

Published monthly
Annual subscription:
160 Swiss francs
Each monthly issue:
16 Swiss francs

Copyright

25th year – No. 6
June 1989

Monthly Review of the
World Intellectual Property Organization (WIPO)

Contents

WIPO MEETINGS

Diplomatic Conference for the Conclusion of a Treaty on the International Registration of Audiovisual Works (Geneva, April 10 to 20, 1989)	165
Diplomatic Conference for the Conclusion of a Treaty on the Protection of Intellectual Property in Respect of Integrated Circuits (Washington, May 8 to 26, 1989)	191
WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights. Permanent Committee. Eighth Session (Geneva, April 3 to 7, 1989)	207
Fourth International Congress on the Protection of Intellectual Property (of Authors, Artists and Producers) (Guatemala City, April 27 to 29, 1989)	209

OBITUARY

Eugen Ulmer	210
-------------------	-----

CALENDAR OF MEETINGS	213
----------------------------	-----

COPYRIGHT AND NEIGHBORING RIGHTS LAWS AND TREATIES

(INSERT)

Editor's Note

BRAZIL

Law on the Protection of the Intellectual Property in Computer Programs, on Their Marketing Within the Country, and Introducing Other Measures (No. 7646, of December 18, 1987)	Text 1-01
Decree Implementing Law No. 7646 of December 18, 1987, on the Protection of the Intellectual Property in Computer Programs, on Their Marketing Within the Country, and Introducing Other Measures (No. 96.036, of May 12, 1988)	Text 2-01
The Constitution of the Federative Republic of Brazil (of October 5, 1988) (<i>Extracts</i>)	Text 3-01

MULTILATERAL TREATIES

Treaty on the International Registration of Audiovisual Works, done at Geneva, on April 20, 1989	Text 1-01
Treaty on Intellectual Property in Respect of Integrated Circuits, done at Washington, on May 26, 1989	Text 2-01

© WIPO 1989

ISSN 0010-8626

Any reproduction of official notes or reports, articles and translations of laws or agreements, published in this review, is authorized only with the prior consent of WIPO.

WIPO Meetings

Diplomatic Conference for the Conclusion of a Treaty on the International Registration of Audiovisual Works

(Geneva, April 10 to 20, 1989)

NOTE*

From April 10 to 20, 1989, the Diplomatic Conference for the Conclusion of a Treaty on the International Registration of Audiovisual Works was held at the headquarters of WIPO in Geneva. Fifty-nine States and 11 intergovernmental and non-governmental organizations participated.

The Conference adopted the Treaty—which establishes, under the auspices of WIPO, an international register of audiovisual works—by consensus.

The present note, first, describes the preparatory work (I), and then certain elements of the Diplomatic Conference (II). Those parts are followed by a description of the main features of the Treaty (III) and of the Regulations under the Treaty (IV). The last part of the note contains information on signatures (V).

I. Preparatory Work

The idea of an international register of audiovisual works was first mentioned during the "WIPO Worldwide Forum on the Piracy of Sound and Audiovisual Recordings" which was organized by the World Intellectual Property Organization (hereinafter referred to as "WIPO") at the headquarters of WIPO in Geneva in March 1981 (WIPO publication 640).

In his proposals for the program and budget for the biennium 1984–85, the Director General of WIPO (hereinafter referred to as "the Director General") proposed to the Governing Bodies of WIPO that the following activity be carried out by WIPO in the said biennium: "the International Bureau [of WIPO] would prepare, with the help of outside consultants, convene and service a meeting of a committee of governmental experts to advise it on the setting up, at the International Bureau of

WIPO, of an international register of audiovisual recordings (cinematographic works, recordings of television programs, etc.), it being understood that the use of such register would be voluntary and that the provisions setting up the register would under no circumstances make recordal in the register a condition for protection of copyright or neighboring rights but would be merely intended as a means of facilitating proof of the existence of the audiovisual recording on the date on which the request for recordal was filed" (WIPO document AB/XIV/2, Annex A). This proposal was adopted by the Governing Bodies of WIPO.

In accordance with the program quoted above, the Director General convened, in cooperation with the International Federation of Film Producers Associations (FIAPF), a Group of Consultants on the Advisability of Setting Up an International Register of Audiovisual Works. The Group of Consultants met at the headquarters of WIPO in July 1984.

The Group of Consultants—consisting of nine experts in their personal capacity and six representatives of FIAPF—"unanimously held that it was necessary and, therefore, highly desirable and urgent to establish an international register of audiovisual works" (document WIPO/FILMREG/1/4, paragraph 10). The Group of Consultants also expressed its advice on the desirable contents of the proposed international register. (The final text of the Treaty and the Regulations follows closely that advice.) As to the legal effect of international registrations, the Group of Consultants did not go as far as the Treaty does: whereas the Treaty requires that Contracting States recognize that the registration of any statement (subject to certain, carefully defined exceptions) recorded in the international register must be considered to be true until the contrary is proved, that is, creates a rebuttable presumption (sometimes referred to as "*prima facie* evidence"), the Group of Consultants merely expressed the expectation that "courts would gradually accept un-

* Prepared by the International Bureau.

contested registered facts as *prima facie* evidence" (document WIPO/FILMREG/I/4, paragraph 18).

It was noted that an international register should be established and administered by WIPO and that it should be "self-supporting, that is, wholly financed from the fees paid by applicants and inquiring parties" (document WIPO/FILMREG/I/4, paragraph 19) rather than by contributions by governments. The Director General drew the attention of the Group of Consultants to the fact that "in order to cover the expenses of the registry during the initial period during which there would be no or only insufficient revenues in fees, an initial investment would be necessary which would have to come from sources *other* than WIPO's budget, such as *contributions by prospective users' associations*" (document WIPO/FILMREG/I/4, paragraph 19, emphasis added).

In order to further verify the extent of the interest of prospective users' associations in an international register and the readiness, if any, of such associations to advance the funds necessary to cover the initial investment required for setting up such a register, the Director General had several discussions with representatives of such associations in Geneva and in New York in 1984. Although, in the conversations, they showed interest, they failed to confirm it in writing and made no proposals for the initial financing.

Nevertheless, because an express denial of interest was also not forthcoming, the Director General proposed, in the document containing the draft program and budget for the 1986-87 biennium—a document that was distributed in May 1985 (WIPO document AB/XVI/2, Annex A)—that the study of the possibilities of establishing an international register be continued. This proposal was adopted by the Governing Bodies in September 1985 (WIPO document AB/XVI/23, paragraph 109).

The associations of the potential users of an international register did not give, during this year and the earlier part of 1987, any official sign of their interest or their readiness to cover the initial financing.

Consequently, the Director General, in his proposals of May 1987 for the program and budget of WIPO for the biennium 1988-89, stated that "the efforts for creating an international register of audiovisual recordings will, because of lack of sufficient interest by the motion picture industry, not be pursued" (WIPO document AB/XVIII/2, Annex A). However, the Governing Bodies of WIPO were of a different opinion and in their September 1987 sessions invited the Director General to make a new attempt and convene a diplomatic conference for the adoption of a treaty that would set up an international register of audiovisual works (WIPO document AB/XVIII/14, paragraphs 111 and 140).

For preparing such a diplomatic conference, the Director General convened two meetings in 1988.

The first one met in March 1988 at the headquarters of WIPO under the name of "Committee of Experts on the Establishment of an International Register of Audiovisual Works." Thirty-six States and nine non-governmental organizations participated.

The Committee of Experts considered, on the basis of drafts prepared by the Director General of WIPO (WIPO document IRAW/I/2), the possible contents of a treaty and regulations. Its suggestions were taken into consideration when the revised drafts for the Preparatory Meeting of November/December 1988 (see below) were drawn up.

The Committee of Experts also heard, for the first time, of an idea concerning the initial financing of the establishment of the International Registry, that is, the administrative unit which keeps the International Register. Although making no concrete proposals, the Delegation of Austria expressed the idea that its Government might be ready to advance the necessary funds, provided the seat of the International Registry was located in Vienna (WIPO document IRAW/I/4).

The second meeting held in 1988 was convened under the name "Committee of Experts for the Preparation of the Diplomatic Conference for the Conclusion of a Treaty on the International Registration of Audiovisual Works" and took place at the headquarters of WIPO from November 28 to December 2, 1988. Thirty-one States, one intergovernmental organization and nine non-governmental organizations participated.

The Preparatory Committee had new drafts of the proposed Treaty and Regulations before it, prepared by the Director General on the basis of the deliberations of the Committee of Experts of March 1988. The Draft Treaty and the Draft Regulations presented for the consideration of the Diplomatic Conference were based on the discussions of the Preparatory Committee.

The Preparatory Committee also established, on the basis of a proposed text submitted to it by the Director General, the drafts of the agenda and the rules of procedure of the Diplomatic Conference. The said drafts were contained in documents IRAW/DC/1 and 2 which were issued on December 20, 1988, along with the invitations to the Diplomatic Conference.

The "Basic Proposal" for the Treaty and Regulations submitted by the Director General was finalized on January 25 and distributed to the States and the intergovernmental and non-governmental organizations which had been invited to the Conference.

As to the questions of the seat and initial financing of the International Register, the Director

General had several contacts, during the period between March 1988 and February 1989, with representatives of the Government of Austria which resulted in a draft agreement between that Government and him. Those matters were the subject of a separate document (WIPO document IRAW/DC/4) finalized and distributed on February 20, 1989.

II. The Diplomatic Conference

In keeping with Rule 2 of the Rules of Procedure of the Diplomatic Conference, that Conference consisted of member delegations of the States members of WIPO, observer delegations of States members of the United Nations but not members of WIPO, and the representatives of intergovernmental and non-governmental organizations invited to the Conference.

The Conference was opened by the Director General.

The delegations of the following 59 States participated in the Conference: Algeria, Argentina, Austria, Belgium, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, Colombia, Côte d'Ivoire, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, Finland, France, German Democratic Republic, Germany (Federal Republic of), Greece, Guinea, Holy See, Honduras, Hungary, India, Israel, Italy, Japan, Lebanon, Libya, Liechtenstein, Mexico, Monaco, Morocco, Pakistan, Panama, Philippines, Poland, Portugal, Republic of Korea, Senegal, Soviet Union, Spain, Sweden, Switzerland, Togo, Tunisia, Turkey, United Kingdom, United States of America, Uruguay, Venezuela, Yugoslavia (member delegations (56)), Afghanistan, Kuwait, Syria (observer delegations (3)). The representatives of two intergovernmental organizations (United Nations Educational, Scientific and Cultural Organization (UNESCO) and Commission of the European Communities (CEC)) and nine non-governmental organizations (All Union Corporation Sovexportfilm (SEF), Association for the International Collective Management of Audiovisual Works (AGICOA), European Broadcasting Union (EBU), International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM), International Chamber of Commerce (ICC), International Confederation of Societies of Authors and Composers (CISAC), International Federation of Film Producers Associations (FIAPF), International Federation of Phonogram and Videogram Producers (IFPI), International Literary and Artistic Association (ALAI)) were also present as observers.

The list of participants is annexed to the present note.

In keeping with Rule 3 of the Rules of Procedure, the Conference had a Secretariat provided by the International Bureau of WIPO (hereinafter referred to as "the International Bureau"). The Director General participated in the discussions of the Conference, of the Main Committee and of the Drafting Committee and designated the Secretary of the Conference and a Secretary for each committee.

Under Rules 11 to 14 of the Rules of Procedure, the Conference had a Credentials Committee consisting of five members elected by the Conference, a Main Committee consisting of all member delegations, a Drafting Committee consisting of four members elected by the Conference, as well as, *ex officio*, the Chairman of the Main Committee and a Steering Committee consisting of the President of the Conference and the chairmen of the above-mentioned three Committees.

The Conference elected its officers and committees, and the committees elected their officers.

The list of officers and members of the committees is annexed to the present note.

The Conference adopted both the Rules of Procedure and the Agenda unanimously.

After the opening declarations by delegations and by representatives of observer organizations at the plenary meeting of the Conference, the Draft Treaty and the Draft Regulations were discussed at the meeting of the Main Committee. First, the Draft Treaty was discussed article by article and then the Draft Regulations rule by rule.

During the discussions of the Draft Treaty and the Draft Regulations, only one proposal was presented in writing. The Delegation of Hungary proposed modifications to Rules 1(v) and (vi) and 2(5)(a) of the Draft Regulations (document IRAW/DC/6).

The Main Committee established one Working Group which dealt with the questions of which languages the applicant may use and the International Registry should use and of certain related questions concerning the fees for applicants. The Working Group submitted its proposals to the Main Committee in document IRAW/DC/7.

The Main Committee proposed certain modifications in the texts of the Draft Treaty and the Draft Regulations which were submitted to the Drafting Committee in document IRAW/DC/DC/1.

The drafts proposed by the Drafting Committee and contained in document IRAW/DC/8 were accepted with some minor modifications and submitted to the Conference.

The report of the Credentials Committee was contained in document IRAW/DC/9 which was completed during the last session of the Conference

by the report of the Chairman of the Committee to which the Committee had given its authorization.

During its last session on April 20, 1989, the Diplomatic Conference adopted the Treaty and the Regulations annexed to it as well as the Final Act by consensus and, after the closing declarations, the Conference was closed by the President.

III. The Treaty

The text of the Treaty on the International Registration of Audiovisual Works adopted by the Diplomatic Conference is annexed to the present note. In the present note, only the main features of the Treaty are presented.

The aims of the Treaty

The Treaty establishes an international register of audiovisual works, to be kept by WIPO, for the purpose of recording, mainly, statements concerning rights (who owns them? in which countries?) in such works (Article 3(1)). The statements registered would, generally, have to be considered true unless and until the contrary is proved (Article 4(1)).

Since in most cases the statements will be true, and no one will attempt to prove that they are not true, the register will create increased *legal security*. It would increase legal security for the owner of the right in the work since he could put on notice to everyone (in his own country as well as in the foreign countries party to the Treaty) that he is the owner. Furthermore, it would increase legal security for the prospective assignees and licensees of the owner, since they could assume that they deal with the person who is authorized to assign and license.

Such legal security will *enhance creative activity* since it holds out the promise that the creators of audiovisual works will be able to enjoy the fruits of their labors, and it will *enhance the international flow* of audiovisual works since the owner will more willingly assign or license the exploitation, in foreign countries, of his rights when he has a reasonable expectation that, in case of controversy, he will be in an easier position to prove his rights than he would be without the International Register.

The possibility of a simple and inexpensive way of proving one's rights—the *raison d'être* of the International Register—will be particularly useful when the owner of the rights asks law-enforcement agencies, specially in countries which are not his own and which, therefore, he knows less, to act against persons who are *pirating* his works. The

rights violated by pirates may be not only those of the authors of the audiovisual works but also those of the performers who perform in them, of the phonogram producers whose phonograms are used for the works or who derive phonograms from them, and of the broadcasters who include them in their broadcasts.

These are the underlying thoughts of the preamble of the Treaty, which reads as follows:

“The Contracting States

Desirous to increase the legal security in transactions relating to audiovisual works and thereby

to enhance the creation of audiovisual works and the international flow of such works and
to contribute to the fight against piracy of audiovisual works and contributions contained therein;

Have agreed as follows:”

The International Register and the International Registry

Paragraph (1) of Article 3 provides for the establishment of the International Register of Audiovisual Works. This provision reads as follows:

“The International Register of Audiovisual Works (hereinafter referred to as “the International Register”) is hereby established for the purpose of the registration of statements concerning audiovisual works and rights in such works, including, in particular, rights relating to their exploitation.”

The main reason for establishing a register of audiovisual works is the need to keep track of who is the beneficiary of which rights in which territories, something that is of increasing importance nowadays when the exploitation of audiovisual works, particularly feature films and television films, are of international dimensions. The most important rights in audiovisual works are the right of reproduction, the right of distribution and the right of public performance (for instance, in cinemas or on television). Those rights can be assigned or licensed to different persons and for different territories. The International Register is established mainly for recording, before or after the creation or release of any audiovisual work, statements about the identity of the work and about the original owner or owners of the various rights in the work, for reflecting any changes which may occur in the ownership of those rights and for containing information as regards the licensing of the rights. Another important purpose of the Register is to reflect any limitation that the owner of the rights

may be subject to as a consequence of, for example, a bank loan or tax lien.

Paragraph (2) of the same Article provides for the setting up and administration of the International Registry:

“The International Registry of Audiovisual Works (hereinafter referred to as “the International Registry”) is hereby set up for the purpose of keeping the International Register. It is an administrative unit of the International Bureau of the World Intellectual Property Organization (hereinafter referred to as “the International Bureau” and “the Organization,” respectively).”

The location of the International Registry

The “Basic Proposal” concerning the Treaty on the International Registration of Audiovisual Works, contained in document IRAW/DC/3, provided, concerning the location of the International Registry, for two alternatives in draft Article 3(3): *Alternative A* said that “The International Registry shall be located in Vienna as long as a treaty to that effect between the Republic of Austria and the [World Intellectual Property] Organization is in force. Otherwise, it shall be located in Geneva,” whereas *Alternative B* said that “The International Registry shall be located in Geneva.”

As indicated above in the part on the preparatory work, the Director General had several contacts, during the period between March 1988 and February 1989, with representatives of the Governments of Austria and Switzerland. Those matters were the subject of a separate document (document IRAW/DC/4) which was issued on February 20, 1989.

The contacts with the Government of Austria resulted in an agreement between the Government of Austria and the Director General. The agreement is reflected in a draft Treaty between Austria and WIPO and a draft exchange of letters between the Federal Minister for Foreign Affairs of Austria and the Director General of WIPO which were annexed to document IRAW/DC/4.

The above-mentioned texts provide in essence that Austria would give loans of up to 22 million Austrian schillings (approximately 2.7 million Swiss francs) to WIPO to cover the costs of the initial investments (mainly for a computer system and optical disc system) and to cover that part of the cost of running the International Registry which could not be covered from that Registry’s income. The loans would be free of interest. There is no time limit set for their repayment. They would have to be repaid from and only from the excess revenue of the International Registry, that is, revenue exceeding the expenditure. In other words, repayment

would be due only if and when there is excess revenue. In exchange, WIPO would set up the International Registry in Austria. The place would be Laxenburg, a town just outside (some five kilometers from) the municipal boundaries of the Austrian capital.

Naturally, the success of the International Register will, to a large extent, depend on the amount of the registration fees: the lower they are, the more applicants will use the Register. It is because of this consideration that, during the discussions in various WIPO meetings in 1987 and 1988, it was repeatedly emphasized both by governmental delegations and by observer organizations representing the potential users of the International Registry that that Registry could be located outside Geneva *only if* its running will not cost more—and, consequently, the fees payable by its users will not be higher—than what its running would cost and what the fees would be if the International Registry were located in Geneva. The International Bureau has made detailed and careful estimates of the expected costs in Geneva and the expected costs in Austria. The calculations for a year—in which the Register would be self-supporting—was also annexed to document IRAW/DC/4. Those estimates show that the total amount of the costs would be the same—and therefore the amount of the fees would be the same—in either of the two locations. This is so because the amount of the costs that would be higher in Geneva than in Austria is the same as the amount of the costs that would be lower in Geneva than in Austria. The costs that would be higher in Geneva are the cost of the salaries and the cost of rental and maintenance of premises. The costs that would be higher in Austria are the cost of telecommunications and the cost of travel caused by the physical distance between the Geneva headquarters and the Laxenburg branch office.

In the discussions between the representatives of the Swiss Government and the Director General (the last of which took place on February 9, 1989), the former expressed their strong preference for the International Registry’s establishment in Geneva. They, however, made no proposals for interest-free advances to WIPO without a time limit for their repayment by WIPO.

As a consequence of the situation described in the preceding paragraphs, a situation that was confirmed only after the Basic Proposal was prepared, the Director General withdrew *Alternative B* of Article 3(3) in the Draft Treaty and proposed—in document IRAW/DC/3 Add.1 issued also on February 20, 1989—that the Diplomatic Conference consider only *Alternative A*, substituting in it “Austria” for “Vienna” (in order to take into account the fact that the International Registry would be located in Laxenburg rather than Vienna). Ac-

cordingly, the new version of Article 3(3) in the Draft Treaty read as follows: "The International Registry shall be located in Austria as long as a treaty to that effect between the Republic of Austria and the Organization is in force. Otherwise, it shall be located in Geneva." That text was adopted by the Diplomatic Conference.

It is to be noted that the Diplomatic Conference, when adopting Article 3(3) of the Treaty, has not decided where the International Registry will be located. The text of Article 3(3) would make it possible for the General Assembly of WIPO—when it meets in September 1989—to choose between two locations: Austria (Laxenburg) or Geneva. If the General Assembly (and the Austrian Parliament) approves the Austria-WIPO Treaty, the International Registry will be located in Austria; if the General Assembly (or the Austrian Parliament) does not approve the Austria-WIPO Treaty, the International Registry will be located in Geneva.

Finally, it should be noted that the role of WIPO, its International Bureau, the new Union created by the Treaty and consisting of the States party to that Treaty, and the Assembly of that Union will be the same whether the International Registry is located in Austria or in Geneva. This is so because, in either case, the International Registry will be an administrative unit of the *International Bureau* which is under the control of the Governing Bodies of WIPO and the Unions administered by WIPO. Thus, in particular, the financial and staff regulations of WIPO will apply to the financial management of, and the staff working in, the International Registry. For example, the decision who should be employed to work in the International Registry will be decided by the Director General of WIPO, and no one else.

