

# Copyright

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WIPO 1994

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## Normative Activities of WIPO in the Field of Copyright

### Committee of Experts on the Settlement of Intellectual Property Disputes Between States

Sixth Session

(Geneva, February 21 to 25, 1994)

#### Introduction

1. The present document contains a revised draft of the proposed Regulations under the proposed Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property. (The draft of the proposed Treaty is contained in document SD/CE/VI/2.)<sup>1</sup> The revised draft of the proposed Regulations takes into account the comments of the Committee of Experts on the Settlement of Intellectual Property Disputes Between States that were made on the draft of the proposed Regulations presented at its fifth session in May 1993 (see document SD/CE/V/6, paragraphs 246 to 312).

2. The draft of the proposed Treaty and the draft of the proposed Regulations would both be submitted to the Diplomatic Conference, which would adopt the Treaty and the Regulations under the Treaty. Those Regulations could subsequently be reviewed by a Preparatory Committee, which could meet just before the entry into force of the Treaty and recommend changes to those Regulations for adoption by the Assembly at its first session. That session could be convened shortly after the Treaty entered into force.

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<sup>1</sup> See the text of the Draft Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property in *Copyright*, 1994, pp. 70 *et seq.*

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## PART A

### Introductory Rules

#### Rule 1

##### *Use of Terms and Abbreviated Expressions*

(1) ["Treaty"; "Article"; "Regulations"; "Rule"; "Paragraph"; "Guidelines"] In these Regulations, the word

(i) "Treaty" means the Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property;

(ii) "Article" refers to the specified Article of the Treaty;

(iii) "Regulations" means the Regulations under the Treaty;

(iv) "Rule" refers to the specified Rule of the Regulations;

(v) "Paragraph" refers to the specified paragraph of the Rule in which the paragraph containing the reference is located unless another Rule is specified in that paragraph;

(vi) "Guidelines" means the guidelines adopted by the Assembly.

(2) [*Use of Terms and Abbreviated Expressions Defined in the Treaty*] The terms and abbreviated expressions defined in Article 2 for the purposes of the Treaty shall have the same meaning for the purposes of the Regulations.

#### Rule 2

##### *Interpretation of Certain Words*

(1) ["Sender"; "Addressee"] Whenever the word "sender" or "addressee" is used in these Regulations, it shall be construed as meaning a Contracting Party, a party to the dispute, an intervening party, the Director General or the International Bureau that sends a communication or to whom a communication is addressed, unless the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used.

(2) ["Communication"] Whenever the word "communication" is used in these Regulations, it shall be construed as meaning the notification of the submission of a dispute, referred to in Article 2(2)(i) or (ii), the invitation to enter into consultations, referred to in Article 3(1), the reply to that invitation, referred to in Article 3(2), the notifications under Article 3(4) and (5), Article 4(3) and (4) and Article 7(4) and (5), the request for the good offices, conciliation or mediation of the Director General, referred to in Article 4(1)(b), the response to that request, referred to in Article 4(1)(c), the request for a procedure before a panel, referred to in Article 5(2), the summary accompanying that request, referred to in Article 5(2)(b)(iii), the answer to that request, referred to in Article 5(3), the notification by an intervening party, referred to in Article 5(8)(a), the comments on the report of the panel, referred to in Article 5(10)(b), the request for the establishment of an arbitration tribunal, referred to in Article 7(2)(i), and the reply to that request, referred to in Article 7(2)(ii), unless the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used.

## PART B

### Rules Concerning Several Articles of the Treaty

#### Rule 3

##### *Languages of Communications*

(1) [*Communications to a Party to a Dispute*]

(a) Any communication addressed by a party to a dispute to another party to that dispute may be in any language chosen by the sender, provided that, if that language is not a language that is an official language of the addressee, the communication shall be accompanied by a translation in an official language of the addressee, prepared by the sender, unless the addressee agrees to accept that communication in a language other than its official language.

(b) Any communication addressed by the Director General or the International Bureau to a party to a dispute or to an intervening party shall be, at the option of the Director General or the International Bureau, in English or French; however, where that communication is in response to a communication addressed by such party to the Director General or the International Bureau in English or in French, the former communication shall be in the language of the latter communication.

(2) [*Communications to the Director General or the International Bureau*] Any communication addressed to the Director General or the International Bureau by a party to a dispute or by an intervening party

may be in such language as that party chooses, provided that, if that language is other than English or French, the communication is accompanied by a translation in English or French, prepared by that party.

(3) [*Communications to the Assembly or to Parties to a Source Treaty*] (a) Any communication addressed by the Director General or the International Bureau to the members of the Assembly or, if there is a source treaty, to the parties to that treaty, transmitting to those members or to those parties any information referred to in Article 3(4) and (5), Article 4(3) and (4) and Article 7(4) and (5), or the request referred to in Article 5(2), or the summary of the dispute, the request and the answer referred to in Article 5(4), the report, comments and information referred to in Article 5(10)(a), (b) and (c), or the reports referred to in Article 6, shall be, at the option of the Director General, in English or French.

(b) The transmittal of the information referred to in Article 3(4) and (5), Article 4(3) and (4) and Article 7(4) and (5), the summary of the dispute, the request and the answer referred to in Article 5(4), the comments and information referred to in Article 5(10)(b) and (c) and the reports referred to in Article 6, shall be in the language of that information, those comments and information or those reports, as received from a party to the dispute, but it shall be accompanied by a translation, prepared by that party, in English, if the said language is French or, in French, if the said language is English, or in English and in French, if the said language is neither English nor French.

(c) The report of the panel referred to in Article 5(10)(a) and (c) shall be transmitted by the Director General to the Assembly and, if there is a source treaty, to the parties to that treaty, in the language or languages in which it is to be prepared in accordance with Rule 20(2), and, if that language is not English or French, it shall be accompanied by a translation in English and in French, prepared by the International Bureau.

#### Rule 4

##### *Expressing Dates*

A sender or an addressee shall, for the purposes of the Treaty and the Regulations, express any date in terms of the Christian era and the Gregorian calendar, or, if it uses another era and calendar, it shall also express any date in terms of the Christian era and the Gregorian calendar.

#### Rule 5

##### *Calculation of Time Limits*

(1) [*Periods Expressed in Months*] Any period expressed as one month or a certain number of

months shall expire in the relevant subsequent month, on the day which has the same number as the day of the event from which the period starts to run, provided that if the relevant subsequent month has no day with the same number, the period shall expire on the last day of the month.

(2) [*Periods Expressed in Days*] The calculation of any period expressed in days shall start with the day following the day on which the relevant event occurred and shall expire on the day on which the last day of the count has been reached.

(3) [*Periods Expressed in Weeks*] Any period expressed as a week or a certain number of weeks shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent week, on the day which is the seventh day counting from that following day.

(4) [*Local Dates*] (a) The date which is taken into consideration as the starting date of the computation of any period shall be the date which prevails in the locality at the time when the relevant event occurred.

(b) The date on which any period expires shall be the date which prevails in the locality at which the required communication must be received.

(5) [*Expiration on a Non-Working Day*] If a period expires on a day on which the addressee is not open for official business, the period shall expire on the first subsequent day on which the addressee is open for official business.

(6) [*End of Working Day*] (a) A period expiring on a given day shall expire at the moment the addressee closes for official business on that day.

(b) Any addressee may depart from the provisions of paragraph (a) up to midnight on the relevant day.

