# Copyright

Review of the
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## Contents

## MEXICO

### Ratification of the WIPO Convention

The Director General of the World Intellectual Property Organization (WIPO) has notified the Governments of the countries invited to the Stockholm Conference that the Government of the United Mexican States deposited, on March 14, 1975, its instrument of ratification of the Convention Establishing the World Intellectual Property Organization (WIPO).

By virtue of Article 29$^{bis}$ of the Paris Act (1971) of the Berne Convention for the Protection of Literary and Artistic Works, the United Mexican States, which were not bound by Articles 22 to 38 of the Stockholm Act (1967) of the said Convention, having ratified the Paris Act (1971), fulfil the condition set forth in Article 14(2) of the Convention Establishing the World Intellectual Property Organization.

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization will enter into force, with respect to the United Mexican States, three months after the date of deposit of the instrument of ratification, that is, on June 14, 1975.

WIPO Notification No. 79, of March 20, 1975.

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

## HUNGARY

## Accession to the Convention

The Director General of the World Intellectual Property Organization (WIPO) has informed the Governments of the States invited to the Diplomatic Conference on the Protection of Phonograms that, according to the notification received from the Secretary-General of the United Nations, the Government of the Hungarian People's Republic deposited on February 24, 1975, its instrument of accession to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms.

At the time of the deposit of the instrument of accession with the Secretary-General of the United Nations, the Government of the Hungarian People's Republic made the following declarations:

"In the opinion of the Hungarian People's Republic, Article 9, paragraphs (1) and (2) of the Convention have a discriminatory character. The Convention is a general, multilateral one and therefore every State has the right to be a party to it, in accordance with the basic principles of international law". *(Original)*

"The Hungarian People's Republic declares that the provisions of Article 11, paragraph (3) of the Convention are inconsistent with the principles of the independence of colonial countries and peoples, formulated, *inter alia*, also in Resolution No. 1514(XV) of the United Nations General Assembly". *(Original)*

Pursuant to the provisions of Article 11(2), the Convention will enter into force, with respect to the Hungarian People's Republic, three months after the date of Notification No. 19, that is, on May 28, 1975.

Phonograms Notifications No. 19, of February 28, 1975, and No. 20, of March 14, 1975.

# BILATERAL AGREEMENTS

## POLAND—U. S. S. R.

## Agreement on the Reciprocal Protection of Copyrights concluded between the Government of the Polish People's Republic and the Government of the Union of Soviet Socialist Republics *

The Government of the Polish People's Republic and the Government of the Union of Soviet Socialist Republics,

*Inspired* by the desire to promote the development of their cooperation in the field of the exchange of cultural values through the utilization of literary, scientific and artistic works,

*Recognizing* the necessity of establishing rules and conditions for the reciprocal protection of copyrights,

*Have decided* to conclude this Agreement and, to that end, have appointed their Plenipotentiaries:

For the Government of the Polish People's Republic: Józef Tejchma, Minister for Culture and Art,

For the Government of the Union of Soviet Socialist Republics: Boris Dmitrievich Pankin, Chairman of the Board of the Copyright Agency of the USSR,

who, having exchanged their full powers, recognized as in good and true form,

Have agreed as follows:

### Article I

Each Contracting Party shall

(1) encourage the publication of literary, scientific and artistic works created by the citizens of the other Contracting Party;

(2) encourage the theaters, orchestras, musical ensembles and soloists of its country to include in their repertoires dramatic, dramatico-musical, musical and choreographic works created by the citizens of the other Contracting Party.

### Article II

Each Contracting Party shall protect the copyrights of citizens and organizations of the other Contracting Party, as well as of persons having their permanent residence on their territories, and their successors in title, in literary, scientific and artistic works, irrespective of the place in which they were first made available to the public, and also the copyrights of citizens of third countries and their successors in title with respect to works first made available to the public on the territory of the Polish People's Republic or of the Union of Soviet Socialist Republics, and shall ensure on its territory the protection of those rights according to the same principles and under the same conditions as those established by its legislation for the works of its own citizens.

Works not made available to the public may be published simultaneously in both countries, or be first made available to the public on the territory of the other Contracting State, and the works of authors of one of the Contracting States may be distributed in third countries through the organizations of the other Contracting Party, only after agreement between the competent organizations of both Contracting Parties.

### Article III

Copyrights shall be protected during the period established by the internal legislation of each of the Contracting Parties. However, neither Contracting Party shall be obliged to afford legal protection to works for a period longer than that provided for in the internal legislation of the other Contracting Party.

### Article IV

Copyright royalties accruing to authors under this Agreement shall be subject to taxation only in the country on whose territory the author has his permanent residence.

### Article V

Copyright royalties shall be settled in the currency of the Contracting Party on whose territory the work has been used, in accordance with the principles established for the settlement of non-commercial payments.

### Article VI

The practical implementation of this Agreement shall be the responsibility of the competent organizations of the two Contracting Parties to which the task of protecting copyrights has been entrusted; they shall conclude between themselves working agreements governing all problems concerning the realization of copyright protection on the territory of the two Contracting Parties and, in particular, the conditions for the grant of rights to the use of the works protected under this Agreement, for the providing of assistance to authors in the protection of their copyrights, for the payment of the royalties due to authors and for the system governing the mutual settlement of accounts, as well as other problems arising out of this Agreement.

* English translation based on the official Polish text.

### Article VII

The Contracting Parties mutually undertake to respect and observe fully the provisions in force in the Polish People's Republic and in the Union of Soviet Socialist Republics concerning the implementation of this Agreement.

### Article VIII

This Agreement shall be applicable to the use of the works listed in Articles I and II, the periods of protection of which, determined according to Article III, have not expired at the time of such use.

### Article IX

This Agreement shall not affect the rights and obligations of the Contracting Parties under other international agreements.

### Article X

Each of the Contracting Parties is entitled to submit proposals for amending or supplementing this Agreement.

### Article XI

This Agreement is concluded for a period of three years. The period of validity shall be automatically extended every three years unless the Agreement is denounced by one of the Contracting Parties by means of a notification made six months before the expiration of that period.

### Article XII

This Agreement shall be subject to acceptance according to the legislation of each Contracting Party.

The Agreement shall enter into force on the first of January of the year during which the Contracting Parties have exchanged notes confirming its acceptance.

Done at Warsaw, this fourth day of October 1974, in two copies, each in the Polish and Russian languages, both texts being equally authentic.

Józef TEJCHMA
Minister for Culture and Art

Boris PANKIN
Chairman of the Board
of the Copyright Agency
of the USSR

# NATIONAL LEGISLATION

## ALGERIA

## Ordinance establishing the National Copyright Office

(No. 73-46, of July 25, 1973) *

### PART I

### General Provisions

#### Chapter I

#### Creation — Name

*Art. 1.* — A public institution of industrial and commercial character, having legal status and financial autonomy, is hereby created under the name of *Office national du droit d'auteur* [National Copyright Office] with the abbreviation "ONDA".

ONDA shall be under the supervisory authority of the Ministry of Information and Culture. Its relations with third parties are governed, in particular, by the Copyright Ordinance No. 73-14 of April 3, 1973 [1].

*Art. 2.* — The headquarters of the Office shall be at Algiers and may be transferred to any other place within the national territory by order of the Minister for Information and Culture.

*Art. 3.* — Sub-offices or agencies may be created by order of the Minister for Information and Culture. They may be closed down in the same manner.

#### Chapter II

#### Purpose

*Art. 4.* — The purpose of the National Copyright Office, within the framework of Ordinance No. 73-14 of April 3, 1973, shall be:

(1) to ensure, on an exclusive basis, the protection of the moral and material interests of the creators of intellectual works and their successors in title;
(2) to ensure the moral defense of works in its repertoire in the case of exploitation both in Algeria and abroad, and to collect all royalties in respect of such exploitation;
(3) to exercise and administer all rights relating to the public performance of the works of authors and to their exploitation by whatever means;
(4) to provide for the distribution of the royalties deriving from the exploitation of works in its repertoire among owners of the rights;
(5) to receive and record, on an exclusive basis, in Algeria, all declarations about works;
(6) to promote the creation of intellectual works by providing appropriate conditions therefor;
(7) to promote the introduction of social benefits in favor of the creators of intellectual works;
(8) to ensure the protection of works constituting the traditional cultural heritage and the folklore of the Democratic and Popular Republic of Algeria, and the works of nationals which are in the public domain;
(9) to carry out all other lawful acts which contribute to the achievement of these aims, including accession to international authors' organizations which group bodies with similar aims;
(10) to initiate cnltural programs for the promotion of the creation and use of intellectual works;
(11) to investigate positive solutions to problems relating to the professional activity of authors.

*Art. 5.* — Subsequent texts shall complete and specify, where necessary, the provisions of Article 4 above.

### PART II

### Administrative Structure

*Art. 6.* — ONDA shall be administered by a Director General, assisted by an Administrative Board.

*Art. 7.* — The conditions and procedures for the affiliation of authors to the Office, and the procedures for the appointment of the various authors' representatives on the Administrative Board, shall be determined by orders issued by the Minister for Information and Culture.

#### Chapter I

#### The Director General

*Art. 8.* — The Director General shall be appointed by decree on a proposal by the Minister for Information and Culture. His removal from office shall be in the same manner.

*Art. 9.* — The Director General shall have full powers for ensuring the satisfactory operation of the Office. He shall exercise hierarchical powers over the entire staff placed under his authority.

