Copyright

Review of the
WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

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Contents

Page

ADMINISTRATIVE BODIES

— World Intellectual Property Organization
General Assembly. Third Session (1st extraordinary) 246

— WIPO Coordination Committee, Paris Union Executive Committee and Berne Union Executive Committee. Fifth Series of Meetings 247

WORLD INTELLECTUAL PROPERTY ORGANIZATION

— Cyprus. Application of the transitional provisions (five-year privilege) of the WIPO Convention 250

— Indonesia. Application of the transitional provisions (five-year privilege) of the WIPO Convention 250

— Netherlands. Ratification of the WIPO Convention 250

BERNE UNION

— India. Ratification of the Paris Act (1971) of the Berne Convention 251
— Netherlands. Ratification of the Paris Act (1971) of the Berne Convention . . 251

CORRESPONDENCE

— Letter from the German Democratic Republic (Anselm Glücksmann) 252

CALENDAR OF MEETINGS 263

Annex: Announcement of Vacancy (Competition No. 252)

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ADMINISTRATIVE BODIES

World Intellectual Property Organization General Assembly

Third Session (1st extraordinary)

(Geneva, September 24 to 27, 1974)

Note *

Representation

Fifty-three of the sixty-six States members of the General Assembly were represented: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, Cuba, Czechoslovakia, Denmark, Egypt, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Greece, Holy See, Hungary, India, Indonesia, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Liechtenstein, Luxembourg, Mexico, Morocco, Netherlands, Norway, Poland, Portugal, Romania, Senegal, Soviet Union, Spain, Sweden, Switzerland, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, United Kingdom, United States of America, Yugoslavia (53). Thirteen States members of the General Assembly were not represented: Chad, Congo, Cyprus, Dahomey, Fiji, Madagascar, Malawi, Malta, Mauritania, Niger, South Africa, Thailand, Upper Volta (13).

Nine other States were represented in an observer capacity: Byelorussian SSR, Ecuador, Lebanon, Nigeria, Philippines, Sri Lanka, Ukrainian SSR, Uruguay, Zaire (9). Seven intergovernmental organizations were represented in an observer capacity: United Nations (UN), United Nations Conference on Trade and Development (UNCTAD), International Labour Organisation (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), International Patent Institute (IIB), African and Malagasy Industrial Property Office (OAMPI).

A list of the participants is set forth below.

Agreement between the United Nations and WIPO

At its second session held in November 1973, the General Assembly had approved negotiations with the United Nations on the basis of a draft text, endorsed by the WIPO Coordination Committee at its fourth (1st extraordinary) session, held in May 1973, of an agreement with the United Nations under Articles 57 and 63 of the Charter of the United Nations, by which WIPO would become a specialized agency of the United Nations system.

These negotiations took place in New York in May 1974, and were conducted between representatives of the following States appointed by the Economic and Social Council of the United Nations (ECOSOC) on behalf of the United Nations: Algeria, Barbados, Brazil, Chile, France, Hungary, Japan, Kenya, Malaysia; and the following States appointed by the WIPO Coordination Committee on behalf of WIPO: Egypt, India, Indonesia, Mexico, Poland, Senegal, Sweden, United Kingdom, United States of America.

The two groups of negotiators reached agreement on a draft text which was substantially the same as that which had served as the basis for the discussions. The negotiated text was submitted to the fifty-seventh session of the Economic and Social Council of the United Nations (ECOSOC) in July/August 1974. On the recommendation of its Policy and Programme Co-ordination Committee, ECOSOC adopted without objection a resolution recommending approval by the General Assembly of the United Nations of the negotiated text, without any changes.

The text was then submitted to the General Assembly of WIPO at its extraordinary session. Acting pursuant to Article 6(3)*(f)* of the Convention Establishing the World Intellectual Property Organization, the General Assembly approved unanimously the agreement resulting from the negotiations between WIPO and the United Nations.

As stated by the Director General of WIPO, Dr. Arpad Bogsch, in the course of the discussion, it is important that WIPO should become a specialized agency as such a status would enable WIPO to increase its usefulness to developing countries and would contribute considerably to integrated coordination of the efforts of various international organizations for the benefit of all those who are affected by intellectual property.

Approval of the said text by the General Assembly of the United Nations is a prerequisite for its entry into force. The matter is before the September/December 1974 session of the General Assembly of the United Nations.

* This Note has been prepared by the International Bureau on the basis of the documents of the session.

WIPO Coordination Committee, Paris Union Executive Committee and Berne Union Executive Committee

Fifth Series of Meetings

(Geneva, September 24 to 30, 1974)

Note *

During the fifth series of meetings of Administrative Bodies of the World Intellectual Property Organization (WIPO) and the Unions administered by WIPO held at Geneva from September 24 to 30, 1974, the following three bodies held their ordinary sessions:

WIPO Coordination Committee, seventh session (5th ordinary),

Paris Union Executive Committee, tenth session (10th ordinary),

Berne Union Executive Committee, seventh session (5th ordinary).

The following thirty-two of the thirty-three States members of the Coordination Committee and of either the Executive Committee of the Paris Union or the Executive Committee of the Berne Union were represented: *Ordinary Members:* Argentina, Australia, Brazil, Cameroon, Canada, Egypt, France, German Democratic Republic, Germany (Federal Republic of), Hungary, India, Israel, Italy, Japan, Kenya, Mexico, Morocco, Netherlands, Romania, Senegal, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America, Yugoslavia (27). *Associate Members:* Algeria, Nigeria, Philippines, Poland, Sri Lanka (5). Iran, an associate member, was not represented.

Twenty-nine other States were represented in an observer capacity, either in the Coordination Committee, or the Executive Committee of the Paris Union, or the Executive Committee of the Berne Union: Austria, Belgium, Bulgaria, Byelorussian SSR, Chile, Cuba, Czechoslovakia, Denmark, Finland, Gabon, Greece, Holy See, Indonesia, Ireland, Ivory Coast, Jordan, Lebanon, Liechtenstein, Luxembourg, Norway, Portugal, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, Ukrainian SSR, Uruguay, Zaire (29).

Seven intergovernmental organizations were represented in an observer capacity in each of the Committees: United Nations (UN), United Nations Conference on Trade and Development (UNCTAD), International Labour Organisation (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), International Patent Institute (IIB), African and Malagasy Industrial Property Office (OAMPI). Two other intergovernmental organizations were also represented in an observer capacity in the Executive Committee of the Paris Union: the Council for Mutual Economic Assistance (CMEA) and the European Communities.

At the beginning of their respective sessions, the Committees elected their officers. A list of the officers is set forth below.

The deliberations and decisions concerning the report on past activities, financial matters, ratifications and accessions in progress, cooperation between WIPO and Organizations of the United Nations system, took place in joint meetings of the Coordination Committee and the Executive Committees of the Paris and Berne Unions (hereinafter referred to as " the Committees ") under the chairmanship of Mr. Gabriel Larrea Richerand (Mexico), the Chairman of the Coordination Committee.

The principal decisions taken by the Committees are as follows:

Past Activities

The Committees considered the report of the Director General on the activities of the International Bureau since November 1973 and noted it with approval. In the course of this consideration, particular satisfaction was expressed with the conciseness, clarity and fullness of the documents reporting on the activities and with the fact that these activities had been efficiently and successfully carried out by the International Bureau, especially those for the benefit of the developing countries. A number of delegations expressed the continued readiness of their national Industrial Property Offices to receive trainees from developing countries and to make available experts to assist the International Bureau in carrying out legal-technical assistance projects for developing countries. The Director General expressed his appreciation to all national Offices which had received trainees from developing countries under WIPO's traineeship program and for the cooperation on the part of the national Offices and the International Patent Institute (IIB) which had enabled WIPO to assign 15 experts to the project that was being financed by the United Nations Development Programme (UNDP), and carried out by WIPO, to assist the Government of Brazil in modernizing the Brazilian patent system.

Finances in the Year 1973

The Committees noted with approval the accounts of the International Bureau and the report of the auditors on those accounts as well as other information concerning finances for 1973.

* This Note has been prepared by the International Bureau on the basis of the documents of the sessions of the Committees.

Program and Budget for 1975

WIPO Technical Assistance. The Coordination Committee established the WIPO Legal-Technical Assistance Program and Budget for 1975. This program includes the grant of fellowships for officials from developing countries, the preparation of a model law on copyright for developing countries, the holding of a regional seminar for developing countries on copyright and neighboring rights to be organized in cooperation with ILO and Unesco in Mexico and the granting of technical assistance to OAMPI. In addition, within the framework of the WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology related to Industrial Property, the following activities will be undertaken: the revision of the Model Law for Developing Countries on Inventions; the preparation of draft guidelines and model provisions for license agreements appropriate to the needs of developing countries; the preparation of studies concerning the publication of licensing opportunities; the organization of a training course for persons from developing countries in the use of the International Patent Classification.

Program and Budget for the Berne Union for 1975. The Executive Committee of the Berne Union approved the program and budget for the Berne Union for the year 1975. In addition to the usual tasks relating to publications concerning copyright and neighboring rights (the monthly periodicals, collections of legislative texts, Records of the International Conference of States on the Distribution of Programme-Carrying Signals Transmitted by Satellite (1974), etc.), the program provides for the preparation of a model law on copyright for developing countries, studies on the desirability and feasibility of establishing an international service for the identification of literary and artistic works, on the questions (procedural and substantive) raised by the reprographic reproduction of works protected by copyright, on the copyright problems arising in connection with the making and use of video-cassettes, on the copyright problems in connection with the storage in, and retrieval from, computers of works protected by copyright, and on the use of works protected by copyright in cable television. A regional seminar on copyright and neighboring rights will be organized, in cooperation with ILO and Unesco, in Mexico in October 1975.

