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Monthly Review of the
World Intellectual Property Organization (WIPO)

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World Intellectual Property Organization

The World Intellectual Property Organization in 1977*

Membership

During 1977, the Governments of four States deposited instruments of ratification of or accession to the Convention Establishing the World Intellectual Property Organization: Italy, Malta, Pakistan, Zambia. The number of States party to the WIPO Convention is 78.¹

Governing Bodies

Membership

The membership of the Governing Bodies of WIPO and of the Unions administered by WIPO appears in the January 1978 issue of this review.

Eighth Series of Meetings

The eighth series of meetings of the Governing Bodies of WIPO and the Unions administered by WIPO was held in September/October 1977. During the said series of meetings, the following five bodies held their sessions: the WIPO Coordination Committee, the Paris Union Executive Committee, the Berne Union Executive Committee, the Madrid Union Assembly, the Madrid Union Committee of Directors. The main items discussed and the principal decisions taken by the said Governing Bodies were as follows.

The WIPO Coordination Committee, the Paris Union Executive Committee and the Berne Union Executive Committee reviewed and noted with approval the reports of the Director General and the activities of the International Bureau since their last sessions; they noted with approval the accounts of the International Bureau and the reports of the auditors on those accounts, as well as other information concerning finances in 1976. The said Governing Bodies asked the Director General to undertake a study of the possibility of settling the question of arrears in contributions of certain countries which were among the least developed of the developing countries in the light of the practice observed in that respect by the United Nations and its specialized agencies.

The WIPO Coordination Committee approved an agreement of cooperation between WIPO and the Commission of the European Communities (CEC). The WIPO Coordination Committee noted that, following upon the approval by the Council of Ministers of the Organization of African Unity (OAU), at its session in February 1977, of the Cooperation Agreement between WIPO and the OAU, the said Agreement had entered into force on May 24, 1977.

The WIPO Coordination Committee noted with approval the activities performed or planned by the Director General in respect of the resolutions and decisions of the United Nations General Assembly adopted at its thirty-first session (September to December 1976), of the United Nations Economic and Social Council (ECOSOC), adopted at its sixty-second and sixty-third sessions (March/April and July/August 1977), and of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted at its meetings in August 1977.

The WIPO Coordination Committee decided to request the Director General "not to invite the racist régime of South Africa to any meeting of WIPO and its Bodies and Unions" and "to include in the agenda of the WIPO General Assembly and other Governing Bodies, for the sessions of 1979, an item entitled 'The exclusion of the racist régime of South Africa from any participation in WIPO and its Bodies and Unions.'" Twenty-two delegations voted for, and 14 voted against, this decision.

The Governing Bodies concerned decided to admit as observers to their meetings one additional intergovernmental organization — the Arab States Broadcasting Union (ASBU) — and three additional international non-governmental organizations — the Benelux Association of Trademark and Design Agents (BMM), the Inter-American Copyright Institute (IIDA) and the World Federation of Engineering Organizations (WFEO).

The WIPO Coordination Committee and the Paris Union Executive Committee decided to establish, on an interim basis, the WIPO Permanent Committee on Patent Information, adopted the Organizational Rules of that Committee, agreed on certain measures simplifying the existing structures of intergovernmental committees, subcommittees, working groups

* This article covers the main activities of the World Intellectual Property Organization as such (that is, as distinguished from those of the Unions administered by WIPO) in the year 1977. The main activities of the said Unions in 1977 will be covered in separate articles to be published in the March 1978 issues of *Copyright* and *Industrial Property*.

¹ The List of Member States as of January 1, 1978, was published in the January 1978 issue of this review.

or similar groups, and recommended that the Paris Union Assembly, the IPC Union Assembly and the Assembly established by the Patent Cooperation Treaty (PCT) endorse these measures and establish the WIPO Permanent Committee on Patent Information definitively.

The Governing Bodies concerned established, approved or adopted the program of the International Bureau for the year 1978. The budgets of WIPO and the Unions administered by WIPO which relate to the calendar year 1978 show an income of 25,068,000 Swiss francs and expenditures of 25,511,000 Swiss francs. The number of staff posts covered by the budgets for the year 1978 is 194.

WIPO Budget Committee

The first session of the WIPO Budget Committee, established during the seventh series of meetings of the Governing Bodies in September/October 1976, was held in May 1977. The WIPO Budget Committee considered the preliminary draft program and budget for 1978 and a document entitled "Program and Budget Cycles."

Developments in Major Programs

In 1977, the main program activities of WIPO as such (as distinguished from those of the Unions administered by WIPO) were those concerned with development cooperation. These program activities are reported on here. The program activities of WIPO in the field of copyright and neighboring rights are reported on in "The Berne Union and International Copyright and Neighboring Rights in 1977" in the March 1978 issue of this review, whereas those in the field of industrial property are reported on in the March 1978 issue of *Industrial Property*.

Development Cooperation Activities in General

The main objectives of the development cooperation activities of WIPO are to promote in developing countries creative intellectual activity and to facilitate access to, and selection, adaptation and use of, technological, scientific and other information and literary and artistic works of all kinds for the purposes of economic and social development. The development cooperation activities of WIPO during the year 1977 were mainly aimed at the strengthening of national infrastructures in developing countries for the achievement of these objectives.

These activities, which were carried out within the framework of the WIPO Permanent Program for Development Cooperation Related to Industrial Property and the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights, and the work of the two Permanent Committees which keep these two Programs under

review and make recommendations in this connection to the WIPO Conference and the WIPO Coordination Committee are summarized in the following paragraphs.

Permanent Program and Permanent Committee (Industrial Property)

Permanent Committee (Industrial Property)

Membership. The revision of the Organizational Rules of the WIPO Permanent Program for Development Cooperation Related to Industrial Property (hereinafter referred to as "the Permanent Program (Industrial Property)") by the WIPO Conference in 1976 affected the membership of the Permanent Committee for Development Cooperation Related to Industrial Property (hereinafter referred to as "the Permanent Committee (Industrial Property)") in that States which had not yet become members of WIPO ceased to be members of the Permanent Committee (Industrial Property). During 1977, three States informed the Director General of their desire to be members of the Permanent Committee (Industrial Property): Libyan Arab Jamahiriya, Surinam, Zambia. At the end of 1977, 55 States were members of the Permanent Committee (Industrial Property) (see List of Member States published in the January 1978 issue of this review).

Fourth Session. The fourth session of the Permanent Committee (Industrial Property) was held in March 1977. Forty States members of the Permanent Committee (Industrial Property) were represented at the session; 9 other States, 9 intergovernmental and 9 international non-governmental organizations were represented by observers.

The Permanent Committee (Industrial Property) reviewed past and current activities, and plans for current activities under the Permanent Program (Industrial Property). Its recommendations are referred to below in connection with the following summary of those activities.

Promotion of Innovative Capacity in Developing Countries

At its March 1977 session the Permanent Committee (Industrial Property) approved a plan for the study of existing arrangements in the field of industrial property for the promotion of technological innovation. As a first step in carrying out that study, the International Bureau, in September 1977, invited the Governments of the States members of the United Nations system of organizations to provide published information on laws and institutional arrangements, both governmental and private, which exist in their countries for the promotion of technological innovation, particularly by means of rewarding innovators and supporting their activities.

The Permanent Committee (Industrial Property) recommended that this information be analyzed, that the analysis be submitted to a working group which would be asked to make recommendations to the Permanent Committee (Industrial Property) concerning action which could be taken nationally, regionally and internationally in the field of industrial property for the strengthening of capabilities in developing countries, for the creation of suitable local technology and for the selection and adaptation of foreign technology.

Technological Information from Patent Documents

Expert Working Group on Information from Patent Documents. The Expert Working Group on Information from Patent Documents held its second session immediately before the fourth session of the Permanent Committee (Industrial Property) in March 1977. Experts from Algeria, Argentina, Austria, Cuba, Egypt, Germany (Federal Republic of), the Soviet Union and Sweden, consultants from India, Iran, the United Kingdom, the Industrial Development Centre for Arab States (IDCAS) and the International Patent Documentation Center (INPADOC), and observers from the United Nations, the United Nations Conference on Trade and Development (UNCTAD) and the United Nations Industrial Development Organization (UNIDO) took part in the session.

The Expert Working Group discussed the following matters: planning and organization of a patent information and documentation service in a developing country; the use of the IPC as a means of identifying and locating patent documents which relate to given technologies; the state-of-the-art searches performed for developing countries by the Austrian Patent Office; a draft feasibility study on the establishment of a patent information network; the availability, comparative cost and usefulness of various sources of primary and secondary patent information; the ways and means to obtain information on the legal status and practical experience in the working of patents which relate to given technologies. The Expert Working Group adopted a number of recommendations to the Permanent Committee (Industrial Property) and to the International Bureau.

The Permanent Committee (Industrial Property) expressed its appreciation to the Expert Working Group in Information from Patent Documents for the quality of its report on its second session, noted with approval its conclusions and suggestions for further work and endorsed its recommendations. The Permanent Committee (Industrial Property) also thanked the Austrian Government for continuing to provide state-of-the-art search reports free of charge to developing countries, noting that the first results of this program were successful. It also welcomed the

opportunities shown in the report of the Expert Working Group for cooperation with other United Nations organizations in the field of access by developing countries to technological information relevant to their needs and, in particular, approved the submission of a feasibility study to the United Nations General Assembly at its thirty-second session. The said feasibility study was transmitted to the United Nations (see United Nations document E/6054, August 31, 1977, and below).

State-of-the-Art Search Reports. A new Agreement between the Government of Austria and WIPO was signed on December 29, 1976, providing for continuation of the state-of-the-art search program, free of charge to developing countries. Ninety-eight search requests made by Algeria, Argentina, Chile, Cuba, Egypt, Israel, Mexico, Nicaragua, Panama, Portugal, Thailand, Tunisia, Turkey, Uruguay, Venezuela and the African Intellectual Property Organization (OAPI) had been submitted under the new Agreement by the end of 1977. In relation to the 100 search reports provided by the Austrian authorities under the first Agreement, evaluation questionnaires were sent to the requesting countries. At the time of the second session of the Expert Working Group on Information from Patent Documents referred to above, 59 evaluation questionnaires had been completed and returned to the International Bureau. On the basis of the information provided, the Expert Working Group concluded that, with few exceptions, the search reports met the purposes for which they had been requested, confirmed the value of patent documents as one of the important sources of technological information and provided useful training material.

Availability of Patent Documents to Developing Countries. At its March 1977 session the Expert Working Group on Information from Patent Documents asked the International Bureau to study the question whether Patent Offices now supplying copies of their patent documents on a free-of-charge basis under exchange agreements might be willing to supply such documents also to Patent Offices or institutions which, because they do not publish patent documents themselves, could not conclude such exchange agreements. Pursuant to that request, the International Bureau in December 1977 asked the Patent Offices of 12 countries for information on the principles followed by them in the exchange of patent documents, on whether they regularly transmit newly published patent documents to developing countries which do not publish patent documents themselves, and on the conditions under which they might be willing to supply currently issued patent documents, either in paper or in microform, to developing countries on a free-of-charge basis.

During the year 1977, the International Bureau transmitted to interested countries, on an ad hoc basis, requests from Algeria and Brazil to receive, and offers by Canada, France, the German Democratic Republic and the Netherlands to provide, patent documents or patent related literature, in paper or in microform.

Survey of Industrial Property Offices

At its March 1977 session the Permanent Committee (Industrial Property) made recommendations for the carrying out of a survey of the functions, administration and role in the government structure of industrial property offices in developing and developed countries. It also recommended that a study be made analyzing possibilities open to developing countries and suggesting appropriate functions and structures, both at the national and at the regional level, with particular emphasis on relationships with other services relevant to the strengthening of technological capacity. In December 1977, the International Bureau invited the Governments of the States members of the United Nations system of organizations to provide information for inclusion in the survey referred to and comments or suggestions relating to the study in question.

Cooperation Among Developing Countries

The Permanent Committee (Industrial Property) noted with approval the activities under the Permanent Program (Industrial Property) which provided a contribution to the promotion and support of cooperation among developing countries. It also approved guidelines for planning and carrying out activities under the Permanent Program (Industrial Property) so as to strengthen such a contribution, and decided to include in its provisional agenda for each session an item "Cooperation among developing countries: support and assistance measures."

Model Laws for Developing Countries

New Model Law for Developing Countries on Inventions and Know-How. At its March 1977 session, the Permanent Committee (Industrial Property) considered a report on the fourth and fifth sessions of the Working Group on the Model Law for Developing Countries on Inventions and Know-How. The Permanent Committee (Industrial Property) noted with satisfaction the progress made so far by that Working Group. It approved the following procedure for the completion of the work: at its sixth session (June 1977), the Working Group would complete the examination of the revised draft of the new model law together with the first draft of the commentary and the regulations or an outline of the latter; a consolidated version of the draft would be prepared by the International Bureau taking into account the revision of the Paris Convention for the Protection of

Industrial Property; this would be submitted to the governments of all countries members of the Permanent Committee (Industrial Property) for their written comments; the last (seventh) session of the Working Group would be held in 1978 to consider the consolidated version and the comments received; thereafter the Director General would establish and issue, in their final form, the model law, the commentary and the text or the outlines of the regulations.

The sixth session of the Working Group on the Model Law for Developing Countries on Inventions and Know-How was held in June 1977. Experts from the following countries participated: Algeria, Argentina, Brazil, Cameroon, Cuba, Egypt, France, Germany (Federal Republic of), Hungary, Israel, Kenya, Mexico, Poland, Soviet Union, Sri Lanka, Tunisia, United Kingdom, Zaire. The United Nations Conference on Trade and Development (UNCTAD) and the African Intellectual Property Organization (OAPI), as well as eight international non-governmental organizations, were represented by observers.

The Working Group discussed draft model provisions that would constitute those parts of the new Model Law for Developing Countries on Inventions and Know-How dealing with inventors' certificates, transfer of technology patents, registration of contracts, innovations and common provisions.

By the end of 1977, the International Bureau had established, in the light of the discussions of the Working Group at its fourth, fifth and sixth sessions, a consolidated version of the draft model provisions for Part I (Patents) of the final draft of the new Model Law as well as the draft commentary and the draft regulations on that Part. It transmitted the same for comments to the countries members of the Permanent Committee (Industrial Property).

New Model Law for Developing Countries on Marks and Trade Names. At its March 1977 session, the Permanent Committee (Industrial Property) considered a plan for the preparation of a new model law for developing countries which would replace, at least in part, the Model Law for Developing Countries on Marks, Trade Names, and Acts of Unfair Competition, published by BIRPI in 1967. The Permanent Committee (Industrial Property) recommended that, for the time being, the new model law should deal with marks and with trade names, but not with geographical indications or with protection against unfair competition, and that a final decision on its full scope should be taken at its next session. It recommended a list of countries from which the experts composing the planned working group would come, and a list of international organizations which would be invited to be represented by observers.