The Director General shall manage the staff and shall appoint and dismiss the officers placed under his authority, in

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* The French text of this Ordinance was published in the *Journal officiel* of the Democratic and Popular Republic of Algeria of September 11, 1973. — WIPO translation.

[1] See *Copyright*, 1973, pp. 200 *et seq.*

accordance with the statutes and statutory contracts governing their activity, with the exception of officers in Category A or assimilated thereto, who shall be appointed by order of the Minister for Information and Culture, and of the Accountant.

*Art. 10.* — The Director General shall act on behalf of the Office in all civil acts and shall represent it before any jurisdictional body.

The Director General may, on his own responsibility, delegate his signatory powers to one or more members of the staff.

*Art. 11.* — The Director General shall draw up estimates of income and expenditure and shall be responsible for their implementation. To this end, he shall arrange for the preparation of income vouchers for the proper authorization and recording of commitments and expenditure. He shall make all transactions, agreements or conventions in accordance with the legislation in force.

*Art. 12.* — The supervisory authority may at any time appoint a committee of inquiry to verify the satisfactory management of the Office and the satisfactory implementation of the guidelines imposed on it.

The committee of inquiry shall, within the limits of its purpose, have, on the premises, the most extensive powers of access to, and communication of, administrative, financial and accounting documents.

*Art. 13.* — Orders issued by the Minister for Information and Culture shall determine the internal organization of ONDA.

## Chapter II

### The Administrative Board

*Art. 14.* — The Administrative Board of ONDA shall be presided over by a person appointed by the Minister for Information and Culture.

In addition to its Chairman, the Administrative Board shall be composed of:

— the Director of Cultural Affairs at the Ministry of Information and Culture, or his representative;
— a representative of the Office of the President of the Council of Ministers;
— a representative of the Ministry of the Interior;
— a representative of the Ministry of Primary and Secondary Education;
— a representative of the Ministry of Higher Education and Scientific Research;
— the Director General of RTA or his representative;
— the President of SNED or his representative;
— the Director of the National Educational Institute or his representative;
— the Director General of the TNA or his representative;
— the Director of ONCIC or his representative;
— eight (8) representatives of authors;
— two persons chosen by the Ministry of Information and Culture for their competence or qualifications, or for the interest they show in cultural expansion.

*Art. 15.* — The persons chosen by the Minister for Information and Culture shall be appointed for a period of two years.

The term of office of the eight members of the Administrative Board who represent authors shall be two years and shall be renewable. The members of the Administrative Board will serve in an honorary capacity, provided that expenditure occasioned by their activity shall be reimbursed on justification.

*Art. 16.* — The Director General and the Financial Controller shall attend meetings of the Administrative Board in an advisory capacity.

*Art. 17.* — The Administrative Board shall meet in ordinary session at least once every three months, on convocation by its Chairman. It shall meet also in extraordinary session at the request of the supervisory authority, the Director General or two-thirds of its members.

*Art. 18.* — The agenda of each meeting shall be drawn up by the Chairman of the Administrative Board on a proposal by the Director General.

Convocations, accompanied by the agenda, shall, except in pressing circumstances, be sent eight days prior to the date of the meeting. The Administrative Board may not validly conduct its business unless at least one-half of its members attends the meeting. If this quorum is not reached, a second meeting shall be held on expiration of a period of seven days. The Administrative Board shall then conduct its business irrespective of the number of members present. Decisions shall be taken by a simple majority of the members voting. In the event of equally divided votes, the Chairman shall have the casting vote. Members of the Administrative Board are bound to respect the secrecy of their deliberations.

*Art. 19.* — The deliberations of the Administrative Board shall be set down in minutes which shall be entered in a special register and signed by the Chairman and the Secretary. The minutes shall record the number of members present.

*Art. 20.* — A certified copy of the minutes of each meeting shall be sent to the supervisory authority within a week following the date on which the meeting was held.

*Art. 21.* — The Administrative Board shall hear the Director General's reports on the operation of the Office. It shall express its views on the Office's general program of activities, and in particular on:

— the estimates for the income and expenditure of the Office;
— the standing orders and financial regulations of the Office;
— the staff regulations and rules;
— medium and long-term loans;
— the purchase, sale and rent of real estate, which may not occur until joint approval has been obtained from the supervisory Minister responsible and the Minister for Finance;
— the creation of new offices.

PART III

Financial Organization

*Art. 22.* — The accounting year shall begin on January 1 and end on December 31 of each year.

*Art. 23.* — The accounting estimates for income and expenditure prepared by the Director General shall be sent simultaneously to the supervisory Minister responsible and to the Minister for Finance before September 1 of the year preceding the accounting year to which they relate.

Approval of the accounting estimates shall be deemed to have been given on the expiration of a period of forty-five days from the date of transmittal, provided that neither of the two Ministers concerned has opposed them. In the event of opposition, the Director General shall submit new estimates for approval within fifteen days of the opposition having been signified; approval shall be deemed to have been given on the expiration of a period of thirty days following the transmittal of the new estimates, if in the meantime the Ministers concerned have not raised any new opposition.

When the accounting estimates have not been approved by the beginning of the accounting year, the Director General shall be authorized to incur the expenditure necessary for the operation of the Office within the limits of the corresponding amounts in the accounting estimates for the preceding year, as approved.

*Art. 24.* — In his capacity as financial director, the Director General shall establish income vouchers. He shall incur, effect and order expenditure within the limits of the credit duly provided.

*Art. 25.* — The income of ONDA shall comprise:

(1) royalties;

(2) fees collected for the use of works belonging to the traditional cultural heritage and the folklore of the Democratic and Popular Republic of Algeria, and of the works of nationals which have fallen into the public domain;

(3) interest from investment authorized under the legislation in force;

(4) subsidies, gifts and legacies;

(5) the proceeds of fines, penalties arising from transactions and civil reparations which the Office may be entitled to receive;

in general, all income received by ONDA in the exercise of its activity.

*Art. 26.* — The expenses of ONDA shall comprise:

(1) operating and investment expenditure;

(2) the portion of royalties accruing to authors;

(3) miscellaneous expenditure and all expenditure necessary for the achievement of the objectives defined in Article 4 above.

*Art. 27.* — The Accountant appointed by order of the Minister for Finance shall, under the authority of the Director General, keep the accounts of the Office. He shall carry out his duties in accordance with the laws and regulations in force.

*Art. 28.* — The Accountant shall be responsible for the safekeeping of royalties and for the collection of fees, debts and other income of the Office. He shall be responsible for the income vouchers transmitted to him by the Director General. He shall ensure the collection of amounts due.

The Accountant may suspend proceedings only on the written instructions of the Director General.

*Art. 29.* — The Accountant may effect collections and payments in accordance with accepted business practice.

*Art. 30.* — The accounting estimates shall be drawn up for each accounting year. The management account drawn up by the Accountant shall be submitted to the supervisory authority and to the Minister for Finance for verification and approval. This account shall be accompanied by all the supporting documents required by the general rules of accountancy.

*Art. 31.* — A financial controller shall be assigned to the Office by the Minister for Finance.

*Art. 32.* — The funds of the Office must be placed in a deposit account at the Treasury, in accordance with the provisions of the legislation in force.

The supervisory authority may authorize the Office to open accounts in approved banks and credit institutions.

*Art. 33.* — The dissolution of ONDA may only be effected by means of a text of legislative character, which shall provide for the disposal of all its assets.

*Art. 34.* — This Ordinance shall be published in the *Journal officiel* of the Democratic and Popular Republic of Algeria.

## UNITED KINGDOM

# Hong Kong: Copyright Regulations*

## I

## Copyright (Libraries) Regulations 1973

(No. 103 of 1973)

In exercise of the powers conferred hy sections 7 and 15 of the Copyright Act 1956, as extended to Hong Kong hy the Copyright (Hong Kong) Order 1972 [1], the Governor in Council has made the following regulations—

*Citation and commencement*

**1.** — These regulations may he cited as the Copyright (Libraries) Regulations 1973 and shall come into operation on the expiration of the day next preceding the day on which they are published in the *Gazette*.

*Interpretation*

**2.** — In these regulations, unless the context otherwise requires —

" Act " means the Copyright Act 1956, as extended to Hong Kong hy the Copyright (Hong Kong) Order 1972; and

" work " means a puhlished literary, dramatic or musical work.

*Prescribed classes of library under subsections (1) and (3) of section 7*

**3.** — Each of the classes of library specified in the First Schedule shall he a class prescribed for the purposes of suh-sections (1) and (3) of section 7 of the Act:

Provided that this regulation shall not apply to any lihrary estahlished or conducted for profit.

*Prescribed classes of library under subsection (5) of section 7*

**4.** — (1) Each of the classes of library specified in the First or Second Schedule shall he a class prescrihed for the purposes of suhsection (5) of section 7 of the Act and, for the purposes of paragraph *(a)* of that subsection (which relates to the lihrarian to whom a copy is supplied), and any class of library so specified shall, where appropriate, be deemed to include any library of a similar class situated outside Hong Kong.

(2) This regulation shall apply to any library of a class so specified whether established or conducted for profit or not.

*Prescribed conditions under subsections (1) and (3) of section 15*

**5.** — Each of the classes of lihrary specified in the First or Second Schedule shall be a class prescrihed for the purposes of suhsection (4) of section 15 of the Act.

