellite,
- (v) "signal distributed" is the programme-carrying signal referred to in Article 1(1)(i) and (ii),
- (vi) "originating organization" is the person or entity that decides what programme the signals will carry,
- (vii) "distribution" is the operation by which a distributor transmits signals to the general public or any section thereof,
- (viii) "distributor" is the person or entity that decides that the transmission of the signals to the general public or any section thereof should take place.

#### [Article 3

The obligation provided in Article 1(1) shall, in respect to any emitted signal, continue at least until the expiration of twenty years from the end of the year in which such signal was emitted.]

#### Article 4

No Contracting State shall be required to observe the obligation provided for in Article 1(1) where the signal distributed on its territory by a distributor for whom the emitted signal is not intended

- (i) carries short excerpts of the programme carried by the emitted signal, consisting of reports of current events, but only to the extent justified by the informatory purpose of such excerpts,
- (ii) carries, as quotations, short excerpts of the programme carried by the emitted signal, provided that such quotations are compatible with fair practice and are justified by the informatory purpose of such quotations,
- (iii) carries, where the said territory is that of a Contracting State regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, a programme carried by the emitted signal, provided that the distribution is solely for the purpose of teaching, including teaching in the framework of adult education, or scientific research.

### Article 5

No Contracting State shall be required to apply this Convention with respect to any signal emitted before this Convention entered into force for that State.

### Article 6

This Convention shall in no way be interpreted to limit or prejudice the protection secured to authors, performers, producers of phonograms, or broadcasting organizations, under any domestic law or international agreement.

### [Article 7

This Convention shall in no way be interpreted as limiting the right of any Contracting State to apply its domestic law in order to prevent [international] abuse of monopolies.]

### Article 8

(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 [Alternative A: 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.] [Alternative B: a party to the Berne Convention for the Protection of Literary and Artistic Works or the Universal Copyright Convention.]

(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 domestic law to give effect to the provisions of the Convention.

### Article 9

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

(2) For each State ratifying, accepting or acceding to this Convention after the deposit of the fifth instrument of ratification, acceptance or accession, this Convention shall enter into force three months after the 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 this Convention shall apply to all or any one of the ter-

ritories for whose international affairs it is responsible. This notification shall take effect three months after the date on which it is received.

(b) However, subparagraph (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 subparagraph.

### Article 10

(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 9(3).

(2) Denunciation shall take effect twelve months after the date on which the notification referred to in paragraph (1) is received.

### Article 11

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

(2) Any Contracting State whose domestic law, on the date on which this Convention enters into force for that State, so provides may, by a notification deposited with the Secretary-General of the United Nations, declare that, for its purposes, the words "where the originating organization is a national of another Contracting State" appearing in Article 1(1) shall be considered as if they were replaced by the words "where the emitted signal is emitted from the territory of another Contracting State."

(3)(a) Any Contracting State which, on the date on which this Convention enters into force for that State, limits or denies protection with respect to the distribution of programme-carrying signals by means of wires, cable or other similar 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 law 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 section of that public].

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

## Article 12

(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 . . . . by . . . .

(3) The Secretary-General of the United Nations shall notify the States referred to in Article 8(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 and the Secretary-General of the International Telecommunication Union, of

- (i) signatures to this Convention;
- (ii) deposits of instruments of ratification, acceptance and accession;
- (iii) the date of entry into force of this Convention under Article 9(1);
- (iv) the deposit of notifications relating to Article 11, together 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 referred to in Article 8(1).

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Convention.

DONE at . . . . ., this . . . . . day of . . . . ., . . . .

## List of Participants

### I. Delegations

Algeria: S. Ahada; R. Hamimi. Australia: J. McKenzie; J. P. Coker; J. Hartley. Austria: R. Dittrich; K. Rössel-Majdan; P. Radel; W. Dillenz. Belgium: G.-L. de San; F. van Isacker; J. Vermeire. Brazil: J. F. da Costa; J. O. de Castro Neves; S. da Cunha Lopes; C. de Souza Amaral. Canada: F. W. Simons; W. Black; C. Smith. Colombia: H. A. de Vasquez (Mrs.). Denmark: W. Weincke. Egypt: G. El Bitar. Finland: R. Meinander; J. Tunturi. France: O. Deleau; A. Kerever; J. Buffin; M. Cazé; J.-L. Tournier. Germany (Federal Republic of): E. Steup (Mrs.); H. Graeve; E. Bungeroth. Ghana: J. B. Odunton. Hungary: I. Timár. India: K. Chaudhuri. Israel: M. Gabay. Italy: S. Cantono di Ceva. Ivory Coast: S. Zogbo; K.-L. Liguier-Laubbouet (Mrs.); M. Vazoumana. Japan: M. Kato; Y. Nomura. Kenya: D. J. Coward; J. N. King'Arui; B. A. N. Mudho; P. W. Muthoka; S. K. Mbathi (Mrs.); G. Straschnov. Mexico: G. E. Larrea Richerand; E. Lizalde Chavez. Morocco: A. Chakroun. Netherlands: J. Verhoeve; J. A. W. Schwan; F. Klaver (Miss). Norway: T. Saebø (Miss). Republic of Viet-Nam: Võ Long-Tê; Nguyen Ngoc Bich. Senegal: N. N'Diaye. Spain: I. Fonseca-Ruiz (Mrs.); F. Pérez Pastor; J. M. Calviño Iglesias; A. Arivon Nieto. Sweden: H. Danelius. Turkey: A. Gündüz. United Kingdom: D. L. T. Cadman; D. de Freitas. United States of America: D. MacLeod Searby; A. A. Goldman; H. J. Winter; F. S. Ruddy; E. N. Aleinikoff; R. V. Evans; H. Finkelstein; S. A. Schreier.

### II. Observers

Holy See: J. Bulaitis; J. G. Healey; J. Irungu. Soviet Union: G. M. Yermolyev.

### III. Intergovernmental Organization

International Labour Office: E. Thompson.

### IV. International Non-Governmental Organizations

European Broadcasting Union (EBU): A. Scharf. International Confederation of Societies of Authors and Composers (CISAC): J.-A. Ziegler; M. J. Freegard. International Federation of Actors (FIA): R. Rembe; B. Babcock (Miss). International Secretariat of Entertainment Trade Unions (ISETU): K. Rössel-Majdan. International Federation of Musicians (FIM): R. Leuzinger; W. Musamia; J. Yongo. International Federation of the Phonographic Industry (IFPI): G. Davies (Miss); A. Holloway. Internationale Gesellschaft für Urheberrecht (INTERGU): M. Pain. International Literary and Artistic Association (ALAI): M. J. Freegard; J.-A. Ziegler. International Publishers Association (IPA): J. Nottingham. International Writers Guild (IWG): R. Fernay. Union of National Radio and Television Organizations of Africa (URTNA): A. Chakroun.