Program and Budget for the Paris Union for 1975. The main features of the program for 1975 established by the Executive Committee of the Paris Union are contained in the October 1974 issue of *Industrial Property*.

Appointment of Deputy Director General

The Coordination Committee approved the appointment by the Director General of Mr. Klaus Pfanner to the post of Deputy Director General reserved for a national of a country other than a Socialist country or a developing country. As for the post of Deputy Director General to be occupied by a national of a developing country, the Coordination Committee noted with approval that, at the request of the developing countries, the time limit for submitting applications had been extended. As for the post of Deputy Director General to be occupied by a national of a Socialist country, the Coordination Committee noted with approval that the time limit for submitting applications had been extended.

Staff Matters

The Coordination Committee noted the information on the composition of the International Bureau and the progress made by the Director General in improving the geographical distribution of the staff. It requested the Director General to submit to the next ordinary session of the Coordination Committee the draft of a prospective plan for filling vacant or newly established posts, as well as posts which are expected to become vacant, preferably by specialists of those countries which are insufficiently represented in the staff of the International Bureau, in accordance with Article 9(7) of the Convention establishing WIPO.

Furthermore, the Coordination Committee adopted a number of amendments to the Staff Regulations.

List of Participants *

I. States Members of the General Assembly or of the Committees

Algeria: G. Sellali (Mrs.); S. Bouzidi. **Argentina:** G. O. Martinez; C. A. Passalacqua. **Australia:** K. B. Petersson. **Austria:** T. Lorenz. **Belgium:** R. Philippart de Foy. **Brazil:** A. Bier; J. F. da Costa; G. Hatah; A. Gurgel de Alencar. **Bulgaria:** T. Sourgov. **Cameroon:** F. M'Bianda; J.-M. Happy-Tchankou. **Canada:** J. Corbeil; F. Simons; J. O. Caron. **Chile:** J. Lagos. **Cuba:** J. M. Rodríguez Padilla; H. Rivero del Rosario. **Czechoslovakia:** M. Bělohlávek; B. Vachata; J. Prošek. **Denmark:** K. Skjødt. **Egypt:** A. M. Khalil; M. Tallawy (Mrs.). **Finland:** E. Tuuli; B. Norring; B. Godenhielm; P. Rutanen. **France:** J. Fernand-Laurent; P. Faure; F. Savignon; J. Buffin; R. Leclerc; S. Balous (Mrs.). **Gahon:** Minko-Mi-Endamne. **German Democratic Repuhlic:** J. Hemmerling; D. Schack; M. Förster (Mrs.). **Germany (Federal Repuhlic of):** A. Krieger; E. Steup (Mrs.); W. Koschorreck; T. Rötger; R. von Schleussner (Mrs.); H. Behr; S. Gees (Miss). **Greece:** A. Exarchos. **Holy See:** O. Roullet (Mrs.); R. Rocb. **Hungary:** E. Tasnádi; I. Tímár; A. Benárd; G. Pálos. **India:** S. Alikhan; A. Parthasarathi; H. N. Sukhdev. **Indonesia:** I. Ihrahim. **Ireland:** M. J. Quinn. **Israel:** M. Gabay. **Italy:** G. Trotta; S. Samperi; N. Faiel Dattilo; M. Vitali (Miss); G. Armento. **Ivory Coast:** B. Nioupin; K.-L. Liguer-Lauhhouet (Mrs.); M.-L. Boa (Miss). **Japan:** K. Otani; T. Koyama; K. Mizushima; T. Hotta. **Jordan:** I. A. Zreikat; K. Hasa. **Kenya:** D. J. Coward. **Liechtenstein:** A. F. de Gerliczy-Burian. **Luxemhourg:** J.-P. Hoffmann. **Mexico:** G. E. Larrea Richerand; R. de Pina Vara; V. C. García

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* A list may he obtained from the International Bureau containing the titles and functions of the participants and the hodies in which each State or organization was represented.

Moreno; A. Saenz. **Morocco:** S. M. Rabhali. **Netherlands:** J. B. van Benthem; W. M. J. C. Phaf; F. W. Weisglas. **Nigeria:** O. Johnson (Mrs.); I. A. Owoyele. **Norway:** S. H. Røer; D. Tønseth. **Philippines:** C. V. Espejo. **Poland:** J. Szomański; D. Januszkiewicz (Mrs.); H. Wasilewska (Mrs.); M. Paszkowski. **Portugal:** J. Mota Maia. **Romania:** L. Marinete; D. Stoenescu; G. Tinca. **Senegal:** A. Sene; J. P. Crespin; N'D. N'Diaye; S. Kandji. **Soviet Union:** E. Artemiev; V. F. Zubarev; V. N. Roslov; A. Zaitsev. **Spain:** A. Fernández Mazarambroz; I. Fonseca (Mrs.); C. González Palacios. **Sri Lanka:** S. de Alwis; K. K. Breckenridge. **Sweden:** G. Borggård; C. Uggla; M. Jacobsson; K. Stenström; O. Ohlson. **Switzerland:** W. Stamm; P. Braendli; A. Kamer. **Syrian Arab Republic:** A. Jouman-Agba. **Togo:** I. Johnson. **Tunisia:** A. Jerad; S. Ben Redjeb. **Turkey:** N. Yosmaoglu. **Uganda:** J. H. Ntabgoba. **United Kingdom:** I. J. G. Davis; V. Tarnofsky; J. J. D. Ashdown. **United States of America:** H. J. Winter; R. Tegtmeyer; D. Hoinkes; M. K. Kirk; R. Probme. **Yugoslavia:** D. Bošković; D. Ćemalović.

Total: 56 States

II. Other States

Byelorussian SSR: N. I. Androsovitch. **Ecuador:** J. R. Serrano. **Lebanon:** S. Chamma. **Ukrainian SSR:** I. Grichtchenko. **Uruguay:** R. Larreta de Pesaresi (Mrs.). **Zaire:** Heradi Bin Heradi; L. Elebe.

Total: 6 States

III. Intergovernmental Organizations

United Nations (UN): K. K. S. Dadzie; P. Casson; T. Zoupanos. **United Nations Conference on Trade and Development (UNCTAD):** C. R. Greenhill; P. O'Brien. **International Labour Office (ILO):** M. Carrillo. **World Health Organization (WHO):** G.-G. Meilland. **United Nations Educational, Scientific and Cultural Organization (UNESCO):** M.-C. Dock (Miss). **International Patent Institute (IIB):** G. Finniss. **African and Malagasy Industrial Property Office (OAMPI):** D. Ekani. **Council for Mutual Economic Assistance (CMEA):** I. Tcherviakov; J. Bobrovszky. **European Communities:** B. Adinolfi; I. Klaric.

IV. International Bureau of WIPO

A. Bogsch *(Director General)*; K. Pfanner *(Deputy Director General)*; B. A. Armstrong *(Director, Administrative Division)*; C. Masouyé *(Director, Office of the Director General)*; L. Egger *(Counsellor, Head, International Registrations Division)*; R. Harben *(Counsellor, Acting Head, External and Public Relations Division)*; T. S. Krishnamurti *(Counsellor, Head, Copyright Division)*.

V. Officers

World Intellectual Property Organization (WIPO)

General Assembly: *Chairman:* G. Borggård (Sweden); *Vice-Chairmen:* A. M. Cisse (Senegal); L. Marinete (Romania); *Secretary:* R. Harben (WIPO).

Coordination Committee: *Chairman:* G. E. Larrea Richerand (Mexico); *Vice-Chairmen:* I. Tímár (Hungary); O. Johnson (Mrs.) (Nigeria); *Secretary:* G. Ledakis (WIPO).

Berne Union

Executive Committee: *Chairman:* N'D. N'Diaye (Senegal); *Vice-Chairmen:* I. J. G. Davis (United Kingdom); D. Bošković (Yugoslavia); *Secretary:* T. S. Krishnamurti (WIPO).

WORLD INTELLECTUAL PROPERTY ORGANIZATION

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

CYPRUS

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

This notification entered into force on the date of its receipt, that is, on September 20, 1974.

Pursuant to the said Article, the Republic of Cyprus, which is a member of the Paris Union and 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. 56, of October 3, 1974.

INDONESIA

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

This notification entered into force on the date of its receipt, that is, on September 20, 1974.

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

WIPO Notification No. 57, of October 3, 1974.

Ratification of the WIPO Convention

NETHERLANDS

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of the countries invited to the Stockholm Conference that the Government of the Kingdom of the Netherlands deposited, on October 9, 1974, its instrument of ratification, for the Kingdom in Europe, Surinam and the Netherlands Antilles, of the Convention Establishing the World Intellectual Property Organization (WIPO).

The Kingdom of the Netherlands has fulfilled the conditions set forth in Article 14(2) of the Convention by concurrently ratifying the Stockholm Act of the Paris Convention in its entirety and the Paris Act (1971) of the Berne Convention, as provided for in Article 29bis of the said Act and with the declaration provided for in Article 28(1)*(b)* to the effect that the ratification shall not apply to Articles 1 to 21 and to the Appendix.

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization (WIPO) will enter into force, with respect to the Kingdom of the Netherlands, three months after the date of deposit of the instrument of ratification, that is, on January 9, 1975.

WIPO Notification No. 58, of October 10, 1974.

BERNE UNION

Ratifications of the Paris Act (1971) of the Berne Convention

INDIA

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of member countries of the Berne Union that the Government of the Republic of India deposited, on October 7, 1974, its instrument of ratification of the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971, with the declaration provided for in Article 28(1)*(b)* of the said Act to the effect that this ratification shall not apply to Articles 1 to 21 and the Appendix.

Furthermore, the said instrument of ratification contains the following declaration:

"With reference to Article 33 of the Convention, the Government of the Republic of India declare, in accordance with the provision of paragraph (2) of the said Article, that the Government of the Republic of India do not consider themselves bound by the provisions of paragraph (1) of Article 33 of the Convention." *(Original)*

Pursuant to the provisions of Article 28(3) of the Paris Act (1971) of the said Convention, Articles 22 to 38 will enter into force, with respect to the Republic of India, three months after the date of this notification, that is, on January 10, 1975.

