

Intergovernmental Copyright Committee

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Committee of the
1971 Convention

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Comité de la
Convention de 1971

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Comité Intergubernamental de Derecho de Autor

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REPORT

submitted by the Secretariat
and adopted by the Committee

Introduction

1. The Intergovernmental Copyright Committee (hereinafter called "the Committee"), established by Article XI of the Universal Copyright Convention revised at Paris on 24 July 1971, held its second ordinary session at Unesco Headquarters, Paris, from 28 November to 6 December 1977 under the chairmanship of Mr. Gabriel Ernesto Larrea Richerand.
2. The following 17 of the 18 Member States of the Committee were represented: Algeria, Argentina, Australia, Brazil, France, Federal Republic of Germany, Ghana, India, Israel, Italy, Japan, Mexico, Senegal, Spain, Tunisia, United Kingdom and the United States of America.
3. The following States, Parties to the Universal Copyright Convention but not members of the Intergovernmental Committee, sent observers: Andorra, Austria, Belgium, Canada, Cuba, Czechoslovakia, Denmark, Ecuador, Finland, German Democratic Republic, Guatemala, Holy See, Hungary, Lebanon, Morocco, Netherlands, Nigeria, Norway, Pakistan, Panama, Poland, Portugal, Sweden, Switzerland, Union of Soviet Socialist Republics and the United Republic of Cameroon.
4. The following States not Parties to the Universal Copyright Convention were also represented: Central African Empire, Chad, Cyprus, Egypt, Gabon, Iran, Iraq, Ivory Coast, Mauritania, Romania, Surinam, Thailand, Togo and Zaire.
5. Representatives of the Director-General of the International Labour Office (ILO), the Director-General of the United Nations Educational, Scientific and Cultural Organization (Unesco), the Director-General of the World Intellectual Property Organization (WIPO), the Secretary-General of the Arab Educational, Cultural and Scientific Organization (ALECSO) and the Secretary-General of the Council of Europe attended the Committee's meetings in a consultative capacity.
6. Representatives from 20 international non-governmental organizations were present at the Committee's discussions as observers.
7. A list of participants is annexed to this report.

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Opening of the session

8. The second ordinary session of the Committee was opened by its Chairman, Mr. Gabriel Ernesto Larrea Richerand (Mexico).

Adoption of the agenda

9. The agenda set out in document IGC(1971)/II/1 Rev. was adopted unanimously subject to an amendment to item 3 concerning discussion of a request from the "International Group of Scientific, Technical and Medical Publishers" (STM) to be admitted to the Committee's sessions with observer status.

PART I: ITEMS CONCERNING THE INTERGOVERNMENTAL COPYRIGHT COMMITTEE ALONE

Admission of international non-governmental organizations as observers

10. The Committee examined a request by the World Council for the Welfare of the Blind (WCWB) to be admitted by the Committee to its sessions as a permanent observer (document IGC(1971)/II/2).
11. The Council's observer, having been invited by the Chairman to be represented at the present session of the Committee, gave details of WCWB's membership and objectives. He explained the reasons for the Council's request, stemming primarily from the need to organize international co-operation in the matter of material designed especially for the blind.
12. WCWB's request, which was supported by the delegation of Brazil, was approved unanimously.
13. The Chairman of the Committee informed the Committee of a letter he had just received from the "International Group of Scientific, Technical and Medical Publishers" (SPM) also requesting admission to the Committee's sessions with permanent observer status.
14. Lacking adequate information concerning this organization, and in the absence of a representative from it, but taking account of the fact that the STM enjoys observer status with the Executive Committee of the Berne Union, the Committee decided to invite it to attend the present session and to re-examine its request for admission as a permanent observer at its next session, on the basis of whatever documentary information the Secretariat was able to provide it with. The Secretariat was also requested to furnish the Committee with information on the situation of international non-governmental organizations which, like the STM, were affiliated to international non-governmental organizations already enjoying observer status vis-à-vis the Committee but which nevertheless wished to obtain the same status in their own right.

Development of the Universal Copyright Convention

15. The Committee took note of the details contained in document IGC(1971)/II/3 concerning the Convention adopted in 1952. Since the Committee's previous session two new States (Colombia and Poland) had become Parties to the Convention following their accession to the Convention as revised in 1971, in accordance with Article IX (3) thereof. The Government of the Bahamas had notified the Director-General of Unesco that it considered itself bound by the 1952 Convention, whose application had been extended to its territory before it became independent. At 30 November 1977, therefore, 72 States were Parties to this Convention.

16. The Committee also took note of the information contained in document IGC(1971)/II/4 concerning acceptances of the Convention as revised in 1971 or accessions to it. Since the Committee's previous session Japan had deposited with the Director-General of Unesco an instrument of acceptance of the Convention and the Bahamas, Colombia and Poland had deposited their instruments of accession to it.
17. At 30 November 1977, therefore, 24 States were Parties to the revised Convention.
18. The Director-General of Unesco had also received, on 29 November 1977, Australia's instrument of accession to the Universal Copyright Convention as revised at Paris on 24 July 1971, and to its annexed Protocols 1 and 2.

