Copyright

Review of the
WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

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

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WORLD INTELLECTUAL PROPERTY ORGANIZATION

MADAGASCAR

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 Malagasy Republic, in which that Government indicates its desire to avail itself of the provisions of Article 21(2) of the Convention.

This notification entered into force on the date of its receipt, that is, on August 27, 1973.

Pursuant to the said Article, the Malagasy Republic, 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. 48, of August 31, 1973.

BERNE UNION

Working Group on Reprographic Reproduction of Works Protected by Copyright

(Paris, May 2 to 4, 1973)

Report

I. Introduction

1. The Working Group on Reprographic Reproduction of Works Protected by Copyright met at Unesco Headquarters in Paris, from May 2 to 4, 1973, under the joint auspices of Unesco and the World Intellectual Property Organization (WIPO).

2. The frame of reference of the Working Group was derived in part from resolution 5.151 (paragraphs 7-10), adopted by the General Conference of Unesco at its seventeenth session. In this resolution the General Conference expressed the opinion that it would be desirable to prepare an international instrument on the question of photographic reproduction of works protected by copyright. It decided that the instrument should take the form of a recommendation rather than a convention, and invited the Intergovernmental Copyright Committee and the Executive Committee of the Berne Union to examine, at their joint meetings in 1973, the feasibility of preparing such a recommendation. The General Conference authorized the Director-General of Unesco to take account of this preparatory work and, if a draft recommendation appeared to be feasible, to submit such a draft to the General Conference of Unesco at its eighteenth session in 1974.

3. The present Working Group was formed for the purpose of assisting the Secretariats of Unesco and WIPO in the preparatory work referred to above. In particular, it was convened in response to the recommendation of the Executive Committee of the Berne Union and the Intergovernmental Copyright Committee, expressed in the reports of their joint meetings held in November 1971, that the work of the 1968 Committee of Experts on the Photographic Reproduction of Protected Works be brought up to date. The 1968 Committee, which met under the auspices of Unesco and BIRPI (now WIPO), had made a series of rather detailed recommendations on the subject of photocopying, and the 1971 Committees asked that these recommendations " ... be reviewed in the light of the recent revisions of the multilateral copyright conventions and added to in certain respects, particularly as regards the uses which could be made in the industrial and commercial sectors ".

4. The 1971 Committees adopted resolutions inviting the Secretariats of Unesco and WIPO to continue their study and " formulate proposals on this subject in the first half of 1973 ", considering that the question of the photographic reproduction of works protected by copyright " should, after this study, be regulated at the international level by a recommendation, which could serve as a guideline for national legislations, and not by an international convention " and expressing the wish " that the said proposals should be referred to the two Committees at their joint meetings in 1973 ".

5. The participants were representatives of seven international non-governmental organizations representing, on the one hand, authors and publishers, and, on the other hand, the users of reprographic equipment for the reproduction of copyrighted works. In addition, four specialists in reprographic problems, including three specialists from developing countries, were attached to the Secretariat of the meeting as consultants. The list of participants is annexed to the report (Annex B).

6. The meeting was opened by Ms. Barbara Ringer, Representative of the Director-General of Unesco, who extended a cordial welcome to all the participants. She noted that this was the first meeting to be held exclusively on the subject of the reprographic reproduction of works protected by copyright in nearly five years, and, despite the lack of any progress in finding international solutions to the problem in the intervening period, there has been an enormous increase in the number of photocopying machines in use.

7. The participants then elected Mr. Torwald Hesser, Justice of the Supreme Court of Sweden, as Chairman of the Working Group by acclamation.

8. The Chairman invited Mr. Daniel de San of the Unesco Secretariat to introduce document R.2/4, a background memorandum prepared by the Secretariats of Unesco and WIPO, reviewing recent developments concerning reprographic reproduction of works protected by copyright.

II. Summary of the discussion

9. The Chairman, speaking in his capacity as consultant from Sweden, described an agreement recently concluded between the Government of Sweden and a group of organizations representing authors and publishers concerning reprographic reproduction of copyrighted works in primary and secondary schools. He explained that, although it had been previously believed that the general provisions of the copyright law offered sufficient protection, the practice of photocopying in Swedish schools had reached such proportions that a Commission to study the problem was appointed and a statistical study was undertaken. This study revealed that in Swedish

schools alone 150 million impressions were made by photocopying each year. Of these, 60 % involved copies of textbooks and school books, 14 % involved copies of newspapers, and only 3 % involved copies of novels, plays, and general literature.

10. As a result of this study, the Swedish Government entered into negotiations with organizations of authors and publishers, which produced the Agreement of March 5, 1973. Under this Agreement, the organizations give general permission to teachers in Swedish schools to photocopy, within certain limits, protected works without having to ask the copyright owners, and the Swedish Government undertakes to pay a substantial fee for this permission to a new organization, called BONUS, representing authors and publishers. A Bill (No. 70) is now pending in the Swedish Parliament to approve the Agreement and to vote funds amounting to 1,200,000 Swedish kroner for the first year.

11. In the opinion of the Chairman, the Swedish Agreement constitutes a unique instrument in the history of copyright, since for the first time a government is declaring its willingness to pay for photocopying in schools.

12. The Swedish Agreement was signed by eighteen organizations, deriving their powers from their individual members. No member is bound to agree and he is free to forbid the use of his works. Some 95 % of the authors whose works are covered by the Agreement are members of the new BONUS organization, which will seek to settle questions involving photocopying of works by non-members or of works by members who have forbidden their use. The Agreement covers all types of works and allows teachers to photocopy any work without investigating its copyright status or ownership.

13. The Chairman summarized the conditions provided for photocopying in the Agreement, which are more restrictive for textbooks and school books than for other works. Restrictions are placed on the number of copies that can be made per pupil during a stated period, and on the number of pages of various works that can be reproduced.

14. Use of the remuneration, which varies depending upon the nature of the work copied, is not provided in the Agreement, although it would presumably be divided between authors and publishers, with some provisions for pensions and fellowships. A simple system for sampling is provided. The Agreement is applicable only to Swedish works, and is to last for a renewable period of three years.

15. In responding to a question from Mr. Desjeux (ALAI), the Chairman stated that a violation of the Agreement by a teacher (for example, making 200 copies when 100 were allowed) would constitute an act of infringement under the copyright law rather than a mere violation of contract. In answer to a question from Mr. Parthasarathy, the Consultant from India, the Chairman confirmed that the Agreement extended only to Swedish works, noting that this was possible as a practical matter because the large majority of works involved would be textbooks and school books which are largely Swedish in origin. He added, however, that in Swedish universities the proportion of foreign to Swedish books is just the reverse and that this factor would have to be considered when, as planned, the Agreement is extended to reproduction in university teaching.

16. The Chairman went on to explain that, in expanding the blanket licensing scheme to cover copying in universities and commercial enterprises, it would not be enough to hope for co-operative agreements with organizations of copyright owners in other countries. Sweden, in co-operation with Denmark, Finland and Norway, is contemplating revisions in its copyright law that would establish a form of compulsory licensing system to cover this situation. As envisioned, the plan would involve a blanket licensing agreement negotiated with Swedish authors, which would be applicable on a compulsory basis to foreign authors not represented by an organization signing the agreement. The system would differ from an ordinary compulsory licence in two ways: (1) there would be no compulsory licence unless a voluntary licence had been successfully negotiated; and (2) the terms of the compulsory licence would be the same as those negotiated by authors with equivalent interests.

17. Mr. Sharp (IPA) reported that Canadian authors and book publishers were currently planning to form a voluntary association for the collection of royalties to be paid to authors and publishers in return for a limited right to photocopy protected works in schools, colleges and universities and libraries. He also provided the Working Group with information concerning recent and prospective technological developments in the field of facsimile reproduction by wire and satellite.

18. The Representative of Unesco, in answer to a question by Mr. Sharp, indicated that the Secretariat of the meeting would endeavour to provide the members of the Working Group with translations of the text of the Swedish Agreement in due course.

19. Mr. Géranton (IPA) expressed regret that no international organization of publishers of periodicals was represented at the meeting, especially since they had expressed concern with respect to the recommendations that emerged from the 1968 Committee of Experts, in particular recommendation No. 3. He cited examples of French periodicals which had been seriously affected by widespread photocopying of articles and the corresponding withdrawal of group subscriptions. In his opinion, it was obvious that the 1968 recommendations had not been adopted on a systematic basis and did not in themselves represent a definitive document.

20. Mr. Joubert (CISAC) supported this statement, observing that the Working Group appeared to be called upon to legalize certain usages that, while currently illicit under copyright legislation, are in fact being carried out on a large scale. He asked why authors and publishers must be the ones to bear the economic brunt of this development, especially since the machines and paper used for photoreproduction are bought and paid for. To require copyright owners to give up their right of reproduction in this situation would, for him, be a discrimination that should be challenged. He feared that, once certain usages were accepted in the name of dissemination of

culture, they would be likely to proliferate in quantity and expand in scope.

21. Professor Arntz (ICR/FID) asserted that, according to a recent survey, 80 % of the authors of scientific articles were more interested in the widespread dissemination of their articles than in receiving royalties. He expressed the view that the subjects dealt with in scientific literature had become so specialized that most scientists are only interested in one article out of many published in a particular journal. In his opinion photocopying provides the only method for following what is happening in a particular field, since there are so many journals that it is impossible for a researcher to subscribe to all that touch on his speciality. Hence, he recommended that governments should be asked to subsidize publishing by increasing the budgets of libraries so that they could buy more copies of periodicals.

22. Mr. Koutchoumow (IPA), replying to Professor Arntz, stressed that, just because scientific writers are anxious to see their articles disseminated, they should be keenly interested in the survival of the scientific journals. Authors have a stake in preserving the number, quality, widespread distribution and range of the publications in which they may choose for their articles to appear. While it might be true that a reader may find only one article in a scientific journal of professional interest to him, it was possible to publish that article only because of the publication of other articles that were essential for the existence of the organ.

23. Mr. Géranton (IPA) supported Mr. Koutchoumow's remarks and questioned the practices of certain documentation centres involving the advertisement of reproduction services to the public, and the requirement that patrons commit themselves to certain signed statements in an effort to make French legislation and the Berne Convention inapplicable to the situation. He noted that three French publishers had challenged these practices in judicial proceedings, and he asked the Working Group to take a stand on the matter. Referring to the case now pending in the United States, in which the publisher, Williams and Wilkins Co., had brought an action against the Department of Health, Education and Welfare, he invited the Working Group to take note of the conclusions of the Commissioner in that case, as the action is the first ever brought against a national library; he declared that he thought it would be impossible not to take account of these conclusions which would deprive the National Library of any defence.

24. Mr. Parthasarathy (Consultant), supporting the statements made by Professor Arntz, added that in the scientific field both authors and publishers are primarily seeking dissemination rather than remuneration; usually authors receive no remuneration, and sometimes they must pay to have their work published or agree to buy reprints. A documentation centre allows the author's work to live, because in the form it was originally disseminated it reaches only a few people. Most journals are not reprinted and back numbers are often unavailable, even within two months of publication. Mr. Parthasarathy urged that the question be decided on practical rather than legalistic terms: photocopying is consistent with the authors' original purpose, as it was dissemination rather than remuneration that was desired.

25. The Chairman stated, as a proposition, that photocopying for personal use is free for all purposes and in all countries. In his opinion, this was a proposition that the Working Group could accept in principle, but he asked the Group to express its opinion on the question of what is " personal use ". He recognized that the legal situation differs from sector to sector. Reprography in schools and secondary institutions may involve the making of dozens or hundreds of copies of the same work. The Chairman asked the Group to express its opinion concerning the desirability of having blanket licensing agreements in this situation.

26. Mr. Barker (IPA), reverting for the moment to the question of learned journals and periodicals, noted that although some members of his association were publishers of these works, the association was not actually in a position to speak for their interests. However, he strongly supported the view that unlimited reprographic reproduction of journal articles could easily destroy the publications themselves, and that it is essential for authors to have these media in which to publish their articles.

27. Turning to the question of copying in educational institutions, Mr. Barker stated that for some years publishers in the United Kingdom had been trying to arrange for blanket licensing. He pointed out that on many occasions a teacher would simply violate copyrights and make photocopies because there is no choice if the material needed for a particular lesson is to be provided. Certain educational publishers in the United Kingdom have been reluctant to join the programme until they knew more about the dimensions of the copying that would take place in schools under a licensing system.