Berne Notification No. 59, of October 10, 1974.

NETHERLANDS

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of member countries of the Berne Union that the Government of the Kingdom of the Netherlands deposited, on October 9, 1974, its instrument of ratification, for the Kingdom in Europe, Surinam and the Netherlands Antilles, of the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971, with the declaration provided for in Article 28 (1) *(b)* of the said Act to the effect that this ratification shall not apply to Articles 1 to 21 and the Appendix.

Pursuant to the provisions of Article 28(3) of the Paris Act (1971) of the said Convention, Articles 22 to 38 will enter into force, with respect to the Kingdom of the Netherlands, three months after the date of this notification, that is, on January 10, 1975.

Berne Notification No. 60, of October 10, 1974.

CORRESPONDENCE

Letter from the German Democratic Republic

Anselm GLÜCKSMANN *

The German Democratic Republic (GDR) is celebrating its twenty-fifth anniversary on Octoher 7, 1974. This seems to be a very appropriate occasion for making in this " Letter ", for the first time in this review, a brief survey of developments and of the present situation in regard to copyright, both within the country and in its international relations.

By way of introduction, it must first be explained that the socialist revolution that took place in the country entirely changed the character of the legal system hy instituting a new lawfulness, a socialist legality which effectively safeguards the rights of all citizens and, in this context also, the author's rights as socialist personal rights, based on the abolition of private ownership of the means of production and on the common interests of all citizens with those of society and of the socialist State.

In international relations, the fundamental principles of law in general, and copyright law in particular, are respect of the independence and sovereignty of all States and of contractual commitments. In regard to copyright, legal relationships are also based on close cooperation between the socialist States and otherwise on peaceful coexistence.

I. Legislation and developments prior to the new Act

The GDR allowed all the German legislation in force prior to May 8, 1945, to remain applicable, where there was no fascist or militarist content, and introduced a socialist content into that legislation by means of interpretative and implementing practices.

That was why the copyright legislation of the former Empire remained an integral part of the legislation in force in the GDR. I refer to the Act of June 19, 1901, concerning copyright in literary and musical works *(Literaturheberrechtsgesetz-LUG)*, the Act of January 9, 1907, concerning copyright in works of art and photography *(Kunsturheberrechtsgesetz-KUG)* and the Act of June 19, 1901, concerning the law of puhlication (*Gesetz über das Verlagsrecht)*. All these Acts became an integral part of the legislation in force. It should be noted, nevertheless, that several years were needed following the creation of the Republic and in the process of transforming the society as a whole before everyone could be convinced that this rather old legislation could still be applied under the new prevailing circumstances. By giving support to the efforts of the socialist State to promote the arts and sciences, it allowed an expansion of creative activity at the cultural level.

The *Deutscher Schriftstellerverband* (now the *Schriftstellerverband der DDR)*, as the writers' association, the *Verband Deutscher Komponisten und Musikwissenschaftler* (now tbe *Verband der Komponisten und Musikwissenschaftler der DDR)*, as the composers' and musicologists' association and, more particularly, their committees dealing with professional and legal matters, have accomplished very comprehensive and extremely important work to safeguard authors' rights in the GDR. Within the same period, the AWA *(Anstalt zur Wahrung der Aufführungsrechte auf dem Gebiete der Musik)* was founded in 1951 as the society to be responsihle for performing and mechanical reproduction rights in musical works. It has effectively ensured protection for performing rights in non-dramatic musical works (i. e., " small rights ") and likewise for mechanical reproductions on the basis not only of the frequency of use hut also the value of the composition and of the author's creative work. In this way, it is ensured that the remuneration is really appropriate. The work is based on a legal autborization [1] and the will of the owners of rights. In this field, normal international relations were established from tbe beginning and the AWA soon became a member of CISAC and concluded a contract with BIEM.

The above-mentioned associations decided to draw up standard contracts setting out in detail the relations between authors and publishing houses, film studios, and radio and television organizations having due regard to the new conditions prevailing in a socialist State.

Professor Ernst Kaemmel, at that time Chairman of the Committee for professional and legal questions of the Writers' Association, published a book [2] in 1956 containing a brief summary of the copyright law in force, together with the texts of the legislation and standard contracts in force. Tbese contracts, known as *Muster-*, *Rahmen-* or *Normalverträge*, concluded between authors' and publishers' associations, or with cultural institutions or competent ministries, contained detailed provisions with legal force to govern contracts concluded between authors and cultural institutions, so that the Act concerning the law on publication, which contained only optional rules, has, in practice, heen replaced hy new regulations corresponding to the new general situation. These new principles clearly reflected the common aim of the parties

* Dr. jur., Honorardozent für Urheber-, Verlags- und Presserecht an der Karl-Marx-Universität Leipzig.

[1] *Verordnung über die Wahrung der Aufführungs- und Vervielfältigungsrechte auf dem Gebiete der Musik*, of April 5, 1951 (*Gesetzblatt der Deutschen Demokratischen Republik - GBl*, p. 235), then in the form currently in force dated March 17, 1955 (*GBl*, I, p. 313), with special supplementary provisions.

[2] E. Kaemmel, *Das geltende Urheber- und Verlagsrecht der Deutschen Demokratischen Repubik*. VEB Verlag für Buch- und Bibliothekwesen, Leipzig 1956.

concerned, which is to create and divulge works of optimum artistic and social value while ensuring effective respect for the author's moral rights and his entitlement to remuneration in relation to the work done, the rights assigned and the value of these, on the one hand, and his obligation to accomplish his task consistently with the terms and quality agreed upon and likewise to transfer the necessary legal authority, on the other hand; in this way, the cultural institution can plan its activities, while under obligation to publish the work on the conditions and in the form agreed upon, at least in the case of books and musical works.

In order to strengthen copyright and contribute to ensuring full implementation of contracts, provision was made for compulsory arbitration outside the jurisdiction of the courts which, at that time, were over-burdened with other tasks. This meant that all the copyright experts took an active part in implementing the system, either as chairmen or as members of the arbitration bodies. The latter not only decided on cases which came up before them but had also to inform all participants as to the validity and content of the copyright. Those who took part in this work included the former Institute for Inventors' and Authors' Rights, later Professor Heinz Püschel with the chair for copyright from the Humboldt University of Berlin, and among a number of other experts the author of this "Letter" who had published works [3], was first Vice-Director of the AWA, and later became the first Director of the *Büro für Urheberrechte*. This last-named institution was founded in 1956, initially in order to establish and strengthen international relations in the field of authors' contracts and publishing contracts and to make the corresponding payments, in pursuance of special legislation [4].

The foregoing shows that, on the one hand, the importance and value of copyright for intellectual creativity and, on the other hand, the role of the socialist society in helping to create and develop new works of great diversity and better quality, and likewise in encouraging the population to participate in a more intense cultural life, were becoming increasingly evident and winning more and more support among the citizens of the GDR.

At the same time, the importance of copyright for international relations was recognized, particularly in regard to cultural exchanges, among all States and peoples. That is why on May 11, 1955, the GDR formally declared the reapplication of the Berne Convention (Rome Act of June 2, 1928) and officially published that declaration on April 16, 1959 [5].

Although, contrary to the legal situation, certain States did not officially recognize the GDR as a member, the GDR has always given protection to foreign works, in accordance with the Berne Convention as revised at Rome, thus evidencing its good will, in spite of any unjustified discrimination.

This international and domestic situation also increasingly brought out the need not only for a transformation of the existing legislation by means of interpretative and implementing practices and standard contracts, but also for new legislation, of a socialist character, in order to give a new impetus to the development of copyright, and to clarify and strengthen its new character of socialist law, at the same time showing its great importance for cultural life. Accordingly, in 1958, the Ministry of Culture of the GDR established a Legislative Committee under the chairmanship of Erich Wendt, then Secretary of State, with Dr. Georg Münzer, Head of the Legal Department of the Ministry, as Secretary. Members of the Committee included representatives of all the authors' associations and the cultural institutions, together with all the experts in this field, so as to ensure that the work done would be a joint endeavor by all concerned.

The first draft was published in 1959. Then followed a great deal of detailed work until, on September 13, 1965, the *Volkskammer* (Parliament of the GDR) unanimously approved the new Copyright Act *(Gesetz über das Urheberrecht* [6]) on its second reading. The Act entered into force on January 1, 1966. Protracted legislative work had been necessary in order to obtain a consensus and to formulate the various provisions of the Act with a view to strengthening the socialist legal system and finding regulations appropriate for long-term application and, at the same time, to word them in such a way as to make them accessible to the entire population. A few years later, one could see that that objective had been achieved.

While concluding this brief account of the legal foundations of copyright, it should be mentioned that in the socialist Constitution of the GDR — adopted in April 1968 — the protection of authors' rights was formally confirmed in Article 11, paragraph 2, as being an important task of the socialist State; paragraph 3 stated that no abuses would be tolerated. Thus, the principles of the Copyright Act are essentially based on the new Constitution of the GDR, and copyright is, therefore, an integral part of socialist law.

II. The Copyright Act and its content

As from January 1, 1966, the new Copyright Act superseded all earlier legislation and became the basis for all legal relations in the field of copyright. It is appropriate to give a brief account of the provisions of this important piece of legislation, the English translation of which was published in this review in 1966 (pp. 150 *et seq.)*.

The principles underlying socialist copyright in the GDR are set forth in the preamble and Article 1 of the Act. These provisions must always be taken as the basis for interpretation and implementation of all the concrete stipulations in the Act. The fundamental cultural task of socialist society is the intellectual development of the new personality of man and the development of socialist culture. On that basis, the Act

[3] A series of articles, published mainly from 1957 to 1960 in the *Börsenblatt für den Deutschen Buchhandel*, Leipzig, then another series published later in the *Neue Werbung*, Berlin, as well as numerous articles published in other periodicals of the GDR.

