

**Intergovernmental  
Copyright  
Committee**

**Comité  
intergouvernemental  
du droit d'auteur**

**Comité  
Intergubernamental  
de Derecho de Autor**

First Extraordinary  
Session of the  
Committee of the  
1971 Convention

Geneva, December 1975

Première session  
extraordinaire du  
Comité de la  
Convention de 1971

Genève, décembre 1975

Primera Reunión  
Extraordinaria del  
Comité de la  
Convención de 1971

Ginebra, diciembre de 1975

Distribution: general

IGC/XR.1(1971)/17  
PARIS, 1 March 1976  
Original: English

REPORT

submitted by the Secretariat and  
adopted by the Committee

Introduction

1. The Intergovernmental Copyright Committee (hereinafter called "the Committee") established under Article XI of the Universal Copyright Convention as revised at Paris on 24 July 1971, met in extraordinary session at the Headquarters of the United Nations Office in Geneva from 10 to 16 December 1975.
2. The eighteen States Members of the Committee (Algeria, Argentina, Australia, Brazil, France, Federal Republic of Germany, Ghana, India, Israel, Italy, Japan, Mexico, Senegal, Spain, Tunisia, United Kingdom, United States of America and Yugoslavia) were represented at this session.
3. The following States party to the Universal Copyright Convention but not members of the Intergovernmental Committee sent observers: Austria, Belgium, Cameroon, Canada, Chile, Cuba, Czechoslovakia, Denmark, Finland, German Democratic Republic, Guatemala, Holy See, Hungary, Morocco, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Sweden, Switzerland, Union of Soviet Socialist Republics, Zambia.
4. The following States not party to the Universal Copyright Convention were also represented: Colombia, Congo, Egypt, Iran, Libyan Arab Republic, Mongolia, Poland, Thailand and Zaïre.

(LA-75/CONF.002/COL.16)

5. Ms. Marie-Claude Dock, Director of the Copyright Division, representative of the Director-General of Unesco, Mrs. K.-L. Liguier-Laubhouet, Deputy Director-General of WIPO, Mr. Murray Haddrick, Head of the Copyright Division of WIPO, Mr. Hans-Jürgen Bartsch, Administrator of the Directorate of Legal Affairs of the Council of Europe, Mr. Daniel Séhoulia, Deputy Executive Secretary of the Permanent Delegation of OAU in Geneva, Mr. A. F. Sorour, Permanent Delegate of ALECSO to Unesco, attended the Committee's session in an advisory capacity.
6. Representatives of two intergovernmental organizations and sixteen international non-governmental organizations followed the work of the Committee as observers.
7. The list of participants is annexed to this report.

#### Opening of the Session

8. Opening the session of the Committee, its Chairman, Mr. Gabriel E. Laureca-Richerand (Mexico), stressed the need of the developing countries to have access on the best possible terms and with a minimum of restrictions to literary, scientific and technical works and works of cultural promotion. He therefore felt it indispensable that copyright should be looked at with reference to the educational and cultural needs of the international community.

#### Adoption of the Agenda

9. When adopting the agenda reproduced in document IGC/XR.1(1971)/1, the Chairman replied to an intervention by the delegation of Czechoslovakia in respect of Item I.6 (Communication by the Government of Argentina) by proposing that the Committee invite the two parties concerned to seek a satisfactory solution to the problem raised through bilateral measures and, consequently, that this matter should not be put on the agenda.
10. The Committee accepted this proposal.
11. The delegation of Argentina stated that should it not prove possible to reach agreement under the arrangements referred to in paragraph 9 above, it reserved its country's right to raise the matter again in the Committee.
12. The agenda given in document IGC/XR.1(1971)/1 was adopted without further amendment.

### PART I. ITEMS CONCERNING THE INTERGOVERNMENTAL COPYRIGHT COMMITTEE ALONE

#### Application and operation of the Universal Copyright Convention

13. The Committee took note of the information in document IGC/XR.1(1971)/2 in respect of adherences to the Convention adopted in 1952 since its twelfth session. Three new States (Bangladesh, Bulgaria and Senegal) had become party to the Convention as a result of their accession to the Convention as revised in 1971, under Article IX, paragraph 3, of that instrument.
14. The Committee also took note of documents IGC/XR.1(1971)/3 and 3 Add. 1 reporting on the ratifications of and accessions to the Convention as revised in 1971. Since the eleventh session of the Committee eleven additional States

(Bangladesh, Brazil, Bulgaria, Kenya, Mexico, Monaco, Morocco, Norway, Senegal, Spain, Tunisia) had deposited with the Director-General of Unesco their instruments of ratification or accession in respect of the Convention which entered into force on 10 July, 1974.

15. Attention was drawn to the fact that developing countries wishing to avail themselves of any or all of the exceptions for their benefit provided for under Articles Vter and Vquater of the Convention as revised in 1971, were required to address an appropriate notification to the Director-General of Unesco at the time of ratification, accession or acceptance, or at a later date.

#### Protection of translators

16. The Committee took cognizance of the report presented by the Secretariat on the protection of translators (document IGC/XR.1(1971)/4) and noted that the eighteenth session of the Unesco General Conference had considered it desirable that an international instrument on this subject be prepared and had decided that it should take the form of a recommendation to Member States within the meaning of Article IV, paragraph 4, of the Constitution. In this respect, the representative of the Director-General of Unesco stressed the advantages offered by the system of the recommendation, a flexible method that leaves States entirely free to apply its provisions in the way that best suits their particular situation. She also drew the attention of the Committee to the fact that the envisaged recommendation would set forth measures of an essentially practical nature to ameliorate the effective application of the principles contained in the international conventions and national laws on this subject.

17. The observer from Czechoslovakia welcomed this decision and emphasized the need to give a more precise definition to the term translator.

#### Legal and Technical Assistance to States in Developing their National Copyright Legislation

18. The Committee took note of the report presented to it by the Secretariat (document IGC/XR.1(1971)/5) on this question which comes within the framework of the Programme of Participation in the Activities of Member States being carried out by the Unesco Secretariat. It noted that since its twelfth session the following programmes of assistance to developing countries had been realized or were being implemented to help them develop their national copyright legislation, establish administrative structures such as national copyright information centres, societies of authors, etc., or to train specialists in the subject: (i) award of three to six months' fellowships to nationals of the Central African Republic, Dahomey, Ghana, India, Mauritania, Mauritius, Senegal, Sri Lanka and Trinidad and Tobago; (ii) dispatch of experts to Argentina, Cambodia, Dahomey, Ivory Coast and Mauritania.

19. The delegations of Australia, Federal Republic of Germany, India and the United States of America, together with the observers from Canada, the Congo, Hungary and the Union of Soviet Socialist Republics congratulated Unesco on its implementation of this programme. They further addressed their thanks to the national copyright offices as well as to national and international organizations who were willing to collaborate with Unesco in this field by receiving scholarship holders.

20. The observer from the Congo mentioned that the competent authorities of its country had benefitted from Unesco's assistance when drafting the national copyright legislation presently before Parliament.

21. The delegation of India requested that co-operation between Unesco and WIPO Secretariats in this field be strengthened.
22. The delegations of Australia and Mexico, together with the observers from Canada and the Union of Soviet Socialist Republics, whose Governments had not yet been associated with this programme, offered their co-operation.
23. The observers from the International Confederation of Societies of Authors and Composers (CISAC) and the International Federation of Producers of Phonograms and Videograms (IFPI) stressed the importance attached by their organizations to this programme and hoped that existing collaboration in this field between themselves and Unesco could be extended.

Other business

24. The Committee took cognizance under this item of the communication from the Government of Austria, received by the Secretariat on 7 August 1975, requesting the Intergovernmental Committee to be so kind as to inform Governments of public sessions in good time.

PART II: ITEMS CONCERNING BOTH THE INTERGOVERNMENTAL COPYRIGHT COMMITTEE  
AND THE EXECUTIVE COMMITTEE OF THE BERNE UNION

Reprographic reproduction of works protected by copyright

25. The Chairman recalled that the document before the Committees (document B/EC/IX/3 - IGC/XR.1(1971)/7) contained the report adopted by the Sub-Committees on the reprographic reproduction of works protected by copyright which had met in Washington from 16 to 21 June, 1975, at the gracious invitation of the Government of the United States of America.
26. After noting that all 18 States members of the Intergovernmental Copyright Committee and 15 of the 16 States members of the Executive Committee of the Berne Union had been represented at the meetings of the Sub-Committees, the Chairman proposed that the Committees should approve the resolution adopted respectively by the Sub-Committees, and annexed to the above-mentioned report, if there were no objection from the Delegation of Poland which was the only State member of the Executive Committee of the Berne Union which had not participated in the work at Washington. The Delegation of Poland having confirmed that it did not have any objection to raise, it was decided accordingly.
27. The Head of the Delegation of the United Kingdom, in his capacity of Chairman of the Sub-Committees, expressed both the Sub-Committees' and his own warm thanks to the Government of the United States of America for its hospitality to the Sub-Committees.
28. The Delegation of Mexico endorsed the congratulations addressed to the Government of the United States of America and likewise congratulated the Head of the Delegation of the United Kingdom for the skill with which he had conducted the discussions.
29. The observer from the International Federation of Documentation (FID), who had been an observer at the meetings of the Sub-Committees, congratulated the participants on both the level and the quality of the discussions which had omitted

no aspect of the problems raised by the reprographic reproduction of works protected by copyright. He added that the results of the discussions would without doubt facilitate the task of national legislators.