The Working Group on the Model Law for Developing Countries on Marks and Trade Names

held its first session in November 1977. Experts from the following countries participated: Brazil, Chile, Cuba, Czechoslovakia, Egypt, France, Iraq, Israel, Mexico, Netherlands, Switzerland, Tunisia, United Kingdom, United States of America, Zaire. UNCTAD and eight international non-governmental organizations were represented by observers.

The Working Group discussed draft provisions prepared by the International Bureau, which covered the following items of a new Model Law for Developing Countries on Marks and Trade Names: general provisions; trademarks and service marks; right to a mark; procedure for registration; duration and renewal of registration of mark; rights conferred by registration of mark; renunciation, removal, nullity; infringement of rights under the mark. Draft provisions on other items will be covered in the preparatory document for the second session of the Working Group.

As a preliminary study for the preparation of a new Model Law for Developing Countries on Marks and Trade Names, the International Bureau prepared summary tables reflecting the major provisions of trademark legislation in 84 countries. The *Summary Tables* were prepared on the basis of legislation contained in the collection of laws kept by the International Bureau and of observations transmitted by the competent Offices of some of the countries concerned. They present, in condensed form, the major features of the trademark laws. The *Summary Tables* were distributed to the Governments of the States members of the United Nations system of organizations and are available to interested institutions, enterprises and persons.

License Agreements

The Permanent Committee (Industrial Property) at its March 1977 session noted with approval the summary report of the Working Group on Guidelines for Industrial Property Licensing in Developing Countries, which met in June 1976, and the state of the follow-up work on the preparation of the final version of a guide for technology acquirers in developing countries (entitled "Guide on the Legal Aspects of the Negotiation and Preparation of Industrial Property Licenses and Technology Transfer Agreements Appropriate to the Needs of Developing Countries"). The Permanent Committee (Industrial Property) endorsed the recommendation of the Working Group that the final version of that Guide should be printed and widely distributed as soon as possible, especially in all developing countries. In this respect, the Permanent Committee (Industrial Property) noted the plans of the International Bureau to publish the Guide for technology acquirers in the Arabic, English, French and Spanish languages, with publication in three of these versions scheduled for 1977 and in

the fourth version for 1978. It further noted the plan of the International Bureau to use the Guide for technology acquirers in seminars and training courses on a regional and national level.

The *Licensing Guide for Developing Countries*, prepared by the International Bureau in the light of the exchange of experience in a Licensing Seminar and with the guidance of the Working Group on Guidelines for Industrial Property Licensing which met in June 1976 and the advice of consultants, was published in English, French and Spanish in August 1977. The *Guide* deals with the legal aspects of the negotiation and preparation of industrial property licences and technology transfer agreements. It consists of 190 printed pages and is divided into four parts: Part I (Introduction) highlights the obstacles to the acquisition by developing countries of technology, outlines the methods for the transfer of technology to developing countries, draws attention to the importance of the licensing of industrial property rights and the supply of know-how in the acquisition of technology by developing countries and to the need for a clear understanding of the legal arrangements for that acquisition; Part II (Negotiation Process) gives background information on the process of negotiating industrial property licenses or technology transfer agreements; Part III (Explanatory Notes and Examples) and Part IV (Checklist of Points) treat matters common to industrial property licenses and technology transfer agreements. They suggest questions for consideration during the negotiation or in the preparation of a license or agreement. Part III also contains a descriptive treatment of the issues presented and of their legal aspects and possible solutions, and gives illustrations of ways in which the parties may wish to resolve these issues.

Copies of the *Licensing Guide for Developing Countries* have been distributed, free-of-charge, to governments, institutions, enterprises and individuals in developing countries and to governments and institutions in developed countries. In addition, the *Licensing Guide for Developing Countries* has also been sold to enterprises and individuals of developed countries.

Industrial Property Terminology List, Glossary and Manual

The Permanent Committee (Industrial Property) approved plans for the preparation of an industrial property terminology list, glossary and manual, and recommended that the International Bureau draw up a list of terms (concerning industrial property and, to a certain extent, transfer of technology) in Arabic, English, French and Spanish. It further recommended consultations with the industrial property offices of the Spanish-speaking countries, and also with IDCAS, to study the possibility of meetings of

separate committees of experts to finalize the terminology in Arabic and in Spanish, to be held in 1978.

Fellowships

Under the Fellowship Program for 1977, 57 applications for fellowships in the field of industrial property from 48 developing countries and one inter-governmental organization were submitted to WIPO. Thirty-six fellowships were awarded to officials from the following 35 countries and one intergovernmental organization: Algeria, Bahamas, Bangladesh, Benin, Bolivia, Cameroon, Chile, Colombia, Congo, Democratic Yemen, Ecuador, Egypt, El Salvador, Fiji, Gambia, Guatemala, Kenya, Lesotho, Madagascar, Mali, Mauritius, Mexico, Nepal, Nigeria, Pakistan, Panama, Senegal, Sri Lanka, Sudan, Tanzania, Thailand, Trinidad and Tobago, Upper Volta, Venezuela, Zaire, and the Industrial Development Centre for Arab States (IDCAS).

The following ten countries and the Max Planck Institute for Foreign and International Patent, Copyright, and Competition Law (Munich) contributed in full or in part to the payment of the costs of the travel expenses and subsistence allowances of the fellows:

(i) full payment: France (five fellows, coming from Benin, Cameroon, Mali, Senegal, Upper Volta), Spain (four fellows, coming from Colombia, Ecuador, Guatemala and Venezuela), Sweden (two fellows, coming from Cuba and Mexico), Switzerland (two fellows, coming from Benin and Madagascar), United Kingdom (two fellows, coming from Kenya and Thailand);

(ii) partial payment: Czechoslovakia (one fellow, coming from Algeria), Germany (Federal Republic of) (four fellows, coming from Fiji, the Gambia, the Sudan and Tanzania), Hungary (one fellow, coming from the Congo), Israel (one fellow, coming from Lesotho), Soviet Union (one fellow, coming from Algeria), Max Planck Institute for Foreign and International Patent, Copyright, and Competition Law (Munich) (one fellow, coming from Mauritius).

The remainder of the cost was borne by the budget of the WIPO Legal-Technical Assistance Program.

Training courses in the field of industrial property under the 1977 Fellowship Program took place in the following 18 countries and one organization: Australia, Brazil, Canada, Cuba, Czechoslovakia, Egypt, Germany (Federal Republic of), France, Hungary, Israel, Mexico, Peru, Spain, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America, and the Max Planck Institute for Foreign and International Patent, Copyright, and Competition Law (Munich).

At its March 1977 session, the Permanent Committee (Industrial Property), after a full discussion of activities and possibilities in the field of training, including an examination of the suggestions and ideas put forward at the Round Table on Development Cooperation Among Industrial Property Offices, held at Colombo in February 1977 (see below), drew the conclusion that in future a useful pattern of training should be based on two distinct elements: general introductory training which would be given by means of lecture courses, followed by short visits to some national industrial property offices; and specialized training, which could be planned over perhaps a five-year period, in discussions between interested national offices of developing countries, the International Bureau and receiving offices. The planning for this specialized training could take into account an appropriate combination of visits by experts, local training courses and on-the-job courses in developing or developed countries. Many delegations expressed their satisfaction with the training provided for nationals of their countries under the Permanent Program (Industrial Property).

In connection, in particular, with general introductory training by means of lecture courses, discussions took place in May 1977 between the Director General of WIPO and the Director of the International Section of the *Centre d'études internationales de la propriété industrielle* (CEIPI) (Strasbourg). In addition to agreeing to receive trainees under the 1977 Fellowship Program, CEIPI prepared a draft program of lectures which could be arranged in future years for participants from developing countries.

Regional Meetings, Round Tables, Symposia, Seminars and Conferences

Regional Meeting on Industrial Property (Colombo). A Regional Meeting on Industrial Property was organized by WIPO with the assistance of the Government of Sri Lanka in Colombo in February 1977. The participants were appointed by the Governments of Afghanistan, Bangladesh, Indonesia, Malaysia, Nepal, Pakistan, the Philippines, Sri Lanka and Thailand. The subjects of discussion were WIPO and its activities for developing countries, questions relating to patents, questions relating to trademarks and questions relating to the role of industrial property (including know-how and licensing) in the transfer of technology.

Colombo Round Table. Immediately after the Colombo Regional Meeting, WIPO organized a Round Table on Development Cooperation Among Industrial Property (Patent) Offices, also in Colombo. In addition to participants from all the countries represented at the Colombo Regional Meeting and listed in the preceding paragraph, high officials (in

virtually all cases, the heads of the industrial property offices) from the following countries took part: Austria, Cameroon, Canada, Denmark, Finland, France, Germany (Federal Republic of), India, Iran, Israel, Japan, Netherlands, Spain, Sweden, Switzerland, United Kingdom, United States of America, Zambia. The Director General of the International Patent Institute (IIB) and the Director of the Max Planck Institute for Foreign and International Patent, Copyright, and Competition Law (Munich) also took part. The participants discussed a large number of suggestions and ideas for the improvement of training in the field of industrial property through international cooperation.

World Symposium (Colombo). WIPO's World Symposium on the Importance of the Patent System to Developing Countries, organized by WIPO with the kind cooperation of the Government of Sri Lanka, took place right after the Regional Meeting and the Round Table. Some 200 persons participated in the Symposium from the following 38 countries: Afghanistan, Australia, Austria, Bangladesh, Belgium, Cameroon, Canada, Denmark, France, Germany (Federal Republic of), Greece, Hong Kong, Hungary, India, Indonesia, Iran, Israel, Italy, Japan, Malaysia, Nepal, Netherlands, Nicaragua, Pakistan, Philippines, Portugal, South Africa, Soviet Union, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Turkey, United Kingdom, United States of America, Venezuela, Zambia. Twenty-four lectures were given by nationals of seven Asian developing countries and ten industrialized countries. The lecturers were ministers, senior government officials and businessmen. One of the important and rather unusual features of the Symposium consisted in the fact that most of the lecturers from the highly industrialized countries were officers of so-called multinational corporations, whereas most of the lecturers from the developing countries were government officers in charge of industrial planning and foreign investment. The lecturers dealt with questions concerning the transfer of technology and the role of industrial property in such transfer; they were followed by a general discussion. A collection of the lectures was published by the International Bureau in July 1977.

Jakarta Meeting. A meeting among the countries of the Association of South-East Asian Nations (ASEAN) on the role of industrial property in technological and economic development was organized jointly by WIPO and the Government of Indonesia in Jakarta in December 1977. The participants were designated by the Governments of Indonesia, Malaysia, the Philippines, Singapore and Thailand. A total of 55 persons took part in the Meeting.

The subjects of discussions were WIPO and its activities for developing countries, arrangements in

the field of industrial property for the promotion of innovative capacity, questions relating to the subjects of industrial property, questions relating to industrial property licenses and technology transfer agreements appropriate to the needs of developing countries, documentation and information related to industrial property and the transfer of technology and industrial property and the technological and economic aspects of development in the countries of the ASEAN region. Papers were prepared and presented by the International Bureau of WIPO on the first five topics whereas papers were presented by governments on the sixth topic.

The Meeting agreed that the exchange of views on the matters referred to above had been fruitful and urged WIPO to consider organizing similar meetings in the near future to follow up the Jakarta Meeting.

Conference on Industrial Property and Transfer of Technology for Arab States. A Conference on Industrial Property and Transfer of Technology for Arab States was organized jointly by IDCAS, UNIDO, WIPO and the Government of Iraq in Baghdad in March 1977. Delegations representing the following ten Arab States participated in the Conference: Algeria, Egypt, Iraq, Jordan, Kuwait, Lebanon, Qatar, Saudi Arabia, Sudan, Yemen. Six Arab governmental or international organizations (including the United Nations Economic Commission for Western Asia (ECWA)) and seven other Arab and foreign organizations were represented by observers; 21 observers also took part in their personal capacity.

The Conference discussed the role of industrial information systems in the process of transfer of technology, licensing problems related to industrial property and selected problems concerning the organization of industrial property and transfer of technology. It adopted a number of recommendations concerning a survey of the situation in the Arab countries, the preparation of a model plan for the organization and development of industrial property and transfer of technology, training of staff and teaching in universities, examination of patent applications, review of legislation (including that on licensing), control of license agreements, membership in WIPO and in the Paris Union, the establishment of regional offices or centers for industrial property and scientific and technological documentation, use of the Arabic language and procedures for following up the implementation of the recommendations.

Bogotá Round Table. The Round Table on the Establishment of a WIPO Latin American Data Service on Industrial Property and Technology Transfer was jointly organized by WIPO and the

Ministry of Economic Development of Colombia in Bogotá in July 1977.

The representatives of the following 11 countries participated in the Round Table: Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Paraguay, Uruguay, Venezuela. The Industrial Property Office of Spain participated as a special invitee. Six intergovernmental organizations (five regional and one sub-regional) and two non-governmental organizations participated as observers.

The Round Table recommended that WIPO establish a Latin American Data Service on Industrial Property and Technology Transfer which would publish a quarterly bulletin containing certain specified data relating to patents, marks, technology transfer contracts and offers and requests for the supply of technology.

At their eighth series of meetings in September/October 1977, the WIPO Governing Bodies approved, in accordance with the recommendation of the Bogotá Round Table, the establishment, for an experimental period of three years beginning in 1978, of the WIPO Latin American Data Service on Industrial Property and Technology Transfer.

Latin American Seminar on Patent Information. In October 1977, WIPO organized in Mexico City, jointly with the United Nations Economic Commission for Latin America (ECLA) and the Secretary-General of the United Nations Conference on Science and Technology for Development (UNCSTD), the Latin American Seminar on Patent Information. Invitations were extended by the Director General, also on behalf of ECLA and the Secretary-General of the Conference, to all the Latin American and Caribbean countries members of ECLA, and the following countries sent delegates: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Panama, Paraguay, Uruguay and Venezuela. The following regional bodies also sent representatives: Organization of American States (OAS), Latin American Economic System (SELA), Permanent Secretariat of the Central American General Treaty of Economic Integration (SIECA).

The discussions of the Seminar were on the single theme "Technological Information Contained in Patent Documents." They were based on the document with the same title prepared by the International Bureau of WIPO.

The Seminar adopted recommendations addressed to the Secretariat of the United Nations Conference on Science and Technology for Development (UNCSTD), the United Nations ECLA Economic Commission for Latin America, WIPO, Latin American regional and sub-regional bodies for co-operation and integration, and governments of Latin

American countries and developed countries on the theme of technological information contained in patent documents, in particular, the inclusion of this theme in the documentation of the Conference and in the national and regional papers for the Conference, the preparation of studies by WIPO on this subject, the association of industrial property administrations with the preparatory work of the Conference in order to contribute their knowledge and experience of the technological information contained in patent documents to the preparation of the respective documents, the provision of assistance to national or regional centers for the transfer and development of technology to obtain patent documents necessary for collections of technological information, the inclusion of information contained in patent documents in networks of general and sectoral technological information, and the establishment of centers for the transfer and development of technology suitably equipped with mechanisms for the exchange of technological information contained in patent documents.