Applications; eligibility for being an applicant

Paragraph (4) of Article 3 sets out the basic principle that "[t]he registration of any statement in the International Register shall be based on an application filed to this effect, with the prescribed contents, in the prescribed form and subject to the payment of the prescribed fee, by a natural person or legal entity entitled to file an application." "Prescribed" means fixed in the Treaty, the Regulations or the Administrative Instructions. The contents and the form of the application are prescribed in Rule 2 and the fees are prescribed in Rule 8 of the Regulations.

Paragraph (5) of the same Article determines the eligibility for being an applicant, that is, the entitlement to file applications.

Subparagraph (a) gives the criteria applicable when the application does not concern a registra-

tion already existing. At least one of the criteria has to be met, in such a case, to be entitled to file an application. The criteria are partly different according to whether the applicant is a natural person (item (i)) or a legal entity (item (ii)).

A natural person is entitled to file applications in any of four cases, namely, if the person (a) is a national of a Contracting State, (b) is domiciled in a Contracting State, (c) has his habitual residence in a Contracting State, or (d) has a real and effective industrial or commercial establishment in a Contracting State. Those criteria exist in treaties in the intellectual property field. Thus, the criteria mentioned under (a) and (c) appear in Article 3(1) and (2) of the Berne Convention, and the criteria mentioned under (b) and (d) appear in Article 3 of the Paris Convention.

A legal entity is entitled to file applications in any of two cases. One is when the entity is organized under the laws of a Contracting State, for example, a corporation established according to the local law and registered in the register of companies set up by such law. The other one is when the entity in question has a real and effective industrial or commercial establishment in such a State. The latter criterion exists also in the Paris Convention (Article 3).

Subparagraph (b) deals with the situation where the application concerns a registration already effected. Anybody, also an applicant not meeting any of the criteria set out in subparagraph (a), may file such an application.

The reason for allowing only nationals, etc., of a Contracting State—and not anybody—to file what could be briefly called the "first" application concerning an audiovisual work (i.e., the case covered by subparagraph (a)) is that it is necessary to motivate States to adhere to the Treaty. Otherwise, States would have no reason to adhere to the Treaty and to accept the obligation of giving a certain evidentiary value to international registrations. On the other hand, it would not serve the natural aim of the International Register's completeness and transparency if only the nationals, etc., of Contracting States were allowed to file what could be briefly called "subsequent" applications (i.e., those covered by subparagraph (b)). On the contrary, anybody should be allowed to file subsequent applications. Otherwise, if the transfer, license, etc., is made for the benefit of a person who is *not* a national, etc., of a Contracting State, such person could not address an application to the International Register. In such a case—unless the initial applicant asks himself for the registration of the transfer or license—the Register could no longer reflect the real legal situation because it would continue to show the transferor and the licensor as the full owner of rights which he no longer has.

The legal effect of the International Register

Paragraph (1) of Article 4 determines the legal effect of the International Register. The rule—subject to two exceptions—is that “[e]ach Contracting State undertakes to recognize that a statement recorded in the International Register shall be considered as true until the contrary is proved.” Such recognition will bind everyone to whom the law of any Contracting State applies, in particular its government and its courts. In other words, the Treaty would create a rebuttable presumption to the effect that the statements registered in it are true. Such evidentiary value of statements contained in a register is a well-known legal effect in various countries.

As indicated, the rule is subject to two exceptions.

The *first exception*, contained in item (i) of paragraph (1), is that the evidentiary effect does not apply “where the statement cannot be valid under the copyright law or any other law concerning intellectual property rights in audiovisual works”. Such other laws are characteristically laws on so-called neighboring rights of the State in which the evidentiary effect would otherwise apply. For example, if the statement registered in the International Register says that the applicant is the original owner of the copyright in a given State but the applicant is a person who, under the copyright law of that State, cannot be the owner of copyright—for example because he is the national of a country whose nationals cannot, in the said State, acquire copyright, or because he is the producer (rather than the author) of the audiovisual work and, according to the law of the said State, producers cannot (but only authors can) be the original owners of copyright—the statement will not have the legal effect provided for in paragraph (1). As to other rights, for example, if the statement registered in the International Register says that the applicant, being an actor in the audiovisual work, has a right of reproduction but the law of the Contracting State does not recognize a right of reproduction of actors, the statement will not have the legal effect provided for in paragraph (1).

The *second exception*, contained in item (ii) of the paragraph, is that the evidentiary effect does not apply “where the statement is contradicted by another statement recorded in the International Register.” It is to be hoped that the appearance, in the Register, of contradictory statements will rarely occur, the more so as the Regulations contain provisions aiming at securing that only statements that are true be recorded in the International Register. In particular, applications may and should be accompanied by documents supporting the statements contained in the applications (Rule 2(9) of

the Regulations), and all applications must contain a declaration to the effect that the statements contained therein are true and that copies of any accompanying document are true copies (Rule 2(10)). Furthermore, the International Registry must invite the applicant to correct inadvertent omissions, contradictory statements or other obvious errors (Rule 3(1)), and where, in the opinion of the International Registry, any statement contained in an application is in contradiction to any previous entry in the International Register, the International Registry must inform the applicant and any other party concerned, giving them the possibility to remove the contradiction (see Rule 3(2)(a)).

Paragraph (2) of Article 4 contains a safeguard clause in relation to copyright law and any other law concerning intellectual property rights in audiovisual works. The Treaty is not a treaty on copyright or on other intellectual property rights in such works. It does not establish obligations for the States party to it as far as copyright or such other rights are concerned. This fact is confirmed by this paragraph which reads as follows:

“No provision of this Treaty shall be interpreted as affecting the copyright law, or any other law concerning intellectual property rights in audiovisual works, of any Contracting State or, if that State is party to the Berne Convention for the Protection of Literary and Artistic Works or any other treaty concerning intellectual property rights in audiovisual works, the rights and obligations of the said State under the said Convention or treaty.”

This safeguard clause is of importance, for example, in relation to the provisions of Article 15 of the Berne Convention which provides as follows: “(1) In order that the author of a literary or artistic work protected by this Convention shall, in the absence of proof to the contrary, be regarded as such, and consequently be entitled to institute infringement proceedings in the countries of the Union, it shall be sufficient for his name to appear on the work in the usual manner. This paragraph shall be applicable even if this name is a pseudonym, where the pseudonym adopted by the author leaves no doubt as to his identity. (2) The person or body corporate whose name appears on a cinematographic work in the usual manner shall, in the absence of proof to the contrary, be presumed to be the maker of the said work. (3) In the case of anonymous and pseudonymous works, other than those referred to in paragraph (1) above, the publisher whose name appears on the work shall, in the absence of proof to the contrary, be deemed to represent the author, and in this capacity he shall be entitled to protect and enforce the author’s rights.

The provisions of this paragraph shall cease to apply when the author reveals his identity and establishes his claim to authorship of the work." (The presumptions of authorship included in Article 15 of the Berne Convention are, naturally, binding only for the countries party to that Convention.)

Consultative Committee

The administrative provisions and the final clauses of the Treaty (Articles 5 to 17) are the same as, or strongly resemble, the corresponding provisions of other conventions administered by WIPO. This is also the case in respect of Article 5 on the Assembly of the Union which has been established under Article 1 of the Treaty.

All provisions of Article 5, except the one contained in paragraph (3)(a)(vii), are of the usual kind. The said provision provides for the establishment, *inter alia*, of a consultative committee consisting of representatives of interested non-governmental organizations. Such a committee is considered important in order to achieve a close cooperation between the Union and the main prospective users of the Registry, particularly the film and television industries. The composition and the tasks of that committee as well as certain other matters concerning that committee are proposed to be dealt with in a decision of the Assembly which should be adopted as soon as the Assembly starts functioning.

It is to be noted that preparatory meetings, consisting of representatives of States that will have signed the Treaty, might be convened by the Director General, as many times as necessary, between the date of the signature and the date of the entry into force of the Treaty in order to suggest the composition of the Consultative Committee, and to comment on the proposals that the Director General will have made on the draft rules of procedure of the Consultative Committee as well as on the draft Administrative Instructions, in particular on the kinds, amounts and method of payment of the fees. The Director General has proposed, in his draft program and budget for the 1990-91 biennium, that he be authorized to convene such preparatory meetings (WIPO document AB/XX/2, Annex A, item PRG.02(5)).

Finances

The provisions contained in Article 7 are also of the usual kind. It is only paragraph (4) in respect of which some comments seem justified. This provision, which contains the principle of self-supporting financing, reads as follows:

"The amounts of fees due to the International Registry and the prices of its publications shall be so fixed that they, together with any other income, should be sufficient to cover the expenses connected with the administration of this Treaty."

The main corollary of a Union with self-supporting finances is that States party to it will not be asked to pay, and will not have to pay, contributions to the Union. This principle is consequently applied in all provisions of the Treaty which may concern financial aspects, including Article 5(2) which reads as follows:

"The expenses of each delegation shall be borne by the Government which has appointed it, except for the travel expenses and the subsistence allowance of one delegate for each Contracting State, which shall be paid from the funds of the Union."

Regulations

Paragraph (1) of Article 8 refers to the Regulations mentioned that they have been adopted at the same time as the Treaty and are annexed to it.

Under paragraph (2), the Assembly may amend the Regulations for which amendments two-thirds of the votes cast are required.

Paragraph (3) provides that, in case of conflict between the provisions of the Treaty and those of the Regulations, the former prevails.

Finally, paragraph (4) states that the Regulations provide for the establishment of Administrative Instructions.

Reservations to the Treaty

The "Basic Proposal" submitted to the Diplomatic Conference contained two alternatives, concerning the question of reservations, in Article 13. According to the first one, this Article would have consisted of one paragraph (without a number), namely of the following: "No reservations may be made to this Treaty." According to the second alternative the same provision—becoming paragraph (1)—would have been restricted by a reference to paragraph (2) which provided for one possible reservation.

The Diplomatic Conference—with some drafting changes—adopted the second alternative. Thus, Article 13(2) reads as follows:

"Any State, upon becoming party to this Treaty, may, in a notification deposited with the Director General, declare that it will not apply the provisions of Article 4(1) in respect of state-

ments which do not concern the exploitation of intellectual property rights in audiovisual works. Any State that has made such a declaration may, by a notification deposited with the Director General, withdraw it."

The effect of such a reservation is that the State concerned does not recognize, under Article 4(1), the evidentiary value of statements which do not concern the exploitation of intellectual property rights in audiovisual works. Examples of such statements would be statements referring to the constitution of mortgages or liens.

IV. The Regulations

The text of the Regulations under the Treaty on the International Registration of Audiovisual Works adopted by the Diplomatic Conference is annexed to the present note. In the note, therefore, only the main features of the Regulations are presented.

Work-related and person-related applications

Rule 1 of the Regulations contains certain basic definitions of which the definitions of the two types of applications require specific comments.

The two types of applications—"work-related applications" and "person-related applications"—are defined in items (v) and (vi) which read as follows:

"'work-related application' means an application that identifies an existing or future work at least by its title or titles and requests that statements in respect of the interest of an identified person or identified persons in or concerning that work be registered in the International Register; 'work-related registration' means a registration effected pursuant to a work-related application;

'person-related application' means an application that requests that statements in respect of the interest of the applicant, or of a third person identified in the application, in or concerning one or more existing or future work or works, described but not identified by its or their title or titles, be registered in the International Register; 'person-related registration' means a registration effected pursuant to a person-related application. A work shall be considered as being described when, in particular, the person who or legal entity which has made, or is expected to make, the work is identified;"

Statements in person-related applications may

refer not only to the applicant but also to another person who has to be identified in the application, and they may refer to, for instance, the rights or obligations of the applicant or another person resulting from mortgage, lien, injunction, seizure, bankruptcy, legal incapacity or death (see Rule 2(7)(b)). For example, producer X receives a loan from bank Y, and debtor-producer X gives, as security, a lien to creditor-bank Y, on the copies of the audiovisual work or all the income that he (the debtor-producer) will derive of all the audiovisual works (not identified by titles) that he will produce in the year 1990. The application may be filed by X, or it may be filed by Y. In either case, there will be two persons named in the application, namely X and Y. The second sentence of item (vi) refers to the maker as the person or legal entity through whose identification the work is considered described. Such a person or legal entity may, however, also be, e.g., the person or legal entity (distributor, etc.) who or which has commissioned the work.

The obligatory and optional elements of applications

Rule 2 defines the obligatory and optional elements of applications.

The provisions on obligatory elements concern the forms to be used for applications (paragraph (1)), the languages to be used (paragraph (2)), the indication of the name and address of applicant (paragraph (3)), the indication of the name and address of third persons referred to in the application (paragraph (4)), the indication of the title or description of the work (paragraph (5)), the indication of the interest of the applicant (paragraph (7)), the indication of the source of rights (paragraph (8)), the statement of veracity (paragraph (10)) and signature (paragraph (11)).

Non-compliance with those provisions entails the rejection of the application (Rule 3(3)(a)(iii)) with the exception of non-compliance with the conditions as to the form of the application, where the Registry may, but is not obliged to, reject the application (Rule 3(3)(b)).

Of the above-mentioned provisions on the obligatory elements of applications, paragraph (8), on the source of rights, needs special comments. This provision is intended to ensure that the Register shows, where the right is original (rather than acquired ("derived") from another person), that fact, and where it is acquired ("derived") from another person (rather than being original), the identification (name and address) of that other person and the legal cause—whether contractual (sale, licensing, etc.) or non-contractual (inheritance, bank-

ruptcy, etc.)—of the derivation. In other words, in the latter case, the Register will show what the interested circles call “the chain of rights,” and, in the former case, that the possible creation of a chain of rights has not started although the registration will, if other registrations are following, become a (usually the first) link of such a chain. It is to be noted that a chain of rights, as transpiring from the International Registry, does not have to start with a registration applied for by a person who is the original owner of the right (i.e., the person in whom the right originally vests); it may start with a registration applied for by a person who has derived his right from another person. It is also to be noted that when the right is a derived right and the applicant is the beneficiary of the derivation (assignee, licensee, etc.) the credibility of the statement contained in the application will be much stronger if the application is accompanied by a document (e.g., a copy or an extract of the contract of assignment or licensing) reflecting the legal cause or where the application is countersigned, or is accompanied by an appropriate declaration signed, by the person from whom the right is derived (assignor, licensor, etc.).

Of course, a further obligatory element is that, for each application, the applicant shall pay the prescribed fee. Under paragraph (13), the fee must, as a rule, reach the International Registry not later than the day on which the application is received by the International Registry. The paragraph, however, also provides that “[i]f the fee reaches the International Registry within 30 days from the date on which the application was actually received by the International Registry, the application shall be considered as having been received by the International Registry on the date on which the fee reaches the International Registry.”

Making a reference to a possible existing registration is not an obligatory element of an application, but paragraph (6) provides that “[w]hen the application relates to a work which is the subject matter of an existing work-related registration, or to a work which is described in an existing person-related registration, the said application shall, whenever possible, indicate the registration number of the said registration. If the International Registry finds that such an indication would be possible but was not given in the application, it may, itself, indicate such number in the registration, subject to noting in the International Register that the indication comes from the International Registry rather than the applicant.”

Furthermore, paragraph (9) provides that the application may be accompanied by documents supporting the statements contained in the application and by material, other than documents, susceptible of identifying the work.

Paragraph (12), finally, provides for the possibility and conditions of representation.

The language to be used in an application

The “Basic Proposal” suggested that, for financial considerations, only one language, the English language, should be used by the Registry and that that language should be used also in the applications. The Diplomatic Conference modified the relevant provisions of the Regulations which now read as follows:

“Any application shall be in the English language or in the French language. As soon as the International Register is financially self-supporting, the Assembly may determine the other languages in which applications may be filed” (Rule 2(2)).

“When a title is in a language other than English or French or in a script other than the Latin script, it shall be accompanied by a literal translation into English or a transliteration into Latin script, as the case may be” (Rule 2(5)).

“Any...document in a language other than English or French shall be accompanied, in English, by an indication of the nature and essence of the document; otherwise, the International Registry shall treat the document as if it had not been attached” (Rule 2(9)).

A further provision concerns languages, namely in respect of the Gazette (see below).

Processing of applications

Rule 3 contains the provisions on the processing—including the examination—of applications. These provisions contain various guarantees to make the registered statements as reliable as possible.

The matters that the International Registry examines are the following:

- (i) certain mistakes: they are susceptible of correction (Rule 3(1));
- (ii) conflicting statements in the application: they are susceptible of correction (Rule 3(1));
- (iii) statements in contradiction with statements already registered in the International Register: they are susceptible of adjustment (Rule 3(2));
- (iv) entitlement of the applicant to file the application (Article 3(5) of the Treaty); lack of entitlement results in rejection (Rule 3(3)(a)(i));
- (v) relation to one or more audiovisual works (Articles 2 and 3(1) of the Treaty); lack of such relation results in rejection (Rule 3(3)(a)(ii));

- (vi) use of form (Rule 2(1)); disrespect of form may result in rejection (Rule 3(3)(b));
- (vii) language (Rule 2(2)); lack of using a prescribed language results in rejection (Rule 3(3)(a)(iii));
- (viii) names and addresses (Rule 2(3) and (4)); lack of proper indication results in rejection (Rule 3(3)(a)(iii));
- (ix) title or description of the work (Rule 2(5)); lack of furnishing title or description results in rejection (Rule 3(3)(a)(iii));
- (x) reference to existing registrations (Rule 2(6)); if missing, it may be furnished by the International Registry itself (Rule 2(6));
- (xi) interest of the applicant (Rule 2(7)(a) and (b)); lack of indication results in rejection (Rule 3(3)(a)(iii));
- (xii) source of rights (Rule 2(8)); lack of indication results in rejection (Rule 3(3)(a)(iii));
- (xiii) language of any accompanying document (Rule 2(9)); lack of using a prescribed language results in disregard of the document (Rule 2(9));
- (xiv) statement of veracity (Rule 2(10)); lack of such a statement results in rejection (Rule 3(3)(a)(iii));
- (xv) signature (Rule 2(11)); lack of signature results in rejection (Rule 3(3)(a)(iii));
- (xvi) appointment of a representative (Rule 2(12)(a)); lack of signature results in disregard of appointment (Rule 2(12)(a));
- (xvii) payment of fees (Rule 2(13)); lack of such payment results in rejection (Rule 3(3)(a)(iii)).

Paragraph (4) of Rule 3 provides for what may be called "provisional registration". That provision reads as follows:

"If, for any reason, the International Registry, within three working days from the receipt of the application, does not register the application, it shall enter into the data base of the International Registry, open for consultation to the public, the essential elements of the application, and an indication of the reason for which no registration has taken place and, if the reason is related to paragraphs (1), (2)(a) or (3)(d), an indication of the measures taken under any of those provisions. If and when the registration is effected, the said entry in the data base shall be erased."

Under Rule 5(1), "[w]here an application is not rejected, all the statements contained therein shall, as prescribed, be registered in the International Register."

Gazette and inquiries

Rule 6 prescribes that "[t]he International Registry shall publish a gazette ("the Gazette") in which it shall indicate the prescribed elements in respect of all registrations. The Gazette shall be in English, provided that elements concerning applications that were filed in French shall also be in French."

The Gazette, of course, is not the only available source of information concerning the International Register. Under Rule 7, the International Registry shall, against the payment of the prescribed fee, furnish information concerning any registration and certified copies of any registration, certificate or document (paragraph (1)), furnish a certificate answering questions about the existence of statements concerning specific matters (paragraph (2)), allow the inspection of any application, document or material (paragraph (3)) and undertake monitoring service (paragraph (4)).

According to paragraph (5) of Rule 7 the International Registry may input into computer memory all or part of the contents of the International Register, and, in performing any of the above-mentioned services, it may rely on that memory.

Fees

The fees to be paid by the applicants, by those who subscribe to, or buy any copies of, the Gazette and by those who use the other—above-mentioned—information services of the International Registry are defined by the Director General. However, "[b]efore determining the system and amounts of the fees, and before making any changes in that system or amounts, the Director General shall consult the Consultative Committee. The Assembly may instruct the Director General to change the said system, the said amounts, or both" (Rule 8(1)).

During the Diplomatic Conference, a new paragraph, (paragraph (2)), was inserted in Rule 8 on preferential fees for applicants from developing countries, which reads as follows:

"The amounts of the fees shall be reduced initially by 15% where the applicant is a natural person who is a national of, or a legal entity which is organized under the laws of, a Contracting State that is regarded as a developing country in conformity with the established practice of

the General Assembly of the United Nations. The Assembly shall periodically examine the possibility of increasing the percentage of the said reduction."

Rule 8 also contains provisions on the entry into force of changes in the fees (paragraph (3)) and on the currency and manner of payment (paragraph (4)).

Administrative Instructions

Under paragraph (1) of Rule 9, "[t]he Administrative Instructions shall contain provisions concerning details in respect of the administration of the Treaty and these Regulations" and adds that "[i]n the case of conflict between the provisions of the Treaty or these Regulations and those of the Administrative Instructions, the former shall prevail."

The rules of this establishment and modification of the Administrative Instructions are similar to the rules of the establishment and modification of fees: "The Administrative Instructions shall be drawn up, and may be modified, by the Director General after consultation of the Consultative Committee" but "[t]he Assembly may instruct the Director General to modify the Administrative Instructions, and the Director General shall modify them accordingly" (Paragraph (2)).