(7) [*Date of Communication*] (a) Where a period starts on the day of the date of a communication, its sender or addressee may prove that the said communication was mailed on a day later than the date it bears, in which case the date of actual mailing shall, for the purposes of calculating the period, be considered to be the date on which the period starts.

(b) Irrespective of the date on which the said communication is mailed, if the sender or addressee offers evidence to the Director General which satisfies the Director General that the communication was received more than seven days after the date it bears, the Director General shall treat the period starting from the date of the communication as expiring later by an additional number of days which is equal to the number of days which the communication was received later than seven days after the date it bears.

(8) [*Receipt of Communication*] (a) Any communication is deemed to have been received if it is physically delivered to the addressee or if it is delivered at

its mailing address or at the place it conducts official business.

(b) The communication shall be deemed to have been received on the day it is so delivered.

(9) [*Indication of the Date of Expiration*] The Director General or the International Bureau shall in all cases in which he or it communicates a time limit, indicate the date of the expiration, according to paragraphs (1) to (8), of the said time limit.

#### Rule 6

##### *Irregularities in the Mail Service*

(1) [*Delay or Loss in Mail*] Delay by the sender in meeting a time limit for a communication to be addressed to the addressee shall be excused if the sender proves to the satisfaction of the addressee that

(i) at least five days preceding the day of expiration of the time limit, the sender mailed the communication which, because of delay in arrival, reached the addressee after the expiration of the time limit or, because of loss in the mail, was never received by the addressee,

(ii) the sender effected the mailing within five days after the mail service was resumed or, in the case of loss in the mail, a communication which is identical with the communication lost is submitted to the addressee within one month after the sender noticed—or with due diligence should have noticed—the delay or loss, and in no case later than six months after the expiration of the time limit applicable in the given case.

(2) [*Interruption in the Mail Service*] Delay by the sender in meeting a time limit for a communication to be addressed to the addressee shall be excused if the sender proves to the satisfaction of the addressee that

(i) on any of the ten days preceding the day of expiration of the time limit the postal service was interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason,

(ii) the sender effected the mailing within five days after the mail service was resumed.

#### Rule 7

##### *Expenses to be Paid by a Party to a Dispute*

(a) The International Bureau shall, subject to Rule 31, fix the amount to be paid by each party to a dispute and by each intervening party as its contribution to the expenses of the procedure or procedures to which the dispute is submitted.

(b) The expenses referred to in paragraph (a) shall include

(i) the travel and subsistence allowances for the intermediary in the procedure of good offices, conciliation or mediation, the members of the panel, the members of the arbitration tribunal, and for any witness requested or expert appointed by an intermediary, a panel or arbitration tribunal,

(ii) the remuneration of the members of the arbitration tribunal,

(iii) the costs of the preparation of the report of the panel and of the translation thereof in accordance with Rule 20(2),

(iv) the costs of the preparation of the award of the arbitration tribunal in accordance with Rule 29,

(v) the costs of the reproduction of any communication referred to in Rule 3(3)(a), any summary of a dispute, request, answer, information, comments and reports referred to in Rule 3(3)(b) and any request as well as any response to that request referred to in rule 14(2) and Article 4(1)(c),

(vi) the costs of sound equipment, interpretation, clerical and secretarial services, meeting rooms and related facilities provided by the International Bureau.

(c) The method of fixing the amount of the expenses referred to in paragraph (b) and of their payment shall be indicated in the Guidelines.

## PART C

### Rule Concerning Article 2 of the Treaty

#### Rule 8

##### *Notification of Submission of Dispute under Article 2(2)(i) or (ii)*

Where, pursuant to Article 2(2)(i) or (ii), a dispute is to be submitted by the parties to the dispute to one or more of the procedures for the settlement of disputes established by the Treaty, each such party shall inform the Director General that the said dispute is being so submitted and shall specify the procedure or procedures concerned.

## PART D

### Rules Concerning Article 3 of the Treaty

#### Rule 9

##### *Content of the Invitation*

The invitation to enter into consultations, referred to in Article 3(1), shall

(i) state the name of the State or intergovernmental organization that is extending the invitation,

(ii) state the name of the State or intergovernmental organization to which the invitation is extended,

(iii) state that the invitation is extended with a view to initiating consultations under Article 3 of the Treaty,

(iv) contain an allegation that an obligation relating to a matter or to matters of intellectual property exists and that the addressee of the invitation has breached that obligation,

(v) indicate the source of the obligation by referring either to the provision or provisions of the source treaty, if any, or to a generally recognized principle of law concerning or applicable to intellectual property that is the basis of the obligation,

(vi) describe the matter or matters of intellectual property in respect of which the obligation relates,

(vii) specify the facts that demonstrate a breach of the obligation has occurred,

(viii) state any other legal grounds in support of the alleged existence and breach of the obligation,

(ix) identify the authority in the State or the unit in the intergovernmental organization, as the case may be, that is extending the invitation, which is competent to enter into the consultations,

(x) designate the official or officials of that authority or that unit, as the case may be, who is or are authorized to carry out the consultations,

(xi) set forth the postal address and, if any, the telecopier number and the telex number of the authority or unit to which the reply and other written communications are to be sent,

(xii) indicate whether the reply to the invitation may be made within a period other than the two-month period referred to in Article 3(2) and, if so, what that period is,

(xiii) indicate whether the date to be offered for the consultations may be within a period other than the three-month period referred to in Article 3(2) and, if so, what that period is.

#### *Rule 10*

##### *Content of the Reply*

The reply to the invitation to enter into consultations, referred to in Article 3(2), shall

(i) state the name of the State or the intergovernmental organization that is the sender of the reply,

(ii) identify the invitation in respect of which the reply is being sent,

(iii) state which of the facts and legal grounds in the invitation are admitted or denied, and on what basis,

(iv) state what other facts and legal grounds are relied upon,

(v) specify a date on which the sender of the reply proposes that the consultations commence,

(vi) indicate the place where the sender of the reply proposes that the consultations be carried out,

(vii) identify the authority in the State or the unit in the intergovernmental organization, as the case may be, which is competent, on behalf of the sender of the reply, to enter into the consultations,

(viii) designate the official or officials of that authority or that unit, as the case may be, who is or are authorized to carry out the consultations,

(ix) set forth the postal address and, if any, the telecopier number and telex number of the authority or unit to which written communications are to be sent.

#### *Rule 11*

##### *Channel and Mode of Communication of the Invitation and of the Reply*

(1) The invitation to enter into consultations, referred to in Article 3(1), and the reply to that invitation, referred to in Article 3(2), shall be

(i) addressed, in the case of a State party to the dispute, by or to the Minister for Foreign Affairs of that State and, in the case of an intergovernmental organization that is party to the dispute, by or to the executive head of that organization;

(ii) sent, by registered mail, to the addressee referred to in item (i), above; in respect of a reply to an invitation to enter into consultations, the reply shall be sent to the place indicated in that invitation; in respect of an invitation to enter into consultations, the invitation shall be sent to the place where, to the knowledge of the sender of the invitation, the addressee normally does its official business.

(2) The sender of the invitation to enter into consultations or of the reply to that invitation may send that invitation or that reply to the Director General for transmission to the addressee of that invitation or of that reply, as the case may be.

#### *Rule 12*

##### *Place of the Consultations*

The consultations shall be carried out at the place proposed by the addressee to whom the invitation to enter into consultations has been sent, unless the sender of that invitation objects to that place. In the event of such an objection, the consultations shall be carried out at such other place as may be agreed upon by the parties to the dispute. In the absence of such an agreement, the consultations shall be carried out at the headquarters of the Organization.