28. As Mr. Barker explained, an arrangement has finally been agreed upon with the National Council for Educational Technology (NCET), an organization that will shortly be renamed the National Organization for Educational Technology (NOET). Under this agreement, a selected number of schools at the primary and secondary level would be allowed to copy anything freely for two months in exchange for information and an accurate report of precisely what the schools do and what they copy. This would help in considering whether the publishers are now providing material in the right form. Once the returns from this experiment are in, the plan is to embark on a licensing scheme for the entire country with licenses being given to local authorities covering all of the schools in a particular area. Although there would be a small sampling to find out the amount of copying being done, the plan would not be to charge on a per copy but on a per pupil basis. Some seventy to eighty schools would furnish a cross-section for the purpose of fixing a per capita fee, which might differ from one locality to another.

29. Payment under the blanket licensing scheme would be based on the actual works copied, which in turn would be determined on the basis of the sampling. Collecting would be

done by the newly-formed Authors and Publishers Copyright Association, which is being organized to handle remuneration that will be received under the prospective Public Lending Rights Law. The Association has access to a computer in which are programmed all British works in print, catalogued under their International Standard Book Numbers.

30. Mr. Barker concluded by saying that the British publishers were attempting this system of hlanket licensing because they felt that it was not reasonable to ask teachers to seek permission each time they wished to make photocopies of copyrighted works. At the same time, they felt that teachers would agree that some remuneration was owing to authors and publishers in this situation and that, if photocopying were allowed to erode the economics of hook publishing too much, this vital educational resource could itself he undermined.

31. Mr. Sharp (IPA) reverted to the Chairman's proposition that it is generally accepted that one copy of an article from a journal or of a reasonable part of a book may be made free of charge for personal use. He pointed out that the reproduction of such a single copy for personal use may soon comprise the greater part of the use made of many scientific works which are in practice not read from cover to cover but rather consulted from time to time. It is, for example, not uncommon to transmit by telephone or cable and reproduce in a private home or office a facsimile copy of a work stored in a distant library or other repository. Publishing a book requires a considerable investment in pre-publication costs before a single copy can be reproduced. Unless a publisher can be assured of recovering these costs he cannot undertake to publish at all. Thus rather than increasing the distribution of works and the free flow of information, the single copy exemption for personal use may soon result in many books never heing published. To illustrate his point, he displayed a book costing eleven or twelve dollars, which had been photocopied hy a student at about a cost of five dollars.

32. Professor Arntz (ICR/FID) felt that Mr. Sharp's example was a good illustration of what should not be allowed to happen. When speaking of the right to make copies for personal use, the users of reprographic equipment had always spoken of reasonable parts, and had never claimed the right to make reproductions of the full text of a book.

33. In response to Mr. Géranton, Professor Arntz emphasized that documentation is required to guarantee a free flow of information, which is one of the basic principles of Unesco. To foster the progress of research and development, it is important that researchers be allowed to make single copies of journal articles in their field, and that this privilege be extended to lihraries serving them. In his opinion, it should make no difference whether the researcher or the library is part of a non-profit organization or of a commercial enterprise. On the other hand, where the copying itself is done for commercial purposes to the detriment of publishers, Professor Arntz agreed that the practice should be interdicted completely.

34. Mr. Géranton (IPA), while expressing himself as being absolutely in favour of the free flow of information, emphasized that photocopying threatens the very existence of puhlishers who are responsible for the dissemination of information in the first place. He said that, if photocopying was essential for free communications and if researchers needed photocopies, it was up to the Government and not the publishers to bear the costs.

35. Miss Galliot (IFIA) pointed out that in France scientific journals are heavily subsidized by the State, and that if this were not so, they would have long since ceased to exist. In her opinion, a publication that is purely scientific does not sell.

36. Professor Arntz (ICR/FID) pointed out that, except for very esoteric journals which enjoy a direct subsidy, the publishers of scientific periodicals would prefer to have these subsidies come through libraries rather than directly.

37. Mr. Parthasarathy (Consultant) added that the main purpose of journal publishing is to disseminate knowledge, and that these publications are generally subsidized not only hy governments hut by the membership of sponsoring organizations.

38. The Chairman reiterated the proposition that, as a point of departure in the research sector, scholars are free to make one copy for their personal use. He agreed, however, that changing technology may increase the economic impact of this usage on copyright owners, and may require an increase in the use of puhlic funds to support scholarly publishing in thc form of subventions.

39. Mr. Sharp (IPA) quoted from the report of the Ontario Royal Commission on Book Puhlishing, which had studied this prohlem, and which refused to accept the proposition that non-profit usage should be free from copyright control. This report took the view that photocopying in the non-profit field needs protection under the copyright law if creation is to be stimulated. Mr. Sharp agreed to distribute copies of this statement to the Working Group.

40. Mr. Parthasarathy (Consultant), speaking of the prohlems of obtaining teaching material in a developing country, emphasized that much of this material must he obtained from ahroad, and that this in turn involves a drain on the country's foreign exchange.

41. Mr. Joubert (CISAC) supported the proposal that the Working Group endorse a system of blanket licensing at the national level covering reprographic reproduction in schools, which he felt would be most desirable if based on the Swedish example. In his opinion any agreement must involve a system that adequately meets the needs of teaching while at the same time fully respecting copyright protection.

42. Mr. Desjeux (ALAI) supported the views of Mr. Joubert, and urged that the right to remuneration for reprographic rcproduction should be stated explicitly in the Group's recommendation.

43. Mr. Barker (IPA) noted that the Swedish system of nation-wide blanket licensing would not fit the situation in the United Kingdom, where agreements must be negotiated with local educational authorities since it is they who finance education in schools. Despite this decentralization, however,

he said that it was hoped that a uniform contract could be negotiated throughout the country, offering reprographic reproduction privileges on behalf of all copyright owners and indemnifying against possible liability for copying works not covered in the contract.

44. The Chairman agreed that the parties to a licensing agreement should depend on how education is financed in a country. He asked the Group to express its views on how, under a blanket licensing scheme, the use of works not covered in the agreement should be handled.

45. Mr. Barker (IPA) felt that this was an important point which could well be covered in the Group's recommendations. It could be handled in one of two ways: either through contractual indemnity or, as he hoped to see, through new legislation providing that, unless an author has vested his rights in a representative organization, he is not entitled to exercise them.

46. The Chairman stressed the importance of centralizing any blanket licensing system for the benefit of both authors and of users. He noted that another way of handling the problem would be to supplement a blanket licensing system with a compulsory licensing system based on the assumption that the terms of a freely-negotiated blanket licence would be fair to those bound by a compulsory licence.

47. Mr. Barker (IPA) speaking of the problems of exercising foreign copyrights in a country expressed the hope that successful experience with blanket licensing systems would lead to national legislation which, in turn, would involve an obligation under the copyright conventions to protect foreign and domestic works on an equal basis. He hoped to see the music licensing arrangements, in which national organizations of authors and publishers acted as each other's agents in their respective countries, applied to the photocopying situation.

48. Mr. Joubert (CISAC) criticized the orientation of the Working Group which, one might have assumed from the discussion, was based on the assumption that copyright was an obstacle to the diffusion of culture. In his opinion, when it came to photocopying there had never been a single instance in which this had been the case. On the contrary, he felt it was true to say that photocopying constitutes an obstacle to the legitimate exercise of copyright.

49. The Chairman agreed that, from the long-range point of view, reprographic reproduction could present serious practical difficulties to the interests of publishers, and that unrestricted photocopying could be dangerous. On the other hand, a successful system under which users in educational institutions are given freedom to copy in exchange for remuneration would open a large new market.

50. Mr. Krishnamurti (WIPO) read out Articles 9 and 10(2) of the Berne Convention as revised at Stockholm and adopted in the text of the Paris Act of 1971, and relevant extracts from the report of the Stockholm Conference relating to these two Articles.

51. Mr. Géranton (IPA) felt that Article 10(2) of the revised Berne Convention dealt only with matters of quotations for illustrative purposes, and that anything concerning the general right of reproduction would have to be governed by the reproduction provisions of Article 9. He referred to the experience in the Federal Republic of Germany, where a legislative provision allowing the reproduction of long excerpts for educational establishments was held invalid because it contained no requirement for remuneration.

52. Mr. Desjeux (ALAI) urged that the right to remuneration should be the cornerstone of any system regulating reprographic reproduction in schools.

53. Mrs. Liguer-Laubhouet (Consultant from Ivory Coast) accepted the right of remuneration as a general principle applicable to photocopying for teaching purposes. She pointed out, however, that photocopying is still comparatively expensive, and that it is done in developing countries only when it is the sole source of access to needed materials. It may not always be possible for developing countries to accept a system in which they must pay not only the costs of photocopying but also a remuneration to the copyright owner.

54. Mr. Parthasarathy (Consultant) felt that, in certain situations, Article 10(2) of the revised Berne Convention would allow free photocopying of extracts from copyrighted works for classroom use.

55. Mr. Barker (IPA) considered this a very important question. In his opinion there was no doubt that Article 10(2) has a very restricted meaning, since it deals only with quotations used by way of illustration.

56. Ms. Ringer (Unesco) suggested that, although the scope of activities allowed under Article 10(2) is extremely limited, the provision would probably be applicable to some photocopying done for teaching purposes.

57. Mr. Géranton (IPA) expressed the view that, under Article 10(2), only short quotations are allowed.

58. The Chairman expressed his personal view that Article 10(2) should not be extended to cover photocopying for teaching purposes, but noted that there was an irreconcilable difference of opinion among the participants on the question. Turning to another point raised for discussion under the outline distributed as document RP. 2/5, he asked whether a system of blanket licensing could also appropriately apply to reprographic reproduction in commercial establishments.

59. Professor Arntz (ICR/FID) pointed out that, on the basis of practical experience, it had been shown that in large enterprises the administrative costs of accounting for reprographic reproduction on a unit basis are higher than the remuneration to be paid. In his opinion a blanket agreement is the only way to keep the costs of administration within realistic bounds in this situation.

60. Mr. Sharp (IPA) cautioned that a completely blanket system in which there is no idea of what is actually being used could be unfair to the owners of copyright in the works that are being used most. He suggested the wisdom of incorporating with blanket licensing systems the facilities offered by computers in large enterprises to provide statistics as to

actual use, and be urged that a study be made of the feasibility of such a system. He further commented that whether a book was published or not should be determined by the use by the public in a free market. If subsidies determine whether a book is to be published or not then an element of censorship is introduced since withholding the subsidy may prevent publication.

61. The Chairman agreed that at least as an ideal, it would be desirable to know exactly what and how much is being copied under a blanket system.

62. Professor Arntz (ICR/FID) stressed the extraordinary volume of units involved (something like one billion impressions per year at present) and the fact that, in any system based on counting, the volume is sure to be underestimated. In his view commercial enterprises would be more generous in the remuneration paid if they were freed from the need to keep statistics.

63. On another subject, Professor Arntz emphasized that traditional photocopying methods are increasingly being replaced by different systems of micro-facsimile reproduction of various kinds, computer storage of full-text reproductions in various forms and other methods of coding and storage. He suggested that, now and in the future, the subject matter under discussion by the Working Group no longer be referred to as " photographic reproduction " but instead as " reprographic reproduction ". He emphasized that " reprographic " has nothing to do with printing and the graphic arts, but that the term is broad enough to cover laser techniques and systems of holographic reproduction now coming into use.

64. The Working Group welcomed and adopted Professor Arntz's suggestion, and agreed to revise the name of the meeting to reflect this change.

65. Mr. Joubert (CISAC), in response to the Chairman's question as to what a blanket agreement should contain, felt that the Working Group should confine itself to general principles, and that the details of a blanket licensing agreement were beyond its competence. In his view the task of the Working Group was to draft recommendations which would serve as a general guide to national legislators and theirs is the task of deciding precisely what to do in individual cases. As a general principle, he reiterated that the right to remuneration must underlie any blanket licensing system.

66. Miss Galliot (IFLA) pointed out that, although in the absence of any licensing system a good deal of illegal copying is being done, the establishment of such a system on an undifferentiated blanket basis would mean payment for copying of much uncopyrighted material (old publications, administrative documents, etc.).

67. Professor Arntz (ICR/FID) noted that, in the item of the document outlining the questions for discussion (RP. 2/5), reference is made to " commercial enterprises ", but nothing is said about governmental, intergovernmental, and supranational organizations, which engage in massive photocopying without payment to anyone.

68. The Chairman agreed that the item covering commercial enterprises should be expanded to include public administration, and suggested that the concept should also include large non-profit corporations. In his opinion, a blanket licensing scheme could be established in a country first by means of a contract negotiated between a national association of authors and publishers on the one hand, and one or more large public, non-profit, or commercial organizations on the other. This would furnish a starting point for establishing a blanket licensing mechanism in the country and later smaller enterprises could be included in the scheme. He therefore suggested that the phrase be revised to read " public administration, organizations and commercial enterprises ".

