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Copyright

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WIPO 1994

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COPYRIGHT AND NEIGHBORING RIGHTS LAWS AND TREATIES

(INSERT)

Editor's Note

GERMANY

Law on Copyright and Neighboring Rights (Copyright Law) (of September 9, 1965, as last amended by the Law of June 9, 1993) *(This text includes and replaces those previously published in Copyright, 1965, pp. 251 to 268; 1973, pp. 88 and 89; 1976, pp. 277 and 278; 1985, pp. 368 to 371; and in the Copyright and Neighboring Rights Laws and Treaties insert, April 1991, under the code number 1-01.)* Text 1-01

Law on the Administration of Copyright and Neighboring Rights (Copyright Administration Law) (of September 9, 1965, as last amended by the Law of December 19, 1985) *(This text includes and replaces those previously published in Copyright, 1965, pp. 268 to 272, and 1985, pp. 371 to 374.)* Text 2-01

Notifications Concerning Treaties Administered by WIPO in the Field of Copyright

Berne Convention

Withdrawal of Declaration Concerning Article 33(1) of the Paris Act (1971)

BULGARIA

The Government of Bulgaria has notified, in its notification received on May 3, 1994, the withdrawal of the declaration which it made under Article 33(2) of the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971, concerning the

International Court of Justice (see Berne Notification No. 57 of September 4, 1974¹).

Berne Notification No. 157, of May 9, 1994.

¹ See *Copyright*, 1974, p. 233.

Normative Activities of WIPO in the Field of Copyright

International Union for the Protection of Literary and Artistic Works (Berne Union)

ASSEMBLY

Fifteenth Session (4th Extraordinary)

(Geneva, April 28 and 29, 1994)

REPORT

adopted by the Assembly

I. Introduction

1. The authority for the convocation of this fifteenth session (4th extraordinary) of the Assembly of the

International Union for the Protection of Literary and Artistic Works (Berne Union) (hereinafter referred to as "the Assembly") is constituted by a decision of the Assembly, made in September 1993 (see document AB/XXIV/2, item 01(3), and document AB/XXIV/18, paragraph 267). The convocation, by circular letters C.L. 1109 and 1110, dated March 25, 1994, follows a request received from the Govern-

ment of the United States of America, contained in a letter dated March 23, 1994, from Mr. Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, a copy of which was annexed to the above-mentioned circular letters. In that letter, the United States requested that the meetings of the Committee of Experts on a Possible Protocol to the Berne Convention and the Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms, scheduled for June 6 to 17, 1994 (hereinafter referred to as "the June meetings") be reconsidered.

2. Representatives from the following 44 States (members of the Berne Union) attended the meeting: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Czech Republic, Denmark, Ecuador, Egypt, Finland, France, Gabon, Germany, Ghana, Greece, Hungary, Ireland, Italy, Japan, Kenya, Libya, Malta, Mexico, Morocco, Netherlands, Norway, Pakistan, Paraguay, Peru, Portugal, Spain, Sweden, Switzerland, Tunisia, Turkey, United Kingdom, United States of America, Uruguay, Venezuela. Four observer States, Algeria, Indonesia, the Republic of Korea (not members of the Berne Union) and Turkey (member of the Berne Union, but not member of the Assembly), and one intergovernmental organization, the European Commission, also attended the meeting.

3. A list of participants is attached to this report.*

II. Opening of the Session by the Director General

4. The Director General of WIPO welcomed the participants and opened the meeting.

III. Election of a Chairman

5. As the Chairman and both Vice-Chairmen elected at the last session of the Assembly in September 1993 were not present, an ad hoc chairman had to be elected. Mr. Henry Olsson (Sweden) was unanimously elected ad hoc Chairman for the present session of the Assembly.

IV. Examination of the Request Made by the Government of the United States of America

General Statements

6. The only item on the agenda was the question of whether or not to maintain the dates of the sessions

of the Committee of Experts on a Possible Protocol to the Berne Convention and the Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms (June 6 to 17, 1994), established by the Assembly during its September 1993 session (see document AB/XXIV/18, paragraphs 225-226 and 267).