### Rule 13

#### *Languages of the Consultations*

The consultations shall be carried out in the language or languages agreed upon by the parties to the dispute. In the absence of such an agreement, each party to the dispute may use the language it prefers, provided that it provides interpretation from that language into a language designated by the other party to the dispute, if the latter requests such interpretation. Any party to the dispute may provide interpretation into the language it prefers to use from the language used by the other party.

## PART E

### Rule Concerning Article 4 of the Treaty

#### Rule 14

#### *Good Offices, Conciliation or Mediation of the Director General*

(1) [*The Request*] The request for the good offices, conciliation or mediation of the Director General, referred to in Article 4(1)(b), shall

- (i) be addressed to the Director General,
- (ii) state the name of the State making the request,
- (iii) state the name of the other party to the dispute,
- (iv) state that the request is being made with a view to initiating the good offices, conciliation or mediation of the Director General pursuant to Article 4(1)(b) of the Treaty,
- (v) contain an allegation that an obligation relating to a matter of intellectual property exists and that the other party to the dispute has breached that obligation,
- (vi) indicate the source of the obligation by referring either to the provision or provisions of the source treaty, if any, or to a generally recognized principle of law concerning or applicable to intellectual property that is the basis of the obligation,
- (vii) describe the matter or matters of intellectual property in respect of which the obligation relates,
- (viii) specify the facts that demonstrate a breach of the obligation has occurred,
- (ix) state any other legal grounds in support of the alleged existence and breach of the obligation,
- (x) identify the authority in the State making the request which is competent to take part in the procedure of good offices, conciliation or mediation,
- (xi) designate the official or officials of that authority who is or are authorized to be contacted in the course of that procedure,

(xii) set forth the postal address and, if any, the telecopier number and telex number of the authority to which written communications are to be sent.

(2) [*Transmittal of Copy of the Request to the Other Party to the Dispute*] The Director General shall send to the other party to the dispute a copy of the request referred to in paragraph (1) and invite the said party to respond to that request.

(3) [*The Response*] The response of the other party to the dispute to the request referred to in paragraph (1) shall

- (i) state the name of the State or intergovernmental organization that is the sender of the response,
- (ii) identify the request in respect of which the response is being sent,
- (iii) state which of the facts and legal grounds in the request are admitted or denied, and, on what basis,
- (iv) state what other facts and legal grounds are relied upon,
- (v) identify the authority in the State or the unit in the intergovernmental organization, as the case may be, which is competent, on behalf of the sender of the response, to take part in the procedure of good offices, conciliation or mediation,
- (vi) designate the official or officials of that authority or that unit, as the case may be, who is or are authorized to be contacted in the course of that procedure,
- (vii) set forth the postal address and, if any, the telecopier number and telex number of the authority or unit to which written communications are to be sent.

(4) [*Date, Place and Languages of the Procedure*] The date when, and the place where, as well as the language or languages in which, the procedure of good offices, conciliation or mediation is to be conducted shall be fixed by the Director General in agreement with the parties to the dispute.

## PART F

### Rules Concerning Article 5 of the Treaty

#### Rule 15

#### *Roster of Potential Members of Panels*

(1) [*Invitation to Nominate Persons*] At least two months before the first session of the Assembly, and, thereafter, before each ordinary session of the Assembly, the Director General shall address a communication to the Contracting Parties inviting each Contracting Party to nominate for inclusion in the roster of potential members of panels, to be



established by the Assembly, four persons, each of whom may be a national of that Contracting Party.

(2) [*Preparation and Submission of List*] (a) The Director General shall prepare a list in alphabetical order of all the persons thus nominated as well as twelve persons nominated by him. The list shall be accompanied by a brief description of each person, indicating his nationality, education, service in government, position in industry or status in a profession and expertise in a given branch of intellectual property.

(b) The Director General shall submit the list and the information on each person to the Assembly.

(3) [*Establishment of Roster*] The Assembly, at its first session, and, similarly, at each ordinary session, shall, on the basis of the list submitted to it, establish the roster of potential members of panels. In establishing that roster, the Assembly may delete from the list submitted to it the name of any person appearing thereon.

#### Rule 16

##### *Number of Persons from Developing Countries as Members of Panel*

Pursuant to Article 5(5)(b), the Director General shall designate as members of the panel the following number of persons from developing countries:

(i) one, in the event that the designation of one member of the panel, or

(ii) two, in the event that the designation of at least two members of the panel,

has not been agreed to or has not taken place in accordance with Article 5(5)(a).

#### Rule 17

##### *Summary of the Dispute*

(1) The summary of the dispute, referred to in Article 5(2)(b)(iii) shall

(i) state the name of the State or intergovernmental organization that has drawn up the request for a procedure before a panel and the name of the other party to the dispute,

(ii) set forth the obligation alleged to exist and alleged to be breached that has given rise to the dispute,

(iii) indicate the source of the obligation by referring to the provision or provisions of the source treaty, if any, or a generally recognized principle of law concerning or applicable to intellectual property,

(iv) specify the facts on which the alleged breach of the obligation is based,

(v) describe the measures that should be taken by the other party to the dispute in respect of the breach.

(2) The summary of the dispute shall be drawn up in accordance with the format indicated in the Guidelines or, in the absence of Guidelines, as recommended by the International Bureau.

#### Rule 18

##### *Meetings of the Panel*

(1) The panel shall fix the date, time and place of its meetings.

(2) At its meetings, the panel shall, subject to these Rules, designate its chairman, determine the place, languages and procedure to be followed during its proceedings, prepare its draft report, consider the comments on that draft report, made by the parties to the dispute, and adopt its report.

(3) All meetings of the panel shall be in private.

#### Rule 19

##### *Place of Panel Proceedings*

The place of the proceedings before the panel shall be at the headquarters of the Organization, unless the panel determines, in view of all the circumstances of the matter, that another place is more appropriate.

#### Rule 20

##### *Languages in Panel Proceedings*

(1) Subject to any agreement of the parties to the dispute, and to paragraph (2), the panel shall promptly after its convocation determine the language or languages to be used in the proceedings. This determination shall apply to, and the language or languages may differ in respect of, written submissions, any other written statements and documents, the draft report of the panel, the comments of the parties to the dispute on that draft report, the report and, if oral hearings take place, the language or languages to be used in such hearings.

(2) The report of the panel referred to in Article 5(10)(a) shall be prepared by the International Bureau in the language or languages determined by the panel, unless the panel decides, in agreement with the parties to the dispute, that the report shall be prepared in another language or other languages but, in either case, if that language is, or those languages are, other than English or French, the International Bureau shall prepare a translation in English and in French.

*Rule 21**Written Submissions, Comments, Statements  
and Documents in Panel Proceedings*

(1) The panel shall determine the periods of time within which each party to the dispute shall present its written submission and comments on the draft report and within which an intervening party shall present its written submissions.

(2) The panel shall decide which further written statement or statements, in addition to the written submissions, shall be required from any party to the dispute or any intervening party, or may be presented by such a party, and shall fix the period of time for communicating such statement or statements.

(3) The period of time fixed by the panel for any written submission or of any further written statement shall not exceed forty-five (45) days. However, the panel may extend the time limit on such terms as it may deem appropriate.

(4) All written submissions or any further statement or statements shall be accompanied by copies (or, if they are especially voluminous, lists) of all essential documents on which the party concerned relies and which have not previously been submitted by any party.