### V. Secretariat

United Nations Educational, Scientific and Cultural Organization (Unesco):

C. Lussier (*Director, Office of International Standards and Legal Affairs*); B. Ringer (Ms.) (*Director, Copyright Division*); D. de San (*Lawyer, Copyright Division*); M. de Azaola (*International Copyright Information Centre*).

World Intellectual Property Organization (WIPO):

A. Bogsch (*First Deputy Director General*); C. Masouyé (*Senior Counsellor, Head, External and Public Relations Division*); T. S. Krishnamurti (*Counsellor, Head, Copyright Division*).

### VI. Officers of the Committee

*Chairman*: E. Steup (Mrs.) (Germany, Federal Republic of). *Vice-Chairmen*: D. J. Coward (Kenya); K. Chaudhuri (India); D. MacLeod Searby (United States of America). *Co-Secretaries*: B. Ringer (Ms.) (Unesco); T. S. Krishnamurti (WIPO).

## CAMEROON

**Ratification 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 that the Government of the United Republic of Cameroon deposited, on August 3, 1973, its instrument of ratification, dated March 29, 1972, of the Convention Establishing the World Intellectual Property Organization (WIPO).

By ratifying concurrently the Paris Act (1971) of the Berne Convention, the United Republic of Cameroon, which was not bound by Articles 22 to 38 of the Stockholm Act of

the said Convention, has, by virtue of Article 29<sup>bis</sup> of the Paris Act (1971), fulfilled the conditions set forth in Article 14(2) of the Convention Establishing the World Intellectual Property Organization (WIPO).

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization (WIPO) will enter into force, with respect to the United Republic of Cameroon, three months after the date of deposit of the instrument of ratification, that is, on November 3, 1973.

WIPO Notification No. 47, of August 10, 1973.

## CHILE

**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 Republic of Chile, 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 June 21, 1973.

Pursuant to the said Article, the Republic of Chile, which is a member 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. 43, of July 2, 1973.

## MAURITANIA

**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 Islamic Republic of Mauritania, 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 July 20, 1973.

Pursuant to the said Article, the Islamic Republic of Mauritania, 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. 46, of July 23, 1973.

## UGANDA

**Accession to 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 that the Government of the Republic of Uganda deposited, on July 18, 1973, its instrument of accession, dated May 8, 1973, to the Convention Establishing the World Intellectual Property Organization (WIPO).

The Republic of Uganda has fulfilled the conditions set forth in Article 14(2) of the Convention by concurrently

accessing to the Stockholm Act of the Paris Convention in its entirety.

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization (WIPO) will enter into force, in respect to the Republic of Uganda, three months after the date of deposit of the instrument of accession, that is, on October 18, 1973.

WIPO Notification No. 45, of July 20, 1973.



## YUGOSLAVIA

**Ratification 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 that the Government of the Socialist Federal Republic of Yugoslavia deposited, on July 11, 1973, its instrument of ratification of the Convention Establishing the World Intellectual Property Organization (WIPO).

The Socialist Federal Republic of Yugoslavia has fulfilled the conditions set forth in Article 14(2) of the Convention

by concurrently ratifying the Stockholm Act of the Paris Convention in its entirety.

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization (WIPO) will enter into force, in respect to the Socialist Federal Republic of Yugoslavia, three months after the date of deposit of the instrument of ratification, that is, on October 11, 1973.

WIPO Notification No. 44, of July 16, 1973.

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## CAMEROON

**Ratification of the Paris Act (1971) 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 that the Government of the United Republic of Cameroon deposited on August 3, 1973, its instrument of ratification dated August 7, 1972, of the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971.

Pursuant to the provisions of Article 28(3) of the Paris Act (1971) of the said Convention, Articles 22 to 38 will enter into force, with respect to the United Republic of Cameroon, three months after the date of this notification, that is, on November 10, 1973.

A separate notification will be made of the entry into force of Articles 1 to 21 and the Appendix, when the conditions provided for in Article 28(2)(a) are fulfilled.

Berne Notification No. 47, of August 10, 1973.

## CHILE

**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 Republic of Chile 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 June 21, 1973.

Pursuant to the provisions of the said Article, the Republic of Chile, 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. 46, of July 2, 1973.

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# CONVENTIONS ADMINISTERED BY WIPO

## Regulations under the Vienna Agreement for the Protection of Type Faces and their International Deposit

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- 28.1 Entry Into Force of the Regulations

**ANNEX: Table of Fees****Rule Concerning These Regulations****RULE 1****Abbreviated Expressions****1.1 "Agreement"**

In these Regulations, the word "Agreement" means the Vienna Agreement for the Protection of Type Faces and their International Deposit.

**1.2 "Article"**

In these Regulations, the word "Article" refers to the specified Article of the Agreement.

**1.3 "Bulletin"**

In these Regulations, the word "Bulletin" means the *International Bulletin of Type Faces / Bulletin international des caractères typographiques*.

**1.4 "Table of Fees"**

In these Regulations, the words "Table of Fees" mean the Table of Fees annexed hereto.

**Rules Concerning Chapter II of the Agreement****RULE 2****Representation Before the International Bureau****2.1 Number of Duly Appointed Representatives**

(a) The applicant and the owner of the international deposit may appoint only one representative.

(b) Where several natural persons or legal entities have been indicated as representatives by the applicant or the owner of the international deposit, the natural person or legal entity first mentioned in the document in which they are indicated shall be regarded as the only duly appointed representative.

(c) Where the representative is a partnership or firm composed of attorneys or patent or trademark agents, it shall be regarded as one representative.

**2.2 Form of Appointment**

(a) A representative shall be regarded as a "duly appointed representative" if his appointment complies with the prescriptions of paragraphs (b) to (e).

(b) The appointment of any representative shall require:

- (i) that his name appear as that of a representative in the instrument of international deposit and that such document bear the signature of the applicant, or
- (ii) that a separate power of attorney (i. e., a document appointing the representative), signed by the applicant or the owner of the international deposit, be filed with the International Bureau.

(c) Where there are several applicants or owners of the international deposit, the document containing or constituting the appointment of their common representative shall be signed by all of them.

(d) Any document containing or constituting the appointment of a representative shall indicate his name and his address. Where the representative is a natural person, his name shall be indicated by his family name and given name(s), the family name being indicated before the given name(s). Where the representative is a legal entity or a partnership or firm of attorneys or patent or trademark agents, "name" shall mean the complete name of the legal entity or partnership or firm. The address of the representative shall be indicated in the same manner as that provided for in respect of the applicant in Rule 5.2(c).

(e) The document containing or constituting the appointment shall contain no words which, contrary to Article 25(2), would limit the powers of the representative to certain matters or exclude certain matters from the powers of the representative or limit such powers in time.

(f) Where the appointment does not comply with the requirements referred to in paragraphs (b) to (e), it shall be treated by the International Bureau as if it had not been made, and the applicant or the owner of the international deposit as well as the natural person, the legal entity, the partnership or firm which was indicated as the representative in the purported appointment shall be informed of this fact by the International Bureau.

(g) The Administrative Instructions shall provide recommended wording for the appointment.