7. The Delegation of Mexico, on behalf of a group of Latin American countries, raised a point of order. It noted and regretted that interpretation into and from the Spanish language had not been made available. The Delegation of Spain seconded this statement. The Director General explained that, as this extraordinary session had to be convened precipitously, there had not been sufficient time to make the necessary arrangements. After a brief suspension of the meeting requested by the Delegation of Mexico, interpretation from Spanish into English and French was immediately made available, and, as from the beginning of the afternoon meeting of the first day, interpretation into Spanish was also made available.

8. The Delegation of Egypt stated that interpretation into Arabic was important for Arab delegations, notably for note-taking and the subsequent preparation of their internal report.

9. The Chairman then opened the discussion on the only agenda item.

10. The Delegation of the United States of America first wished to reiterate its strong support of WIPO and underlined the importance of its work in the field of copyright and neighboring rights. The objective of the request for a postponement was also to ensure that WIPO's contribution would be maximized. The countries here have just concluded seven years of negotiations on intellectual property in the Uruguay Round. In the last few weeks of those negotiations, some difficult and divisive issues in the field of copyright and neighboring rights had arisen. Therefore, additional time was required, first, to assess the direction and content of future work at the international level and, second, to look carefully at how the difficult outstanding issues could be addressed. The United States Government had clearly opted for international cooperation in the field of intellectual property, to build bridges between the copyright and authors' rights systems. To this aim, steps had been taken to introduce concepts previously unheard of in the legislation of its country, such as a royalty on digital audio recording devices and media and a proposed digital performance right in respect of sound recordings. Moreover, the United States was currently examining the intellectual property implications of the setting

* The list of participants is not reproduced here, but it may be obtained on request from the International Bureau.

up of its National Information Infrastructure (NII), also referred to as the "electronic superhighway." Similar studies in other countries were also under way. A draft report by the United States Government was to be published in May or June 1994, outlining possible problem areas and the current thinking concerning possible solutions. While it seemed that a complete revision of existing rights would not be required, certain rights, e.g., the rights of distribution and public performance, would in all likelihood have to be reexamined. In conclusion, the Delegation suggested that the memoranda prepared by the International Bureau for the June meetings be circulated as discussion papers, together with a request for comments. Revised memoranda, or an addendum thereto, could then be prepared by the International Bureau, and new meeting dates set for the end of the current calendar year.

11. The Delegation of the United Kingdom preferred to go ahead as planned with the June meetings. In its country and in other member States of the European Union, there was a willingness, notably on the part of interested circles, to continue to examine the substantive issues currently on the agenda of both Committees of Experts. While the Delegation would understand if the meetings were postponed in order to give participants in both Committees more time to examine and discuss the proposals of the International Bureau, any such postponement would have to be for a short period to avoid any loss of momentum. A long postponement would be counterproductive and incite some participants to set aside the discussion rather than speed it up. In its opinion, the meetings should in any event take place before the end of the calendar year 1994. As regards the suggestion by the Delegation of the United States concerning the circulation of the draft memoranda of the International Bureau prepared for the June meetings, it was interesting, but its acceptance should not lead to any delay in the issuance of such documents.

12. The Delegation of Brazil considered the work of both Committees of Experts very valid and helpful, notably in the preparation of new legislation in its country. It considered that the three points contained in the above-mentioned letter of the Government of the United States of America did not justify the reconsideration of the dates of the meetings. In relation to the first point, because it would be more appropriate to consider the intellectual property aspects of new technologies in a multilateral instance, before the consolidation of national positions. In relation to the second point, because it was not possible to avoid the fundamentally distinct legal basis of the rights of authors and the neighboring rights. Finally, the conclusion of the Uruguay Round, and in particular of the TRIPS Agreement, was not a reason to delay the work of WIPO; in fact, those

negotiations were mentioned on several occasions as a reason to delay work in the past. It had, therefore, a strong preference for the maintenance of the agreed dates, but it was encouraged to see that the Delegation of the United States of America had suggested that the meetings could take place before the end of the year, and had not suggested their indefinite postponement, as the above-mentioned letter seemed to imply. In relation to the documentation, it supported its circulation at the earliest possible time. It also considered that it would be inappropriate for the International Bureau to issue new documents incorporating amendments made on the basis of written observations by member States.

13. The Delegation of Egypt was not in favor of postponing the June 1994 meetings. In its view, draft domestic legislation was not a sufficient reason to interfere with prior obligations accepted by a State.