*Prescribed conditions under subsections (1) and (3) of section 7*

**6.** — (1) The following conditions shall he conditions prescrihed for the purposes of subsections (1) and (3) of section 7 of the Act (which relate, respectively, to copies of articles in periodical puhlications and copies of parts of other works) —

*(a)* no copy of any work or any part of a work shall be made for or supplied to any person unless he has delivered to the lihrarian concerned, or to some person appointed by the librarian for that purpose, a declaration and undertaking in writing in relation to that work or part, substantially in accordance with the form set out in the Third Schedule and signed in the manner therein indicated;

*(b)* for the purposes of suhsection (1) (which relates to copies of articles in periodical puhlications) no copy extending to more than one article in any one publication shall be made;

*(c)* for the purposes of suhsection (3) (which relates to copies of parts of other works) no copy extending to more than a reasonahle proportion of a work shall he made;

*(d)* persons to whom copies are supplied shall be required to pay for such copies a sum not less than the cost (including a contribution to the general expenses of the library) attrihutahle to their production.

(2) For the purposes of suh-paragraph *(c)* of paragraph (1) —

*(a)* a reasonahle proportion of a work means —

(i) in the case of a single extract, not more than 4,000 words;

(ii) in the case of a series of extracts, not more than 3,000 words per extract, with a total of not more than 8,000 words; and

(iii) in any case, not more than 10 *per cent* of the work; and

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* Published in the *Legal Supplement No. 2 to the Hong Kong Government Gazette* of June 1, 1973.

[1] See *Copyright*, 1973, pp. 91 *et seq.*

*(b)* poems, essays and other short literary works shall be regarded as whole works and not as parts of the volume in which they are published.

*Prescribed conditions under subsection (5) of section 7*

**7.** — The following conditions shall be the conditions prescribed for the purposes of subsection (5) of section 7 of the Act, (which relates to the making and supplying of copies of any works or parts of works to librarians) —

*(a)* no copy of a work or a part of a work shall be made for or supplied to the librarian of any library, if a copy of that work or that part has already been supplied to any person as a librarian of that library, unless the librarian by or on behalf of whom the copy is made is satisfied that the copy already supplied has been lost, destroyed or damaged;

*(b)* librarians to whom copies are supplied shall be required to pay for such copies a sum not less than the cost (including a contribution to the general expenses of the library) attributable to their production; and

*(c)* no copy shall be supplied to the librarian of a library that is established or conducted for profit.

*Restriction on the making of copies*

**8.** — Nothing in regulation 6 or 7 shall be taken to authorize the librarian of any library to make or supply a copy of any work or part of a work (other than an article in a periodical publication) for or to any other person (whether that person is the librarian of another library or not) if at the time when the copy is made the librarian knows the name and address of a person entitled to authorize the making of the copy or could by reasonable inquiry ascertain the name and address of such a person.

*Prescribed conditions under subsection (4) of section 15*

**9.** — (1) The provisions of paragraph (2) of this regulation shall be the conditions prescribed for the purposes of subsection (4) of section 15 of the Act (which relates to reproductions of the typographical arrangements of published editions of works).

(2) A reproduction of the typographical arrangement of a published edition of a work or a part thereof may be made or supplied in pursuance of subsection (4) of section 15 only in the circumstances and upon the conditions in and upon which a copy of that work or part may, by virtue of the provisions of Part I of the Act, be made or supplied without infringing the copyright in that work under Part I:

Provided that for the purposes of subsection (4) of section 15 of the Act a reproduction of the typographical arrangement of a published edition of a work may be made without infringing the copyright in the published edition notwithstanding that the librarian by or on behalf of whom the reproduction is made knows, at the time it is made, the name and address of a person who is entitled to authorize the making of such a copy or such a reproduction or could by reasonable inquiry ascertain the name and address of such a person.

## FIRST SCHEDULE

I. Any library in Hong Kong to which section 15 of the Copyright Act 1911 applied until the Copyright Act 1956 was brought into operation in Hong Kong.

II. Any library of a school (as defined by section 41(7) of the Act), university, college of a university or university college.

III. Any library administered under the public Health and Urban Services Ordinance.

IV. Any library administered as part of a Government Department.

V. Any library conducted for, or administered by any establishment or organization conducted for, the purposes of facilitating or encouraging the study of all or any of the following religion, philosophy, science (including any natural or social science), technology, medicine, history, literature, languages, education bibliography, fine arts, music or law.

## SECOND SCHEDULE

Any library which makes works in its custody available to the public free of charge.

## THIRD SCHEDULE

[This Schedule is not reproduced]

II

# Copyright (Notice of Publication) Regulations 1973

(No. 104 of 1973)

In exercise of the powers conferred by section 7 of the Copyright Act 1956, as extended to Hong Kong by the Copyright (Hong Kong) Order 1972, the Governor in Council has made the following regulations —

*Citation and commencement*

**1.** — These regulations may be cited as the Copyright (Notice of Publication) Regulations 1973 and shall come into operation on the expiration of the day next preceding the day on which they are published in the *Gazette*.

*Interpretation*

**2.** — In these regulations, unless the context otherwise requires —

" Act " means the Copyright Act 1956 as extended to Hong Kong by the Copyright (Hong Kong) Order 1972; and

" old work " and " new work " have the meanings assigned to those expressions under subsection (7) of section 7 of the Act.

*Notice to be given in a daily or Sunday newspaper*

**3.** — Notice of an intended publication of a new work for the purposes of subsection (7) of section 7 of the Act shall be given by advertisement written in Chinese or English or both languages published in a daily or Sunday newspaper in Hong Kong.

*Notice to be published twice*

**4.** — Notice shall be given twice, on the first occasion to appear not less than three months, and on the second not less than two months, before the intended date of publication, with an interval of not less than one month between the two occasions.

*Particulars to be given in the notice*

**5.** — The notice referred to in regulation 3 shall be signed by or on behalf of the person giving it and shall include the following particulars —

*(a)* the name and address of the person intending to publish and a statement of his intention to publish;

*(b)* the title (if any) and a description of the old work and the date or estimated date of making;

*(c)* the name of the author of the old work, if known to the person intending to publish;

*(d)* the name and address of the library, museum or institution in which the manuscript or a copy of the old work is kept;

*(e)* the name of the person from whom the library, museum or institution in which the manuscript or a copy of the old work is kept acquired it or a statement that the person intending to publish has failed after reasonable inquiries to discover the name of that person;

*(f)* an invitation to any person claiming to be the owner of the copyright in the old work to give notice of his claim to the person intending to publish.

III

# Copyright Royalty System (Records) Regulations 1973

(No. 105 of 1973)

In exercise of the powers conferred by section 8 of the Copyright Act 1956, as extended to Hong Kong by the Copyright (Hong Kong) Order 1972, the Governor in Council has made the following regulations —

*Citation and commencement*

**1.** — These regulations may be cited as the Copyright Royalty System (Records) Regulations 1973 and shall come into operation on the expiration of the day next preceding the day on which they are published in the *Gazette*.

*Interpretation*

**2.** — In these regulations " the Act " means the Copyright Act 1956, as extended to Hong Kong by the Copyright (Hong Kong) Order 1972.

*Notice*

**3.** — (1) The notice required by subsections (1) and (5) of section 8 of the Act shall contain the following particulars —

*(a)* the name and address of the person by whom the notice is given, hereinafter called " the manufacturer ";

*(b)* the name of the work to which the notice refers, hereinafter called " the work ", a description sufficient to identify it and the name of the author or publisher;

*(c)* a statement that the manufacturer intends to make records of the work or an adaptation thereof and the address at which he intends to make such records;

*(d)* sufficient particulars to identify a record of the work or an adaptation thereof made in or imported into Hong Kong in such circumstances that section 8 of the Act applies to the records which the manufacturer intends to make;

*(e)* the type or types of record on wbich it is intended to reproduce the work or adaptation, and an estimate of the number of records of each type initially intended to be sold or otherwise supplied for the purpose of retail sale;

*(f)* the ordinary retail selling price (as hereinafter defincd) of the records, or, where it is intended to reproduce the work on more than one type of record, the ordinary retail selling price of each type of record, the manufacturer intends to make and the amount of the royalty payable on each record;

*(g)* the earliest date at which any of the records will be delivered to a purchaser or otherwise supplied as aforesaid;

*(h)* whether any other musical, literary or dramatic work is to be reproduced on the same record with the work and, in relation to any such other work, the particulars specified in sub-paragraph *(b)*.

(2) The notice shall, not less than 15 days before any record on which the work is reproduced is delivered to a purchaser or otherwise supplied as aforesaid, be sent by registered post or recorded delivery or published by advertisement as follows —

*(a)* if the name and an address within Hong Kong of the owner of the copyright, or his agent for the receipt of notice, are known or can by reasonable inquiry be ascertained, the notice shall be sent to such owner or agent at such address;

*(b)* if such name and address are not known and cannot by reasonable inquiry be ascertained, an advertisement shall be inserted in the *Gazette* giving the particulars specified in sub-paragraphs *(a)*, *(b)*, *(c)* and *(d)* of paragraph (1) and stating an address from which the particulars specified in sub-paragraphs *(e)*, *(f)*, *(g)* and *(h)* of paragraph (1) may be obtained.

*Payment of royalties*

**4.** — (1) Royalties may be paid in such manner and at such times as are specified in any agreement which may be made between the manufacturer and the owner of the copyright.

(2) In the absence of any agreement to the contrary, the following provisions of this regulation shall apply to the manner in and time at which royalties shall be paid and the steps to be taken to ensure the receipt of royalties by the owner of the copyright.