30. The observer from the International Publishers Association (IPA) drew the Committees' attention to the second principle set out in the resolution and expressed the hope that it would be recommended to the States party to the two Conventions that they examine the possibility of ensuring that owners of rights effectively receive royalties and thus promote the creativity of authors and permit a wider dissemination of their works. He emphasized that the setting up of collective systems should not mean the pooling of the sums received. He expressed the wish that the Secretariats should inquire of the Governments as to the practices of each country as regards the individual distribution of royalties paid for reprographic reproduction.

31. The representative of the Director-General of Unesco recalled that the seventeenth session of the General Conference had decided that an international instrument concerning the reprographic reproduction of works protected by copyright was desirable and that it should take the form of a Recommendation to the Member States, within the meaning of Article IV(4) of the Unesco Constitution. She informed the Committees that, after taking cognizance of the report submitted to its eighteenth session by the Director-General which took into account the recommendations adopted by the Committees at their sessions in 1973, the General Conference adopted resolution 18 C/6.14 in which, after referring to its earlier decision, it:

"Authorizes the Director-General to take account .... of the views expressed by the above-mentioned committees .... and to prepare, if feasible, a draft recommendation for submission to the General Conference at its nineteenth session;

Invites, moreover, the Director-General to inform the Executive Board of the results of the work of the sessions of the .... committees which should be held in December 1975;

Authorizes the Executive Board, in the light of the information submitted to it, to make, within the framework of the Rules in force, the changes in the provisions of this resolution, as well as those of resolution 5.151, adopted by the General Conference at its seventeenth session, which it deems indispensable."

The representative of the Director-General of Unesco concluded by pointing out that the resolution in no way prejudged any conclusions which might be reached by the Committees, that it in no way modified the earlier decision of the General Conference since no new factor had arisen prior to the eighteenth session, but that it gave the Unesco Executive Board, to which the Director-General would report at its Spring 1976 session on the outcome of the Sub-Committees' discussions and of the present sessions of the Committees, the possibility of making any modifications it deemed necessary to the provisions of resolutions 17 C/5.151 and 18 C/6.14.

32. The Director General of WIPO recalled that, having approved the resolution adopted in Washington, the Committees should decide on the procedure to adopt in following up the work of the Sub-Committees. He suggested that, since the resolution was based on facts which were unlikely to undergo any change in the near future, the Committees should decide not to pursue study of this matter for the present and he therefore expressed his view that it would be preferable for

the governing bodies of Unesco and WIPO to abstain from taking a position on this question.

33. The Delegations of Brazil, Canada, France, Federal Republic of Germany, Hungary, Italy, Spain, the United Kingdom and the United States of America supported this proposal.
34. The Delegation of Algeria found the proposal satisfactory but, together with the Delegations of Mexico, Senegal and Tunisia, questioned whether it was compatible with the procedure of the Unesco governing bodies.
35. The representative of the Director-General of Unesco stated that she had no objections to raise as regards the substance of the recommendations but that, as regards procedure, the Executive Board, to which the Director-General would report at its Spring 1976 session, and the General Conference, at its nineteenth session, would decide on the future action to be taken in respect of this activity.
36. Following this discussion, the Delegation of Brazil proposed that the Committees should unanimously consider the resolution adopted in Washington as fully satisfactory and deem the subject to be exhausted for the present. The Delegation further proposed that the Committees express the view that it was preferable for the matter not to be reconsidered by the governing bodies of Unesco and WIPO.
37. The Committees agreed with this proposal.
38. At the time of the adoption of this report, the Delegation of Tunisia stated that it interpreted the view expressed by the Committees to mean that it was preferable for the matter not to be reconsidered by the governing bodies of Unesco and WIPO in the near future.

Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (Satellite Convention)

39. The Committees noted the information contained in document B/EC/IX/4 - IGC/XR.1(1971)/8 concerning the International Conference of States on the distribution of programme-carrying signals transmitted by satellite and the basic provisions of the Convention signed at Brussels on 21 May, 1974.
40. The observer from the European Broadcasting Union (EBU) informed the Committees that the procedure for the ratification of this Convention as well as the Phonograms Convention was in progress in Kenya.

Convention for the Protection of Producers of Phonograms (Phonograms Convention)

41. The Committees noted with satisfaction the information concerning the development of the Phonograms Convention (document B/EC/IX/6 - IGC/XR.1(1971)/10). They were also informed by the Secretariats that, since the publication of that document, Luxembourg had deposited its instrument of ratification. This ratification brought the number of countries having ratified or acceded to the Convention to 18.
42. The observer from the International Federation of Producers of Phonograms and Videograms (IFPI) underlined the speed with which the Convention had been ratified by a large number of countries and expressed the hope that further ratifications would take place in the near future. In this connexion, it paid tribute to the International Bureau of WIPO for having, in particular, drawn the attention of States to the advantages of becoming party to this international instrument.

43. The Delegation of Mexico expressed pleasure at the progress that had been made and also congratulated the Secretariat of Unesco for its work in this field.

International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention)

44. The Committees noted the information concerning the development of the Rome Convention (document B/EC/IX/5 - IGC/XR.1(1971)/9). They were also informed by the Secretariats that, since the publication of that document, Luxembourg had deposited its instrument of accession to the Convention. This accession brought the number of States having ratified or acceded to the Convention to 17.
45. The representative of the Council of Europe drew the Committees' attention to the entry into force on 31 December, 1974, of the Additional Protocol to the Protocol to the European Agreement on the Protection of Television Broadcasts, which lays down that, with effect from 1 January, 1985, no State may remain or become a party to the Agreement without also being party to the Rome Convention.
46. The observer from Austria, in his capacity as Chairman of the Intergovernmental Committee of the Rome Convention, announced that Committee's decision to ask the Executive Committee to invite international non-governmental organizations to provide statistics on copyright royalties where they might help in the comparison and evaluation of statistics on royalties collected for rights deriving from the Rome Convention.
47. The Delegation of Brazil, supported by the Delegation of the Federal Republic of Germany, expressed the view that such a survey could be useful, as the interests of authors and those of the groups protected by the Rome Convention were complementary. It therefore proposed that a decision be taken to carry out the survey.
48. The Committees approved the proposal made by the Delegation of Brazil and decided to invite also all the States party to the Berne Convention and the Universal Copyright Convention to take part in the proposed survey.
49. The Director-General of WIPO, the representative of the Director-General of Unesco and several delegations, as well as the observers from the European Broadcasting Union (EBU) and the International Federation of Producers of Phonograms and Videograms (IFPI) paid tribute to Mr. G.E. Larrea Richerand, Head of the Delegation of Mexico, for the success of the Latin American and Caribbean Seminar on the Rights of Performers, Producers of Phonograms and Broadcasting Organizations that was held in Oaxtepec (Mexico) from 27 to 31 October, 1975.

Model Law on Copyright for Developing Countries

50. The Secretariats drew the attention of the Committees to the fact that the Draft Copyright Model Law (document B/EC/IX/7 - IGC/XR.1(1971)/11) contained provisions relating to folklore (Articles 6 to 19) and reprographic reproduction (Article 7), which were covered by two items on the agenda of the current sessions.
51. The Chairman, after having indicated the usefulness of a model law for developing countries, indicated that the draft that had been prepared was the result of a considerable amount of work. He added that other matters, such as provisions for protecting the interests of authors and other contractual relations between authors and publishers, could also be usefully considered for inclusion in the draft.

52. The Delegation of Tunisia informed the Committees that invitations to the meeting of a Committee of Governmental Experts for the drafting of a model law, which was to take place in Tunis from 23 February to 2 March, 1976 had been sent by the Tunisian Government to the governments of all developing countries, whether or not they were party to either of the Conventions. Interested intergovernmental and international non-governmental organizations had also been invited. A technical mission had already been made by Unesco and WIPO to deal with the material arrangements for the meeting. The Delegation of Tunisia addressed an appeal to the interested countries to attend this meeting in large numbers.
53. The Chairman thanked the Tunisian Government, on behalf of the Committees, for the efforts that it had made to ensure the success of the work of the Committee of Experts.
54. The Delegations of Canada, France, Federal Republic of Germany, Ghana, Mexico, Senegal and the United States of America, as well as the observers from the German Democratic Republic, Nigeria and Portugal, congratulated the Secretariat of Unesco and the International Bureau of WIPO on the work done and emphasized the great interest that the project should have not only for developing but also for developed countries.
55. The Delegation of Brazil, supported by the Delegation of France, considered that it was still too early to make comments on the contents of the draft model law, in view of the fact that governments would have until the Tunis meeting to communicate their observations on the subject to the Secretariats. The Delegation of Brazil also expressed the opinion that the experts at the meeting in Tunis should take the report of the present joint session of the two Committees into account when they considered the problems arising from reprographic reproduction and the protection of folklore.
56. The Delegation of France also pointed out that a number of the provisions appearing in the model law (on the right of reproduction, folklore, the ownership of copyright, the control of the grant of licences, and definitions, particularly the definition of broadcasting) called for very careful study.
57. The observer from Panama, while endorsing the opinions expressed on the importance of the model law, wondered whether a meeting of experts might not be held in Latin America in order to examine, from the regional point of view, the possibilities for the use of the text drafted at Tunis.
58. The Director-General of WIPO expressed his thanks to the Tunisian Government, and especially to Mr. A. Amri, for the efforts that were being made to ensure the success of the Tunis meeting. He added that, in his opinion, success would depend to a large extent on the number of participants and the interest they showed.
59. The representative of the Director-General of Unesco, on behalf of her Organization, also thanked the Tunisian Government and Mr. A. Amri as Secretary of the Organizing Committee of the Tunis meeting.
60. Referring to the suggestion made by the Chairman on the subject of contractual relations between authors and publishers, the Delegation of the Federal Republic of Germany drew the attention of the Committees to the work performed in this field by the International Copyright Information Centre. The representative of the Director-General of Unesco informed the Committees that guidelines for the drafting of contracts and model contracts for the publication of the translation or reproduction of a work had already been drawn up, and that other models were in preparation.