**2.3 Revocation or Renunciation of Appointment**

(a) The appointment of any representative may be revoked at any time by the natural person who, or legal entity which, has appointed that representative. The revocation shall be effective even if only one of the natural persons who, or legal entities which, have appointed the representative revokes the appointment.

(b) Revocation shall require a written document signed by the natural person or the legal entity referred to in paragraph (a).

(c) The appointment of a representative as provided in Rule 2.2 shall be regarded as the revocation of any earlier appointment of any other representative. The appointment shall preferably indicate the name of the other earlier appointed representative.

(d) Any representative may renounce his appointment by means of a notification signed by him and addressed to the International Bureau.

#### 2.4 General Powers of Attorney

The appointment of a representative in a separate power of attorney (i. e., a document appointing the representative) may be general in the sense that it relates to more than one instrument of international deposit and more than one international deposit in respect of the same natural person or legal entity. The identification of such instruments of international deposit and such international deposits, as well as other details in respect of such general power of attorney and of its revocation or renunciation, shall be provided in the Administrative Instructions. The Administrative Instructions may provide for a fee payable in connection with the filing of general powers of attorney.

#### 2.5 Substitute Representative

(a) The appointment of the representative referred to in Rule 2.2(b) may indicate also one or more natural persons as substitute representatives.

(b) For the purposes of the second sentence of Article 25(2), substitute representatives shall be considered as representatives.

(c) The appointment of any substitute representative may be revoked at any time by the natural person who, or legal entity which, has appointed the representative or by the representative. Revocation shall require a written document signed by the said natural person, legal entity or representative. It shall be effective, as far as the International Bureau is concerned, as from the date of receipt of the said document by that Bureau.

#### 2.6 Recording, Notification and Publication

Each appointment of a representative or of a substitute representative, its revocation and its renunciation, shall be recorded, notified to the applicant or owner of the international deposit, published and notified to the competent Offices of the Contracting States.

### RULE 3

#### The International Register

##### 3.1 Contents of the International Register; Keeping of the International Register

(a) The International Register shall contain, in respect of each international deposit recorded therein:

- (i) all the indications that must or may be furnished under the Agreement or these Regulations, and that have in fact been furnished, to the International Bureau, and, where relevant, the date on which such indications were received by that Bureau;
- (ii) the representation of the deposited type faces;
- (iii) the number and the date of the international deposit and the numbers, if any, and the dates of all recordings relating to that deposit;
- (iv) the amount of all fees received and the date or dates on which they were received by the International Bureau;
- (v) any other indication whose recording is provided for by the Agreement or these Regulations.

(b) The Administrative Instructions shall regulate the establishment of the International Register, and, subject to the Agreement and these Regulations, shall specify the form in which it shall be kept and the procedure which the International Bureau shall follow for making recordings therein and for preserving it from loss or other damage.

### RULE 4

#### Applicants; Owners of International Deposits

##### 4.1 Several Applicants; Several Owners of the International Deposit

(a) If there are several applicants, they shall have the right to effect an international deposit only if all of them are residents or nationals of Contracting States.

(b) If there are several owners of an international deposit, they shall have the right to own such a deposit only if all of them are residents or nationals of Contracting States.

### RULE 5

#### Mandatory Contents of the Instrument of International Deposit

##### 5.1 Declaration that the International Deposit is Effected Under the Agreement

(a) The declaration referred to in Article 14(1)(i) shall be worded as follows:

“The undersigned requests that the deposit of the type faces of which a representation is enclosed herewith be recorded in the International Register established under the Vienna Agreement for the Protection of Type Faces and their International Deposit.”

(b) The declaration may, however, be worded differently if it has the same effect.

##### 5.2 Indications Concerning the Applicant

(a) The applicant's identity shall be indicated by his name. If the applicant is a natural person, his name shall be indicated by his family name and given name(s), the family name being indicated before the given name(s). If the applicant is a legal entity, its name shall be indicated by the full, official designation of the said entity.

(b) The applicant's residence and nationality shall be indicated by the name(s) of the State(s) of which he is a resident and of which he is a national.

(c) The applicant's address shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and shall, in any case, consist of all the relevant administrative units up to, and including, the house number, if any. Any telegraphic and teletype address and telephone number that the applicant may have should preferably be indicated. For each applicant, only one address shall be indicated; if several addresses are indicated, only the one first mentioned in the instrument of international deposit shall be considered.

(d) Where the applicant bases his right to effect international deposits on the fact that he has a real and effective industrial or commercial establishment in a Contracting State, he shall mention that fact and specify the State in question.

##### 5.3 Name of the Creator of the Type Faces

The creator of the type faces should be indicated by name. His name shall comprise the family name and given name(s), the family name being indicated before the given name(s).

##### 5.4 Indications Concerning the Type Faces

The instrument of international deposit shall indicate the number of sheets bearing representations of the type faces which are the subject of the deposit.

##### 5.5 Indications Concerning Fees

The instrument of international deposit shall indicate the amount paid and contain the other indications prescribed by Rule 22.5.

##### 5.6 International Deposit Effected Through the Intermediary of the Competent Office of a Contracting State

The indication referred to in Article 12(2)(b) shall be worded as follows:

“The ... (1) certifies that the present international deposit was received by it on ... (2).”

(1) Indicate the name of the competent Office. (2) Indicate the date.

### RULE 6

#### Optional Contents of the Instrument of International Deposit

##### 6.1 Naming of a Representative

The instrument of international deposit may indicate a representative.

##### 6.2 Claiming of Priority

(a) The declaration referred to in Article 14(2)(i) shall consist of a statement to the effect that the priority of an earlier deposit is claimed and shall indicate:

- (i) where the earlier deposit is not an international deposit, the State in which such earlier deposit was effected;
- (ii) where the earlier deposit is not an international deposit, the nature of that deposit (type face deposit or industrial design deposit);
- (iii) the date of the earlier deposit;
- (iv) the number of the earlier deposit.

(b) If the declaration does not contain the indications referred to in paragraph (a)(i) to (iii), the International Bureau shall treat the declaration as if it had not been made.

(c) If the earlier deposit number referred to in paragraph (a)(iv) is not indicated in the declaration but is furnished by the applicant or the owner of the international deposit to the International Bureau prior to the expiration of the tenth month from the date of the earlier deposit, it shall be considered to have been included in the declaration and shall be published by the International Bureau.

(d) If the date of the earlier deposit as indicated in the declaration precedes the date of the international deposit by more than six months, the International Bureau shall treat the declaration as if it had not been made.

(e) If the declaration referred to in Article 14(2)(i) claims the priority of more than one earlier deposit, the provisions of paragraphs (a) to (d) shall apply to each of them.

### 6.3 Denomination of the Type Faces

Where a denomination relates only to a part of the type faces, the instrument of international deposit shall clearly indicate those to which it does relate. The same shall apply where more than one denomination is indicated.