(3) *(a)* If within 7 days after the date of the notice specified in regulation 3 the owner of the copyright intimates to the manufacturer, by notice in writing sent by registered post or recorded delivery, some convenient place within Hong Kong from which adhesive labels can be obtained, the manufacturer shall by notice in writing specify the number and denomination of the labels he requires and at the same time tender a sum equivalent to the amount of royalty represented by the labels required.

*(b)* If, witbin 6 days after receipt of the notice required under sub-paragraph *(a)* to be given by the manufacturer, the copyright owner supplies the labels required, the manufacturer shall not deliver to a purchaser or otherwise supply for the purpose of its being sold by retail any record made by him to which the notice specified in regulation 3 refers unless there is attached thereto, or (if the type of record is such that it is not reasonably practicable to attach an adhesive label thereto) to the container in which it is intended to be delivered to a retail purchaser, a label supplied as aforesaid and representing the amount of the royalty payable in respect of that record.

(4) *(a)* If the owner of the copyright does not take the steps specified in sub-paragraphs *(a)* and *(b)* of paragraph (3) within the times therein respectively specified, the manufacturer may deliver to a purchaser or otherwise supply as aforesaid any record to which the notice specified in regulation 3 refers without complying with the requirements of paragraph (3).

*(b)* The manufacturer shall keep an account of all records delivered by him to a purchaser or otherwise supplied as aforesaid in accordance with this paragraph and the amount of the royalties due to the owner of the copyright in respect thereof shall be transferred to a special account and held in trust for the owner of the copyright.

(5) If the manufacturer takes in relation to any records the steps specified in paragraph (3) or (4), as the case may be, the taking of those steps shall be deemed to constitute the payment of royalties on those records in accordance with paragraph *(d)* of subsection (1) of section 8 of the Act.

(6) For the purposes of this regulation " the date of the notice specified in regulation 3 " means —

*(a)* in cases where the notice is required to be sent by registered post, the date when the notice would in ordinary course of post be delivered;

*(b)* in cases when the notice is required to be sent by recorded delivery, the date when the notice is so delivered; and

*(c)* in cases where the notice is required to be advertised in the *Gazette*, the date of such advertisement.

(7) *(a)* The adhesive label supplied as aforesaid shall be an adhesive label, square in shape, the design to be entirely enclosed within a circle and the side of the label to be not greater than 3/4 inch in length.

*(b)* The label shall not contain the effigy of the Sovereign or any other person, nor any word, mark or design such as to suggest that the label is issued by or under the authority of the Government for the purpose of denoting any duty payable to the Government.

*Ordinary retail selling price*

5. — The ordinary retail selling price of any record shall be calculated at the marked or catalogued selling price of single records to the public, or if there is no such marked or catalogued selling price, at the highest price at which single records are ordinarily to be sold to the public.

*Inquiries*

6. — (1) The inquiries referred to in subsection (7) of section 8 of the Act shall be directed to the owner of the copyright by name or (if his name is not known and cannot by reasonable inquiry be ascertained) in general terms as the owner of the copyright in the work in respect of which the inquiries are made and shall contain —

*(a)* a statement of the name of the musical, literary or dramatic work in respect of which the inquiries are made, a description sufficient to identify it and of the name of the author or publisher;

*(b)* a statement of the name and address of the person making the inquiries;

*(c)* an allegation that a record of the work or an adaptation thereof has previously been made in or imported into Hong Kong for the purposes of retail sale, with the trade name (if known) and a description of snch record sufficient to identify it;

*(d)* an inquiry whether the record so described was made in or imported into Hong Kong for the purposes of retail sale by or with the licence of the owner of the copyright.

(2) The inquiries shall be sent by registered post or recorded delivery or published by advertisement as follows —

*(a)* if an address within Hong Kong of the owner of the copyright or his agent is known or can by reasonable inquiry be ascertained, the inquiries shall be sent to such address;

*(b)* if such an address is not known and cannot by reasonable inquiry be ascertained, the inquiries shall be advertised in the *Gazette*.

(3) The prescribed time for reply to such inquiries shall be —

*(a)* to an inquiry duly sent by registered post, 7 days after the date when the inquiry would in ordinary course of post be delivered;

*(b)* to an inquiry duly sent by recorded delivery, 7 days after the date of delivery;

*(c)* to an inquiry duly advertised in the *Gazette*, 7 days after the date of such advertisement.

# GENERAL STUDIES

## Reprography and Copyright

Helmut ARNTZ *

The excellent report on which every study of this problem area will be based [1] reviews the efforts that have been made since 1961 to find a *modus vivendi* between the owners of intellectual property and those persons who need copies either for administrative, educational, scientific, or also for commercial and economic purposes, as well as those persons who, without being the final users, derive other financial gains from copying the works. In view of the rapidly developing copying processes, which are continuously throwing up new legal problems, we frequently read in reports that the situation is not yet ripe for a solution at the international level. This is a highly unsatisfactory state of affairs, particularly for the owners of the copyright. The following remarks will perhaps show that the recent and particularly revolutionary developments have made it even more impossible to find a solution, unless we look for entirely new ways of going about things.

To put it positively, the author believes that the time is now ripe for a decision on this question which will bring about a solution that is acceptable to all parties concerned. The solution can only be found if we get away from the idea that has so far been the starting point and dominant theme of the discussions, namely, that the " copy " should be the object involving some obligation and thus a financial payment on the part of the user. This is not to be taken as a condemnation of the previous legislation which has rightly forbidden the unauthorized reproduction of protected works. It will be shown, however, that even in this area, which goes far beyond what is generally understood as a " reprographic copy ", the new techniques have created a different situation which forces us to reconsider the regulations that have been applied so far.

To back up his point of view, the author originally intended to examine some of the future techniques (such as holography) in more detail. But he is now of the opinion that the techniques presently in use are enough to necessitate rethinking the old approach.

The old ideas on this subject are very clearly expressed in the recommendations carefully worked out by the group of experts [2] who, like their predecessors, concentrated their attention on individual copies in the belief that they could keep track of these copies (and probably levy a charge) as they were made by libraries, administrations and industrial firms, that is to say by a surveyable number of institutions with which one could deal and which could be grouped together in a controllable organizational form. It will be shown, however, that this set of conditions no longer exists so that, to put it in somewhat general terms, authors and publishers do not have clearly defined partners with whom to deal in establishing their *modus vivendi* with the users of copies. But as things stand at present, not even this is the decisive factor.

In 1961 and later years it was always taken as axiomatic that a copy could be recognized as such in the same way that it was (normally) possible to detect that a printed publication had been reprinted. This view applied in particular to reprographic paper copies which were essentially different in paper and appearance from the printed original and which could not be confused with the latter — hence they were suitable for a fee to be levied on them.

All this is no longer the case. Modern reprographic procedures which are sometimes used for " reprints ", permit any number of copies to be reproduced on the same paper as the original and are, therefore, identical to it. This is important in so far as one cannot question the good faith of the person who acquires such a copy and it may even be more difficult to find the producer of the copy, the more closely his product is identical to the original.

A complicating factor is that the revenue from reprints identical to the original which are produced by modern reprographic methods cover the costs after just a few copies have been sold. This will undoubtedly lead to increased use of reprinting methods and also make it more difficult to enforce the law. So although, as mentioned at the beginning, the legal regulations which forbid the unauthorized reproduction of intellectual property are not being questioned, it is nonetheless apparent that the new techniques necessitate a revision of these regulations.

The author does not regard paper copies that are identical to the original as the most decisive proof that can be adduced. He has only mentioned them as an example of the many possibilities that exist. The decisive medium in the author's opinion is microfilm because here the original and the copy can be the same in all respects, i. e., it is no longer possible to prove that one or the other is a " copy ".

In 1961 and subsequent years this problem was of no importance because microfilm was in principle regarded as a copy. In general, it was even considered to be something less

* Prof. Dr.; President of the International Federation for Documentation (FID) and of the International Council for Reprography (ICR).

[1] Document B/EC/VI/2 — IGC/XII/2, presented at the joint meetings of the Executive Committee of the Berne Union and the Intergovernmental Copyright Committee (UNESCO) (Paris, December 5 to 11, 1973).

[2] Working Group on Reprographic Reproduction of Works Protected by Copyright (Paris, May 2 to 4, 1973). See *Copyright*, 1973, pp. 172 *et seq.*

than a copy, namely, only a technical transition stage in the process of transferring the copy to paper. These views were supported by the low use made of microfilm readers in libraries and predictions that, since people were accustomed to reading the printed word on paper, they would not be prepared to change over to microfilm.

This situation has changed radically as a result of factors which will be discussed below. The microfilm is not merely accepted without resistance as a copy of the printed page, so that no paper copy is made; instead, in the form of micro-publication in a large number of copies, it is rapidly replacing the publication printed on paper. Reproducing a micro-puhlication hy making duplicate copies is not only very cheap to do, but also it is a process which, as already stated, cannot be detected since no distinction is made between original and copy. If this is the case, then the efforts made so far to link the financial demands of the owner of the intellectual property to the " copy " will no longer prove very successful.

It may be important to state in advance that, from the point of view of the International Council for Reprography (ICR), protection of intellectual property, the use of which must be compensated, is one of the fundamental principles of society. The members of the ICR have the modern copying procedures at their disposal and are working to refine them. However, the members of the ICR are not motivated by the desire to absolve the act of copying from legal restraints, instead, they merely helieve that the existing conventions or the proposed amendments thereto are no longer in keeping with the technological situation. Only after this defect has been remedied, can the agreements achieve the goal of securing appropriate compensation for the owner of intellectual property when that property is utilized by reprographic means.