14. The Delegation of Belgium indicated that it did not support the proposal of the United States of America. The fact that one country was assessing domestically the impact of new technologies on intellectual property protection should not be invoked to delay the work carried out by 80 other countries. As regards the TRIPS Agreement, its foreseeable contents had been known for a long time. The Delegation thus wished that the memoranda prepared for the June meetings be distributed and that the Committees of Experts be convened as quickly as possible.

15. The Chairman summarized the discussion up to this point and made reference to the request of the United States of America and the flexibility shown by other delegations. If an appropriate timetable could be agreed upon, perhaps a solution acceptable to all Assembly members could be found.

Detailed Discussion

16. After informal consultations, comments were made with respect to, on the one hand, the requested postponement and, on the other, the preparation and distribution of the working documents for the future meetings of both Committees of Experts.

— Postponement

17. All delegations that took the floor on this point and the observer from the European Commission stressed the great importance of WIPO's role and recognized expertise in the field of norm-setting, notably in respect of copyright and related rights. This unique role should continue and even be enhanced, both to fill lacunae of the TRIPS Agree-

ment and to take account of recent technological developments. Three delegations also underlined the urgent need for updated international standards in the field of copyright and neighboring rights, and the importance of establishing such new norms at the multilateral level. Many delegations and the observer from the European Commission also reaffirmed their commitment to continue to work constructively and positively within the WIPO framework and in particular the two Committees of Experts.

18. A great number of delegations and the observer from the European Commission stated that, while they would prefer maintaining the dates as originally scheduled for the June meetings, they understood the reasons for a relatively short postponement; those reasons included giving all participants adequate time to study the memoranda prepared by the International Bureau and for consultations with interested circles and among groups of countries with certain common interests; this would also ensure that the work would go ahead on a consensus basis.

19. Other delegations found that the reasons given to seek the postponement were not valid; however, to allow the work of the two Committees to continue in a constructive spirit of cooperation, they could accept the proposal to postpone the meetings until the end of 1994.

20. A delegation said that there was no need to wait even more to study the problems arising out of the application of new technologies, including digital information networks. In fact, it was better to examine such questions before problems were definitively settled at the national level. In contemplating solutions to these problems, the clear distinction between copyright and neighboring rights should be made. The delegation wanted that the dates as originally scheduled for the future meeting be maintained.

21. As regards the timing of a possible postponement, several delegations that could agree to a limited deferment insisted that the postponement should not go beyond the end of 1994. One delegation stated that it would prefer having more time to reflect, but could nonetheless accept this deadline. Another delegation expressed the opinion that the meetings should be postponed until next spring, so as to give all participants more time to carefully study all the issues involved. Successful discussions were more important than maintaining strict timetables.

— *Documents*

22. A great number of delegations and the observer from the European Commission wished that the

memoranda prepared for the June meetings be distributed as soon as possible. Several delegations expressed the view that such documents should be published in a provisional form. Many delegations added that the International Bureau should offer member States of the two Committees of Experts and the European Commission the possibility to comment on the provisional documents, until September 15, 1994. A delegation, speaking on behalf of a group of Latin American countries, proposed that the documents be distributed as soon as possible, and the question whether the comments made by governments should be annexed to the documents or incorporated in a revised version of those documents should be discussed at the next session of the Assembly in September 1994. Comments should be distributed according to established WIPO practices.

23. Some delegations also stated that the International Bureau should have the discretion to revise the provisional memoranda, if warranted by the comments received. A delegation, speaking on behalf of a group of industrialized countries having certain common interests, added that this would be the case if a significant number of countries made similar comments or proposals. Other delegations believed that comments received should only be annexed to the memoranda and reiterated that, in any event, full transparency should be maintained in the process.

24. A delegation, speaking on behalf of a group of Latin American countries, requested that the International Bureau prepare an analysis of the TRIPS Agreement and its implications for the WIPO-administered conventions. It added that it did not insist that a decision be taken about that request at this extraordinary session of the Assembly.