Arab Seminar on Patent Information. Officials of the International Bureau had discussions in Cairo in August/September 1977 with the authorities of the Government of Egypt and with the Secretariat of the Industrial Development Centre for Arab States (IDCAS) with a view to organizing, in the first part of 1978, a seminar on a similar subject for the benefit of the Arab States. This seminar would be organized by WIPO in cooperation with the Government of Egypt, IDCAS, the Secretary-General of the United Nations Conference on Science and Technology for Development (UNCSTD), the United Nations Economic Commission for Western Asia (ECWA) and the United Nations Economic Commission for Africa (ECA).

Asian and Pacific Seminar on Patent Information. Discussions took place in August and December 1977 between officials of the International Bureau and the Secretariat of the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) with a view to organizing in 1978 a seminar on the subject of patent information.

Workshops and Training Courses

Havana Workshop. The Havana Workshop on Information from Patent Documents was organized by the National Office for Inventions, Technical Information and Trademarks of the State Committee for Science and Technology of Cuba with the co-operation of WIPO and under the sponsorship of the Swedish International Development Authority (SIDA) in Havana in June 1977.

The Governments of the following 11 countries designated participants to the Havana Workshop: Barbados, Colombia, Costa Rica, Cuba, Grenada, Guatemala, Honduras, Jamaica, Mexico, Panama,

Surinam. Two United Nations organizations — the United Nations Conference on Trade and Development (UNCTAD) and the United Nations Development Programme (UNDP) — and the International Federation for Documentation (FID) were represented by observers. Officials of the Patent Offices of the German Democratic Republic, Spain and Sweden and of the International Patent Institute (IIB) participated as consultant experts. The consultant experts designated by the Soviet Union died tragically in an airplane crash while travelling to Havana. About 90 persons participated in the Havana Workshop, including a number of observers from Cuba and one from Barbados.

The main subjects treated in the Havana Workshop were the following: usefulness of patent documents as a source of technological information; study of patent documents and systematizing patent document collections; the International Patent Classification (IPC); means of access to patent documents and their technological content; cooperation between national, regional and international institutions in the field of patent documentation; institutional, material and staff requirements for handling information contained in patent documents; education and training. The Havana Workshop formulated a number of conclusions and/or recommendations in respect of each main subject.

Austria-WIPO Training Course. The Austria-WIPO Training Course in the Use of Patent Documentation for Technological Information, organized jointly by the Government of Austria and WIPO for experts from developing countries, took place in Vienna from August 16 to September 16, 1977. Experts from the following 17 countries and one regional intergovernmental organization participated: Afghanistan, Argentina, Bangladesh, Colombia, Cuba, Egypt, Greece, Indonesia, Mexico, Nepal, Nigeria, Pakistan, Philippines, Romania, Sri Lanka, Sudan, Thailand and the Industrial Development Centre for Arab States (IDCAS).

The living expenses of the experts while in Vienna were borne by the Government of Austria. The travel expenses of the experts from four of the least developed of the developing countries were borne by the Government of Austria, whereas those of four other experts — two of whom had been granted fellowships under the WIPO Fellowship Program and two of whom were selected after consultation with the government authorities of Austria — were borne by WIPO. The travel expense of the remaining experts were met by their respective governments.

The aim of the training course was to familiarize users of technological information in developing countries with the means of obtaining such information from patent documentation. The training course focused on the following main subjects: introduction

to industrial property; patent documentation; introduction to the International Patent Classification (IPC); the application of patent documentation as a search tool (searches of the state of the art and for other technical information purposes). Practical training was provided through exercises in the application of the IPC for document classification and retrieval, in the efficient use of patent documentation for search purposes and in the formulation of search requests. A survey was also given of the services of the International Patent Documentation Center (INPADOC) as was a survey and demonstration of the technical and organizational facilities of the Austrian Patent Office. The participants visited industrial enterprises with important research and development activities. The lecturers included officials of the Austrian Patent Office, the German Patent Office (Munich) and the International Bureau, and specialists from industrial enterprises and the legal profession in Austria. The major part of the documentation for the training course was prepared by the Austrian Patent Office, the minor part by the International Bureau.

Assistance to Certain Developing Countries and Regional Institutions of Developing Countries

During 1977, WIPO gave assistance to the following developing countries or groups of developing countries, or requests for assistance from such countries and institutions were under active consideration by WIPO, on the matters indicated next to their name.

Countries

Algeria. Modernization of the trademark legislation, partly with the help of an expert from the Swiss Federal Intellectual Property Office; reorganization of the Algerian Institute for Industrial Property and Standardization (preparatory mission and discussions).

Bolivia. Modernization of the industrial property legislation, through written advice and discussions.

Brazil. Continuation of the project financed by the UNDP (United Nations Development Programme) for modernization of the Brazilian patent system, partly with the help of experts coming from the industrial property offices of Germany (Federal Republic of), Israel, Norway, Sweden and the United States of America, and with patent documents, microforms or microfilms of such documents provided by Austria, France, Germany (Federal Republic of), the Soviet Union, Switzerland, the United States of America and the International Patent Institute (IIB).

Burundi. Reorganization of the Industrial Property Office (preparatory discussions).

Cameroon. Possibilities of teaching intellectual property law at the university level (preparatory mission and discussions).

Cuba. Training in the use of the International Patent Classification (IPC), partly with the help of an expert from the Patent Office of the Federal Republic of Germany and through the Havana Workshop (see above).

Egypt. Establishment and functioning of a patent documentation center and enhancement of the usefulness of its services to other government units, industry and the public (preparatory discussions).

Gambia. Modernization of the system for the administration of trademarks and acquisition of related equipment and documentation (preparatory discussions).

Honduras. Modernization of the trademark legislation, through written advice and consultations in Tegucigalpa.

Mauritius. Modernization of the industrial property and copyright legislation (preparatory discussions).

Mexico. Reorganization of the Industrial Property Office (preparatory mission and discussions).

Niger. Modernization of the industrial property and copyright legislation (preparatory discussions).

Philippines. Planning of specialized training in the industrial property field (preparatory discussions).

Rwanda. Modernization of the industrial property legislation and administration (preparatory discussions).

Senegal. Planning of specialized training of staff of the Scientific and Technical Research Administration and the functioning of that administration in relation to other units of Government; expert services and training of an official in industrial property, transfer of technology and the development of research.

Sri Lanka. Modernization of the intellectual property legislation and administration (preparation of the full texts of four separate draft laws on patents, trademarks, industrial designs and copyright; discussion of the same in Colombo between the Director General of WIPO and members of a Sri Lankan committee in charge of preparing the legislation; discussions in Geneva between the Sri Lankan Minister of Trade and other Government officials and the Director General).

Sudan. Implementation of the new patent law; preparation of draft regulations and training of staff (preparatory mission and discussions in Geneva; training at the Austria-WIPO Training Course and at the Danish Patent Office).

United Arab Emirates. Expert services to carry out a survey in the fields of industrial property,

copyright and neighboring rights (preparatory discussions).

Venezuela. Study tour for group of officials of different units of the Government to acquaint them with the main tasks of an industrial property office and of a registry for transfer of technology agreements (visits to industrial property offices of Denmark, Spain, the International Patent Institute (IIB), the National Registry of Technology Transfer of Mexico and the International Patent Documentation Center (INPADOC)).

Zaire. Modernization of the industrial property legislation (preparatory discussions and consultations in Kinshasa).

Regional Institutions

African Intellectual Property Organization (OAPI). Cooperation with OAPI continued in respect of the revision of the Libreville Agreement establishing OAPI and its annexes on patents, trademarks and other subjects of industrial property. The revised Agreement was adopted by representatives of nine of the member States of OAPI (Benin, Cameroon, Central African Empire, Congo, Gabon, Ivory Coast, Senegal, Togo, Upper Volta) at Bangui on March 3, 1977. The revised Agreement broadens the scope of OAPI from industrial property only to the whole field of intellectual property, including copyright; it confirms, accordingly, this new title, and introduces new uniform laws and regulations on utility models, trade names, protection against unfair competition, copyright and the establishment of a patent documentation and information service.

The International Bureau assisted OAPI in the process of the revision of the Libreville Agreement through the giving of advice, the organization of meetings in Yaoundé and Geneva of specialists from the member States of OAPI and through visits to the said States to encourage the signing and acceptance of the revised Agreement.

By the end of 1977, four States (Cameroon, Central African Empire, Ivory Coast, Senegal) had signed the revised Agreement. It has not yet entered into force.

Cooperation also continued with OAPI in the establishment, within the framework of OAPI, of a center providing documentation and information services. A preparatory mission, organized by WIPO with the assistance of the United Nations Development Programme (UNDP), had discussions with officials of OAPI in Yaoundé and with the Government authorities of the member States of OAPI. Discussions were also held among officials of the International Bureau of WIPO, officials of OAPI and Government authorities of France, Germany (Federal Republic of), Switzerland and officials of the Com-

mission of the European Communities, which had expressed an interest in cooperating with WIPO in the execution of the project by providing experts or supplying equipment and documentation.

English-Speaking Countries in Africa: Industrial Property Organization for English-Speaking Africa. By the end of 1977, the Agreement on the creation of an Industrial Property Organization for English-Speaking Africa² adopted on December 9, 1976, at the Diplomatic Conference held in Lusaka, had been signed by six States (Ghana, Kenya, Mauritius, Somalia, Uganda and Zambia), had been ratified by Kenya and Zambia and acceded to by Malawi. The Agreement has not yet entered into force.

At their sessions in December 1977, the Committee for Patent Matters and for Trade Mark and Design Matters, established by the Industrial Property Conference (see below), recommended that at the inaugural session of the Council of the Industrial Property Organization for English-Speaking Africa, scheduled for May 1978, the Council should include in its agenda the establishment of a regional office of the Industrial Property Organization for English-Speaking Africa (ESARIPO).

English-Speaking Countries in Africa: Industrial Property Conference. The third sessions of the Committees for Patent Matters and for Trade Mark and Industrial Design Matters, convened jointly by WIPO and the United Nations Economic Commission for Africa (ECA), was held at the invitation of the Government of Ghana, in Accra in December 1977. Seven of the 18 States invited to take part in the work of the Committees were represented: Gambia, Ghana, Kenya, Sudan, Tanzania, Uganda and Zambia. WIPO and ECA acted as the Interim Secretariat.

The Committee for Patent Matters discussed a second draft of a Model Law for English-Speaking Countries on Patents, Utility Certificates and Innovations, suggested a number of amendments to that draft, requested the Interim Secretariat to publish the Model Law together with the commentary and the Regulations under the title "Model Law for English-Speaking African Countries on Patents," and decided on a special procedure with respect to the part of the draft Model Law dealing with innovations, which includes changes in certain provisions and the examination of a new draft to be prepared by the Interim Secretariat for consideration at its next session.

The Committee for Trade Mark and Industrial Design Matters discussed a first draft of a Model Law on Marks for English-Speaking African Countries, prepared by the International Bureau with the

assistance of an expert made available by the Government of the United Kingdom, and entrusted the Interim Secretariat with the task of preparing, in the light of the suggestions for amendment made by the Committee, a revised draft of the Model Law, accompanied by a Commentary and an outline of Regulations.

As concerns industrial design matters, the Committee examined a report prepared by the Secretariat of ECA, containing responses to a questionnaire on the protection of industrial designs. The Committee requested the Secretariats to prepare for the next session of the Committee an outline of possible model provisions on industrial designs, taking into account the results of the questionnaire and the existing experience in English-speaking Africa.

English-Speaking Countries in Africa: Patent Documentation Centre. In October 1977, a preparatory mission, organized jointly by WIPO and ECA with the financial assistance of the United Nations Development Programme (UNDP), on the feasibility of establishing a patent documentation centre within the framework of the Industrial Property Organization for English-Speaking Africa, had discussions with the Secretariat of ECA in Addis Ababa and with Government authorities in Ghana, Kenya, Nigeria and Zambia. The report of the preparatory mission was considered by the Committees for Patent Matters and for Trade Mark and Industrial Design Matters at the sessions in December 1977, which recommended that at the inaugural session of the Council of the Industrial Property Organization for English-Speaking Africa the agenda of the Council should include, inter alia, the question of the establishment of such a Centre in the framework of a regional office of the Industrial Property Organization for English-Speaking Africa (ESARIPO), and that the Council should take the necessary preparatory steps towards its establishment on the basis of the recommendations and findings contained in the report of the preparatory mission.

African Regional Centre for Technology. Pursuant to resolutions of United Nations bodies, in particular resolution 2034 (LXI) of the United Nations Economic and Social Council (ECOSOC), the Executive Secretary of the United Nations Economic Commission for Africa (ECA), issued invitations to United Nations organizations, including WIPO, to participate in the Inter-Agency Mission on the Establishment of an African Regional Centre for the Transfer, Adaptation and Development of Technology. The mission comprised officials of WIPO, ECA, the United Nations Conference on Trade and Development (UNCTAD), the United Nations Industrial Development Organization (UNIDO), the International Labour Organisation (ILO) and the

² For the text of this Agreement, see *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES — Text 1-002 (*Industrial Property*, February 1977).

United Nations Food and Agriculture Organization (FAO). The mission, which was divided into two teams, with officials of WIPO serving on each team, visited 17 countries during April, May, June and July 1977. Officials of WIPO participated in the team which made visits to Algeria, Cameroon, Egypt, Ghana, Madagascar, Mauritius, Nigeria, Senegal and Zaire. During the visits to these countries, the teams had discussions with government officials of different units of government, with the staff of research institutes and universities, and with leaders in industry and commerce.

The report and recommendations of the Inter-Agency Mission was considered at an inter-agency meeting in Addis Ababa in September 1977 at which a member of the International Bureau of WIPO participated. The inter-agency meeting formulated a number of suggestions concerning the report and recommendations which deal with the objectives, functions, structure, work program, personnel, financing, budget and location of the proposed African Regional Centre for Technology. The report and recommendations of the Inter-Agency Mission, together with the suggestions of the inter-agency meeting, were submitted to the Intergovernmental Meeting of African Experts on Aspects of Technology Development in Africa, which met in Arusha (Tanzania) in October 1977. The draft constitution of the African Regional Centre for Technology, approved by that Intergovernmental Meeting of Experts, was subsequently submitted to a meeting of African plenipotentiaries in Kaduna (Nigeria) in December 1977. The Constitution of the African Regional Centre for Technology, adopted at that meeting, had (as of the end of 1977) been signed by the following 15 States: Benin, Egypt, Ethiopia, Ghana, Kenya, Liberia, Mauritius, Nigeria, Rwanda, Senegal, Sierra Leone, Sudan, Tanzania, Zaire and Zambia.

Among the objectives of the Centre are to improve, for the benefit of its Member States, the terms and conditions under which technology is imported, to promote within its member States the diffusion and dissemination of technology and also the collection and encouragement of the use of technological information. Its functions include assistance in the training of specialist personnel in the negotiation of contracts and arrangements relating to the development, transfer and adaptation of technology and problems connected with industrial property rights, assistance to its Member States in the effective use of the international code of conduct for the transfer of technology and other relevant international agreements, and the provision for its Member States of information and documentation services on the various fields of technology.