Problems arising from the use of electronic computers and other technological equipment

61. The discussion of this item took place on the basis of document B/EC/IX/8 - IGC/XR.1(1971)/12 to which was annexed a report prepared by Professor Eugen Ulmer. The Secretariats noted that Professor Ulmer's report was supplementary to his earlier report, entitled "Copyright problems arising from the computer storage and retrieval of protected works", which was considered by the Committees at their sessions in 1971. The second report had been prepared at the request of the Secretariats in pursuance of the decision of the Committees at that time to maintain the question on their agendas for further consideration at a later stage. The attention of the Committees was drawn to the fact that Professor Ulmer had prepared the second report under the title "Automatic and, in particular, computerized information and documentation systems and the copyright law" having regard to technological and systematic developments, especially in relation to the use of microforms (microfilm and microfiche) in conjunction with computers.
62. The Delegation of Brazil, supported by the Delegations of Argentina, Australia, France, Italy and the United States of America and the observer of Japan, proposed that Professor Ulmer be warmly congratulated by the Committees on his further outstanding study. The observer of Japan made special reference to the usefulness of Professor Ulmer's previous study in the preparation of an official report on computers in 1973.
63. The Delegations of Argentina, Australia, Brazil, France and Italy affirmed the view expressed in the final paragraph of the report that the time did not appear ripe for the formulation of solutions for a legal settlement at the international level since development concerned with the use of computers in relation to copyright works was still in a state of flux.
64. Recalling the suggestion made in the report that the Committees consider the possibility of requesting States to inform the Secretariats of measures adopted by them from a copyright standpoint regarding information and documentation systems in the light of the proposal for action along these lines in the field of reprographic reproduction made by the Sub-Committees on Reprographic Reproduction which met at Washington in June, 1975, the Delegations of Brazil and Italy recommended that this be done. The Delegation of Italy referred in particular to information and documentation that it could provide. The Delegations of Australia, France and the United States of America, noting that the situation regarding the utilization of computers was still evolving, thought it would be premature to take a decision.
65. The Delegation of Italy recalled that Article 9 of the Paris Act of the Berne Convention allowed States to provide for special cases while not discarding the general principle of the exclusive right of the author. Article 9 and also Article IV<sup>bis</sup> of the Revised Universal Copyright Convention, which was more general, thus permitted States to adopt provisions which limited the author's exclusive right, but in such cases a right to equitable remuneration could be given.
66. The Delegation of France expressed the opinion that, when copyright works are put into the memories of computers or on microforms, the right of reproduction, at least in terms of Article 9 of the Paris Act of the Berne Convention, is invoked. The Delegation noted that Article 9 restricted copyright since in "certain special cases" the author might be deprived of an exclusive right but, at the same time, the Article could be said to extend authors' rights in the sense that a right to compensation could be given under the general rules of responsibility.

67. The Delegation of Australia, after referring to the point of view according to which input into automatic data processing systems by means of magnetic tapes or microfilms invokes Article 9 and observing that, in practice, it might be a matter of convenience whether microfilms, magnetic tapes or other means were used, said that it did not wish to question the application of the Article as regards microforms but would, however, reserve its position in the case of magnetic tapes.
68. The Delegations of Australia and the United States of America drew the attention of the Committees to the future importance of data which is the by-product of other technologies and especially automated type-composing systems which produce machine accessible or readable data which can be used in computers.
69. The Delegation of the United States of America referred also to the potential of cable systems and satellite transmission systems for use in conjunction with computers and other technological equipment. Cable systems, which had already given rise to copyright problems in relation to television broadcasts, could equally be used to carry computerized data as well as images, including microforms. It was possible that in the near future cable and satellite communication technologies would come together with computer technology thus giving rise to the capacity to transmit data readily and in high volume, and even on an international scale. In the United States of America, the National Commission on New Technological Uses of Copyrighted Works, which had a charter to recommend legislation on reprographic reproduction and the computer use of copyright works, was expected to make its report on reprographic reproduction in the latter part of 1976 and would be in the course of preparing its report relating to the computer use of works by the time the Committees next met together in two years.
70. In the light of the comments made by the delegations, the Committees decided to warmly thank Professor Ulmer for his study and to take note of the last paragraph concerning possible action. Believing that further time should be allowed before countries were asked to report on measures they were adopting from a copyright viewpoint in relation to information and documentation systems, the Committees decided to maintain the item on their agendas for their next sessions sitting together to which the Secretariats should submit a report. The report should take note of developments in the intervening period and keep in mind the study being undertaken by the National Commission on New Technological Uses of Copyrighted Works. It was decided, however, that an inquiry to States was not necessary for the present.

Problems arising from the use of audio-visual cassettes and discs

71. During the discussion on this subject, the Committees had before them a study prepared by Professor Franca Klaver entitled "The legal problems of video-cassettes and audio-visual discs" (document B/EC/IX/9 - IGC/XR.1(1971)/13). While commending Professor Klaver for her comprehensive analysis of the problems arising from the use of audio-visual cassettes and discs, the Delegation of the United States of America, supported by the Delegations of Australia, Brazil, Canada, France, Federal Republic of Germany, India and the United Kingdom and the observer from Austria, suggested that it would be useful for States party to the Berne Convention and the Universal Copyright Convention to have time to examine this study further, particularly in consultation with the private interests concerned. It was generally felt that it was premature at the present time for States to assess fully the impact on copyright owners of this new technological development. The Delegations of Australia and the Federal Republic of Germany, and the observer from Austria, also thought it desirable for the Committees to express the wish that the Intergovernmental Committee of the International Convention for the Protection of Performers,

Producers of Phonograms and Broadcasting Organizations (Rome Convention) consider the problems arising in this area in relation to the rights protected under the Convention.

72. The Delegation of Canada informed the Committees that, in its country, studies undertaken on this subject were leading to the view that audio-visual cassettes and discs should be assimilated to cinematographic works. In this respect, the observer from the European Broadcasting Union (EBU) noted that videograms, including both cassettes and discs were, in his opinion, cinematographic works in the classic sense of the term and were therefore subject to protection under the Berne and Universal Conventions. He also expressed the view that the rights of performers and producers of phonograms were fully protected under the Rome Convention in connexion with the use of their works on videograms. With respect to future study in this area, he felt it would be helpful to consider the technical as well as the legal aspects of the question since the development of videograms was often hampered by a lack of standardization on a technical level. The observer from the EBU also suggested that the non-governmental organizations directly concerned should be consulted by the Secretariats when preparing any studies relating to audio-visual cassettes or discs.

73. The observers from the International Federation of Producers of Phonograms and Videograms (IFPI), the International Federation of Film Producers Associations (FIAPF), the International Federation of Musicians (FIM), the International Confederation of Societies of Authors and Composers (CISAC) and the International Federation of Actors (FIA) shared the view expressed by the observer from the EBU that the interested non-governmental organizations be associated closely with the further consideration of this subject. The observers from the FIA and FIM expressed the hope that, as the subject was closely related to the problem of technological unemployment, the development of which was one of the reasons for the existence of the Rome Convention, the Intergovernmental Committee set up by that Convention would be involved in the further consideration proposed.

74. At the close of their discussion on this item, the Committees unanimously agreed to request the Secretariats to convey their congratulations to Professor Klaver for her work.

75. The Director-General of WIPO then proposed details of the procedure that the Committees could adopt for the continuation of work in this field. The States party to the two copyright Conventions and interested international non-governmental organizations would be invited by the Secretariats, at the beginning of 1976, to submit any comments they might wish to make on Professor Klaver's study. The replies received, and an analysis made by the Secretariats, assisted if necessary by one or more consultants, would be submitted to a restricted working group composed of specialists who would be selected by the Directors-General of Unesco and WIPO for their competence in the field and who would work in a personal capacity. This working group would meet at the beginning of 1977 and analyse the situation. On the basis of its deliberations, the Secretariats would then prepare a report for submission to the Committees at their 1977 sessions and, on the basis of the outcome of those sessions, a committee of governmental experts could be convened in 1978 or 1979, under the joint auspices of WIPO and Unesco, to proceed with the study of this question.

76. The representative of the Director-General of Unesco said that, subject to approval by the administrative bodies of her Organization, she considered this procedure acceptable.