Conclusions

25. After a pause for further informal consultations, the following decisions were unanimously made:

(i) by May 10, 1994, two memoranda prepared by the International Bureau on the basis of the two Committees' discussions of June and November 1993, respectively, should, together with an invitation for comments, be sent as provisional drafts to the governments of the countries members of the Berne Union and the European Commission; the said invitation should state that comments should reach the International Bureau by September 1, 1994;

(ii) the International Bureau should make available to the extraordinary session of the Assembly of the Berne Union (September 26 to October 4, 1994) the texts of all comments received;

(iii) in the light of those comments, the Assembly should decide whether the comments should be taken into account in preparing the definitive version of the two memoranda or to decide that the provisional drafts should, without any change, be issued as definitive public documents, the comments being simply attached to them;

(iv) the documents referred to in the preceding paragraph should be mailed by the International Bureau to all entities invited to the Committees (governments, intergovernmental and non-governmental organizations) by November 1, 1994;

(v) the two Committees should be convened and meet on the following dates: the Committee of

Experts on a Possible Protocol to the Berne Convention, from December 5 to 9, 1994, and the Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms, from December 12 to 16, 1994, both at the headquarters of WIPO.

V. Adoption of the Report and Closing of the Session

26. The Assembly unanimously adopted this report. Then, after the usual statements of thanks, the Chairman declared the session closed.

Worldwide Forum on the Arbitration of Intellectual Property Disputes

(Geneva, March 3 and 4, 1994)

On March 3 and 4, 1994, the World Intellectual Property Organization (WIPO) and the American Arbitration Association (AAA) jointly organized, at the headquarters of WIPO in Geneva, a Worldwide Forum on the Arbitration of Intellectual Property Disputes.

The Forum was attended by 250 persons, representing 33 countries (Algeria, Angola, Argentina, Austria, Bulgaria, Chile, China, Croatia, Czech Republic, Democratic People's Republic of Korea, Egypt, Estonia, Finland, France, Germany, Guatemala, Hungary, Israel, Italy, Japan, Kenya, Lithuania, Mexico, Morocco, Republic of Korea, Senegal, Slovakia, Slovenia, Spain, Switzerland, Tunisia, Turkey, United Kingdom), seven intergovernmental organizations (United Nations (UN), Commission of the European Communities (CEC), European Patent Organisation (EPO), European Space Agency (ESA), General Agreement on Tariffs and Trade (GATT), League of Arab States (LAS), World Meteorological Organization (WMO)), and 32 non-governmental organizations (Agency for the Protection of Programs (APP), Asian-African Legal Consultative Committee (AALCC), Association for the International Collective Management of Audiovisual Works (AGICOA), Centre for International Industrial Property Studies (CEIPI), Committee of National Institutes of Patent Agents (CNIPA), European Association of Industries of Branded Products (AIM), European Communities Trade Mark Association (ECTA), European Council of American Chambers of Commerce (ECACC), Federal Chamber of Patent Attorneys (FCPA), French Association of

Practitioners in Trademark and Design Law (APRAM), Institute of Professional Representatives Before the European Patent Office (EPI), Inter-American Association of Industrial Property (ASIPI), International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), International Association for the Protection of Industrial Property (AIPPI), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM), International Confederation of Societies of Authors and Composers (CISAC), International Federation of Computer Law Associations (IFCLA), International Federation of Film Producers Associations (FIAPF), International Federation of Industrial Property Attorneys (FICPI), International Federation of Inventors' Associations (IFIA), International Federation of the Phonographic Industry (IFPI), International Federation of the Seed Trade (FIS), International League of Competition Law (LIDC), International Organization for Standardization (ISO), International Publishers Association (IPA), International Theatre Institute (ITI), International Union of Architects (IUA), Licensing Executives Society International (LESI), Licensing, Innovation and Technology Consultants' Association (LITCA), Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI), The Chartered Institute of Arbitrators (CIArb)). Furthermore, 133 persons from the following countries and territory participated in a private capacity: Australia, Austria, Belgium, Brazil,

Czech Republic, Finland, France, Germany, Greece, Hungary, Israel, Italy, Japan, Latvia, Nigeria, Netherlands, Portugal, Romania, Senegal, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, United Kingdom, United States of America, Yugoslavia, Hong Kong.*

Opening addresses were given by the Director General of WIPO, Dr. Arpad Bogsch, and the President of the AAA, Mr. Robert Coulson. Dr. Bogsch introduced the new venture of WIPO in establishing the WIPO Arbitration Center and said that WIPO was particularly well placed to provide services for the resolution of international intellectual property disputes. Mr. Coulson expressed the support of the AAA for the establishment of the Center. Mr. Coulson also said that, of the new cases commenced before the AAA in 1993, 139 involved intellectual property disputes, representing a total amount of US\$240 million of claims.