Caribbean Community (CARICOM). The Secretariat of CARICOM requested advice in the ap-

pointment of experts for a project leading to the harmonization of industrial property laws in the Caribbean region. Discussions took place in Geneva in March 1977 concerning the assistance which WIPO could give, in general, in the development of this project, including background advice based upon experience gained in other regions.

Economic Commission for Latin America (ECLA). Discussions took place between the International Bureau and the Secretariat of ECLA at Santiago in May/June 1977 on a research program on scientific and technological development in Latin America which would include matters in the patent field. WIPO and ECLA also cooperated in contributing to the preparatory work for the United Nations Conference on Science and Technology for Development (UNCSTD) by convening, with the Secretary-General of that Conference, a Latin American Seminar on Patent Information in Mexico City in October 1977 (see above).

Industrial Development Centre for Arab States (IDCAS). Officials of IDCAS received offers for training under the Fellowship Program (see above) and the Austria-WIPO Training Course in Vienna (see above).

In July 1977, an exchange of views took place in Geneva between the Directors General of WIPO and of IDCAS on the activities of the two organizations and on measures for strengthening cooperation in fields of mutual interest.

Discussions took place with IDCAS concerning the action to be taken jointly in implementation of the recommendations of the Baghdad Conference (see above), possible joint activities in the preparation of a directory of licensing in the petrochemical and fertilizer industries and cooperation in the preparation of an industrial property terminology list, glossary and manual (see above) as well as in organizing a seminar on patent information as part of the preparatory work for the United Nations Conference on Science and Technology for Development (see above). In the cases of the recommendations of the Baghdad Conference and the proposed directory, officials of the United Nations Industrial Development Organization (UNIDO) took part in the said discussions.

Further, officials of the International Bureau of WIPO and the Secretariats of UNIDO and IDCAS had discussions with government authorities in Arab States as part of a survey on the situation of industrial property and the transfer of technology in the Arab States. Officials of the International Bureau held discussions in particular with the government authorities of Morocco and Tunisia in August 1977, Egypt and Syria in September 1977 and of Jordan in October 1977.

Arab Centre for the Transfer and Development of Technology. Pursuant to a resolution adopted by the United Nations Economic Regional Commission for Western Asia (ECWA) at its April 1977 session, the Executive Secretary of ECWA convened, in October 1977, an inter-agency meeting in which a representative of the International Bureau of WIPO participated and which agreed to the arrangements for a field mission as a first step in the preparation of a study on the possibility of establishing a regional centre for the transfer and development of technology. The inter-agency meeting also discussed various aspects of a working paper to guide the mission and the concept of the regional centre.

The field mission, which was divided into two teams and consisted of officials from WIPO, ECWA, the Arab Educational, Cultural and Scientific Organization (ALECSO), the Industrial Development Centre for Arab States (IDCAS), the Council of Arab Economic Union (CAEU), the International Labour Organisation (ILO), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Industrial Development Organization (UNIDO), visited the 21 Arab countries. An official of WIPO participated in the team which made visits in November/December 1977 to Bahrain, Iraq, Kuwait and Saudi Arabia. A report based on the findings of the mission, setting forth the basic guidelines for the establishment of the regional centre and recommendations concerning its management, staffing, budget, location, functions and services, will be submitted to a second inter-agency meeting in February 1978 and to an intergovernmental meeting of experts in March 1978 and eventually to the April 1978 session of ECWA.

United Nations Conference on Science and Technology for Development (UNCSTD)

The Permanent Committee (Industrial Property) of WIPO adopted in 1977 a resolution suggesting to governments that they take into account, in carrying out their national analyses and in preparing their national papers for the Conference, the importance, for the application of science and technology to development, of development cooperation activities related to industrial property, particularly such activities concerning the promotion of innovation, the modernization of laws, the strengthening of infrastructures and institutions, cooperation among developing countries and the improvement of access to technological information, and noting with satisfaction that the Director General of WIPO would, in consultation with the Secretary-General of the Conference, so plan and implement activities under the Permanent Program (Industrial Property) as to con-

tribute to the Conference and its preparatory period in the most effective manner possible.

In March, May and November 1977, the Director General of WIPO discussed with the Secretary-General of the United Nations Conference on Science and Technology for Development the contribution of WIPO to the preparatory work of the Conference.

The program and budget for 1978 approved by the WIPO Governing Bodies at their September/October 1977 sessions contains proposals for specific measures for contribution to the preparation for the said Conference. These include assistance to the Conference Secretariat by staff members of the International Bureau and cooperation with the Secretary-General of the Conference and the United Nations regional commissions in the preparation or organization of regional meetings on subject areas of mutual interest to the Conference and WIPO, including technological information contained in patent documents (see above).

WIPO was represented at a technical governmental meeting for Central America and Panama, organized by the United Nations Conference on Science and Technology for Development (UNCSTD) at Guatemala City in October 1977, which discussed guidelines for the preparation of national papers to be submitted to the Conference.

International Inventor Award

The announcement of the arrangements for an International Inventor Award for innovations offering solutions to urgent development problems of global scope was made by the International Inventor Award Assembly at a press conference opened by the Director General at WIPO Headquarters in February 1977. A substantial fund for the award has been set up on the initiative of the Swedish Inventors' Association. The first award will be made on the occasion of the Association's 100th anniversary.

Permanent Program and Permanent Committee (Copyright and Neighboring Rights)

Permanent Committee (Copyright)

Membership. In accordance with Article 2(3) of the Organizational Rules of the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights (hereinafter referred to as "the Permanent Program (Copyright)"), adopted by the WIPO Conference, the Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (hereinafter referred to as "the Permanent Committee (Copyright)") consists of all States members of WIPO which have informed the Director General of their desire to be members of that Permanent Committee.

At the end of 1977, the following 39 States were members of the Permanent Committee (Copyright): Australia, Austria, Brazil, Bulgaria, Cameroon, Canada, Chile, Congo, Czechoslovakia, Denmark, Egypt, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Hungary, India, Israel, Ivory Coast, Kenya, Mauritius, Mexico, Morocco, Netherlands, Niger, Norway, Pakistan, Poland, Portugal, Romania, Senegal, Spain, Surinam, Sweden, Switzerland, United Kingdom, United States of America, Upper Volta.

First Session. The first session of the Permanent Committee (Copyright) was held in March 1977. Twenty-six States members of the Permanent Committee (Copyright) were represented at that session. Twenty other States, three organizations of the United Nations system of organizations, and three other intergovernmental as well as eleven international non-governmental organizations were represented by observers.

The discussions and recommendations of the Permanent Committee (Copyright) at its first session and the activities of the International Bureau undertaken in the execution of the Permanent Program (Copyright) are summarized in the following paragraphs which also reflect, where relevant to these activities, the decisions taken by the Berne Executive Committee and the Intergovernmental Copyright Committee at their sessions in November/December 1977.

International Treaties in the Field of Copyright and Neighboring Rights

The Permanent Committee (Copyright) noted that 69 States were party to the Berne Convention for the Protection of Literary and Artistic Works, of which more than half were developing countries, that a similar proportion prevailed as concerns the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations ("Rome Convention"), the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms ("Phonograms Convention") and the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite ("Satellites Convention"), that a number of other countries were actively considering adhering to the international treaties in the field of copyright and neighboring rights and that, in some countries, legislation was being prepared for that purpose.

The Permanent Committee (Copyright) noted with interest that the new Copyright Law promulgated in the United States of America which, with certain exceptions, entered into force on January 1, 1978, had introduced "life plus 50 years" as the

principal measure of copyright duration and that, with this, the major obstacle to the accession by the United States to the Berne Convention appears to have been removed. However, there were matters that still remained to be explored. The Permanent Committee (Copyright) felt that these questions could be studied further to see how the respective organs of the Berne Union could assist in the matter.

Support of National Authors and Performers: Promotion and Protection of Indigenous Intellectual Creativity in Developing Countries

The Permanent Committee (Copyright) supported the view that, in order to achieve the necessary complementarity and to coordinate the activities in respect of copyright with the interests and activities of national authors and national publishers, various steps could be envisaged, including: (i) obtaining information, through international machinery such as the Permanent Committee (Copyright) on the present situation in the various countries; (ii) setting up a national copyright consultative body with a broad-based composition from among, for example, authors, performers, artists, broadcasters, book-sellers, librarians and publishers; (iii) encouraging the production of school and college textbooks written by local national authors and their sale at prices within easy reach of the masses who need them, encouraging original writing by national professors with the assistance of younger scholars, and ensuring, for this purpose, the payment of attractive copyright royalties and advances thereagainst to national authors, as well as suitable protection for national publishers against unauthorized copyright of works published by them; (iv) initiating and supporting a program for translating, into the *lingua franca* of the area or region concerned, the best of the intellectual creations written in one of the several dialects or local languages used in various parts of the country, so as to ensure dissemination of works. Finally, the Permanent Committee (Copyright) noted that, because of the predominance of the problems of easier access to foreign works in earlier discussions on this matter, sometimes the function of copyright as a stimulus to indigenous creativity had been lost sight of and that national creativity and development depended, to a considerable extent, on effective copyright law and its implementation.

With a view to undertaking a study of the legislative and institutional, both governmental and private, arrangements which exist in the field of copyright and neighboring rights in developing and developed countries for the support of national authors or national performers, the International Bureau of WIPO in November 1977 invited the governments of selected developed and developing countries to provide information on such arrangements, including

statutory provisions affecting contractual relationships in the absence of specific agreement, standard contractual provisions of authors' and performers' societies, advisory boards, fee-collecting societies, etc.

Access to and Dissemination of Works and Performances of Foreign Origin Protected by Copyright and Neighboring Rights

The Permanent Committee (Copyright) took note of the comments sent by a certain number of States and organizations on the practical implementation of the preferential systems in favor of developing countries introduced in the 1971 Paris texts of the international copyright conventions (the Berne Convention and the Universal Copyright Convention), and of the fact that a study was in progress jointly with Unesco, on this matter.

At their sessions in November/December 1977, the Executive Committee of the Berne Union and the Intergovernmental Copyright Committee concluded that an overall study should be undertaken of the problems posed for the developing countries by access to protected works, as well as of the questions concerning the application of the revised texts of 1971. For this purpose, the Committees decided that a more detailed questionnaire should be drawn up, and that a working group, jointly instituted by WIPO and Unesco, should be convened by them in 1978 to study the said problems and questions.

Just before these decisions were made and with a view to undertaking a study of the practical problems related to copyright and neighboring rights, and to means of solving them, in securing access to and national publication and dissemination of works of foreign origin, particularly for educational, instructional and scientific purposes, the International Bureau of WIPO invited, in November 1977, the governments of developing countries to provide information on any such practical problems in their countries and to indicate any means existing, or proposed to be introduced or used, in their countries to solve such problems, if any.

Model Law on Copyright for Developing Countries

The Permanent Committee (Copyright) emphasized the utility of the Tunis Model Law on Copyright for Developing Countries, which had been finalized by a Committee of Experts with the assistance of WIPO and Unesco, in 1976. The Permanent Committee (Copyright) expressed the wish that the Model Law, which, together with an explanatory commentary, has been published in English, French and Spanish, be circulated as widely as possible and that a Portuguese translation be published. The text in Portuguese is under preparation by the International Bureau of WIPO in cooperation with Unesco and with the assistance of the Portuguese authorities.

Copyright Glossary and Manual for Developing Countries

The Permanent Committee (Copyright) noted that the current program provided for the preparation, in cooperation with Unesco, of a copyright glossary and manual for developing countries, and that these would define the most frequently used terms in copyright legislation and furnish general information to readers in developing countries on the aims and specific nature of copyright laws, their administration, typical contractual relationships stemming from them and the international aspects of copyright relationships. The preparation of the glossary and manual is under way.

Protection of Folklore

At their sessions in November/December 1977, the Berne Union Executive Committee and the Intergovernmental Copyright Committee had before them the report of the Committee of Experts on the Legal Protection of Folklore, convened by Unesco, in Tunis in July 1977.

The two Copyright Committees, while recognizing that their competence was limited, concluded that, in so far as copyright could enter into the solution of the problems, they should continue to consider them. The two Copyright Committees decided that studies on folklore in general should be pursued by the Unesco Secretariat on an interdisciplinary basis within the framework of an overall approach, but that WIPO should be associated in the examination of any copyright or copyright-type protection aspects involved; moreover, WIPO should inquire into the extent to which regulations governing industrial property (unfair competition, appellations of origin, etc.) might be used.

Fellowships and Other Training Opportunities

Fellowships. The Fellowship Program in copyright and neighboring rights has developed appreciably in the last few years. While only one copyright fellowship was awarded between 1964 and 1974, three were awarded in 1975 and nine in 1976.

Under the Fellowship Program for 1977, 14 applications for fellowships in the field of copyright and neighboring rights from 11 developing countries and one organization were submitted to WIPO. Twelve fellowships were awarded to officials from the following ten countries and one organization: Bolivia, Costa Rica, Ghana, India, Mali, Mexico, Rwanda, Senegal, Syria, Zaire and the Palestine Liberation Organization (PLO).

The following countries contributed in part to the payment of the costs of the travel expenses and subsistence allowances of the fellows: Mexico (subsistence allowance for two fellows, coming from

Bolivia and Costa Rica); Hungary (subsistence allowance for one fellow, coming from Senegal). The remainder of the cost was borne by the budget of the WIPO Legal-Technical Assistance Program.

The training courses in the field of copyright and neighboring rights under the 1977 Fellowship Program took place in six countries (France, Hungary, Mexico, Morocco, United Kingdom, United States of America) and at WIPO Headquarters in Geneva.

Symposium for Copyright Trainees. A symposium on copyright and neighboring rights matters for the benefit of nine trainees was organized by WIPO in Geneva in November 1977. Trainees from Ghana, India, Mali, Mexico, Morocco, Rwanda, Senegal, and Zaire participated in the symposium. Lectures were given by officials of the International Bureau and by representatives of the European Broadcasting Organization (EBU), the International Confederation of Societies of Authors and Composers (CISAC), the International Federation of Producers of Phonograms and Videograms (IFPI) and the International Publishers Association (IPA).

Other Training Opportunities: Advance Planning. At its March 1977 session, the Permanent Committee (Copyright) took note of the suggestions and the different training possibilities offered by the various delegations and by observers of international non-governmental organizations including, in particular, Germany (Federal Republic of), the United Kingdom, the United States of America, CISAC and IPA. It also noted that the International Bureau of WIPO would plan future long-term training individually with each interested country well in advance, to be able to respond to its special requirements. In addition to such advance planning, the existing arrangements would continue through the organization of courses for persons needing general knowledge in copyright. It noted that the International Bureau had already established contacts with Unesco in this field, more particularly in order to avoid duplication.

The Permanent Committee (Copyright) emphasized the importance of organizing visits of trainees from developing countries to other such developing countries. During 1976, WIPO trainees were received in Mexico and a similar invitation to receive trainees in 1977 was extended by the Government of Mexico.