V. Signatures

After the closing of the Diplomatic Conference, on April 20, 1989, the following: Austria, Burkina Faso, Chile, France, Guinea, Hungary, India and the United States of America signed the Treaty. In the days following April 20, the Philippines, Senegal, Egypt and Mexico also signed.

The Treaty remains open for signature at the International Bureau until December 31, 1989.

The Treaty will enter into force three months after the date on which the fifth instrument of ratification, acceptance, approval or accession has been deposited.

Treaty on the International Registration of Audiovisual Works

Done at Geneva, on April 20, 1989

CONTENTS

Preamble

CHAPTER I: SUBSTANTIVE PROVISIONS

- Article 1: Establishment of the Union
- Article 2: "Audiovisual Work"
- Article 3: The International Register
- Article 4: Legal Effect of the International Register

CHAPTER II: ADMINISTRATIVE PROVISIONS

- Article 5: Assembly
- Article 6: International Bureau
- Article 7: Finances
- Article 8: Regulations

CHAPTER III: REVISION AND AMENDMENT

- Article 9: Revision of the Treaty
- Article 10: Amendment of Certain Provisions of the Treaty

CHAPTER IV: FINAL PROVISIONS

- Article 11: Becoming Party to the Treaty
- Article 12: Entry Into Force of the Treaty
- Article 13: Reservations to the Treaty
- Article 14: Denunciation of the Treaty
- Article 15: Signature and Languages of the Treaty
- Article 16: Depositary Functions
- Article 17: Notifications

The Contracting States

Desirous to increase the legal security in transactions relating to audiovisual works and thereby to enhance the creation of audiovisual works and the international flow of such works and to contribute to the fight against piracy of audiovisual works and contributions contained therein;

Have agreed as follows:

CHAPTER I

SUBSTANTIVE PROVISIONS

Article 1

Establishment of the Union

The States party to this Treaty (hereinafter called "the Contracting States") constitute a Union for the international registration of audiovisual works (hereinafter referred to as "the Union").

Article 2

"Audiovisual Work"

For the purposes of this Treaty, "audiovisual work" means any work that consists of a series of fixed related images, with or without accompanying sound, susceptible of being made visible and, where accompanied by sound, susceptible of being made audible.

Article 3

The International Register

(1) [*Establishment of the International Register*] The International Register of Audiovisual Works (hereinafter referred to as "the International Register") is hereby established for the purpose of the registration of statements concerning audiovisual works and rights in such works, including, in particular, rights relating to their exploitation.

(2) [*Setting Up and Administration of the International Registry*] The International Registry of Audiovisual Works (hereinafter referred to as "the International Registry") is hereby set up for the purpose of keeping the International Register. It is an administrative unit of the International Bureau of the World Intellectual Property Organization (hereinafter referred to as "the International Bureau" and "the Organization," respectively).

(3) [*Location of the International Registry*] The International Registry shall be located in Austria as long as a treaty to that effect between the Republic of Austria and the Organization is in force. Otherwise, it shall be located in Geneva.

(4) [*Applications*] The registration of any statement in the International Register shall be based on an application filed to this effect, with the prescribed contents, in the prescribed form and subject to the payment of the prescribed fee, by a natural person or legal entity entitled to file an application.

(5) [*Eligibility for Being an Applicant*] (a) Subject to subparagraph (b), the following shall be entitled to file an application:

- (i) any natural person who is a national of, is domiciled in, has his habitual residence in, or has a real and effective industrial or commercial establishment in, a Contracting State;
- (ii) any legal entity which is organized under the laws of, or has a real and effective industrial or commercial establishment in, a Contracting State.

(b) If the application concerns a registration already effected, it may also be filed by a natural person or legal entity not satisfying the conditions referred to in subparagraph (a).

Article 4

Legal Effect of the International Register

(1) [*Legal Effect*] Each Contracting State undertakes to recognize that a statement recorded in the International Register shall be considered as true until the contrary is proved, except

- (i) where the statement cannot be valid under the copyright law, or any other law concerning intellectual property rights in audiovisual works, of that State, or
- (ii) where the statement is contradicted by another statement recorded in the International Register.

(2) [*Safeguard of Intellectual Property Laws and Treaties*] No provision of this Treaty shall be interpreted as affecting the copyright law, or any other law concerning intellectual property rights in audiovisual works, of any Contracting State or, if that State is party to the Berne Convention for the Protection of Literary and Artistic Works or any other treaty concerning intellectual property rights in audiovisual works, the rights and obligations of the said State under the said Convention or treaty.

CHAPTER II

ADMINISTRATIVE PROVISIONS

Article 5

Assembly

(1) [*Composition*] (a) The Union shall have an Assembly that shall consist of the Contracting States.

(b) The Government of each Contracting State shall be represented by one delegate, who may

be assisted by alternate delegates, advisors and experts.

(2) [*Expenses of Delegations*] The expenses of each delegation shall be borne by the Government which has appointed it, except for the travel expenses and the subsistence allowance of one delegate for each Contracting State, which shall be paid from the funds of the Union.

(3) [*Tasks*] (a) The Assembly shall:

- (i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Treaty;
- (ii) exercise such tasks as are specially assigned to it under this Treaty;
- (iii) give directions to the Director General of the Organization (hereinafter referred to as "the Director General"), concerning the preparation for revision conferences;
- (iv) review and approve the reports and activities of the Director General concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;
- (v) determine the program and adopt the biennial budget of the Union, and approve its final accounts;
- (vi) adopt the financial regulations of the Union;
- (vii) establish, and decide from time to time the membership of, a consultative committee consisting of representatives of interested non-governmental organizations and such other committees and working groups as it deems appropriate to facilitate the work of the Union and of its organs;
- (viii) control the system and amounts of the fees determined by the Director General;
- (ix) determine which States other than Contracting States and which intergovernmental and non-governmental organizations shall be admitted to its meetings as observers;
- (x) take any other appropriate action designed to further the objectives of the Union and perform such other functions as are appropriate under this Treaty.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(4) [*Representation*] A delegate may represent, and vote in the name of, one State only.

(5) [*Vote*] Each Contracting State shall have one vote.

(6) [*Quorum*] (a) One-half of the Contracting States shall constitute a quorum.

(b) In the absence of the quorum, the Assembly may make decisions but, with the exception of the decisions concerning its own procedure, all such decisions shall take effect only if the quorum and the required majority are attained through voting by correspondence.

(7) [*Majority*] (a) Subject to Article 8(2)(b) and Article 10(2)(b), the decisions of the Assembly shall require a majority of the votes cast.

(b) Abstentions shall not be considered as votes.

(8) [*Sessions*] (a) The Assembly shall meet once in every second calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, either at the request of one-fourth of the Contracting States or on the Director General's own initiative.

(9) [*Rules of Procedure*] The Assembly shall adopt its own rules of procedure.

Article 6

International Bureau

(1) [*Tasks*] The International Bureau shall:

- (i) perform, through the International Registry, all the tasks related to the keeping of the International Register;
- (ii) provide the secretariat of revision conferences, of the Assembly, of the committees and working groups established by the Assembly, and of any other meeting convened by the Director General and dealing with matters of concern to the Union;
- (iii) perform all other tasks specially assigned to it under this Treaty and the Regulations referred to in Article 8 or by the Assembly.

(2) [*Director General*] The Director General shall be the chief executive of the Union and shall represent the Union.

(3) [*Meetings Other Than Sessions of the Assembly*] The Director General shall convene any committee and working group established by the Assembly and all other meetings dealing with matters of concern to the Union.

(4) [*Role of the International Bureau in the Assembly and Other Meetings*] (a) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the committees and working groups established by the Assembly, and any other meeting convened by the Director General and dealing with matters of concern to the Union.

(b) The Director General or a staff member designated by him shall be ex officio secretary of the Assembly, and of the committees, working groups and other meetings referred to in subparagraph (a).

(5) [*Revision Conferences*] (a) The Director General shall, in accordance with the directions of the Assembly, make the preparations for revision conferences.

(b) The Director General may consult with intergovernmental and non-governmental organizations concerning the said preparations.

(c) The Director General and staff members designated by him shall take part, without the right to vote, in the discussions at revision conferences.

(d) The Director General or a staff member designated by him shall be ex officio secretary of any revision conference.

Article 7

Finances

(1) [*Budget*] (a) The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union, and its contribution to the budget of expenses common to the Unions administered by the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) [*Coordination with Other Budgets*] The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) [*Sources of Income*] The budget of the Union shall be financed from the following sources:

- (i) fees due for registrations and other services rendered by the International Registry;
- (ii) sale of, or royalties on, the publications of the International Registry;
- (iii) donations, particularly by associations of rights holders in audiovisual works;
- (iv) gifts, bequests, and subventions;
- (v) rents, interests, and other miscellaneous income.

(4) [*Self-Supporting Financing*] The amounts of fees due to the International Registry and the prices of its publications shall be so fixed that they, together with any other income, should be sufficient to cover the expenses connected with the administration of this Treaty.

(5) [*Continuation of Budget; Reserve Fund*] If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous period, as provided in the financial regulations. If the income exceeds the expenses, the difference shall be credited to a reserve fund.

(6) [*Working Capital Fund*] The Union shall have a working capital fund which shall be constituted from the income of the Union.

(7) [*Auditing of Accounts*] The auditing of the accounts shall be effected by one or more of the Contracting States or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 8

Regulations

(1) [*Adoption of Regulations*] The Regulations adopted at the same time as this Treaty are annexed to this Treaty.

(2) [*Amending the Regulations*] (a) The Assembly may amend the Regulations.

(b) Any amendment of the Regulations shall require two-thirds of the votes cast.

(3) [*Conflict between the Treaty and the Regulations*] In the case of conflict between the provisions of this Treaty and those of the Regulations, the former shall prevail.

(4) [*Administrative Instructions*] The Regulations provide for the establishment of Administrative Instructions.

CHAPTER III
REVISION AND AMENDMENT

Article 9
Revision of the Treaty

(1) [*Revision Conferences*] This Treaty may be revised by a conference of the Contracting States.

(2) [*Convocation*] The convocation of any revision conference shall be decided by the Assembly.

(3) [*Provisions That Can Be Amended Also by the Assembly*] The provisions referred to in Article 10(1)(a) may be amended either by a revision conference or according to Article 10.

Article 10

Amendment of Certain Provisions of the Treaty

(1) [*Proposals*] (a) Proposals for the amendment of Article 5(6) and (8), Article 6(4) and (5) and Article 7(1) to (3) and (5) to (7) may be initiated by any Contracting State or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting States at least six months in advance of their consideration by the Assembly.

(2) [*Adoption*] (a) Amendments to the provisions referred to in paragraph (1) shall be adopted by the Assembly.

(b) Adoption shall require three-fourths of the votes cast.

(3) [*Entry Into Force*] (a) Any amendment to the provisions referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the Contracting States members of the Assembly at the time the Assembly adopted the amendment.

(b) Any amendment to the said Articles thus accepted shall bind all the Contracting States which were Contracting States at the time the amendment was adopted by the Assembly.

(c) Any amendment which has been accepted and which has entered into force in accordance with subparagraph (a) shall bind all States which become Contracting States after the date on which the amendment was adopted by the Assembly.

CHAPTER IV
FINAL PROVISIONS

Article 11
Becoming Party to the Treaty

(1) [*Adherence*] Any State member of the Organization may become party to this Treaty by:

- (i) signature followed by the deposit of an instrument of ratification, acceptance or approval, or
- (ii) the deposit of an instrument of accession.

(2) [*Deposit of Instruments*] The instruments referred to in paragraph (1) shall be deposited with the Director General.

Article 12

Entry Into Force of the Treaty

(1) [*Initial Entry Into Force*] This Treaty shall enter into force, with respect to the first five States which have deposited their instruments of ratification, acceptance, approval or accession, three months after the date on which the fifth instrument of ratification, acceptance, approval or accession has been deposited.

(2) [*States Not Covered by the Initial Entry Into Force*] This Treaty shall enter into force with respect to any State not covered by paragraph (1) three months after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession unless a later date has been indicated in the instrument of ratification, acceptance, approval or accession. In the latter case, this Treaty shall enter into force with respect to the said State on the date thus indicated.

Article 13

Reservations to the Treaty

(1) [*Principle*] Subject to paragraph (2), no reservation may be made to this Treaty.

(2) [*Exception*] Any State, upon becoming party to this Treaty, may, in a notification deposited with the Director General, declare that it will not apply the provisions of Article 4(1) in respect of statements which do not concern the exploitation of intellectual property rights in audiovisual works. Any State that has made such a declaration may, by a notification deposited with the Director General, withdraw it.

Article 14 Denunciation of the Treaty

(1) [*Notification*] Any Contracting State may denounce this Treaty by notification addressed to the Director General.

(2) [*Effective Date*] Denunciation shall take effect one year after the day on which the Director General has received the notification.

(3) [*Moratorium on Denunciation*] The right of denouncing this Treaty provided for in paragraph (1) shall not be exercised by any Contracting State before the expiration of five years from the date on which this Treaty enters into force with respect to it.

Article 15 Signature and Languages of the Treaty

(1) [*Original Texts*] This Treaty shall be signed in a single original in the English and French languages, both texts being equally authentic.

(2) [*Official Texts*] Official texts shall be established by the Director General, after consultation with the interested Governments, in the Arabic, German, Italian, Japanese, Portuguese, Russian and Spanish languages, and such other languages as the Assembly may designate.

(3) [*Time Limit for Signature*] This Treaty shall remain open for signature at the International Bureau until December 31, 1989.

Article 16 Depositary Functions

(1) [*Deposit of the Original*] The original of this Treaty and the Regulations shall be deposited with the Director General.

(2) [*Certified Copies*] The Director General shall transmit two copies, certified by him, of this Treaty and the Regulations, to the Governments of States entitled to sign this Treaty.

(3) [*Registration of the Treaty*] The Director General shall register this Treaty with the Secretariat of the United Nations.

(4) [*Amendments*] The Director General shall transmit two copies, certified by him, of any amendment to this Treaty and the Regulations to the Governments of the Contracting States and, on request, to the Government of any other State.

Article 17 Notifications

The Director General shall notify the Governments of the States members of the Organization of any of the events referred to in Articles 8(2), 10(2) and (3), 11, 12, 13 and 14.

Regulations Under the Treaty on the International Registration of Audiovisual Works

CONTENTS

- Rule 1: Definitions
- Rule 2: Application
- Rule 3: Processing of the Application
- Rule 4: Date and Number of the Registration
- Rule 5: Registration
- Rule 6: The Gazette
- Rule 7: Inquiries
- Rule 8: Fees
- Rule 9: Administrative Instructions

Rule 1 Definitions

For the purposes of these Regulations,

- (i) "Treaty" means the Treaty on the International Registration of Audiovisual Works;
- (ii) "International Register" means the International Register of Audiovisual Works established by the Treaty;
- (iii) "International Registry" means the administrative unit of the International Bureau that keeps the International Register;
- (iv) "work" means audiovisual work;
- (v) "work-related application" means an application that identifies an existing or future work at least by its title or titles and requests that statements in respect of the interest of an identified person or identified persons in or concerning that work be registered in the International Register; "work-related registration" means a registration effected pursuant to a work-related application;
- (vi) "person-related application" means an application that requests that statements in respect of the interest of the applicant, or of a third person identified in the application, in or concerning one

or more existing or future work or works, described but not identified by its or their title or titles, be registered in the International Register; "person-related registration" means a registration effected pursuant to a person-related application. A work shall be considered as being described when, in particular, the person who or legal entity which has made, or is expected to make, the work is identified;

- (vii) "application" or "registration"—unless qualified as "work-related" or "person-related"—means both a work-related and a person-related application or registration;
- (viii) "applicant" means the natural person who or the legal entity which filed the application; "holder of the registration" means the applicant once the application has been registered;
- (ix) "prescribed" means as prescribed in the Treaty, in these Regulations or in the Administrative Instructions;
- (x) "Consultative Committee" means the consultative committee referred to in Article 5(3)(a)(vii) of the Treaty.

Rule 2

Application

(1) [Forms] Any application shall be filed by using the appropriate prescribed form.

(2) [Language] Any application shall be in the English language or in the French language. As soon as the International Register is financially self-supporting, the Assembly may determine the other languages in which applications may be filed.

(3) [Name and Address of Applicant] Any application shall indicate, as prescribed, the name and address of the applicant.

(4) [Name and Address of Third Persons Referred to in the Application] Where an application refers to a person or legal entity other than the applicant, the application shall indicate, as prescribed, the name and address of such person or legal entity.

(5) [Title or Description of the Work] (a) Any work-related application shall indicate at least the title or titles of the work. When a title is in a language other than English or French or in a script other than the Latin script, it shall be accompanied by a literal translation into English or a transliteration into Latin script, as the case may be.

(b) Any person-related application shall describe the work.

(6) [Reference to Existing Registration] When the application relates to a work which is the subject matter of an existing work-related registration, or to a work which is described in an existing person-related registration, the said application shall, whenever possible, indicate the registration number of the said registration. If the International Registry finds that such an indication would be possible but was not given in the application, it may, itself, indicate such number in the registration, subject to noting in the International Register that the indication comes from the International Registry rather than the applicant.

(7) [Interest of the Applicant] (a) In any work-related application, the application shall indicate the interest of the applicant in or concerning the work, whether existing or future. Where the interest consists of a right of exploitation of the work, the nature of the right and the territory for which the right belongs to the applicant shall also be indicated.

(b) In any person-related application, the application shall indicate the interest of the applicant in or concerning the described, existing or future, work or works, in particular any right that limits or negates, for the benefit of the applicant or another person, the right of exploitation of the work or works.

(c) Where the interest is limited in time, the application may express such a limit.

(8) [Source of Rights] Where a work-related application concerns a right in the work, the application shall indicate, where the right originally vested in the applicant, that fact, or, where the right is derived from a natural person or legal entity other than the applicant, the name and address of such person or entity and the legal cause of the derivation.

(9) [Accompanying Documents and Identifying Material] (a) Any application may be accompanied by documents supporting the statements contained in the application. Any such document in a language other than English or French shall be accompanied, in English, by an indication of the nature and essence of the document; otherwise, the International Registry shall treat the document as if it had not been attached.

(b) Any application may be accompanied by material, other than documents, susceptible of identifying the work.

(10) [Statement of Veracity] The application shall contain a statement to the effect that the statements contained therein are, to the knowledge of

the applicant, true, and that any accompanying document is an original or is a true copy of an original.

(11) [*Signature*] The application shall be signed by the applicant or by his representative appointed as provided in paragraph (12).

(12) [*Representation*] (a) Any applicant or holder of the registration may be represented by a representative who may be appointed in the application, in a separate power of attorney relating to a specific application or registration, or in a general power of attorney, signed by the applicant or holder of the registration.

(b) A general power of attorney enables the representative to represent the applicant or holder of the registration in connection with all the applications or registrations of the person having given the general power of attorney.

(c) Any appointment of a representative shall be in force until it is revoked in a communication signed by the person who made the appointment and addressed to the International Registry or until it is renounced by the representative in a communication signed by the representative and addressed to the International Registry.

(d) The International Registry shall address to the representative any communication intended for the applicant or holder of the registration under these Regulations; any communication so addressed to the representative shall have the same effect as if it had been addressed to the applicant or holder of the registration. Any communication addressed to the International Registry by the representative shall have the same effect as if it had originated with the applicant or holder of the registration.

(13) [*Fees*] For each application, the applicant shall pay the prescribed fee, which must reach the International Registry not later than the day on which the application is received by the International Registry. If the fee reaches the International Registry within 30 days from the date on which the application was actually received by the International Registry, the application shall be considered as having been received by the International Registry on the date on which the fee reaches the International Registry.

Rule 3

Processing of the Application

(1) [*Corrections*] If the International Registry notices what it believes to be an inadvertent omission, two or more statements conflicting with each other, a mistake of transcription, or another ob-

vious error, in the application, it shall invite the applicant to correct the application. Any correction by the applicant must, in order to be taken into consideration, reach the International Registry within 30 days from the date of the invitation to correct the application.

(2) [*Giving Possibility to Remove Contradictions*] (a) Where, in the opinion of the International Registry, any statement contained in an application is in contradiction to any statement that, on the basis of an earlier application, is the subject matter of an existing registration in the International Register, the International Registry shall immediately,

- (i) where the applicant is also the holder of the existing registration, send him a notification asking him whether he wishes to either modify the statement contained in the application or apply for the modification of the statement that is subject matter of the existing registration,
- (ii) where the applicant and the holder of the existing registration are not the same, send a notification to the applicant asking him whether he wishes to modify the statement contained in the application and, at the same time, send a notification to the holder of the existing registration asking the said holder whether—in case the applicant does not wish to modify the statement appearing in the application—he wishes to apply for the modification of the statement in the existing registration.

The registration of the application shall be suspended until a modification is submitted that, in the opinion of the International Registry, removes the contradiction, but for no longer than 60 days from the date of the said notification or notifications, unless the applicant asks for a longer period, in which case it will be suspended until the expiration of that longer period.

(b) The fact that the International Registry failed to notice the contradictory nature of a statement shall not be considered as removing that nature of the statement.