The proceedings of the Forum were divided into four parts. The first part consisted of a presentation by Mr. Coulson, in which he gave a general overview of arbitration, mediation, MEDALOA (*MEDIATION And Last Offer Arbitration*), the mini-trial and other procedures, as well as of the AAA and other arbitration institutions operating throughout the world.

The second part consisted of a number of presentations concerning the various aspects of the arbitration process. Questions concerning arbitrability were covered by Mr. Robert Briner (*Lenz & Staehelin, Geneva*), who dealt with the significance of the question of arbitrability, the stages at which the question arose in arbitrations, and the treatment of the arbitrability of intellectual property disputes in Switzerland in particular, where a legal climate favorable to the arbitrability of all aspects of such disputes prevails; Mr. David Plant (*Fish & Neave, New York*), who explained in detail the approach to the arbitrability of intellectual property disputes in the United States of America, as well as analyzing the arbitrability of antitrust issues; and Mr. Jochen Pagenberg (*Bardehle, Pagenberg, Dost, Altenburg, Frohwitter, Geissler & Partner, Munich*), who covered the treatment of the arbitrability of intellectual property disputes in Germany.

An extensive analysis of the central question of the drafting of dispute-resolution clauses was given by Mr. Marc Blessing (*Bär & Karrer, Zurich*, and President, Swiss Arbitration Association (ASA)), which dealt with the choice between institutional and ad hoc arbitration, pre-drafting checks for arbitration clauses, drafting checks for arbitration clauses and model arbitration clauses.

The selection of arbitrators was treated by Mr. James Carter (*Sullivan & Cromwell, New York*),

in a presentation which emphasized the pivotal importance of the arbitrators and analyzed questions concerning the number of arbitrators, selection techniques and the desired qualifications and attributes of arbitrators.

The particular characteristics of intellectual property disputes and the application of arbitration and other dispute-resolution procedures to such disputes were dealt with by Mr. Julian Lew (*Coudert Brothers, London*) and Professor Bryan Niblett (*Chairman, Intellectual Property Specialist Group, The Chartered Institute of Arbitrators, London*). Mr. Lew also gave statistics concerning intellectual property disputes administered by the International Chamber of Commerce (ICC) Court of International Arbitration. Over the three years from 1990 to 1992, 108 of the 787 new cases set in motion by the ICC Court contained an intellectual property element.

The management of arbitration proceedings was treated by Mr. Michael Hoellering (*General Counsel, AAA*), who dealt with the various ways in which an arbitral institution can assist in the initiation and administration of arbitration proceedings; and Professor Hans Smit (*Director, Parker School of Foreign and Comparative Law, Columbia University, New York*), who, from the perspective of the arbitrator, dealt with a wide range of problems and issues that arise in the course of an arbitration.

Finally, in this second segment, Mr. Otto de Witt Wijnen (*Nauta Dutilh, Rotterdam, Netherlands*) analyzed arbitral awards and their enforcement, covering the New York Convention, remedies in intellectual property cases and interim measures.

The third component of the Forum was devoted to mediation, in which three presentations were made. Sir Laurence Street (*Dispute Resolution Consultant and Retired Chief Justice of the Supreme Court of New South Wales, Australia*) introduced the procedure of mediation and analyzed the roles of the mediator, legal advisors, party representatives and the envisaged structure of mediations under the WIPO Arbitration Center's proposed rules. Professor Toshio Sawada (*Sophia (Jōchi) University, Tokyo*) presented the experience of Japan in conciliation and the prospects for the success of mediation as a procedure in international transactions. Mr. Tom Arnold (*Arnold, White and Durkee, Houston, Texas, United States of America*) explained the use of mediation in the United States of America and gave advice concerning the desirability of mediation and the use of advocacy in mediation.