69. Professor Arntz (ICR/FID) commented that, in any country where commercial enterprises are important, they are grouped in national federations. Thus, in negotiating blanket licensing agreements, it would usually not be too difficult to find the appropriate organization with which to negotiate.

70. Mr. Barker (IPA) felt that, once an organization representing copyright interests has been established and given the power to grant blanket licenses, the first necessary step would be to conclude a contract with the national authorities. After this pattern exists, it would be possible to grant licenses to any user, in the same way that performing rights are now licensed in the music field.

71. Professor Arntz (ICR/FID) pointed out that no specific answer had been given to the question of whether libraries and documentation centres should be treated differently from individual researchers when they are merely acting as their agents in making copies for their personal use. He urged that libraries and their users be treated the same for this purpose, in order not to hamper the free flow of information.

72. The Chairman agreed that individuals and libraries acting for them should be equated for this purpose where the library is acting exclusively at the direction of an individual user, rather than drawing from a bank of material reproduced in advance for the purpose of distribution to individuals requesting photocopies.

73. Professor Arntz (ICR/FID) agreed that a library should be free to act as the agent of an individual in preparing a single copy for his personal use, but that if, for example, it is asked to make one hundred copies for teaching purposes, it should be subject to blanket licensing.

74. Mr. Géranton (IPA) urged that a distinction be drawn between libraries and documentation centres. Although he disagreed with the policies and practices adopted by libraries in France, he was certain of their good faith and trusted in their desire to work out a reasonable arrangement. Aside from the fact that he was not sure what the scope of the concept of " documentation centre " includes, he did not feel that these organizations were worthy of the same trust, and recommended that libraries and documentation centres be treated differently.

75. Professor Arntz (ICR/FID) expressed the view that libraries and documentation centres are essentially the same

kind of institutions, performing the same kind of services, including the supply of photocopies.

76. Mr. Parthasarathy (Consultant from India) agreed that documentation centres and libraries should be linked together, since they are both operating on a non-profit basis and are often subsidized. In his opinion, a blanket licensing system would not be feasible in the case of single copies ordered by researchers from a documentation centre.

77. The Chairman, turning to the question of the special needs of developing countries, pointed out that the copyright conventions allowed countries to make broader exceptions to the rights of authors with respect to photocopying than those envisioned under a blanket licensing system. He felt that such a system should be regarded as a desirable goal for developing countries, but that it might offer too high a level of protection for some countries at the outset.

78. Mrs. Liguer-Laubhouet (Consultant from Ivory Coast) agreed that, because of the urgent needs of developing countries to provide as much education and access to culture as possible at a low cost, it would be extremely difficult for them to adopt a blanket licensing system along the lines discussed.

79. Mr. Koutchoumow (IPA) referred to document RP.2/3 summarizing the reactions of IPA affiliates in developing countries to the general problem of reprographic reproduction. In general, they felt that too liberal a legal framework for the practice would constitute a threat to the graphic industries and publishers in these countries and that it might inhibit authorship, the growth of national literature and scientific research.

80. The Chairman suggested that, even if developing countries are not prepared immediately to subscribe to a blanket licensing system, they would be much more likely to accept such a system if the financial terms offered to them were reasonable.

81. Mr. Parthasarathy (Consultant from India) concurred with this view, pointing out that, since 95 % of the works in use in a developing country are of foreign origin, there is a double problem of paying for the copies and, in addition, paying licence fees for photocopying.

82. Mrs. Liguer-Laubhouet (Consultant from Ivory Coast) endorsed these remarks, and added that developing countries are, in fact, extremely anxious to promote national authorship. For this reason, she agreed that developing countries were not seeking a privilege to reproduce entire works by reprography without payment.

83. Professor Arntz (ICR/FID) made the point that, as part of development programmes, many millions of pages of copyrighted works have been sent to developing countries in the form of micro-films and micro-fiche. The temptation to reproduce copies from these micro-films in developing countries is very great, and it is a question as to who should pay for these reproductions.

84. Miss Galliot (IFLA) emphasized that photocopying is still more costly than purchasing a copy, especially when long works are involved.

85. Mr. Parthasarathy (Consultant from India) agreed, and added that the developing countries must also pay for the photocopying machines, which involves an additional drain on their foreign exchange.

86. Mr. Géranton (IPA) referred to various national and international clearing-house arrangements and book centres, including the Unesco International Copyright Information Centre. He suggested that, through devices of this sort, practical assistance in satisfying the legitimate needs of developing countries would be available. These systems would enable developing countries to get entire copies of works readily and at reasonable cost.

87. Mrs. Liguer-Laubhouet (Consultant from Ivory Coast) agreed that developing countries engage in reprographic reproduction only when it was impossible to obtain copies under reasonable conditions. She also agreed that national legislation in the developing countries should set reasonable limits on photocopying.

88. The Chairman considered that, in very general terms, the Working Group had provided answers to the first four questions outlined in document RP.2/5. He asked the Group to express its view on Question 5, as to the feasibility of adopting an international instrument on the subject, and declared that in his opinion the Group was clearly in favour of this proposition. There was no disagreement with this statement.

III. Special working party

89. In order to formulate the opinions of the Group in a concrete form, the Chairman appointed a special working party consisting of representatives of the International Publishers Association (IPA), the International Confederation of Societies of Authors and Composers (CISAC), the International Federation of Library Associations (IFLA) and the International Council for Reprography (ICR), with the Chairman as ex officio member and the three consultants as observers.

90. The special working party met throughout the morning and afternoon of Thursday, May 3, 1973. It took as the basis for its discussions a draft text of recommendations prepared by the Secretariat. The text was revised by the special working party which set forth the text on certain points in square brackets to show that there had not been full agreement on substance or presentation.

IV. Final discussions

91. The full Working Group considered the draft recommendations as prepared by the special working party at its final meeting on Friday, May 4, 1973. It reviewed the draft text in detail and, after making additional revisions, it adopted the text as its recommendations (see Annex A).

92. During the detailed discussion of the draft recommendations, the following general points were made.

93. It was emphasized that the present recommendations in no sense constituted a binding legal instrument, but merely represented principles which the participants in the Working Group had agreed should be considered in elaborating

national law. The recommendations would he put hefore the governing hodies of the two Copyright Conventions at their meetings in Decemher 1973, and could eventually form the hasis for the text of an international instrument in the form of a recommendation to Memher States to he considered and possibly adopted hy the General Conference of Unesco in late 1974. Even then, the recommendations would carry only persuasive force, with no authoritative effect whatever.

94. In connexion with the faculty given to libraries to make single copies on order, it was agreed that, as a rule, lihraries should he entitled to make one copy for any individual, without investigating his status as a researcher. The recommendation makes clear, however, that national law may limit this faculty to copies requested hy researchers, and that, in the case of some highly developed countries, it may he appropriate to impose hlanket licensing systems on this kind of use.

95. It was also agreed, in the same context, that it would he open to individuals not only to make the permissible copies themselves, hut also to have them made at their request by other individuals or lihraries. Full agreement was lacking, however, as to how much further an individual could go in having copies made for him hy others.

96. It was agreed to refer to " single copies of a single article from an issue of a periodical ", since neither individuals nor lihraries should he permitted to photocopy more than one article in the same periodical issue.

97. A point made hy two participants speaking on hehalf of libraries was that librarians themselves must he protected against excessive photocopying, which puts a burden on the facilities and services a lihrary can offer.

98. Mrs. Claro de Oliveira (Consultant from Brazil) made a statement associating her viewpoint with those expressed hy the Consultants from India and the Ivory Coast, and calling attention to the comments of the Government of Brazil on the prohlem, as set out in document RP.2/2. In her opinion, the important thing was to harmonize the needs of authors and publishers with those of the users of libraries and documentation centres, and for this purpose the text prepared hy the Working Group represented a fine example of collahorative effort. According to Brazilian specialists, it is not desirahle to provide too restrictive copyright control with respect to reprographic reproduction at either the national or the international level, particularly at a time when documentation centres are being huilt up in developing countries to provide ready access to technical, cultural and educational information.

99. The Working Group provisionally adopted the introductory paragraphs of the present draft report, and during the discussion of paragraph 64 it agreed to change the name of the Working Group, as reflected in the title of the report, to " Working Group on Reprographic Reproduction of Works Protected by Copyright ".

100. At the suggestion of Mr. Barker (IPA), the Working Group recorded its view that reprographic technology is advancing so quickly that any recommendations made now will need to he reviewed fairly regularly.

101. Mr. Parthasarathy (Consultant from India), followed in turn hy Mr. Koutchoumow (IPA), Mrs. Liguer-Lauhhouet (Consultant from Ivory Coast), and Professor Deshois (ALAI), congratulated the Chairman for the excellent manner in which he had guided the discussions, and thanked the Secretariat for the documentation and assistance during the meeting. In addition, appreciation was expressed for the give-and-take manner in which all of the participants had presented their views and had co-operated in reaching fruitful conclusions with respect to an extremely complex and important prohlem.

102. The Chairman, after thanking the participants for their hard work and unusual spirit of co-operation, and expressing his gratitude for the contributions of the Secretariat and the interpreters, declared the meeting closed.

ANNEX A

Recommendations

The Working Group on Reprographic Reproduction of Works Protected hy Copyright, meeting in Paris from May 2 to 4, 1973,

Taking note of the recommendations annexed to the report of the Committee of Experts on the Photographic Reproduction of Protected Works (Paris, July 1 to 5, 1968);

Recognizing the increased urgency of the problem as the result of great increase in the installation and use of reprographic equipment, the growth in the variety and versatility of devices for reprographic reproduction, and the progressive reduction in the unit costs of machines and copies;

Mindful of the recommendations of the Executive Committee of the Berne Union and of the Intergovernmental Copyright Committee adopted at their sessions in November 1971, and resolution 5.151 adopted hy the General Conference of Unesco at its seventeenth session;

Considering that, as a matter of principle, reproduction by reprographic processes is a form of reproduction that is protected under hoth the Berne Convention for the Protection of Literary and Artistic Works as revised at Stockholm on July 14, 1967, and at Paris on July 24, 1971, and the Universal Copyright Convention as revised at Paris on July 24, 1971;

Bearing in mind the fundamental importance of unrestricted access to intellectual works for the scientific and cultural development of mankind throughout the world, and the special needs of developing countries in this regard, and recognizing the rôle that reprographic reproduction can play in fostering these ohjectives;

Convinced of the need to harmonize the complementary principles enumerated in the preceding two paragraphs hy striking a fair halance hetween the legitimate interests of authors and publishers on the one hand, and, on the other, of the interests of the community for promoting education, science and culture;

Considering that it is the task of national law to determine the necessary provisions to regulate the reprographic reproduction of works protected hy copyright on the lines envisaged ahove;

Recognizing that, under present practices, reprographic copying may actually operate to the detriment of copyright and the creation of intellectual works;

Recommends that the following principles he taken into consideration in the national law on reprographic reproduction:

1. As a general rule, the legitimate interests of authors require that fair remuneration he paid for the reprographic reproduction of their copyright works, and the special cases referred to helow should he treated as exceptions and are not ohligatory on States.

2. Individuals are free to make single copies of a single article from an issue of a periodical puhlication or a reasonhle portion of any

other copyright work for their personal use. National law should guard against the possibility of making multiple copies one at a time, or otherwise reproducing works in a manner that conflicts with their normal exploitation.

3. Any reprographic reproduction permissible under paragraph 2 can be provided for an individual hy a library or documentation centre. National law may restrict this possibility to researchers. Such reprographic reproduction may hy national law be made subject to hlanket licensing as provided under paragraph 4. National law should guard against the possibility of making multiple copies one at a time, or otherwise reproducing works in a manner that conflicts with their normal exploitation.

4. Instructors in educational establishments at all levels should be frec to make a limited number of reprographic reproductions of copyrighted works for use solely for teaching under a hlanket licence negotiated hetween the educational authorities and a qualified organization representing the authors and publishers. An author would be free to withhold his work from the system, but in such a case tbe nser would he protected against actions, and free to make the copy without prior inquiry. Where the organization does not represent all the owners of copyrigbt in the works to be reproduced, the hlanket licensing system could be supplemented by a compulsory licensing system under which remuneration would be paid to the owners concerned on the same terms as those negotiated with the organization.

5. The same sort of systems as envisioned under paragraph 4 could also be made applicable to public administrations, organizations, and commercial enterprises.