(3) [*Rejection*] (a) In the following cases, the International Registry shall, subject to paragraphs (1) and (2), reject the application:

- (i) where the application does not contain a statement which, on the face of it, shows that the requirements of Article 3(5) of the Treaty are met;
- (ii) where, in the opinion of the International Registry, the application does not relate to a work, whether existing or future;

(iii) where the application does not meet any of the requirements of Rule 2(2), (3), (4), (5), (7)(a) and (b), (8), (10), (11) and (13).

(b) The International Registry may reject the application where the application does not fulfill the prescribed conditions as to its form.

(c) No application shall be rejected for any reason other than those referred to in subparagraphs (a) and (b).

(d) Any decision of rejection under this paragraph shall be communicated in writing by the International Registry to the applicant. The applicant may, within 30 days from the date of the communication, request in writing the International Registry to reconsider its decision. The International Registry shall reply to the request within 30 days from the date of receipt of the said request.

(4) [*Notice in the International Register of Receipt of the Application*] If, for any reason, the International Registry, within three working days from the receipt of the application, does not register the application, it shall enter into the data base of the International Registry, open for consultation to the public, the essential elements of the application, and an indication of the reason for which no registration has taken place and, if the reason is related to paragraphs (1), (2)(a) or (3)(d), an indication of the measures taken under any of those provisions. If and when the registration is effected, the said entry in the data base shall be erased.

Rule 4

Date and Number of the Registration

(1) [*Date*] The International Registry shall allot, subject to Rule 2(13), as the filing date, to each application, the date of receipt of the application. Where the application is registered, it shall be given, as registration date, the filing date.

(2) [*Number*] The International Registry shall allot a number to each application. If the application refers to a work whose title appears in an existing work-related registration, or which is described in an existing person-related registration, the number allotted shall also contain the number of that registration. Any registration number shall consist of the application number.

Rule 5

Registration

(1) [*Registration*] Where an application is not rejected, all the statements contained therein shall,

as prescribed, be registered in the International Register.

(2) [*Notification and Publication of the Registration*] Any registration effected shall, as prescribed, be notified to the applicant and published in the Gazette referred to in Rule 6.

Rule 6

The Gazette

(1) [*Publication*] The International Registry shall publish a gazette ("the Gazette") in which it shall indicate the prescribed elements in respect of all registrations. The Gazette shall be in English, provided that elements concerning applications that were filed in French shall also be in French.

(2) [*Sale*] The International Registry shall offer, against payment, both yearly subscriptions to the Gazette and single copies of the Gazette. The amount of the prices shall be fixed in the same manner as the amount of the fees is fixed according to Rule 8(1).

Rule 7

Inquiries

(1) [*Information and Copies*] The International Registry shall, against the payment of the prescribed fee, furnish information concerning any registration and certified copies of any registration certificate or document concerning such registration.

(2) [*Certificates*] The International Registry shall, against the payment of the prescribed fee, furnish a certificate answering questions about the existence, in the International Register, of statements concerning specific matters in any registration or any document or material that has been attached to the application.

(3) [*Inspection*] The International Registry shall, against the payment of the prescribed fee, allow the inspection of any application, as well as of any document or material that has been attached to the application.

(4) [*Monitoring Service*] The International Registry shall, against the payment of the prescribed fee, give written information, during the period for which the fee was paid, on all registrations effected in respect of given works or given persons during that period. The information shall be sent promptly after each registration is effected.

(5) [*Computerized Memory*] The International Registry may input into computer memory all or part of the contents of the International Register, and, in performing any of the services referred to in paragraphs (1) to (4) or in Rule 3(4), it may rely on that memory.

Rule 8

Fees

(1) [*Fixing of the Fees*] Before determining the system and amounts of the fees, and before making any changes in that system or amounts, the Director General shall consult the Consultative Committee. The Assembly may instruct the Director General to change the said system, the said amounts, or both.

(2) [*Reduction of Fees for Applicants from Developing Countries*] The amounts of the fees shall be reduced initially by 15% where the applicant is a natural person who is a national of, or a legal entity which is organized under the laws of, a Contracting State that is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations. The Assembly shall periodically examine the possibility of increasing the percentage of the said reduction.

(3) [*Entry Into Effect of Changes in the Fees*] Any increase in the amounts of the fees shall not be retroactive. The date of the entry into effect of any change shall be fixed by the Director General or, where the change is on instruction by the Assembly, by the Assembly. Such date shall be indicated when the change is published in the Gazette. It shall not be sooner than one month after the publication in the Gazette.

(4) [*Currency and Manner of Payment*] The fees shall be paid in the prescribed manner and in the prescribed currency or, if several currencies are admitted, in the currency that the applicant chooses among the said currencies.

Rule 9

Administrative Instructions

(1) [*Scope*] (a) The Administrative Instructions shall contain provisions concerning details in respect of the administration of the Treaty and these Regulations.

(b) In the case of conflict between the provisions of the Treaty or these Regulations and those of the Administrative Instructions, the former shall prevail.

(2) [*Source*] (a) The Administrative Instructions shall be drawn up, and may be modified, by the Director General after consultation of the Consultative Committee.

(b) The Assembly may instruct the Director General to modify the Administrative Instructions, and the Director General shall modify them accordingly.

(3) [*Publication and Entry Into Force*] (a) The Administrative Instructions and any modification thereof shall be published in the Gazette.

(b) Each publication shall specify the date on which the published provisions come into effect. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Gazette.

LIST OF PARTICIPANTS

I. Member Delegations

ALGERIA

Head of the Delegation

A. Dahmouche, Ministre plénipotentiaire, Représentant permanent adjoint, Mission permanente, Genève

Deputy Head of the Delegation

H. Yahia-Cherif, Conseiller, Mission permanente, Genève

ARGENTINA

Head of the Delegation

L.H. Tettamanti, Embajador, Representante Permanente, Misión Permanente, Ginebra

Delegate

A.G. Trombetta, Segundo Secretario, Misión Permanente, Ginebra

AUSTRIA

Head of the Delegation

E. Nettel, Ambassador, Federal Ministry for Foreign Affairs, Vienna

Deputy Head of the Delegation

A. Längle, Counsellor, Federal Ministry for Foreign Affairs, Vienna

Delegates

C. Strohal, Deputy Permanent Representative, Permanent Mission, Geneva

T.M. Baier, Counsellor, Permanent Mission, Geneva

Advisors

J. Hoerhan, Counsellor, Federal Ministry for Education, Arts and Sports, Vienna

T. Wallentin, Attorney at Law, Secretary-General, Collecting Society of Audiovisual Media (VAM), Vienna

M. von Wolkenstein, President of the Federation of Film Producers within the Federation of the Austrian Audiovisual and Film Industry, Federal Economic Chamber, Vienna

BELGIUM

Delegate

F. Jacquet, Attaché, Mission permanente, Genève

BRAZIL

Delegate

P.R. de Almeida, First Secretary, Permanent Mission, Geneva

BULGARIA

Head of the Delegation

M. Popov, Counsellor, Permanent Mission, Geneva

BURKINA FASO

Delegate

A.R. Palenfo, Juriste, Adjoint au Chef de la Division de l'exploitation, Bureau burkinabé du droit d'auteur, Ouagadougou

BURUNDI

Head of the Delegation

G. Muyovu, Chargé d'affaires a.i., Ambassade, Berne

CAMEROON

Head of the Delegation

F.-X. Ngoubeyou, Ambassadeur, Représentant permanent, Mission permanente, Genève

Alternate Head of the Delegation

V. Mbette Mbongue, Deuxième Conseiller, Mission permanente, Genève

CANADA

Head of the Delegation

de M. Marchand, Ambassadeur, Représentant permanent, Mission permanente, Genève

Alternate Head of the Delegation

J.S. Gro, Conseiller, Mission permanente, Genève

Delegates

J. Daniel, Analyste, Direction générale de la révision législative, Ministère de la consommation et des corporations, Hull

P. Leduc, Conseiller principal de politiques, Direction de la politique commerciale, Ministère des communications, Ottawa

R.I. Cohen, Avocat, Cabinet Campeau, Cohen et Michelin; Membre de l'Association des producteurs canadiens de films et télévision, Montréal

CHILE

Head of the Delegation

L. Escobar Cerda, Representante Permanente, Misión Permanente, Ginebra

Delegates

J. Acuña Pimentel, Consejero, Misión Permanente, Ginebra
P. Romero Muñoz, Primer Secretario, Misión Permanente, Ginebra

COLOMBIA

Head of the Delegation

F. Jaramillo, Embajador, Representante Permanente Alternativo, Encargado de Negocios a.i., Misión Permanente, Ginebra

Delegates

A. Gamboa-Alder, Primer Secretario, Misión Permanente, Ginebra

J.M. Cano, Tercer Secretario, Misión de Colombia, Ginebra

COTE D'IVOIRE

Delegate

N.C.A. N'Takpe, Conseiller, Mission permanente, Genève

CZECHOSLOVAKIA

Head of the Delegation

V. Vajnar, Ambassador Extraordinary and Plenipotentiary, Permanent Representative, Permanent Mission, Geneva

Alternate Head of the Delegation

J. Kordač, Deputy Head, Czech Literary Fund, Prague

Delegates

M. Novotný, Head, Legal Division, Barrandov Film Studios, Prague

P. Telička, Counsellor, Federal Ministry of Foreign Affairs, Prague

Advisor

V. Tuka, Attaché, Permanent Mission, Geneva

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Head of the Delegation

T. Ri, Ambassador, Permanent Representative, Permanent Mission, Geneva

Delegates

D.H. Pak, Counsellor, Permanent Mission, Geneva

C.R. Pak, Counsellor, Permanent Mission, Geneva

DENMARK

Head of the Delegation

N. Yde, Head of Section, Ministry of Cultural Affairs, Copenhagen

ECUADOR

Head of the Delegation

R. Rivadeneira, Ministro, Representante Permanente Alternativo, Misión Permanente, Ginebra

EGYPT

Head of the Delegation

N.A. Elaraby, Ambassador, Permanent Representative, Permanent Mission, Geneva

Delegates

M. Omar, Counsellor, Permanent Mission, Geneva

N. Gabr, Counsellor, Permanent Mission, Geneva

FINLAND

Head of the Delegation

P. Säilä, Minister Counsellor, Deputy Permanent Representative, Permanent Mission, Geneva

Alternate Head of the Delegation

T. Koskinen, Managing Director, Organization for the Joint Controlling of Reprography, Secondary Use of Radio and Television Programmes and Retransmission of Broadcasts (KOPIOSTO), Helsinki

Advisors

- M.J. Kōnkkōlä, Legislative Counsellor, Ministry of Education, Helsinki
 A. Vuorinen, First Secretary, Permanent Mission, Geneva

FRANCE

Head of the Delegation

- J.-D. Levitte, Ambassadeur, Représentant permanent, Mission permanente, Genève

Alternate Head of the Delegation

- A. Kerever, Conseiller d'Etat, Paris

Delegates

- H. Ladsous, Premier Conseiller, Mission permanente, Genève
 N. Renaudin, Chargée de mission auprès du Directeur de la communication, Ministère des affaires étrangères, Paris
 R. Lecat, Sous-directeur de la législation et du contentieux, Ministère de la culture et de la communication, Paris
 J.-C. Benoist, Sous-directeur des affaires générales et des affaires juridiques, Centre national de la cinématographie (CNC), Paris
 C. Cor, Chargée d'études, Bureau des affaires juridiques, Ministère de la culture, Centre national de la cinématographie (CNC), Paris

GERMAN DEMOCRATIC REPUBLIC

Head of the Delegation

- L. Hertel, Deputy Permanent Representative, Permanent Mission, Geneva

Delegate

- H. Krokkel, Legal Advisor, Film Department, Ministry of Culture, Berlin

GERMANY (FEDERAL REPUBLIC OF)

Head of the Delegation

- F. Dannenbring, Ambassador, Permanent Representative, Permanent Mission, Geneva

Alternate Head of the Delegation

- M. Möller, Head of Division, Federal Ministry of Justice, Bonn

Delegates

- W. Miltzow, Counsellor, Permanent Mission, Geneva
 M. Fernau, Second Secretary, Permanent Mission, Geneva

GREECE

Head of the Delegation

- E. Kerkinos, Ambassador, Permanent Representative, Permanent Mission, Geneva

Alternate Head of the Delegation

- A. Cambitsis, First Counsellor, Economic Affairs, Permanent Mission, Geneva

Delegate

- P.D. Cangellaris, Counsellor, Permanent Mission, Geneva

GUINEA

Head of the Delegation

- C.A. Loua, Chef de la Division juridique, Ministère des affaires étrangères, Conakry

Deputy Head of the Delegation

- K. Makanera, Chef du Service juridique et du contentieux, Bureau guinéen du droit d'auteur (BGDA), Ministère de l'information, de la culture et du tourisme, Conakry

HOLY SEE

Head of the Delegation

- O. Rouillet, Avocat, Genève

Deputy Head of the Delegation

- J. Crabb, Professeur de droit international, Genève

HONDURAS

Head of the Delegation

- J.E. Mejia Ucles, Embajador, Representante Permanente, Misión Permanente, Ginebra

Delegate

- N. Valenzuela Soto, Ministro Consejero, Misión Permanente, Ginebra

HUNGARY

Head of the Delegation

- Gy. Boytha, Director General, Bureau for the Protection of Authors' Rights (ARTISJUS), Budapest

Deputy Head of the Delegation

- P. Svéd, Deputy Director, Directorate of Films, Ministry of Education, Budapest

Delegates

- P. Gyertyánfy, Director of Administration, Bureau for the Protection of Authors' Rights (ARTISJUS), Budapest
 J. Szabó, First Secretary, Permanent Mission, Geneva

INDIA

Head of the Delegation

- B.K. Zutshi, Joint Secretary, Ministry of Information and Broadcasting, New Delhi

Delegates

- M. Tambey Vaidya, Managing Director, National Film Development Corporation (NFDC), Bombay
 L. Puri, Counsellor, Permanent Mission, Geneva

ISRAEL

Head of the Delegation

- A. Millo, Minister Counsellor, Deputy Permanent Representative, Permanent Mission, Geneva

Alternate Head of the Delegation

- R. Walden, Minister Counsellor, Permanent Mission, Geneva

ITALY

Head of the Delegation

- M. Fortini, Ministre plénipotentiaire, Délégué aux accords de propriété intellectuelle, Ministère des affaires étrangères, Rome

Alternate Head of the Delegation

- G. Aversa, Préposé au Service du droit d'auteur, Département pour l'information et l'édition, Bureau du droit d'auteur et de la promotion des activités culturelles, Présidence du Conseil des ministres, Rome

Delegates

- M. Fabiani, Conseiller juridique, Société italienne des auteurs et éditeurs (SIAE), Rome
 G. Cassini, Premier Conseiller (affaires économiques), Mission permanente, Genève

JAPAN

Head of the Delegation

Z. Kaminaga, Counsellor, Permanent Mission, Geneva

Delegate

Y. Oyama, Copyright Adviser, Copyright Division, Agency for Cultural Affairs, Tokyo

Alternate Delegate

M. Kitani, First Secretary, Permanent Mission, Geneva

LEBANON

Head of the Delegation

H. Hamdan, Premier Secrétaire, Représentant permanent adjoint, Mission permanente, Genève

LIBYA

Head of the Delegation

I.A.-A. Omar, Chargé d'affaires a.i., Permanent Mission, Geneva

Delegates

A.M. Ben-Omran, People's Committee of the People's Bureau for Foreign Affairs and International Cooperation, Tripoli

A.O. Elhammadi, Chief, Data Bank and Information Service, Industrial Research Center, Tripoli

LIECHTENSTEIN

Head of the Delegation

A. Bauty, Conseiller d'Ambassade, Mission permanente de la Suisse, Genève

MEXICO

Head of the Delegation

J. Morfin Patraca, Director General del Derecho de Autor, Secretaría de Educación Pública, México City

Delegate

A. Fuchs, Segundo Secretario, Misión Permanente, Ginebra

Advisor

V. Blanco Labra, Director de Asuntos Culturales de la Vice-Presidencia Ejecutiva de Televisa, México City

MONACO

Head of the Delegation

J.S. Brunschvig, Consul général, Genève

MOROCCO

Delegate

A. Bendaoud, Premier Secrétaire, Mission permanente, Genève

PAKISTAN

Head of the Delegation

A. Kamal, Ambassador, Permanent Representative, Permanent Mission, Geneva

Delegate

M.A. Khan, Third Secretary, Permanent Mission, Geneva

PANAMA

Delegate

M. Saavedra Polo, Ministro Consejero, Misión Permanente, Ginebra

PHILIPPINES

Head of the Delegation

H.K. Villarroel, Minister Counsellor, Acting Permanent Representative, Permanent Mission, Geneva

Delegates

D. Menez-Rosal, Minister Counsellor, Permanent Mission, Geneva

L.B. Gatan, Third Secretary, Permanent Mission, Geneva

POLAND

Delegates

A. Towpik, Counsellor-Minister Plenipotentiary, Deputy Permanent Representative, Permanent Mission, Geneva

T. Drozdowska, Senior Expert on Legislation, Law Department, Ministry of Culture and Art, Warsaw

PORTUGAL

Head of the Delegation

M.A. Costa Lobo, Ambassadeur, Représentant permanent, Mission permanente, Genève

Alternate Head of the Delegation

J. Vieira Branco, Représentant permanent adjoint, Mission permanente, Genève

Advisors

A. Queiros Ferreira, Conseiller juridique, Mission permanente, Genève

J.J. Pereira Gomes, Deuxième Secrétaire, Mission permanente, Genève

REPUBLIC OF KOREA

Delegate

T.-C. Choi, Attaché, Permanent Mission, Geneva

SENEGAL

Head of the Delegation

A. Sene, Ambassadeur, Représentant permanent, Mission permanente, Genève

Delegates

B. Ndoye, Directeur général, Bureau sénégalais du droit d'auteur (BSDA), Dakar

M.M. Diouf, Chef adjoint, Division des affaires juridiques, Office de radiodiffusion-télévision du Sénégal, Dakar

SOVIET UNION

Delegates

V. Dozortsev, President of the Scientific Legal Council of the State Committee for Cinema, Moscow

O. Teneichvili, First Vice-President, VPTO "Vidcofilm," Moscow

B.V. Smirnov, Counsellor, Permanent Mission, Geneva

V.A. Blatov, Second Secretary, Permanent Mission, Geneva

SPAIN

Head of the Delegation

E. Artacho Castellanos, Embajador, Representante Permanente, Misión Permanente, Ginebra

Deputy Head of the Delegation

M. Perez del Arco y Segura, Ministro Plenipotenciario, Misión Permanente, Ginebra

Delegates

E. de la Puente Garcia, Vocal Asesor de la Secretaría General Técnica, Ministerio de Cultura, Madrid
J. Navarro Gonzalez, Registrador General de Propiedad Intelectual, Madrid

SWEDEN

Head of the Delegation

K. Hökborg, Director, Ministry of Justice, Stockholm

Delegates

W. von Greyerz, Secretary, National Committee on the Revision of the Copyright Act, Ministry of Justice, Stockholm
A. Rodin, Counsellor, Permanent Mission, Geneva

SWITZERLAND

Head of the Delegation

R. Grossenbacher, Directeur adjoint, Office fédéral de la propriété intellectuelle (OFPI), Berne

Delegates

C. Govoni, Chef du service juridique II, Office fédéral de la propriété intellectuelle (OFPI), Berne
A. Bauty, Conseiller d'Ambassade, Mission permanente, Genève

TOGO

Head of the Delegation

Y.E. Amela, Maître de conférences à l'Université, Directeur des affaires culturelles, Ministère de la jeunesse, des sports et de la culture, Lomé

TUNISIA

Head of the Delegation

S. Lyagoubi-Ouahchi, Ambassadeur, Représentant permanent, Mission permanente, Genève

Deputy Head of the Delegation

Y. Mokaddem, Représentant permanent adjoint, Mission permanente, Genève

Delegate

H. Tebourbi, Secrétaire d'Ambassade, Mission permanente, Genève

TURKEY

Head of the Delegation

A. Algan, Counsellor, Permanent Mission, Geneva

Alternate Head of the Delegation

C. Türkeroğlu, Head, Department of Intellectual and Artistic Works, Ministry of Culture, Ankara

Advisor

S. Kuştimur, Expert, Board of Research, Planning and Coordination, Ministry of Culture, Ankara

UNITED KINGDOM

Head of the Delegation

J.A. Sankey, Ambassador, Permanent Representative, Permanent Mission, Geneva

Delegates

E.C. Robson, First Secretary, Permanent Mission, Geneva
S. Mann, Third Secretary, Permanent Mission, Geneva

UNITED STATES OF AMERICA

Head of the Delegation

H.J. Winter, Director, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State, Washington

Alternate Head of the Delegation

M. Peters, Policy Planning Adviser to the Register of Copyrights, Library of Congress, Washington

Advisors

D. Patterson, First Secretary, Permanent Mission, Geneva
J. Richardson, First Secretary, Permanent Mission, Geneva
L. Brennan, Secretary, American Film Marketing Association, Culver City, California
J. Roscnfield, President, American Film Marketing Association, Culver City, California