[4] *Anordnung über die Durchführung des Devisen- und innerdeutschen Zahlungsverkehrs auf dem Gebiete des Urheber- und Verlagsrechts durch das Büro für Urheberrechte*, of June 12, 1957 (*GBl*, I, p. 342), supplemented by Ordinance No. 2, of October 9, 1958 (*GBl*, I p. 796), new legislation in effect as from February 1, 1974 (see note 18).

[5] *Bekanntmachung*, of April 16, 1959 *(GBl*, p. 505). See also *Le Droit d'Auteur*, 1955, p. 149.

[6] *Gesetz über das Urheberrecht*, of September 13, 1965 (*GBl*, I, p. 209).

declares that copyright is designed to secure to all citizens the right to protection and full and free development of their creative capacities. Accordingly, the socialist State affords extensive protection to the rights of authors of literary, artistic and scientific works, and secures to writers and all other creators of intellectual works the prospect of devoting themselves to their creative activities without interference. At the same time, copyright promotes and facilitates the ever-increasing participation of the entire population in a rich cultural life that is continuously developing in the socialist society.

Under the Act, copyright protection safeguards the moral and economic interests of all authors, whether professional or not, so that everyone may utilize such possibilities. Furthermore, this branch of socialist law facilitates the extensive distribution of works throughout the country, particularly those which serve to promote social progress, the spreading of humanistic ideas and the safeguarding of peace and friendship among peoples.

Having regard to those interests which, for the first time, coincide between authors and society, the socialist copyright legislation requires, as a novel but quite natural provision, the directors or persons responsible in each enterprise, organization or institution to pay special attention to ensuring that all the rights of authors are observed by the body concerned. In the event of infringement, each author can address himself to the director or person responsible. It is stated at the same time that all forms of collective work by authors, in particular scientific works, should be promoted.

After setting forth these principles, Articles 2 to 5 of the Act are concerned with protected works; protection extends to all literary, artistic and scientific works which assume an objectively perceptible form and constitute an individual creation. The decisive criterion for having a socialist personal right as author of the work is that the work must, beyond any doubt, reflect the personality of the author.

Accordingly, original or complete works as well as parts of a work and titles, adaptations, translations or editions are protected by copyright in all cases, provided they constitute an individual creation. The Act merely cites examples of protected works, leaving the way open for new forms of works. At the same time, it denies copyright protection to any work that does not constitute an individual creation, such works being protected by related rights. Matters pertaining to such rights — for example, non-artistic photographs or recordings of performances — will be examined later. Ideas, thoughts and facts as such are not protected, nor are news items that have no creative presentation, legal provisions, or any kind of official announcement.

Articles 6 to 12, which are concerned with the author, clearly state that the author may be a human being or several persons, and that the fact of having really created a protected work gives the author entitlement to the relevant rights. The principle of factual truth prevails in copyright, automatically conferring the appropriate legal status on the author. It is quite obvious then that — his work being protected — an adapter, or a translator or an editor also automatically obtains his author's rights.

In accordance with these principles, the rights of the author of any work cannot be either assigned or renounced, being closely linked with his person. The only exception is the transmission of rights to the heirs upon the author's death, though still with the requirement that the true identity of the author must be disclosed.

It is only where the copyright owners are too numerous and difficult to identify — for example, in the case of a film or a collective edition such as a newspaper — that responsibility for the exercising of the author's or publisher's rights is transferred to an institution. At the same time, these rights accrue to the maker of a film only in case of a socialist studio and this studio is required to ensure effective protection of the rights of all the actors and other owners of rights who have participated in the creative work. This does not exclude the need for contracts to be concluded covering the rights in the scenario or the music. Where there are several persons holding rights, the consent of each of them must be obtained before rights in the work can be disposed of.

The author's rights are set forth in Articles 13 to 19, showing two groups of legal prerogatives within a unified subjective right — namely, the non-patrimonial rights which are of a clearly personal character, and the rights of public utilization. The importance attached to the moral rights that constitute the first group is reflected in the fact that they are placed first in the text of the Act, in keeping with the approach generally adopted in socialist copyright legislation. They protect the author's reputation and the integrity of his work, at the same time underlining his responsibility vis-à-vis society. He has the right to recognition of his authorship, to see his name published in the customary manner, and has the right to decide when and how his work and its contents are to be first published, as well as the right to be consulted beforehand on and to oppose any modification of the work, particularly if its fundamental conception is changed thereby. In general, he has the right to prohibit any utilization of his work in any manner capable of damaging his reputation and his professional renown. All these prerogatives can be exercised, even if any loss is entailed for the cultural institution with which he is bound by contract. Nevertheless, in the event that the author is responsible for the damage, having broken his contract without due reason, he must refund the amount of the damage. Even so, however, the work may not be published in a manner or in circumstances that would entitle him to prohibit it. Here, the socialist society shows very clearly its high esteem for individual creative work.

Like copyright taken as a whole, the moral rights constitute an attribute accruing to the author alone and, accordingly, they may neither be assigned nor renounced. On the other hand, the rights of utilization in respect of a work are entirely assignable and this is even the normal procedure for exercising them. In the socialist society, a normal division of labor makes it possible for the author to devote himself entirely to his creative activities, leaving the cultural institutions to publish and disseminate his work in return for adequate remuneration. The Act specifies that a fee corresponding to the value of the work must be paid, even in the absence of any agreement to that effect between the parties to the

contract; this is consistent with the fundamental socialist principle that all work merits remuneration.

The author's exclusive rights of utilization comprise reproduction of the work, whether in the traditional manner by printing or by new methods such as microfilm, and putting it into circulation by the sale of copies. The two rights together constitue the publishing right of publishing houses. Hiring forms part of the author's protected rights only where no copies are offered for sale, i. e., in particular when the publishers of musical works make available only the materials to be hired for performances. Thereafter, the author has the right to give consent for the performance of musical works, the relevant fee being collected by the AWA in the case of non-dramatic works, and the recitation of literary works or the reading of scientific works, for which there is as yet no collecting organization. The author's right to decide whether a work of art, a photograph or a film may be shown has no great importance because, as a general rule, it forms part of the rights of the institution or the person that is the owner of the copy of the work or has hired it. In addition, the author has the exclusive right of consenting to the display of an unpublished work of art, the use of his work in a film and its dissemination by radio or television. The same exclusive rights are enjoyed by the arranger or adapter, the translator and the editor if his work is protected by law.

A number of important problems arise in connection with protected works created in the course of fulfilment of an employment contract as a task pertaining to that employment. The principles for solving such problems are set forth in Article 20. In any case, the author retains his rights, even in such conditions, and above all he enjoys all his moral rights. At the same time, the institution where he works has the right to utilize the work for its own purposes and consistently with the tasks of the employment contract. Subject to these limitations, however, there are many special provisions that protect at the same time the interests and rights of the author, of the institution, and of society as a whole, and the solutions provided for reflect always, without any antagonistic contradictions, the new relationships that exist in the socialist society.

The possibilities for free utilization of a work, or for its utilization without the author's consent but subject to payment of remuneration, as provided in Articles 21 to 32, are of special importance and of a novel character in the socialist society. Of course, any author can utilize all existing works if by so doing he makes a new original work that constitutes an individual creation. In all other cases, however, a work can be utilized without the author's consent only if the law expressly so permits. In each case, there is a concordance of interests in the socialist society. This means that the author, too, has an interest in the possibility of his work being utilized without his consent being necessary.

This common interest exists in the field of current information: it is permissible to publish freely in the press articles reporting current events, but with an indication of the newspaper or magazine from which the article has been taken and — as in all cases of free utilization — leaving the author's moral rights intact. Similarly, it is also permissible to publish freely in newspapers or magazines speeches delivered on the occasion of assemblies or meetings of political organizations or elected representative bodies — such as the People's Chamber of the GDR, for example — or of other State organizations, as well as pleadings made before the courts. During the dissemination of news bulletins, by radio, television or cinema, protected works may also be freely utilized. In addition, provision is made for the possibility of broadcasting published works by radio or television, provided no modification is made, the name of the author is indicated and he is paid an equitable remuneration, as permitted by Article 11bis of the Berne Convention. This possibility is only resorted to exceptionally, however, when it is necessary and where there is no chance of obtaining a contract under normal conditions.

In general, in order to afford broad access for the general public to cultural and scientific works, the reproduction of any protected work for personal and professional use is permitted, provided the person utilizing the work makes the reproduction personally or has it made by personal order, and provided the reproduced copy remains in the personal domain and is not made public. Another significant instance where free utilization is permitted is that of quotations made under certain strict conditions and with a precise indication of the source, and for compilations for educational use. For the first time, special provisions are laid down covering utilization for purposes of information and documentation offering possibilities to which the authors would have no objections to make. One should also mention that free performances of non-dramatic musical works and public reading of literary or scientific works are allowed provided no financial gain or income is realized therefrom.

In accordance with the Berne Convention (according to Article 33 of the Act), the term of protection of a work is limited to 50 years from the expiration of the year in the course of which the author, or the last of the authors, died. It is only when the author's identity is really unknown, or when the copyright belongs to a film studio or to an institution as editor, that the term of protection runs from the date of publication. In accordance with the inheritance law, the author can freely dispose of his rights upon his death[7].

After the expiration of the term of protection, Article 34 requires, in a new form, the socialist society to guarantee the inviolability of the work and the author's reputation.

Article 35 empowers the Council of Ministers of the GDR to take over, by a special decision, the protection of the legacy of eminent personalities in the field of culture or science, including the author's rights, but without any expropriation of the successors in title who receive proceeds therefrom. Decisions of this kind have been made in the case of Arnold Zweig and of Bertolt Brecht, and form the basis for much important work by the Scientific Archives of the Academy of Arts of the GDR. The regulation does not affect the international situation in copyright matters, being an internal arrangement of the GDR.