6. It is recognized that developing conntries have special needs and that, within the limits established by the copyright conventions, they are not obligated under the copyright conventions to provide for remuneration in all of the ahove cases and at the same level envisioned under paragraphs 4 and 5. While recognizing a blanket licensing system as an appropriate goal, it would be necessary for developing countries to adjust their regulations concerning reprographic reprodnction to their particular needs.

7. Reprographic reproduction includes any system or technique hy which facsimile reproductions are made in any size or form.

8. An international instrument in the form of a recommendation to States, to the lines indicated above, is, in the opinion of the Working Group, feasible and desirable.

ANNEX B

List of Participants

I. International Non-Governmental Organizations

International Confederation of Societies of Anthors and Composers (CISAC): C. Joubert. International Council for Reprography (CIR): Dr. Arntz. International Federation for Documentation (FID): Dr. Arntz. International Federation of Library Associations (IFLA): S. Galliot (Miss). International Literary and Artistic Association (ALAI): H. Desbois; A. Françon; X. Desjeux. International Pnblishers Association (IPA): R. E. Barker; A. Géranton; J. A. Koutchoumow; R. C. Sharp. International Writers Guild (IWG): E. Le Bris.

II. Consultants

M. Claro de Oliveira (Mrs.) (Brazil); T. Hesser (Sweden); K. Liguer-Laubhouet (Mrs.) (Ivory Coast); S. Parthasarathy (India).

III. Inviting Organizations

United Nations Educational, Scientific and Cultural Organization (Unesco): B. Ringer (Ms.) *(Director, Copyright Division)*; D. de San *(Copyright Division)*; P. A. Lyons (Ms.) *(Copyright Division)*; H. Thies (Ms.) *(Unesco Secretariat)*.

World Intellectual Property Organization (WIPO):
T. S. Krishnamurti *(Counsellor, Head, Copyright Division)*.

JAPAN

Change of Class with regard to the contribution towards the expenses of the Bureau of the International Union for the Protection of Literary and Artistic Works

In a note of June 7, 1973, the Embassy of Japan in Berne informed the Federal Political Department, in conformity with Article 23(4) of the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, revised at Rome on June 2, 1928, that Japan wishes to be placed, as from 1972, in the Second Class instead of the Third with regard to its contribution to the expenses of the International Bureau for the Protection of Literary and Artistic Works.

Berne, July 18, 1973.

NATIONAL LEGISLATION

NETHERLANDS

The Copyright Act, 1912

(as last amended by the Law of October 27, 1972) *

CHAPTER I

Section 1. — Nature of copyright

Article 1. — Copyright is the exclusive right of the author of a literary, scientific or artistic work, or of his assignees, to make such work public and to reproduce it, subject to the limitations provided in the Law.

Article 2. — Copyright shall be deemed personal property. It shall pass on by succession and shall be capable of transfer in whole or in part. Transfer of copyright in whole or in part may be effected only by an authenticated or private deed. The transfer shall comprise only those rights specifically mentioned in the deed of transfer or which are necessarily implied from the nature or purpose of the agreement.

The copyright belonging to the author of a work and, after his death, the copyright belonging to the person having acquired any unpublished work as heir or legatee of the author, shall not be subject to seizure.

Section 2. — Author of the work

Article 3. — [repealed]

Article 4. — In the absence of proof to the contrary, the person who is indicated as author in or on the work or, where there is no such indication, the person who, when the work is made public, is made known as the author by the party who makes the work public, shall be deemed to be the author of the work.

If the author is not named, the person who delivers an oral address which has not appeared in print shall be deemed to be the author thereof, unless there is proof to the contrary.

Article 5. — If a literary, scientific or artistic work consists of separate works by two or more persons, the person under whose guidance and supervision the work as a whole has been made or, if there is no such person, the compiler of the various component works, shall be deemed to be the author of the whole work, subject to the copyright in each of the separate works.

Where a separate work in which copyright subsists is incorporated in a whole work, the reproduction or making public of each separate work, by any person other than the author thereof or his successor in title, shall be deemed to be an infringement of the copyright in the whole work.

Where such a separate work has not been previously made public, the reproduction or making public of the separate work by the author thereof or his successors in title, without mention of the whole work of which it is a part, shall be regarded as an infringement of the copyright in the whole work, unless otherwise agreed between the parties.

Article 6. — If a work has been produced according to the plan and under the guidance and supervision of another person, that person shall be deemed to be the author of the work.

Article 7. — Where work performed in the service of another person consists in the production of certain literary, scientific or artistic works, the person in whose service they were produced shall be deemed to be the author thereof, unless otherwise agreed between the parties.

Article 8. — Any public institution, association, foundation or partnership which makes a work public as its own, without naming any natural person as the author thereof, shall be regarded as the author of the work, unless it is shown that making the work public in such manner was unlawful.

Article 9. — If a work appearing in print does not mention the name of the author or does not mention his true name, the person mentioned in such work as the publisher or, where there is no such indication, the person whose name appears as the printer thereof may, on behalf of the copyright owner, assert the copyright in the work against third parties.

Section 3. — Works protected by copyright

Article 10. — For the purposes of this Act, the term "literary, scientific or artistic works" shall include:

(i) books, pamphlets, newspapers, periodicals and all other writings;
(ii) dramatic and dramatico-musical works;
(iii) lectures;
(iv) choreographic works and entertainments in dumb show, the acting form of which is fixed in writing or otherwise;
(v) musical works, with or without words;
(vi) drawings, paintings, works of architecture and sculpture, lithographs, engravings and the like;
(vii) geographical maps;
(viii) plans, sketches and three-dimensional works relating to architecture, geography, topography or other sciences;

* The basic Act is dated September 23, 1912. The Law of October 27, 1972, was published in the *Staatsblad*, 1972, No. 579. — WIPO translation.

(ix) photographic and cinematographic works, and works produced by analogous processes;

(x) works of applied art and industrial designs,[1]

and generally any production in the literary, scientific or artistic fields, whatever may be the mode or form of its expression.

Reproductions of adaptations of a literary, scientific or artistic work, such as translations, arrangements of music, cinematographic adaptations and other alterations, as well as collections of different works, shall be protected as separate works, without prejudice to the copyright in the original work.

Article 11. — No copyright shall subsist in laws, decrees or ordinances issued by public authorities, or in judicial or administrative decisions.

Section 4. — Publication

Article 12. — The publication of a literary, scientific or artistic work shall include:

(i) the publication of a reproduction of all or part of the work;

(ii) the distribution of all or part of a work or of a reproduction thereof, so long as such work has not appeared in print;

(iii) the public recitation, performance or presentation of all or part of a work or of a reproduction thereof.

A recitation, performance or presentation in a private circle shall be deemed to be a public recitation except where such circle is confined to relatives or friends, or to persons who may be assimilated to relatives or friends, and where no fee of any kind is charged for admission to the recitation, performance or presentation. This provision shall apply also to an exhibition.

A recitation, performance or presentation which serves exclusively a scientific purpose, or education dispensed in the name of the public authorities or of a non-profit-making legal entity, shall not be deemed to be a public recitation, performance or presentation, provided that it is incorporated in the study program.

Simultaneous publication, by wire or otherwise, of a work made public by way of radio or television broadcast shall not be deemed to be separate publication where it is carried out by the organization making the broadcast.

Section 5. — Reproduction

Article 13. — The reproduction of a literary, scientific or artistic work shall include also translation, arrangement of music, cinematographic adaptation or dramatization, and generally any partial or total adaptation or imitation, in a modified form, which cannot be regarded as a new and original work.

Article 14. — The reproduction of a literary, scientific or artistic work shall be understood to mean also the recording of all or part of the work on an article intended for causing a work to be heard or seen.

Section 6. — Limitations on copyright

Article 15. — Unless the copyright is expressly reserved, the reprinting in a daily or weekly newspaper or weekly or other periodical, without the authorization of the author or his successors in title, of articles, reports or other contributions, with the exception of novels and short stories, having appeared in another daily or weekly newspaper or weekly or other periodical, shall not be deemed to be an infringement of copyright, provided that the name of the daily or weekly newspaper or weekly or other periodical from which they were reprinted is clearly stated, as well as the name of the author, if given. In the case of periodicals, it shall be sufficient to make a general reservation of copyright in the heading of each issue. No reservation of copyright may be made in respect of articles on current political topics, news of the day and miscellaneous information.

The right of reprinting referred to in the preceding paragraph shall apply to foreign newspapers and periodicals only with respect to news of the day, miscellaneous information and articles on current economic, political or religious topics, provided that the last sentence of the preceding paragraph shall not apply with respect to articles on current political topics.

The provisions of this Article shall apply also to reproductions in a language other than that of the original article.

Article 15a. — Short quotations of articles, even in the form of press summaries, appearing in a daily or weekly newspaper or weekly or other periodical shall not be deemed to be an infringement of copyright on condition that the name of the daily or weekly newspaper or weekly or other periodical from which they are taken is clearly stated, as well as the name of the author of the passages quoted, if given.

Article 15b. — Subsequent publication or reproduction of a literary, scientific or artistic work made public by or on behalf of the public authorities shall not be deemed to be an infringement of the copyright in such work, unless the copyright is expressly reserved, either in a general manner by a law, decree or administrative order, or in a specific case by a notice appearing on the work itself or a communication made at the time of its publication. Even if no such reservation has been made, the author retains the exclusive right to cause those of his works which have been published by or on behalf of the public authorities to appear in the form of a collection.

Article 16. — It shall not be deemed to be an infringement of the copyright in a literary, scientific or artistic work:

(a) to reproduce, in whole or in part, in the original language or in translation, works already published

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[1] Article Ia of the Law of October 27, 1972, contains the following provision:

Article Ia. — Until the date of entry into force of the Benelux Uniform Law on Designs and Models, annexed to the Benelux Convention on Designs and Models, concluded at Brussels on October 25, 1966, the first paragraph of Article 10, under (x), should read as follows:

(x) works of applied art;

(uitgegeven) in anthologies and other works clearly intended for use in education or for other scientific purposes, provided that:

(i) reproduction is confined to a small number of brief portions of the work, or to a small number of short essays or poems by the same author and, in the case of works referred to in Article 10, first paragraph, under (vi), to some of those works, and that the reproductions differ appreciably in size or process of manufacture from the original work, on the understanding that, where two or more such works have been made public together, the reproduction of only one of them shall be permitted;

(ii) the provisions of Article 25 are respected;

(iii) the reproductions mention the original work and the name of the author if it is indicated therein or thereon;

(iv) equitable remuneration is paid to the author or to his successors in title;

(b) to quote, in the original language or in translation, parts of writings already made public, to quote parts of musical works already made public, and to incorporate reproductions of works of plastic art already made public in the texts of announcements or criticisms, polemic writings or scientific treatises, provided that:

(i) the number and length of the parts quoted or reproductions incorporated do not go beyond what is reasonably acceptable to social custom;

(ii) the provisions of Article 25 are respected;

(iii) the name of the author is mentioned if it is indicated on or in the original work.

The right [of the Queen] to determine by administrative regulation what shall be understood, in the first paragraph, under *(a)*(i), by "a small number of brief portions of the work or a small number of short essays or poems by the same author", and to determine what shall be understood, in the first paragraph, under *(a)*(iv), by "equitable remuneration", is reserved.

A summary of a lecture which has been delivered in public without having previously appeared in print may contain quotations of the said lecture in the original language or in translation, provided that the number and length of such quotations do not go beyond what is reasonably acceptable to social custom and that the name of the speaker is indicated; the provisions of Article 25 shall be complied with.[2]

Article 16a. — It shall not be deemed to be an infringement of the copyright in a literary, scientific or artistic work to make a short recording, reproduction or presentation thereof in public in a photographic, film, radio or television report, provided that this is necessary to give a proper account of the current events which are the subject of the report.

Article 16b. — It shall not be deemed to be an infringement of the copyright in a literary, scientific or artistic work to reproduce it in a limited number of copies for the sole purpose of the personal practice, study or use of the person who makes the copies or orders the copies to be made exclusively for himself.

Where the work is one of those referred to in Article 10, first paragraph, under (i), including the score or parts of a musical work, the reproduction shall furthermore be confined to a small portion of the work, except in the case of:

(a) works of which, in all probability, no new copies are made available to third parties for payment of any kind;

(b) short articles, news items or other texts which have appeared in a daily or weekly newspaper or weekly or other periodical.

Where the work is one of those referred to in Article 10, first paragraph, under (vi), the copy must differ appreciably in size or process of manufacture from the original work.

The provisions of the first paragraph concerning reproduction made to order shall not apply to reproduction made by recording a work or a part thereof on an article intended for causing the work to be heard or seen.

In the case of reproduction permitted under this Article, the copies made may not be transmitted to third parties without the consent of the copyright owner, except where such transmittal is effected for the purposes of a judicial or administrative proceeding.