URUGUAY

Head of the Delegation

J.M. Araneo, Embajador, Representante Permanente, Misión Permanente, Ginebra

Delegate

R. Gonzalez Arenas, Segundo Secretario, Misión Permanente, Ginebra

VENEZUELA

Head of the Delegation

L. Niño Gomez, Tercer Secretario, Misión Permanente, Ginebra

YUGOSLAVIA

Head of the Delegation

M. Kosin, Ambassador, Permanent Representative, Permanent Mission, Geneva

Deputy Head of the Delegation

R. Tešić, Minister Counsellor, Deputy Permanent Representative, Permanent Mission, Geneva

Delegate

V. Šuc, Second Secretary, Permanent Mission, Geneva

II. Observer Delegations

AFGHANISTAN

Head of the Delegation

M.A. Kherad, Ambassadeur, Représentant permanent, Mission permanente, Genève

Delegate

M.T. Mokhtarzada, Conseiller, Mission permanente, Genève

KUWAIT

Head of the Delegation

S. Ali Abdulla, Legal Advisor Office, Ministry of Information, Kuwait

SYRIA

Delegate

N. Chaalan, Ministre Conseiller, Mission permanente, Genève

III. Intergovernmental Organizations

United Nations Educational, Scientific and Cultural Organization (UNESCO)

- A. Raffray, Chargé de liaison principal, Bureau de liaison de Genève
- A. Guillot-Pingue, Chargé de liaison adjoint, Bureau de liaison de Genève

Commission of the European Communities (CEC)

- R. Martin, Administrateur principal, Direction générale du marché intérieur et des affaires industrielles, Commission des Communautés européennes, Bruxelles
- C. Bail, Conseiller juridique, Délégation permanente de la Commission des Communautés européennes auprès des organisations internationales, Genève
- J. Breuls, Administrateur, Secrétariat général du Conseil des Communautés européennes, Bruxelles

IV. International Non-Governmental Organizations

All Union Corporation Sovexportfilm (SEF): G. Tatarov (Expert in Chief, Legal Department, Moscow)

Association for the International Collective Management of Audiovisual Works (AGICOA): M. Chrusciel (Adjoint au Directeur du Service juridique)

European Broadcasting Union (EBU): M. Burnett (Conseiller juridique, Département des affaires juridiques)

International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM): A. Vacher-Desvernaix (Secrétaire général)

International Chamber of Commerce (ICC): J.M.W. Buraas (ICC Permanent Representative to the United Nations, Geneva)

International Confederation of Societies of Authors and Composers (CISAC): J. Corbet (Directeur général, SABAM (Belgique), Président du Bureau exécutif de la CISAC); L. Russi (Conseiller, SIAE (Italie), Membre des commissions techniques CISAC "Documentation-Répartition-Informatique")

International Federation of Film Producers Associations (FIAPF): A. Brisson (Secrétaire général); A. Chaubeau (Secrétaire général adjoint); S. Cobe (Conseiller); L. George (Conseiller)

International Federation of Phonogram and Videogram Producers (IFPI): E. Orf (Legal Adviser); E. Thompson (Adviser)

International Literary and Artistic Association (ALAI): J. Corbet (Directeur général, SABAM, Belgique)

V. International Bureau of the World Intellectual Property Organization (WIPO)

- A. Bogsch, Director General
- F. Curchod, Director of the Office of the Director General
- G. Ledakis, Legal Counsel
- H. Olsson, Director, Copyright and Public Information Department
- M. Ficsor, Director, Copyright Law Division
- P. Masouyé, Legal Officer, Copyright Law Division
- A. Diamond, Head, Registry, Documents and Meetings Service

LIST OF OFFICERS AND COMMITTEES

Conference

- President: E. Nettel (Austria)
- Vice-Presidents: Gy. Boytha (Hungary); B.K. Zutshi (India); M. Fortini (Italy); J. Morfin Patraca (Mexico); B. Ndoye (Senegal); H.J. Winter (United States of America)
- Secretary: H. Olsson (WIPO)

Credentials Committee

- Chairman: D. Menez-Rosal (Philippines)
- Vice-Chairmen: B.V. Smirnov (Soviet Union); M. Perez del Arco y Segura (Spain)
- Secretary: G. Ledakis (WIPO)
- Members: Egypt, Philippines, Soviet Union, Spain, Uruguay

Main Committee

- Chairman: M. Möller (Federal Republic of Germany)
- Vice-Chairmen: A. Trombetta (Argentina); R. Grossenbacher (Switzerland)
- Secretary: M. Ficsor (WIPO)

Drafting Committee

- Chairman: K. Hökborg (Sweden)
- Vice-Chairmen: A. Kerever (France); M. Peters (United States of America)
- Secretary: F. Curchod (WIPO)
- Members: France, India, Sweden, United States of America

Ex officio: Chairman of the Main Committee: M. Möller (Federal Republic of Germany)

Steering Committee

- President of the Conference: E. Nettel (Austria)
- Chairman of the Credentials Committee: D. Menez-Rosal (Philippines)
- Chairman of the Main Committee: M. Möller (Federal Republic of Germany)
- Chairman of the Drafting Committee: K. Hökborg (Sweden)
- Secretary: H. Olsson (WIPO)

**Diplomatic Conference for the Conclusion of a Treaty
on the Protection of Intellectual Property
in Respect of Integrated Circuits**

(Washington, May 8 to 26, 1989)

NOTE*

In 1985, the International Bureau of WIPO started with the preparation of a treaty on the protection of intellectual property in respect of integrated circuits. Four sessions of a committee of experts were convened for this purpose between 1985 and 1988. In September 1987, the General Assembly of WIPO and the Assembly of the Paris Union decided that, after further preparations during the year 1988, a diplomatic conference should be convened by the Director General of WIPO. In June 1988, a special WIPO meeting ("the Review Meeting") agreed that the diplomatic conference should take place in May 1989 in Washington. A Preparatory Meeting for the Diplomatic Conference was convened in November 1988 and took decisions concerning the substantive documents to be submitted to the Diplomatic Conference, the States and organizations to be invited, as well as the draft Rules of Procedure and the draft Agenda of the Diplomatic Conference.

In accordance with the above decisions, the Diplomatic Conference for the Conclusion of a Treaty on the Protection of Intellectual Property in Respect of Integrated Circuits was convened and organized by WIPO, at the facilities offered by the Government of the United States of America, in Washington, from May 8 to 26, 1989.

All States members of the Paris Union and the Berne Union and/or WIPO were invited. The following 72 States were represented: Angola, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burundi, Cameroon, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Egypt, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guatemala, Guinea, Holy See, Honduras, Hungary, India, Indonesia, Ireland,

Israel, Italy, Japan, Jordan, Lesotho, Liberia, Libya, Liechtenstein, Luxembourg, Madagascar, Mexico, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Senegal, Soviet Union, Spain, Sri Lanka, Sweden, Switzerland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen Arab Republic, Yugoslavia, Zambia. The European Communities, according to the Rules of Procedure adopted by the Diplomatic Conference, participated as a Member Delegation. One State (Kuwait) was represented by an observer.

Four intergovernmental organizations and 23 non-governmental organizations were represented. Their names appear in the list of participants reproduced below.

The Secretariat of the Diplomatic Conference was provided by the staff of WIPO, which was assisted by some 20 persons placed at the disposal of the Conference by the United States Department of State and the United States Copyright Office.

The meetings were held in the International Conference Center of the Department of State.

The Conference unanimously elected Mr. Ralph Oman (Head of the Delegation of the United States of America and Register of Copyrights) as President of the Conference. The Main Committee of the Conference was presided over by Mr. Khamis Juma Suedi (United Republic of Tanzania). The Drafting Committee was chaired by Mr. Gyula Pusztai (Hungary) and the Credentials Committee by Mr. Marco Fortini (Italy).

The Director General of WIPO, Dr. Arpad Bogsch, participated in the Conference.

The list of participants and the list of officers appear at the end of this Note.

The Diplomatic Conference adopted a Treaty consisting of 20 articles under the title "Treaty on Intellectual Property in Respect of Integrated Circuits" on May 26, 1989. The text of the Treaty is reproduced hereafter.

* Prepared by the International Bureau.

Treaty on Intellectual Property in Respect of Integrated Circuits

Done at Washington, on May 26, 1989

CONTENTS

Article 1:	Establishment of a Union
Article 2:	Definitions
Article 3:	The Subject Matter of the Treaty
Article 4:	The Legal Form of the Protection
Article 5:	National Treatment
Article 6:	The Scope of the Protection
Article 7:	Exploitation; Registration, Disclosure
Article 8:	The Duration of the Protection
Article 9:	Assembly
Article 10:	International Bureau
Article 11:	Amendment of Certain Provisions of the Treaty
Article 12:	Safeguard of the Paris and Berne Conventions
Article 13:	Reservations
Article 14:	Settlement of Disputes
Article 15:	Becoming Party to the Treaty
Article 16:	Entry Into Force of the Treaty
Article 17:	Denunciation of the Treaty
Article 18:	Texts of the Treaty
Article 19:	Depositary
Article 20:	Signature

Article 1

Establishment of a Union

The Contracting Parties constitute themselves into a Union for the purposes of this Treaty.

Article 2

Definitions

For the purposes of this Treaty:

- (i) "integrated circuit" means a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in and/or on a piece of material and which is intended to perform an electronic function,
- (ii) "layout-design (topography)" means the three-dimensional disposition, however expressed, of the elements, at least one of which is an active element,

and of some or all of the interconnections of an integrated circuit, or such a three-dimensional disposition prepared for an integrated circuit intended for manufacture,

- (iii) "holder of the right" means the natural person who, or the legal entity which, according to the applicable law, is to be regarded as the beneficiary of the protection referred to in Article 6,
- (iv) "protected layout-design (topography)" means a layout-design (topography) in respect of which the conditions of protection referred to in this Treaty are fulfilled,
- (v) "Contracting Party" means a State, or an Intergovernmental Organization meeting the requirements of item (x), party to this Treaty,
- (vi) "territory of a Contracting Party" means, where the Contracting Party is a State, the territory of that State and, where the Contracting Party is an Intergovernmental Organization, the territory in which the constituting treaty of that Intergovernmental Organization applies,
- (vii) "Union" means the Union referred to in Article 1,
- (viii) "Assembly" means the Assembly referred to in Article 9,
- (ix) "Director General" means the Director General of the World Intellectual Property Organization,
- (x) "Intergovernmental Organization" means an organization constituted by, and composed of, States of any region of the world, which has competence in respect of matters governed by this Treaty, has its own legislation providing for intellectual property protection in respect of layout-designs (topographies) and binding on all its member States, and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Treaty.

Article 3

The Subject Matter of the Treaty

(1) [*Obligation to Protect Layout-Designs (Topographies)*] (a) Each Contracting Party shall have the obligation to secure, throughout its territory, intellectual property protection in respect of layout-designs (topographies) in accordance with

this Treaty. It shall, in particular, secure adequate measures to ensure the prevention of acts considered unlawful under Article 6 and appropriate legal remedies where such acts have been committed.

(b) The right of the holder of the right in respect of an integrated circuit applies whether or not the integrated circuit is incorporated in an article.

(c) Notwithstanding Article 2(i), any Contracting Party whose law limits the protection of layout-designs (topographies) to layout-designs (topographies) of semiconductor integrated circuits shall be free to apply that limitation as long as its law contains such limitation.

(2) [Requirement of Originality] (a) The obligation referred to in paragraph (1)(a) shall apply to layout-designs (topographies) that are original in the sense that they are the result of their creators' own intellectual effort and are not commonplace among creators of layout-designs (topographies) and manufacturers of integrated circuits at the time of their creation.

(b) A layout-design (topography) that consists of a combination of elements and interconnections that are commonplace shall be protected only if the combination, taken as a whole, fulfills the conditions referred to in subparagraph (a).

Article 4

The Legal Form of the Protection

Each Contracting Party shall be free to implement its obligations under this Treaty through a special law on layout-designs (topographies) or its law on copyright, patents, utility models, industrial designs, unfair competition or any other law or a combination of any of those laws.

Article 5

National Treatment

(1) [National Treatment] Subject to compliance with its obligation referred to in Article 3(1)(a), each Contracting Party shall, in respect of the intellectual property protection of layout-designs (topographies), accord, within its territory,

- (i) to natural persons who are nationals of, or are domiciled in the territory of, any of the other Contracting Parties, and
- (ii) to legal entities which or natural persons who, in the territory of any of the other Contracting Parties, have a real and effective establishment for the creation of layout-designs (topographies) or the production of integrated circuits,

the same treatment that it accords to its own nationals.

(2) [Agents, Addresses for Service, Court Proceedings] Notwithstanding paragraph (1), any Contracting Party is free not to apply national treatment as far as any obligations to appoint an agent or to designate an address for service are concerned or as far as the special rules applicable to foreigners in court proceedings are concerned.

(3) [Application of Paragraphs (1) and (2) to Intergovernmental Organizations] Where the Contracting Party is an Intergovernmental Organization, "nationals" in paragraph (1) means nationals of any of the States members of that Organization.

Article 6

The Scope of the Protection

(1) [Acts Requiring the Authorization of the Holder of the Right] (a) Any Contracting Party shall consider unlawful the following acts if performed without the authorization of the holder of the right:

- (i) the act of reproducing, whether by incorporation in an integrated circuit or otherwise, a protected layout-design (topography) in its entirety or any part thereof, except the act of reproducing any part that does not comply with the requirement of originality referred to in Article 3(2),
- (ii) the act of importing, selling or otherwise distributing for commercial purposes a protected layout-design (topography) or an integrated circuit in which a protected layout-design (topography) is incorporated.

(b) Any Contracting Party shall be free to consider unlawful also acts other than those specified in subparagraph (a) if performed without the authorization of the holder of the right.

(2) [Acts Not Requiring the Authorization of the Holder of the Right] (a) Notwithstanding paragraph (1), no Contracting Party shall consider unlawful the performance, without the authorization of the holder of the right, of the act of reproduction referred to in paragraph (1)(a)(i) where that act is performed by a third party for private purposes or for the sole purpose of evaluation, analysis, research or teaching.

(b) Where the third party referred to in subparagraph (a), on the basis of evaluation or analysis of the protected layout-design (topography) ("the first layout-design (topography)"), creates a layout-design (topography) complying with the requirement of originality referred to in Article 3(2)

("the second layout-design (topography)"), that third party may incorporate the second layout-design (topography) in an integrated circuit or perform any of the acts referred to in paragraph (1) in respect of the second layout-design (topography) without being regarded as infringing the rights of the holder of the right in the first layout-design (topography).

(c) The holder of the right may not exercise his right in respect of an identical original layout-design (topography) that was independently created by a third party.

(3) [*Measures Concerning Use Without the Consent of the Holder of the Right*] (a) Notwithstanding paragraph (1), any Contracting Party may, in its legislation, provide for the possibility of its executive or judicial authority granting a non-exclusive license, in circumstances that are not ordinary, for the performance of any of the acts referred to in paragraph (1) by a third party without the authorization of the holder of the right ("non-voluntary license"), after unsuccessful efforts, made by the said third party in line with normal commercial practices, to obtain such authorization, where the granting of the non-voluntary license is found, by the granting authority, to be necessary to safeguard a national purpose deemed to be vital by that authority; the non-voluntary license shall be available for exploitation only in the territory of that country and shall be subject to the payment of an equitable remuneration by the third party to the holder of the right.

(b) The provisions of this Treaty shall not affect the freedom of any Contracting Party to apply measures, including the granting, after a formal proceeding by its executive or judicial authority, of a non-voluntary license, in application of its laws in order to secure free competition and to prevent abuses by the holder of the right.

(c) The granting of any non-voluntary license referred to in subparagraph (a) or subparagraph (b) shall be subject to judicial review. Any non-voluntary license referred to in subparagraph (a) shall be revoked when the conditions referred to in that subparagraph cease to exist.

(4) [*Sale and Distribution of Infringing Integrated Circuits Acquired Innocently*] Notwithstanding paragraph (1)(a)(ii), no Contracting Party shall be obliged to consider unlawful the performance of any of the acts referred to in that paragraph in respect of an integrated circuit incorporating an unlawfully reproduced layout-design (topography) where the person performing or ordering such acts did not know and had no reasonable ground to know, when acquiring the said integrated circuit, that it incorporates an unlawfully reproduced layout-design (topography).

(5) [*Exhaustion of Rights*] Notwithstanding paragraph (1)(a)(ii), any Contracting Party may consider lawful the performance, without the authorization of the holder of the right, of any of the acts referred to in that paragraph where the act is performed in respect of a protected layout-design (topography), or in respect of an integrated circuit in which such a layout-design (topography) is incorporated, that has been put on the market by, or with the consent of, the holder of the right.

Article 7

Exploitation; Registration, Disclosure

(1) [*Faculty to Require Exploitation*] Any Contracting Party shall be free not to protect a layout-design (topography) until it has been ordinarily commercially exploited, separately or as incorporated in an integrated circuit, somewhere in the world.

(2) [*Faculty to Require Registration; Disclosure*] (a) Any Contracting Party shall be free not to protect a layout-design (topography) until the layout-design (topography) has been the subject of an application for registration, filed in due form with the competent public authority, or of a registration with that authority; it may be required that the application be accompanied by the filing of a copy or drawing of the layout-design (topography) and, where the integrated circuit has been commercially exploited, of a sample of that integrated circuit, along with information defining the electronic function which the integrated circuit is intended to perform; however, the applicant may exclude such parts of the copy or drawing that relate to the manner of manufacture of the integrated circuit, provided that the parts submitted are sufficient to allow the identification of the layout-design (topography).

(b) Where the filing of an application for registration according to subparagraph (a) is required, the Contracting Party may require that such filing be effected within a certain period of time from the date on which the holder of the right first exploits ordinarily commercially anywhere in the world the layout-design (topography) of an integrated circuit; such period shall not be less than two years counted from the said date.

(c) Registration under subparagraph (a) may be subject to the payment of a fee.

Article 8

The Duration of the Protection

Protection shall last at least eight years.

Article 9 Assembly

(1) [*Composition*] (a) The Union shall have an Assembly consisting of the Contracting Parties.

(b) Each Contracting Party shall be represented by one delegate who may be assisted by alternate delegates, advisors and experts.

(c) Subject to subparagraph (d), the expenses of each delegation shall be borne by the Contracting Party that has appointed the delegation.

(d) The Assembly may ask the World Intellectual Property Organization to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations.

(2) [*Functions*] (a) The Assembly shall deal with matters concerning the maintenance and development of the Union and the application and operation of this Treaty.

(b) The Assembly shall decide the convocation of any diplomatic conference for the revision of this Treaty and give the necessary instructions to the Director General for the preparation of such diplomatic conference.

(c) The Assembly shall perform the functions allocated to it under Article 14 and shall establish the details of the procedures provided for in that Article, including the financing of such procedures.

(3) [*Voting*] (a) Each Contracting Party that is a State shall have one vote and shall vote only in its own name.

(b) Any Contracting Party that is an Intergovernmental Organization shall exercise its right to vote, in place of its member States, with a number of votes equal to the number of its member States which are party to this Treaty and which are present at the time the vote is taken. No such Intergovernmental Organization shall exercise its right to vote if any of its member States participates in the vote.

(4) [*Ordinary Sessions*] The Assembly shall meet in ordinary session once every two years upon convocation by the Director General.

(5) [*Rules of Procedure*] The Assembly shall establish its own rules of procedure, including the convocation of extraordinary sessions, the requirements of a quorum and, subject to the provisions of this Treaty, the required majority for various kinds of decisions.

Article 10 International Bureau

(1) [*International Bureau*] (a) The International Bureau of the World Intellectual Property Organization shall:

- (i) perform the administrative tasks concerning the Union, as well as any tasks specially assigned to it by the Assembly;
- (ii) subject to the availability of funds, provide technical assistance, on request, to the Governments of Contracting Parties that are States and are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations.

(b) No Contracting Party shall have any financial obligations; in particular, no Contracting Party shall be required to pay any contributions to the International Bureau on account of its membership in the Union.

(2) [*Director General*] The Director General shall be the chief executive of the Union and shall represent the Union.

Article 11

Amendment of Certain Provisions of the Treaty

(1) [*Amending of Certain Provisions by the Assembly*] The Assembly may amend the definitions contained in Article 2(i) and (ii), as well as Articles 3(1)(c), 9(1)(b) and (d), 9(4), 10(1)(a) and 14.

(2) [*Initiation and Notice of Proposals for Amendment*] (a) Proposals under this Article for amendment of the provisions of this Treaty referred to in paragraph (1) may be initiated by any Contracting Party or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting Parties at least six months in advance of their consideration by the Assembly.

(c) No such proposal shall be made before the expiration of five years from the date of entry into force of this Treaty under Article 16(1).

(3) [*Required Majority*] Adoption by the Assembly of any amendment under paragraph (1) shall require four-fifths of the votes cast.

(4) [*Entry Into Force*] (a) Any amendment to the provisions of this Treaty referred to in paragraph (1) shall enter into force three months after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the Contracting Parties members of the Assembly at the time the Assembly

adopted the amendment. Any amendment to the said provisions thus accepted shall bind all States and Intergovernmental Organizations that were Contracting Parties at the time the amendment was adopted by the Assembly or that become Contracting Parties thereafter, except Contracting Parties which have notified their denunciation of this Treaty in accordance with Article 17 before the entry into force of the amendment.

(b) In establishing the required three-fourths referred to in subparagraph (a), a notification made by an Intergovernmental Organization shall only be taken into account if no notification has been made by any of its member States.

Article 12

Safeguard of Paris and Berne Conventions

This Treaty shall not affect the obligations that any Contracting Party may have under the Paris Convention for the Protection of Industrial Property or the Berne Convention for the Protection of Literary and Artistic Works.