(5) As soon as practicable following the completion of the written submissions and any further written statement or statements, the panel may hold hearings and otherwise proceed pursuant to its authority under Article 5 and these Rules.

(6) If any party to the dispute or intervening party fails, within the period of time fixed by the panel, to present written submissions or any further written statement or statements, or, if at any point any party fails to avail itself of the opportunity to present its case in the manner directed by the panel, the panel may nevertheless proceed, conclude its proceedings, prepare its draft report, invite comments thereon, and adopt its report.

*Rule 22**Hearings Before the Panel*

(1) The panel may decide to hold hearings for the presentation of oral argument by a party to the dispute or by an intervening party and, upon the initiative of the panel or at the request of a party to the dispute, for the presentation of evidence by witnesses, including expert witnesses.

(2) The panel shall fix the date, time and place of hearings before the panel and shall give the parties to the dispute and any intervening party reasonable notice thereof.

(3) The panel may in advance of hearings submit to any party to the dispute or to any intervening party a list of questions which the panel wishes that party to treat with special attention.

(4) All hearings before the panel shall be in private unless the panel decides otherwise.

(5) The panel may declare the hearings closed if no party to the dispute or any intervening party has any further written submissions to make or oral arguments to present or proof to offer.

(6) The panel may, upon its own initiative or at the request of any party to the dispute, but before the panel adopts its report, reopen the hearings.

*Rule 23**Content of the Panel Report*

The report of the panel shall contain

- (i) the date on which it was drawn up,
- (ii) the names of the members of the panel and of its chairman,
- (iii) the names of the parties to the dispute,
- (iv) the names of the representatives of each of the parties to the dispute,
- (v) a summary of the proceedings,
- (vi) a finding of the facts,
- (vii) a statement of the arguments of each party to the dispute,
- (viii) the opinion of the panel as to whether the facts found disclose a breach by the party to the dispute concerned of its obligation relating to a matter or to matters of intellectual property,
- (ix) the reasons on which the opinion is based,
- (x) the recommendations of the panel as to the measures that one or more of the parties to the dispute should take.

## PART G

**Rule Concerning Article 6 of the Treaty***Rule 24**Reports to the Assembly*

The report or reports on the implementation of the recommendation or recommendations of the panel, referred to in Article 6, shall be submitted by each party to the dispute in such form and manner as indicated in the Guidelines or as decided by the Assembly after its exchange of views on the report

of the panel has taken place in accordance with Article 5(10)(d).

## PART H

### Rules Concerning Article 7 of the Treaty

#### Rule 25

##### *Request for on Arbitration Tribunal*

(1) [*The Request*] The request for the establishment of an arbitration tribunal, referred to in Article 7(2)(i), shall

(i) refer to the agreement between the parties to the dispute to settle their dispute by arbitration,

(ii) set forth the obligation the alleged violation of which has given rise to the dispute,

(iii) state the facts and legal grounds on which the allegation of breach is based,

(iv) indicate the name of the arbitrator appointed by the party requesting the establishment of the arbitration tribunal and propose the name of the third arbitrator to be appointed by agreement of the parties to the dispute,

(v) ask the other party to the dispute to proceed with the establishment of the arbitration tribunal,

(vi) identify the authority in the State or the unit in the intergovernmental organization which is competent to take part in the arbitration procedure,

(vii) designate the official or officials of that authority or that unit who is or are authorized to be contacted in respect of that procedure,

(viii) set forth the postal address and, if any, the telecopier number and telex number of the authority or that unit to which written communications are to be sent.

(2) [*The Reply to the Request*] (a) The reply of the other party to the dispute shall indicate the name of the arbitrator appointed by that party and may indicate whether it agrees to the third arbitrator proposed by the other party or propose the name of the third arbitrator to be appointed by agreement of the parties to the dispute.

(b) The reply shall contain also the information indicated in items (v), (vi) and (vii) of paragraph (1).

(3) [*Channel and Mode of Communication of the Request and the Reply*] (a) When sending the request for the establishment of an arbitration tribunal to the other party to the dispute, the sender shall also transmit a copy of the request to the Director General.

(b) Rule 11 shall apply, *mutatis mutandis*, to the request for the establishment of an arbitration tribunal and to the reply to that request.

#### Rule 26

##### *Roster of Potential Arbitrators*

Rule 15 shall apply, *mutatis mutandis*, to the invitation to nominate persons for inclusion in the roster of potential arbitrators, the preparation of the list of persons thus nominated and its submission to the Assembly, as well as to the establishment by the Assembly of the roster of potential arbitrators.

#### Rule 27

##### *Composition of the Arbitration Tribunal*

(1) [*Arbitrators appointed by the Director General*] When requested by a party to the dispute, the Director General shall appoint the arbitrator or arbitrators, in consultation with the parties, from among the persons on the roster of potential arbitrators referred to in Rule 26.

(2) [*Presiding Arbitrator*] The third arbitrator, appointed by agreement of the parties or, in the absence of such agreement, by the Director General, shall be the presiding arbitrator.

#### Rule 28

##### *Place of Arbitration Proceedings*

Except if the parties to the dispute agree otherwise, the arbitration proceedings shall take place at the headquarters of the Organization or, in view of the circumstances, elsewhere if the arbitration tribunal so decides.

#### Rule 29

##### *Languages in Arbitration Proceedings*

Subject to any agreement of the parties to the dispute, the arbitration tribunal shall promptly after its convocation determine the language or languages to be used in its proceedings. This determination shall apply to, and the language or languages may differ in respect of, written submissions of arguments, and any other written statements or documents, the award of the arbitration tribunal and, if oral hearings take place, to those hearings.

#### Rule 30

##### *Conduct of Arbitration Proceedings*

(1) [*Procedure before the Tribunal*] Unless the parties to the dispute agree otherwise, the arbitration tribunal shall determine its procedure, assuring to each party a full opportunity to be heard and to

present its case. In particular, the arbitration tribunal shall determine

(i) the periods of time within which each of the parties to the dispute shall submit its written arguments and rebuttals,

(ii) whether further written statements, documents or other information should be submitted by any of the parties and, if so, fix the period of time for communicating such statement or statements,

(iii) whether, in view of the circumstances, any period of time may be extended,

(iv) whether oral hearings shall take place and, if so, their date and place.

(2) [*Experts*] The arbitration tribunal may appoint one or more experts to report on specific issues determined by the arbitration tribunal.

(3) [*The Award*] The award shall be made in writing and shall state the reasons upon which it is based.

(4) [*Transmission of the Award*] The arbitration tribunal shall transmit the award to the parties to the dispute.

#### Rule 31

##### *Expenses of Arbitration Proceedings*

The expenses of the arbitration proceedings, including the remuneration of the members of the arbitration tribunal, shall be borne by the parties to the dispute in equal shares unless the arbitration tribunal decides otherwise in view of the circumstances of the case.

## PART I

### Rules Concerning Articles 9 to 18 of the Treaty

#### Rule 32

##### *Facilities of the International Bureau*

The International Bureau shall, at the request of any party to a dispute that is the subject of consultations, good offices, mediation or conciliation, or at the request of the panel before which a procedure has been requested, or at the request of the arbitration tribunal to which a dispute has been submitted, make available, or arrange for, such facilities for the conduct of the consultations, good offices, conciliation or mediation, or the procedure before the panel, or the arbitration proceedings, as may be required, including suitable accommodation therefor, and interpretation, clerical and secretarial services.