An administrative regulation [issued by the Queen] may provide that, with respect to the reproduction of works referred to in Article 10, first paragraph, under (i), the provisions of one or several of the foregoing paragraphs may be waived for the operation of the public service and for the performance of the tasks incumbent on public service institutions. Directions and precise conditions may be fixed to this end.

The foregoing provisions of this Article shall not apply to the imitation of an architectural work.[3]

Article 17. — Without prejudice to the provisions of the foregoing Article, it shall not be deemed to be an infringement of the copyright in the works referred to in Article 10, first paragraph, under (i), to reproduce, on behalf of an enterprise, organization or other establishment, articles, information or other separate texts which have appeared in a daily or weekly newspaper or weekly or other periodical, or small portions of books, pamphlets or other writings, provided that they are scientific works and that the number of copies made does not exceed that which the

[2] Article II of the Law of October 27, 1972, contains the following provision:

Article II. — Article 16*(a)* shall not be applicable to anthologies and other works clearly intended for use in education or for other scientific purposes, and which are published unabridged in the same form as that in which they were published prior to the entry into force of this Law. Such anthologies and works shall remain subject to the law applicable prior to the entry into force of this Law.

[3] The second paragraph of Article IV of the Law of October 27, 1972, contains the following provision:

Articles 16b and 17 shall enter into force on a date which shall be determined by administrative regulation, but not later than July 1, 1974.

enterprise, organization or establishment may reasonably need for the purposes of its internal activities. Copies may only be transmitted to persons employed by the enterprise, organization or establishment.

Any person who makes copies or orders the making of copies shall pay equitable remuneration to the author of the work thus reproduced or to his successors in title.

An administrative regulation [issued by the Queen] may fix provisions concerning the maximum number of copies, the maximum size of copies, the amount of remuneration, the mode of payment of remuneration and the number of copies in respect of which no remuneration is payable.[3]

*Article 17*a. — Provisions may be enacted by administrative regulation, in the general interest, to govern the exercise by the author or his successors in title of the copyright in a literary, scientific or artistic work with respect to the publication of such a work by means of the radio or television broadcasting of signs, sounds or images, or the distribution on a broader scale, by wire or otherwise, of a work made public in such a manner. The said administrative regulation may state that such a work may be made public in such a manner or be distributed on a broader scale without the prior consent of the author or his successors in title. Those who are thus entitled to make a work public or to distribute it on a broader scale shall nevertheless be bound to respect the rights of the author referred to in Article 25 and pay the author or his successors in title equitable remuneration which, failing agreement and at the request of the most diligent party, shall be fixed by the Court, which may at the same time order the payment of security.

The provisions of the foregoing paragraph shall apply accordingly to the production and distribution of articles, with the exception of cinematographic reproductions, designed to render all or part of a musical work audible by mechanical means, where in connection with the same musical work such articles have already been produced and distributed either by or with the consent of the author or his successors in title.

*Article 17*b. — Unless otherwise agreed, the right to make a work public by broadcasting on radio or television shall not imply the right to record the work.

The radio or television broadcasting organization entitled to the publication referred to in the foregoing paragraph shall nevertheless be permitted to record the work intended for broadcasting, using its own facilities and solely for the purpose of its own radio and television broadcasts, provided that the recording of sounds or images is destroyed within 28 days from the date on which the first radio or television broadcasting of the work took place, and in any event within six months following the date of the recording. The organization thus entitled to make the recording shall nevertheless be bound to respect the rights of the author referred to in Article 25.

An administrative regulation may provide that recordings thus made which possess exceptional documentary value may be kept in official archives, and may further determine the conditions applicable in such a case.

*Article 17*c. — It shall not be deemed to be an infringement of the copyright in a literary or artistic work when such work is performed vocally by a religious community and is provided with instrumental accompaniment in the course of a service.

*Article 17*d. — The administrative regulations referred to in Articles 16, second paragraph, 16*b*, sixth paragraph, 17, third paragraph, and 17*a*, first and second paragraphs, and the possible amendment of such regulations, as well as all decisions, directions or measures deriving therefrom shall not enter into force until two months have expired following the date of their publication in the *Staatsblad*.

Article 18. — It shall not be deemed to be an infringement of the copyright in a work referred to in Article 10, first paragraph, under (vi), which is permanently displayed in a public thoroughfare, to reproduce or publish a reproduction of such work, provided that the work does not constitute the main part of the reproduction, that the reproduction differs appreciably in size or process of manufacture from the original work and that, with regard to architectural works, only the exterior thereof is reproduced.[4]

Article 19. — The reproduction of a portrait by or on behalf of the person portrayed, or, after his death, by or on behalf of his relatives, shall not be deemed to be an infringement of copyright.

If the portrait is of two or more persons, reproduction thereof by or on behalf of one of the persons portrayed shall not be lawful without the consent of the others or, during the ten years following their death, without the consent of their relatives.

It shall not be deemed to be an infringement of copyright to reproduce a photographic portrait in a newspaper or periodical if the reproduction is made by one of the persons referred to in the first paragraph of this Article or with his consent, provided that the name of the photographer is indicated if it appears on the portrait.

This Article shall apply only to portraits which have been made pursuant to an order given to the author of the portrait by or on behalf of the persons portrayed.

Article 20. — Unless otherwise agreed, the owner of the copyright in a portrait shall not be entitled to make such portrait public without the consent of the person portrayed

[3] The second paragraph of Article IV of the Law of October 27, 1972, contains the following provision:

Articles 16*b* and 17 shall enter into force on a date which shall be be determined by administrative regulation, but not later than July 1, 1974.

[4] Article III of the Law of October 27, 1972, contains the following provision:

Article III. — The present version of Article 18 shall not be applicable to reproductions appearing in books or printed matter which are published unabridged in the same form as that in which they were published prior to the entry into force of this Law. Such books and printed matter shall remain subject, as far as reproductions are concerned, to Article 18 as worded prior to the entry into force of this Law.

Reproductions to which the first paragraph is not applicable and which, prior to the entry into force of this Law, were made under Article 18 without infringing any copyright, as well as unchanged copies of such reproductions, may be distributed during the five years following the entry into force of this Law.

or, during the ten years following his death, without the consent of his relatives.

If the portrait is of two or more persons, reproduction thereof shall be lawful only with the consent of all the persons portrayed or, during the ten years following their death, with the consent of their relatives.

The last paragraph of the preceding Article shall apply.

Article 21. — If a portrait is made without having been ordered by or on behalf of the person portrayed, the copyright owner shall be allowed to make it public only in so far as the person portrayed or, after his death, his relatives have no legitimate reason for opposing its being made public.

Article 22. — In the interest of public safety and for the purpose of judicial inquiries, images of any nature may be reproduced, publicly exhibited and distributed by, or by order of, the judicial authorities.

Article 23. — Unless otherwise agreed, the owner of a drawing or painting, a work of architecture, a sculpture or a work of applied art shall be entitled, without the consent of the copyright owner, to exhibit such work publicly or to reproduce it in a catalog for the purpose of sale.

Article 24. — Unless otherwise agreed, the author of a painting shall, notwithstanding the transfer of his copyright, be entitled to make further similar paintings.

Article 25. — Even after transfer of his copyright, the author of a work shall have the following rights:

(a) the right to object to publication of the work under a name other than his own, as well as any alteration of the name of the work or the indication of the author, if such name or indication appears on or in the work or has been made public in conjunction with the work;

(b) the right to object to any other modification of the work, except where the nature of the modification is such that it would be unreasonable to object to it;

(c) the right to object to any distortion, mutilation or other modification of the work which would be prejudicial to the honor or reputation of the author or to his value as such.

The rights referred to under *(a)*, *(b)* and *(c)* above shall accrue, after the death of the author and until the copyright expires, to the person whom the author shall have appointed by will or codicil.

The rights referred to under *(a)* and *(b)* above may be transferred when modifications are to be made to the work or to its name.

If the author of the work has transferred his copyright, he shall retain the right to make such modifications to the work as he may make in good faith in accordance with the rules established by social custom. As long as copyright subsists, the same right shall belong to the person whom the author has appointed by will or codicil, if it may reasonably be supposed that the author would have approved such modifications.

Article 25a. — For the purposes of this Section, "relatives" means the father and mother, spouse and children. Each of the relatives may exercise individually the rights accruing to him or her. In the event of dispute, the Court may render a decision which shall be binding on each of the parties.

CHAPTER II

Enforcement of copyright and criminal provisions

Article 26. — Where the copyright in a work belongs jointly to two or more persons, it may be enforced by any one of them, unless otherwise agreed.

Article 27. — Notwithstanding the transfer of his copyright in whole or in part, the author shall retain the right to institute an action for damages against infringers.

After the death of the author, the right to institute actions for damages as provided for in the first paragraph shall accrue to his heirs or legatees until the copyright expires.

Article 28. — Copyright shall confer the power to seize personal property, objects made public in infringement of that copyright and unlawful reproductions, in accordance with the provisions governing seizure under a prior claim, and either to claim ownership of them or to demand that they be destroyed or rendered unusable. The same powers of seizure and claim shall exist with respect to the entrance fees paid for admission to a recital, performance, exhibition or presentation which constitutes an infringement of copyright.

Where the surrender of the objects referred to in the first paragraph is demanded, the Court may order that such surrender be made only in return for compensation to be paid by the claimant.

The two foregoing paragraphs shall apply exclusively to personal property and to property which, by reason of its use, is regarded as real property.

With respect to real property other than that referred to in the preceding paragraph which is liable to be the subject of an infringement of copyright, the Court may, at the request of the owner of the right, order that the defendant introduce such changes as will remove the infringement of the copyright, and may order the defendant to pay a certain sum of money as compensation if, within a specified time, the Court order is not complied with.

These provisions shall not prejudice any right to institute criminal proceedings for infringement of copyright and civil proceedings for damages.

Article 29. — The right provided for in the first paragraph of the preceding Article shall not be exercised in respect of objects in the possession of persons who do not deal in similar objects and who have acquired them exclusively for their own use, unless they have themselves infringed the copyright.

A request under the fourth paragraph of the preceding Article may be made against the owner or possessor of real estate only when he is responsible for the infringement of copyright concerned.

Article 30. — If any person makes a portrait public without heing entitled to do so, the provisions of Articles 28 and 29 on copyright shall be applicahle with respect to the right of the person portrayed.

Article 30a. — The exercise, with or without gainful intent, of the profession of intermediary in matters of copyright in musical works, shall be subject to the permission of the Minister of Justice.

The following shall be deemed to be acts of an intermediary in matters of copyright in musical works: the conclusion or implementation, whether or not in the name of the intermediary, and on hehalf of the authors of musical works or their successors in title, of agreements concerning the puhlic performance or the hroadcasting on radio or television hy signs, sounds or images of such works or reproductions thereof, in whole or in part.

The performance or radio or television hroadcasting of dramatico-musical works, choreographic works and entertainments in dumb show, and reproductions thereof, if such works are rendered audihle without heing shown, shall he assimilated to the performance and radio or television hroadcasting of musical works.

Any agreement as referred to in the second paragraph which is entered into without the ministerial permission required under the first paragraph shall he null and void.

Further provisions shall he made hy administrative regulation, concerning among other things the supervision of the person having ohtained the permission of the Minister of Justice. The cost of such supervision may he charged to that person.

The supervision referred to in the foregoing paragraph may only concern the way in which the intermediary carries out the duties assigned to him. Interested parties shall participate in the supervision.

Article 31. — Any person who intentionally infringes another's copyright shall he punishable hy imprisonment not exceeding six months or hy a fine not exceeding 25,000 guilders.

Article 32. — Any person who, knowing that a work constitutes an infringement of copyright, distributes it or puhlicly offers it for sale shall he punishahle hy a fine not exceeding 10,000 guilders.

Article 33. — The infringements referred to in Articles 31 and 32 shall be misdemeanors.

Article 34. — Any person who intentionally and unlawfully makes changes in a literary, scientific or artistic work protected hy copyright, or in the title or the indication of the author of such work, or who performs another act derogatory to a work in a manner prejudicial to the honor or reputation of the author or his value as such, shall be punishahle hy imprisonment not exceeding six months or hy a fine not exceeding 25,000 guilders.

Such act shall he a misdemeanor.

Article 35. — Any person who, without being authorized to do so, puhlicly exhihits a portrait or makes it puhlic in any other manner shall be punishable by a fine not exceeding 10,000 guilders.

Such act shall be a minor offense.