77. The Committees therefore unanimously decided to adopt the procedure thus proposed.

Problems arising from the transmission by cable of television programmes

78. The Secretariats recalled that they had been requested, pursuant to the decisions taken by the governing bodies of Unesco and WIPO, to undertake a study of the problems in the field of copyright and so-called neighbouring rights raised by the distribution of television programmes by cable. To this end, the Secretariats consulted the international non-governmental organizations concerned and submitted to the Committees the comments received from a number of them (document B/EC/IX/10 - IGC/XR.1(1971)/14 and Add.1).

79. With a view to formulating appropriate recommendations, the Committees held a wide-ranging discussion on this subject, during which most delegations stressed the complexity of the questions involved and the need to find solutions. Of the solutions, the idea of revising the international conventions was rejected by a number of delegations whereas others refused to envisage drawing up a new multi-lateral instrument.

80. At the start of the discussion, the Delegation of Brazil proposed that these questions be examined using the same procedure as that adopted by the Committees in respect of the use of videograms. This delegation felt that, from the point of view of copyright proper, cable television created no situations which could not be resolved by applying the Berne Convention and the Universal Copyright Convention but that, as regards neighbouring rights, there were problems to which solutions would have to be sought. The procedure adopted by the Committees for examining the problems arising from the use of videograms therefore seemed appropriate, apart from the lack of a basic document which meant that an analysis of the various positions on this subject would have to be prepared.

81. All the delegations which subsequently spoke in the debate endorsed the idea of obtaining the opinions of the States and organizations concerned and, on the basis of this consultation, drawing up an overall study of the problems arising from the transmission by cable of television programmes. When approving this procedure, the delegations put forward a number of considerations of substance.

82. The observer from Austria stated that the problems in the field of cable television were highly complex, and emphasized the urgency of resolving them. He pointed to the special situation of his own country where this method of communicating works was widely used and referred to the decision given in June 1974 by the Austrian Supreme Court. He also recalled the work carried out within the Council of Europe's Legal Committee on Broadcasting and Television. Since he felt the situation to be far from clear, the Austrian observer fully supported the suggestion that an in-depth study should be carried out after consultation with the States and organizations.

83. The Delegations of Canada, Federal Republic of Germany, Ghana, India and the United States of America, and the observer from Denmark, also endorsed the need for such a study. Keeping in mind the provisions of Articles 11 and 11bis of the Berne Convention and the corresponding provisions of the UCC, the Delegation of India suggested that broadcasts be defined in national laws as meaning communication to the public by any means of radiodiffusion or wire or both, whether in the form of sounds or visual images or both, or in any other form, and including re-broadcasts. The Delegation commented that, in the case of theft or illicit reception

of broadcasts, penal sanctions would have to be provided. Where it was solely a matter of improving the quality of reception, however, the questions were primarily of an economic nature.

84. The observer from Denmark informed the Committee of plans for more extensive co-operation between the Nordic countries in the field of television which were at present being considered by the Governments. If the decision was taken to carry out those plans, it would probably be necessary to amend the copyright laws at the same time in order to clarify the legal situation with regard to cable distribution of broadcast works or performances. In this connexion, the question had been raised whether it would be possible to exclude protection against the simultaneous distribution by cable of televised programmes within the so-called direct reception zone. The observer from Denmark was aware that, according to a widespread opinion, such a solution would not be consistent with Article 11bis of the Berne Convention. He felt however that it might perhaps be possible to interpret this Article in a less restricted manner, taking into account the technical developments that had taken place since Article 11bis had been drawn up in 1948.

85. The Delegation of Canada referred to the importance assumed by cable television in its country and stressed the need to distinguish between programmes of purely national origin and others. In its opinion, care should be taken in extending the direct reception zone in view of the commercial interests involved. The Delegation of Canada added that it would be useful for the envisaged inquiry to take into consideration the results of work done within the Council of Europe.

86. Commenting on the legal and legislative situation in its country, the Delegation of the United States of America informed the Committees that the United States Supreme Court had ruled on the question of copyright liability in relation to cable television on two occasions. The first case before the Court concerned the retransmission of a signal over a distance of 75 miles. In deciding the case, the Court applied a simple functional test, that is, whether or not a retransmission by the cable system was a performance of a work. The Court held that the system was merely engaged in enhancing a signal already available and thus was not "performing" within the meaning of the 1909 Copyright Statute. The second case considered by the Court involved the retransmission of a signal through microwave links over a distance of 600 miles, in one instance. The Court also found that this activity of the cable system did not constitute performance under the 1909 Statute and urged that legislative consideration be given to this subject. The Delegation noted that both decisions were based on the public performance provisions of the 1909 law and that the bill to revise this law presently before the United States Congress contained specific provisions on cable television. The pending bill would impose liability for the secondary transmission of copyrighted works through a system of compulsory licences and set royalty rates at a graduated percentage of the subscriber revenues of cable systems. The bill also provides for the creation of a Copyright Royalty Tribunal to determine the distribution of royalties in case of dispute and to review statutory royalty rates. Although some of the provisions might be changed, the Delegation was confident that the principal of remuneration to copyright holders would be retained. The Delegation was also hopeful that the new law would be enacted before the end of 1976. As for cases where cable systems originate programmes, the Delegation stressed that such activities were covered in both the 1909 Statute and the revision bill.

87. The Delegation of the Federal Republic of Germany felt it premature to take any decision in this field and that great caution should be shown in interpreting the Conventions. The Delegation observed that it was not possible to define precisely the direct reception zone of broadcasts and recalled that, at the 1948

revision of the Berne Convention in Brussels, the criterion of the extension of the audience able to receive broadcasts had not been chosen when drafting Article 11bis. Stressing the potential prejudice to owners of copyright and so-called neighbouring rights, the Delegation felt that the problems arising out of cable transmission called for very intensive study.

88. The Delegation of France, noting that unanimity on the possible interpretations of the various legislative texts was far from being reached, considered, however, that the criterion contained in Article 11bis of the Berne Convention was very clear since it concerned communication made by any organization other than the originating one. The Delegation pointed out that in reality the differences of view basically concerned the interpretation of the term "communication to the public". It felt that a communication should be considered as public when the body organizing the communication was addressing itself to an undefined number of persons, whether or not assembled in a public place. The Delegation of France observed that, while Article IVbis of the Universal Convention contained no provisions as specific as those of the Berne Convention, reference could be made to the latter in applying the concept of adequate and effective protection of copyright. Article 11bis of the Berne Convention set out principles but at the same time afforded national legislators a certain amount of freedom in applying them. The Delegation further commented that, as far as the so-called neighbouring rights were concerned, the Rome Convention provided no legal security for solving the problems posed by cable television. Finally, referring to the opinion expressed by the International Alliance for Distribution by Wire (AID), the Delegation of France stated its unwillingness to accept the notion of the exclusive right of authors being a barrier to the free circulation of information, ideas and cultural materials.

89. The Delegation of Italy considered that Articles 11 and 11bis of the Berne Convention had already set out in 1948 the general principles enabling problems arising from cable transmissions to be solved and that those principles had not been modified in either 1967 or 1971. Interpretation of the texts should therefore be left to the laws and courts of each State. The Delegation of Italy pointed out that each State was free to legislate in accordance with its established practices and taking into account its own political, social and economic structures. The Delegation further opposed the idea of multiplying international instruments since the solution to the problems in question was to be sought on the basis of the existing Conventions, including the Rome Convention.

90. The representative of the Council of Europe pointed out that the Legal Committee on Broadcasting and Television set up within the Council of Europe was to continue, at its next meeting in February, its study of the problems arising from the transmission of television programmes by cable.

91. The observer from the European Broadcasting Union (EBU) drew the attention of the Committees to the dimensions attained by this mode of communication of works to the public and emphasized that there were now millions of television receivers throughout the world linked to cable distribution systems. It was necessary to make a distinction according to the type of programme distributed. Firstly, this could be the distribution of programmes produced by the distribution organizations themselves. In such cases, Article 11 of the Berne Convention was applicable. It was, nevertheless, necessary to define what was meant by a transmission and to specify the extent to which it was public. He mentioned the judgement given by the Supreme Court of the United States of America which had held cable distribution to be reception and not a "performance". Referring also to the ever-increasing measures taken to limit or prohibit growth in the number of individual antennas, he suggested that the extent to which transmission was to be regarded as public or

private in the case of community antennas would have to be studied. Secondly, in the case of cable distribution of programmes which had already been televised via radio waves, other problems arose, including that of the direct reception zone in which the distributor carried out his own distribution. The limits of such a zone varied depending on the criteria chosen and in some cases the sophistication of the receiving equipment could influence the size of the zone. The EBU observer considered that all these questions needed to be answered before the provisions of the international Conventions were applied. Secondly, he drew the Committees' attention to the dire consequences for the originating organizations which would have to meet the claims of all co-contracting parties in the programmes should cable distribution go beyond a specific zone, in excess of the service zone where spillover was technically unavoidable. He also stressed that sales of television programmes could be impaired due to the competition possible in some cases from cable distribution organizations. The EBU observer felt that it was urgent to devote attention to all these problems since, as things stood, television programmes were subject to acts of piracy.

92. The observer from the International Federation of Film Producers Associations (FIAPF), after referring to a recent judgement in Belgium, stated that the new means of communication of works to the public represented by cable television made it necessary for the principles contained in the existing international Conventions to be reaffirmed most clearly and that their application should enable the difficulties to be resolved.