## RULE 7

### Language of the Instrument of International Deposit, Recordings, Notifications and Correspondence

#### 7.1 Language of the Instrument of International Deposit

(a) The instrument of international deposit shall be in the English or in the French language.

(b) The Administrative Instructions may provide that the headings of the model form referred to in Rule 8.1 shall also be in languages other than English and French.

#### 7.2 Language of Recordings, Notifications and Correspondence

(a) Recordings and notifications by the International Bureau shall be in the same language as that of the instrument of international deposit.

(b) Correspondence between the International Bureau and the applicant or the owner of the international deposit shall be in the same language as that of the instrument of international deposit.

(c) Letters or other written communications from the competent Offices of Contracting States to the International Bureau shall be in the English or in the French language.

(d) Letters from the International Bureau to any competent Office of a Contracting State shall be in English or French according to the wish of that Office; any matter in such letters quoted from the International Register shall be in the language in which such matter appears in that Register.

(e) Where the International Bureau is under the obligation to forward to the applicant or the owner of the international deposit any of the communications referred to in paragraph (c), it shall forward them in the language in which it received them.

## RULE 8

### Form of the Instrument of International Deposit

#### 8.1 Model Form

(a) The instrument of international deposit shall be established in accordance with the model form issued by the International Bureau. Printed copies of the model form shall be furnished free of charge, on request, by the International Bureau.

(b) The form shall be filled in preferably by typewriter and shall be easily legible.

#### 8.2 Copies; Signature

(a) The instrument of international deposit shall be filed in one copy.

(b) The instrument of international deposit shall be signed by the applicant.

#### 8.3 No Additional Matter

(a) The instrument of international deposit shall not contain any matter and shall not be accompanied by any document other than those prescribed or permitted by the Agreement and these Regulations.

(b) If the instrument of international deposit contains matter other than matter so prescribed or permitted, the International Bureau shall delete it ex officio; and if it is accompanied by any document other than those prescribed or permitted, the International Bureau shall treat it as if it had not been transmitted to it and shall return the said document to the applicant.

## RULE 9

### Representation of Type Faces

#### 9.1 Form of Representation

(a) Type faces which are the subject of an international deposit shall be represented on one side only of one or more sheets of paper of A4 size (29.7 cm × 21 cm.), separate from the instrument of international deposit. A margin shall be left of at least 1.5 cm. from all four edges of each sheet.

(b) Letters and signs shall be presented in such a way that the tallest letter or sign within a set shall be not less than 10 mm., and they shall be separated from one another by their normal inter-letter spacing.

(c) The representation of the type faces shall also include a text of not less than three lines composed with the characters which are the subject of the international deposit. The text need not necessarily be in English or French or in the minimum dimensions required under paragraph (b).

(d) The representation of the type faces shall be of a quality admitting of direct reproduction by photography and printing processes.

#### 9.2 Other Indications

The sheet bearing the representation of the type faces shall also bear the name of the applicant and his signature. If there are several sheets, each shall contain the same indications and each shall be numbered.

## RULE 10

### Fees Payable with the International Deposit

#### 10.1 Kinds and Amounts of Fees

(a) The fees payable with the international deposit shall be:

- (i) a deposit fee;
- (ii) a publication fee.

(b) The amount of each of those fees is indicated in the Table of Fees.

## RULE 11

### Defects in the International Deposit

#### 11.1 Notification of Declining of International Deposit and Reimbursement of Publication Fee

Where, under Article 15(2)(c), the International Bureau declines the international deposit, it shall notify the applicant, stating the grounds for declining, and shall reimburse to him the publication fee which has been paid.

#### 11.2 Defects Peculiar to an International Deposit Effected Through the Intermediary of the Competent Office of a Contracting State

Where the instrument of international deposit presented through the intermediary of the competent Office of a Contracting State under Article 12(2):

- (i) does not indicate that the applicant is a resident of the State through the intermediary of whose Office the international deposit was effected, or

- (ii) does not contain a statement by the said Office indicating the date on which that Office received the said deposit, or
- (iii) contains the said statement indicating a date which precedes by more than one month the date on which the International Bureau received the international deposit,

the international deposit shall be treated as if it had been effected direct with the International Bureau on the date it reached the Bureau. The International Bureau shall inform accordingly the Office through the intermediary of which the international deposit was effected.

#### RULE 12

### Procedure Where Avoiding Certain Effects of Declining Is Sought

#### 12.1 Information Available to Competent Offices of Contracting States

At the request of the applicant or of the interested competent Office, the International Bureau shall send to that Office a copy of the file of the declined international deposit, together with a memorandum setting out the grounds for and the various steps leading to the declining of the said application.

#### RULE 13

### International Deposit Certificate

#### 13.1 International Deposit Certificate

Once the International Bureau has recorded the international deposit, it shall issue to the owner thereof an international deposit certificate, the contents of which are provided for in the Administrative Instructions.

#### RULE 14

### Publication of International Deposits

#### 14.1 Contents of Publication of the International Deposit

The publication of any international deposit shall contain:

- (i) the name and address of the applicant and, if he has his right to effect international deposits on the fact that he is a resident or national of, or has a real and effective industrial or commercial establishment in, a State other than that in which he has his address, the name of the State of which he is a resident or national or in which he has a real and effective industrial or commercial establishment;
- (ii) the name of the creator of the type faces or an indication that the creator has renounced being mentioned as such;
- (iii) the representation of the type faces, including the text referred to in Rule 9.1(c), in the same presentation and dimensions as those in which they were deposited;
- (iv) the date of the international deposit;
- (v) the number of the international deposit;
- (vi) where priority is claimed, the indications listed in Rule 6.2(a);
- (vii) where a representative is appointed, the name and address of that representative;
- (viii) where a denomination is indicated for the type faces, that denomination.

#### RULE 15

### Notification of International Deposits

#### 15.1 Form of Notification

The notification referred to in Article 17 shall be effected separately for each competent Office and shall consist of separate reprints of the publication by the International Bureau of each international deposit.

#### 15.2 Time of Notification

The notification shall be effected on the same date as that of the issue of the Bulletin in which the international deposit is published.

#### RULE 16

### Changes in Ownership

#### 16.1 Request for Recording of Change in Ownership

(a) The request for recording referred to in Article 20(1) shall indicate its purpose and contain:

- (i) the name of the owner of the international deposit (hereinafter referred to as "the earlier owner") who appears as such in the International Register;
- (ii) the name, residence, nationality and address of the new owner of the international deposit (hereinafter referred to as "the new owner"), in the manner provided for indications to be furnished in respect of the applicant under Rule 5.2;
- (iii) the number of the international deposit;
- (iv) where the change in ownership relates to fewer than all the Contracting States referred to in Article 18(1), identification of those States to which it relates.