Teaching of Copyright and other Intellectual Property Courses in Universities. The Permanent Committee (Copyright) agreed on the desirability of organizing copyright and neighboring rights courses in universities of developing countries. It noted that such courses already existed in the law faculties of a few universities, and that senior fellows could be deputed to study the course and curriculum content

in some universities and institutions in the more advanced countries in order to strengthen and/or introduce special courses in universities of developing countries on patent and copyright laws. To this end, contact was made in May 1977 with the Government of Cameroon which had expressed its interest in the development of such courses.

Regional Meetings, Seminars and Conferences

At its March 1977 session, the Permanent Committee (Copyright) noted the organization of the regional meetings, seminars and symposia mentioned in the document circulated by the International Bureau, and the fact that the triennial program of WIPO for the period from 1977 to 1979 included the convening of at least four meetings, seminars or training courses in developing countries.

Regional Seminar on Copyright for Arab States. A Regional Seminar on Copyright for Arab States was held in Rabat in May 1977. It was organized jointly with Unesco, in collaboration with the Arab Educational, Cultural and Scientific Organization (ALECSO), and at the invitation of the Government of Morocco. Twenty-four participants, in addition to six speakers, from 13 Arab States (Democratic Yemen, Egypt, Iraq, Jordan, Lebanon, Mauritania, Morocco, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia) and observers from the Palestine Liberation Organization attended the Seminar. Six international non-governmental organizations were also represented.

The Seminar discussed the following topics: the role of copyright in the promotion of development; the Arab States and international copyright conventions; copyright in Arab countries not party to international copyright conventions; copyright offices and societies of authors in Arab States; the situation of national copyright in Arab States and prospects for the future; the Berne Convention for the Protection of Literary and Artistic Works; the Universal Copyright Convention; the Tunis Model Law on Copyright for Developing Countries. The Seminar adopted a recommendation which, inter alia, noting that both at the legislative level and in respect of membership of the international conventions the position of Arab States was not uniform, suggests a meeting of governmental experts in order to establish general principles on the basis of which domestic legislation could be drafted with a view to effecting greater harmony in the field of copyright protection in those States. The Seminar expressed the opinion that the Tunis Model Law on Copyright for Developing Countries constituted a basic document of considerable value to national legislators. The Seminar called for adoption of practical measures for the establishment of the necessary infrastructures for the safeguard of the moral and material interests of authors. It also recom-

mended that WIPO, Unesco and ALECSO render all necessary assistance for following up the conclusions.

São Paulo Conference and Congress on Copyright. The First Continental Conference on Copyright was organized, together with the First Brazilian Congress on Copyright, by the Inter-American Copyright Institute (IIDA) with the assistance of WIPO in São Paulo, Brazil, in June 1977.

Over 100 persons from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico and the United States of America attended the Conference and Congress.

Panel discussions were held on the following topics: activities of international organizations in the field of copyright and neighboring rights; guidelines for the development of copyright law in the Americas; penal and civil repression in copyright law; systems for the remuneration and collection of copyright fees; the protection of applied art; reprography; neighboring rights; and the *domaine public payant*.

The Conference formulated conclusions in the light of the discussions of the topics and adopted a number of resolutions, including recommendations that the IIDA seek observer status in WIPO meetings, that the governments of the States in the Americas accede to the international conventions in the field of copyright and neighboring rights, that WIPO bring up to date the publication on the teaching of the law of intellectual property (particularly copyright), that WIPO and Unesco, in cooperation with the IIDA, convene a committee of experts from Latin America to examine in depth the Tunis Model Law on Copyright for Developing Countries on the basis of the comments received from the governments of the countries in Latin America and that WIPO and Unesco undertake a study of the different existing forms of protection of applied art and of the possible bases for a more complete and effective protection of applied art in all its forms.

Asian/Pacific Seminar. The Asian/Pacific Seminar on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations was convened jointly by WIPO, ILO and Unesco, with the cooperation of the Government of Thailand at Bangkok in October 1977.

The participants in the Seminar included experts, coming from nine Asian and Pacific countries and acting in their personal capacity, and observers from 10 States and six international non-governmental organizations.

The object of the Seminar was to make the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations ("Rome Convention") better known in the Asian/Pacific area and to examine the

current situation with regard to the national laws in this field. Lectures were given by the representatives of ILO, Unesco and WIPO, country reports were delivered by the participating experts and statements were made by the observers.

The participants in the Seminar recommended that national legislation should provide for the protection of performers, producers of phonograms and broadcasting organizations, that the Model Law concerning the Protection of Performers, Producers of Phonograms and Broadcasting Organizations could be used as a suitable basis for this purpose, that appropriate organizations should be encouraged and supported at the national level with the assistance and technical advice of ILO, Unesco and WIPO, that, in order to further an effective system of international protection of all the interests concerned, countries should adhere to the Rome Convention and should also consider becoming party to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms and the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite.

Assistance to Certain Developing Countries and Regional Institutions of Developing Countries

At its March 1977 session, the Permanent Committee (Copyright) while discussing assistance to States in drafting new legislation and organizing copyright administration, took note of the suggestion that the Model Statutes for Societies of Authors drawn up initially in 1969 to meet the needs of African countries might be updated and broadbased so as to provide for a more universal model.

Upon the request of Governments and regional organizations, WIPO continued to provide expert advice to assist national or regional authorities in formulating or revising their legislation on copyright and neighboring rights and in establishing or strengthening national or regional institutions concerned with such matters.

Mauritius. At the request of the Government of Mauritius in April 1977, the new draft Copyright Bill of that State was examined and comments and suggestions were communicated.

Somalia. Similarly, the International Bureau provided advice and comments to the government authorities concerned in Somalia on their draft Copyright Bill.

Sri Lanka. In July 1977, the International Bureau provided advice and comments to the government authorities concerned in Sri Lanka on their draft Copyright Bill.

African Intellectual Property Organization (OAPI). The International Bureau assisted the Afri-

can Intellectual Property Organization (OAPI) in drafting a regional Convention on Copyright based on the Tunis Model Law. This now constitutes one of the annexes to the Libreville Agreement establishing OAPI, as revised at Bangui on March 3, 1977. The title and jurisdiction of this intergovernmental organization (OAPI) has been modified in order to enable it to deal not only with industrial property but also with copyright (for other details, see above).

Training Opportunities in the Fields of Industrial Property and Copyright and Neighboring Rights

At the beginning of August 1977, the International Bureau announced the program for training opportunities in 1978, and subsequent years, in the fields of industrial property and copyright and neighboring rights, and invited the governments of developing countries to propose candidates for the 1978 general introductory courses (to be held in the month of September 1978 for industrial property and in the month of October 1978 for copyright and neighboring rights) and to consider the planning of specialized training over the next few years through the visits of experts, the organization of local training courses and on-the-job courses in developed or developing countries.

Special Contributions by Certain Countries to Development Cooperation Activities

For the purposes of the activities referred to above, the governments of certain countries made special contributions in the form of the provision of the services of experts or documents or the payment of all or part of the costs of certain activities, as follows:

(a) The Federal Republic of Germany has assigned one of the officials of the German Patent Office to work full time in the International Bureau on WIPO projects on development cooperation. The official was selected in agreement with the Director General. The Government of the Federal Republic of Germany not only covers the salary of the said official but also reimburses the International Bureau's overhead expenses due to the presence of that official in the International Bureau and the expenses of official missions by that official.

In August 1977, WIPO concluded an agreement with the Federal Republic of Germany by virtue of which the Government of that country would place a fund in the amount of 895,000 Swiss francs at the disposal of the International Bureau for the financing of specified development assistance projects between 1977 and 1982.

(b) The Swedish Royal Patent and Trademark Office has assigned one of its officials to the Inter-

national Bureau for a period of three months to work on fellowships and other training projects in the field of development cooperation activities.

(c) In July 1977, the Government of the United Kingdom informed the International Bureau that a special allocation of funds in the amount of 15,000 pounds was available for the financial year 1977-1978 to support WIPO programs of benefit to developing countries, in particular the WIPO Fellowship Program and training or other assistance for the Industrial Property Organization for English-Speaking Africa. Funds thus made available have been utilized in part so far for the payment of travel expenses and subsistence allowances of two trainees under the WIPO Fellowship Program (see above) and for the services of a consultant on trademark matters in assisting the Industrial Property Conference for English-Speaking Africa (see above).

(d) The United States Patent and Trademark Office has assigned one of its officials to work full time in the International Bureau on matters which include WIPO projects on development cooperation. This official, too, was selected in agreement with the Director General. The Government of the United States of America continues to pay this official's salary.

(e) Full or partial payment of the travel expenses and subsistence allowances of trainees in the industrial property field (see above) and in the copyright and neighboring rights field (see above) under the 1977 Fellowship Program was made by a number of countries.

(f) Concerning the contribution of the Government of Austria to the Austria-WIPO Training Course, held in Vienna in August/September 1977, see above.

(g) Patent documents, microforms or microfilms of such documents were provided by Austria, France, Germany (Federal Republic of), the Soviet Union, Switzerland, the United States of America and the International Patent Institute (IIB) to assist the Government of Brazil in the modernization of its patent system (see above). State-of-the-art search reports were provided by Austria to a number of developing countries (see above).

Other Relations with Developing Countries

Meetings

Bombay Seminar on Patent Documentation and Information Services. A Seminar on Patent Documentation and Information Services sponsored by the Patent Office and the Department of Science and Technology of the Government of India and the Documentation Research and Training Centre (Bangalore) was held at Bombay in December 1977. At that Seminar, which consisted mainly of participants from industry, a representative of WIPO

presented a paper on technological information in patent documents.

Salamanca Seminar. A Seminar on The Obligation to Work Patents in Spain and in Latin America was organized by the University of Salamanca with the collaboration of the Spanish Industrial Property Office and the Institute of Hispanic Culture. The Seminar was attended by a number of industrial property specialists from Spain and from several Latin American countries. It was also attended by seven trainees from Latin American countries who were attending the annual course on industrial property, which was organized in Madrid by the Spanish Industrial Property Office within the framework of WIPO's Permanent Program for Development Cooperation Related to Industrial Property. Lectures on the main features of the topic were held in respect of the situation in different Latin American countries and in Spain, and were followed by discussions. The Director General of WIPO was the main speaker at the closing session of the Seminar and delivered a lecture on the obligation to work patents within the framework of the process of revision of the Paris Convention for the Protection of Industrial Property.

Missions

On the occasion of his participation in the World Symposium on the Importance of the Patent System to Developing Countries, in Colombo, in February 1977 and again when he was in Sri Lanka in December 1977, the Director General met with the President and the Prime Minister of Sri Lanka. Officials of the International Bureau also met with high-ranking government officials responsible for industrial property, transfer of technology and copyright matters.

The Director General made a visit to Brazil in May 1977. On that occasion, the Director General met with the Minister for Foreign Affairs and with high-ranking officials responsible for industrial property, transfer of technology and copyright matters.

The Director General made a visit to Colombia in July 1977. On that occasion, he participated in the Bogotá Round Table (see above) and met with high-ranking officials of the Government of that country responsible for industrial property and transfer of technology.

On the occasion of his participation in the Meeting Among ASEAN Countries on the Role of Industrial Property in Technological and Economic Development, held in Jakarta in December 1977 (see above), the Director General met with the President of Indonesia and with the Acting Minister for Foreign Affairs, the Minister for Justice and the Minister for Industry.

Visits were made by WIPO officials to Algeria, Bahrain, Bolivia, Brazil, Cameroon, Central African

Empire, Chile, Colombia, Cuba, Egypt, Gabon, Ghana, Guatemala, Honduras, India, Indonesia, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Madagascar, Malaysia, Mauritius, Mexico, Morocco, Niger, Nigeria, Pakistan, Qatar, Saudi Arabia, Senegal, Singapore, Sri Lanka, Sudan, Syria, Thailand, Togo, Tunisia, Venezuela, Yemen and Zaire for the purpose of exchanging views with the government authorities of those countries on matters concerning WIPO, particularly industrial property, transfer of technology or copyright and neighboring rights.

On the occasion of the visit to Gabon in July 1977, a WIPO official was received by the President of Gabon, by the President of Zaire and by high-ranking officials responsible for industrial property, transfer of technology and copyright matters.

Officials of the Government of the Republic of Korea had discussions with officials of the International Bureau in Geneva in November 1977 on matters concerning membership in WIPO and industrial property and transfer of technology.

Talks took place on industrial property and transfer of technology matters with the Secretariats of the United Nations Economic Commission for Africa (ECA) in Addis Ababa in January, March, June, September and November 1977, the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) in Bangkok in February, August and December 1977, the United Nations Economic Commission for Latin America (ECLA) in Guatemala City and Santiago in April/May 1977, and in Mexico City in July and October 1977, the United Nations Economic Commission for Western Asia (ECWA) in Beirut in September and December 1977, the Association of South-East Asian Nations (ASEAN) in Jakarta in August 1977, the Industrial Development Centre for Arab States (IDCAS) in Cairo in January and August 1977, the Organization for African Unity (OAU) in Addis Ababa in January and February 1977, the Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA) in Bogota in January, February and July 1977, and the African Intellectual Property Organization (OAPI) in Bangui in February 1977, in Yaoundé in March 1977 and in Cotonou in December 1977.

Relations with States and Organizations

In General

The main objective of the contacts by the International Bureau with States and organizations is to ascertain the problems which States face on the national, regional and international levels in the various fields of intellectual property, to explore the means for individual and cooperative action leading to their solution, to keep abreast of current thinking

in these and related fields, to encourage participation in the activities of WIPO, and to promote increased membership in WIPO and the wider acceptance of the international treaties administered by WIPO. The contacts with States and organizations referred to in this part of the activities report were mainly aimed at maintaining and increasing such contacts either through missions to countries or by attending international meetings during which questions of mutual interest were discussed.

Relations with States

Relations with Developing Countries

See above.

Relations with Other States

Visits were made by the Director General to Austria, France, Germany (Federal Republic of), Hungary, Italy and Japan, and by officials of the International Bureau to the said countries as well as to Czechoslovakia, Finland, Greece, Romania, the Soviet Union, Spain, Switzerland, the United Kingdom, and the United States of America to discuss with government authorities of the said States WIPO, industrial property, copyright and related matters.

On the occasion of his visit to Japan in October 1977, the Director General met with the Prime Minister, the Minister for Foreign Affairs and the Minister for International Trade and Industry, and with high-ranking government officials responsible for industrial property matters.

Relations with Other Organizations of the United Nations System

General Coordination of Policies and Activities

The Director General and officials of the International Bureau participated in the work of a number of inter-secretariat bodies of the United Nations established for the purpose of facilitating coordination of the policies and activities of the organizations of the United Nations system.

Representation at Meetings of United Nations Bodies

WIPO was represented at various meetings of United Nations bodies at which questions of direct interest to WIPO were discussed, including the thirty-second session of the United Nations General Assembly (September/December 1977), sessions or meetings convened by United Nations regional economic commissions, and the sessions of the Trade and Development Board of the United Nations Conference on Trade and Development (UNCTAD) and the Industrial Development Board of the United Nations Industrial Development Organization (UNIDO).