*Excursus I: Copies for scientific purposes*

In the discussions to date, general agreement has heen reached that copies required for scientific purposes should be exempt from any proposed charges. It is a tragedy in its own right that the " copy for personal use and for scientific purposes ", on which all concerned were so felicitously in agreement, will lose its special status if a practicable and also internationally acceptable solution is to be found.

The author would, therefore, like to explain in a few words, that he is, regardless of the consequence of his views, on the side of the scientists. The genius capable of making new discoveries through the creative powers of his intellect has become more and more a utopian figure. In all cases of any practical significance, the scientist uses the publications of his colleagues and where in earlier days he had to make handwritten extracts or, just as laboriously, typewritten extracts, he now copies the important passages. It is in the nature of the researcher's work that he utilizes other people's results in order to achieve a usually tiny advance in the field of human knowledge. In the same way, he places the results of his work at the disposal of everyone whose ideas he " stole " so that his findings can in turn be plundered to form the basis of future progress. The mutual renunciation of copyright is implicit in this process of constant give and take because if the rules are applied fairly, no one takes more than he gives. The concept of fairness means that only one copy is made in each case and that it is intended for the personal use of the scientist; furthemore, to play the game fairly, the knowledge obtained with the aid of another person's intellectual property is made available without delay — for example hy publishing it — to all other owners of intellectual property.

If the author's line of thought is pursued, it is apparent that no particular group should be accorded special privileges with regard to the use of reprographic techniques; therefore, it is the duty of the State to enable its researchers to speed up the unimpeded flow of information by using reprographic methods and to direct this information to those who need it.

*Excursus II: Copies for use in industry*

Since the author is proposing new solutions, he would like to eliminate a false conception concerning the use of copies in industry and commerce. For years this has been a major stumbling block to agreement between the various interested parties, and reprography has been tainted in the eyes of the publisher, because in many cases the commercial user has been suspected of using reprographic processes for the illicit purpose of evading otherwise unavoidable expenditure.

To put it more precisely, industrial firms have been accused of previously subscribing to twenty copies of a journal for their staff, while nowadays thanks to the progress made in copying techniques, a firm needs only to have a subscription for one copy which is used to reproduce the nineteen other copies. The author regards this claim not merely as a gross oversimplification but also as entirely false. He realizes that in saying this he is attacking one of the main pillars of the argument which has so far been used to justify the claim for financial compensation.

The first scientific journals were founded in 1665 with the publication of de Sallo's *Journal des Savants* and also the appearance of the journal *Philosophical Transactions* in London. It was their function to disseminate a broad spectrum of knowledge. Because of their increasing specialization they are nowadays only inadequately able, if at all, to accomplish this task. As a result, since 1830 we have seen the emergence of more and more abstracting journals and since 1950 efforts have been made to disseminate information on a selective basis (Selected Dissemination of Information — S. D. I.). Also, other methods have been adopted to serve particular user profiles directly.

Each industrial firm has its own user profile. The user requirements were originally satisfied by journals covering the same spectrum of interests. The increasing specialization in research has given rise to a corresponding process of specialization in the journals; as a result, the user interests and the spectrum of subjects covered by the individual journals no longer coincide. Statistics show that the suhscriber is nowadays on average interested in only 5 percent of the content of " his " journal, while 95 percent of the articles deal with subjects which are usually not simply outside his sphere of interest but even far above his head. Why should an industrial firm go on taking 20 copies of a journal, which was originally subscribed to in such quantity because its contents

coincided with the spectrum of interests of the firm's staff, when only 5 percent of the information contained in the journal is " relevant "? The firm will simply order one copy of the journal and reproduce those parts of it which are of interest to its searchers; on average, therefore, only fractions of each issue will be copied.

It was stated at the beginning and it should be emphasized here once more that it is not the purpose of these remarks to release industry from the obligation to pay for using the intellectual property of others. However, much of the emotional element would be removed from the discussion if publishers would stop trying to make up for a decline in the subscriptions to journals by cashing in on the progress made by reprographic techniques. " Are the journals printing their own obituaries with so much paper? " was the question which the Organisation for Economic Co-operation and Development (OECD) raised already in 1968 in a critical analysis which had nothing to do with the problem of copying but instead focussed on the uncontrolled explosion in the amount of material published by the scientific and technical journals.

This increase is, incidentally, a further plausible reason for the decline in the number of subscriptions. The fact that the biomedical journals (including those which have been newly founded) have increased their size in the period of 15 years from approximately 11,000 pages per annum to about 42,000 pages per annum may be taken as a happy sign of the intensity with which theoretical and practical biomedical research is being pushed ahead. The firms and institutes that are having to spend more and more on their subscriptions to journals must, however, be permitted even greater selection and no one should try to make reprography the scapegoat if subscriptions decline. Again, statistics show that in fact the number of subscriptions is rising; they are, however, distributed over a much broader range of publications.

If it is agreed that industrial firms should pay for making copies, then official agencies must be treated in exactly the same way because it is very likely that they make an even greater number of copies (frequently without limiting themselves strictly to what is necessary). Any attempt to count the copies is however useless because the proportion of protected literature in both these areas is very small in relation to the files and business documents that are copied. Since, in fact, the amount of protected literature is usually far less than 5 percent, it is not very realistic to propose expensive checking procedures. Even if there was a separate counter to record the number of copies made of protected literature (and this is not very likely), this would not provide much of an indication because in many cases a decent copy of an original can only be obtained after several attempts.

It will be shown below that *per se* it is quite erroneous to imagine that counting copies is a practical method of solving this problem. However, if the tension that exists between publishers and industry is removed this will facilitate negotiation of a new agreement; it is with this aim in mind that the author has made the above remarks.

* * *

It is understandable in historical terms that earlier negotiations centered around the counting of copies because the small office copying machines, with which reprographic copying began, could usually only make a copy by passing the original page through the machine — a procedure which precluded the copying of publications. It is clear to see that when deliberations on this problem got under way in 1961, people assumed that it would be possible to monitor the few copying machines that were around (and which had a very modest performance by present day standards). It becomes apparent just how much the situation has changed if one thinks of the hundreds of thousands of small and large copying machines which are nowadays in use in all government offices, institutes, industrial firms, etc., and which permit single pages as well as entire books to be copied at will.

While there still seems to be some connection here with the initial set of conditions, further developments have moved far away from and are quite unrelated to these original circumstances. While admittedly microfilm readers certainly existed before 1961, they were manually operated and it was difficult if not impossible to produce copies from the screen. Nowadays, electronic readers have a performance of 350 images per second (which can mean as much as 700 pages of published material, depending on the size of the image) and these readers have built-in copying facilities. Provided that the documents are identically coded during the filming (e. g., using the IC-process), each desired page can be electronically retrieved and projected onto the screen within no more than 10 seconds. By pressing a knob and waiting a further 10 seconds, one obtains a usable paper print of the page in question.

Since hundreds of thousands of these readers exist, copying can no longer be kept under control. This is very important from the point of view of the existing regulations and the discussions that have been held so far, and the author will cite further examples of the impossibility of controlling the copying process. As, however, it is the microfilm itself which occupies a central place in his thinking, he does not consider it important whether paper copies are made from this microfilm or not.

To help those who are not familiar with these technical developments (and the author is thinking here particularly of lawyers, who are the most important participants in these discussions), it is important to say something about microfilm and the factors which led to it making a breakthrough into science, industry and the administrative sphere.

My great teacher, Herman Hirt, had revolving bookshelves measuring 70 × 70 × 100 cm. standing alongside his desk. Within easy reach of his hand he had, on these shelves, all the publications that he needed at any one time for a particular subject. It was using this tool that he wrote his seven-volume Indo-European grammar, a task which no one dared to undertake either before or since. He wrote this work at home because this was where he had all the important documents at his disposal. The fact that the famous university library in Leipzig was only open for two hours on two days per week in the 18th century thus cannot be taken as a sign that the scholars were lazy. What it does show is that the researchers had their own private libraries which permitted them to follow up

each idea immediately instead of waiting weeks for books to be sent to them on loan from libraries far away by which time the spark of creativity would have been snuffed out.

The bookshelves to which I refer now stand in my own library. It has become an ever more impractical piece of equipment because, instead of octavo, many publications now come in the format DIN A 4 (210 × 297 mm.). And it is also incapable of holding the masses of literature, i. e., the several hundred publications, which are nowadays available on one single topic. We do not need to remind ourselves that, in addition, the prices of books and journals do not allow scholars to maintain their own personal libraries, at least not in the traditional manner.

The advent of microfilm has once again made it possible for a scholar to have his own library and this time much larger than before. If one assumes that a 30-metre roll of film is sufficient to record 6,000 DIN A 5 pages (148 × 210 mm.), then the approximatelay 1,000 rolls of film which would fit in the revolving bookshelves mentioned above (70 × 70 × 100 cm.) would contain 6,000,000 book pages or (assuming that the average book or volume of journals contains 300 pages) an enormous library of 20,000 volumes. All 6,000,000 pages are within easy reach of the user's hand, and if they are coded, any desired page can be displayed on the screen and also copied within an average of 20 seconds. The microfilm is automatically stopped in the electronic reader when the selected code coincides with the code on the film. The page can then be read. It may appear significant in legal terms whether the page is copied or not but in fact this is of no consequence, as the author will show below.

Electronic readers make it possible to cut down on staff, and to save time and space. In relation to these savings, their initial cost is minimal, and wide use is already being made of these machines. Small, handy readers are also available at a relatively low cost which permits students, doctors, lawyers, etc., to buy them for use in their own homes/offices.