93. The observers from the International Confederation of Societies of Authors and Composers (CISAC) and the International Writers Guild (IWG) underlined the concern of authors and deplored the initial reaction in certain quarters which had been to question copyright. They felt it was an error to maintain that the present international Conventions were obsolete. It sufficed, for example, to refer to the Acts of the Brussels Conference of 1948, which had revised the Berne Convention, to discover that provision had already been made for the problems of distribution by cable. The observer from CISAC considered that the question was one of creating rules for the subsequent or secondary use of original broadcasts. As to whether communication was to be regarded as public or not, he maintained that, to be public, a communication required to have been made for a public and not necessarily in public. He was opposed to the idea of introducing the concept of the direct reception zone into the solution of the problems in question since the future use of direct broadcasting satellites would mean accepting the fact that such a zone could embrace an entire continent. Finally, the CISAC observer rejected categorically the conclusions put forward by the International Alliance for Distribution by Wire (AID).

94. The observer from the International Union of Cinematographic Exhibitors (UIEC) asked how the proprietors of cinemas were to react if the lack of a solution to the problem of cable television led to a free distribution of films. He also endorsed the comments of the observer from FIAPF.

95. The observers from the International Federation of Actors (FIA) and the International Federation of Musicians (FIM) drew the attention of the Committees to the urgent need to take measures and to the particularly serious situation of the performers whose interests were disregarded in the cable transmission of television programmes. They considered that a revision of the Rome Convention would in the long run have to be envisaged to take account of the developments of modern technology and to regulate cable distribution, but the urgency was such that some steps had to be taken in the intervening period, perhaps by way of bilateral agreements. As the development of cable transmission represented a grave danger of

accelerated technological unemployment for performers, the observers from the FIA and FIM hoped that the ILO would be associated with all future discussions of this problem.

96. The Chairman noted that the debate was both interesting and complex. The Director-General of WIPO then proposed details of the procedure which the Committees could adopt. The States party to both copyright Conventions would be invited by the Secretariats early in 1976 to communicate to them full information on their legislation, court decisions, practice and experience in relation to the problems arising from the transmission by cable of television programmes, together with any suggestions for solving them. The replies, the existing comments received from the international non-governmental organizations, together with any additional observations, and an analysis prepared by the Secretariats, possibly assisted by one or more consultants, would be submitted to a small working group consisting of specialists chosen by the Director-General of Unesco and WIPO on the basis of their knowledge of the subject matter and acting in their personal capacity. This working group would meet early in 1977 to analyse the situation. On the basis of the working group's deliberations, the Secretariats would prepare a report for submission to the Committees at their 1977 sessions at which they would decide whether to convene, under the joint auspices of WIPO and Unesco, a Committee of Experts in 1978 or 1979. The Director-General of WIPO underlined his view that the studies should not be made with a revision of the existing international Conventions in mind but that their aim should be to seek possible solutions at the national level after having defined the problems. In the case of the so-called neighbouring rights, it was for the Intergovernmental Committee of the Rome Convention to decide on the adoption of a parallel procedure.

97. The representative of the Director-General of Unesco stated that, subject to approval by the governing bodies of that Organization, she felt that such a procedure was acceptable and would undoubtedly lead to satisfactory results.

98. The Committees consequently decided unanimously to adopt the proposed procedure.

Consideration of the possibility of establishing an international instrument for the protection of folklore

99. The Committees noted the study drawn up on the subject by the Secretariat of Unesco with the assistance of the African Laboratory for the Co-ordination of Research and Interdisciplinary Studies and Mr. Alain Gobain (document B/EC/IX/11 - IGC/XR.1(1971)/15).

100. The representative of the Director-General of Unesco drew the attention of the Committees to the fact that the first stages in devising a system for the protection of folklore were on the one hand the examination in depth of the actual concept of folklore, in order that a definition might be devised of that part of the cultural heritage of nations, and on the other hand the identification of the characteristic elements constituting each of the categories of expression that came under the heading of folklore. As for the protection itself, a distinction should be made between the material protection of this cultural heritage, in other words its preservation, and the legal protection to be afforded to it. As far as legal protection was concerned, the Committees were invited to express their views on the question whether copyright was the right framework for such protection.

101. The Delegations of Australia, Brazil, France, India and Senegal, as well as the observer from Panama, stressed the need to define folklore in such a way



that protection might be afforded to all its components, which included not only music, but also dances, plastic arts, tales and legends passed on by "griots", etc. In this connexion, the Delegation of Senegal pointed to the difficulties that would be encountered in devising a definition if, at the international level, it was to cover other fields in addition to music.

102. The Delegations of Italy and the United States of America expressed the view that the question was one that concerned all countries and not solely developing countries.

103. With regard to the question whether folklore should be protected, all the delegations that spoke were unanimous in acknowledging that such protection was indeed necessary. In this connexion, the Delegations of Australia and Brazil pointed out that folklore deteriorated when it was used outside the community that had produced it. In addition, the Delegations of Algeria and India, the representative of the Arab Educational, Cultural and Scientific Organization (ALECSO) and the observer from the International Publishers Association (IPA) emphasized the urgency of the need to adopt measures designed to ensure the protection of folklore. For its part, the Delegation of India asked that a list be made of the types of corruption from which folklore suffered.

104. Several opinions were expressed as to the most suitable framework for folklore protection.

105. The Delegations of Algeria, Brazil, Federal Republic of Germany, Ghana, India, Mexico, Spain, Tunisia, the United Kingdom and the United States of America, the observers from Austria, Panama and Portugal and the representative of ALECSO considered that the problem was essentially a cultural one which went beyond the bounds of copyright proper and thus also the competence of the Committees. The Delegations of Brazil, Federal Republic of Germany, Ghana, India, Mexico, the observer from Portugal, the representative of ALECSO and the observer from the IPA spoke in favour of referring the entire problem to the Unesco Cultural Sector.

106. The Delegations of Algeria, Ghana, Senegal and Tunisia, referring to their national laws, in force or in preparation, and the observer from the European Broadcasting Union (EBU), nevertheless emphasized the links that existed between the protection of folklore and copyright. The observer from the EBU, recalling that the draft model law on copyright for developing countries, which was to be examined in February 1976 by the Committee of Governmental Experts at Tunis, contained a specific provision on the protection of folklore and gave a definition of the concept, expressed the view that the Committees should await the final text of the model law before taking a decision. He also indicated that the new copyright law of Kenya afforded protection to folklore.

107. The Delegations of Italy and Mexico mentioned the existence in their countries of a "domaine public payant", which could be used as a framework for the protection sought.

108. The Delegation of France, for its part, mentioned the concept of unjust enrichment. It also referred to provisions on moral rights that could be exercised by the State, on the understanding that the State on which such rights were conferred should be susceptible of clear definition. It also raised the question of respecting acquired rights in the event of a specific instrument for the protection of folklore being adopted.

109. The Delegation of Italy expressed misgivings as to the possibility of solving the problem at the international level, or at least of solving it more precisely than did Article 15(4) of the Berne Convention, as adopted at Stockholm in 1967 and confirmed at Paris in 1971.
110. The Delegation of Australia, for its part, considered it too early to decide on the possibility of dealing with the question internationally.
111. The Delegation of the United Kingdom said that the protection of folklore was essentially a national problem and it doubted whether international protection was realistic. Certainly it would be impossible for a country whose cultural origins were as complex as those of the United Kingdom.
112. The Delegations of Australia, France and India and the observer from Panama also expressed the opinion that, whatever the framework within which folklore was to be protected, preliminary questions such as that of the identification and establishment of the rules for the preservation of folklore should be examined. The Delegation of India pointed out that, in any event, protection in legal terms alone would not solve the problem.
113. The Delegation of Tunisia said that in its opinion the problem of the identification of folklore was not insoluble, as there were specialists in the countries concerned who were able to determine which works belonged to the folklore heritage. As for the question who could be the beneficiary of the rights deriving from the use of folklore, it considered that the State could be authorized to collect royalties in the capacity of assignee, in the same way as, for instance, publishers to whom the author's rights in copyright works were assigned.
114. After the representative of the Director-General of Unesco had summarized the discussions on the subject, the Committees decided to refer the whole problem to the Cultural Sector of Unesco, in order that it might undertake an exhaustive study of all the questions inherent in the protection of folklore. However, in view of the links that such protection could have with copyright, the Committees also decided to include the matter on the agenda of their next sessions, to which a report on the results of the work thus undertaken would be submitted. In the light of that report, and taking account of the texts that would appear in the model law for developing countries, the Committees would then re-examine the question.
115. The representative of the Director-General of Unesco finally indicated that, if the protection of folklore was to be provided for in a specific instrument adopted by the General Conference of Unesco, the question of the desirability of drafting such an instrument could be submitted to the General Conference at its twentieth session (1978), and the instrument itself could perhaps be adopted at its twenty-first session (1980).