Resolutions and Decisions of the United Nations General Assembly and of the United Nations Economic and Social Council (ECOSOC)

The United Nations General Assembly at its thirty-first session (September/December 1976), the United Nations Economic and Social Council at its sixty-second session (April/May 1977) and at its sixty-third session (July/August 1977), and the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its meetings in August 1977 adopted a number of resolutions and decisions which, although not addressed specifically to WIPO, either called for action by the organizations of the United Nations system or were otherwise relevant to the work of WIPO during the year 1977 or to its future program of work. A resumé of each of these resolutions and decisions was presented, together with the comments and proposals of the Director General, to the WIPO Coordination Committee at its session in September/October 1977. The WIPO Coordination Committee noted these resolutions and decisions and the activities performed or planned by the Director General in respect of these resolutions and decisions. As concerns, in particular, the action taken by the WIPO Coordination Committee in respect of one of these resolutions relating to South Africa, see above.

Information for Studies and Reports of the United Nations

The International Bureau provided information on subjects of direct concern to WIPO for inclusion in reports prepared by the Secretary-General of the United Nations for the General Assembly, the Economic and Social Council and other organs of the United Nations.

Among the reports provided by the International Bureau was the analytical summary report of WIPO for the year 1976, presented to the United Nations Economic and Social Council for its sixty-third session (July 1977) (see United Nations document E/5957, May 31, 1977). The report was also transmitted by the Director General to the Member States of WIPO and other States members of the organizations of the United Nations system.

Relations with UNCTAD and UNIDO

Consultations continued to take place between the Secretariats of the United Nations Conference on Trade and Development (UNCTAD) and WIPO, and the United Nations Industrial Development Organization (UNIDO) and WIPO with respect to matters of mutual interest and the implementation of decisions taken by the governing bodies of the respective organizations.

Relations with the United Nations Conference on Science and Technology for Development (UNCSTD)

See above.

Relations with United Nations Regional Commissions

Close cooperation was maintained with the United Nations Economic Commission for Africa (ECA), particularly as concerns the creation of the Industrial Property Organization for English-Speaking Africa, the Industrial Property Conference and its two Committees, the establishment of a patent documentation centre for English-speaking countries in Africa, and the African Regional Centre for Technology (see above).

Cooperation also continued with the United Nations Economic Commission for Latin America (ECLA), particularly as concerns the convening of the Latin American Seminar on Patent Information, as part of the preparatory work for the United Nations Conference on Science and Technology for Development (UNCSTD) (see above).

With a view to organizing similar seminars in cooperation with the United Nations Economic Commission for Western Asia (ECWA), and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), discussions were held with the Secretariats of those Commissions.

WIPO was represented at the Fourth Meeting of the Follow-up Committee on Industrialization in Africa and at the Fourth Conference of African Ministers of Industry, organized by the United Nations Economic Commission for Africa (ECA), the Organization of African Unity (OAU) and the United Nations Industrial Development Organization (UNIDO), which were held in Kaduna (Nigeria) in November 1977.

Relations with the United Nations Educational, Scientific and Cultural Organization (UNESCO)

Close cooperation continued with Unesco on activities concerning copyright, including matters concerning development cooperation related to copyright, particularly in respect of the application of the revised 1971 Paris texts of the Berne Convention for the Protection of Literary and Artistic Works and the Universal Copyright Convention, the Tunis Model Law on Copyright for Developing Countries, the preparation of a copyright glossary and manual for developing countries, the protection of folklore, and the organization of the Regional Seminar on Copyright for Arab States at Rabat (see above), as well as in respect of the collection of laws and treaties and the surveys and studies on the use of audiovisual cassettes and discs, on the problems arising from the transmission, by cable, of television programs, on the problems arising from the use of electronic computers and other technological equipment and

on the avoidance of double taxation of royalties remitted from one country to another (see the March 1978 issue of this review). WIPO was represented at the September/October 1977 session of the Executive Board of Unesco, at the first session of Unesco's Intergovernmental Council for General Information Programs in November 1977, and at the December 1977 session of the Intergovernmental Copyright Committee established under the Universal Copyright Convention.

Relations with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organisation (ILO)

Close cooperation was also maintained with Unesco and the International Labour Organisation (ILO) on matters relating to neighboring rights (see the March 1978 issue of this review).

Relations with Other Intergovernmental Organizations

African Intellectual Property Organization (OAPI). WIPO was represented at the meetings of the Administrative Council of OAPI in Bangui (Central African Empire) in February/March 1977 and in Cotonou (Benin) in December 1977. See also above.

Arab States Broadcasting Union (ASBU). See above.

Caribbean Community (CARICOM). See above.

Council for Mutual Economic Assistance (CMEA). See "The Paris Union and Industrial Property, in 1977" in the March 1978 issue of *Industrial Property*.

Council of Europe (CE). The Director General of WIPO attended the inauguration ceremony of the *Palais de l'Europe* of the Council of Europe in Strasbourg in January 1977. See also "The Berne Union and International Copyright and Neighboring Rights in 1977" in the March 1978 issue of this review.

English-Speaking Countries in Africa. See above.

Commission of the European Communities (CEC). See above and "The Paris Union and Industrial Property in 1977" in the March 1978 issue of *Industrial Property*.

Community Patent Interim Committee. See "The Paris Union and Industrial Property in 1977" in the March 1978 issue of *Industrial Property*.

European Patent Organisation (EPO). See "The Paris Union and Industrial Property in 1977" in the March 1978 issue of *Industrial Property*.

Industrial Development Centre for Arab States (IDCAS). WIPO was represented at the Permanent Consultative Committee for Documentation and

Industrial Information of IDCAS in October 1977. See also above.

Intergovernmental Bureau for Informatics (IBI). WIPO was represented at the General Assembly of the IBI in Paris in January 1977.

International Patent Institute (IIB). See "The Paris Union and Industrial Property in 1977" in the March 1978 issue of *Industrial Property*.

Organization of African Unity (OAU). On the occasion of his visit to Geneva in October 1977, the Secretary-General of the OAU met with the Director General and reviewed with him the program of cooperation entered into by the OAU and WIPO. See also above.

Relations with International and National Non-Governmental Organizations

Admission of International Non-Governmental Organizations as Observers to Meetings of the Governing Bodies

Benelux Association of Trademark and Design Agents (BMM), Inter-American Copyright Institute (IIDA) and World Federation of Engineering Organizations (WFEO): see above.

Relations with the International Organization for Standardization (ISO)

See "The Paris Union and Industrial Property in 1977" in the March 1978 issue of *Industrial Property*.

Representation at Meetings

WIPO was represented at meetings of various international and non-governmental organizations concerned with matters in the fields of industrial property (see "The Paris Union and Industrial Property in 1977" in the March 1978 issue of *Industrial Property*) and copyright and neighboring rights (see "The Berne Union and International Copyright and Neighboring Rights in 1977" in the March 1978 issue of this review) at which questions of direct interest to WIPO were discussed.

The Director General gave a lecture on "Options for the Legislator in the Field of Patents, Trademarks and Copyright" at a meeting of the Bar Association of Sri Lanka in February 1977.

WIPO Publications

Reviews. The reviews *Copyright* and *Industrial Property* continued to appear every month in English and French. The review *La Propiedad Intelectual* continued to appear in Spanish every quarter.

WIPO General Information Brochure. An up-dated version of the *WIPO General Information* brochure was published in English and in French in

January 1977, in German in June 1977 and in Spanish in August 1977.

An up-dated *List of Member States of the World Intellectual Property Organization (WIPO) and the International Unions*, of July 1, 1977, in English and French, was published in July 1977. The *WIPO General Rules of Procedure* (1977) was published in Spanish in May 1977. A brochure containing the *Organizational Rules* of the WIPO Permanent Committee on Patent Information was published in English, French, Spanish and Russian, in December 1977.

Official Texts. The official texts of a number of conventions, agreements and other treaties and international classifications administered by WIPO, as well as the records of diplomatic conferences at which treaties were adopted, were published during the year (see "The Paris Union and Industrial Property in 1977" in the March 1978 issue of *Industrial Property*).

Other Publications. The International Bureau published, in July 1977, the collection of the lectures given at the World Symposium on the Importance of the Patent System to Developing Countries organized by WIPO at Colombo (Sri Lanka) in February 1977 (see above). The *Licensing Guide for Developing Countries* (see above) was published by the International Bureau in English, French and Spanish in August 1977. *Major Provisions on Trademark Legislation in Selected Countries — Summary Tables* (see above) was published by the International Bureau in English and in French in October 1977. A number of other publications dealing with specific matters of industrial property were published during the year (see "The Paris Union and Industrial Property in 1977" in the March 1978 issue of *Industrial Property*).

The annual Frankfurt Book Fair, held in October 1977, included a stand displaying the publications of WIPO.

Public Information

Information Meetings. Lectures on WIPO and its activities were given by officials of the International Bureau in information meetings held in Geneva in September 1977 for the benefit of officials from Bangladesh, Indonesia, Nepal, Pakistan, the Philippines and Thailand who had been participating in the Austria-WIPO Training Course, in October 1977 at a Seminar organized by the International Institute for Social Studies, in November 1977 for the benefit of the trainees participating in the Symposium on Copyright Matters (see above), and in December 1977 for the benefit of groups of students from the University of Amsterdam and from the University of Ghent.

Similarly, lectures were given on WIPO and its activities at seminars and courses organized in Geneva under the auspices of the United Nations in February and March 1977 for the benefit of officials of diplomatic missions.

Officials of the International Bureau participated in a colloquium on inventors and the protection of inventions organized on the occasion of the sixth *Salon des inventions* held in Geneva in November 1977.

Officials of the International Bureau also participated in the weekly press briefings given at the *Palais des Nations* for the benefit of the communications media.

WIPO Commemorative Stamp Issue. In recognition of the new status of WIPO as a specialized agency, the United Nations Postal Administration issued in March 1977, for use at the United Nations Headquarters in New York and at the European

Office in Geneva, a set of three horizontal stamps of like design, in four colors, depicting the new WIPO Headquarters Building.

New WIPO Headquarters Building

The construction of the new WIPO Headquarters continued. The new building is expected to be ready for occupancy by the middle of 1978. Its official inauguration is scheduled for September 1978.

Gifts for the new building have been received so far from Cameroon, Greece, the Holy See, Hungary, Iceland, Ireland and Zaire. Furthermore, the International Bureau is in touch with the Governments of Brazil, Chile, Colombia, Finland, the German Democratic Republic, Germany (Federal Republic of), India, Iran, Italy, Japan, Kenya, the Netherlands, Sweden, and the United Kingdom concerning their firm intent to make such gifts.

Conventions Administered by WIPO

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

EGYPT

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 Arab Republic of Egypt deposited, on December 15, 1977, its instrument of accession to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms.

In addition, the said instrument of accession contains the declaration that the accession of the Arab

Republic of Egypt "does not imply any recognition of Israel, or entering into any relationship with Israel governed by the provisions of the Convention." (*Translation*)

The Convention will enter into force, with respect to the Arab Republic of Egypt, three months after the date of the notification given by the Director General of WIPO, that is, on April 23, 1978.

* Phonograms Notification No. 32, of January 23, 1978.

General Studies

Copyright Problems Arising from the Use of Copyright Materials in Automatic Information and Documentation Systems

Eugen ULMER *

I. Introduction

At the request of Unesco and WIPO, I prepared reports about the problems arising from the use of copyright materials in automatic information and documentation systems in the years 1971 and 1975.¹

The reports were submitted by Unesco and WIPO to the Intergovernmental Copyright Committee and the Executive Committee of the Berne Union at their joint meetings in November 1971 and December 1975. On the basis of decisions of both Committees, the relevant questions have again been placed on the agenda of their next sessions (November 28 - December 6, 1977). In preparation for discussion, Unesco and WIPO have requested that I supplement my earlier reports with a further short report.

In my previous reports, I have extensively noted the increasing importance of automatic, and in particular computerized, information and documentation systems for the performance of the scientific, economic, technical, political, and social functions of society; and of setting-up of such systems on national and international levels by public and private organizations. Further progress has been achieved in the development of the systems and in their expansion, including the use of microform in information and documentation systems. Basic changes which would make a new treatment necessary have, however, not occurred.

In contrast, regarding legal evaluation, important new statements of position, contained especially in studies for legislative reform in Canada, the United Kingdom, and the United States, should be considered. In the case of Canada, a study entitled *Copyright in Canada. Proposals for a Revision of the Law*, published in April 1977, by the Minister of Consumer and Corporate Affairs, is involved. This study had been preceded by a general report on intellectual and industrial property issued in 1971 by the Economic Council of Canada. Special papers in va-

rious fields of intellectual property followed this general report; among these were the above-mentioned proposals for the revision of the copyright law, worked out by A. A. Keyes and C. Brunet after extensive consultation with interested persons and organizations, and designated to serve as the basis for discussion of the reform of copyright law in Canada. A special section of the proposals (pp. 125-129) is dedicated to "use of copyright material in information storage and retrieval systems."

In the United Kingdom, the report of the Committee to consider the Law of Copyright and Designs was presented to Parliament by the Secretary of State for Trade in March 1977. The Committee, whose Chairman was Mr. Justice Whitford and whose Vice-Chairman was Mr. W. Wallace, was set up on August 14, 1973. In this extensive report (Whitford Report), worked on with great expertise, one finds proposals concerning the storage and retrieval of copyright material (Sections 505-508).

As I have already mentioned in my 1975 report, in the United States the long-planned National Commission on New Technological Uses of Copyrighted Works (CONTU) was set up by an act of December 31, 1974. The mission of CONTU is to study the questions of reproduction and use of copyrighted works in conjunction with automatic systems, and of various forms of machine-reproduction, and to submit a report with recommendations for amendment of the law. The initially provided term of three years for presentation of the report has been extended until June 30, 1978. With this in mind, Section 117 of the Copyright Law of 1976 provides that "with respect to the use of the work in conjunction with automatic systems capable of storing, processing, retrieving, or transferring information, or in conjunction with any similar device, machine or process" the previous law shall remain in force for the time being. In the meantime, a subcommittee of CONTU — the so-called Data Base Subcommittee — has completed a preliminary report concerning the application of copyright law to Data Bases.² The

* Professor Dr., former Director, Max-Planck-Institute for Foreign and International Patent, Copyright, and Competition Law, Munich.

¹ The reports were published in *Copyright*, 1972, p. 37, and 1975, p. 239.

² Text in *BNA's Patent, Trademark & Copyright Journal*, No. 334, of June 23, 1977.

report has been presented for public comment. The full Commission will base its final report to the President and the Congress upon response to the preliminary report, further hearings, and the results of several studies now in progress concerning the economic, public interest, and consumer questions associated with the issues before the Commission.

The above-mentioned proposals and reports provide an occasion for supplementing the considerations on the legal questions contained in my earlier reports.

II. The Protected Works

The general principles of copyright law are applicable to the question of whether those materials which form the object of storage and retrieval are protected works.