At this point the author would like to clear away a possible source of misunderstanding. If it is agreed that making copies from microfilms cannot be controlled, it would seem logical to go one step further back and to claim compensation for authors and publishers at the point where the copiable microfilms are produced. This would denote a departure from the concept of copying because, for reasons still to be discussed, the vast majority of the recipients of copiable microfilms are not interested in making copies from them, either on paper or on film. Such an action would also affect larger and larger numbers of publishers themselves whose micro-publications, which will be discussed below, also have the form of copiable microfilms and microfiches.

But it is the copy on film that introduces entirely new aspects here. Because it is such a simple and cheap procedure, it can be expected that in future far more copies will be made from film to film than from film to paper. Even a firm working on a contract basis will charge only $ 10.00 or less for duplicating a 30-metre roll of film (= 6,000 printed pages) including the costs of the material. The prime costs are much lower (even allowing for the amortization of a machine acquired for the job). Thus the cost of copying 6 printed pages would amount to no more than one cent.

These figures acquire full significance with the fact that during the last years microfilm has become an accepted medium *replacing* the printed page. Micro-publishing is not a substitute process but a form of publication in its own right with which publishers (e. g., in the case of newspapers) have hesitantly experimented, mainly because it was assumed (without adducing any proof of this) that the readers would not wish to change over.

However, when American psychologists were asked to carry out studies in which people were used for testing who were not in favour of microfilms, a surprising result was obtained. It was found that the test persons read the projected image of the page on the screen faster than they could read the same page in print; their concentration was greater; and they grew less tired. (These findings are not entirely surprising because since the 50's, when microfilm readers were negatively received, the hardware industry has gone to great lengths to evaluate all the medical and psychological data so that entirely new types of equipment could be developed.)

Since the advantages of reading from a screen have become apparent, more and more producers have gone over to having their publications simultaneously produced on microfilm or microfiches as well as on paper. This action in itself makes it entirely impossible to control the making of copies, and some publishers have advanced to using nothing but copiable microforms, i. e., they have gone over entirely to micropublications.

The largest of these progressive publishers is the U. S. Government Printing Office which in the fiscal year of 1970 issued 27,000 different publications. Once the change-over will be made to nothing but micro-publishing, the costs per copy of a publication (containing on average 200 pages) will be 10 cents while the cost of printing the same publication on paper amounts to $ 2.00. The 82 million copies sent in one year (1970) to 5.1 million customers give an idea of the magnitude of the paper and shipping costs which could be saved by micro-publication. According to expert estimates, the U. S. economy alone could save 11 billion dollars in the production of printed material together with a further 5 billion dollars for mailing and shipping this material.

These figures indicate that the quality of microfilm and the advantages of micro-publication are not the only factors involved here. The depletion of the forests as raw material for paper, the rapid increase in the cost of paper brought about by the oil crisis, the sharp rise in construction costs for new archives and libraries and the increasing costs for staff must all be taken into consideration here. These factors are playing an important part in a development which only a few years ago would have been unthinkable. Micro-publication is being spurred on by these events and there is now no stopping it. It is only a secondary result that micro-publication makes it impossible to control who copies what at home from the microfilm or microfiches. Any checks will be impossible precisely *because* copies are made at home, for it will be much more convenient to have an entire library within easy reach

without having to leave one's desk and to make copies on paper or to duplicate microfilms as required for oneself or for others without having to visit a library or some other institution to obtain those copies. This is important in so far as libraries have so far been regarded as important copying points for third parties.

It would be wrong to assume that micro-publications are a new phenomenon suddenly created out of nothing. Two avenues of development have led to this new technique. For many years the large scientific handbooks, just to take these as an example, have suffered from the high costs of setting and printing the formulae and tables which, furthermore, rapidly become obsolete but cannot be updated because the publishers cannot expect the customers to purchase an expensive new edition at frequent intervals. Given the new techniques of computer type setting and computer correcting, which can keep the printed original constantly up-to-date, this old technique is fit for the museum. For some time therefore, publishers have been printing only the introduction and a summary in the conventional manner, while the other parts of the publication are included in the form of microfiches or microfilm jackets in a small pocket. These filmed portions of the publication can be replaced by updated material at any time and at minimal cost. The author is including them here in his discussion of the subject because it has always been possible, without any control, to make copies of this filmed material, either from the screen projector or from the screen of a reader, for any desired number of interested parties. Like the technique of micro-publication, this microfilming procedure was not conceived only in order to bring about a radical reduction in the cost of books, but instead to make use of the available technology for updating purposes and thus to achieve a faster flow of better information. Any legislation must take this factor into consideration.

The second way of solving the same problem as that for which the technique of micro-publication was introduced, is represented by the manuscript depositories. The purpose of these is also to put a stop to the avalanche of literature descending on the printing presses. In future, it is intended that literature which — irrespective of its level, which is often very high — is only of interest to a few specialists will not be printed but stored in manuscript form and made available upon request by making reprographic copies. To gain some idea of the order of magnitude involved here, it should be pointed out that the OECD is anticipating that approximately 150 million publications will have to be held in storage in 1985.

This project illustrates very clearly the change that has taken place in copying techniques. If individual copies were to be generated from the stored manuscript then the example that has just been quoted would be ideal to illustrate how the copying process could be controlled, counted and authors and publishers compensated. However, for the technical-industrial world to function smoothly, it is necessary not only that documents (and this applies to more than just the manuscripts in storage) be *identified* (and then perhaps take months to acquire) but that they are also *readily available*. The document referenced by the computer (or from the bibliography, or from an abstracting journal) must be available at every terminal. However, the only feasible way of doing this in terms of technology, space and cost factors is to use micro-copying techniques, i. e., availability as microfilms or microfiches. This applies primarily to those documents which carry progress forward, i. e., those which are most topical and definitely covered by copyright. To start with, perhaps several hundred and then several thousand copies are made of these documents in order to fill the microform archives at the terminals. From this point on it is impossible to exercise any practical method of control.

It will take a few years until the technique of micro-publication has reached the point where everyone will have his library around him in microform and will have a combined reader, duplication and copying device (no larger than a normal telephone) on his desk. But the trend is so clear that any legislation to be passed must take account of these developments.

Let us try to define the development a little more precisely. As has been mentioned above, the U. S. Government Printing Office has decided to go over to micro-publishing. This decision alone will eventually force all people ordering U. S. Government publications to acquire microfilm readers with which every microfilm can also be copied. As already mentionned, in 1970 alone, 5.1 million people ordered publications from the U. S. Government Printing Office. One might argue that, given this large numher of users, quite considerable sums could be obtained to compensate the owners of intellectual property hy levying an additional tax on the sales price of readers and copiers. We will go into this below. Very soon combined reader-copiers will be available on the market for less than $ 50.00. The difference between the purchase price of a printed paper copy and a microfilm copy is such that this sum will be recovered in the case of a single scientific work.

Until recently, printing on paper offered one advantage which the medium of microfilm did not have, and it is an advantage that has increased in significance from year to year, namely, the ability to provide colour reproduction. Colour is an indispensable factor in the fields of natural science, medicine, geography and archaeology, but it is also growing in importance for publishing as a whole. The advent of colour micro-publishing was therefore a decisive step forward and it is possibly the best example to demonstrate the unassailable cost position of microfilming. A colour microfiche can reproduce up to 98 colour images of the same quality as that given by normal colour printing. The cost comparison is as follows: to print 1,000 copies of a book containing 100 pages, half of which contain colour pictures, would be 12 times more expensive than micro-publishing 1,000 copies of these 100 pages (= 1 microfiche) in colour.

But, for such a low number of copies, the costs of printing constitute only about 50 percent of the costs for producing the proofs. Colour clichés (lithos) of *each* DIN A 5 page cost about $ 400.00. These costs do not occur during microfilming hecause the original colour picture is filmed in colour.

Further advantages can be seen in the difference between the shipping costs for books and microfiches and last but not least also in the costs of reproduction. Because of their capacity, colour microfiches are cheaper to duplicate than colour slides. To produce 150 colour microfiches, each containing 98 colour images, would cost less than one-twentieth of the reproduction costs for 150 copies of the same colour pictures in slide form.

The author has dealt at length with colour micro-publishing and its costs compared with those of normal printing because this invention will break down the last barriers of resistance in scientific circles as well. The consequences for the copying industry are obvious. Even expensive high-performance equipment procured for both copying and duplicating purposes would recover their costs by producing a few colour microfiches instead of colour printed books, particularly since the more scientific the book and consequently the smaller the size of the edition, the higher will be the price.

To sum up the remarks made so far, any new convention must take account of the situation in which more and more publications will be made available in microform and also read in that form. The same micro-publications can be duplicated in microform at home using private equipment. Compared to microform, paper copies of the material of interest here (printed material protected by copyright) will become rarer and rarer and for this reason alone the view occasionally expressed in some quarters that levying a supplementary charge on the price of the copying paper might solve the problem, will not come to very much. More than 100 billion DIN A 4 pages are reproduced each year as paper copies, but of this enormous figure only a small part represents the copying of protected literature; and the advantages of microfiches and microfilm which have been described above will render even this proportion of protected literature insignificant.