Memorandum submitted by the Mexican delegation concerning the special provisions of the Berne and Universal Conventions in favour of developing countries and experience in Mexico

116. When introducing its memorandum (document B/EC/IX/12 - IGC/XR.1(1971)/16), the Delegation of Mexico stressed the concrete problems encountered by the Mexican authorities in connexion with the implementation of the preferential licensing systems introduced in the Berne and Universal Conventions in 1971. The Government of Mexico had set up a national copyright information centre in Mexico to facilitate the obtaining of permissions needed to satisfy the requirements of

educational establishments and research centres. The Mexican centre was now operational and maintained close contacts with information centres in other countries as well as with the International Copyright Information Centre at Unesco. Although contacts with other national centres were often fruitful, the Mexican centre had received several negative replies. The latter could be attributed in part to the fact that some publishers in developed countries were awaiting the expiry of the time limits set in the Paris revisions of 1971 before taking action on requests received. The Delegation of Mexico observed that its Government considered that a concerted effort should be made by all States party to the Berne or Universal Conventions to encourage adherence not merely to the letter but to the spirit of the Paris revisions. The Delegation of Mexico concluded that, if the difficulties experienced by Mexico were not resolved, the Government of Mexico would then urge that consideration be given to a further revision of the Berne and Universal Conventions.

117. The Delegations of France, the Federal Republic of Germany, Italy, the United States of America and the United Kingdom and the observer from Belgium noted with great interest the concern expressed by the Delegation of Mexico but asked whether it was not too early to pass judgement on the effectiveness of the 1971 texts. As for the practical problems faced by developing countries, it was observed that many national centres in developed countries had only recently been established and that these centres as well as the International Centre would welcome any suggestions to simplify procedures and to ensure that the system functioned efficiently.

118. The Delegation of Hungary thought that it would be useful to learn of the experiences of other developing countries in this field. He recalled that Hungary had already expressed doubts in 1971 as to the effectiveness of the revised Conventions and had proposed the establishment of an international fund to compensate copyright owners in developed countries in cases where developing countries experienced foreign exchange problems. The Delegation of Hungary was of the opinion that the problems involved went beyond copyright and were essentially of an economic and political nature. It considered that practical means should be found to accelerate the implementation of the revised Conventions and in this respect proposed that the International Copyright Information Centre should examine the problems encountered by developing countries in relation to the new provisions of 1971; the Centre could then prepare a report on these studies for submission to the Committees at their sessions in 1977. Once the facts were known, it would be possible for the Committees to decide whether or not it was timely to consider revising the Conventions. In its opinion, however, it should not be necessary to modify the Conventions and it suggested that the Committees request the Secretariat of Unesco in co-operation with the International Bureau of WIPO to find practical ways of promoting assistance to developing countries in this field. The Delegations of Algeria, France and India and the observer from the Soviet Union expressed support for the suggestion of the Delegation of Hungary.

119. The Delegations of Algeria, Brazil, Ghana and India and the observer from Zaire stressed the importance of the difficulties brought to the attention of the Committees by the Delegation of Mexico. It was felt that if publishers were not prepared to co-operate with developing countries, and concrete steps were not taken to facilitate access to works protected by copyright, then developing countries might choose to introduce in their domestic laws measures similar to those referred to in the memorandum of Mexico.

120. The Delegation of France offered to send a copy of the memorandum to all the publishers in its country, urging them to comply to the extent possible with

the spirit of the Paris revisions of the Berne and Universal Conventions. It assured the Committees that any difficulties in connexion with the implementation of the revised Conventions that were brought to its attention would be carefully considered.

121. The Delegation of the United Kingdom said it regretted to hear that the mechanism set up by the Paris revisions was not working smoothly, and it would certainly send a copy of the memorandum to the United Kingdom Publishers Association. It pointed out, however, that the memorandum was very general, and that it would like to hear of specific cases which were giving trouble and which it could refer to British publishers.

122. The observer from the International Publishers Association (IPA), recalling that his Association had been closely associated from the outset with the work of the International Copyright Information Centre, indicated that, at the meeting of national centres held in June 1975, the representative of the centre of the United States of America had reported the receipt, in a year, of only one request for authorization from a developing country; furthermore, the French centre had not received many requests and, apparently, the United Kingdom centre had had to deal with some two hundred requests in four years. On the subject of the Mexican proposal, he pointed out that, while it could be that educational establishments urgently required a reproduction or translation of a foreign work, it would nevertheless be dangerous for the printing and publishing industry of the country concerned, especially that of a developing country, to grant authorizations too promptly to those establishments. The observer further informed the Committees that the IPA was encouraging developing countries to accede to the 1971 revision texts and to avail themselves of the advantages that those texts accorded them. He concluded by stating that, if experience were to show that those texts were insufficient to meet the needs of developing countries, his Association would be prepared to support a proposal to revise them.

123. At the close of the discussion on this subject, the Committees decided as follows:

- (i) to urge all countries to create or designate national copyright information centres which would be co-ordinated by the International Copyright Information Centre; the Secretariat concerned would submit a report to the next sessions in 1977;
- (ii) the two Secretariats would study the implementation of the revised Paris texts of 1971 of the Universal and Berne Conventions in respect of their application to developing countries. The Secretariats would then submit the results of their studies to the next sessions in 1977.

PART III: OTHER ITEMS CONCERNING THE INTERGOVERNMENTAL  
COPYRIGHT COMMITTEE ALONE

Date and place of the next session

124. The representative of the Director-General of Unesco recalled that in the absence of a formal invitation from a State, the Intergovernmental Copyright Committee and the Executive Committee of the Berne Union held their sessions alternately at the headquarters of their respective Secretariats. Consequently, she suggested that the next sessions be held at Unesco Headquarters in Paris, preferably at the end of 1977. This proposal was adopted unanimously.

Adoption of the report

125. In the absence of Messrs. Larrea Richerand and Kerever, Chairman and Vice-Chairman of the Committee respectively, and since Mr. Spaić, also Vice-Chairman of the Committee, was unable to preside the session on Tuesday, 16 December, the Committee, on the proposal of the Delegation of the United Kingdom, supported by the Delegations of Argentina and France, elected Ms. Elizabeth Steup (the Federal Republic of Germany) Chairman of the meeting.

126. The Committee unanimously adopted this report.

Closing of the session

127. The Chairman then declared the session closed.

ANNEXE/ANNEX/ANEXO

LISTE DES PARTICIPANTS  
LIST OF PARTICIPANTS  
LISTA DE PARTICIPANTES

Les noms et titres qui figurent dans la liste ci-après sont reproduits dans la forme où ils ont été communiqués au Secrétariat par les délégations intéressées. Les pays sont mentionnés suivant l'ordre alphabétique de leur nom en français.

Names and titles in the following list are reproduced as handed in to the Secretariat by the delegations concerned. Countries are shown in the French alphabetical order of their names.

Los nombres y títulos que figuran en la lista siguiente se reproducen en la forma en que las delegaciones interesadas los han comunicado a la Secretaría. Los países se mencionan en el orden alfabético de los nombres en francés.

I. MEMBRES DU COMITE/MEMBERS OF THE COMMITTEE/MIEMBROS DEL COMITE

ALGERIE/ALGERIA/ARGELIA

M. Salah Abada  
Directeur général  
Office national du droit d'auteur

REPUBLIQUE FEDERALE D'ALLEMAGNE/FEDERAL REPUBLIC OF GERMANY/  
REPUBLICA FEDERAL DE ALEMANIA

Mrs Elisabeth Steup  
Ministerialrätin  
Federal Ministry of Justice

Dr. Erhard Bungereoth  
Regierungsdirektor  
Federal Ministry of Justice

ARGENTINE/ARGENTINA

Sr. José María Trillo  
Secretario de Embajada  
Delegación permanente de Argentina ante la Unesco

AUSTRALIE/AUSTRALIA

Mr. Lindsay J. Curtis  
First Assistant Secretary  
Attorney-General's Department

BRESIL/BRAZIL/BRASIL

M. le Ministre João Frank da Costa  
Délégué permanent adjoint du Brésil auprès de l'Unesco

M. Claudio de Souza Amaral  
Conseiller juridique

M. Daniel da Silva Rocha  
Délégué

ESPAGNE/SPAIN/ESPANA

Doña Isabel Fonseca-Ruiz  
Jefe del Servicio de Lectura Pública  
Comisaría Nacional de Bibliotecas  
Ministerio de Educación y Ciencia

Don José María Segovia  
Abogado  
Sociedad General de Autores de España

ETATS-UNIS D'AMERIQUE/UNITED STATES OF AMERICA/ESTADOS UNIDOS DE AMERICA

Mr. Harvey J. Winter  
Director, Office of Business Practices  
Department of State

Mr. L. Clark Hamilton  
Deputy Register of Copyrights  
Copyright Office

Ms. Dorothy Schrader  
General Counsel  
Copyright Office

Mr. Irving A. Williamson  
Second Secretary  
Permanent Mission of the United States of America, Geneva

FRANCE/FRANCIA

M. André Kerever  
Maître des Requêtes au Conseil d'Etat

M. Jean Buffin  
Chef du Bureau du droit d'auteur et des lettres  
Secrétariat d'Etat à la Culture

Mlle Françoise Guillaume  
Conseiller des Affaires étrangères  
Direction générale des Relations culturelles, scientifiques et techniques

Mme Suzanne Balous  
Premier Secrétaire  
Mission permanente de la France, Genève

GHANA

Mr. John A. Mersah  
Principal Secretary  
Ministry of Information

Mr. Edmund B. Odoi Anim  
Barrister-at-Law, Acting Copyright Administrator  
Ministry of Information