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[7] The Civil Code in force in the GDR is still the *Bürgerliches Gesetzbuch (BGB)* Section 5 of which embodies the inheritance law. The new *Zivilgesetzbuch* at present under parliamentary examination does not provide for any change in this matter.

The Copyright Act is designed to cover all matters pertaining to the protection of cultural activities; it therefore includes provisions on related rights *(angrenzende Rechte)*. Among these provisions, Articles 73 to 76 cover the rights to the protection of performances *(Leistungsschutzrechte)* of artists against the utilization of their performances by mass media (radio, television, cinema and phonograms), the rights of producers of phonograms and other mechanical reproductions in their recordings, and the rights to the protection of radio and television broadcasts. Clearly, these are primarily economic matters in the artistic field. But, at the same time, the Act protects the name and reputation of performers by requiring the cultural institution to respect them.

Articles 77 to 79 make provision for the protection of technical and scientific works that do not have the characteristics of an individual creation that would entitle them to copyright protection. It seems appropriate that a differentiation is made in this way between photographs deemed to be artistic or scientific works and therefore protected by copyright, and those that are clearly informative, merely reproducing a physical aspect without any special shaping to give them the character of an artistic or scientific work. Following this same line of reasoning for the right of protection of performed works, maps and other geographical representations are protected as related rights to the extent that there are no special considerations that would qualify them, in a specific case, as an artistic or scientific work. This protection also extends to illustrations and three-dimensional representations of a scientific or technical nature, as distinct from artistic and scientific works that are individual creations and are therefore protected by copyright. In the contract, the owner of the right to protection may request that his name be published together with his work, but he enjoys only utilization rights that entitle him to an appropriate remuneration.

The general provisions in Articles 80 to 83 specify that the rights to the protection of performances remain in effect for a term of ten years following, in the artistic field, the recording or dissemination and, in the technical or scientific field, the publication or — if it occurs earlier — the death of the person entitled. In addition, the copyright provisions always apply to these rights by analogy when this seems justified.

Next, still on the subject of related rights, Articles 84 and 85 provide for protection of the title of protected works, newspapers, magazines and other press organs. It goes without saying that, under the Act, these titles already enjoy copyright protection in the somewhat exceptional case where they have the intrinsic character of an individual creation. Here, the related rights afford protection against unfair competition. Indeed, the Act of June 7, 1909, against unfair competition is still in force in the GDR and affords continuing protection even when — as a related right under the Copyright Act — such protection lapses with the end of the term of protection of the work itself. Except in the case of press organs, protection is granted only where there is a recognizable difference that distinguishes the title from other similar titles and at the same time removes the risk of confusion for the public. The owner of the right to such protection is the author of the work or the publisher of the press organ.

Of great importance for the press and other publications is the protection that Articles 86 to 88 afford to the individual citizen against public utilization of his portrait. This protection of portraits *(Bildnisschutz)* proclaims the general right of the individual citizen not to allow his portrait to be put into circulation if his reputation would be impaired thereby. The consent of the person portrayed is necessary before any portrait can be put into circulation or published, except for the purposes of public information on topical events. The person portrayed cannot object in the case of a work of art the exhibition or publication of which is of value to society. This protection is a clearly personal right designed to protect personal privacy in the socialist State. For that reason, provision is made for remuneration solely for posing before the photographer, not for consent to publication of the photograph.

Articles 89 and 90 afford similar personal protection to letters and other documents of a personal character, such as diaries.

In both cases, the term of protection is ten years after the death of the person concerned. Thereafter, consent is the prerogative not of the heirs, but of the closest relatives.

Articles 91 and 92 of the Act contain provisions concerning infringement of copyright and related rights. Any infringement of these rights is unlawful because they are of an absolute character. Any person or institution utilizing a work or other performance without the required consent of the owner of the right must forthwith cease doing so upon request by the latter. A court order can be obtained, if necessary, in the form of a provisional order. Normally, in the socialist society, such unauthorized utilization would be settled under a later contract. If the owner of the right does not agree however, he can press his claim and request destruction of the unauthorized copies. In any case, he is entitled to receive a normal remuneration for the utilization made, and even to full damages where the infringement has been committed in a culpable manner.

This merely implies compensation for the economic prejudice suffered. Where copyright is concerned, there is no provision in the GDR for compensation of damage to a person's reputation, because in the socialist society one's reputation is not an economic asset but an intangible asset that cannot be compensated by money. The law provides the possibility of requesting a formal rectification, which is deemed to be the appropriate means — in the socialist society — of remedying any infringement of non-economic rights and, thereby, of remedying any damage to the reputation of the author or the owner of the right, and likewise any damage to the inviolability of his work or performance.

Article 93 precludes any distraint action in respect of copyright or related rights as socialist personal rights, and likewise in respect of the original work. At the same time, the remuneration to be received by the author or the owner of the right is treated in law in the same way as wages or salary of a worker or employee, giving him the same preference in the event of bankruptcy. Despite the fact that this is not a very likely possibility in a socialist régime, it shows that under socialist law the author is treated in the same way as any other worker.

In Articles 95 to 97 which form the concluding part of the Act, it is stipulated that the date of entry into force of the Act is January 1, 1966, and that any utilization of a work or performance occuring after that date sball be subject solely to its provisions; nevertheless, any contracts concluded prior to that date continue to be valid, subject to amendment of their content where necessary to ensure consistency with the provisions of tbe new Act. At the same time, the application of the Act and the protection it affords are clearly limited to works and performances by authors or beneficiaries who are citizens of tbe GDR, including the heirs of the rights protected. All works and performances first disseminated in any form in the GDR are likewise protected. Except in these cases, the protection of foreign works and performances is determined in accordance with international conventions or with reciprocal arrangements formally established by the governments concerned.

The socialist copyright legislation does not merely promote the creation of works by protecting authors' rights. It considers anotber major task to be tbe dissemination and distribution of works and performances in order to maximize their contribution to cultural life. Accordingly, and for the first time, tbe Act includes basic provisions on contracts for utilization, i. e., on tbe law in regard to autbors' contracts *(Urhebervertragsrecht)*. The general principles are defined in Articles 36 to 45; in these, a clear distinction is drawn between tbe rights and duties of the author, as creator of tbe work, and tbe cultural institution's rights which the author has assigned to it and that institution's duty to publicize and distribute the work. In particular, the Act recognizes the need for trustful cooperation, based on the convergence of interests in a socialist society as between tbe author and the cultural institution that utilizes bis work and puts it into circulation or offers it to the public. Within that context, he is a member of the collective responsible for publishing the work, and his opinion must be sougbt on all important matters, even if he has no decision-making authority.

As regards contracts between authors and cultural institutions, the Act provides for tbe publication of standard contracts by tbe Minister for Culture or by the heads of other official institutions at central level, in collaboration witb the authors' associations. It clarifies the position of those associations in tbe socialist society within which they bave an important responsibility for cultural life as a whole and do not merely represent the interests of their members. It should be noted that no standard contract may be published witbout their consent, and most of these contracts are prepared by the associations. In case of a published standard contract, it is not compulsory to stipulate the precise conditions of this contract, provided the copyright principles in effect in the GDR are applied. The stipulations of the standard contract are deemed to form part of any contract which does not contain expressly stipulated detailed provisions. Tbus, in each case there is a valid contract containing detailed stipulations concerning all questions tbat could give rise to doubt.

Similarly, Article 19 of the Act provides that the Minister for Culture or another appropriate minister — according to the particular case — issues official rules relating to autbors' fees, in agreement with tbe Minister for Finance. In addition — and this is important and typical of copyright in the GDR — the consent of tbe appropriate authors' unions or associations is necessary. These rules indicate the conditions existing for work outside employment contracts, and the minimum and maximum remuneration that may be paid, thus leaving open the possibility of remuneration in each case according to quality.

As regards the general principles for contracts of utilization, the Act does not make it compulsory for a written contract to be concluded containing certain specific provisions; it merely mentions those points that the parties should observe in tbeir own interest. It mentions the author's non-economic rights, in particular the fact that no modifications may be made to the work without the author's express consent. Any work commissioned must be remunerated according to its value, even if it cannot be utilized, if tbere is no culpable action on the part of the author. Here, the principle of socialist society that " all work deserves remuneration " is given practical application.

The publishing contract, which is tbe subject of Articles 46 to 52, states that the publishing bouse acquires only the right, but the exclusive right, to publish a work *(Verlagsrecht)*, comprising the right to reproduce the work or parts thereof and to put copies of it into circulation. All other rights, including the translation right, remain witb the author unless specifically assigned. As a rule, the author consents to global assignment of the publisbing rights for all countries and all languages. In tbe case of articles and otber contributions for the press, the publisher acquires only the right of utilization in all the copies of a single issue, wbile the autbor retains the publishing right. The obligation to publish a work is recognized because of problems connected witb actuality, where the press is concerned, only in the case of contracts concerning books or similar works.

Except in the case of matters witbin tbe purview of the AWA, all contracts for the public performance of musical, literary or dramatic works are concluded for each work with the publisher to whom the authors have entrusted these rights or witb the authors tbemselves (Articles 53 to 58). It is the obligation of the publisher, who normally obtains the rights for all countries and all languages, to prepare the necessary material and publicity. The theater, etc., has the obligation of ensuring a certain number of public performances. The author receives a share of the box-office receipts and, in the case of dramatico-musical works, of the hire of material.