We have said that the scientist can no longer be granted any special privileges. If a charge has to be paid somewhere for the use of intellectual property, then the scientist will have to pay this in just the same way as someone who uses the copies for commercial purposes. However, the scientist is fully compensated because he once again enjoys an advantage which he has not had for several decades and which at one stage seemed unlikely ever to return, namely, he has at his fingertips his " scholars' library ". With this library he can follow up his creative ideas immediately and check on the results of his research without any loss of time. This enrichment of the scientist's creative potential will provide a further important boost in helping micro-publication to quickly attain its goal; therefore, due consideration must be given to this situation now.

The technique of micro-publication was taken as an example to bring out clearly the new developments, but it is not the only example that one could cite. It is nowadays possible to display computer-stored data on a cathode ray tube which in turn can be coupled with copying facilities for making copies on paper as well as on microfilm; in this case, too, there is no way of establishing what and how much has been copied.

*Excursus III: The effect of computers on copyright protection*

The computer adds a new element of uncertainty. The fact that in the discussions held so far by the committees studying the problem of copyright protection, the computer has only been mentioned " en passant " faithfully reflects once more (like the attitude to microfilm) the situation that prevailed in 1961 when a key punch operator laboriously had to punch symbol for symbol until the punch cards could be sorted individually by the machine.

Nowadays automatic character readers can read material using programmed typefaces (usually including all typewriter faces) into magnetic storage at the rate of 1.5 million characters per hour. The readers can also cope with most other typefaces at about half this speed (which still means 300 pages of a book per hour) and their capabilities will be further refined. Input of the material into the computer is also effected via punch tape, magnetic tape cassettes, telephonic data transmission equipment, OCRB-typewriters or by automatic electronic typesetters. At the moment of storage it is frequently not known whether the data will merely be stored or whether also a copy will be made. It seems incontestable that a license should be required for storing protected texts. Since however the integral storing of complete texts will be the exception rather than the rule, the problem in concrete terms involves licensing (against payment of a fee?) the storing of titles, descriptors, abstracts, and excerpts so that it is impossible to give a general answer here.

While codifying the stored material is difficult enough, it is even more of a problem to codify the use of this material in a way that copyright is protected. Again it seems plain that protected texts should not be used without the approval of the owner of the copyright. But what use is meant? Computers have not only increased their storage capacity, but also their range of capabilities. No matter how much it goes against the grain to admit that a computer is a machine with more than just an unlimited memory, we must nevertheless accept the fact that when they are suitably programmed they are also capable of thought processes and can for example combine the contents of various documents (e. g., protected texts) which are fed into them to give an entirely new document. In such a case, where does the infringement of rights begin and where does it end? Is it perhaps to be seen in the stored programs which delegate to the computer communication functions which previously were carried out slowly and in a supervisable manner by human beings?

Different problems, but ones with similar consequences, occur in connection with the coding mentioned at the beginning which can take place either at the input stage or output stage (e. g., C. O. M.) but which also of course, for example in the case of microfilming, can be carried out quite independently of the computer (for example using the Miracode System). The question whether codifying also adds information which should be protected under copyright legislation still remains to be examined in detail. The same applies in a similar fashion to abstracts which can range from the simple listing of the table of contents up to an individual act of intellectual creativity (e. g., a critical review). If only because of the

flood of literature, we will be forced more and more to go over to automatic abstracting. Although it would be wrong in these early stages to talk of the computer being independently able to perform intellectual tasks, it is nonetheless certain that in the course of the next few years these capabilities will increase and thus a whole new set of legal complications will be created.

In view of what has been said it is not really much of a further complication that millions — or perhaps already billions — of pages have only been stored on microform for reasons of security or to save space without there being an intention of copying them. This material includes protected works of all kinds particularly where entire areas of literature are continuously recorded on microfilm, microfiches or magnetic tape and then stored as potential background material for future research, development, practical application or production. It may be, but not necessarily, that the copyright period has expired when the copies are made; again there is no practical means of checking this.

The same applies in principle for all materials stored in computers. It may never be retrieved or it may be retrieved daily. Anyone who has direct access to a computer, either via a terminal or via some other means, will be able to have the stored material displayed on a screen and possibly copied on paper or duplicated on film without in most cases even knowing whether the material is protected or not. If one wanted to exclude and block all copyright material from being retrieved, this would not only make nonsense of technology, but also progress would be blocked, and this is the last thing that authors and publishers want.

Even if one disregards coding, the size and scope of the material stored in computers make it quite impossible to keep any check. To cite just *one* example, the computer memory bank of the Lawrence Radiation Laboratory of the University of California has a capacity of 125 billion symbols; this would be the equivalent of 60 millions book pages *(if* the material stored was from books).

The computer-output-on-microfilm process must be briefly mentioned here because it also makes the computer a factor of unforeseen importance in the problem under discussion. With this procedure there are no paper originals. The text is generated electronically in accordance with directions given by the computer. Up to 120 thousand characters per second (capitals, lower case, italics, boldface) can be produced on microfilm. As described above, the microfilm can be duplicated or copied in any suitable way or it can serve as the original from which printed copies are made. In practice this means that all the information stored in a computer, including all stored complete texts, are available at any time in coded microform and can be duplicated without anyone being able to detect this. It is not even necessary with the C. O. M. procedure to use expensive calculating time of the computer; instead, the data can be transferred directly from the magnetic tape using a small peripheral device.

Satellites have an even wider effect than computers. They will not only outdo each other in offering controllable programs, but will also put people in the position of being able to make permanent copies of all the information offered to them. In one case millions of people will avail themselves of this opportunity, and then again in another, no one will do so. It is evident that satellites cannot be checked, whereas with computers we still occasionally delude ourselves that a check is possible.

* * *

From what has been said so far one may have gained the impression that the predictions for the future and the description of the present situation are based by and large on scientific publications. It must therefore be emphasized that we are concerned with *every single* publication (or manuscript) in copyright, including the best selling novel. A novel can also be projected and read by people in an auditorium (for example, a hospital ward); but also, it can appear in micro-publication form and be copied at will by the purchaser for his friends, if he owns a cheap duplicating machine. Naturally, the novel could also be copied on paper for those who prefer this medium.

But that is not all. It still sounds like an exaggerated piece of propaganda on the part of computer manufacturers to claim that 10 years from now we will be able to retrieve any desired novel from the computer memory and have it displayed on a screen at home where one can read it in the comfort of one's armchair (and again also copy it as often as one wants). It only sounds like an exaggerated claim because at present the costs for reading the novel into the computer memory, telephonic call-up and output of the text are still much too high. But, technically the whole procedure is entirely feasible because there is nothing simpler than storing straight text which can be read in by *one single* automatic reader at a rate of up to 700 novels per month. It would be irresponsible to ignore these developments when considering the problem.

Reprography which makes it possible to copy and duplicate rapidly *all types* of documents and to reproduce them in any suitable form, has become an indispensable process not only in the industrialized countries but also in the developing countries as well. In both parts of the world, reprography helps guarantee the quality of life, the national product and also progress. The only way that the industrialized countries can keep abreast of the information needed to remain competitive, and to ensure growth and exports, is to make full use of the reprographic procedures. For the developing countries, reprography offers the only means of rapidly acquiring the information for raising their standard of living to that of the industrialized countries at a cost which is affordable.

To use an analogy, industrial waste, flue gases and effluent are endangering the ecological system and the biosphere. Nevertheless, no one considers the possibility of banning industry or putting a brake on its development; instead, everyone agrees that the dangers can be eliminated by building suitable facilities (such as waste water treatment plants) regardless of the costs involved.

A similar procedure must be adopted in the case of reprography. Any attempts to ban this technique or to hinder its development would have just as little success and would be

just as damaging to progress and worldwide development — last but not least in the developing countries — as if corresponding steps were taken against industry. So if the use of reprography causes damage (in this case as a result of infringing the rights of intellectual property), then conventions must be prepared which, regardless of the costs, exclude the possibility of such infringement or provide for suitable compensation of the owner of the intellectual property, without barring progress. The high esteem in which WIPO and Unesco are held by all interested parties, and the successful cooperation between the two. are guarantees that these new agreements will not be just printed paper but will also be applied fairly.

It must be the aim of such agreements to protect intellectual property. Several examples have been quoted to show that this protection cannot be given at the end user stage. Instead of a computer or satellite we could equally well have discussed the case of newspapers which can be printed in one's own home by means of a simple device (not only because there will be no more newspaper boys). It is all too often overlooked that these are all consequences of the oversupply of information. This applies to newspapers just as much as to scientific journals. The Sunday edition of many newspapers would provide one with reading material for many weeks to come if one were to read these voluminous publications from cover to cover. The fact that newspapers try to cover all the needs of all their potential readers spells doom for the present type of newspaper. Very few readers have a need for global information and therefore the newspapers which are transmitted directly to the reader's home will vary greatly in content — some people will only want to read about sports, others will only want the cultural section and others will only want politics. Here, too, articles will be copied which in legal terms constitute intellectual property, and here again it is not possible to tell if and by whom copies are made.

As the few examples cited have shown, the only way to solve the problem is to get away entirely from using the copy or the maker of the copy as the basis of remuneration, and instead one should satisfy the authors' and publishers' justified claims at an earlier stage. Suitable solutions can only be found if the sales price of all equipment which *permits* the reproduction of intellectual property contains a protective fee, as is already the case with tape recorders in several countries. One could object that this method does not fairly tax the person doing the actual copying nor does it fairly remunerate the person whose intellectual property is copied because, just as in the book trade, in microform too, there will be " duds " and best sellers. However such unfairness is generally accepted. Take for example vehicle licensing taxes which are the same regardless whether one drives 1,000 or 100,000 km. a year, although in most countries the tax monies are spent on road building and repair programs and the latter driver gets 100 times more use out of the roads than the former.