#### Rule 33

##### *Requirement of Unanimity for Amending Certain Rules (ad Article 11(3))*

Amendment of the present Rule of these Regulations or of any Rule that specifies that it may be amended only by unanimous consent shall require that no Contracting Party having the right to vote in the Assembly vote against the proposed amendment.

## Consultation Meeting on the Establishment of a Voluntary International Numbering System for Certain Categories of Literary and Artistic Works and for Phonograms

(Geneva, February 14 and 15, 1994)

#### NOTE

1. A Consultation Meeting on the Establishment of a Voluntary International Numbering System for Certain Categories of Literary and Artistic Works and for Phonograms was held in Geneva on February 14 and 15, 1994. On the first day the Meeting was chaired by Dr. Arpad Bogsch, Director General of WIPO, and on the second day, by Mr. Mihály Ficsor, Assistant Director General. Representatives from the following 16 non-governmental organizations attended the Meeting: Agency for the Protec-

tion of Programs (APP), American Society of Composers, Authors and Publishers (ASCAP), Association for the International Collective Management of Audiovisual Works (AGICOA), Business Software Alliance (BSA), European Federation of Audiovisual Filmmakers (FERA), International Association of Audio-Visual Writers and Directors (AIDAA), International Confederation of Music Publishers (ICMP), International Confederation of Societies of Authors and Composers (CISAC), International Federation of Actors (FIA), International Federation of Film Producers Associations (FIAPF), Interna-

tional Federation of Musicians (FIM), International Federation of Reproduction Rights Organisations (IFRRO), International Federation of the Phonographic Industry (IFPI), International Publishers Association (IPA), National Music Publishers' Association (NMPA), Software Publishers Association (SPA).<sup>1</sup>

### Background

2. The program of WIPO for the 1994-95 biennium, adopted by the Governing Bodies of WIPO at their 24th series of meetings held in Geneva from September 20 to 29, 1993, includes the following item:

"WIPO will prepare, convene and service meetings of consultants of non-governmental organizations and of a committee of experts in order to study the setting up of an international system of assigning, on request, identifying numbers to certain categories of literary and artistic works and to phonograms. In such a system, anyone could apply for the assignment, by WIPO, of an international identification number of a work belonging to a category of works for which the system would be established and for phonograms. The number, together with the title of the work and the name of the applicant, would be published by the International Bureau. Using the system would be entirely voluntary, and no legal effects would be attached to the existence or not of such a number in respect of any work or phonogram. The system would still be useful since the data on which the international number was assigned and the fact that the said data would be published could have some evidentiary value. In view of the absence of any legal effect, the establishment of the system would not require a treaty but merely a decision of the General Assembly of WIPO and/or the Assembly of the Berne Union. Applicants would have to pay a fee to the International Bureau so that the system would be self-supporting, i.e., the expenses of the International Bureau would be covered from the fees collected. The identifying numbers may also be used for the electronic (particularly digital) means applied to control the extent of use and, possibly, to identify the protected material used..." (document AB/XXIV/2, pages 23 and 24, item 03(10)).

3. The essence of the proposed international system of identifying numbers is outlined in a fairly detailed way in the above-quoted program item. The main features of such a system would be the following:

(i) the identifying numbers would be assigned by WIPO; (ii) the numbers, together with some basic data, would be published by the International Bureau (the program item mentions the titles of the works and the names of the applicants, but, if this were found desirable, other data might also be published); (iii) use of the system of identifying numbers would be voluntary (which means, *inter alia*, that the assignment of identifying numbers and the publication of the relevant data would not be conditions for the enjoyment and exercise of rights in the works and phonograms concerned); (iv) no legal effect would be attached to the existence or non-existence of identifying numbers in respect of any work or phonogram (which means—in addition to what is mentioned in item (iii), above—that no legal presumption would be attached to the numbering system; nevertheless, as the program item points out, the data on which the international identifying numbers were assigned and the publication of those data may have some evidentiary value); and (v) the system would be self-supporting: the expenses of the International Bureau would be covered from the fees collected from the users of the system.

4. The details of a possible system of identifying numbers depend on a number of factors related to the creation and use of literary and artistic works and phonograms and to the needs of owners of rights in, and users of, such works and phonograms. The purpose of the Consultation Meeting was to clarify those factors and details. In this respect, the program item indicates that the identifying numbers "may also be used for the electronic (particularly digital) means applied to control the extent of use and, possibly, to identify the protected material used." Actually, the need for appropriate identifying numbers for digitized uses of literary and artistic works and phonograms seems to be a decisive factor for the establishment of an international system of identifying numbers.

5. The Consultation Meeting served particularly the following objectives: (i) to review the reasons for, and objectives of, an international system of identifying numbers; (ii) to take stock of relevant projects at regional and national levels and of existing or proposed systems of identifying numbers (the existing systems are independent from each other and are not yet part of a global system; nevertheless, hereinafter, both the existing and proposed systems of identifying numbers for various categories of literary and artistic works and for phonograms are referred to as "sub-systems"); and (iii) to give an opportunity to the representatives of interested non-governmental organizations to express their views on which categories of works and phonograms, if any, a system of identifying numbers should cover, how the possible identifying numbers should be composed,

<sup>1</sup> A full list of the participants may be obtained on request from the International Bureau.

and what the main legal and practical features of the application of a possible system of identifying numbers should be.

### *General Comments*

6. A number of existing sub-systems were mentioned, including the International Standard Book Number (ISBN), the International Standard Serial Number (ISSN), the International Standard Recording Code (ISRC), the Source Identification Code (SID Code) developed by IFPI, and a number of other sub-systems, including the International Standard Music Number (ISMN), the "compositeurs, auteurs, éditeurs" (CAE) list of the International Confederation of Societies of Authors and Composers (CISAC), the WIPO International Film Register, the system proposed by the Paris-based Agency for the Protection of Programs (APP), as well as various projects that include the identification of works protected by copyright, such as the National Information Infrastructure (NII) in the United States of America, the Copyright in Transmitted Electronic Documents (CITED) project in the European Union and the project of the Subcommittee on Multimedia of the Copyright Council, in Japan. Many participants indicated that they were in the preliminary stages of the preparation of their own numbering system, notably in the area of collective administration of rights and the management of rights in interactive environments.

7. There was general agreement that greater harmony was necessary and that a global system, comprising a number of new and existing sub-systems, would be useful. A number of participants stated that all participants had a strong common interest in finding a solution to the current problems posed by the existence of a "jungle" of numbers, to ensure proper tracking of works usage around the world. Such a global system should be decentralized and apply only to specific categories of literary and artistic works and to phonograms. Many participants expressed the view that a central coordinating office should also be established to (a) ensure access to worldwide information by the creation of a worldwide data base containing basic information and (b) ensure the application of uniform, fail-safe procedures for registration or identification.

8. A number of participants expressed the view that existing sub-systems should be further developed and brought under the "umbrella" of a global system, which should be as simple as possible. Additional information, such as mandatory identification of licensing sources, could pose problems. In fact, international registration/numbering should be a birth certificate, while data on transfers of rights and other

"sensitive" issues should remain in the sectoral "sub-systems," notably because such data could not be completely integrated into a single numbering or coding system. A global system should also be decentralized in the sense that it should be technically close to the source of the information, possibly by means of a virtual network.

9. While a number of participants preferred that the global system be without legal effect, others felt that norms, particularly at the national level, could be necessary to mandate its application, for example, in connection with the monitoring of the use of protected works.