The general stipulations regarding the various forms of mass media — such as films, radio, television and phonograms — are identical and are set fortb in Articles 59 to 69. The producer normally acquires the right to utilize the work for his own purposes, for all countries and all languages, without any obligation to utilize the work in practice. In any case, as I have already mentioned, the author is entitled to remuneration according to the value of the work performed unless he can be beld responsible for the fact that tbe work is not utilized. After the initial remuneration for the work performed the author is paid according to the number of

broadcasts or the number of copies sold. If a right is not utilized, it reverts automatically to the author only in the case of a film. In all other cases, the contract can only be declared void by one of the parties thereto.

Here again, one or the principles of socialist copyright legislation is reflected in the fact that no institution can acquire a right that it is unable to utilize; if the author so requests, it must return the right to him if it cannot or does not wish to utilize or continue to utilize it.

Still in regard to utilization contracts, Articles 70 to 72 of the Act contain provisions governing the utilization of works of art and photographs other than by publishing houses, in other words mainly in the field of publicity and advertising. Here the prime principle is that the institution always acquires the rights that are specifically assigned to it and is never obliged to utilize them, but has, as always, to pay for the work done or the rights acquired.

Thus, the new legislation in the GDR sets out to settle by means of succinct but clear provisions, and as completely as possible, all questions of copyright and related rights, always on the basis of the new principles of socialist society and its profoundly humanistic legislation, affording true guarantees of the rights of the citizen and, here, of the author, as well as of all creators in the cultural field.

III. Developments in the GDR since the entry into force of the Copyright Act

The Copyright Act was one of the first pieces of legislation based on the new legality of socialist society in the GDR, in accordance with the permanent and clear basic provisions set forth in the new Constitution, adopted on April 8, 1968. In its Articles 17 and 18, the Constitution places science and culture under special protection of the socialist State and guarantees the promotion of all creative abilities of citizens. In Article 11, already mentioned, the rights of authors are expressly guaranteed and they are protected by the socialist State. Thereafter, the principal task, which has been successfully accomplished, was to acquaint authors and the cultural institutions with the new socialist copyright legislation and apply it everywhere, at the same time developing new socialist relationships of cooperation and confidence in place of the contradictions and opposing interests that had existed in the past. This was no easy task, for it was often necessary to overcome certain prejudices and egoistic motivations.

In order to achieve these objectives, active efforts covering a broad field were needed on the part of all copyright experts, in cooperation with the universities and institutes offering post-school education and permanent training. Better knowledge of copyright matters was needed, not only for authors but above all for persons working in the press, publishing houses and all the cultural institutions and State bodies concerned. Law students in particular, and also journalists, government officials concerned with cultural matters and publishers had to deal with all these questions. A handbook was published in 1969 for their use; it was edited by Professor Heinz Püschel of the Humboldt University of Berlin and the chapters contained were prepared by specialists in the matters referred to [8]. For the assistance of students intending to go into journalism, background material was prepared by the author of this "Letter" in his capacity as *Dozent* at the Karl-Marx University of Leipzig [9]. A lexicon-handbook is in course of publication, for use by those concerned with copyright matters; it has been edited by Professor Püschel who has contributed an introductory section including also chapters written by other experts. The handbook comprises a lexical section written, and numerous legal material compiled, by the author of this "Letter" [10]. In addition, a number of special issues of the scientific periodical of the Humboldt University of Berlin have been devoted to copyright problems [11].

I consider as a positive indication the fact that the courts of the GDR have not had to examine many matters of copyright. This shows that there have been only few infringements of that right and that any which do occur are settled without much dispute, and in addition that the parties to contracts are sufficiently familiar with the spirit of socialist copyright legislation to be able to reach agreement among themselves in the event of any dispute, without needing to bring the matter before a court.

It should be added, nevertheless, that since the promulgation of the new Copyright Act and the stabilization of the new legal system, there are no contracts for utilization excluding the jurisdiction of the civil courts in copyright matters. In accordance with certain standard contracts, the contracts simply provide for arbitration as a means of trying to settle disputes without bringing a complaint before the courts. But there have been decisions by the Supreme Court; the latter has a specialized chamber with an advisory committee whose members include nearly all the copyright experts. One may mention in particular the so-called "Africa" judgment, clearly defining the principle of truth in case of doubt as to the author's identity [12]. The Supreme Court decision rejected the claim for a share of the copyright, on the grounds that anyone who has not really taken part in the actual creative work has no entitlement to recognition as a co-author.

The State organizations and the trade unions, as well as the authors' associations, have done and are doing a great deal for the formulation of contracts for utilization, the publishing of standard contracts and regulations on remuneration, in accordance with the provisions of the Copyright Act. As regards publishing, there is now a virtually comprehensive

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[8] *Urheberrecht der Deutschen Demokratischen Republik*, Staatsverlag der Deutschen Demokratischen Republik, Berlin 1969. Authors: Anselm Glücksmann, Georg Münzer, Heinz Püschel, Hans-Joachim Sauerstein, Friedrich Staat, Dieter Wendt.

[9] Anselm Glücksmann, *Das Urheber-, Verlags- und Presserecht der der Deutschen Demokratischen Republik*, teaching material for students the "Journalism" section of the Karl-Marx University, Leipzig. 3 Volumes and one supplement with the legislation.

[10] *MTL Urheberrecht*, VEB Bibliographisches Institut, Leipzig 1974.

[11] *Wissenschaftliche Zeitschrift der Humboldt Universität Berlin, Gesellschafts- und Sprachwissenschaftliche Richtung*, Vol. XX (1971) No. 2, Vol. XXI (1972) No. 4 and Vol. XXII (1973) No. 4; also published as a separate series under the title *Urheber und Persönlichkeitsrecht in Wissenschaft, Volksbildung und Kunst* (No. 1 is dedicated to the late Dr. Hans-Joachim Sauerstein, and No. 3 to Professor Max Butting, composer, who has great merits in copyright matters).

[12] The judgment has been described and commented on in *Neue Justiz*, No. 2/1969, p. 59, by Dr. Kurt Cohn, at that time a member of the praesidium of the Supreme Court.

system of standard contracts [13] and regulations on remuneration [14]. These activities, which are as in the beginning carried out by the writers' and composers' associations, form now also a task of the Journalists' Association *(Verband der Journalisten der DDR)* and, in the first place, of the Ministry of Culture and, for matters within its purview, of the Administration for Publishing Houses and Bookshops *(Hauptverwaltung Verlage und Buchhandel)*. It is not possible to give in this "Letter" a listing and description of the standard contracts and of the regulations on remuneration and related problems. I would simply say here that the details of contracts for utilization are more and more framed in general terms, leaving the possibility for special provisions in case of need, and that more and more there are limits fixed in such a way as to allow an appropriate fee to be paid for each particular case.

I shall now endeavor to outline some of the problems arising in the exercise of copyright in the GDR, while not attempting to give a comprehensive listing or description of the problems and their solution.

In industry or other sectors outside the field of cultural activity, one still encounters from time to time the idea that creative work can be dealt with like a piece of merchandise, and that in acquiring ownership of the original or because of the fact one has commissioned it or the work was done within the framework of an employment contract, one likewise acquires all the rights in the work, in the same way as for works of other kinds. Here, one can really perceive the importance of explaining the socialist personal right that the legislation of the GDR confers on the author. The socialist society consistently underlines the value and importance of creative activity. In copyright, this means that the work created is indissolubly linked with the author and that the State confers on him rights that are not assignable and cannot be renounced. A purchaser, or an institution, can acquire only the utilization rights and must always respect the author's non-economic prerogatives. This basic reality is recognized to an increasing extent in the socialist society, and likewise the fact that the alliance of the working class — which is the force that directs the entire society — with the intellectuals finds one of its most perceptible and most important manifestations in the recognition of authors' rights. Consequently, regardless of who may be the owner of an original work or the person for whom the work was made, the author remains the owner of copyright and the other party holds only the utilization rights assigned by contract. The author, for his part, can make use of his non-economic rights even if a loss is thereby incurred by a cultural institution, always provided he can show a valid reason to justify his action.

It should be mentioned in this connection that, in the absence of any specific provisions in the contract, the cultural institution acquires only the powers it needs in order to achieve the purposes for which the contract is concluded. Global transfer of utilization rights remains an exception. In general, the author retains at least some of the utilization rights. At the same time, no legal entity or natural person can monopolize the utilization rights in a protected work without actually making use of them, thereby preventing the public from having access to an interesting or important work. Any utilization contract can be cancelled, even if the fee has been paid, in the event that the cultural institution fails to utilize the work within a reasonable period of time.

These principles are of particular importance in labor legislation, in other words in the case of protected works created in the course of a work contract or made by an employee in the course of his employment. As I have already mentioned, this does not affect the legal position of the author as such and, except where there is a specific provision to the contrary, the institution obtains only those utilization rights that it needs in order to achieve the purposes for which the work contract is concluded. But this is where a certain number of problems are still under discussion. The basic question is, here again, how to ensure that the interests of the author, the cultural institution and society as a whole coincide. It is interesting to note that, in each particular case, this possibility really exists. For example, the author always retains the right to utilize his work himself, if the interests of the institution where he works are not thereby affected. At the same time, the institution can forbid any utilization by the author that might cause it prejudice.

With these principles as a starting-point, one should also consider the problem of work done outside a work contract and for other institutions. Society supports and expects work of this kind because most books, for example, are written in these circumstances. But one must always ensure that the duties and obligations defined in the existing work contract are accomplished and that the interests of the enterprise are not infringed.

The principles of the author's legal position and likewise those of protection of the work must be applied everywhere in practice, and this is more and more the case. In this connection, one still encounters the view sometimes that ideas can be the subject of protection in the same way as inventions can. Attempts have been made to obtain protection for the content of a work and not merely for its concrete shaping. Consequently, in some inadequately-informed circles a copyright infringement was thought to have been committed whereas in fact it was merely a matter of utilizing thoughts or facts contained in the work of another author. That is solely a problem of an ethical and moral character. At the same time, it had to be explained that the utilization of extensive excerpts of a published work going beyond the limits of what is permitted as a quotation cannot be justified in terms of the use of material.