1. In the earlier reports, I have especially pointed out the distinction between the index, the abstract, and the full-text methods. The rights of authors and publishers are notably infringed in the case of unauthorized storage and retrieval of the full text of protected works. Admittedly, the application of the full-text method is today in practice rarer than the abstract and index methods. In the case of the abstract method, a distinction is to be drawn: if the abstract is composed by the author of the full text himself, the copyright in the abstract belongs to him; the author's and the publisher's interest in the dissemination of the abstract may, however, suggest their express or implied consent to the free utilization of the abstract in an information and documentation system. In the case of abstracts composed by other persons, the question arises whether they are to be regarded as adaptations of the original work. Here it is important whether only the brief conveyance of information is involved, or whether the abstracts are more extensive, and are such as would be capable of being a substitute for the reading of the full text, and thus influence the sale of the work. Persons who have completed abstracts at the request of the owner of an information system will customarily convey their rights to him.

In the case of the index method, the storage and retrieval of documentary data (author of the text, title, publisher, etc.) is generally not an infringement of the copyright in the works concerning which data is provided.

2. The American report of the Data Base Subcommittee discusses an additional question: the question of copyright protection for the compilation of information stored in an automated data base. Here it is argued that the automated data base represents a new technological use of a type of work long recognized as eligible for copyright:

Dictionaries, encyclopedias, and tables of numeric information are all forms of data bases which antedate the computer by many decades, and for which copyright protection has been, and will continue to be, available under applicable copyright law. Under the new law a data base is a compilation and thus a proper subject for copyright. This entitlement to copyright is not diminished by the fixation of the information content of a data base in a medium requiring the intervention of a computer to accomplish the communication of content. Accordingly, a data base, whether printed in traditional hard copy or fixed on electromagnetic tape, is protected by copyright under the terms of the new law.

The new copyright law in the USA defines a compilation as "a work formed by the collection and assembling of pre-existing materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship." An infringement of the copyright in the compilation is not found when only individual elements of information form the object of exploitation. The Data Base Subcommittee report notes to this effect that the copyright in the data base does not protect individual data, but only the systematized form in which the data is presented. In any event, the duplication of any substantial portion of the data base, whether or not the individual data are in the public domain, constitutes a duplication of the copyrighted elements of the data base, and this would be an infringement.

3. In the British Whitford Report, the protection of compilations of data is discussed in connection with the protection of computer programs. As does the preliminary report of the Software Subcommittee of CONTU, the Whitford Report recommends copyright protection for computer programs. In this connection, the Whitford Report provides:

Compilations of data should be treated for copyright purposes as literary works in the same way as we are recommending for programs. Thus, they will be protected if, but only if, a sufficient degree of skill and/or labour has been involved in their preparation.

In this report, we will not treat the general question, posed by computer technology, of the protection of computer programs; this question is the object of special examination on the international level by the Advisory Group on Computer Programs. The present report remains limited to automatic information and documentation systems and the question of copyright protection of individual data and compilations of data.

4. The idea of providing copyright protection for compilations of data also finds support from the point of view of other legal systems. This is in any event true for all those legal systems which protect compilations, under terms such as "œuvres collectives," "opere collettive," "Sammelwerke," and related terms, when these works meet the requirements

for copyright protection on the basis of intellectual labor performed in selection and arrangement.

III. The Starting Point of Control

All three proposals for legislative reform contain statements of position on the basic question of whether infringement of copyright occurs at the point of input or at the point of output in the case of unauthorized use of copyright material in computerized information and documentation systems.

1. In Canada, the Report of the Economic Council (1971) recommended that no special new provisions for the payment of copyright royalties should be attached to computer input, but that such provisions should be attached to certain types of computer output, particularly if two conditions are met:

- (a) the work is in its original form of expression or in one of the general classes of adaptations of the original form that are enjoying copyright protection now;
- (b) the medium of delivery is more or less permanent and re-usable or directly activates a revenue-producing performance of some kind.

On the other hand, the authors of the Proposals for Revision of the Copyright Law (1977) took into account that in principle even the input, being a reproduction of the work in a material form, is an infringement of copyright under the Canadian Copyright Law. It is, therefore, recommended that in any event the input of unpublished copyright material should constitute an infringement. In contrast, to the extent that published material is involved, according to the view of the authors of the Proposals the necessity of a negotiation procedure with the author of the work would "pose a threat to a technology for which speed is of the essence." It is, therefore, suggested that the author enjoys only a right of discovery, "whereby [he] may compel disclosure of whether any of his copyright material is or has been stored." On the other hand, the unauthorized output of the stored copyright material, whether effected by print-out, cathode ray tube display, or other means, should constitute an infringement. Admittedly, these are only preliminary recommendations. Making reference to the examinations which are being carried out in the United States by CONTU, the authors expressly acknowledge the need for further study and recommend that such studies be actively pursued.

2. The British Whitford Report also discussed, in the section "Storage and Retrieval of Copyright Material," the question of whether infringement occurs at the point of input or output. At present — it is explained — it is mainly abstracts which are stored;

however, one must expect that in the future "sophisticated computer information storage and retrieval systems may revolutionise information dissemination as we know it today, even to the extent of replacing printed works completely." In this event, the sale of only one copy of a work to the national center would result in its contents, or a selection thereof, being made available throughout the country.

In the legal sense, the key question raised in the report is of whether the input into the computer represents reproduction in a material form:

There may be little doubt in the majority of cases, for example, where punched tape or magnetic tape is prepared for input, but it may not be so obvious if say the direct optical input is used or information is manually keyed in. ... In any event, ... any doubt ... must be resolved under any future Act.

It is, therefore, recommended that unauthorized storage of copyrighted material in a computer memory — as well as the storage of programs — should be clearly restricted.

3. The new provisions contained in the U.S. Copyright Law of 1976 concerning the definitions of "copy" and "reproduction" were of decisive importance in formulating the position of the American Data Base Subcommittee on the question of the starting point of control.

The pros and cons of the "input issue" were strongly disputed in the United States, especially at the hearings before the Congressional Committees.³ From the legal point of view, there was the question of the interpretation of the term "copy" in the old Copyright Law. An important precedent was the 1908 decision of the Supreme Court in the so-called Apollo case⁴ concerning the manufacture of perforated music rolls for the operation of automatic pianos. In this decision, the majority opinion of the Supreme Court defined the term "copy" as "a written or printed record in intelligible form." Therefore, phonorecords were not regarded as copies. On the basis of this decision, it could be assumed that information carriers such as punched cards and tapes, which are directly intelligible to experts, can be regarded as copies, but not magnetic cards or tapes or fixations in the memory of the computer itself. In fact, this opinion found support in some legal writings, whereas others expressed the view that the Apollo decision could have no bearing on computer storage. The Copyright Law of 1976 provides in Section 106 that the author has the exclusive right to reproduce the copyrighted work in copies or phonorecords, and "copies" are defined (in Section 101)

³ See my 1971 Report, *Copyright*, 1972, p. 47.

⁴ *White-Smith Music Publ. Co. v. Apollo Co.*, 209 U.S. 1 (1908).

as "material objects, other than phonorecords, in which the work is fixed by any method now known or later developed, and from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device."

In conformity with this definition, the Data Base Subcommittee starts from the principle that the storage of a protected work within a computer memory, being merely one form of reproduction, would be one of the exclusive rights granted by copyright. The media used for the input are indifferent. The decisive point is that the storage in the computer memory is a fixation from which the work can be made accessible by means of the computer.

Under the fair-use provision (Copyright Law Section 107), exceptions from the rule that the unauthorized storage of copyrighted material is an infringement are possible. But, in the opinion of the Data Base Subcommittee, the principle of fair use would be applicable only in limited instances. In any case, "one would have to assume that fair use would apply rarely to the reproduction in their entirety of computerized works, such as data bases." In conformity with views expressed in my 1971 report⁵ concerning the so-called "one-use input," it is explained that an example of fair use might be "the creation of a copy in a computer memory in order to prepare a concordance of the work, or to perform a systematic analysis of a work" under the condition that "copies created for such research purposes should be destroyed upon completion of the research project for which they are created."

IV. Final Remarks

1. In discussing the problems arising from the use of electronic computers and other technological equipment at their December 1975 session, the Intergovernmental Copyright Committee and the Executive Committee of the Berne Union felt that, since these developments are still in a state of flux, the time has not yet come for the formulation of recommendations for a legal settlement on the international level.

On the whole, the situation has not changed in the meantime. The proposals for legislative action in Canada and in the United Kingdom are designed as the basis for discussion. The American Data Base Subcommittee Report is only a preliminary report presented for public comment: the full Commission will, as already mentioned, submit its report to the President and the Congress after receiving responses to the submitted report, after further hearings, and

after receiving the results of several studies now in progress concerning the economic, public interest, and consumer questions associated with the issues before the Commission. In view of the circles which have represented the viewpoint that not the input, but rather the output would be the starting point of control, one can await with special interest the statement of position in the final report and the discussion in Congress.

2. In this situation, it seems today advisable to me to await further the discussion of the presently existing proposals, as well as the discussion of these questions in the other member countries of the Berne Union and the contracting States of the Universal Copyright Convention, before recommending a legal settlement on the international level; however, one should be aware of the further development of automatic information and documentation systems.

In any case, it appears that the interpretation of the definition of reproduction in Article 9(1) of the Paris Act of the Berne Convention and in Article IV^{bis}(1) of the revised Universal Copyright Convention will be of a special importance for a future evaluation on the international level. As I explained in my 1971 report,⁶ from Article 9(3) of the Berne Convention concerning sound and visual recordings one may infer that reproduction under the Berne Convention includes the fixation of a work which cannot directly be perceived by human senses but only with the aid of a machine or device. Therefore, not only fixation on the input media, but also storage in the memory of the computer, should be regarded as reproduction.

In the Universal Copyright Convention, there is no express provision corresponding to Article 9(3) of the Berne Convention. Nevertheless, there are good reasons for interpreting the term "reproduction" in the same way as in the Berne Convention. In any case, as is stated in my 1971 report, in the majority of the contracting States of the Universal Convention reproduction is interpreted broadly, in a sense corresponding to the provisions in the Paris Act of the Berne Convention. However, one had to consider the possibility of a differing evaluation, due to the then disputed legal situation in the United States. If the definition of reproduction is now also interpreted in a broad sense in the United States, and if this interpretation, in accordance with the recommendation of the Data Base Subcommittee, is also applied in the evaluation of computer storage, one may well assume that with respect to this interpretation a general consensus, including the contracting States of the Universal Convention, can be reached. Then the only

⁵ Copyright, 1972, p. 57.

⁶ Copyright, 1972, p. 53.

question which would remain open is the question of the extent to which the Union countries and the contracting States could provide exceptions on the basis of Article 9(2) of the Berne Convention and Article IV^{bis}(2) of the Universal Convention. The States doubtlessly here enjoy a scope of discretion, this scope being greater for the contracting States of the

Universal Convention than for the member countries of the Berne Union. In any event, exceptions could be made for special cases, such as the above-mentioned case of "one-use input." More extensive exceptions would, however, only be justified when at least the payment of an appropriate royalty is insured.

The International Literary and Artistic Association

Renée-Virginie BLAUSTEIN *

A birth: June 28, 1878.

A centenary: May 29 to June 3, 1978.

Light of heart and forward-looking, the International Literary and Artistic Association will celebrate its centenary on a promising theme — "Copyright Faces the Future" — at its Congress to be held in Paris.

Its long path, marked out with triumphant milestones, warrants stopping to reflect awhile.

The Société des Gens de Lettres de France took the initiative to hold in Paris on June 17, 1878, the first International Literary Congress.

Victor Hugo was its President.

The world's most renowned writers and publishers responded to the call.

The meeting was commanded by firm principles: the prime concern was to define and establish the rights of literary property.

This is evident in two of the resolutions adopted by the Literary Congress, which have lost nothing of their topicality:

The right of an author in his work constitutes not a concession made by the law but one of the forms of property which the legislator must guarantee.

Every literary, scientific or artistic work shall be treated in countries other than its country of origin in accordance with the same laws as the works of national origin.

That was not, however, to be the limit of the International Congress's work.

In the words of Eugène Pouillet:

All its members realized that this meeting of writers from both worlds could not be allowed to go asunder without leaving a lasting trace behind it and that the bond forged between them could no longer be broken.

This concern of the Congress led to the foundation of the International Literary Association whose

bases were adopted at the Congress on June 28, 1878, in a resolution worded as follows:

An International Literary Association is hereby formed ... for the purpose of defending the principles of literary property, ... with headquarters in Paris.

The Officers and the Committee entrusted with organizing the Association were established at that same meeting.

On July 13, 1878, the Executive Committee appointed by the Congress elected its Officers and appointed its Presidents: Frédéric Thomas, Honorary President of the Société des Gens de Lettres de France, and José da Silva Mendès Leal, Minister Plenipotentiary of Portugal in Paris; and its Vice-Presidents, amongst whom the name Georges Hachette, publisher, is to be found.

The International Literary and Artistic Association has had the merit, from the very outset, of bringing together at its meetings all those with a desire to protect the creator and the expression of his thought.

The International Literary and Artistic Association — it has been said — constitutes the link between universal interests, and for that very reason it became the place of choice for disinterested action where no one attempts to obtain material benefit from the work of its members, where no works are sold and where no personal ambition is fostered. The sole, noble, concern of its members is to aid those who enrich the intellectual heritage and — above all — to obtain the most effective protection for their rights.

Untiringly, the Association has pursued, and still pursues, the same objective ever since the presidency of Frédéric Thomas and Mendès Leal, of Torrès Caicedo, Minister Plenipotentiary of San Salvador, and Louis Ulbach, of Louis Ratisbonne, of Eugène Pouillet, of Georges Maillard, of Marcel Boutet through to that of Professor Henri Desbois.

* Avocat à la Cour d'appel de Paris.

As from its very first international congresses in London, in 1879, Lisbon, in 1880, and Vienna, in 1881, the Association has studied the problems of translation, adaptation and reproduction, has analyzed the draft laws of the various countries and has concerned itself with the moral rights of the author.

The Rome Congress of 1882 constitutes an important step in the Association's international activity.

The idea of internationally unifying the laws on literary and artistic property began to emerge: Lamartine had already brought up the idea in the *Chambre des Députés* in 1841.

One evening in May 1882, in a Roman trattoria, three members of the Executive Committee of the International Literary Association together discussed this project: a Frenchman, Jules Larmina, a Norwegian, Fr. Baetzmänn, and a German, Paul Schmidt.

The following day they presented to the Congress their project for a Literary Property Union. This proposal was unanimously adopted and it was suggested that the Conference should meet in Berne. In the words of Numa Droz, a Swiss Lawyer and member of the Federal Council:

The Literary Congress of the International Literary Association meeting in Rome in May of this year has decided to call for the convening of a Conference in Berne. The Congress further spoke in favor of setting up an International Bureau of Literary and Artistic Property with headquarters in Switzerland.