INDE/INDIA

Mr. Shahid Alikhan  
Joint Secretary  
Ministry of Education

Mr. Subramania I. Balakrishnan  
Joint Secretary  
Ministry of Home Affairs

Mr. Hari Sukhdev  
Counsellor  
Permanent Mission of India, Geneva

ISRAEL

Mr. Mayer Gabay  
Deputy Attorney General, Commissioner of Patents  
Ministry of Justice

Mme Ruth Raeli  
Conseiller  
Mission permanente d'Israël, Genève

ITALIE/ITALY/ITALIA

M. Nicola Faiel Dattilo  
Directeur de Division, Service des Relations internationales  
Bureau de la Propriété littéraire, artistique et scientifique  
Présidence du Conseil des Ministres

M. Valerio de Sanctis  
Membre du Comité consultatif permanent du droit d'auteur

M. Marcello Tomajuoli  
Attaché  
Mission permanente de l'Italie, Genève

JAPON/JAPAN

Mr. Masaaki Kokubun  
Director, Copyright Division  
Agency for Cultural Affairs

Mr. Yukifusa Oyama  
Specialist, Copyright Division  
Agency for Cultural Affairs



MEXIQUE/MEXICO

Sr. Gabriel E. Larrea Richerand  
Director General del Derecho de Autor  
Secretaría de Educación Pública

Sra. Angelina Cué Bolanos  
Subdirectora General del Derecho de Autor  
Secretaría de Educación Pública

Sr. Chavez Enrique Lizalde  
Presidente  
Asociación Nacional de Intérpretes

Sr. Luis Gimeno  
Vicepresidente  
Asociación Nacional de Intérpretes

Sr. Victor Blanco Labra  
Asesor Jurídico  
Camara Nacional de la Industria de la Radio y la Televisión de México

ROYAUME-UNI/UNITED KINGDOM/REINO UNIDO

Mr. I. J. G. Davis  
Assistant Comptroller  
Industrial Property and Copyright Department, The Patent Office  
Department of Trade

Mr. V. Tarnofsky  
Principal Examiner  
Industrial Property and Copyright Department, The Patent Office  
Department of Trade

SENEGAL

M. N'Déné N'Diaye  
Directeur général  
Bureau sénégalais du droit d'auteur

M. Doudou Diene  
Conseiller  
Délégation permanente du Sénégal auprès de l'Unesco

TUNISIE/TUNISIA/TUNEZ

M. Abderrahmane Amri  
Attaché de Cabinet  
Ministère des Affaires culturelles

M. Slim Ben Rejeb  
Attaché d'Ambassade  
Mission permanente de Tunisie, Genève

YUGOSLAVIE/YUGOSLAVIA

Dr. Vojislav Spaić  
Professeur  
Université de Sarajevo

II. ASSISTANT AUX SEANCES DU COMITE AVEC VOIX CONSULTATIVE/ATTENDING MEETINGS OF THE COMMITTEE IN AN ADVISORY CAPACITY/ASISTIENDO A LAS REUNIONES DEL COMITE CON CARACTER CONSULTIVO

ORGANISATION DES NATIONS UNIES POUR L'EDUCATION, LA SCIENCE ET LA CULTURE (UNESCO)/UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION/ ORGANIZACION DE LAS NACIONES UNIDAS PARA LA EDUCACION, LA CIENCIA Y LA CULTURA

Mlle Marie-Claude Dock  
Directeur  
Division du droit d'auteur

ORGANISATION MONDIALE DE LA PROPRIETE INTELLECTUELLE (OMPI)/WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)/ORGANIZACION MUNDIAL DE LA PROPIEDAD INTELLECTUAL

Mrs. K. L. Liguier-Laubhouet  
Deputy Director-General

Mr. Murray Haddrick  
Counsellor  
Head of the Copyright Division

CONSEIL DE L'EUROPE/COUNCIL OF EUROPE/CONSEJO DE EUROPA

M. Hans-Jürgen Bartsch  
Administrateur  
Direction des Affaires juridiques

M. Ferdinand Melichar  
Conseiller technique

ORGANISATION DE L'UNITE AFRICAINE (OUA)/ORGANIZATION OF AFRICAN UNITY (OAU)/ ORGANIZACION DE LA UNIDAD AFRICANA

M. Daniel Séhoulia  
Secrétaire exécutif adjoint  
Délégation permanente de l'OUA, Genève

ORGANISATION ARABE POUR L'EDUCATION, LA CULTURE ET LA SCIENCE/ARAB EDUCATIONAL, CULTURAL AND SCIENTIFIC ORGANIZATION (ALECSO)/ORGANIZACION ARABE PARA LA EDUCACION, LA CULTURA Y LA CIENCIA

Dr. Ahmed Fathi Sorour  
Permanent Delegate of ALECSO to Unesco

III. OBSERVATEURS/OBSERVERS/OBSERVADORES

- (a) Etats parties à la Convention universelle sur le droit d'auteur qui ne sont pas membres du Comité intergouvernemental/  
States party to the Universal Copyright Convention who are not members of the Intergovernmental Committee/Estados partes de la Convención Universal sobre Derecho de Autor que no son miembros del Comité Intergubernamental

AUTRICHE/AUSTRIA

Mr. Robert Dittrich  
Director  
Ministry of Justice

BELGIQUE/BELGIUM/BELGICA

M. Gérard L. de San  
Directeur général honoraire  
Ministère de l'éducation nationale et de la culture

M. Jacques L. Bocqué  
Directeur  
Ministère des Affaires étrangères

CAMEROUN/CAMEROON/CAMERUN

M. B. Yaya Garga  
Premier Secrétaire  
Mission permanente du Cameroun, Genève

CANADA

Mr. Andrew A. Keyes  
Copyright Consultant  
Bureau of Intellectual Property  
Department of Consumer and Corporate Affairs

M. Claude Brunet  
Avocat-conseil  
Bureau de la propriété intellectuelle  
Ministère de la Consommation et des Corporations

CHILI/CHILE

Sr. Jaime Lagos  
Consejero  
Delegación permanente de Chile, Ginebra

CUBA

Sr. Waldo Manuel Argüelles Mariño  
Abogado  
Consejo Nacional de Cultura

DANEMARK/DENMARK/DINAMARCA

Mr. Willi Weincke  
Head of Department  
Ministry of Cultural Affairs

Mr. Niels Thye  
Assistant Under-Secretary of State  
Ministry of Education

FINLANDE/FINLAND/FINLANDIA

Mr. Ragnar Meinander  
Director of General Affairs  
Ministry of Education

GUATEMALA

Mme N. Molina  
Troisième Secrétaire  
Mission permanente du Guatemala, Genève

HONGRIE/HUNGARY/HUNGRIA

Dr. István Timár  
Directeur général  
Bureau hongrois pour la protection des droits d'auteur

MAROC/MOROCCO/MARRUECOS

M. Sidi Mohamed Rahhali  
Secrétaire d'Ambassade  
Mission permanente du Maroc, Genève

NIGERIA

Mr. Z. S. Ali  
Librarian  
National Library of Nigeria

NORVEGE/NORWAY/NORUEGA

Ms. Trude Saebø  
Counsellor  
Ministry of Justice

PAKISTAN/PAQUISTAN

Mr. Ijaz Bukhari  
Second Secretary  
Permanent Mission of Pakistan, Geneva

PANAMA

S. Exc. M. José M. Espino-González  
Ambassadeur  
Représentant permanent du Panama auprès des Nations Unies

PAYS-BAS/NETHERLANDS/PAISES BAJOS

Mme Marieke Holleman-Bartels  
Fonctionnaire supérieure, Section de la législation du droit civil  
Ministère de la Justice

M. Willem Blackstone  
Conseiller juridique  
Ministère des Affaires culturelles

PEROU/PERU

M. Luis Chavez-Godoy  
Conseiller  
Mission permanente du Pérou, Genève

PHILIPPINES/FILIPINAS

M. C. V. Espejo  
Attaché  
Mission permanente des Philippines, Genève

PORTUGAL

M. António M. Pereira  
Conservateur du Registre du droit d'auteur  
Bibliothèque nationale

Sr. Alvaro Melo e Sousa  
Direcção Geral da Divulgação  
Ministério da Comunicação Social

REPUBLIQUE DEMOCRATIQUE ALLEMANDE/GERMAN DEMOCRATIC REPUBLIC/  
REPUBLICA DEMOCRATICA ALEMANA

Prof. Dr. Heinz Püschel  
Copyright Information Centre  
Ministry of Culture

SAINT-SIEGE/HOLY SEE/SANTA SEDE

Me Odile Rouillet  
Avocat

Rév. Père Raymond Roch  
Conseiller technique

SUEDE/SWEDEN/SUECIA

M. Agne Henry Olsson  
Conseiller juridique  
Ministère de la Justice

SUISSE/SWITZERLAND/SUIZA

M. Jean-Louis Marro  
Chef de la Section du droit d'auteur  
Bureau fédéral de la propriété intellectuelle

TCHECOSLOVAQUIE/CZECHOSLOVAKIA/CHECOSLOVAQUIA

Dr. Milan Reiniš  
Legal Counsellor  
Ministry of Culture

UNION DES REPUBLIQUES SOCIALISTES SOVIETIQUES/UNION OF SOVIET SOCIALIST  
REPUBLICS/UNION DE REPUBLICAS SOCIALISTAS SOVIETICAS