The WIPO Arbitration Center and its services were presented in the final segment of the Forum by Mr. Francis Gurry (*Director-Advisor, WIPO*), who explained the specificity of intellectual property disputes and the appropriateness of arbitration and other dispute-resolution alternatives for the specific characteristics of such disputes, the procedures and services that would be offered by the WIPO Arbitra-

* A full list of participants may be obtained on request from the International Bureau.

tion Center and the lists of mediators and arbitrators being assembled by the Center.

The proceedings of the Forum will be available as a printed publication. Information concerning the publication and the services of the WIPO Arbitration Center may be obtained from:

WIPO Arbitration Center
34, chemin des Colombettes
1211 Geneva 20
Switzerland
Telephone No.: (41-22) 730 9428
Facsimile: (41-22) 733 5428.

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

Africa

Assistance With Training, Legislation and Modernization of Administration

Namibia. In March 1994, a government official was given a special training course on the practical aspects of collective administration of copyright by a WIPO consultant from Switzerland in Brigue (Switzerland).

Nigeria. In March 1994, three government officials were given a special training course on the practical aspects of collective administration of copyright by a WIPO consultant from Switzerland in Brigue.

United Republic of Tanzania. In March 1994, Mr. Vincent Mrisho, Principal Secretary, Ministry of Industries and Trade, and Mr. Richard Benjamin Mngulwi, Registrar, Division of Companies Registrations, Commercial Laws and Industrial Licensing of the same Ministry, undertook a study visit to WIPO at the invitation of the Director General. In Geneva,

they were received by the Director General and other WIPO officials and reviewed cooperation between the United Republic of Tanzania and WIPO and, in particular, the country's possible accession to the Patent Cooperation Treaty (PCT) and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol), as well as the status of the Tanzanian Trademark Act and its Implementing Regulations. Questions relating to two proposed projects financed by the United Nations Development Programme (UNDP), one for the United Republic of Tanzania and the other for Zanzibar, were also examined. Subsequently, WIPO also organized for them a visit to the Swiss Federal Intellectual Property Office in Berne and the Swiss Society for Authors' Rights in Musical Works (SUISA) in Zurich.

Also in March 1994, a WIPO official visited Dar es Salaam and held discussions with government leaders and officials on cooperation with WIPO. He was received by the President of the United Republic of Tanzania.

Arab Countries

Assistance With Training, Legislation and Modernization of Administration

Syria. In March 1994, two WIPO officials undertook a mission to Damascus to discuss with government officials the revision of the Syrian Industrial

Property Law and Syria's possible accession to the Convention Establishing the World Intellectual Property Organization and the Stockholm Act of the Paris Convention for the Protection of Industrial Property. They also discussed cooperation between Syria and WIPO.

Asia and the Pacific

Training Courses, Seminars and Meetings

WIPO/China Asian Subregional Symposium on the Role of Copyright in Cultural and Economic Development (China). From March 24 to 26, 1994, WIPO organized this Symposium in Kunming in cooperation with the National Copyright Administration of China (NCAC). The Symposium was attended by 12 participants from Brunei Darussalam, Indonesia, Malaysia, Mongolia, Myanmar, the Philippines, the Republic of Korea, Singapore and Viet Nam as well as by some 100 Chinese nationals. Opening addresses were given by the Director General of WIPO and Mr. Yu Youxian, Director General of NCAC. Papers were presented by four WIPO consultants from Australia, Japan, Sweden and the United States of America, two nationals of China and two WIPO officials. Three other WIPO officials also participated in the Symposium.

India. In March 1994, the Director General delivered a lecture on the "Role of Intellectual Property in the Development Process" at the Rajiv Gandhi Institute of Contemporary Studies, under the Rajiv Gandhi Foundation in New Delhi. The audience was composed of some 45 people who were Members of Parliament, government and industry leaders as well as academics and legal experts.

Assistance With Training, Legislation and Modernization of Administration

China. In March 1994, the Director General visited Beijing and was received by the Vice President of the country. He also had talks with the President of the Supreme People's Court and with government officials on the latest international developments in the field of intellectual property and on future cooperation between China and WIPO in the fields of industrial property and copyright. The Director General was accompanied by another WIPO official.