Article 35a. — Any person who, without having obtained the required permission of the Minister of Justice, performs acts attributable to the exercise of the profession of intermediary as defined in Article 30*a* shall be punishahle hy a fine not exceeding 5,000 guilders.

Such act shall be a minor offense.

Article 35b. — Any person who deliherately supplies inaccurate or incomplete information in a written request or statement on the basis of which amounts due as royalties are determined, hy the action of the person who, with the permission of the Minister of Justice, intervenes in matters of royalties payahle on musical works, shall he punishahle hy imprisonment not exceeding three months or by a fine not exceeding 1,000 guilders.

Such act shall be a minor offense.

Article 36. — Reproductions confiscated by virtue of a decision of the Criminal Court shall he destroyed; however, the Court may order in its decision that they be surrendered to the copyright owner if the latter applies to the Office of the Clerk of the Court within one month from the date on which the decision becomes final.

Upon such surrender, ownership of the copies shall pass to the copyright owner. The Court may order that such surrender take place only on payment by the copyright owner of compensation, which compensation shall accrue to the State.

Article 36a. — If an infringement is commited by a legal entity, society, association or foundation, or on its hehalf, criminal action shall he instituted against, and sentences and other measures imposed on:

(i) either the legal entity, society, association or foundation in question,
(ii) or those who gave the order to perform the unlawful act or omission concerned or are directly responsible for it,
(iii) or against both.

An infringement is deemed to have been committed by a legal entity, society, association or foundation, or on its hehalf, if it is committed by persons who, either hy virtue of their duties or for another reason, act on hehalf of the legal entity, society, association or foundation, irrespective of whether those persons have committed the infringement individually or whether their action was concomitant with the perpetration of the infringement.

Where criminal proceedings are hrought against a legal entity, society, association or foundation, the latter shall he represented at the proceedings by its director or one of its directors. The director may he represented hy an agent. The Court may order the personal appearance hefore it of a particular director, in which case it may order that he be summoned.

Where criminal proceedings are brought against a legal entity, society, association or foundation, Article 538(ii)

of the Code of Criminal Procedure shall be applicable accordingly.

*Article 36*h. — Investigators shall have the right of access to any place for the investigation of facts associated with infringements in terms of this Act and for the seizure of objects which are liable to he associated with such infringement.

If access is denied them, they may gain entry, if necessary, with the assistance of the police.

They shall not enter a dwelling against the will of the occupier unless they present a special warrant or are accompanied hy the Royal Prosecutor or the deputy of the Royal Prosecutor. They shall report on such entry within twenty-four hours.

CHAPTER III

Duration of Copyright

Article 37. — Copyright shall terminate on the expiration of a term of fifty years from the first of January of the year following the year of the death of the author.

The duration of the copyright helonging jointly to two or more persons in their capacity as co-authors of a work shall be counted from the first of January of the year following the year of the death of the last surviving co-author.

Article 38. — The copyright in a work with respect to which the author has not been indicated, or has not heen indicated in such a way that his identity is beyond douht, shall terminate on the expiration of a term of fifty years from the first of January of the year following that in the course of which the work was first made public hy or on hehalf of the copyright owner.

This provision shall he applicable also to a work of which a public institution, an association, a foundation or a partnership is deemed to he the author, and to a work published for the first time after the death of the author.

If the author discloses his identity prior to the end of the term mentioned in the first paragraph, the duration of the copyright in the respective work shall he calculated in accordance with the provisions of Article 37.

Article 39. — [repealed]

Article 40. — [repealed]

Article 41. — For the purposes of Article 38, a work which has appeared in instalments or episodes shall he deemed to have heen made puhlic only on the issue of the last instalment or episode.

In the case of a work consisting of two or more volumes, numhers or sheets, or which has appeared in print on different dates, and in the case of reports or communications puhlished hy associations or private persons, each volume, numher, sheet, report or communication shall be deemed to he a separate work.

Article 42. — Notwithstanding the provisions of this Chapter, no claim may he made in the Netherlands to a copyright which has already terminated in the country of origin of the work.

CHAPTER IV

(Articles 43 and 44)
(contains modifications of the Bankruptcy Act and the Criminal Code)

CHAPTER V

(Article 45)
[repealed]

CHAPTER VI

Transitional and Final Provisions

Article 46. — With the entry into force of this Act, the Copyright Act of June 28, 1881 (*Staatsblad* No. 124), shall be repealed.

However, Article 11 of the aforementioned Act shall remain in force in respect of works and translations deposited prior to the said date.

Article 47. — This Act shall apply to all literary, scientific or artistic works puhlished for the first time in the Netherlands either hefore or after its entry into force, by or on hehalf of the author, or puhlished in the Netherlands during the thirty days following first puhlication in another country, as well as to all such works not published, or not puhlished under the same conditions, of which the authors are Dutch citizens.

A work shall be deemed to have heen published within the meaning of this Article when it has appeared in print or, in general, when copies of the work, irrespective of their nature, have been made availahle to the puhlic in sufficient quantity.

The performance of a dramatic, dramatico-musical or musical work, the presentation of a cinematographic work, the recitation or radio or television hroadcasting of a work and the exhihition of a work of art shall not constitute puhlication *(uitgave)*.

With regard to architectural works and works of plastic art constituting an integral part thereof, the construction of the architectural work or the incorporation of the work of plastic art shall constitute publication.

*Article 47*a. — This Act shall remain applicable to all literary, scientific or artistic works puhlished for the first time by or on hehalf of the author prior to December 27, 1949, in the Dutch East Indies or prior to October 1, 1962, in Dutch New Guinea.

Article 48. — This Act does not recognize copyright in works in which, at the time of its entry into force, copyright has expired under Article 13 or 14 of the Copyright Law of June 28, 1881 (*Staatsblad* No. 124), or in works in respect of which, on the said date, the right of reproduction has expired under Article 3 of the Law of January 25, 1817

(*Staatsblad* No. 5), relating to the rights exercisable in the Netherlands in respect of the printing and publication of literary and artistic works.

Article 49. — Copyright obtained under the Copyright Act of June 28, 1881 (*Staatsblad* No. 124), and also the right to copy or any right of this nature obtained under earlier legislation and maintained by the said Act, shall continue after the entry into force of this Act.

Article 50. — [repealed]

Article 50a. — [repealed]

Article 50b. — The exclusive right of the composer of a musical work to manufacture instruments intended to render all or part of the work audible by a mechanical process, and the right of public performance of such work by means of similar instruments, shall not be applicable to all or part of a musical work which was adapted for sound reproduction by mechanical means prior to November 1, 1912, in the Realm in Europe or in the Dutch East Indies.

Instruments as referred to in the foregoing paragraph which have been manufactured in one of the States of the International Union for the Protection of Literary and Artistic Works without the consent of the composer of the musical work, but without violating a legal provision currently in force in that State, may be distributed, sold and used for public performances in the Netherlands.

Article 50c. — Any person who, prior to September 1, 1912, without violating the provisions of the Copyright Act of June 28, 1881 (*Staatsblad* No. 124), or of any treaty in force in the Netherlands or in the Dutch East Indies, has published copies of a literary, scientific or artistic work, which do not constitute a reprinting of all or part of such a work as referred to in Article 10, under (i), (ii), (v) or (vii), shall not, as a result of the entry into force of this Act, lose the right to distribute and sell such copies made before or after that date. This right may be transferred in whole or in part by inheritance or assignment. The second paragraph of Article 47 shall apply accordingly.

The Court may, on written petition by the owner of the copyright in the original work, either revoke the right provided for in the first paragraph, in whole or in part, or award the petitioner an indemnity for the exercise of the said right, and in either case the provisions of the following two Articles shall apply.

Article 50d. — The petition for total or partial revocation of the right set forth in Article 50*c* may only be made if a new edition of copies has been made since November 1, 1915. The second paragraph of Article 47 shall apply accordingly.

The petition shall be filed with the Court of Amsterdam before the end of the calendar year following that in the course of which publication took place. The Clerk of the Court shall summon the parties at an appropriate date to be specified by the Court. The case shall be heard in the Council Chamber.

The Court shall accede to the petition for revocation of the right only if and to the extent that it finds that the moral rights of the petitioner are injured by the distribution and sale of the copies. If the petition is not filed by the author of the original work, the Court shall refuse it if there is good reason to believe that the author has consented to the publication of the copies. The Court shall also refuse the petition where the petitioner has made an effort to obtain an indemnity from the persons who exercise the right. It may refuse the petition if revocation of the right would unduly prejudice the interests of the persons exercising the right as compared with the interests of the petitioner which have to be safeguarded. If the Court revokes the right in whole or in part, it shall set the date on which such revocation shall take effect.

In arriving at a decision, the Court shall make such provisions as it deems just in consideration of the interests of both parties and other interested persons. It shall assess the costs incurred by both parties and shall determine what portion thereof is to be paid by each. No appeal from judicial decisions rendered pursuant to this Article shall be admissible. No court clerk's fees shall be charged for proceedings under this Article.

Article 50e. — An indemnity may be awarded for the exercise of the right set forth in Article 50*c* only where a new edition of copies has been published since May 1, 1915. The second paragraph of Article 47 shall apply accordingly.

The second and fourth paragraphs of the preceding Article shall apply.

Article 50f. — [repealed]

Article 51. — [repealed]

Article 52. — This Act may be cited as "The Copyright Act, 1912".

Article 53. — This Act shall enter into force in the Realm in Europe on the first day of the month following that in which it is promulgated.

CORRESPONDENCE

Letter from the Netherlands

By S. GERBRANDY *

Important amendments were made recently to the 1912 Copyright Act, which in substance continues to govern this subject.

While referring the reader to our 1965 "Letter",[1] we shall give a brief summary here of the system underlying the Act.

I. Prerogatives of the author

Under Netherlands law the author has only two prerogatives: the right of publication and the right of reproduction. We should give a concise explanation of these two concepts.

1. Publication

The 1912 legislator assumed a "natural meaning" of this concept, which in his view corresponded more or less (but not fully) to the concept of publishing, that is, of placing material copies of the work at the disposal of the public. He did not see fit to define this first meaning in the Act.

The other meanings which the publication concept can have are, on the other hand, defined in the Act: public recitation, performance or presentation of the work. The legislator was careful to choose his words well, in such a way that the performance, etc., of an adaptation (cinematographic or other) is equivalent to the performance of the work itself.

A distinction should therefore be made between publication

(a) by means of the distribution of copies (books, records, photographs, etc.),

(b) by any other means.

2. Reproduction

Here too, the legislator assumed a "primary meaning" of this concept, that is, the act of making one or more copies of the work (one copy = the photograph of a sculpture or painting; several copies = the printing of the manuscript of a book, or the recording on a disc of a vocal composition).

This is followed by the other meanings (these being specified non-exhaustively in the Act): translation, musical, cinematographic or dramatic adaptation, etc.

Thus there is

(a) material reproduction (manufacture of one or more copies),

(b) immaterial reproduction (translation, adaptation and imitations of all kinds).

3. Reconciliation of the two concepts

Under the Netherlands system, therefore, the publishing of a book takes place in two stages: *(a)* reproduction: the individual copies of books are printed on the basis of a manuscript; *(b)* publication: the books thus completed are put on sale. It follows that a Dutch national who assigns his "right of reproduction" (for instance, in the sense given to it by his national legislation: the right to make records) does not by the same token assign his right to put the copies on sale (right of publication in the sense attributed to it in the Netherlands). The foreign assignee publisher who enters into a contract to which Netherlands law is applicable should therefore, in addition, have part of the right of publication assigned to him separately. Misunderstandings in this respect are bound to appear when Franco-Dutch proceedings are brought before Dutch courts.

II. Publication

— Amendments made to the publication concept (Article 12)

1. Broadening of the concept of public performance

There is an intermediate area between the "private circle" or "closed circle" and the general public. The 1972 legislator has narrowed this area to the advantage of the public performance concept. From now on, the "closed circle" will be considered public whenever it is not a circle consisting of family, friends or any other persons who may be assimilated to family or friends. The last phrase is the result of retouching by Parliament, and in our opinion it obscures the meaning of the paragraph. The original Bill specified "circle consisting of family, friends or acquaintances". The preparatory work on the 1972 Law leaves no room for doubt that the purpose of the amendment was to limit this privileged circle as much as possible.

2. Schools; education

The recitation of poems and the reading of prose in class have always been regarded as permitted. The legislator has now expressly provided that recitation, performance and presentation for the benefit of education is free, on condition that it is incorporated in the study program of the establishment concerned.