(b) The request shall be signed by the earlier owner or, if his signature cannot be obtained, by the new owner, provided that if it is signed by the new owner the request shall be accompanied by an attestation by the competent Office of the Contracting State of which the earlier owner, at the time of the change of ownership, was a national or, if at that time the earlier owner was not a national of a Contracting State, by the competent Office of the Contracting State of which, at the said time, the earlier owner was a resident. The competent Office shall attest that, according to evidence produced before it, the new owner appears to be the successor in title of the earlier owner to the extent described in the request and the conditions prescribed in the preceding sentence are fulfilled. The attestation shall be dated and shall bear the stamp or seal of the competent Office and the signature of an official thereof. The attestation shall be given for the sole purpose of allowing the change of ownership to be recorded in the International Register.

(c) The amount of the fee referred to in Article 20(4) is indicated in the Table of Fees.

#### 16.2 Recording, Notification and Publication; Declining of Request for Recording

(a) Where, according to the indications furnished in the request for recording of the change in ownership, the new owner is a person entitled to own international deposits and the request complies with the other prescribed requirements, the International Bureau shall record the change in ownership in respect of all the Contracting States or those specified in the request, as the case may be. Such recording shall contain the indication referred to in Rule 16.1(a)(ii) and (iv) and shall mention the date on which it was effected.

(b) The International Bureau shall notify the recording of the change in ownership to the earlier and to the new owners.

(c) The publication and the notification referred to in Article 20(5) shall contain the indications referred to in Rule 16.1(a) and the date of the recording.

(d) Where, according to the indications furnished in the request for recording of the change in ownership, the new owner is a person not entitled to own international deposits, or where the request does not comply with the other prescribed requirements, the International Bureau shall decline it and notify the person who has signed the request, stating the grounds for declining.

#### RULE 17

### Withdrawal and Renunciation of International Deposits

#### 17.1 Withdrawal of the International Deposit

Any withdrawal of an international deposit shall be treated as such by the International Bureau if the declaration of withdrawal reaches it before preparations for publication have been completed. If the said declaration reaches the International Bureau later, it shall be treated as a renunciation of the international deposit.

### 17.2 Procedure

(a) Withdrawals and renunciations shall be effected by means of a written declaration addressed to the International Bureau and signed by the applicant or the owner of the international deposit, as the case may be.

(b) If withdrawal or renunciation is only partial, the States or type faces to which it relates shall be clearly indicated, failing which it shall not be taken into consideration.

(c) The International Bureau shall acknowledge receipt of the declaration of withdrawal. If withdrawal is total, the International Bureau shall reimburse to the applicant the publication fee which has been paid.

(d) The International Bureau shall record the renunciation, notify the said recording to the owner of the international deposit, publish such renunciation and notify it to the competent Offices of the Contracting States.

## RULE 18

### Other Amendments to International Deposits

#### 18.1 Permissible Amendments

The owner of the international deposit may amend the mandatory and optional indications appearing in the instrument of international deposit in accordance with Rules 5.2, 5.3, 6.1 and 6.3.

#### 18.2 Procedure

(a) Any amendment referred to in Rule 18.1 shall be effected by means of a written communication addressed to the International Bureau and signed by the owner of the international deposit.

(b) The fees referred to in Article 22(3) are indicated in the Table of Fees.

(c) The International Bureau shall record the amendment, notify the said recording to the owner of the international deposit, publish such amendment and notify it to the competent Offices of the Contracting States.

## RULE 19

### Renewal of International Deposits

#### 19.1 Reminder by the International Bureau

The International Bureau shall send a letter to the owner of the international deposit before the expiration of the term, initial or renewal, which is in effect, reminding him that such term is about to expire. Further details concerning the contents of the reminder shall be provided in the Administrative Instructions. The reminder shall be sent at least six months prior to the expiration date. Failure to send or receive the reminder, or the fact of sending or receiving it outside the said period, or any error in the reminder, shall not affect the expiration date.

#### 19.2 Demand for Renewal

The demand for renewal referred to in Article 23(4) shall preferably be made on a printed form furnished free of charge by the International Bureau together with the reminder referred to in Rule 19.1. The demand shall, in any case, indicate its purpose and contain:

- (i) the name and address of the owner of the international deposit;
- (ii) the number of the international deposit.

#### 19.3 Time Limits; Fees

(a) Subject to paragraph (b), the demand for renewal and the fees referred to in Article 23(4) must reach the International Bureau not later than six months after the expiration of the term of protection.

(b) If the demand for renewal or the fees due reach the International Bureau after the expiration of the term of protection, renewal shall be subject to the payment of a surcharge, which must be paid within the time limit fixed in paragraph (a).

(c) Where, within the time limit fixed in paragraph (a), the International Bureau receives:

- (i) a demand for renewal which does not conform to the requirements of Rule 19.2, or

- (ii) a demand for renewal but no payment or insufficient payment to cover the fees due, or

- (iii) money which appears to be intended to cover fees connected with renewal but no demand for renewal,

it shall promptly invite the owner of the international deposit to present a correct demand, to pay or complete the fees due, or to present a demand, as the case may be. The invitation shall indicate the applicable time limits.

(d) Failure to send or receive the invitation referred to in paragraph (c), or any delay in dispatching or receiving such invitation, or any errors in the invitation, shall not prolong the time limits fixed in paragraphs (a) and (b).

(e) The amounts of the fees prescribed under this Rule are indicated in the Table of Fees.

#### 19.4 Recording, Notification and Publication of the Renewal

Where the demand is presented and the fees are paid as prescribed, the International Bureau shall record the renewal, notify the said recording to the owner of the international deposit, publish the indications referred to in Rule 19.2 together with an indication of the date on which the renewal expires, and notify the competent Offices of the Contracting States of the said indications and the said date.

#### 19.5 Declining the Demand

(a) Where the time limit fixed in Rule 19.3(a) is not respected or where the demand does not conform to the requirements of Rule 19.2 or the fees due are not paid as prescribed, the International Bureau shall decline the demand and shall notify the owner of the international deposit, stating the grounds for declining the demand.

(b) The International Bureau shall not decline any demand before the expiration of six months after the starting date of the term of renewal.

#### 19.6 Recording, Notification and Publication of Lack of Demand

Where, by the expiration of six months after the starting date of the term of renewal, no demand for renewal is presented to the International Bureau, the International Bureau shall record such fact, notify it to the owner of the international deposit, publish it and notify it to the competent Offices of the Contracting States.

## RULE 20

### Transmittal of Documents to the International Bureau

#### 20.1 Place and Mode of Transmittal

Instruments of international deposit and their annexes, demands, notifications and any other documents intended for filing, notification or other communication to the International Bureau shall be deposited with the competent service of that Bureau during the office hours fixed in the Administrative Instructions, or mailed to that Bureau.

#### 20.2 Date of Receipt of Documents

Any document received by the International Bureau through deposit or mail shall be considered to have been received on the day on which it is actually received by that Bureau, provided that, when it is actually received after office hours, or on a day when the Bureau is closed for business, it shall be considered to have been received on the next subsequent day on which the Bureau is open for business.

#### 20.3 Legal Entity; Partnerships and Firms

(a) Where any document submitted to the International Bureau is required to be signed by a legal entity, the name of the legal entity shall be indicated in the place reserved for signature and shall be accompanied by the signature of the natural person or persons entitled to sign for such legal entity according to the national law of the country under whose law the legal entity was established.