India. In March 1994, the Director General paid an official visit to India. In New Delhi, he was

received by the President of India. He also met with the Finance Minister, the Minister of Commerce and the Minister of Human Resource Development, senior government officials and representatives from industry, research and development institutions, agencies dealing with copyright matters and representatives of the Trade Marks, Patents, Designs and Copyright Owners Association of India. In Bombay, he had discussions with government and UNDP officials, an official from the European Patent Office (EPO) and three other WIPO officials on the progress of the two UNDP-financed country projects in India relating to trademark administration and patent information services.

Japan. In March 1994, two government officials visited WIPO to discuss with the Director General and other WIPO officials the Organization's development cooperation activities in the field of copyright planned under the Japanese funds-in-trust arrangement for the Japanese fiscal year 1994-95.

Laos. In March 1994, a WIPO official visited Vientiane to discuss with government and UNDP officials the introduction of industrial property legislation in Laos, the setting up of the necessary administrative infrastructure, training and the possible holding of an awareness-building seminar on industrial property in Vientiane. The WIPO official also drew the attention of the government authorities concerned to the advantages of Laos' membership in WIPO. The mission was undertaken under the UNDP-financed interregional project.

Singapore. In March 1994, a WIPO official visited Singapore and had discussions with government officials and representatives of a collective administration of rights society on the possible establishment of a cooperation program in the field of copyright and neighboring rights.

Thailand. In March 1994, two WIPO officials held discussions with government officials in Bangkok on the situation of copyright in Thailand and the possibility of holding a regional seminar on copyright and neighboring rights for Asian countries in Bangkok later in 1994.

Latin America and the Caribbean

Training Courses, Seminars and Meetings

WIPO/MERCOSUR (Common Market of the Southern Cone) Government Experts Meeting on Intellectual Property in MERCOSUR Countries (Uruguay). On March 14 and 15, 1994, WIPO organized that Meeting in cooperation with the Common Market Group of MERCOSUR and with the financial assistance of UNDP, at the headquarters of the MERCOSUR Administrative Secretariat in Montevideo. The meeting was attended by 17 government officials of the four MERCOSUR countries, namely, Argentina, Brazil, Paraguay and Uruguay, two WIPO officials and a WIPO consultant on computerization from Chile. WIPO presented five studies which had been requested by the four countries during a previous meeting held at WIPO in Geneva in October 1993. They were entitled: Aspects of Industrial Property Legislation Relevant to the Integration of the MERCOSUR countries; Aspects of Copyright Legislation Relevant to the Integration of the MERCOSUR Countries; Reflections on the Settlement of Disputes Between States and Between Individuals on Matters of Intellectual Property; Proposal for Legal Provisions on Trademarks; Status of the Industrial Property Offices of the MERCOSUR Countries. Discussions concentrated on those studies and the MERCOSUR countries' plans of action in the field of intellectual property, in particular, in respect of the harmonization of legislation among those countries. WIPO was requested to prepare further studies to be presented at the next WIPO/MERCOSUR Meeting on Intellectual Property, to be held in June 1994. This activity was undertaken in the context of the UNDP-financed regional project.

WIPO Regional Seminar on Copyright and Neighboring Rights for Judges from Central America and Panama (Costa Rica). From March 2 to 4, 1994, WIPO organized this Seminar in cooperation with the School of Judges of the Supreme Court of Justice of Costa Rica and the Central America and Panama Training Center for the Judiciary and with the assistance of the General Authors' Society of Spain (SGAE). Some 30 participants from the judicial sector of Costa Rica, and nine judges from the following countries attended the Seminar: El Salvador, Guatemala, Honduras, Nicaragua, Panama. The Seminar was opened by the President of the Supreme Court of Costa Rica. Papers were presented by six WIPO consultants from Argentina, Colombia, Peru, Spain and Venezuela as well as a WIPO official. Another WIPO official also attended the Seminar.

Suriname. In March 1994, a WIPO official participated in a symposium on intellectual property law organized in Paramaribo by the Anton de Kom University of Suriname and the Faculty of Law of the University of Amsterdam.

Assistance With Training, Legislation and Modernization of Administration

Honduras. In March 1994, Mr. Delmer Urbizo Panting, Minister for Economy, and Mr. Oscar A. Nuñez Sandoval, Vice-Minister for Economy, held discussions with WIPO officials in Geneva on the strengthening of cooperation between Honduras and WIPO.

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

National Activities

Kyrgyzstan. In March 1994, the International Bureau prepared and sent to the government authorities, at their request, comments on the draft law on copyright and neighboring rights.