10. Certain participants wished also that a system of deposit of works be established, notably for works used in interactive electronic systems, to ensure the integrity of at least one copy. A similar request was made in respect of engineering drawings. Also, the need, in certain cases, for deposit of source code of computer programs had been shown a long time ago and its usefulness demonstrated by existing systems. However, as regards audiovisual works, deposits were very costly and burdensome. Other participants stressed that deposit was a separate issue, linked to authenticity requirements, not administration of rights.

11. A number of participants stressed the importance of having access to complete information in the sub-systems, to trace usage of works and other material, notably for collective administration of rights. However, there were divergences of view on the contents of the information (that is, on the level of detail) to be provided by the global system and on its possible legal effects. Many participants took the view that the global system could be composed of a common root or core, which should include: a "discipline code" and/or a reference to a "sub-system," the title of the work (even though such title would change when the work was translated, and was sometimes impossible to recognize) and, in the view of many participants, also the name of the author. After such "core," optional information could follow, including: names of performers and producers, version numbers, a reference to the language, licensing sources and information on transfers of rights.

12. Various additional suggestions were made in respect of specific categories of works. They are recorded hereinafter.

### *Audiovisual Works*

13. It was pointed out that films and other audiovisual works already had many identification numbers,

including the various "visas" accorded by each country where a film was distributed. A harmonized system would enhance the international management of rights in films and allow rights holders as well as users to recognize films in their various (linguistic) versions. A future system should allow identification of the various episodes of serials and series and digital identification of works used, notably in interactive environments.

14. The need for automatic identification could be demonstrated in a digital environment, to identify use (particularly broadcasting and cable transmission) of audiovisual works. Also, identification of individual prints would allow a more efficient fight against piracy, since it would allow identification of the source of any pirate copy. A participant added that it would also make administration of rights in the fields of home taping and cable transmissions much more cost-efficient.

15. A participant suggested using a plurality of codes for films, based on the technical information provided by each camera and time-date codes, so that each frame could be identified accurately and independently. At least, the first and last time-date codes of the days when a particular camera was used should be indicated. A global number could also be given to the film "as a whole," incorporating, or at least referring to, the "sub-numbers." This could apply to all types of audiovisual works, including commercials, cartoons, etc.

16. It was also mentioned that the existence of many numbers for each interested organization did not facilitate the administration of rights. WIPO was the best international body to harmonize such existing systems. Also, a data base identifying rights holders would be useful.

#### *Computer Programs*

17. A participant believed that a numbering system for computer programs was essential. Computer programs were composed of a number of "modules," which could sometimes be reused, and needed to be properly identified. A new international system should ideally allow identification of licensing sources and/or conditions. Also, given the ease and quality of replication, a system to determine ownership of rights in "sub-programs" was necessary. Otherwise, the threat of not being able to identify material used in computer programs and multimedia works would lead to greater piracy. Moreover, easy access to the genuine owner of rights would limit "forced" decompilation by making it possible to enter into a licensing agreement.

18. Another participant felt that there were two potential reasons to introduce a numbering system, namely the creation of a presumption of ownership (which, legally speaking, was not envisaged here), and, second, the need to track usage of works in a digital environment. However, at this juncture, packaged software was not available on a per-use basis, nor was it rented or delivered electronically. In the case of multimedia works, where a plurality of licenses had to be secured, the situation could be different.

#### *Musical Works and Phonograms*

19. A participant said that the introduction of a numbering system would be a major contribution to the music industry. A myriad of independent, sometimes incompatible, systems existed at present, and this did nothing to facilitate trade or the fight against piracy. Some participants supported the extension of the ISRC system, now used by almost all major producers and a number of "independent" ones. Use of this code varied from one company to another and from one country to another but, on the whole, it was increasing and would soon apply to most of the repertoire. While it had been developed to identify phonograms (producer, recording code, year of recording), it could apply in various forms, including as a digital sub-code. The ISRC system was already functioning well, but its application would be totally productive in a completely digital environment where every use "event" would generate a digital sub-code which could then be picked up by appropriate equipment. Some participants said that ISRC would be useful, but had to be completed by information on the competent performers' rights society. The ISRC identified the first right owner in a phonogram, which was only a minimum.

20. A participant added that many fixed performances were never distributed on commercial phonograms (e.g., music libraries, background and switchboard music, performances fixed at festivals and concerts and dance halls) and they should also be identifiable. More generally, an identification system was necessary for performers (or the collective administration societies) to monitor use of fixed performances, notably to ensure correct distribution. Another participant said, in this respect, that the title of a song was often insufficient. He referred to the well known song *White Christmas*, of which there were at least 45 different versions.

21. The ISRC system, according to IFPI, allowed retrieval of the information and traceability of usage, and this could lead to a substantial increase in revenues. At present, only 10% of consumers paid for what they consumed. Adding to the ISRC was



not impossible, but the wider flow of data generated by the administration of rights should not be confused with the identification of phonograms proper. A good coding system coupled with adequate electronic data interfaces could suit everyone's needs, but collective administration organizations would have to cooperate and exchange data. A representative of a federation of collective administration organizations added that an identification system was the basis for collective administration but could not, in and by itself, contain all the necessary information. The ISRC was like a telephone number, and administration of rights corresponded to the periodical billing from the telephone company showing each call made, to where, for how long, and at what cost.

22. Two participants also asked WIPO to introduce guiding principles and, if possible, a new international legal instrument making mandatory to apply the Source IDentification (SID) Code (or an equivalent thereof) to all copies of a CD (whether audio or CD-ROM) before it is put into circulation. The SID Code identified at least the mastering plant, and reappeared on the "mothers" and "stampers" used to make actual copies of CDs. Mandatory engraving of the SID code would greatly facilitate the fight against piracy, as it would allow rights holders to trace piracy to its roots. A legal obligation was essential to (a) ensure that all CDs bear the code and (b) impose stiff penalties on companies importing and/or manufacturing CDs not bearing a proper code.

23. Another representative added that there was a strong common interest to find a solution agreeable to all. The dematerialization possibilities brought about by digital technology required a coordinated effort. A data base on rights holders would also be useful. Moreover, enforceability would allow a more efficient fight against piracy and better collection of revenues and, in this respect, a new treaty, such as the possible protocol to the Berne Convention, should be considered. Other participants agreed that a data base of rights holders, giving a single number to each person independently of his or her various "roles" would greatly facilitate management and administration of rights. If a person was a composer, a performer and a producer, he or she would at present be given different numbers by each administration society. Hence, the usefulness of an "inter-

ested party file." Links could then be made with works, producers, etc.

#### *Printed Works*

24. In the field of printed works, the well known ISBN and ISSN numbers were not sufficient because they could not be used to identify parts of books and periodicals that were digitized or otherwise reused. Given the growing mass of pages being transmitted through digital networks, an efficient coding system was essential to properly administer rights. As there could be eight rights holders on a single page of a book, the licensing was very complex, in particular as regards multimedia works (that is, works composed of text, music, images and other works). There were already impressive networks linking universities through which such multimedia works were produced, often with scant regard for copyright protection. Hence, the need for an easy, fast and accessible system to clear rights without unduly hindering business. The ISBN was useful notably to order books (i.e. it facilitated transactions), but nowadays a more detailed system to identify parts of works was essential, in particular as regards electronic transmission services, for which Electronic Copyright Management Systems (ECMS) were being devised.

#### *Future Work*

25. It was suggested that working groups be created in areas where a numbering system would seem to be necessary—i.e. either using an existing system (with or without modifications) or creating a new system—bearing in mind the need for a certain degree of harmony among the various "sub-systems," notably in the light of multimedia.