(b) The provisions of paragraph (a) shall apply, *mutatis mutandis*, to partnerships or firms composed of attorneys or patent or trademark agents but which are not legal entities.

#### 20.4 Exemption from Certification

No authentication, legalization or other certification of the signature shall be required for documents submitted to the International Bureau under the Agreement or these Regulations.

### RULE 21

#### Calendar; Computation of Time Limits

##### 21.1 Calendar

The International Bureau, competent Offices of Contracting States, applicants and owners of international deposits shall, for the purposes of the Agreement and these Regulations, express any date in terms of the Christian era and the Gregorian calendar.

##### 21.2 Periods Expressed in Years, Months or Days

(a) When a period is expressed as one year or a certain number of years, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

(b) When a period is expressed as one month or a certain number of months, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent month on the day which has the same number as the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

(c) When a period is expressed as a certain number of days, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire on the day on which the last day of the count has been reached.

##### 21.3 Local Dates

(a) The date which is taken into consideration as the starting date of the computation of any period shall be the date which prevails in the locality at the time when the relevant event occurred.

(b) The date on which any period expires shall be the date which prevails in the locality in which the required document is filed or the required fee is paid.

##### 21.4 Expiration on a Non-Working Day

If the expiration of any period during which any document or fee must reach the International Bureau falls on a day on which that Bureau is not open for business, or on which ordinary mail is not delivered in Geneva, the period shall expire on the next subsequent day on which neither of the said two circumstances exists.

### RULE 22

#### Fees

##### 22.1 Fees Due

(a) Fees due under the Agreement and these Regulations are fixed in the Table of Fees and in the Administrative Instructions.

(b) The fees payable shall be:

- (i) where they concern an international deposit, the fees in force on the date on which the international deposit is received by the International Bureau or, where the deposit has been filed through the intermediary of a competent Office of a Contracting State, the fees in force on the date on which it was received by that Office;
- (ii) where they concern a demand for renewal, the fees in force on the date which precedes by six months the starting date of the term of renewal.

##### 22.2 Payment to the International Bureau

All fees due shall be payable to the International Bureau.

##### 22.3 Currency

All fees due shall be payable in Swiss currency.

##### 22.4 Deposit Accounts

(a) Any natural person or legal entity may open a deposit account with the International Bureau.

(b) The details concerning deposit accounts shall be provided in the Administrative Instructions.

##### 22.5 Indication of the Mode of Payment

(a) Unless the payment is made in cash to the cashier of the International Bureau, the international deposit, the demand, and any other request or other document filed with the International Bureau in connection with any international deposit, subject to the payment of any fee, shall indicate:

- (i) the name and address, as provided in Rule 5.2(a) and (c), of the natural person or legal entity making the payment, unless the payment is made by a cheque attached to the document;
- (ii) the mode of payment, which may be by an authorization to debit the amount of the fee to the deposit account of such person, or by transfer to a bank account or to the postal cheque account of the International Bureau, or by cheque. The Administrative Instructions shall provide the details, in particular those governing the kind of cheques that shall be accepted in payment.

(b) Where the payment is made pursuant to an authorization to debit the amount of the fee to a deposit account, the authorization shall specify the transaction to which it relates, unless there is a general authorization to debit to a specified deposit account any fee concerning a certain applicant, owner of an international deposit, or duly appointed representative.

(c) Where the payment is made by transfer to a bank account or to the postal cheque account of the International Bureau, or by a cheque not attached to the instrument of international deposit, the demand for renewal or any other request or other document, the notification of the transfer or cheque (or paper accompanying it) shall identify the transaction to which the payment relates, in the manner to be provided for in the Administrative Instructions.

##### 22.6 Effective Date of Payment

Any payment shall be considered to have been received by the International Bureau on the date indicated hereinbelow:

- (i) if the payment is made in cash to the cashier of the International Bureau, on the date on which such payment is made;
- (ii) if the payment is made by debiting a deposit account with the International Bureau pursuant to a general authorization to debit, on the date on which the instrument of international deposit, the demand for renewal, or any other request or other document entailing the obligation to pay fees is received by the International Bureau, or, in the case of a specific authorization to debit, on the date on which the specific authorization is received by the International Bureau;
- (iii) if the payment is made by transfer to a bank account or to the postal cheque account of the International Bureau, on the date on which such account is credited;
- (iv) if the payment is made by cheque, on the date on which the cheque is received by the International Bureau, provided that it is honored upon presentation to the bank on which the cheque is drawn.

### RULE 23

#### The Bulletin

##### 23.1 Contents

(a) All matters which, according to the Agreement or these Regulations, the International Bureau is obliged to publish shall be published in the Bulletin.

(b) The Administrative Instructions may provide for the inclusion of other matters in the Bulletin.



### 23.2 Frequency

The Bulletin shall be issued according to requirements, so that any deposit or communication requiring to be published shall be published within three months.

### 23.3 Languages

(a) The Bulletin shall be issued in a bilingual (English and French) edition.

(b) The Administrative Instructions shall identify those portions which require translation and those portions which do not require translation.

(c) Where matters are published in both languages, the Bulletin shall indicate which is the original language. Translations shall be prepared by the International Bureau. In case of any divergence between the original and the translation, all legal effects shall be governed by the original.

### 23.4 Sale

The sale prices of the Bulletin shall be fixed in the Administrative Instructions.

### 23.5 Copies of the Bulletin for Competent Offices of Contracting States

(a) Before July 1 of each year, the competent Office of each Contracting State shall notify the International Bureau of the number of copies of the Bulletin which it wishes to receive in the next subsequent year.

(b) The International Bureau shall make the requested number of copies available to each competent Office:

- (i) free of charge, up to the same number as the number of units corresponding to the class chosen under Article 28(4) by the Contracting State of which it is the competent Office;
- (ii) at half the sale price for copies in excess of the said number.

(c) Copies given free of charge or sold under paragraph (b) shall be for the internal use of the competent Office which has requested them.

## RULE 24

### Copies, Extracts and Information; Certification of Documents Issued by the International Bureau

#### 24.1 Copies, Extracts and Information Concerning International Deposits

(a) Any person may obtain from the International Bureau, against payment of a fee whose amount shall be fixed in the Administrative Instructions, certified or uncertified copies or extracts of recordings in the International Register or of any document in the file of any international deposit. Each copy or extract shall reflect the situation of the international deposit on a specified date; such date shall be indicated in the said copy or extract.

(b) On request and against payment of a fee whose amount shall be fixed in the Administrative Instructions, any person may obtain from the International Bureau oral or written information, or information by telecopier devices, on any fact appearing in the International Register or in any document in the file of any international deposit.

(c) Notwithstanding paragraphs (a) and (b), the Administrative Instructions may waive the obligation to pay any fee where the work or the expense connected with the furnishing of a copy, extract, or information is minimal.