This provision has not escaped criticism. It is accepted that the professor in charge of the class should be allowed to recite contemporary poems. But what of performances involving the use of videograms and other costly apparatus? Our compatriot, Franca Klaver, among others, pointed to

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[1] *Copyright*, 1965, p. 41.

the dangers of too extensive freedom in an exhaustive study.[2] Fully aware of these criticisms, the legislator considered that the current state of technology made it impossible to establish a rule at the present time on a subject still in the process of development.

3. Public communication of a broadcast work

The "publication" — including broadcasting and communication by wire — of a broadcast work will not be permitted without the consent of the author unless two conditions are met:

(a) the "publication" must be simultaneous,

(b) the "publication" must be made by the same organization as the one which made the first broadcast.

Condition *(a)* is clear: the repetition of a broadcast (for instance, at 8 p. m. in the Netherlands and at midnight in Surinam) requires the consent of the author, even if the entity or organization which undertakes the second broadcasting is completely identical with the one which made the first.

Condition *(b)* calls for some explanation, however. By "organization", Netherlands law means *something different from "broadcasting organization"* in terms of Article 11bis of the Berne Convention. This is why, in the above paragraphs, we have spoken of "making" or "undertaking" broadcasting. What is meant is all the associations, firms and services which take care of the cultural, legal and technical aspects of broadcasting. In the Netherlands, these include at least: (i) one of our broadcasting organizations in terms of Article 11bis of the Berne Convention; (ii) the post, telephone and telegraph service, which provides very considerable technical assistance; and (iii) NOZEMA, the corporation which operates the transmitters.

The meaning of the provision is this: there has been a new act of "publication" not only if a third party communicates the broadcast work to the public — either by wire or by wireless — but also if one of the bodies mentioned under (i) to (iii) in the preceding paragraph does so alone.

This can indeed happen. The post, telephone and telegraph service operates radio transmitting networks and central television antenna systems. This constitutes a new act of "publication", even if it occurs at the same time as the technical contribution of the service to the original broadcast.[3]

III. Reproduction

1. Amendments made to the reproduction concept (Articles 13 and 14)

No radical changes have been made here.

In Article 13, cinematographic adaptation is expressly mentioned as an example of reproduction. Article 14 has been made clearer; it has been modernized in such a way as to cover not only discs and sound tape recordings but also videograms and other similar apparatus.

2. The right of borrowing and the right of quotation

The old Article 16 was badly drafted and regulated these rights in a rather unsystematic way. The new drafting makes a clear-cut distinction and lays down quite elaborate rules for each of the two rights. It is not necessary to go into the details here.

3. The problems of tapes and photocopies (Articles 16b and 17)

This is an ultramodern problem which has caused concern to a great number of legislators. The preparation of the amendments was long and hard, and it was accompanied by what on paper were bitter quarrels between the parties concerned. For the moment, it seems that an acceptable solution has been found. The subject-matter is difficult, and some explanation is therefore necessary.

4. Main features: the three categories

First category: reproduction[4] confined to a few copies and intended solely for the personal practice, study or use of the person who makes the copies or orders the copies to be made exclusively for himself.

This category was already to be fonnd in the old text, except for the person who "orders the copies to be made".

Second category: the reproduction of books, pamphlets, documents, etc., in the performance of duties within the public service or for the fulfilment of the tasks incumbent on public service institutions.

This category was created by the new Law. The rules written into Articles 16*b* and 17 are indeed rather harsh, and it seemed necessary to allow a degree of freedom, especially for institutions like the Patent Council, public libraries, etc.

Third category: reproduction of books, pamphlets, articles, etc., for the use of enterprises and similar institutions.

This is another newly-created category. There can be no doubt that, for industry in particular, the freedom to make photocopies has a very definite importance.

5. The rules in Articles 16b and 17

A special system has been introduced for each of the above categories.

First category: private use

(i) Reproduction for private use, as defined above, is in principle free.

(ii) In the case of writings (books, pamphlets, articles, etc.), or sheet music, however, reproduction must be confined to "small portions" of the work, except for works which are out of print or short articles in periodicals.

(iii) The exemption for "ordered" works does not apply to sound or video tapes.

Second category: public service and public service institutions

The Law itself contains no special rule in this respect, but refers to an administrative regulation. This regulation does not yet exist.

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[2] "Video: A general survey", in *Copyright*, 1972, p. 89.

[3] A distinction should be made between "central antennas" and "collective antennas". The latter is only a technical installation designed to improve reception, whereas the former brings to a certain public broadcasts which otherwise would not reach their receivers. See also Franca Klaver, "Current Developments in Wire Television", in *Copyright*, 1969, p. 56.

[4] From here on, the word "reproduction" means alternatively the act of reproducing or the copy produced. It is the same in the Act.

Third category: enterprises

(i) Subject to the reservations specified under (iii) and (iv), the reproduction of articles appearing in newspapers or periodicals is free.

(ii) Subject to the same reservations, the reproduction of "small portions of books, pamphlets or other writings" is permitted. The reservations are the following:

(iii) *(a)* The articles or writings must be "scientific", and *(b)* the number of copies must not exceed what the enterprise may reasonably need.

(iv) The person who makes the copies or orders the making of the copies must pay equitable remuneration to the author or to his successors in title.

These then are the rules — summarized to an extreme — for the three categories referred to above. The summary would not be complete, however, if we did not mention *one rule which is common to the first and third categories*, and a highly important rule at that. Once the copies have been lawfully made, they must remain in the possession of the person who made them or ordered them. For instance, I could photocopy or cause to be photocopied all the articles on copyright appearing in the magazine *Gewerblicher Rechtsschutz und Urheberrecht*, without actually subscribing to it, thereby building up a rich specialized library. However, this library must on no account come into the possession of another person. The same would apply to tape recordings which I made for my own private use. Similarly, the enterprise possessing lawfully-made photocopies of scientific articles may only give these to "persons employed by" it, which for practical purposes means to persons who have an immediate need for them in connection with scientific research carried on as part of their duties within the enterprise.

6. Administrative law. International law. Entry into force

The set of rules is not yet complete. The Queen has yet to determine, by administrative regulation, the position of the public service and of public libraries (second category). Moreover, the legislative provisions on libraries still have to be completed by administrative provisions. This is why the entry into force of Articles 16*b* and 17 is postponed to July 1, 1974, at the latest.

This is not the only reason, however. In accordance with the national treatment principle common to the two main international Conventions, the rules outlined above will also produce their effects at the international level: publishers who are nationals of one of the countries of the Berne Convention or of the Universal Convention will be entitled to "equitable remuneration" for copies made under the legal license granted to Dutch enterprises. How can this remuneration be collected? Obviously, we are also in need of a specialized body to undertake the collection and distribution of the sums owed by industry. Foreign publishers interested in this question would perhaps do well to contact the Royal Association of Netherlands Publishers (*KNUB — Koninklijke Nederlandse Uitgeversbond*, Herengracht 209, Amsterdam).

IV. Moral rights

For the first time since 1912, the legislator has devoted an entire article (Article 25) to moral rights. Until now the moral rights accorded to authors consisted of a few prerogatives in various places in the Act, but a systematic regulation of the question was lacking.

We shall not go into the details of the new provisions, which are to be found in Article 25 of the Law published above.

The Berne Convention (Brussels text) lays stress on the *right to claim authorship of the work.*

Our new Act seems, on the one hand, to afford more extensive protection and, on the other, to grant fewer rights.

The Act affords protection (Article 25*(a)*) not only against publication of the work under a name other than that of the author (and other comparable infringements), but also under a title other than that chosen by the author.

On the other hand, the Netherlands legislator has not expressly conferred the right to demand that the name of the author be mentioned on copies of the work. A few years ago, this right was at issue in a dispute which aroused quite considerable interest (President of the Court of The Hague, January 25, 1965, *Nederlandse Jurisprudentie* 1965, 76; *Ars Aequi* XIV, 186, with note by Hirsch-Ballin; summary proceeding). The author of two chapters — out of eleven — of a book on economic history claimed the right to be mentioned as co-author on copies of the book, and his claim was dismissed. Are we then to assume that this decision has been sanctioned in the new text of the Act? It is hardly likely. For a start, the criticism by Professor Hirsch-Ballin, in the note referred to above, was so severe that a judge would need courage to render the same decision when another case came up. Moreover, the preparatory work on the new Article 25 provides no support for the argument that the legislator had deliberately sought not to grant the right in question.

For the same reason we do not believe that the level of protection in the Netherlands is lower than that of the Berne Convention. Professor Ulmer wrote: "Development has not finished. It is not possible at present to make an exhaustive enumeration of the prerogatives included among moral rights" (*Urheber- und Verlagsrecht*, pp. 259 and 260). If, now, the Netherlands legislator recognizes the right of authorship in unambiguous terms, he is presumed to have accepted this right in its entirety, even if he has not specified all the prerogatives which such a right might embody.

Provision is then made (under *(b)*) for the right to object to any *modification* of the work. It is not required that the modification be "prejudical to the honor or reputation of the author". There is restriction, however, in the provision according to which this right of the author may not be exercised when it would be unreasonable to object to the modification concerned. For a practical case, we refer the reader to *Copyright*, 1972, pp. 77 and 78.

This is followed by *(c)*, which deals with the protection against "any distortion, mutilation or other modification of the work which would be prejudicial to the honor or reputation of the author [this being based on Article 6bis of the Berne Convention] or to his value as such".

As far as *moral rights after the death of the author* are concerned, the system is not entirely satisfactory. In principle, moral rights subsist as long as pecuniary rights, yet the exercise of moral rights after the death of the author belong only to the person appointed by will. In the absence of a will, therefore, it is impossible to exercise the moral rights of the author after his death. This somewhat unfelicitous provision was introduced as a result of an amendment in the course of the debates in Parliament. The reason behind it is that, if the author has not taken the trouble to provide for his moral rights *post mortem*, it is not for the legislator to do so for him. The Chamber of Deputies seems to have overlooked the fact that sudden death can take the author by surprise, and that a work which seems of little importance during his lifetime can, after his death, acquire considerable value.

One more word on the English translation of this Article. It is provided that:

> "The rights referred to under *(a)* and *(b)* above may be transferred when modifications are to be made to the work or to its name."

It should not be deduced from this that moral rights or parts thereof are transferable. This is not so. The original text uses the expression "*afstand doen van . . .*", which means "renounce". To give an example, the author of a novel who consents to the cinematographic adaptation of that novel may, by contract, undertake not to oppose the *modifications* which the authors of the cinematographic work might see fit to make in the dialogue or in the sequence of events embodied in the pre-existing work. On the other hand, the author's right to object to *distortion*, *mutilation*, etc., is reserved by a legislative provision which does not permit any derogation by contract.

V. International law

The Netherlands Copyright Act is applicable, according to its Article 47, "to all literary, scientific or artistic works published for the first time in the Netherlands".

This provision is not new. What is new is the definition of the concept of publication:

> "A work shall be deemed to have been published within the meaning of this Article when it has appeared in print or, in general, when copies of the work, irrespective of their nature, have been made available to the public in sufficient quantity."

At first sight, this definition seems innocent enough. Yet the preparatory work on this amended text shows that the legislator wanted to deny protection under Netherlands law to the original text of a work published for the first time in translation in the Netherlands. We consider this an unhappy amendment. Moreover, it could be wondered whether the phrase quoted above is clear enough to rule out an interpretation which is quite the opposite of the legislator's intention.

VI. Prospects

The 1948 Brussels text of the Berne Convention has been ratified by the Netherlands, which means that, in spite of the substantial advances we have made, we are still 25 years behind the times. We are aware of this, and the Minister of Justice has already taken steps to bring about the amendments in our domestic legislation which would enable us to accede to the Stockholm-Paris text.

This gives rise to a considerable number of questions. For instance, should a special régime for cinematographic works be introduced before accession is possible to the Berne Convention as revised at Stockholm (Articles 14 and 14^{bis})? For one thing, these Articles are applicable only in international situations, leaving national legislators completely free, and for another, the Articles appear to presuppose that countries of the Union determine in one way or another the status of cinematographic works. Our Law has never yet contained any express rules on this. Points of law relating to cinematographic works have been resolved — and very satisfactorily too — by court decisions rendered on the basis of general legal principles. Is this sufficient for a country which wishes to accept Articles 14 and 14^{bis} of the Berne Convention? And this is only one question among many.

The introduction of a completely new copyright legislation is generally a long drawn-out operation: in the Federal Republic of Germany, the *Referentenentwürfe* date back to 1954, but the new Act came out only in 1965. In France, the preparation of the 1957 Act began in 1944. Will the way to accession by the Netherlands to the most recent text of the Berne Convention lead over the mountain of a large-scale revision of domestic legislation? Or will the Netherlands legislator content himself for the moment with partial revisions? The choice has yet to be made.