Russian Federation. In March 1994, Mr. Serguei Lavrov, Deputy Minister of Foreign Affairs, and another government official had discussions with the Director General and other WIPO officials in Geneva on questions related to the Eurasian Patent Convention and the Russian Federation's possible accession to the Berne Convention.

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

National Contacts

France. In March 1994, a WIPO official had discussions with government officials in Paris on the strengthening of cooperation between France and WIPO in the field of copyright and, in particular, on the organization of the WIPO Worldwide Symposium on the Future of Copyright and Neighboring Rights in cooperation with the Ministry of Culture and Francophonie at the Louvre in Paris, in June 1994.

Portugal. In March 1994, a WIPO official attended, in Lisbon, a session of the Permanent Committee in charge of the organization of the second Ibero-American Congress on Copyright to be organized in Lisbon in November 1994 by WIPO in cooperation with the Ministry of Culture of Portugal and the Inter-American Copyright Institute (IIDA).

Turkey. In March 1994, a government official had discussions with WIPO officials in Geneva on the ongoing revision of the Copyright Law and future cooperation between Turkey and WIPO in the field of copyright.

United Nations

United Nations. In March 1994, a United Nations official visited WIPO, where he had discussions with WIPO officials on the experience of WIPO in carrying out development cooperation activities in the context of the pertinent resolutions of the United Nations General Assembly.

United Nations Administrative Committee on Coordination (Organizational Committee) (ACC(OC)). In March 1994, a WIPO official attended a meeting of the ACC(OC), held in Geneva.

Intergovernmental Organizations

General Agreement on Tariffs and Trade (GATT). In March 1994, a group of 24 Spanish-speaking trainees enrolled in GATT's 77th Commercial Policy Course visited WIPO and were briefed by WIPO officials on WIPO's activities and intellectual property in general.

Other Organizations

Agency for Cultural and Technical Cooperation (ACCT) (France). In March 1994, a WIPO official participated in a round table organized in Geneva by, *inter alia*, ACCT.

Association of International Librarians and Information Specialists (AILIS). In March 1994, a WIPO official attended a meeting of the Executive Committee of AILIS which was held in Geneva.

European Space Agency (ESA)/European Centre for Space Law (ECSL). In March 1994, a representative of ESA/ECSL had discussions with WIPO officials in Geneva on the intellectual property aspects of the Agency's activities.

International Confederation of Societies of Authors and Composers (CISAC/Asia). In March 1994, a WIPO official visited Singapore and had discussions with the Regional Representative of CISAC/Asia on possible cooperation relating to the development of collective administration of copyright in the region.

Sanwa Research Institute Corporation (Tokyo). In March 1994, two researchers from the Institute had discussions with WIPO officials in Geneva on WIPO's activities with implications for the protection of multimedia works.

Miscellaneous News

National News

Greece. The Law for the Protection of Copyright and Neighboring Rights, No. 2121/1993, entered into force on March 4, 1994.

Hungary. Law No. VII of 1994 Amending the

Industrial Property and Copyright Legislation, of February 8, 1994, will enter into force on July 1, 1994.

Ukraine. The Law on Copyright and Neighboring Rights was adopted on December 23, 1993, and entered into force on February 23, 1994.

Calendar of Meetings

WIPO Meetings

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

1994

- 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.
- December 5 to 9 (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.
- December 12 to 16 (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.

1995

- April 5 and 6 (Melbourne, Australia)** **Symposium on the International Protection of Geographical Indications (organized by WIPO in cooperation with the Government of Australia)**
The Symposium will deal with the protection of geographical indications (appellations of origin and other geographical indications) both on the national and multilateral level and, in particular, with the coexistence of geographical indications and trademarks.
Invitations: Governments, selected intergovernmental and non-governmental organizations and any member of the public (against payment of a registration fee).

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 <i>Invitations:</i> 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) <i>Invitations:</i> Member States of UPOV.
November 9 (p.m.) (Geneva)	Council (Twenty-Eighth Ordinary Session) <i>Invitations:</i> Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.

Other Meetings

1994

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, D.C.)	International Confederation of Societies of Authors and Composers (CISAC): Congress.
September 22 to 24 (Berlin)	International League of Competition Law (LIDC): Congress.