M. Boris Pankine  
Président  
Agence de l'URSS pour les droits d'auteur (VAAP)

Mme. R. Gorelik  
Directeur adjoint  
Agence de l'URSS pour les droits d'auteur (VAAP)

M. V. Pogoulyev  
Agence de l'URSS pour les droits d'auteur (VAAP)

ZAMBIE/ZAMBIA

Mr. C. L. Mubanga-Chipoya  
International Lawyer  
Attorney-General's Chambers

(b) Observateurs d'autres Etats/Observers from other States/  
Observadores de otros Estados

COLOMBIE/COLOMBIA

Sr. Agustín Morales  
Primer Secretario  
Misión Permanente de Colombia, Ginebra

Sr. Carlos Osorio  
Segundo Secretario  
Misión Permanente de Colombia, Ginebra

CONGO

M. Antoine Letembet-Ambily  
Directeur général des Affaires culturelles

EGYPTE/EGYPT/EGIPTO

M. S. A. Abou-Ali  
Premier Secrétaire  
Mission permanente d'Egypte, Genève

IRAN

Mr. Parviz Porkar  
Legal Adviser, Legal and Parliamentary Office  
Ministry of Culture and Arts

REPUBLIQUE ARABE LIBYENNE/LIBYAN ARAB REPUBLIC/REPUBLICA ARABE LIBIA

Mr. Massoud O'Kaal  
Ministry of State

MONGOLIE/MONGOLIA

M. Louvsandorjin Bayarte  
Troisième Secrétaire  
Mission permanente de Mongolie, Genève

POLOGNE/POLAND/POLONIA

Mme Ewa Maria Szelchauz  
Chef de la Division juridique, Cabinet du Ministre  
Ministère de la Culture et de l'Art

Mr. Mieczyslaw Paszkowski  
First Secretary  
Permanent Mission of Poland, Geneva

THAILANDE/THAILAND/TAILANDIA

Mr. Sanan Plangprayoon  
First Secretary  
Permanent Mission of Thailand, Geneva

ZAIRE

M. Nunga Biabungana  
Directeur général  
Société nationale des éditeurs, compositeurs et auteurs

M. Lisembe Elebe  
Premier Secrétaire  
Mission permanente du Zaïre, Genève

- (c) Observateurs des Organisations Intergouvernementales/  
Observers of Intergovernmental Organizations/Observadores  
de las Organizaciones Intergubernamentales

ORGANISATION DES NATIONS UNIES (ONU)/UNITED NATIONS (UN)/ORGANIZACION  
DE LAS NACIONES UNIDAS

Mr. Hans J. Lassen  
Information Officer

BUREAU INTERNATIONAL DU TRAVAIL (BIT)/INTERNATIONAL LABOUR OFFICE (ILO)/  
OFICINA INTERNACIONAL DEL TRABAJO (OIT)

M. Blaise Knapp  
Chef, Section du Contentieux

- (d) Observateurs des Organisations internationales  
non gouvernementales/Observers of International Non-  
Governmental Organizations/Observadores de las  
Organizaciones Internacionales No Gubernamentales

ALLIANCE INTERNATIONALE DE LA DISTRIBUTION PAR FIL (AID)/INTERNATIONAL  
ALLIANCE FOR DIFFUSION BY WIRE/ALIANZA INTERNACIONAL DE LA DIFUSION POR HILO

M. Gustave Moreau  
Secrétaire général

ASSOCIATION LITTERAIRE ET ARTISTIQUE INTERNATIONALE (ALAI)/INTERNATIONAL  
LITERARY AND ARTISTIC ASSOCIATION/ASOCIACION LITERARIA Y ARTISTICA  
INTERNACIONAL

M. Roger Fernay  
Membre du Comité exécutif

Mr. David Catterns  
Legal Research Officer  
Australian Copyright Council

BUREAU INTERNATIONAL DES SOCIETES GERANT LES DROITS D'ENREGISTREMENT  
ET DE REPRODUCTION MECANIQUE (BIEM)/INTERNATIONAL BUREAU OF THE  
SOCIETIES ADMINISTERING THE RIGHTS OF MECHANICAL RECORDINGS AND  
REPRODUCTION/OFICINA INTERNACIONAL DE SOCIEDADES ADMINISTRADORAS DE  
LOS DERECHOS DE GRABACION Y DE REPRODUCCION MECANICA

M. J.-Alexis Ziegler  
Secrétaire général de la CISAC

CONFEDERATION INTERNATIONALE DES SOCIETES D'AUTEURS ET COMPOSITEURS (CISAC)/  
INTERNATIONAL CONFEDERATION OF SOCIETIES OF AUTHORS AND COMPOSERS/  
CONFEDERACION INTERNACIONAL DE SOCIEDADES DE AUTORES Y COMPOSITORES

M. J.-Alexis Ziegler  
Secrétaire général

CONSEIL INTERNATIONAL DE REPROGRAPHIE/INTERNATIONAL COUNCIL FOR  
REPROGRAPHY (ICR)/CONSEJO INTERNACIONAL DE REPROGRAFIA

Prof. Dr. Helmut Arntz  
Past-President

FEDERATION INTERNATIONALE DE DOCUMENTATION (FID)/INTERNATIONAL FEDERATION  
FOR DOCUMENTATION/FEDERACION INTERNACIONAL DE DOCUMENTACION

Prof. Dr. Helmut Arntz  
President

FEDERATION INTERNATIONALE DES ACTEURS (FIA)/INTERNATIONAL FEDERATION OF  
ACTORS/FEDERACION INTERNACIONAL DE ACTORES

Mr. Gerald Croasdell  
General Secretary

FEDERATION INTERNATIONALE DES ASSOCIATIONS DE DISTRIBUTEURS DE FILMS (FIAD)/  
INTERNATIONAL FEDERATION OF FILM DISTRIBUTORS ASSOCIATIONS/FEDERACION  
INTERNACIONAL DE ASOCIACIONES DE DISTRIBUIDORES DE PELICULAS

M. Gilbert Grégoire  
Secrétaire général



FEDERATION INTERNATIONALE DES ASSOCIATIONS DE PRODUCTEURS DE FILMS (FIAPF)/  
INTERNATIONAL FEDERATION OF FILM PRODUCERS ASSOCIATIONS/FEDERACION  
INTERNACIONAL DE ASOCIACIONES DE PRODUCTORES CINEMATOGRAFICOS

M. Alphonse Brisson  
Secrétaire général

Me Massimo Ferrara-Santamaria  
Conseiller

Mr. S. Frederick Gronich  
Adviser

FEDERATION INTERNATIONALE DES MUSICIENS (FIM)/INTERNATIONAL FEDERATION OF  
MUSICIANS/FEDERACION INTERNACIONAL DE MUSICOS

Mr. John Morton  
President

M. Rudolf Leuzinger  
Secrétaire général

FEDERATION INTERNATIONALE DES PRODUCTEURS DE PHONOGRAMMES ET DE  
VIDEOGRAMMES/INTERNATIONAL FEDERATION OF PRODUCERS OF PHONOGRAMS AND  
VIDEOGRAMS (IFPI)/FEDERACION INTERNACIONAL DE PRODUCTORES DE FONOGRAMAS  
Y VIDEOGRAMAS

Dr. Stephen Stewart  
Director General

Ms. Gillian Davies  
Assistant Director General

INTERNATIONALE GESELLSCHAFT FUR URHEBERRECHT (INTERGU)/SOCIETE INTER-  
NATIONALE POUR LE DROIT D'AUTEUR/INTERNATIONAL COPYRIGHT SOCIETY/SOCIEDAD  
INTERNACIONAL PARA EL DERECHO DE AUTOR

Dr. Gaston Halla  
Secrétaire général

SYNDICAT INTERNATIONAL DES AUTEURS/INTERNATIONAL WRITERS GUILD (IWG)/  
SINDICATO INTERNACIONAL DE AUTORES

M. Roger Fernay  
Président de la Commission internationale du droit d'auteur

UNION EUROPEENNE DE RADIODIFFUSION (UER)/EUROPEAN BROADCASTING UNION (EBU)/  
UNION EUROPEA DE RADIODIFUSION

M. Georges Straschnov  
Directeur  
Service des Affaires juridiques

UNION INTERNATIONALE DE L'EXPLOITATION CINEMATOGRAPHIQUE (UIEC)/  
INTERNATIONAL UNION OF CINEMATOGRAPH EXHIBITORS/UNION INTERNACIONAL DE  
LA EXPLOTACION CINEMATOGRAFICA

Dr. Joseph Handl  
Secrétaire général de Fachverband der Lichtspieltheater

UNION INTERNATIONALE DES EDITEURS (UIE)/INTERNATIONAL PUBLISHERS  
ASSOCIATION (IPA)/UNION INTERNACIONAL DE EDITORES

M. J. A. Koutchoumow  
Secrétaire général.

IV. SECRETARIAT/SECRETARIA

Mlle Marie-Claude Dock  
Directeur  
Division du droit d'auteur, Unesco

Mlle Patrice Lyons  
Juriste  
Division du droit d'auteur, Unesco