#### 24.2 Certification of Documents Issued by the International Bureau

Where any document issued by the International Bureau bears the seal of that Bureau and the signature of the Director General or a person acting on his behalf, no authority of any Contracting State shall require authentication, legalization or any other certification of such document, seal or signature, by any other person or authority.

## Rules Concerning Chapter III of the Agreement

### RULE 25

#### Expenses of Delegations

##### 25.1 Expenses Borne by Governments

The expenses of each delegation participating in any session of the Assembly and of any committee, working group or other body dealing with matters of concern to the Union shall be borne by the Government which has appointed it.

### RULE 26

#### Absence of Quorum in the Assembly

##### 26.1 Voting by Correspondence

(a) In the case provided for in Article 26(5)(b), the International Bureau shall communicate any decision of the Assembly, other than decisions relating to the Assembly's own procedure, to the Contracting States which were not represented when the decision was made and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication.

(b) If, at the expiration of the said period, the number of Contracting States having thus expressed their vote or abstention attains the number of Contracting States which was lacking for attaining the quorum when the decision was made, that decision shall take effect provided that at the same time the required majority still obtains.

### RULE 27

#### Administrative Instructions

##### 27.1 Establishment of Administrative Instructions; Matters Governed by Them

(a) The Director General shall establish Administrative Instructions. He may modify them. He shall consult the competent Offices of the Contracting States which have a direct interest in the proposed Administrative Instructions or their proposed modification.

(b) The Administrative Instructions shall deal with matters in respect of which these Regulations expressly refer to such Instructions and with details in respect of the application of these Regulations.

(c) All forms of interest to applicants and owners of international deposits shall be included in the Administrative Instructions.

##### 27.2 Control by the Assembly

The Assembly may invite the Director General to modify any provision of the Administrative Instructions, and the Director General shall proceed accordingly.

##### 27.3 Publication and Effective Date

(a) The Administrative Instructions and any modification thereof shall be published in the Bulletin.

(b) Each publication shall specify the date on which the published provisions become effective. The date need not be the same for all the provisions, provided that no provision may be declared effective prior to the expiration of a period of one month after the publication date of that issue of the Bulletin in which it has been published.

##### 27.4 Conflict with the Agreement and the Regulations

In the case of conflict between any provision of the Administrative Instructions and any provision of the Agreement or of these Regulations, the latter shall prevail.

## Final Clause

### RULE 28

#### Entry into Force

##### 28.1 Entry Into Force of the Regulations

These Regulations shall enter into force at the same time as Chapter II of the Agreement, with the exception of Rules 25 and 26, which shall enter into force at the same time as the Agreement itself.

## Annex to the Regulations

## Table of Fees

The International Bureau shall collect the following fees:

I. Deposit	Swiss francs
1. (a) Deposit fee, up to 75 letters or signs . . . . .	500
(b) Complementary fee for each additional hlock or part of a hlock of 10 letters or signs . . . . .	100
2. Publication fee for each standard space unit used (26.7 × 18 cm.), being the minimum publication fee . . . . .	200

II. Renewal	Swiss francs
1. Renewal fee . . . . .	600
2. Surcharge (Rule 19.3(b)) . . . . .	300
III. Other Fees	
1. Fee for recording a total or partial change in ownership . . . . .	100
2. Fee for recording a change in the name or address of the owner of the international deposit or in other indications concerning the owner: per deposit . . . . .	100
3. Fee for recording the appointment of a representative, a change of representative, or a change in his name or address: per deposit . . . . .	50
4. Fee for recording any other amendment: per deposit . . . . .	50

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## NATIONAL LEGISLATION

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### SOVIET UNION

#### Decree of the Praesidium of the Supreme Soviet of the USSR

##### Amendments and Additions to the Bases of Legislation in Respect of Civil Law of the Union of Soviet Socialist Republics and of the Federated Republics

(Of February 21, 1973) \*

The Praesidium of the Supreme Soviet of the USSR decrees as follows:

I. The following amendments and additions shall be made to the Bases of Legislation in Respect of Civil Law of the USSR and of the Federated Republics, which were established by the Law of the USSR of December 8, 1961 (*Vedomosti Verkhovnogo Soveta* of the USSR, 1961, No. 50, item 525):

1. In *Article 97*:

(a) The first paragraph shall read as follows:

“Copyright in a work first published in the territory of the USSR or which, if not published, exists in any material form in the territory of the USSR shall be recognized as belonging to the author and his heirs, irrespective of their nationality, and also to other successors in title of the author.”

(b) In the second paragraph, the word “heirs” shall be replaced by the words “successors in title”.

(c) The third paragraph shall read as follows:

“Copyright in a work first published or which exists in any material form in the territory of a foreign State shall be recognized as belonging to other persons in accordance with international treaties or international agreements to which the USSR is party.”

(d) A fourth paragraph shall be added to this Article, with the following content:

“Foreign successors in title of authors who are citizens of the USSR shall be recognized as owning the copyright in the territory of the USSR if this right has been transferred to them in accordance with the procedure prescribed by the laws of the USSR.”

2. *Article 98*

A second paragraph shall be added to Article 98, with the following content:

“The procedure for transferring the right of an author who is a citizen of the USSR in respect of the exploitation of his work in the territory of a foreign State shall be established by the law of the USSR.”

\* This Decree was published in *Vedomosti Verkhovnogo Soveta* of the USSR, 1973, No. 9 (1667), item 138.

3. In *Article 101*:

(a) In the first paragraph, the following words shall be added after the words "a work": "(including the translation into another language)".

(b) The word "heirs" shall be replaced by the words "successors in title".

4. *Article 102* shall read as follows:

"Translation of a work into another language for the purpose of publication shall be lawful only with the agreement of the author or of his successors in title.

The competent organs of the USSR may, in accordance with the procedure prescribed by the laws of the USSR, authorize translation of a work into another language and publication of this translation, complying in such cases with the provisions of international treaties or international agreements to which the USSR is party.

The translator shall own the copyright in his translation."

5. In *Article 103*:

(a) The words "in newspapers" shall be deleted from point (4).

(b) A new point (5) shall be added after point (4), with the following content:

"(5) reproduction in newspapers of speeches or lectures delivered in public and also of published literary, scientific and artistic works, either in the original or in translation;"

(c) Point (5) of this Article shall accordingly become point (6).

(d) A new point (7) shall be added to this Article, with the following content:

"(7) reproduction on a non-profit-making basis of printed works for scientific, educational and cultural purposes."

6. *Article 105* shall read as follows:

"Copyright shall be effective for the whole of the author's life and for 25 years after his death, as from the first of January of the year following the year of the author's death.

The effective period of the copyright in photographic works and works of applied art may be reduced by the laws of the Federated Republics. It may not be less than ten years from the publication of such a work by means of reproduction.

Copyright is transmitted by inheritance. Where the effective period of an author's copyright has been reduced, the copyright shall be transmitted to his heirs for the balance of the period which has not elapsed at the author's death.