Those were the beginnings of the Berne International Bureau, which has since become the International Bureau of WIPO, in which the International Literary and Artistic Association has always found a constant source of support, confidence and interest in its work which have been so valuable to it.

The Conference which met in Berne from September 10 to 17, 1883, was composed of delegates of the societies, academies, associations, literary circles, of writers, artists and publishers of a variety of nations at the instigation of the International Literary Association under its President, Louis Ulbach. It laid the foundations of the General Union for the Protection of the Rights of Authors in their Literary Works and Manuscripts. The work of this Conference was to lead to the signing of the Berne Convention on September 9, 1886.

Prior to this, at the Amsterdam Congress, the President of the International Literary Association had had the satisfaction, on September 25, 1883, of bringing to his members the news of the success obtained in Berne.

Amid general enthusiasm, the President of the Dutch Literary Society, E. M. C. Asser pronounced these moving words to the International Literary Association, the guest of the Netherlands for the

first time since its creation, and for which we must thank him across the ages:

The remarkable work you have achieved since your first meeting in 1878 has aroused our most vivid interest. We have followed your successive congresses and we know that each new campaign has led you on to new triumphs. Your Association has been baptized with the French spirit and with the everlasting principles of justice and liberty of which France has been the custodian for the whole world.

The Association, which became the International Literary and Artistic Association in 1884, pursued its mission from congress to congress and from study session to study session.

From Brussels in 1884 to Antwerp, Geneva, Madrid, Venice and Paris; from Barcelona to Dresden; from Naples to Weimar and then Marseilles and Liège; from Warsaw to Belgrade, Cairo and Budapest; from Paris to Bucharest and Berlin; from Montreux to Paris, Lucerne, Nîmes and Monte Carlo; from Amsterdam to Athens and then on to Florence; from Munich to the study sessions held in Amsterdam, Berlin and Antwerp in 1977 via the 1965 Stockholm Congress and the 1976 Athens Congress: what a host of fraternal welcomes and what a sum total of hard work!

Nothing affecting authors is foreign to ALAI: draft model laws, examination of national legislation, *domaine public payant*, applied arts, *droit de suite*, moral rights, photography, cinematography, neighboring rights, tape recorders, reprography, video-cassettes, satellites, drafts of the Geneva Universal Convention and revisions of conventions.

By tradition, ALAI meets in congress some months prior to revisions of the Berne Convention, in the country in which the revision conference is to take place and, as a result of its meetings, adopts *vœux* and resolutions which are then transmitted to the international organizations which include it amongst the international non-governmental organizations to be consulted.

The Association often sees its ideas win the day; one only has to think, for example, of the Brussels Revision Conference in 1948 where the President of the International Literary and Artistic Association, Marcel Boutet, experienced the deep satisfaction of seeing the concept of moral rights, already recommended by ALAI at its Lugano meeting in 1927 and introduced into the Convention when revised in Rome in 1928, expanded in the text of the Convention.

The stability of ALAI's institutions and the structure of its Executive Committee are doubtless the reasons for the continuity of its policies, as evidenced by the reports and resolutions contained in the *Bulletins* published after each Congress.

The wish to protect the creator constitutes a strong enough bond to produce the miracle of unity

between people from so many different backgrounds. The Association, which is a gathering of individual members and of groups, has been joined, at the time of the most arduous problems, by members from a great number of countries, who have remained faithfully attached to it: Argentina, Austria, Belgium, Denmark, Egypt, Federal Republic of Germany, Hungary, Italy, Japan, Luxembourg, Mexico, Monaco, Netherlands, Norway, Portugal, Sweden, Switzerland, Turkey, United Kingdom, United States of America, Uruguay . . .

As Talleyrand said, it is necessary "to have a mind for the future."

This was ALAI's aim when it adopted the program of its May 1978 Congress at which work will

be oriented towards the progress of dissemination technology and copyright, towards the legal situation of the employee-author, towards international relations in the field of copyright and neighboring rights.

Tomorrow will again witness impassioned meetings at which those will participate who are always ready to fight for the supreme protection of the intellectual creator . . . Can there be a better conclusion than the moving pilgrimage to the origins, i. e., the words of Victor Hugo accepting the Honorary Presidency of the International Literary Association, who prophesied "the International Literary Association shall live on . . ."

Book Reviews

Internationales Urheberrecht und Leistungsschutzrecht der deutschsprachigen Länder unter Berücksichtigung auch der Staaten der Europäischen Gemeinschaft. Kommentar, by *Wilhelm Nordemann, Kai Vinck, Paul W. Hertin*. Werner Verlag, Düsseldorf, 1977. IX + 508 pages.

This is the first German-language commentary embracing the whole international system of protection of copyright and the so-called neighboring rights. Notwithstanding its restrictive subtitle, which would confine the coverage of the book to German-speaking countries and those of the European Community, the work deals in depth with the Berne Convention, the Universal Copyright Convention, the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961) and the Geneva Convention for the Protection of Producers of Phonograms (1971); the only analysis of a text of a regional character is that of the European Agreement on the Protection of Television Broadcasts (1960), which, however, also provides instructive background material on the Rome Convention. The book contains a survey on all countries participating in the international protection of the rights in question, indicating the conventions to which they are party and the dates on which they became effective in their respect.

In its Appendix, the book contains also the full German text of the Berlin, Rome and Brussels Acts of the Berne Convention, the WIPO Convention, the Montevideo Convention, the Satellites Convention (1974), not yet in force (where the aspects of satellite broadcasts are examined in detail in connection with the Rome Convention), the European Agreements concerning Programme Exchanges by means of Television Films (1958) and for the Prevention of Broadcasts from Stations Outside National Territories (1965). It also contains the bilateral agreements concluded by the German-speaking countries with a number of countries throughout the world, and last, but not least, two colored comparative maps showing the position of each State with respect to international protection of copyright and neighboring rights. The wide range of the material compiled in the book is in itself of considerable informative value.

The structure and the content of the commentary correspond to the requirements of the broadbased material. A general introduction shows the successive and interdependent widening of the scope of the authors', performers' and users' interests to be protected when works are used. It summarizes the main problems within the given system of conventions and analyzes possible trends of development. Detailed introductory sections also contain a general survey of the problems of each neighboring rights convention.

Comments are made Article by Article, whereas, in the case of revised conventions, the text of the relevant Article of the former Act is also reproduced together with the most recent text, and, as far as the Berne Convention is concerned, even earlier Acts are taken into consideration to explain the development of contemporary solutions.

The commentary emphasizes the interrelated character of the conventions analyzed, which corresponds to the interdependency of the interests governed by them.

Relevant literature and conference material are widely taken into consideration. The main parts of the book are headed by a selection of pertinent publications.

At the same time, the authors have also dealt with the question of the implementation of the conventions and made proper references to the activities of WIPO and Unesco, where appropriate. They have taken into account the most important legal cases. The commentary deals too with problems of infrastructure, such as those concerning the tasks and the situation of organizations administering neighboring rights.

The commentary also offers a number of the authors' opinions on some open questions, including those concerning reprographic reproduction or the implementation of the Rome Convention.

This commentary will certainly prove to be a reference work both in the field of theory and in practice, inspiring a modern approach to some burning questions. It is highly desirable that the English and French versions of this book should likewise be published, as indicated in the foreword.

G. B.

Über den Leistungsschutz der Interpreten, der Ton- und Tonbildträgerhersteller und der Sendeunternehmen by *Mario M. Pedrazzini*. One volume of 113 pages. Helbing & Lichtenhahn Verlag, Basle, 1977.

This study by Professor Pedrazzini, published in the series of reports and communications issued by the Société suisse des juristes (Swiss Society of Lawyers) (Fascicule 1 - 1977), deals with the rights of performers, producers of phonograms and broadcasting organizations. The subject is treated primarily from the point of view of legislative policy, particularly within the framework of discussions on the solutions to be adopted in the new Swiss legislation currently being framed. The author also discusses the problems of neighboring rights in general, with a number of references to foreign works published in that field. He further mentions the international aspects of the protection of such rights (Rome Convention, Phonograms Convention, Satellites Convention).

The author concludes from his survey that it would be possible, on the basis of regulations which he has outlined in an annex containing the proposals put forward for the provisions to be adopted, for Switzerland to accede to the Rome Convention, with a partial reservation concerning Article 12 made under Article 16(1)(a)(ii), and to the Phonograms Convention. The author feels that the interests of the national broadcasting organization would be better served by obtaining protection under the Satellites Convention and the European Agreement on the Protection of Television Broadcasts.

At the close of his study, the author refers briefly to various other categories which could be protected by the law, such as *editio princeps* and type faces.

M. S.

Calendar

WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible changes.)

1978

- February 27 to March 7 (Geneva) — Diplomatic Conference for the Adoption of a Treaty Instituting an International Recording System of Scientific Discoveries**
- February 27 to March 13 (10) (Vienna) — International Patent Classification (IPC) — Working Group I**
- March 6 to 10 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services**
- March 6 to 10 (Geneva) — Development Cooperation (Industrial Property) — Working Group on Technological Information derived from Patent Documentation**
- March 13 to 15 and 17 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property**
- March 14 to 17 (13 to 16) (Vienna) — International Patent Classification (IPC) — Ad Hoc Working Group on the Revision of the Guide**
- March 16, 17 and 20 (Geneva) — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights**
- April 3 to 7 (Geneva) — Satellites Convention — Working Group on Model Provisions for the Implementation of the Convention (convened jointly with Unesco)**
- April 3 to 17 (14) (London) — International Patent Classification (IPC) — Working Group II**
- April 10 to 14 (Geneva) — Patent Cooperation Treaty (PCT) — Assembly**
- April 10 to 14 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)**
- April 17 to 21 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)**
- April 17 to 24 (21) (Rijswijk) — International Patent Classification (IPC) — Working Group III**
- April 17 to 28 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning**
- April 24 to 28 (Geneva) — International Patent Classification (IPC) — Working Group V**
- April 25 to 28 (Geneva) — Budapest Union (Microorganisms) — Interim Committee**
- May 3 to 5 (Geneva) — WIPO — Budget Committee**
- May 7 to 10 (Cairo) — Development Cooperation (Industrial Property) — Meeting of Arab States on Technical Information**
- May 22 to 26 (Geneva) — Locarno Union — Committee of Experts**
- May 22 to 26 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Inventions and Know-How**
- June 5 to 7 (Geneva) — Berne Union — Group of Consultants on New Copyright Laws**
- June 5 to 9 (Geneva) — Patent Cooperation Treaty (PCT) — Working Group**
- June 12 to 16 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names**
- June 19 to 30 (Paris) — Berne Union — Committee of Governmental Experts on Double Taxation of Copyright Royalties (convened jointly with Unesco)**
- June 19 to 23 (Geneva) — Revision of the Paris Convention — Working Group on Questions of Special Interest to Developing Countries**
- June 19 to 23 (Geneva) — Revision of the Paris Convention — Working Group on Inventors' Certificates**
- June 26 to 30 (Geneva) — Revision of the Paris Convention — Preparatory Intergovernmental Committee**
- June 26 to July 7 (Tokyo) — International Patent Classification (IPC) — Steering Committee**
- July 3 to 6 (Geneva) — Paris Union — Working Group on Industrial Property Aspects of Consumer Protection**
- July 3 to 11 (Geneva) — Berne Union, Universal Convention and Rome Convention — Subcommittees of the Intergovernmental Committees on Cable Television (convened jointly with ILO and Unesco)**

- July 19 to 21 (Geneva) — Development Cooperation (Industrial Property) — Working Group on Promotion of Domestic Inventive and Innovative Capacity
- September 4 to 8 (Geneva) — International Patent Classification (IPC) — Committee of Experts
- September 13 to 15 (Geneva) — Patent Cooperation Treaty (PCT) — Working Group
- September 13 to 15 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning
- September 13 to 22 (Paris) — Berne Union, Universal Convention and Rome Convention — Subcommittees of the Intergovernmental Committees on Videocassettes (convened jointly with ILO and Unesco)
- September 18 and 19 (Geneva) — ICIREPAT — Plenary Committee
- September 19 to 22 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation
- September 25 to October 3 (Geneva) — Governing Bodies (WIPO Coordination Committee, Executive Committees of the Paris and Berne Unions, Assembly of the PCT Union)
- September 27 to 29 (Geneva) — International Patent Classification (IPC) — Ad Hoc Working Group on the Revision of the Guide
- October 2 to 6 (Geneva) — International Patent Classification (IPC) — Working Group I
- October 23 to 27 (Hull, Canada) — ICIREPAT — Technical Committee for Standardization (TCST)
- October 23 to 27 (Geneva) — Nice Union — Preparatory Working Group on International Classification
- October 23 to 27 (Geneva) — International Patent Classification (IPC) — Working Group IV
- November 13 to 17 (Geneva) — International Patent Classification (IPC) — Working Group II
- December 4 to 8 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names
- December 4 to 8 (Geneva) — Paris and Madrid Unions — Committee of Experts on the Use of Computers in Trademark Operations
- December 4 to 8 (Geneva) — International Patent Classification (IPC) — Working Group III
- December 4 to 8 (Paris) — Berne Union and Universal Convention — Working Group on questions concerning access to protected works for developing countries, including the implementation of the 1971 revised texts of the Berne Convention and of the Universal Convention (tentative title) (convened jointly with Unesco)
- December 18 to 22 (New Delhi) — Development Cooperation (Copyright) — Copyright Seminar (convened jointly with Unesco)

1979

- January 8 to 12 (?) (Geneva) — International Patent Classification (IPC) — Committee of Experts
- September 24 to October 2 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union)

UPOV Meetings

1978

- April 17 to 19 (Geneva) — Administrative and Legal Committee and/or Technical Committee
- April 20 and 21 (Geneva) — Consultative Committee
- May 23 to 25 (Zurich-Reckenholz) — Technical Working Party for Agricultural Crops
- June 6 to 8 (Hanover) — Technical Working Party for Vegetables
- June 20 to 22 (Paris) — Technical Working Party for Ornamental Plants
- September 5 to 7 (Florence) — Technical Working Party for Fruit Crops
- September 11 to 15 (Geneva) — Ad Hoc Committee on the Revision of the UPOV Convention
- September 19 to 21 (Melle, Belgium) — Technical Working Party for Forest Trees

October 9 to 23 (Geneva) — Diplomatic Conference on the Revision of the UPOV Convention

November 13 to 15 (Geneva) — Technical Committee

November 15 to 17 (Geneva) — Administrative and Legal Committee

December 5 and 8 (Geneva) — Consultative Committee

December 6 to 8 (Geneva) — Council

Other Meetings in the Field of Copyright and/or Neighboring Rights

1978

Non-Governmental Organizations

International Confederation of Societies of Authors and Composers (CISAC)

Congress — September 25 to 29 (Toronto and Montreal)

International Copyright Society (INTERGU)

Congress — May 16 to 19 (Athens)

International Federation of Musicians (FIM)

Executive Committee — April 18 to 21 (London)

International Literary and Artistic Association (ALAI)

Congress — May 29 to June 3 (Paris)

International Writers Guild (IWG)

Congress — October 10 to 13 (Mannheim)