Article 13

Reservations

No reservations to this Treaty shall be made.

Article 14

Settlement of Disputes

(1) [Consultations] (a) Where any dispute arises concerning the interpretation or implementation of this Treaty, a Contracting Party may bring the matter to the attention of another Contracting Party and request the latter to enter into consultations with it.

(b) The Contracting Party so requested shall provide promptly an adequate opportunity for the requested consultations.

(c) The Contracting Parties engaged in consultations shall attempt to reach, within a reasonable period of time, a mutually satisfactory solution of the dispute.

(2) [Other Means of Settlement] If a mutually satisfactory solution is not reached within a reasonable period of time through the consultations referred to in paragraph (1), the parties to the dispute may agree to resort to other means designed to lead to an amicable settlement of their dispute, such as good offices, conciliation, mediation and arbitration.

(3) [Panel] (a) If the dispute is not satisfactorily settled through the consultations referred to in paragraph (1), or if the means referred to in para-

graph (2) are not resorted to, or do not lead to an amicable settlement within a reasonable period of time, the Assembly, at the written request of either of the parties to the dispute, shall convene a panel of three members to examine the matter. The members of the panel shall not, unless the parties to the dispute agree otherwise, be from either party to the dispute. They shall be selected from a list of designated governmental experts established by the Assembly. The terms of reference for the panel shall be agreed upon by the parties to the dispute. If such agreement is not achieved within three months, the Assembly shall set the terms of reference for the panel after having consulted the parties to the dispute and the members of the panel. The panel shall give full opportunity to the parties to the dispute and any other interested Contracting Parties to present to it their views. If both parties to the dispute so request, the panel shall stop its proceedings.

(b) The Assembly shall adopt rules for the establishment of the said list of experts, and the manner of selecting the members of the panel, who shall be governmental experts of the Contracting Parties, and for the conduct of the panel proceedings, including provisions to safeguard the confidentiality of the proceedings and of any material designated as confidential by any participant in the proceedings.

(c) Unless the parties to the dispute reach an agreement between themselves prior to the panel's concluding its proceedings, the panel shall promptly prepare a written report and provide it to the parties to the dispute for their review. The parties to the dispute shall have a reasonable period of time, whose length will be fixed by the panel, to submit any comments on the report to the panel, unless they agree to a longer time in their attempts to reach a mutually satisfactory resolution to their dispute. The panel shall take into account the comments and shall promptly transmit its report to the Assembly. The report shall contain the facts and recommendations for the resolution of the dispute, and shall be accompanied by the written comments, if any, of the parties to the dispute.

(4) [Recommendation by the Assembly] The Assembly shall give the report of the panel prompt consideration. The Assembly shall, by consensus, make recommendations to the parties to the dispute, based upon its interpretation of this Treaty and the report of the panel.

Article 15

Becoming Party to the Treaty

(1) [Eligibility] (a) Any State member of the World Intellectual Property Organization or of the United Nations may become party to this Treaty.

(b) Any Intergovernmental Organization which meets the requirements of Article 2(x) may become party to this Treaty. The Organization shall inform the Director General of its competence, and any subsequent changes in its competence, with respect to the matters governed by this Treaty. The Organization and its member States may, without, however, any derogation from the obligations under this Treaty, decide on their respective responsibilities for the performance of their obligations under this Treaty.

(2) [*Adherence*] A State or Intergovernmental Organization shall become party to this Treaty by:

- (i) signature followed by the deposit of an instrument of ratification, acceptance or approval, or
- (ii) the deposit of an instrument of accession.

(3) [*Deposit of Instruments*] The instruments referred to in paragraph (2) shall be deposited with the Director General.

Article 16

Entry Into Force of the Treaty

(1) [*Initial Entry Into Force*] This Treaty shall enter into force, with respect to each of the first five States or Intergovernmental Organizations which have deposited their instruments of ratification, acceptance, approval or accession, three months after the date on which the fifth instrument of ratification, acceptance, approval or accession has been deposited.

(2) [*States and Intergovernmental Organizations Not Covered by the Initial Entry Into Force*] This Treaty shall enter into force with respect to any State or Intergovernmental Organization not covered by paragraph (1) three months after the date on which that State or Intergovernmental Organization has deposited its instrument of ratification, acceptance, approval or accession unless a later date has been indicated in the instrument; in the latter case, this Treaty shall enter into force with respect to the said State or Intergovernmental Organization on the date thus indicated.

(3) [*Protection of Layout-Designs (Topographies) Existing at Time of Entry Into Force*] Any Contracting Party shall have the right not to apply this Treaty to any layout-design (topography) that exists at the time this Treaty enters into force in respect of that Contracting Party, provided that this provision does not affect any protection that such layout-design (topography) may, at that time, enjoy in the territory of that Contracting Party by virtue of international obligations other than those resulting from this Treaty or the legislation of the said Contracting Party.

Article 17

Denunciation of the Treaty

(1) [*Notification*] Any Contracting Party may denounce this Treaty by notification addressed to the Director General.

(2) [*Effective Date*] Denunciation shall take effect one year after the day on which the Director General has received the notification of denunciation.

Article 18

Texts of the Treaty

(1) [*Original Texts*] This Treaty is established in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic.

(2) [*Official Texts*] Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

Article 19

Depositary

The Director General shall be the depositary of this Treaty.

Article 20

Signature

This Treaty shall be open for signature between May 26, 1989, and August 25, 1989, with the Government of the United States of America, and between August 26, 1989, and May 25, 1990, at the headquarters of WIPO.

LIST OF PARTICIPANTS

I. Member Delegations

ANGOLA

Head of the Delegation

M.P. Pacavira, Ambassadeur, Ambassade d'Angola, New York

Delegates

C.C. da Conceição e Silva, Juriste, Ministère des relations extérieures
T.L. Silva, Ingénieur, Ministère de l'industrie
A. da C. Simões da Silva Bandeira, Technicienne, Ministère de l'industrie

ARGENTINA

Head of the Delegation

A.M. Oliveri López, Embajador, Subsecretario de Negociaciones Económicas Internacionales

Alternate Head of the Delegation

O.R. Rebagliati, Ministro plenipotenciario, Embajada de Argentina, Washington

Delegates

C.M. Correa, Asesor de Gabinete de la Secretaria de Ciencia y Técnica

M.I. Fernández, Consejero de Embajada, Ministerio de Relaciones Exteriores y Culto

A.G. Trombetta, Segundo Secretario, Misión permanente, Ginebra

AUSTRALIA

Head of the Delegation

I. Govey, Counsellor (Legal), Embassy of Australia, Washington

Delegate

L.G. Honcope, Principal Legal Officer, International Trade Law and Intellectual Property Branch, Attorney-General's Department

AUSTRIA

Head of the Delegation

G. Mayer-Dolliner, Head, Legal Department, Austrian Patent Office

Delegates

F. Trauttmansdorff, Counsellor, Embassy of Austria, Washington

B. Zimburg, Attaché (Science and Technology), Embassy of Austria, Washington

BELGIUM

Head of the Delegation

H. Dehennin, Ambassadeur, Ambassade de Belgique, Washington

Alternate Head of the Delegation

G. de Bassompierre, Ministre-Conseiller (Economie et Commerce), Ambassade de Belgique, Washington

Delegates

D. Vanderghenst, Conseiller adjoint, Office de la propriété industrielle, Ministère des affaires économiques

C. Ghislain, Premier Secrétaire, Ambassade de Belgique, Washington

BRAZIL

Head of the Delegation

M.F.M. Arruda, President, National Institute of Industrial Property, Rio de Janeiro

Alternate Heads of the Delegation

G.V. Saboia, Minister-Counsellor, Permanent Mission of Brazil to the Organization of American States (OAS), Washington

L.A. de Castro Neves, Minister-Counsellor, Permanent Mission of Brazil to the Organization of American States (OAS), Washington

Delegates

M.F. Cruz Filho, Adviser to the President, National Institute of Industrial Property, Rio de Janeiro

J. Graça Aranha, Coordinator for Strategic Affairs, Special Secretariat of Science and Technology of the Presidency

P.R. de Almeida, First Secretary, Permanent Mission, Geneva

G. de A. Patriota, Third Secretary, Commercial Policy Division, Ministry of External Relations

S.S. Thompson-Flôres, Second Secretary, Embassy of Brazil, Washington

BULGARIA

Head of the Delegation

K. Iliev, Director General, Institute for Rationalizations and Inventions

Alternate Heads of the Delegation

T. Makedonski, Deputy Director General, Institute for Rationalizations and Inventions

I. Genov, Second Secretary, Ministry of Foreign Affairs

BURUNDI

Delegate

W. Ntunzwenimana, Premier Conseiller d'Ambassade, Washington

CAMEROON

Head of the Delegation

P. Pondi, Ambassadeur, Ambassade du Cameroun, Washington

Delegate

J.-O. Tigbo, Chef du service de la normalisation et de la propriété intellectuelle, Ministère du développement industriel et commercial, Direction de l'industrie

CANADA

Head of the Delegation

D.B. Watters, Director General, Legislation Review Branch, Department of Consumer and Corporate Affairs

Alternate Head of the Delegation

J. Keon, Acting Director, Intellectual Property Review Branch, Department of Consumer and Corporate Affairs

Delegates

B.E. Couchman, Policy Analyst, Intellectual Property Review Branch, Department of Consumer and Corporate Affairs

K.P. Ebsen, Patent Examiner, Patent Office, Department of Consumer and Corporate Affairs

J.I. Butler, Analyst, Services and General Trade Policy Division, Department of External Affairs

T.J.M. Zuijdwijk, Senior Counsel, Economic and Trade Law Division, Department of External Affairs

J.-P. Gombay, Counsellor, Embassy of Canada, Washington

CHILE

Head of the Delegation

J. Illanes Fernández, Embajador, Representante Permanente de Chile ante la Organización de los Estados Americanos (OEA), Washington

Delegates

R. Saterler Alonso, Primer Secretario, Ministerio de Relaciones Exteriores

V. Chahin, Tercer Secretario, Embajada de Chile, Washington

CHINA

Head of the Delegation

Gao Lulin, First Deputy Director General, Patent Office of the People's Republic of China

Deputy Heads of the Delegation

Yu Zhong Yu, Chief Engineer, Ministry of Machinery and Electronics Industries

Duan Ruichun, Deputy Director, Department of Policy and Legislation, State Science and Technology Commission

Delegates

Zheng Yun, Counsellor, Department of International Organizations and Conferences, Ministry of Foreign Affairs

Qiao Dexi, Deputy Director, Legal Department, Patent Office of the People's Republic of China

Adviser

Wang Yangyuan, Professor, Department of Computer Science and Technology, Peking University

Staff Member

Han Xiaoqing, Official, International Cooperation Department, Patent Office of the People's Republic of China

COLOMBIA

Head of the Delegation

V. Mosquera Cbaux, Embajador, Embajada de Colombia, Washington

Delegates

A. Vega Jaramillo, Profesional especializado, Dirección Nacional del Derecho de Autor, Ministerio de Gobierno

R. Meléndez Ortiz, Asesor del Ministro de Desarrollo

C.H. Diaz, Asesor, Secretaría de Informática de la Presidencia de la República

N.S. Martinez, Superintendente de Industria y Comercio

CUBA

Head of the Delegation

M.A. Fernández Finale, Director, Oficina Nacional de Inventiones, Información Técnica y Marcas

Delegates

M.C. Barquet Rodríguez, Especialista de Inventiones, Oficina Nacional de Inventiones, Información Técnica y Marcas

J.C. González Marchante, Especialista, Dirección de Organismos Internacionales, Ministerio de Relaciones Exteriores

Adviser

J. Espinosa, Consejero de Ciencia y Economía, Sección de Intereses de Cuba, Washington

CZECHOSLOVAKIA

Head of the Delegation

I. Wiszczor, President, Federal Office for Inventions

Alternate Head of the Delegation

P. Vrba, Director of Division, Federal Office for Inventions

Delegate

M. Sládková, Expert, Federal Office for Inventions

DENMARK

Head of the Delegation

P.L. Thoft, Director General, Industrial Property Department

Delegates

L. Østerborg, Head of Division, Industrial Property Department

S.C. Pedersen, Secretary, Industrial Property Department

EGYPT

Head of the Delegation

M.Y. Saada, Vice-President, Academy of Scientific Research and Technology

Delegate

H. Derar, Counsellor, Embassy of Egypt, Washington

FINLAND

Head of the Delegation

J. Liedes, Special Government Adviser, Ministry of Education

Delegates

H. Wager, Government Secretary, Ministry of Education

H. Riih , Head of Department, Confederation of Finnish Industries

K.O. J msen, Counsellor, Embassy of Finland, Washington

FRANCE

Head of the Delegation

E. de Margerie, Ambassadeur, Ambassade de France   Washington

Alternate Heads of the Delegation

J.-C. Combaldieu, Directeur du Service de la propri t  industrielle et Directeur g n ral de l'Institut national de la propri t  industrielle

M. Guerrini, Magistrat, Directeur g n ral adjoint, Charg  des affaires internationales   l'Institut national de la propri t  industrielle

Delegates

M. Giacomini, Direction des affaires juridiques, Minist re des affaires  trang res

B. Vidaud, Attach e   la Direction de l'Institut national de la propri t  industrielle

GERMAN DEMOCRATIC REPUBLIC

Head of the Delegation

F. Jonkisch, Head, Legal Division, Office for Inventions and Patents

Delegate

W. Hammer, Chairman of Senatorial Section III, Office for Inventions and Patents

GERMANY (FEDERAL REPUBLIC OF)

Head of the Delegation

J. Ruhfus, Ambassador Extraordinary and Plenipotentiary, Embassy of the Federal Republic of Germany, Washington

Alternate Head of the Delegation

A. Krieger, Director-General, Federal Ministry of Justice

Deputy Head of the Delegation

I.M. Koch, Head of Division, Federal Ministry of Justice

Advisers

A. K rber, Head, Patent Department, Siemens AG, Munich
T.K. Dreier, Head of Division, Max Planck Institute, Munich

H.-D. Ziegler, Counsellor and Consul General, Embassy of the Federal Republic of Germany, Washington

GHANA

Head of the Delegation

M.A.B.K. Amidu, PNDC Deputy Secretary of State for Justice

Alternate Heads of the Delegation

E. Otoo, Ambassador, Embassy of Ghana, Washington

D.M. Mills, Registrar-General, Registrar-General's Department, Ministry of Justice

Delegates

O.-T. Poku, Counsellor, Embassy of Ghana, Washington

A.M. Abdullah, Counsellor, Permanent Mission, Geneva

GREECE

Head of the Delegation

G. Papoulias, Ambassadeur, Ambassade de Grèce, Washington

Alternate Head of the Delegation

D. Boukouvalas, Directeur général adjoint de l'Organisation pour la propriété industrielle

Delegates

C. Margellou, Directeur des relations publiques de l'Organisation pour la propriété industrielle

A. Abariotou, Conseiller juridique, Ministère des affaires étrangères

GUATEMALA

Head of the Delegation

R. Rohmoser Valdeavellano, Embajador, Embajada de Guatemala, Washington

Alternate Head of the Delegation

R. Aguirre, Consejero Jurídico, Embajada de Guatemala, Washington

GUINEA

Delegate

O. Kaba, Directeur général, Bureau guinéen du droit d'auteur

HOLY SEE

Delegate

M.J. Hurley, Bishop, Congregation for Education, Vatican City

HONDURAS

Head of the Delegation

J.R. Hernández Alcerro, Embajador, Embajada de Honduras, Washington

Alternate Head of the Delegation

D. Villatoro-Hall, Consejero, Embajada de Honduras, Washington

HUNGARY

Head of the Delegation

Gy. Pusztai, President, National Office of Inventions

Delegates

J. Bobrovsky, Hcad, Legal and International Department, National Office of Inventions

Gy. Szemző, Deputy Head, Patent and Trademark Department, National Office of Inventions

L. Nyiri, Second Secretary, Embassy of Hungary, Washington

Z. Huszka, Technical Director, Microelectronics Co.

T.F. Toth, Counsellor, Hungarian Academy of Sciences

INDIA

Head of the Delegation

P.K. Kaul, Ambassador, Embassy of India, Washington

Deputy Head of the Delegation

G. Soni, Director (Technical), Department of Electronics, Ministry of Science and Technology

Delegates

S. Chandra, Joint Secretary and Legal Adviser, Ministry of Law and Justice

A. Malhotra, First Secretary (Political), Permanent Mission, Geneva

INDONESIA

Head of the Delegation

A.R. Ramly, Ambassador Extraordinary and Plenipotentiary, Embassy of Indonesia, Washington

Alternate Head of the Delegation

N. Kansil, Director General of Copyrights, Patents and Trademarks, Department of Justice

Delegates

S. Kayatmo, Deputy Head for Technological Science, Indonesian Institute of Sciences

B. Subardjo, First Secretary, Permanent Mission, Washington

IRELAND

Head of the Delegation

R. Long, Principal Officer, Department of Industry and Commerce

Delegates

F. Clarke, Assistant Principal Officer, Department of Industry and Commerce

P. Mooney, Legal Assistant, Office of the Attorney General

ISRAEL

Head of the Delegation

M. Gabay, Civil Service Commissioner; Chairman, Copyright and Patent Laws Revision Committees

Delegate

S. Cohen, Attorney-at-Law; Chairman, Registered Designs Act Revision Committee

ITALY

Head of the Delegation

M.G. Fortini, Ministre plénipotentiaire, Délégué aux accords de propriété intellectuelle

Deputy Head of the Delegation

R. Foglia, Conseiller de la Cour de cassation

Delegates

A. Blefari Schneider, Premier Conseiller, Ambassade d'Italie, Washington

A. Forleo, Présidence du Conseil des ministres

S. Benazzo, Conseiller commercial, Ambassade d'Italie, Washington

G. De Sanctis, Expert, Office central des brevets

JAPAN

Head of the Delegation

N. Akao, Minister, Embassy of Japan, Washington

Alternate Head of the Delegation

H. Saeki, Director for Machinery and Information Industries Policy Planning, Ministry of International Trade and Industry

Delegates

M. Harada, Officer, Treaties Bureau, Ministry of Foreign Affairs

T. Arai, Officer, United Nations Bureau, Ministry of Foreign Affairs

S. Seki, Assistant Director, Information Processing Promotion Division, Ministry of International Trade and Industry

H. Ishii, Second Secretary, Embassy of Japan, Washington

Adviser

Z. Kitagawa, Dean, Faculty of Law, Kyoto University

JORDAN

Delegate

M. Khreisat, Director General of Trade Registration and Industrial Property Protection, Ministry of Industry and Trade

LESOTHO

Delegate

T. van Tonder, Ambassador, Embassy of Lesotho, Washington

LIBERIA

Delegate

G.G. Gbarwou, Assistant Minister, Ministry of Foreign Affairs

LIBYA

Head of the Delegation

S.A. El Huni, Adviser, Treaty and Legal Department, The People's Bureau for Foreign Liaison and International Cooperation

Delegate

M.F. Abusaid, Assistant University Professor; Joint Electronic Adviser, Industrial Research Center

LIECHTENSTEIN

Delegate

K. Hoechner, Conseiller, Ambassade de Suisse, Washington

LUXEMBOURG

Head of the Delegation

A. Philippe, Ambassadeur extraordinaire et plénipotentiaire, Ambassade du Luxembourg, Washington

Deputy Head of the Delegation

A. Conzemius, Conseiller, Ambassade du Luxembourg, Washington

MADAGASCAR

Delegate

J. Velontrasina, Chef du Service des études juridiques et de la protection des résultats, Ministère de la recherche scientifique et technologique pour le développement

MEXICO

Head of the Delegation

R. Villarreal Gonda, Director General de Desarrollo Tecnológico, Secretaría de Comercio y Fomento Industrial

Alternate Head of the Delegation

J.L. Bernal, Consejero, Embajada de México, Washington

Delegate

A. Fuchs, Segundo Secretario, Misión Permanente de México ante los Organismos Internacionales, Ginebra

Advisers

M. del C. Calzada Fernández, Subdirectora de Invenciones, Dirección General de Desarrollo Tecnológico, Secretaría de Comercio y Fomento Industrial

J.M. Garduno Rubio, Director, Centro de Tecnología de Semiconductores, Cinvestav-IPN

NETHERLANDS

Head of the Delegation

E. Lukacs, Legal Adviser, Ministry of Justice

Deputy Head of the Delegation

J.M. Meijer van der Aa, Legal Adviser, Ministry of Justice

Delegate

M. Martin, Permanent Member of the Board of Appeal, Netherlands Patent Office

NEW ZEALAND

Delegate

K. Sutton, First Secretary (Trade), Embassy of New Zealand, Washington

NIGERIA

Head of the Delegation

E.O. Jegede, Registrar of Patents, Trade Marks and Designs, Federal Ministry of Trade

Delegate

O.A. Araba, Principal Analyst, National Office of Industrial Property

NORWAY

Head of the Delegation

K. Vibe, Ambassador, Embassy of Norway, Washington

Delegate

J. Bing, Professor, Faculty of Law, University of Oslo

PAKISTAN

Delegate

M. Ishaque, Joint Electronics Adviser, Ministry of Science and Technology

PERU

Head of the Delegation

C. Atala, Embajador, Embajada del Perú, Washington

Delegates

- J. Barrera Delgado, Director General del Instituto de Investigación Tecnológica Industrial y de Normas Técnicas (ITINTEC)
 J.A. Tenorio, Jefe adjunto de Misión, Embajada del Perú, Washington
 M. Balarezo Lizaraburu, Segundo Secretario, Embajada del Perú, Washington