The laws of the Federated Republics shall determine which of the author's rights may not be transmitted by inheritance."

In this connection, the Basic Copyright Law, established and implemented by the Joint Resolution of the Central Executive Committee and the Council of People's Commissars of the USSR, of May 16, 1928 (*Sobranie Zakonov* of the USSR, 1928, No. 27, items 245 and 246), is declared to be no longer in effect.

II. This Decree shall apply to legal relationships which came into being as from June 1, 1973.

In the case of contractual and other legal relationships which came into being before June 1, 1973, the provisions of this Decree shall apply to those rights and obligations which arise after June 1, 1973.

The provisions of Article 105 of the Bases of Legislation in respect of Civil Law of the USSR and of the Federated Republics which concern the effective period of copyright shall not apply to works the effective period of copyright for which has expired before January 1, 1973.

III. The Praesidia of the Supreme Soviets of the Federated Republics are instructed to make the legislation of the Federated Republics conform to this Decree.





## BOOK REVIEWS

**Massmedia en modern auteursrecht** [Mass media and modern copyright law], by *F. Klaver*. One volume of 262 pages, 22.5 × 13.5 cm. Ed. Wetenschappelijke Uitgeverij, Amsterdam, 1973.

This is a dissertation composed of five separate studies on various questions, which all deal with different aspects of the general problem of mass media in modern copyright law.

The first study, entitled *Video: a general survey*, contains an analysis of the legal aspects of this important new medium; the analysis is made in the light of the two Copyright Conventions (Berne and UCC) and the Rome Convention, as well as on the basis of the national legislation of a few countries.

The second study is devoted to the problem of *cable television*. It deals mainly with the present situation in the Netherlands (after the amendment of the copyright law) and also in the USA.

When discussing the questions related to the *Rome Convention* and neighboring rights in general, the author expresses the opinion that the evaluation of arguments pro and contra this Convention gives a positive result, because it has up till now been "the only attempt, internationally undertaken, to protect amongst others the performing artists".

The study devoted to *developing countries and copyright*, although not dealing directly with the main topic of the book, contains useful information on the preparatory work and the decisions of the last Revision Conferences held at Paris in July 1971.

In the last study, devoted to the problems concerning the *film sound track*, the author comes to the conclusion that the solution guaranteeing a protection of the sound track, which functions separately from the visual part of the film, is a right one.

The book is written in Dutch, but contains a rather detailed summary in English. M. S.

**Visita guiada ao mundo do direito de autor** [Conducted tour in the copyright world], by *Luiz Francisco Rebello*. One volume of 64 pages, 22.5 × 16 cm. Published by "Ordem dos advogados — Conselho distrital do Porto — Instituto da conferência", Porto, 1973.

This "conducted tour", although necessarily limited to the essential points, contains quite complete information on what the author calls "the world of copyright".

Following the general introduction with references to works in the Portuguese language on the subject, the reader will find a detailed explanation of the term "literary and artistic property", a brief review of the historical evolution of copyright and an analysis of the Portuguese Copyright Code.

One part of the work is devoted to the recent evolution of international copyright (1967 Stockholm Act, 1971 Revision Conferences) as well as the legal nature of copyright and its rôle in the dissemination of culture.

This concise exposé ends by a description of the activities of authors' societies which, in practice, ensure the implementation of legislative provisions. M. S.



**July 1 to 5, 1974 (Geneva) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee**  
**September 2 to 8, 1974 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee**  
**September 9 to 13, 1974 (Geneva) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee**  
**September 18 to 20, 1974 (Geneva) — ICIREPAT — Plenary Committee**  
**September 24 to October 2, 1974 (Geneva) — Sessions of the Administrative Bodies of WIPO and the Unions administered by WIPO**  
**September 30 to October 4, 1974 (Geneva) — International Patent Classification (IPC) — Working Group I of the Joint ad hoc Committee**  
**October 21 to 31, 1974 (Geneva) — ICIREPAT — Technical Committee for Shared Systems (TCSS) and Technical Committee for Standardization (TCST)**  
**November 4 to 8, 1974 (Geneva) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee**  
**December 9 to 13, 1974 (Geneva) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee**  
**December 16 to 18, 1974 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)**  
**September 23 to 30, 1975 (Geneva) — Sessions of the Administrative Bodies of WIPO and the Unions administered by WIPO**

## UPOV Meetings

**October 9, 1973 (Geneva) — Consultative Working Committee**  
**October 10 to 12, 1973 (Geneva) — Council**  
**November 6 and 7, 1973 (Geneva) — Technical Steering Committee**

## Meetings of Other International Organizations concerned with Intellectual Property

**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 27 to November 2, 1973 (Tokyo) — East Asian Seminar on Copyright**  
**October 28 to November 2, 1973 (Tel Aviv) — International Writers Guild — Congress**  
**November 12 to 14, 1973 (Mexico) — Inter-American Association of Industrial Property — Administrative Council**  
**December 10 to 14, 1973 (Brussels) — European Economic Community — “Community Patent” Working Party**  
**February 24 to March 2, 1974 (Melbourne) — International Association for the Protection of Industrial Property — Executive Committee**  
**May 6 to 30, 1974 (Luxembourg) — Conference of the Member States of the European Communities concerning the Convention on the European Patent for the Common Market**  
**May 3 to 10, 1975 (San Francisco) — International Association for the Protection of Industrial Property — Congress**

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## ANNOUNCEMENT OF VACANCY

*Competition No. 218**Translator**(Languages Section)*

*Category and grade: P. 3/P. 2 \**

*Principal duties:*

- (a) Translation into French of legal, administrative and technical texts in English.
- (b) Revision from a linguistic point of view of French working documents and other French texts issued or published by WIPO.
- (c) Participation in the translation work or editorial tasks of the Section during conferences.
- (d) Where necessary, translation into French from Spanish, Russian or German (according to the language of which the incumbent has an adequate knowledge).

The duties mentioned above are performed subject to supervision by the Head of the Languages Section.

*Qualifications required:*

- (a) University degree in modern languages or law, or other relevant field.
- (b) Wide general culture and ability to acquire information on a variety of professional and technical subjects.
- (c) Excellent knowledge of French (mother tongue) and thorough knowledge of English. Good working knowledge of Spanish, Russian or German highly desirable.

\* According to the qualifications and experience of the selected candidate.

- (d) Considerable experience in translation work of a legal and administrative nature. Demonstrated ability to work without close supervision. Elegance of style, clarity and accuracy.
- (e) Ability to correct quickly texts drafted in French.

*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:*

Fixed term appointment of two years, with possibility of renewal; or probationary period of two years after satisfactory completion of which a permanent appointment will be offered.

*Age limit applicable to appointment for a probationary period:*

Less than 50 years of age at date of appointment.

*Date of entry on duty:*

January 1, 1974, or 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 Colombettes, 1211 Geneva 20, Switzerland. Please refer to the number of the Competition and enclose a brief curriculum vitae.

*Closing date: October 31, 1973.*