26. The preparation of a directory or data base of international licensing sources (collective administration organizations, clearing houses, etc.) was unanimously supported.

27. The creation of working groups was supported by the participants, in the following fields: audiovisual works, computer programs, printed works and, finally, musical works and phonograms. It was requested that the International Bureau convene a first meeting of each working group as early as possible, in Geneva or elsewhere.



## WIPO Arbitration Center

### Contacts With Other Arbitration Institutions and Users

*Henri Desbois Intellectual Property Research Institute (IRPI).* In January 1994, a WIPO official presented WIPO's work in the field of intellectual property arbitration at an IRPI meeting on arbitration and intellectual property, held in Paris.

*International Chamber of Commerce (ICC).* In January 1994, a WIPO official reported on the developments which had occurred since September 1993 in relation to the preparations for the WIPO Arbitration Center at a meeting of the ICC's Working Group on Intellectual Property Disputes and Arbitration, held in Paris.

## Activities of WIPO in the Field of Copyright Specially Designed for Developing Countries

### Africa

#### Training Courses, Seminars and Meetings

*South Africa.* In January 1994, a WIPO official attended a Seminar on "Sustainable Economic Growth and Development in South Africa: Policy Priorities for the Early Years of a Democratic Government," organized by the United Nations and the London School of Economics and Political Science, in London.

#### Assistance With Training, Legislation and Modernization of Administration

*Burkina Faso.* In January 1994, WIPO organized, for three officials from Benin, Guinea and Mali, a study visit to the Copyright Office of Burkina Faso (BBDA) in Ouagadougou to observe collective administration activities performed using the standard COSIS (Copyright Societies Information System) software, developed by the Swiss Society for Authors' Rights in Musical Works (SUISA) and installed by WIPO at the BBDA in August 1992.

*Lesotho.* In January 1994, the International Bureau prepared and sent to the government authorities, at their request, draft regulations under the Copyright Order, 1989, including provisions on the protection of expressions of folklore.

*United Republic of Tanzania.* In January 1994, a WIPO official visited Dar es Salaam and discussed with government leaders and officials cooperation between the country and WIPO, including the country's possible accession to the Berne Convention for the Protection of Literary and Artistic Works. The WIPO official was received by the President of the Republic.

*Organization of African Unity (OAU).* In January 1994, two WIPO officials visited the headquarters of OAU in Addis Ababa and were received by Mr. Salim A. Salim, Secretary General of OAU. They discussed with him and other OAU officials cooperation between the two organizations.

## Arab Countries

### Training Courses, Seminars and Meetings

*WIPO National Seminar on Copyright and Neighboring Rights (Egypt).* From January 17 to 19, 1994, WIPO organized this Seminar in Cairo in cooperation with the Cabinet Information and Decision Support Center (IDSC) of Egypt. It was attended by some 80 government officials, judges, university professors, authors, performers, producers and private lawyers. Papers were presented by three WIPO officials, two WIPO consultants from Switzerland and the United Kingdom, two local speakers and two guest speakers from the International Federation of the Phonographic Industry (IFPI).

### Assistance With Training, Legislation and Modernization of Administration

*Egypt.* In January 1994, a WIPO official undertook a mission to Cairo to discuss the organization, in that city, at the end of April 1994 of a regional workshop on the role of intellectual property in the activities of universities and technical institutes.

Also in January 1994, three WIPO officials had discussions with government officials of IDSC in Cairo on future cooperation between WIPO and IDSC.

The same WIPO officials also had discussions with officials of the Regional Information Technology and Software Engineering Center (RITSEC) in Cairo on future cooperation between WIPO and RITSEC.

## Asia and the Pacific

### Assistance With Training, Legislation and Modernization of Administration

*Thailand.* In January 1994, the International Bureau prepared and sent to the government authori-

ties, at their request, an analysis of certain questions relating to the application of the Berne Convention for the Protection of Literary and Artistic Works.

## Latin America and the Caribbean

### Training Courses, Seminars and Meetings

*Jamaica.* In January 1994, a WIPO official and a WIPO consultant from Switzerland participated in a two-day workshop on the collective administration of copyright organized by the Office of the Prime Minister, in Kingston. Officials from the Office of the Prime Minister, as well as 50 participants representing publishers, the computer software industry, the music industry, performers, photographers, designers and other creators of works attended the workshop. Papers were presented by the WIPO official and consultant.

*Saint Lucia.* In January 1994, a WIPO official and a WIPO consultant from Switzerland participated

in a workshop on the Berne Convention and Collective Administration of Copyright, organized by the Office of the Attorney General, in Castries, for 20 participants, including publishers, writers, artists, and also people from the music and communication industry. Papers were presented by the WIPO official and consultant.

*Trinidad and Tobago.* In January 1994, a WIPO official and a WIPO consultant from Switzerland participated in a workshop organized by the Office of the Registrar General, in Port of Spain, for 20 participants mainly from the staff of that Office and three officials from the Copyright Organisation of Trinidad and Tobago (COTT). Papers were presented by the WIPO official and consultant.

### Assistance With Training, Legislation and Modernization of Administration

*Jamaica.* In January 1994, a WIPO official and a WIPO consultant from Switzerland visited Kingston to discuss with government officials matters, among others, related to the establishment of a copyright collective administration society in Jamaica as well as the possible organization of a national seminar on the collective administration of copyright.

*Panama.* In January 1994, a WIPO official visited Panama City to discuss with government officials, *inter alia*, the organization, by WIPO in cooperation with the Legislative Assembly of Panama and with the assistance of the General Authors' Society of Spain (SGAE), of the first regional training course on copyright and neighboring rights, scheduled to take place from February 21 to 28, 1994, in Panama City.

*Saint Lucia.* In January 1994, a WIPO official and a WIPO consultant from Switzerland visited Castries to discuss with government officials future cooperation activities, in particular, the setting up of a copyright collective administration society in Saint

Lucia and the organization of a national seminar on copyright and neighboring rights.

*Trinidad and Tobago.* In January 1994, a WIPO official and a WIPO consultant from Switzerland visited Port of Spain to discuss with government officials questions relating, *inter alia*, to the setting up of a copyright collective administration organization, training courses and the possible organization of a national seminar on copyright and neighboring rights.

*Organization of Eastern Caribbean States (OECS).* In January 1994, a WIPO official and a WIPO consultant from Switzerland discussed with officials from the OECS Secretariat in Castries future cooperation activities between WIPO and OECS, in particular, the promotion of the accession of the member States of OECS (Antigua and Barbuda, British Virgin Islands, Dominica, Grenada, Montserrat, St. Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines) to the Berne Convention and the possible organization of a regional seminar on copyright and neighboring rights in the second half of 1994.

## Development Cooperation (in General)

### Assistance With Training, Legislation and Modernization of Administration

*WIPO Academy.* In January 1994, the coordinators of the 1993 English and Spanish sessions of the WIPO Academy, Mr. Karl F. Jorda, professor at the Franklin Pierce Law Center (Concord, New Hamp-

shire, United States of America), and Mr. Alberto Bercovitz, professor at the Universidad Nacional de Educación a Distancia of Spain, reviewed with the Director General and other WIPO officials in Geneva the results of the Academy's 1993 sessions and discussed the programs of the forthcoming sessions in 1994.

## Activities of WIPO in the Field of Copyright Specially Designed for Countries in Transition to Market Economy

### National Activities

*Czech Republic.* In January 1994, five government officials had discussions with WIPO officials in Geneva on the collective administration of copyright and neighboring rights.