The author does not expect the manufacturers or the purchasers of reprographic equipment to be delighted at his proposal particularly since many of the latter never intend to make any copies or duplicates and because millions of people are unaware of the potential of the equipment that they have bought. However if, as the preceding remarks were intended to show, it is not possible at some later stage (of the microfilming, copying or duplicating process) to arrive at an enforceable agreement, then the only point at which one could do something about this problem is at the equipment level. This appears logical, because at the present and even more so at the future rates of production, a relatively small extra charge levied on the price of the equipment would be enough to meet the main purpose of the exercise which is to remunerate the owners of intellectual property for the use made of that property without inhibiting the free flow of information and thus hampering progress.

*Summary*

The progress made in reprographic technology has meant that copying can no longer be checked and that in many cases it is no longer possible to distinguish the original from the copy and vice versa. While in the past microfiches and microfilm were in most cases regarded as a transitional stage to the paper copy, micro-publication has in the meantime become a form of publication in its own right. It is the equal of conventional book printing in all respects including colour reproduction (colour micro-publishing). As the quality of the reading equipment improves, so fewer and fewer paper copies are made from microfilm and microfiches, but these media are extensively duplicated and reproduced on film and again it is impossible to detect that a copy has been made. Therefore any future legislation cannot be based on the concept of a " copy " as has been the case in the past.

An uninterrupted flow of information is indispensable for the quality of life, the national product, and also progress in all fields. To maintain this flow the widest possible use should be made of reprographic methods, which have a broad impact on intellectual property protected by copyright. In order to provide adequate compensation to the owners of the copyright for the use made of their property, it is proposed that a surcharge be levied on the sales price of the reprographic equipment as has already been done successfully in the case of tape recorders in several countries.

# CALENDAR

## WIPO Meetings

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 for Developing Countries

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 13, 1975 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee

June 16 to 21, 1975 (Washington) — Sub-Committee on Reprographic Reproduction of the Executive Committee of the Berne Union
(Meeting held jointly with the Sub-Committee of the Intergovernmental Copyright Committee established hy the Universal Copyright Convention)

June 16 to 27, 1975 (Rijswijk) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee

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

August 28 and 29, 1975 (Geneva) — Hague Union — Conference of Plenipotentiaries

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

Septemher 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

Octoher 1 to 3, 1975 (Geneva) — International Patent Classification (IPC) — Bureau

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

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

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

Octoher 20 to 24, 1975 (Washington) — ICIREPAT — Technical Committee for Standardization (TCST)

October 27 to 31, 1975 (Mexico City) — Latin American and Carihhean Seminar on the Rights of Performers, Producers of Phonograms and Broadcasting Organizations
(Meeting organized jointly with ILO and Unesco)

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

November 3 to 14, 1975 (Berne) — International Patent Classification (IPC) — Working Gronp II

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

Decemher 1 to 5, 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

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 Labonr 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

Decemher 15 to 22, 1975 (Geneva) — Revision of the Paris Convention for the Protection of Industrial Property — Group of Governmental Experts

March 15 to 19, 1976 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition hy Developing Countries of Technology Related to Industrial Property — Permanent Committee (3rd session)

Septemher 27 to October 5, 1976 (Geneva) — WIPO General Assembly, Conference and Coordination Committee; Assemhlies of the Paris, Madrid, Nice, Lishon, Locarno, IPC and Berne Unions; Conferences of Representatives of the Paris, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Council of the Lisbon Union — Ordinary Sessions

March 14 to 18, 1977 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to industrial Property — Permanent Committee (4th session)

September 26 to Octoher 4, 1977 (Geneva) — WIPO Coordination Committee and Executive Committees of the Paris and Berne Unions — — Ordinary Sessions

# UPOV Meetings

**Council:** October 7 to 10, 1975 — **Consultative Committee:** October 6 and 10, 1975 — **Technical Steering Committee:** November 6 and 7, 1975 — **Committee of Experts on International Cooperation in Examination:** November 3 to 5, 1975 — **Committee of Experts on the Interpretation and Revision of the Convention:** December 2 to 5, 1975; February 17 to 26, 1976

*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 Agricultural Crops:** June 4 to 6, 1975 (Cambridge - United Kingdom); (iii) **for Fruit Crops:** June 17 to 19, 1975 (Bordeaux - France); (iv) **for Forest Trees:** August 19 and 20, 1975 (Hannover - Federal Republic of Germany); (v) **for Ornamental Plants:** September 9 to 11, 1975 (Hornum - Denmark)

# Meetings of Other International Organizations concerned with Intellectual Property

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

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

**June 2 and 3, 1975 (Paris) — United Nations Educational, Scientific and Cultural Organization (UNESCO) — Intergovernmental Copyright Committee established by the Universal Copyright Convention (as revised at Paris in 1971)**

**June 12 and 13, 1975 (Stockholm) — Union of European Professional Patent Representatives — Executive Committee**

**June 15 to 22, 1975 (Madrid) — International Chamber of Commerce — Congress**

**June 18 to 20, 1975 (Rijswijk) — International Patent Institute — Administrative Board**

**September 16 to 19, 1975 (Budapest) — International Federation of Musicians — Executive Committee**

**September 17 to 20, 1975 (London) — Union of Enropean Professional Patent Representatives — General Assembly**

**October 1 to 3, 1975 (Berlin) — International Literary and Artistic Association — Working Session**

**November 17 to 26, 1975 (Paris) — United Nations Educational, Scientific and Cultural Organization (UNESCO) — Committee of Governmental Experts on the Double Taxation of Copyright Royalties**

**May 25 to June 1, 1976 (Tokyo) — International Publishers Association — Congress**

WIPO

WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

ERTY
VIPO)

No. 5
1975

ANNOUNCEMENT OF VACANCY

Competition No. 269

DIRECTOR

EXTERNAL RELATIONS DIVISION

Category and grade: D.1

Principal duties:

Subject to general directions, the incumbent will be responsible for the direction of the External Relations Division. In this capacity, the incumbent will be called upon, particularly in matters concerning coordination within the United Nations system, to give advice on the program of WIPO, to represent the Organization at a senior level, and to supervise the activities of the Division, which include:

(a) relations with member and non-member States;

(b) relations with international organizations;

(c) representation of WIPO at intergovernmental and international non-governmental meetings;

(d) formulation of proposals for the program of activities of WIPO;

(e) participation in the implementation of the program of legal-technical assistance;

(f) preparation of working documents and reports relating to the matters referred to above.

Page

. 106

is-

. 106

. 107

. 107

. 108

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. 110

Qualifications required:

(a) University degree in law or equivalent legal qualifications (preferably) or other university degree in a relevant field. . 113

(b) Experience in the field of intellectual property, particularly its international aspects. . 119

(c) Experience at the international and intergovernmental level, involving senior supervisory responsibilities. Familiarity with the activities and procedures of the United Nations, its bodies and its specialized agencies.

(d) Ability to act as a senior representative of WIPO at international meetings.

(e) Excellent knowledge of either English or French and at least a good knowledge of the other language. Ability to work in other major languages would be an advantage.

Nationality:

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

Age limit:

The candidate designated must be less than fifty-five years of age at date of appointment in the event of a probationary period appointment being granted. However, this limit is not applicable to a fixed-term appointment, where the desirable age limit would be sixty.

Date of entry on duty: as soon as possible.

Conditions of employment:

The conditions governing employment are defined in the Staff Regulations and Rules of the International Bureau of WIPO. They follow generally those of the United Nations "common system."*

| | |
|---|---|
| - Type of appointment: | fixed term appointment of two years, with possibility of renewal; or probationary period of two years, after satisfactory completion of which a permanent appointment will be offered. |
| - Medical examination: | the appointment is subject to a satisfactory medical examination. |
| - Net annual salary:** (present scale) | from 57,717 Swiss francs (starting salary) to 66,598 Swiss francs (final step).<br>Salary step increments are subject to satisfactory service. The staff member's contribution to the pension fund represents approximately 9.5% of the above amounts. |
| - Annual post adjustment: (present scale) | from 30,623 Swiss francs (amount corresponding to the starting salary) to 33,933 Swiss francs, without dependants;<br>from 45,934 Swiss francs (amount corresponding to the starting salary) to 50,900 Swiss francs, with dependants. |
| - Dependency allowances: (present amounts) | 1,089 Swiss francs per year for dependent spouse;<br>968 Swiss francs per year for each dependent child;<br>484 Swiss francs for one dependent parent, brother or sister (where there is no dependent spouse), for whom the staff member contributes at least half the total support. |
| - Education grant: (present amount) | up to a maximum of 3,630 Swiss francs per scholastic year for each child under 21 years of age in full-time attendance at a school, university or similar educational institution (75% of actual costs). |

- Salary, post adjustment and allowances are not subject to Swiss taxes.

- Conditions also include: payment of travel and removal expenses; installation grant; five-day week; annual leave of 30 working days; home leave; pension scheme and medical benefit scheme.

Applications:

Persons wishing to apply should write to the Director of the Administrative Division, WIPO, 32 chemin des Colombettes, 1211 Geneva 20, Switzerland, for application forms. These forms, duly completed, should reach WIPO not later than June 16, 1975.

Geneva, March 14, 1975

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* The amounts of salary and various allowances indicated are subject to modification arising from fluctuations in the rate of exchange between the US dollar and the Swiss franc (the applicable scales are based on those of the UN expressed in dollars).

** After deduction of internal taxation.