PHILIPPINES

Head of the Delegation

- R.Ch. Rabe, Minister (Deputy Chief of Mission), Embassy of the Philippines, Washington

Delegates

- E.A. Manalo, First Secretary, Embassy of the Philippines, Washington
 L.M. Duka, Assistant Director, Bureau of Patents, Trademarks and Technology Transfer

Adviser

- R.S. Velasco, Second Secretary, Embassy of the Philippines, Washington

POLAND

Delegate

- C. Ambroziak, Counsellor for Science and Technology, Embassy of Poland, Washington

PORTUGAL

Head of the Delegation

- J.E. Monteverde Percira Bastos, Ambassadeur extraordinaire et plénipotentiaire, Ambassade du Portugal, Washington

Alternate Head of the Delegation

- J. Mota Maia, Directeur général de l'Institut national de la propriété industrielle

Delegates

- R.A. Costa de Morais Serrão, Directeur de services, Institut national de la propriété industrielle
 J. Pereira da Cruz, Agent officiel de la propriété industrielle

REPUBLIC OF KOREA

Head of the Delegation

- H.S. Park, Commissioner, Korea Industrial Property Office, Ministry of Trade and Industry

Alternate Head of the Delegation

- D.-Y. Chung, Commercial Attaché, Embassy of the Republic of Korea, Washington

Delegates

- J.-S. Shin, First Secretary, Embassy of the Republic of Korea, Washington
 T.-C. Choi, Attaché, Permanent Mission, Geneva
 H.-W. Kim, Deputy Director, Electronic Components and Parts Division, Ministry of Trade and Industry
 M.-K. Lee, Deputy Director, Information Industry Division, Ministry of Science and Technology
 C.-W. Lee, Assistant Director, International Cooperation Division, Korea Industrial Property Office

SENEGAL

Head of the Delegation

- I.D. Ka, Ambassadeur, Ambassade du Sénégal, Washington

Alternate Head of the Delegation

- I. Gaye, Conseiller culturel, Ambassade du Sénégal, Washington

Delegates

- A. Ndiaye, Conseiller technique, Ministère du développement industriel et de l'artisanat
 A.M. Dieng, Chef du Service de la propriété intellectuelle, Ministère du Développement industriel et de l'artisanat

SOVIET UNION

Head of the Delegation

- L.E. Komarov, First Deputy Chairman of the State Committee for Inventions and Discoveries

Delegates

- V.M. Ushakov, Director, International Cooperation Department, State Committee for Inventions and Discoveries
 V.V. Varfolomeev, Chief Engineer, All-Union Research Institute of State Patent Examination
 N.S. Popov, Head of Patent Division, Ministry of Electronic Industries
 V.I. Matsarsky, Second Secretary, Advanced Technologies Division, Ministry of Foreign Affairs

SPAIN

Head of the Delegation

- A. Casado Cerviño, Subdirector, Registro de la Propiedad Industrial

Alternate Head of the Delegation

- M. Lorenzo, Consejero Comercial, Embajada de España, Washington

Delegates

- D. Vila Robert, Jefe, Area Modelos y Semiconductores, Departamento de Patentes y Modelos, Registro de la Propiedad Industrial
 I. Llodio Lechuga, Jefe de Servicio de Difusión, Departamento de Información Tecnológica, Registro de la Propiedad Industrial
 J. Ruja Mora-Rey, Director de Programas para Relaciones con la CEE y la OEP, Departamento de Estudios y Relaciones Internacionales, Registro de la Propiedad Industrial

Alternate Delegate

- M. Hidalgo Llamas, Jefe de Servicio, Departamento de Estudios y Relaciones Internacionales, Registro de la Propiedad Industrial

SRI LANKA

Delegate

- K. Jayasinghe, Registrar, Registry of Patents and Trademarks

SWEDEN

Head of the Delegation

- M. Göransson, Assistant Under-Secretary, Ministry of Justice

Alternate Head of the Delegation

- R. Halvorsen, Legal Adviser, Ministry of Justice

Delegate

- J.-E. Bodin, Head of Division, Royal Patent and Registration Office

Adviser

- A. Ryberg, Legal Adviser, Federation of Swedish Industries

SWITZERLAND

Head of the Delegation

J.-L. Comte, Directeur de l'Office fédéral de la propriété intellectuelle

Alternate Head of the Delegation

C. Govoni, Chef, Service du droit d'auteur, Office fédéral de la propriété intellectuelle

Delegates

K. Hoechner, Conseiller d'Ambassade, Ambassade de Suisse à Washington

C. Orga, Premier Secrétaire, Ambassade de Suisse à Washington

SYRIA

Head of the Delegation

N. Chaalan, Minister-Counsellor, Permanent Mission, Geneva

Delegate

R. Mitri, Director, Directorate of Industrial and Commercial Property, Ministry of Supply and Internal Trade

THAILAND

Head of the Delegation

V. Vejajiva, Ambassador Extraordinary and Plenipotentiary, Embassy of Thailand, Washington

Alternate Head of the Delegation

S. Jaovisidha, Deputy Director-General, Department of Commercial Registration, Ministry of Commerce

Delegates

Y. Phuagrach, Legal Counsellor, Department of Commercial Registration, Ministry of Commerce

S. Rattanasuwan, Head, Patent Examination Section, Department of Commercial Registration, Ministry of Commerce

B. Limschoon, Second Secretary, Department of Economic Affairs, Ministry of Foreign Affairs

Alternate Delegate

K. Lamubol, Senior Policy and Plan Analyst, Technology Transfer Center, Ministry of Science, Technology and Energy

TOGO

Delegate

J. Apam Kwassi, Directeur de cabinet, Ministère de la culture

TRINIDAD AND TOBAGO

Delegate

G. Thompson, Second Secretary, Embassy of Trinidad and Tobago, Washington

TUNISIA

Delegate

H. Tebourbi, Secrétaire, Mission permanente, Genève

TURKEY

Delegate

C. Aysun, Conseiller auprès de l'Ambassade de Turquie, Washington

UNITED KINGDOM

Head of the Delegation

V. Tarnofsky, Assistant Comptroller, Patent Office, Department of Trade and Industry

Alternate Head of the Delegation

J.P. Britton, Superintending Examiner, Patent Office, Department of Trade and Industry

Delegates

D.M. Haselden, Senior Examiner, Patent Office, Department of Trade and Industry

A.C. Waters, Deputy Principal Solicitor, Registrar General's Department, Hong Kong

Adviser

R.J. Boxall, Industry Representative

UNITED REPUBLIC OF TANZANIA

Head of the Delegation

A.M. Hyera, Ambassador Extraordinary and Plenipotentiary, Embassy of the United Republic of Tanzania, Washington

Alternate Head of the Delegation

K. Juma Suedi, First Counsellor (Economic Affairs), Permanent Mission, Geneva

UNITED STATES OF AMERICA

Head of the Delegation

R. Oman, Register of Copyrights, Library of Congress

Alternate Delegates

M. Keplinger, Attorney Adviser, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

D. Schrader, General Counsel, Copyright Office, Library of Congress

Executive Secretary

H.J. Winter, Director, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State

Congressional Adviser

The Hon. R.W. Kastenmeier, Chairman, Subcommittee on Courts, Intellectual Property and the Administration of Justice, Judiciary Committee, United States House of Representatives

Congressional Staff Advisers

J.D. Nuechterlein, Counsel, Senate Judiciary Committee, United States Senate

M. Remington, Counsel, Subcommittee on Courts, Intellectual Property and the Administration of Justice, Judiciary Committee, United States House of Representatives

J. Wolfe, Counsel, Subcommittee on Courts, Intellectual Property and the Administration of Justice, Judiciary Committee, United States House of Representatives

Advisers

K. Dunlap, Attorney-Adviser, General Counsel's Office, Copyright Office

C. Field, Associate General Counsel, Office of the United States Trade Representative, Executive Office of the President

A.P. Harrison, Assistant Register of Copyrights, Copyright Office, Library of Congress

H.L. Graham, International Economist, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State

R. Owens, Attorney Adviser, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

- W. Patry, Policy Planning Adviser, Copyright Office, Library of Congress
 E. Simon, Director for Intellectual Property, Office of the United States Trade Representative, Executive Office of the President
 W.H. Skok, International Economist, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State
 G. Taft, Attorney, Office of the Legal Adviser, Department of State

Private Sector Advisers

- E.W. Brown, Semiconductor Industry Association, Washington
 W.C. Cray, Semiconductor Industry Association, Washington
 R.M. Gadbow, Semiconductor Industry Association, Washington

URUGUAY

Head of the Delegation

- H. Luisi, Embajador, Embajada de Uruguay, Washington

Delegates

- J.L. Aldabalde, Consejero, Embajada de Uruguay, Washington
 R. González Arenas, Segundo Secretario, Misión Permanente de Uruguay, Ginebra
 C. Irigaray, Segundo Secretario, Embajada de Uruguay, Washington

VENEZUELA

Delegate

- P. Esqueda, Presidente del Instituto de Ingeniería, Ministerio de Fomento

YEMEN ARAB REPUBLIC

Delegate

- S. Al-Nashad, First Secretary, Embassy of the Yemen Arab Republic, Washington

YUGOSLAVIA

Head of the Delegation

- B. Pajković, Deputy Director, Federal Patent Office

Deputy Head of the Delegation

- B. Pretnar, Assistant to the President of the Republic Committee for Research and Development and Technology

Delegate

- S. Marković, Assistant Professor of Law; Counsellor at the Federal Patent Office

ZAMBIA

Delegate

- J.M.C. Kunkuta, Registrar of Business Names, Companies, Patents, Trade Marks and Designs, Ministry of Commerce and Industry

EUROPEAN COMMUNITIES (EC)

Head of the Delegation

- F. Braun, Director-General for Internal Market and Industrial Affairs

Deputy Head of the Delegation

- F.P. Klein, Special Adviser to the Vice-President of the Commission

Delegates

- L. Briet, Head of Service, Directorate-General for Internal Market and Industrial Affairs
 M.J. Jonczy, Legal Adviser, Legal Service of the Commission
 M. Langer, Principal Administrator, Directorate-General for Internal Market and Industrial Affairs
 A. Haagsma, First Secretary (Legal Affairs), Delegation of the Commission of the European Communities, Washington
 E. Nooteboom, Administrator, Directorate-General for Internal Market and Industrial Affairs
 A. Howard, Expert, Directorate-General for Internal Market and Industrial Affairs
 A. Staioes, Legal Adviser, Directorate-General for Telecommunications, Information Industries and Innovation
 V. Scordamaglia, Director, Secretariat-General of the Council
 H. Kunhardt, Principal Administrator, Secretariat-General of the Council
 O. Petersen, Principal Administrator, Secretariat-General of the Council
 J. Huber, Principal Administrator, Legal Service of the Council
 J. Reinbothe, Principal Administrator, Directorate-General for Internal Market and Industrial Affairs
 M.-T. Korzelius, Administrator (Legal Affairs), Delegation of the Commission of the European Communities, Washington

II. Observer Delegation

KUWAIT

Delegate

- M.M. Mansour, Legal Adviser, Ministry of Information

III. Intergovernmental Organizations

United Nations (UN)

- G. Schumann, Associate Expert, United Nations Centre on Transnational Corporations

Latin American Economic System (SELA)

- C. Mazal, Representante Especial, Caracas

Organization of African Unity (OAU)

- N. Hached, Ambassador, Permanent Observer to the United Nations, Geneva

Permanent Secretariat of the General Treaty for Central American Integration (SIECA)

- P.A. Delgado, Member, Consultative Committee

IV. International Non-Governmental Organizations

- American Bar Association (ABA):* J. Jaocio, Jr. (Senior Counsel, Intellectual Property Law, IBM Corporation); C.F.

Koenig, III (Attorney-at-Law, Philadelphia); P.A. Lyons (Attorney-at-Law, Washington)

American Intellectual Property Law Association (AIPLA): R.T. Reiling (Committee on Computer Software)

Arab Society for the Protection of Industrial Property (ASPIP): T. Abu-Ghazaleh (President)

Committee of National Institutes of Patent Agents (CNIPA): J. Betten (Patent Attorney); H.-E. Böhmer (Patent Attorney); W. von Willich (Patent Attorney)

Computer and Business Equipment Manufacturers Association (CBEMA): J. Jancin, Jr. (Senior Counsel, Intellectual Property Law, IBM Corporation); R.T. Reiling (Digital Equipment Corporation)

Computer Law Association, United States of America (CLA): R.S. Laurie (Attorney-at-Law); D.T. Brooks (President)

Electronics Industry Association of Japan (EIAJ): M. Shinoda (General Manager, Business Development, Fujitsu Ltd.); T. Kato (Manager, Washington Patent Office of Toshiba America, Inc.)

Electronics Industry Association of Korea (EIAK): K.W. Han (Vice-Chairman); S.H. Song (Professor, Law School, Seoul National University); D.Y. Choi (Manager, Semiconductor Division, Samsung Electronic Co.)

Intellectual Property Committee, United States of America (IPC): J.J. Gorlin (Independent Consulting Economist); J. Jancin, Jr. (Senior Counsel, Intellectual Property Law, IBM Corporation)

Intellectual Property Owners, Inc., United States of America (IPO): J. Jancin, Jr. (Senior Counsel, Intellectual Property Law, IBM Corporation); R.E. Myrick (Assistant General Counsel, Digital Equipment Corporation); H.C. Wamsley (Executive Director)

Inter-American Association of Industrial Property (ASIPI): J. Barreda Z. (President of the Executive Committee)

International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): G.E. Weston (President); W.T. Fryer, III (Secretary)

International Association for the Protection of Industrial Property (AIPPI): R.S. Laurie (Attorney-at-Law, Menlo Park, California); T. Mollet-Vieville (Assistant du Rapporteur général)

International Chamber of Commerce (ICC): S. Bernhard (Attorney, Stockholm); D. Bonham-Yeaman (Associate Professor, College of Business Administration, Florida International University); J. Jancin, Jr. (Senior Counsel, Intellectual Property Law, IBM Corporation); R.S. Laurie (Attorney-at-Law, Menlo Park, California)

International Copyright Society (INTERGU): B.G. Joseph (Attorney-at-Law, Washington); D. Ladd (Attorney-at-Law, Washington)

International Federation of Industrial Property Attorneys (FICPI): H. Bardehle (Président d'honneur); T. Jennings

(Rapporteur spécial de la Commission d'étude et de travail); J. Orchard (Rapporteur spécial de la Commission d'étude et de travail); K. Raffnsoe (Président de la Commission d'étude et de travail)

International Literary and Artistic Association (ALAI): J.M. Kernochan (Professor, Columbia University School of Law, New York); V. Nabhan (Professeur de droit, Université Laval, Sainte-Foy, Québec)

International Patent and Trademark Association, United States of America (IPTA): R.S. Laurie (Attorney-at-Law, Menlo Park, California)

Istituto Nazionale per la Difesa, Identificazione e Certificazione dei Marchi Autentici, Italy (INDICAM): L. Bosotti (Engineer, Turin)

Korean Intellectual Property Research Society, Republic of Korea (KIPS): S.H. Song (Honorary President)

Patent and Trademark Institute of Canada (PTIC): E.J. McKhool (President); R.C. Hogeboom (Chairman, Committee on Computer-Related Technology)

Semiconductor Industry Association, United States of America (SIA): D. Hatano (Counsel); R. Merrett (Attorney-at-Law, Texas Instruments, Inc.); D. Sanders (General Counsel, LSI Logic Corporation); W. Ellis (Assistant Counsel, LSI Logic Corporation); W. Troner (Attorney-at-Law, Harris Semiconductor Corporation)

Union of European Practitioners in Industrial Property (UEPIP): J. Betten (Patent Attorney); H.-E. Böhmer (Patent Attorney)

V. Officers and Committees

Conference

President: R. Oman (United States of America)
 Vice-Presidents: Gao Lulin (China); M.Y. Saada (Egypt); A. Krieger (Germany (Federal Republic of)); N. Akao (Japan); R. Villarreal Gonda (Mexico); L.E. Komarov (Soviet Union); V. Tarnofsky (United Kingdom)
 Secretary: L. Baeumer (WIPO)

Credentials Committee

Chairman: M.G. Fortini (Italy)
 Vice-Chairmen: F. Jonkisch (German Democratic Republic); A.M. Dieng (Senegal)
 Secretary: G. Ledakis (WIPO)

Members: Australia, Czechoslovakia, Ghana, India, Norway, Philippines, Syria, Uruguay

Main Committee

Chairman: K. Juma Suedi (United Republic of Tanzania)
 Vice-Chairmen: K. Iliev (Bulgaria); J.-L. Comte (Switzerland)
 Secretary: F. Curchod (WIPO)

Drafting Committee

Chairman: Gy. Pusztai (Hungary)

Vice-Chairmen: M. Khreisat (Jordan); A. Casado Cerviño (Spain)

Secretary: F. Gurry (WIPO)

Members: Argentina, China, France, Soviet Union, United Kingdom

Ex officio: Chairman of the Main Committee: K. Juma Suedi (United Republic of Tanzania)

VI. International Bureau of the World Intellectual Property Organization (WIPO)

A. Bogsch, Director General

L. Bacumer, Director, Industrial Property Division

F. Curchod, Director of the Office of the Director General

G. Ledakis, Legal Counsel

F. Gurry, Head, Industrial Property Law Section, Industrial Property Division

M. Qayoom, Senior Program Officer, External Relations Bureau

Li Jiahio, Senior Counsellor, External Relations Bureau

O. Espinosa, Senior Legal Officer, Industrial Property Division

M. Achkar, Translator-Reviser, Languages Section

P. Andrews, Senior Translator, Languages Section

I. Pérez-Fernández, Translator-Reviser, Languages Section

P. Sihlé, Translator-Reviser, Languages Section

N. Tchouvaev, Translator-Reviser, Languages Section

A. Diamond, Head, Registry, Documents and Meetings Service

C. Claa, Senior Administrative Assistant, Registry, Documents and Meetings Service

WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights

Permanent Committee

Eighth Session

(Geneva, April 3 to 7, 1989)

NOTE*

The WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights, which meets every two years, held its eighth session in Geneva, from April 3 to 7, 1989. Since the last session held in 1987, eight States, namely Argentina, Guinea-Bissau, Lesotho, Swaziland, Trinidad and Tobago, Viet Nam, Zaire and Zimbabwe, have become members of the Permanent Committee, bringing the present total membership of the said Committee to 86 States.

Fifty-two States members of the Committee were represented at the session, while seven States were represented by observers. Furthermore, observers from two intergovernmental organizations and eight international and national non-governmental organizations participated in the meeting.

The list of participants follows this note.

At the opening, the Secretariat drew attention to the fact that during the 10-year 1978-1988 period, 55 developing countries had enacted new legislation or had significantly revised their copyright laws and modified or reinforced them. During the same 10-year period, 85 seminars, workshops and courses had been organized by WIPO for developing countries involving over 4,000 participants in more than 100 developing countries.

The discussions at the session were based on documents prepared by the International Bureau. Those documents dealt with the Review and Evaluation of the Activities under the Permanent Program in 1987 and 1988 (Development of Human Resources; Development of National Legislation and Infrastructure; Information Meetings and Seminars: Regional and National); State of Accessions to or Ratifications of Treaties on Copyright and Neighboring Rights; Cooperation Among Develop-

ing Countries; and the Permanent Program in 1990 and 1991.

In their statements, all the delegations which spoke made special reference to WIPO's activities as regards development cooperation related to copyright and neighboring rights for the benefit of developing countries in the 1987-1988 period and expressed their satisfaction with the assistance that their countries had received from WIPO under its development cooperation program. Mention was specifically made of the development of human resources, the advice and assistance given on legislation and institution-building, and the organization of national, regional and subregional workshops, seminars and meetings. The wish was expressed that the International Bureau should continue and increase its development cooperation activities. The delegations also expressed appreciation of the support received from donor countries and organizations, and called for the continuation and expansion of such support. The delegations of industrialized and socialist countries as well as of a number of developing countries and of organizations which spoke referred to the assistance which they had, through WIPO, extended to developing countries and pledged the continuation of such assistance and, where feasible, its expansion. Such assistance would as in the past take the form, among others, of training, dispatch of experts or speakers as WIPO consultants, and holding of international congresses on copyright.

The Permanent Committee noted with appreciation the policy of WIPO to draw up medium-term plans with all interested governments for the training of personnel who are, or will be, in charge of the administration of copyright and for the provision of assistance.

A number of delegations stressed the need for an equitable geographical distribution of training and other activities undertaken by WIPO in the field of development cooperation. They stressed the importance of training persons who could, in the future, train others and also the importance of organizing study visits for developing country officials to other

* Prepared by the International Bureau.

countries, of setting up copyright infrastructures, of providing information on copyright matters to the general public and of continuing, on a regular basis, congresses and courses in the different regions.

A number of delegations underlined the importance of the activities relating to information about copyright and the creation of awareness about this branch of law and suggested certain measures which could be considered for increasing such awareness. Some of the delegations expressed particular satisfaction that the International Bureau is now publishing, in Spanish, its gazette on copyright matters. The title of the new periodical is *Derecho de Autor*.