*Georgia.* In January 1994, Mr. David Gabunia, Chairman of the Georgian Patent Office, and

Mr. Tamar Shilakadze, President of the Georgian Association of Inventors, had discussions with the Director General and other WIPO officials in Geneva on the situation of intellectual property protection in the country. Georgia's declaration of the continued application of the WIPO Convention, the Paris Convention and the PCT to its territory was deposited with the Director General on that occasion.

## Other Contacts of the International Bureau of WIPO with Governments and International Organizations in the Field of Copyright

### National Contacts

*France.* In January 1994, two WIPO officials had discussions with government officials of the *Ministère de la culture et de la francophonie* in Paris on possible cooperation activities to be carried out by the two sides for the benefit of developing countries.

*United States of America.* In January 1994, two government officials had discussions with WIPO officials in Geneva on WIPO's activities in the areas of unfair competition, consumer and computer software protection, as well as on antitrust aspects of intellectual property and licensing.

### United Nations

*Information System Co-ordination Committee (ISCC) of the Administrative Committee on Co-ordination (ACC).* In January 1994, a WIPO official attended the meeting of the ISCC held in Geneva.

### Intergovernmental Organizations

*Customs Co-operation Council (CCC).* In January 1994, a WIPO official presented a paper on WIPO's work at a meeting of the Business/Customs Sub-Group of the CCC in Brussels.

*General Agreement on Tariffs and Trade (GATT).* In January 1994, WIPO was represented at the 49th session of the GATT Contracting Parties, held in Geneva.

### Other Organizations

*Agency for the Protection of Programs (APP).* In January 1994, two representatives of APP had discussions with WIPO officials in Geneva on the possible establishment of a voluntary international numbering system for certain categories of literary and artistic works.

*First International Illustrated Book and New Media Publishing Market (MILIA 94)*. In January 1994, a WIPO official represented WIPO at that event in Cannes (France) and spoke on WIPO's current and proposed activities in the field of copyright and neighboring rights pertinent to the multimedia industry. The event was jointly organized by the Henri Desbois Institute for Research on Intellectual Property (IRPI) and the International Center for Communication and Audiovisual Rights (CIDAC).

*International Federation of Actors (FIA)*. In January 1994, the General Secretary and another representative of FIA had discussions with WIPO officials in Geneva on WIPO's activities concerning the protection of performing artists.

*International Literary and Artistic Association (ALAI)*. In January 1994, two WIPO officials participated in a meeting of ALAI's Executive Committee held in Paris.

## Miscellaneous News

### Regional News

The *North American Free Trade Agreement (NAFTA)*, concluded between Canada, Mexico and the United States of America on December 8, 1993, entered into force on January 1, 1994.

## Calendar of Meetings

### WIPO Meetings

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

#### 1994

**May 2 to 6 (Geneva)**

**Working Group on the Application of the Madrid Protocol of 1989 (Sixth Session)**

The Working Group will continue to review joint Regulations for the implementation of the Madrid Agreement Concerning the International Registration of Marks and of the Madrid Protocol, as well as draft forms to be established under those Regulations.

*Invitations:* States members of the Madrid Union, States having signed or acceded to the Protocol, the European Communities and, as observers, other States members of the Paris Union expressing their interest in participating in the Working Group in such capacity and certain non-governmental organizations.

**May 23 to 27 (Geneva)**

**WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (Eleventh Session)**

The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights since the Committee's last session (November 1992) and make recommendations on the future orientation of the said Program.

*Invitations:* States members of the Committee and, as observers, States members of the United Nations not members of the Committee and certain organizations.

**June 1 to 3 (Le Louvre, Paris)**

**WIPO Worldwide Symposium on the Future of Copyright and Neighboring Rights: "The most sacred property" faced with the challenges of technology and trade**

This Symposium will explore in depth the current problems concerning the protection, exercise and enforcement of copyright and neighboring rights, in the light of, *inter alia*, the impact of new technologies, particularly digital technology, and of certain international norms agreed upon in the framework of trade negotiations.

*Invitations:* Governments, selected intergovernmental and non-governmental organizations and any member of the public (against payment of a registration fee).

**June 6 to 10 (Geneva)**

**Committee of Experts on a Possible Protocol to the Berne Convention (Fourth Session)**

The Committee will continue to examine the question of the preparation of a possible protocol to the Berne Convention for the Protection of Literary and Artistic Works.

*Invitations:* States members of the Berne Union, the Commission of the European Communities and, as observers, States members of WIPO not members of the Berne Union and certain organizations.

**June 13 to 17 (Geneva)**

**Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms (Third Session)**

The Committee will continue to examine the question of the preparation of a possible new instrument (treaty) on the protection of the rights of performers and producers of phonograms.

*Invitations:* States members of WIPO, the Commission of the European Communities and, as observers, certain organizations.

**June 20 to 23 (Geneva)**

**WIPO Permanent Committee for Development Cooperation Related to Industrial Property (Sixteenth Session)**

The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Industrial Property since the Committee's last session (November 1992) and make recommendations on the future orientation of the said Program.

*Invitations:* States members of the Committee and, as observers, States members of the United Nations not members of the Committee and certain organizations.

- September 26 to October 4 (Geneva)** **Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Fifth Series of Meetings)**  
Some of the Governing Bodies will meet in ordinary session, others in extraordinary session.  
*Invitations:* As members or observers (depending on the body), States members of WIPO or the Unions and, as observers, other States and certain organizations.
- October 10 to 28 (Geneva)** **Diplomatic Conference for the Conclusion of the Trademark Law Treaty**  
The Diplomatic Conference is expected to adopt a treaty which will harmonize certain procedural and other aspects of national and regional trademark laws.  
*Invitations:* States members of the Paris Union and, as observers or with a special status, 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.)

### 1994

- November 2 to 4 (Geneva)** **Technical Committee**  
*Invitations:* Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.
- November 7 and 8 (Geneva)** **Administrative and Legal Committee**  
*Invitations:* Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.
- November 9 (a.m.) (Geneva)** **Consultative Committee (Forty-Eighth Session)**  
*Invitations:* Member States of UPOV.
- November 9 (p.m.) (Geneva)** **Council (Twenty-Eighth Ordinary Session)**  
*Invitations:* Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.

## Other Meetings

### 1994

- May 4 to 9 (Beijing)** Licensing Executives Society International (LES1): International Conference.
- May 8 to 11 (Seattle)** International Trademark Association (INTA): 116th Annual Meeting.
- May 23 to 25 (Turin)** International Publishers Association (IPA): Symposium on the theme "Publishers and New Technology."
- May 24 to 26 (Rio de Janeiro)** International Confederation of Societies of Authors and Composers (CISAC): Legal and Legislation Committee.
- May 25 to 28 (Luxembourg)** European Communities Trade Mark Association (ECTA): Annual General Meeting and Conference.
- May 28 to June 5 (Ostend)** International Federation of the Seed Trade (FIS)/International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL): World Congress.
- June 12 to 18 (Copenhagen)** International Association for the Protection of Industrial Property (AIPPI): Executive Committee.
- June 19 to 24 (Vienna)** International Federation of Industrial Property Attorneys (FICPI): Congress.
- June 27 and 28 (Geneva)** International Literary and Artistic Association (ALAI): Study Days.

- July 11 to 13 (Ljubljana) International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting.
- September 18 to 22 (Washington) International Confederation of Societies of Authors and Composers (CISAC): Congress.
- September 22 to 24 (Berlin) International League of Competition Law (LIDC): Congress.