In matters of copyright infringement, the most important task was to convince the persons concerned that the institution utilizing a work is always responsible for having properly acquired the necessary legal authority to do so. Although it is contrary to copyright, the idea still exists in some quarters that a contract concluded with someone who claims to have rights and to assign them can afford protection against the true owner of the rights. In actual fact — as need hardly be mentioned here — a contract of this kind merely affords

[13] The principal standard contracts are published in the lexicon (see Note 10).

[14] The principal ordinances concerning fees and remuneration are published in the lexicon (see Note 10).

the possiblity of recovering damages. What is not always understood is the absolute character of copyright.

It goes without saying that, in practice, some difficulties will always arise in connection with the exercise of the author's non-economic rights, and not always as a result of ill-intent. In the GDR, one can say that there are no difficulties as regards mention of the author's name and his right to decide on first publication. Modification of a work without the author's express consent is becoming more and more an exception limited to certain press organs, the theater and the mass media and is attributable to necessities of a technical nature or shortage of time. One never finds cases of modifications falsifying the ideas or the wishes expressed by the author. The author's reputation and the inviolability of his work are generally respected in any new utilization of the work. It can therefore be said that the socialist society affords effective protection to the author's spiritual interests and demonstrates that there are no longer any conflicting interests.

As regards utilization contracts, there is sometimes a degree of uncertainty over the fact that they are valid without having to be established in a specified form, although it is desired that they are drawn up in writing. Similarly, it is not absolutely necessary for the employee concluding the contract to be so authorized by his institution in each particular case. It should be noted that mutual confidence is steadily growing and that truly socialist relationships are being established. The precise stipulations of contracts are sometimes of less importance than the general requirements of the law and of socialist morality which effectively protect the interests of authors. As I have already mentioned, more and more standard contracts are published which make it possible to avoid differences of opinion and guarantee the legitimate interests of all the parties. Consequently, there are fewer and fewer legal disputes among the parties to such contracts.

This clarification of contractual stipulations cannot, of course, completely exclude two major problems that arise in contractual cooperation in the field of copyright — namely, the quality of works and the possibility of making use of them for the purpose intended. Efforts are being made to reduce the risk in this direction by means of precise stipulations and detailed provisions concerning the content of the work and careful choice of the author. But it remains inevitable that, in certain cases, the work has to be transformed or corrected, or cannot be used — and the contract therefore has to be cancelled. In the socialist society, all the parties are required to cooperate and to join their efforts in order to obtain a work of value that can produce its expected public effect. Only if this proves absolutely impossible is the contract terminated and the work returned to the author, who can then dispose of it as he wishes. But the problem of timing also gives the press, radio and television — and also publishers in certain cases — the possibility of deciding that a work should not be utilized even if it is a real success. In such cases, therefore, there is no obligation to publish the work but merely to pay the remuneration in full if the quality of the work is beyond doubt. However, the obligation to pay remuneration lapses entirely if the fact that a work cannot be utilized is attributable to a culpable fault on the part of the author. This is a truly exceptional situation that can virtually never be substantiated. Normally, remuneration is paid for all the work commissioned, according to the quality and volume of the work done.

The other problem is, and will remain, that of adequate remuneration. In the GDR, special efforts are made in order to settle this question in accordance with the socialist principles. What one can say is that in the socialist society, through a great complexity of measures that we cannot enumerate here in detail, the creator of a cultural work is effectively assured of seeing his economic standing raised and assured consistently with his work. There nevertheless remains the difficulty of defining and determining, in each individual case, the amount of the remuneration. This is a great responsibility incumbent on each cultural institution — to deal with each case and differentiate properly on the basis of quality.

Before concluding this section on utilization contracts, one central problem should be mentioned at greater length, namely, the influence of the socialist society on the creative work of authors. It goes without saying that each author can freely create works, quite outside any contract. The socialist society recognizes that such works often constitute a commission on the part of society as a whole that the author himself feels obliged to accept. This is reflected by the fact that an approval fee can be paid for a work created without any contract or commission, corresponding to the fee paid for a commissioned work.

It should be noted, nevertheless, that a commission or a contract — before the work is commenced — is the typical and preferred arrangement for new creations in the socialist society. It corresponds best to the interests of the author and of society or, more specifically, of the cultural institution. There is in the GDR an established system of contracts and commissions, to foster the creation of a very wide range of works. And the State makes increasing budgetary amounts available for these activities.

It should be understood first of all that contracts or commissions of this kind do not constitute a unilateral order but are the result of extensive deliberations in order to find subjects that really constitute a task that the author can consider as being what he wants to create and that the institution concluding the contract or placing the commission can see as being a need in the common interest. They are the complete expression of the new relationship between the author and society as a whole. The commission is given by the publisher (in the publishing contract), the press, radio or television which at the same time acquires by contract the right to utilize the work. But it may also be placed by a theater, orchestra, trade union, factory owned by the people, by State organizations or even by performers. Under the contract, one can acquire ownership of the original or the right of first performance, but in some cases one does not acquire any legal right in the work.

The contract, or commission in contractual form, encourages the author to produce an object whose creation is desirable for society while being consistent with his own aspirations. In this way, the author is assured that his work has the

most chance of being utilized and having a public impact. The contract ensures that the author will not be working without any worthwhile result for all interested parties. Contracts embodying a commission of this kind ensure a remuneration for the author and really make it possible for the institution to plan its work. This is absolutely necessary, for example, for publishers or theaters. The system of commissions and corresponding contracts is therefore an essential condition for the socialist society, the cultural institutions and also for the authors if the common objective is to be attained, namely to develop an ever more abundant culture of great intrinsic value and great diversity, this being typical for the socialist society in the GDR.

IV. Development of international relations of the GDR in the copyright field

The Copyright Act underlines the importance of the copyright for international cultural relations and, in general, for peaceful relations among peoples. That is why the GDR has always devoted a great deal of attention to these matters, viewing them not from an economic aspect but, first and foremost, from the political and cultural aspect.

As mentioned earlier, the GDR had already declared in 1955 the reapplication of the Berne Convention (Rome Act of June 2, 1928), and seen to it that all its citizens and institutions fulfilled all the financial and other obligations therefrom even when other members disputed its membership for reasons not consistent with the Convention. Later, on June 20, 1968, the GDR was among the first States to declare its accession to the Stockholm Act as a whole.

Since the substantive clauses of the Stockholm Act are identical to those of the Paris Act of July 24, 1971 (and the Stockholm Protocol goes further than the Paris Appendix in favor of developing countries), the GDR will obviously have to consider also her accession to the Paris Act since this enters into force in its entirety on October 10, 1974. The present situation is that, for the GDR, the provisions applicable are the substantive clauses of the Rome Act and the administrative and final provisions of the Stockholm Act[15]. The January 1974 issue of this review lists the GDR in this way.

In addition, the GDR — being a member of the Paris Union Convention as well as other Conventions in the field of protection of industrial property rights and of the Berne Convention — also became a member of the World Intellectual Property Organization on April 26, 1970, after having deposited its instrument of accession on June 20, 1968.

Under the Berne Convention, the GDR is linked with nearly all the countries that maintain international relations in copyright matters. According to the general principles of its international policies and specially its desire to enlarge and normalize international relations in the copyright field, the GDR acceded next also to the Universal Copyright Convention, especially as the GDR had in the meantime become a member of Unesco. Thus, this accession was declared on July 5, 1973, and the GDR thus became a member of the Universal Copyright Convention in its original Geneva form of September 6, 1952, effective from October 5, 1973[16].

Having regard to the fact that between countries party to the Berne Convention practically this instrument alone is applied even if the countries concerned are also party to the Universal Copyright Convention, it is clear that for the GDR the Berne Convention still constitutes the broad basis for its international relations in matters of copyright. This Convention governs the GDR's copyright relations not only with the Federal Republic of Germany and all the other West European countries — as well as many countries in other continents — but also with the socialist countries in Europe with the exception of the USSR and the People's Republic of Albania.

In addition, under the Universal Copyright Convention, which is based on the well-known principle of non-reciprocity linked with the fact that works already published before the date of the taking effect of the accession are not protected under the Convention, the GDR grants protection, in accordance with its domestic legislation, for works made by citizens of the United States of America, Cuba and the USSR, whose membership had taken effect as from May 27, 1973, receiving protection for the works of its own citizens in accordance with the domestic legal situation within these countries. Furthermore, there are also a number of developing countries with which the GDR is now connected by the Universal Copyright Convention.

As far as the USSR is concerned, a bilateral agreement similar to those already existing between the Soviet Union and the Hungarian People's Republic as well as the People's Republic of Bulgaria was concluded on November 21, 1973, in order to establish even closer relations on copyright matters on the basis of the Universal Copyright Convention, to which the two countries are party. This bilateral agreement between the Soviet Union and the German Democratic Republic entered into force on January 1, 1974[17]. Since that date, all utilizations of works from citizens of the GDR protected in their own country are protected in the USSR, and *vice versa*, on the basis of reciprocity.

A practical importance has however the formal opening of relations in the copyright field specially between the GDR and the United States of America through the Universal Copyright Convention. In this respect, it seems remarkable to point out that in the past, despite the absence of bilateral contractual obligations, the GDR nevertheless has always treated the works of citizens of the United States as being protected by copyright in order to show its good will and to establish good cultural relations.

After this description of the position of the GDR within the framework of international conventions, I think it is appropriate to outline the legal provisions and practical arrangements in regard to contracts as well as to international payments in matters of copyright. I have already mentioned

[15] *Bekanntmachungen*, of August 10, 1970 (*GBl*, I, pp. 288 and 257). See also *Copyright*, 1968, p. 155, and 1970, p. 18.

[16] *Bekanntmachung*, of January 15, 1974 (*GBl*, II, p. 25).