As regards future activities, all the delegations which spoke supported the aims and objectives of WIPO's Permanent Program Related to Copyright and Neighboring Rights envisaged for the 1990-91 biennium. A number of delegations stressed the importance of assistance to be provided on the development of legislation for the protection of expressions of folklore and the organization of courses on piracy and ways to prevent and fight it. Some delegations requested WIPO to study the feasibility of setting up permanent teaching institutions in different regions in order to facilitate education in theoretical as well as practical aspects of copyright. A number of delegations stressed the importance of the work of WIPO on the establishment of model provisions for legislation in the field of copyright and also suggested that the model provisions should be studied in regional seminars.

LIST OF PARTICIPANTS

I. Member States

Algeria: S. Abada. Angola: F.M. Da Costa. Argentina: H. Relondo; A. Trombetta. Benin: B.-Y. Saibou. Brazil: P.R. de Almeida. Bulgaria: M. Popov. Burkina Faso: A.R. Palenfo. Cameroon: V. Mbette Mbongue. Central African Republic: G. Danzi. Chad: M. Bello. Cbife: J. Acuña; P. Romero. Colombia: F. Zapata López; L.A. Luna. Côte d'Ivoire: K. Adjoumani; N.A. N'Takpe. Egypt: N. Gabr. El Salvador: S. Morales; M.A. Gallegos. France: N. Renaudin. Gambia: M.A. Ceesay. Ghana: H.O. Blavo; M. Abdullah. Guinea: O. Kaba. Guinea-Bissau: J.W. Barbosa de Oliveira. Haiti: S. Theard Mevs. Honduras: N. Valenzuela. Hungary: P. Gyertyánfy. India: L. Puri. Japan: M. Kitani. Jordan: O.M. Mikdadi. Kenya: N. Cheluget. Lesotho: T. Kikine. Malawi: A.D.M. Makalani; F.S.D. Katerera. Mali: M. Coulibaly. Mexico: J.M. Morfin Patraca; A. Fuchs. Niger: A. Hassan. Pakistan: M.A. Siddiqui. Peru:

G. León y León Durán. Portugal: A.Q. Ferreira. Saudi Arabia: A. Al-Yousef. Soviet Union: G. Kondakov; V. Blatov. Sudan: A.A. Elsayed. Sweden: K. Hökborg. Togo: Y.E. Amela. Trinidad and Tobago: J.E. George. Tunisia: H. Tebourbi. Turkey: A. Algan. United Kingdom: D.R. Irving. United Republic of Tanzania: R.B. Mngulwi; K.J. Suedi. United States of America: A.P. Harrison. Uruguay: J.C. Jaureguy; R. González Arenas. Viet Nam: Thüong Thuân; Ngo Dinh Kha. Yemen: M. Al-Qutaish. Zaire: G. Engwanda Mongbanga. Zambia: D.P. Kapaya. Zimbabwe: N. Mvere.

II. Observer States

Ecuador: R. Rivadeneira. Greece: A. Cambitsis. Kuwait: S. Ali Abdulla. Lebanon: H. Hamdan. Nigeria: G.E. Okafor. Panama: M. Saavedra Polo. Republic of Korea: T.-C. Choi.

III. Intergovernmental Organizations

United Nations Educational, Scientific and Cultural Organization (UNESCO): A. Raffray; A. Guilloi-Pingue. Agency for Cultural and Technical Cooperation (ACCT): A. Toure.

IV. International and National Non-Governmental Organizations

International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM): N. Ndiaye. International Confederation of Societies of Authors and Composers (CISAC): N. Ndiaye. International Copyright Society (INTERGU): U. Uchtenhagen. International Federation of Phonogram and Videogram Producers (IFPI): E. Thompson. International Group of Scientific, Technical and Medical Publishers (STM): J.-A. Koutchoumow; C. Clark. International Publishers Association (IPA): J.-A. Koutchoumow; C. Clark. International Secretariat for Arts, Mass Media and Entertainment Trade Unions (ISETU/FIET): J. Wilson. Sociedad Argeotioa de Autores y Compositores (SADAIC): L.D. Rodriguez Miglio.

V. Officers

Chairman: G. León y León Durán (Peru). Vice-Chairmen: P. Gyertyánfy (Hungary); D.R. Irving (United Kingdom). Secretary: C. Fernández Ballesteros (WIPO).

VI. International Bureau of the World Intellectual Property Organization (WIPO)

S. Alikhan (*Deputy Director General*); H. Olsson (*Director Copyright and Public Information Department*); C. Fernández Ballesteros (*Director, Developing Countries (Copyright Division)*).

Fourth International Congress on the Protection of Intellectual Property (of Authors, Artists and Producers)

(Guatemala City, April 27 to 29, 1989)

The Fourth International Congress on the Protection of Intellectual Property (of Authors, Artists and Producers) was held in Guatemala City, from April 27 to 29, 1989. It was organized by WIPO, the Government of Guatemala through the Ministry of Culture and Sports and the *Colegio de Abogados y Notarios de Guatemala*. About 520 persons principally from Guatemala but also from other Latin American countries participated in the Congress. WIPO was represented by Mr. Henry Olsson, Director, Copyright and Public Information Department, and Mr. Carlos Fernández Ballesteros, Director, Developing Countries (Copyright) Division.

The inauguration ceremony was attended by, among others, the President of the Republic, Dr. Marco Vinicio Cerezo Arévalo, the President of the Congress of the Republic, Dr. José Lobo Dubón, the President of the Judiciary and of the Supreme Court, Dr. Edmundo Vásquez Martínez,

and the Minister for Culture and Sports, Dr. Anaísel Prera Flores.

The Congress was opened by the President of the Republic and an inaugural address was delivered by a WIPO official.

The discussions at the Congress were based on 10 lectures presented by outstanding specialists mostly from Latin America. In addition, a roundtable discussion took place on "The Importance of Intellectual Property Rights in the Contemporary World." The inaugural address as well as most of the lectures and interventions are published in a book which was made available immediately after the closing of the Congress.

The various lectures were followed by an interesting and lively debate. Like the previous congresses, also this one has provided a useful opportunity for an exchange of information and for discussions about current copyright and neighboring rights topics both in general and in the Latin American context.

Obituary

Eugen Ulmer

Editor's Note: *More than a year ago, on April 26, 1988, Professor Dr. Eugen Ulmer died. Those who knew and appreciated him still cherish his memory. On January 27, 1989, a commemoration ceremony took place in the Plenarsaal at the Bavarian Academy of Sciences, in Munich. The following text is the reproduction of a eulogy read by Dr. Albrecht Krieger ("Ministerialdirektor" in the Federal Ministry of Justice, Bonn) at the ceremony.*

Dear Family Ulmer,
Ladies and Gentlemen,

We are gathered here today to pay tribute to a great man of learning in German and international law. Eugen Ulmer was one of the very great, an outstanding figure such as have become rare in the subsequent generations and to whom we younger people can only look up in reverence and admiration. His force of personality was such that no one could ignore him either in Germany or even at international level, and it was indeed his commitment to international activities that rendered an inestimable service to his country, far beyond the narrow bounds of his specialized field, following the years of the disaster in Germany. It is of that service that I would like to speak.

Since the war, both copyright and industrial property have been increasingly characterized by international development. It is at the international level that the formulation of domestic law increasingly finds its source. The fact that the Federal Republic of Germany today plays an outstanding part in these two fields of law, and indeed possibly the leading part, is assuredly due to the international activities of Eugen Ulmer.

As the representative of the Government of the Federal Republic of Germany at numerous international conferences, he employed his outstanding specialized knowledge, the striking brilliance of his art of formulation, his great talent for negotiation and, simply, the command and authority of his personality right up to a great age to make decisive contributions to progress in those two fields of law that were particularly dear to him.

1. Already in June 1951, he was literally thrown into battle by the Federal Government with the aim of preparing the draft of a Universal Copyright

Convention at the Sixth General Conference of Unesco in Paris. At that time, the Federal Republic of Germany was not even a member of Unesco and Eugen Ulmer, as the delegate of the Federal Republic of Germany, could only participate in the Conference as a simple observer. Nevertheless, despite his weak formal position, he exerted considerable influence on the drafting of the Universal Copyright Convention. He himself has recounted the episode in the "green periodical" [GRUR], with his typical vividness, but also with his typical modesty.

Above all, however, he already succeeded in taking first steps towards renewing the international relations to our country, that had been destroyed in the preceding unhappy period. In order to understand what Eugen Ulmer had taken upon himself we must try for one moment to imagine what that meant in a critical world that was still almost hostile or at best skeptical. The fact that he succeeded, by the force of his personality and his own great tact, in representing the vanquished country for the first time following the war at international level in this specialized field and, above all, in paving the way towards regaining the high esteem enjoyed by his country throughout the international community in the development of this field of law ever since the second half of last century, cannot be too highly thought of even when looking back after 38 years. Now that the Federal Republic of Germany again plays a recognized, leading part in the world in this field we should not forget that Eugen Ulmer was one of those who paved the way towards this achievement, that was by no means a foregone conclusion. We all owe to him a debt of gratitude.

2. This was followed by the Geneva Diplomatic Conference in August and September 1952 at which the Universal Copyright Convention was adopted. It was a clearly visible sign of the general recognition enjoyed by the activities of Eugen Ulmer both during the preparatory work and subsequently at the Conference itself, and despite the still extremely difficult situation of his country, that as representative of the Federal Republic of Germany he was elected a Vice President of the Conference.

3. In the ensuing period, Eugen Ulmer was appointed by the Federal Government to represent the Federal Republic of Germany in meetings of the Intergovernmental Committee of the Universal Copyright Convention and, as from 1958, in the joint meetings of that Committee and of the Executive Committee of the Berne Union. It was a particular highlight, at the Washington session in October 1957, when he was elected Deputy Chairman, and then in October 1959, at the session held in Munich, largely as a result of his initiative, when he was elected Chairman of both Committees. Up to 1971, he continued to represent the Federal Republic of Germany in the joint meetings of these two Committees on behalf of the Federal Government, and on every occasion was a credit to his country.

4. Long beforehand, Eugen Ulmer already participated in the preparatory work and consultations on the completely new international convention for the protection of performers, producers of phonograms and broadcasting organizations. This began, again on behalf of the Federal Government, in March 1957 already when he participated as the expert from the Federal Republic of Germany in the meeting of the Committee of Experts of the Berne Union and of Unesco, held in Monaco, and at the subsequent Conference of that Committee in May 1960 in The Hague, until he finally acted as Head of the German Delegation at the Diplomatic Conference held in Rome from October 10 to 16, 1961, on the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, as one of the Vice Presidents of the Conference and as Chairman of Working Group II, where he had considerable influence on the outcome of the Conference. It is indeed since that Conference that the Federal Republic of Germany has been altogether identified with Eugen Ulmer in that field of copyright that was so decisively shaped by him.

5. However, his greatest international recognition was earned by Eugen Ulmer as a result of his considerable efforts in the continued development of the Berne Convention for the Protection of Literary and Artistic Works. This began with the international discussions on the preparation of the remarkable Stockholm Diplomatic Conference, that had begun in 1963 already and in which he, as Head of the German Delegation, had always taken a leading part, in some cases indeed as Chairman of the preparatory meetings.

The Stockholm Diplomatic Conference, that lasted for almost five weeks during June and July 1967, led to the establishment of the World Intellectual Property Organization that, on December

17, 1974, became the 14th of what are now 16 specialized agencies of the United Nations, and at which the Director General of that Organization, Dr. Arpad Bogsch, who is with us today to my greatest pleasure, already earned for himself a lasting place in the history of the protection of intellectual property.

With the exception of Kurt Haertel, who is also with us today, he is indeed that person amongst us who has for the longest time shared the endeavors of Eugen Ulmer in close, trusting and friendly collaboration in order to preserve and develop international copyright. As he recalled to me just now, a fact of which I was unaware, he had already met Eugen Ulmer in 1948 at the Brussels Diplomatic Conference for the Revision of the Berne Convention as he took part for the first time in a diplomatic conference, accompanied by an officer of the British forces of occupation, on behalf of a Germany that was as yet unable to act legally. In 1951, at the Sixth General Conference of Unesco in Paris, it was Arpad Bogsch, in the Unesco Secretariat, who created the conditions for congenial collaboration with Eugen Ulmer in the shaping of the draft for the Universal Copyright Convention, and in 1969 in Stockholm Eugen Ulmer also made his contribution to the establishment of the World Intellectual Property Organization. The establishment of that World Organization was perhaps the altogether most significant event in the field of international protection of industrial property in this century and is inseparably bound up with the names of Arpad Bogsch and Eugen Ulmer. We are therefore all the more appreciative today of the fact that Dr. Arpad Bogsch, who has now been the Director General of the World Intellectual Property Organization for many years, has insisted in coming to Munich for this act of remembrance, to pay a last homage to Eugen Ulmer.

At the Stockholm Conference, however, the entire responsibility for the revision of the substantive provisions of the Berne Convention lay on the shoulders of Eugen Ulmer in his capacity as Chairman of Main Committee I of the Conference. I know from my own personal experience at that Conference how difficult it was for Eugen Ulmer, in view of the threatened departure of the developing countries from the Berne Union, in which most of them were of course only involved as former colonies, to adopt and assume responsibility for the solution of the Protocol Regarding Developing Countries that was finally decided by the Conference.

However, this Conference, like no other international event, clearly demonstrated to me the full measure of the personality of Eugen Ulmer and the esteem in which he had been held in the international family of copyright since 1951. His activity

was unreservedly recognized by all concerned as one of the highlights of the Conference.

6. His satisfaction was all the greater for the fact that the Protocol Regarding Developing Countries, that had had such a difficult birth at the Stockholm Conference, was not an international success and he was then able to play a decisive part in drawing the consequences of that lack of success. I can still remember quite clearly, although it is now 20 years ago, with what commitment all parties in the German Federal Parliament debated the ratification of that Protocol Regarding Developing Countries. The Foreign Committee and the Committee for Cultural Policy were in the majority against ratifying the Protocol whereas the Committee for Development Aid was in favor by a majority and the Legal Committee unanimously in favor. It was indeed then more of a coincidence that the second and third readings of the ratification law were removed from the agenda of the last plenary session of the German Federal Parliament before the end of the legislature on July 2, 1969, despite the decisions of the leading committees that recommended ratification and despite a last-minute intervention on the part of the unforgettable Carlo Schmid, since, in view of the fact that the Protocol was contested, a lengthy plenary debate was to be expected and the necessary time was simply not available on the last day of Parliament's term of office.

The hopes of the one side and the fears of the other thus suddenly lost their substance since the last plenary session of the legislature was also to be the last session of the Large Coalition in Bonn. The new Federal Government, which was a socialist-liberal coalition, tabled the old draft law for ratification of the results of the Stockholm Conference without the Protocol Regarding Developing Countries since the developing countries themselves, not least as a result of the favorable impression left by the intensive efforts of the Federal Republic of Germany in the establishment and ratification of the Protocol, had stated their willingness to wait for the further developments, that had already been put in hand, before taking a decision on their departure from the Berne Union.

It is also certainly thanks to Eugen Ulmer that the crisis in international copyright caused by the failure of the Protocol Regarding Developing Countries was overcome and settled at the joint diplomatic conferences for the revision of the Universal Copyright Convention and the Berne Convention for the Protection of Literary and Artistic Works in July 1971 in Paris, as a result of the forward-looking work of a study group which in autumn 1969 in Washington, again with the decisive participation of Eugen Ulmer, was able to indicate a first solu-

tion. He succeeded, through his personal efforts, in reconciling the widely divergent positions taken by the developing countries and the industrialized States in matters of international copyright and thereby ensuring truly worldwide international protection for copyright. His activities as Chairman of the Main Committee for the Revision of the Berne Convention at that Conference was both the culmination and conclusion of his international endeavors in the cause of copyright—he was at that time already 68 years of age.

7. The variety of his interests and of his activities on the international stage is indeed demonstrated by the fact that in 1973, at the age of 70, he not only participated in the Diplomatic Conference for the Protection of Type Faces, but also accepted the Chairmanship of the Main Committee of the Conference and was willing again to assume considerable responsibility. The fact that the Convention adopted by the Vienna Conference has still not entered into force in no way lessens the weight of his commitment nor in any way bars the great respect for his international endeavors. Only someone who has himself experienced the degree of concentration and of precision, the amount of patience, diplomacy in negotiating and, frequently, his disarming charm, the sum of technical knowledge and conviction, his impressive mastery of foreign languages and how much personal tactfulness and capacity to understand another person, and again the physical endurance, steadfastness and rigor deployed by Eugen Ulmer at the important diplomatic conferences in which he participated and which he helped to shape, with all their technical, political, tactical and, not least, human problems and imponderables—only such a person can truly appreciate what Eugen Ulmer has done for international copyright and, in so doing, for the international standing of the Federal Republic of Germany. By his altogether personal action on the international front of technical and political debate, in the true sense of the word, he has rendered a great service to his country.

All of us must be grateful to him, not only for that which he gave to us in a time of an increasingly disturbed relationship to our highest traditions and a time that was not blessed with outstanding figures who, like Eugen Ulmer, embody the stringent demands of science, impartial technical judgment, disciplined thinking, pregnant formulation and personal authority. His work will continue to have its effect and the duty is ours to continue that work so that we shall prove worthy of him.

(WIPO translation)

Calendar of Meetings

WIPO Meetings

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

1989

June 26 to July 3 (Paris)

Berne Union for the Protection of Literary and Artistic Works: Executive Committee (Extraordinary Session) (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)

The Committee will mainly review the activities undertaken and the meetings held since the Committee's last session (June 1987) as far as substantive issues of copyright protection are concerned.

Invitations: States members of the Executive Committee of the Berne Union and, as observers, other States party to the Berne Convention and certain organizations.

July 5 to 7 (Geneva)

Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations: Intergovernmental Committee (Ordinary Session) (convened jointly with ILO and Unesco)

The Committee will review the status of the international protection of neighboring rights under the Rome Convention.

Invitations: States members of the Intergovernmental Committee and, as observers, other States members of the United Nations and certain organizations.

September 25 to October 4 (Geneva)

Governing Bodies of WIPO and the Unions Administered by WIPO (Twentieth Series of Meetings)

All the Governing Bodies of WIPO and the Unions administered by WIPO meet in ordinary sessions every two years in odd-numbered years.

In the sessions in 1989, the Governing Bodies will, *inter alia*, review and evaluate activities undertaken since July 1988, and consider and adopt the draft program and budget for the 1990-91 biennium.

Invitations: States members of WIPO and the Unions and, as observers, other States members of the United Nations and certain organizations.

September 26 (Geneva)

Permanent Committee on Industrial Property Information (PCIPI) (Second Session)

The Committee will discuss its main activities and plans for the future.

Invitations: States and organizations members of the Committee and, as observers, certain other States and organizations.

October 9 to 13 (Moscow)

International Forum on the Role of Industrial Property in Economic Cooperation Arrangements (organized jointly with the State Committee for Inventions and Discoveries of the Soviet Union)

The Forum will deal with questions of industrial property in joint ventures among enterprises in industrialized and developing countries having different economic and social systems, and other cooperative economic arrangements, particularly in the field of the transfer of high technology, trade in goods bearing trademarks and franchizing of services.

Invitations: The Forum will be open to the public. Participants other than representatives of governments will be requested to pay a registration fee.

November 1 and 2 (Beijing)

Worldwide Symposium on the International Patent System in the 21st Century (organized jointly with the Chinese Patent Office)

The Symposium will be conducted in three half-day sessions, each dealing with one of the following three topics: internationalization of the patent system; computerization of the patent system; patent documentation, search and examination.

Invitations: States members of WIPO, certain intergovernmental organizations and non-governmental organizations having observer status in WIPO.

- November 6 to 10 (Geneva) **Committee of Experts on Model Provisions for Legislation in the Field of Copyright (Second Session)**
 The Committee will continue to consider proposed standards in the field of literary and artistic works for the purposes of national legislation on the basis of the Berne Convention for the Protection of Literary and Artistic Works.
Invitations: States members of the Berne Union or WIPO and, as observers, certain organizations.
- November 13 to 24 (Geneva) **Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions (Seventh Session)**
 The Committee will continue to examine a draft treaty on the harmonization of certain provisions in laws for the protection of inventions.
Invitations: States members of the Paris Union and, as observers, States members of WIPO not members of the Paris Union and certain organizations.

UPOV Meetings

(Not all UPOV meetings are listed. Dates are subject to possible change.)

1989

- October 16 (Geneva) **Consultative Committee (Fortieth Session)**
 The Committee will prepare the twenty-third ordinary session of the Council.
Invitations: Member States of UPOV.
- October 17 and 18 (Geneva) **Council (Twenty-third Ordinary Session)**
 The Council will examine the program and budget for the 1990-91 biennium, the reports on the activities of UPOV in 1988 and the first part of 1989.
Invitations: Member States of UPOV and, as observers, certain non-member States and intergovernmental organizations.

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

Non-Governmental Organizations

1989

- July 10 to 12 (Geneva) **International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting**
- September 21 to 23 (Corfu) **International Federation of Musicians (FIM): Congress**
- September 26 to 30 (Quebec) **International Literary and Artistic Association (ALAI): Congress**
- October 17 to 20 (Rome) **International Federation of Reproduction Rights Organisations (IFRRO): Annual General Meeting**

1990

- May 14 to 18 (Groningen) **International Confederation of Societies of Authors and Composers (CISAC): Legal and Legislative Committee**