BOOK REVIEWS

Voprosy avtorskogo prava v mezhdunarodnykh otnosheniiakh [Copyright problems in interuational relations], by *M. M. Boguslavsky*. One volume of 336 pages, 20 x 14 cm. Published by " Nauka ", Moscow, 1973.

Professor Boguslavsky, of tbe « State and Law » Institute of the Soviet Academy of Science, is the author of a number of works devoted to intellectual property problems, and especially to international relations in this field. After his study on the problems of international protection for inventions,[1] Professor Boguslavky now presents a book dealing with international copyright problems, whicb have come very mucb to the fore recently.

Published sbortly after the amendment of Soviet copyright legislation and the accession of the Soviet Union to the Universal Copyright Convention of 1952, this book takes on a very special significance in that it contains a thorough and well documented analysis of:

(i) the amcndments made to the Bases of Legislatiou in Respect of Civil Law of the USSR and the Federated Republics, by Decrec No. 138 of the Praesidium of the Supreme Soviet of the USSR, dated February 21, 1973;
(ii) the provisions of the Berne and Universal Conventions;
(iii) the economic, social and cultural implications of the Soviet Union's accession to tbe 1952 Universal Convention;
(iv) the specific copyright problems arising in connection with tbe Soviet Union's cultural, scientific and technological collaboration with the other socialist countries.

The problems examined by the author are grouped in seven chapters, covering respectively: the geueral principles of international copyright protection (Cbapter 1); a historical outline of the development of international copyright, and the part played in that development at the time by Russia (Chapter 2); the multilateral international conventions on copyright protection (Chapter 3); problems of international protection of the results of scientific researcb (Chapter 4); copyright of foreigners in the Soviet Union (Chapter 5); problems of protection and exploitation of the works of Soviet autbors abroad (Chapter 6); copyright problems in the relations of the Soviet Union with other socialist countries (Chapter 7).

There is an annex at the end of tbe book which contains the 1952 and 1971 texts of the Universal Copyright Convention and the text of the Berne Convention (1971 Paris Act), as well as a subject index and a bibliography listing 36 titles of Soviet works on copyrigbt, most of them recent, and 51 titles of foreign works selected from tbe specialized literature of the world. In addition, the text of tbe book itself refers to other works which do not appear in the bibliography.

The author emphasizes that the decisions of February 1973 illustrate above all the desire of the Soviet authorities to contribute extensively to the strengthening of world peace and the development of cultural and scientific relations between States.

Tbe critical attitude of Soviet copyright doctrine to certain conceptions underlying the multilateral international copyright conventions which are now in force does not prevent the Soviet Union from acceding to those conventions in so far as they effectively promote tbe development of international cultural and scientific collaboration (page 273). In Professor Boguslavsky's opinion the Soviet Union's accession to tbe Uuiversal Convention is bound to enhance the dissemination throughout the world of the most eminent products of socialist culture.

Professor Boguslavsky points to the growing area occupied in world markets by Soviet intellectual creation, and scientific writings in particular, and to the need to create a legal foundation for the promotion of increased international collaboration in science, technology and culture. He admits that the recent amendment of Soviet legislation, and in particular the abandonment of the principle of the freedom of translation, is very much tied up witb the decision on tbe accession of the Soviet Union to the 1952 Universal Convention, whicb according to him corresponds most closely, in the present circumstances, to the Soviet conception of copyright protection and peaceful international cooperation.

Professor Boguslavsky's book is full of interesting comments and important details.

He gives the Soviet interpretation of Article VII of tbe Universal Convention, the ambiguity of which has also been the object of other specialists' attention. He asserts that tbe Convention applies only to works enjoying protection under the Convention which are published for the first time after the date of its entry into force for the Soviet Union, in other words, after May 27, 1973. It should be noted here that the Russian translation of Article VII is hased on the official Frencb text of the provision, which is sligbtly different from the official English and Spanish texts (pages 163 and 164).

The translation of legal concepts from one language to anotber sometimes poses problems and can cause confusion or even misunderstandings. We take the liberty of pointing out here tbe translation of tbe word " publication " in Article VI of the Universal Convention by the Russian term *vypusk v svet* (page 284). This translation, whicb has a certain effect on tbe actual text of the work (see page 144, for instance), does uot seem quite accurate in our opinion. The terms *vypusk v svet* and *opublikovanie* cannot easily he used as synonyms, as tbe meaning attributed to tbe former by Soviet copyrigbt legislation (publication in tbe broad sense, that is, making the work available to the public by any means) does not correspond to tbe content of the definition of " publication " adopted by the Universal Convention (publication in tbe strict sense, assimilated to visual reproduction).

Among the various advantages for the Soviet Union of accession to the 1952 Universal Convention, Professor Boguslavsky mentions the possibility of preventing the exploitation of Soviet works abroad for anti-Soviet purposes (page 273), and he places emphasis on the role of certain national organizations such as " Mezhdunarodnaia Kniga " in proceedings involving the transfer of copyrights in Soviet works to foreign users (pages 232 et seq.).

According to Professor Boguslavsky, accession to the 1952 Universal Copyright Convention does not prevent the Soviet Union from entering into bilateral agreements for the protection of copyright which are based on the " material reciprocity " principle, especially witb socialist countries whicb are not yet party to the Convention. These agreements, which can even have the effect of complementing the multilateral conventions, will have a great influence on the future development of international copyright.

Professor Boguslavsky also devotes considerable attention to the protection of scientific discoveries, which he regards as belonging to the copyrigbt field. He recalls the initiatives of Unesco and WIPO/BIRPI, and in particular the fact that scientific discoveries were written into Article 2(viii) of the Convention Establishing the World Intellectual Property Organization as a distinct and independent subject of protection. Tbe author suggests the elaboration of a new multilateral international convention " concerning the reciprocal recognition of the protection of discoveries ", which would bind countries already having, or not yet having, national legislative provisions on the protection of scientific discoveries (page 184).

Such a convention, wbich among other things would provide for the international registration of discoveries and the issuing of a title of protection (certificate) recognized by the countries party to the convention, would, in his opinion, encourage the development of international scientific research institutes as well as scientific collaboration between the different countries.

Tbis latest work by Professor Boguslavsky is an invaluable source of information, whicb will undoubtedly contribute to a better knowledge of Soviet copyrigbt doctrine tbroughout tbe world. B. N.

[1] Patentnye voprosy v mezhdunarodnykh otnosheniiakh. Mezhdunarodnopravovye problemy izobretatelstva, Moscow, 1962.

Satellitenrundfunk und die Problematik des internationalen Urheber- und Leistungsschutzes [Satellite broadcasting and the problems of international protection of authors and performers], by *Werner Klinter*. One volume of XXV-292 pages, 15 × 21 cm. J. Schweitzer Verlag, Berlin, 1973. Schriftenreihe der UFITA, No. 47.

This highly detailed study is in three parts.

The first part contains a general introduction to the subject, and the reader finds first a general description of television by satellite, with explanations of a technical nature, and a brief outline of the problems to which it gives rise in public law and international private law.

The second part deals with the development of the system of transmission by satellites and with the activities in this field of the various international organizations (United Nations, International Telecommunication Union, Unesco, INTELSAT, etc.).

Only in the third part does the author embark on the copyright and neighboring rights problems, and in particular those discussed at the meetings organized by Unesco and BIRPI or WIPO. He examines the various solutions envisaged and opinions expressed within the first Committee of Experts in Lausanne. There follows a highly detailed analysis of the Paris draft, with an account of the positions taken by the States and international organizations which participated in the meeting of the second Committee of Experts.

The author has sought to show that there is a very close relationship between the technical and the legal aspects of the problem. According to him, copyright should not always "limp along" behind technological development; it should rather anticipate the course of this development and take action before any harm is done to the protection of creators of intellectual works.

The fact that the results of the meeting of the third Committee of Experts are not covered in this study in no way diminishes its worth. Indeed it would be difficult, in these days of rapid change due to the progress of technology, to find the right time to publish a work which would be entirely up to date. M. S.

CALENDAR

WIPO Meetings

October 8 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:* Intergovernmental and international non-governmental organizations concerned — *Note:* Meeting convened by Unesco in cooperation with WIPO

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

October 30 to November 2, 1973 (Bangkok) — WIPO Seminar on Industrial Property

Object: To discuss on the role of industrial property in the development of Asian countries — *Invitations:* Afghanistan, Bangladesh, Burma, India, Indonesia, Iran, Khmer Republic, Laos, Malaysia, Mongolia, Nepal, Pakistan, Philippines, Republic of Korea, Republic of Viet-Nam, Singapore, Sri Lanka, Thailand — *Observers:* Intergovernmental and international non-governmental organizations concerned

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, Lisbon 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 28 to 30, 1973 (Geneva) — Working Group on Scientific Discoveries

December 3, 4 and 11, 1973 (Paris) — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations — Intergovernmental Committee

Object: Consideration of various questions concerning the Rome Convention — *Invitations:* Brazil, Denmark, Ecuador, Fiji, Germany (Federal Republic of), Mexico, Niger, Sweden, United Kingdom — *Observers:* Austria, Congo, Costa Rica, Czechoslovakia, Paraguay; intergovernmental and international non-governmental organizations concerned — *Note:* Meeting convened jointly with the International Labour Organisation and Unesco

December 3 to 7, 1973 (Geneva) — ICIREPAT — Technical Committee for Shared Systems (TCSS)

December 5 to 11, 1973 (Paris) — Executive Committee of the Berne Union — Extraordinary Session

Object: Consideration of various questions concerning copyright — *Invitations:* States members of the Committee — *Observers:* All other member countries of the Berne Union; intergovernmental and international non-governmental organizations concerned — *Note:* Some meetings will be joint with the Intergovernmental Copyright Committee established by the Universal Copyright Convention

December 10 to 14, 1973 (Paris) — ICIREPAT — Technical Committee for Standardization (TCST)

December 17 to 21, 1973 (Geneva) — Working Gronp for the Mechanization of Trademark Searches

Object: Report and recommendations to a Committee of Experts on mechanized trademark searches — *Invitations:* Anstralia, Anstria, Belginm, Canada, France, Germany (Federal Republic of), Ireland, Japan, Luxembourg, Netherlands, Soviet Union, Spain, Sweden, United Kingdom, United States of America — *Observers:* Colombia, Benelnx Trademark Office

January 7 to 11, 1974 (Geneva) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee

Jannary 15 to 18, 1974 (Geneva) — International Patent Classification (IPC) — Joint ad hoc Committee

February 6 to 8, 1974 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)

February 11 to 15, 1974 (Geneva) — International Patent Classification (IPC) — Working Gronp II of the Joint ad hoc Committee

March 4 to 8, 1974 (Geneva) — International Patent Classification (IPC) — Working Group I of the Joint ad hoc Committee

March 25 to 29, 1974 (Geneva) — International Patent Classification (IPC) — Working Gronp III of the Joint ad hoc Committee

April 22 to May 3, 1974 (Geneva) — ICIREPAT — Technical Committee for Shared Systems (TCSS) and Technical Committee for Standardization (TCST)

May 13 to 17, 1974 (Geneva) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee

June 26 to 28, 1974 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)

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 Gronp III of the Joint ad hoc Committee

September 9 to 13, 1974 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee

Septemher 18 to 20, 1974 (Geneva) — ICIREPAT — Plenary Committee

Septemher 24 to Octoher 2, 1974 (Geneva) — Sessions of the Administrative Bodies of WIPO and the Unions administered by WIPO

September 30 to Octoher 4, 1974 (Geneva) — International Patent Classification (IPC) — Working Gronp I of the Joint ad hoc Committee

Octoher 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

Decemher 9 to 13, 1974 (Geneva) — International Patent Classification (IPC) — Bnrean of the Joint ad hoc Committee

December 16 to 18, 1974 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)

Septemher 23 to 30, 1975 (Geneva) — Sessions of the Administrative Bodies of WIPO and the Unions administered hy 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

Octoher 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 Indnstrial Property — Administrative Council

Novemher 12 to 14, 1973 (Vienna) — International Confederation of Societies of Authors and Composers — Legal and Legislative Commission

December 10 to 14, 1973 (Brussels) — Enropean Economic Community — "Commnnity Patent" Working Party

Febrnary 24 to March 2, 1974 (Melhonrne) — International Association for the Protection of Industrial Property — Executive Committee

May 6 to 30, 1974 (Luxembonrg) — Conference of the Member States of the European Commnnities concerning the Convention on the European Patent for the Common Market

May 3 to 10, 1975 (San Francisco) — International Association for the Protection of Indnstrial Property — Congress

ANNOUNCEMENT OF VACANCY

Competition No. 218

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