[17] *Bekanntmachung*, of January 4, 1974 (*GBl*, II, p. 5). See also *Copyright*, 1974, p. 116.

the *Büro für Urheberrechte* (official organization for copyright) whose particular task is to register and formally endorse contracts concluded by authors, publishers and other institutions under the responsibility of the Ministry of Culture, with parties outside the GDR, and to make the relevant payments in both directions — i. e., from the GDR to other countries and *vice versa*. In the new Foreign Exchange Act *(Devisengesetz)*[18] and its implementing regulations, it is stated, *inter alia*, that what matters when the *Büro* grants its authorization, replacing a permit granted by the foreign exchange authorities, is not only the economic aspect but also the political and cultural aspects. Only contracts concerning the radio and television services of the GDR are outside the purview of the *Büro*; they are concluded directly, and likewise the payments made or received by these services are effected directly.

It should be noted at the same time that foreign trade in books is the responsibility of the *Buchexport* enterprise, and there are similar institutions for cinematograph films and television plays. While contracts between publishers are concluded directly by them, with the consent of the *Büro*, the sale of books, including sale of all or part of an edition, is effected by *Buchexport*. The owners of rights, and in particular the publishers, merely come to an agreement on matters concerning the assignment of rights or legal powers. Here again, many practical problems arise that cannot be examined in detail in the context of this article.

It should be noted, nevertheless, that decisions concerning the publication of works of foreign authors in the GDR and the sale of their books are first and foremost of a political and cultural character and are therefore always taken in coopertion with the official cultural institutions. But here again, the foreign exchange required is a major consideration. On the other hand, foreign exchange receipts are also an important factor in any decision to grant licenses for the publication of works by GDR authors outside the national territory, or to permit the sale of books by exporting an entire edition or part of one.

In general, authorization to publish works by GDR authors is not given to institutions abroad until after the works have been published in the GDR. In addition, if publication of a work is of no public interest for us, permission is granted to publish the work abroad provided it does not contain any tendencies against the socialist society. In the latter case, of course, official authorization would not be granted. This is a matter of public policy as formally recognized by Article 17 of the Berne Convention.

In international copyright relations, matters of particular importance include not only the legal realtionships established by international conventions, but also participation in the work of the concerned international organizations in order to organize and develop the practices at the international level. It is only more recently that the GDR has been able to take an active part in this work, after having obtained universal recognition of its legal status.

This accounts for the very pronounced difference that existed regarding collaboration of our national institutions and organizations in the international non-governmental bodies. I have already mentioned that the AWA became a member of CISAC in 1951 and established contractual relations with BIEM and most of the copyright societies. Since then, the various organizations and associations of the GDR have become members and have played a very active part in many international non-governmental organizations. Among these activities, we may mention the work of the International Theatre Institute, the International Music Council and other international bodies that are concerned with the cultural field and are affiliated to Unesco.

As regards copyright matters, in addition to the fact that the AWA is a member of CISAC, mention should be made of the activities of the Association of Film and Television Authors *(Verband der Film- und Fernsehschaffenden der DDR)* as a member of the International Writers Guild (IWG). In addition, one can say that for many years past and, whenever possible, the Government bodies and the non-governmental organizations and associations of the GDR have successfully played an active and productive part in all international activities in the cultural field, in general, and in the field of copyright in particular.

In this field too, therefore, one can clearly see the great importance that the socialist society attaches to the promotion of culture as evidenced by the fact that it includes the protection of authors' rights in such promotion activities as being the expression of appreciation for the position of authors and of appreciation for their creative work, as well as the importance that is generally accorded to them in our socialist society.

[18] *Devisengesetz*, of December 19, 1973 (*GBl*, I, p. 514), and implementing regulations of the same date (*GBl*, I, p. 584).

CALENDAR

WIPO Meetings

November 4 to 8, 1974 (Geneva) — International Protection of Appellations of Origin and Other Indications of Source — Committee of Experts

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

November 12 to 19, 1974 (Geneva) — PCT Interim Committees — Annual Sessions

November 18 to 22, 1974 (Geneva) — Licensing Seminar

November 25 to 29, 1974 (Geneva) — Revision of the Model Law on Inventions — Working Group (1st session)

December 2 to 6, 1974 (Yaoundé) — Francophone African Seminar on Industrial Property

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

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

January 22 to 24, 1975 (Geneva) — Publication of Licensing Opportunities — Group of Consultants

January 27 to 30, 1975 (Geneva) — International Patent Classification (IPC) — Classification of Search Files — Working Group

February 3 to 14, 1975 (Geneva) — International Patent Classification (IPC) — Ad hoc Working Party for the Revision of the Guide to the IPC

February 11 to 17, 1975 (Geneva) — Revision of the Paris Convention for the Protection of Industrial Property — Group of Governmental Experts

February 17 to 28, 1975 (Munich) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee

February 18, 1975 (Geneva) — WIPO Coordination Committee (Extraordinary Session)

February 20 to 28, 1975 (Geneva) — Revision of the Hague Agreement concerning the International Deposit of Industrial Designs — Committee of Experts

March 10 to 14, 1975 (Geneva) — Mechanization of Trademark Searches — Committee of Experts

March 17 to 21, 1975 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Permanent Committee (2nd Session)

April 7 to 11, 1975 (Geneva) — International Classification of Goods and Services for the Purposes of the Registration of Marks — Temporary Working Group

April 7 to 11, 1975 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)

April 14 to 18, 1975 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)

April 14 to 25, 1975 (Rijswijk) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee

April 22 to 29, 1975 (Geneva) — Inventions relating to Microorganisms — Committee of Experts

May 5 to 9, 1975 (Geneva) — International Patent Classification (IPC) — Training Course

May 12 to 23, 1975 (Washington) — International Patent Classification (IPC) — Working Group I of the Joint ad hoc Committee

May 26 to 30, 1975 (Geneva) — Revision of the Model Law on Inventions — Working Group (2nd session)

June 4 to 6, 1975 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)

June 9 to 20, 1975 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee

June 23 to 27, 1975 (Geneva) — Protection of Computer Programs — Advisory Group

September 8 to 12, 1975 (Geneva) — International Classification of Goods and Services for the Purposes of the Registration of Marks — Preparatory Committee and Committee of Experts

September 15 to 26, 1975 (Rijswijk) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee

September 17 to 19, 1975 (Geneva) — ICIREPAT — Plenary Committee (PLC)

September 22 and 23, 1975 (Geneva) — Trademark Registration Treaty (TRT) — Interim Advisory Committee

September 23 to 30, 1975 (Geneva) — WIPO Coordination Committee and Executive Committees of the Paris and Berne Unions — Ordinary Sessions

October 1 to 3, 1975 (Geneva) — Scientific Discoveries — Committee of Experts

October 1 and 2, 1975 (Geneva) — International Patent Classification (IPC) — Bureau

October 3 and 6, 1975 (Geneva) — International Patent Classification (IPC) — Joint ad hoc Committee

October 7 to 9, 1975 (Geneva) — International Patent Classification (IPC) — Committee of Experts

October 13 to 17, 1975 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)

October 20 to 24, 1975 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)

October 27 to November 3, 1975 (Geneva) — PCT — Interim Committees

November 3 to 14, 1975 (Berne) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee

November 10 to 14, 1975 (Geneva) — Revision of the Model Law on Inventions — Working Group (3rd session)

December 1 to 4, 1975 (Geneva) — International Protection of Appellations of Origin and Other Indications of Source — Committee of Experts

December 1 to 12, 1975 (Munich) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee

December 8, 9 and 16, 1975 (Geneva) — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations — Intergovernmental Committee — Ordinary Session (jointly organized with the International Labour Organisation and Unesco)

December 10 to 12, 1975 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)

December 10 to 16, 1975 (Geneva) — Executive Committee of the Berne Union (Extraordinary Session)

December 15 to 19, 1975 (Geneva) — International Classification of the Figurative Elements of Marks — Provisional Committee of Experts

UPOV Meetings

Meeting of Member and Non-Member States: October 21 to 23, 1974 — **Council:** October 24 to 26, 1974; October 7 to 10, 1975 — **Consultative Working Committee:** October 23, 1974; March 4 to 6, 1975; October 6 and 10, 1975 — **Technical Steering Committee:** November 5 and 6, 1974; April 9 to 11, 1975; November 5 to 7, 1975 — **Working Group on Variety Denominations:** September 15 and 16, 1975 — **Fee Harmonization Working Party:** April 24 and 25, 1975 — **Working Group on Centralization:** November 7, 1974 — **Committee of Experts on Centralization:** January 14 to 17, 1975; April 15 to 18, 1975; July 1 to 4, 1975; November 25 to 28, 1975 — **Committee of Experts on the Revision of the Convention:** February 25 to 28, 1975; December 2 to 5, 1975

Note: All these meetings will take place in Geneva at the headquarters of UPOV

Technical Working Parties: (i) **for Vegetables:** May 28 to 30, 1975 (Lund - Sweden); (ii) **for Forest Trees:** August 19 and 20, 1975 (Hannover - Federal Republic of Germany); (iii) **for Ornamental Plants:** September 9 to 11, 1975 (Hornum - Denmark)

Meetings of Other International Organizations concerned with Intellectual Property

November 5 to 7, 1974 (Rijswijk) — International Patent Institute — Administrative Board

November 11 to 16, 1974 (Santiago) — Inter-American Association of Industrial Property — Congress

December 9 to 11, 1974 (Rijswijk) — International Patent Institute — Administrative Board

December 9 to 14, 1974 (Yaoundé) — African and Malagasy Industrial Property Office — Executive Board

February 5 to 7, 1975 (Paris) — International Literary and Artistic Association — Working Session, Executive Board and General Assembly

April 21 to 25, 1975 (Hamburg) — International Confederation of Societies of Authors and Composers — Congress

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