Protection of translators

19. The Committee took note of the fact that the General Conference of Unesco, at its nineteenth session, had adopted a "Recommendation on the legal protection of translators and translations and the practical means to improve the status of translators", reproduced as an annex to document IGC(1971)/II/5. The Committee was informed of the Rules of Procedure laid down in Unesco's Constitution, and in the Rules of Procedure concerning recommendations to Member States and international conventions adopted by the General Conference of Unesco, in respect of the submission and examination of Member States' reports on the action taken by them in pursuance of those instruments. An initial report had to be transmitted not less than two months prior to the first ordinary session of the General Conference following that at which a recommendation or convention was adopted.
20. The delegation of Tunisia and the observer from the Union of Soviet Socialist Republics considered that it would be useful for the Unesco Secretariat to issue a timely reminder concerning this procedure to Member States, which all too frequently failed to report on the action they had taken in pursuance of such instruments.
21. All the delegations and observers that spoke on this item expressed their satisfaction at the content of the Recommendation, particularly the principle reasserted therein that translators are authors and that in consequence the protection granted to the latter should also be guaranteed to the former.
22. The delegation of the Federal Republic of Germany notified the Committee of its Government's objections to this Recommendation, which, in the opinion of the Federal German Government gave translators specific rights that were not formally recognized in respect of authors of original works and might be incompatible with certain national copyright or antitrust laws. The delegation nevertheless declared that the final decision in this matter rested with its country's Parliament and that in the Federal Republic of Germany translators were, in any case, regarded as authors and were entitled to be protected as such.
23. The delegation of France, reminding the Committee that no government had opposed the adoption of the Recommendation at the General Conference in Nairobi, stated that in approving it the French Government had been satisfied that the national laws of France already conformed to the provisions contained in the Recommendation. Under French law, in fact, translators were assimilated to authors. When working as salaried translators, moreover, they enjoyed all the guarantees

attached to that status, which could be combined with the prerogatives of copyright. The French delegation also considered that the specific provisions contained in paragraphs 4 and 5 of the Recommendation were not of a mandatory nature.

24. Mr. R. Dittrich, the observer from Austria, who was Chairman of the Special Committee of Technical and Legal Experts that had drawn up the draft recommendation, stated that during the meeting of this Special Committee it had been agreed that the provisions contained in paragraphs 4 and 5 were to be interpreted broadly, that they need not necessarily be applied down to the last detail and that their implementation did not entail changes in national legislation.

25. Mr. Ndéné Ndiaye, the delegate of Senegal, who was the Rapporteur of the Special Committee, confirmed this point of view. Moreover, he was of the opinion that, generally speaking, the Recommendation was intended merely to lay down guidelines within the framework of the international conventions.

26. Mr. A. Françon, an observer from the International Literary and Artistic Association (ALAI), who was Chairman of the Drafting Committee of the Special Committee, for his part drew attention to the particularly flexible wording of paragraphs 4 and 5, which employed expressions reflecting the non-mandatory nature of the provisions contained in them.

27. The observer from the Union of Soviet Socialist Republics spoke of the importance its country attached to the translator's role and of its Government's consequent interest in the Recommendation adopted by the General Conference of Unesco. He stated that legislation and practice in the USSR conformed to the main provisions of the instrument both in respect of the granting to translators of the same rights as authors and in respect of contracts, remuneration and social security.

28. The delegations of Italy and Senegal declared that their countries could not but support the Recommendation, which reaffirmed principles already accepted under the international conventions, particularly in the matter of copyright. The delegation of Italy added that all the necessary information relating to the practical application of the Recommendation had already been provided by the bodies concerned in its country and that the special report on the action taken in pursuance of the Recommendation would be forwarded to Unesco in accordance with the prescribed procedure.

29. The delegation of the Federal Republic of Germany thanked these delegations and observers which had made the flexibility of the Recommendation clear. It stated that the difficulties encountered in its country with regard to that instrument resulted from the fact that States were asked by it to apply its provisions by adopting, in the form of a national law or in other ways, measures such as would give effect to the principles and standards it contained.

Legal and technical assistance to States in developing their national copyright legislation

30. In presenting the report prepared by it on this item (document IGC(1971)/II/6), the Secretariat thanked the Government of Morocco for inviting Unesco and WIPO to hold, in Rabat, a seminar on copyright for the Arab countries. It also thanked the governmental and non-governmental organizations which had agreed to receive Unesco fellowship-holders and contribute to their training. It stressed that the report being submitted to the Committee concerned only assistance afforded to States in the form of grants and expert services. It pointed out, however, that

the Secretariat of Unesco gave Member States other forms of assistance concerning copyright, for example by preparing the Tunis Model Law, which was the subject of item 12 of the agenda, by the practical assistance provided to States by the International Copyright Information Centre, by the forthcoming publication, in conjunction with WIPO, of a handbook and glossary on copyright for developing countries, and by holding regional copyright seminars.

31. The delegations and observers which spoke on this item all praised the programmes of assistance organized by the Secretariat of Unesco regarding copyright and paid tribute to it for its activities in this field.
32. The observer from Portugal announced that the Portuguese Government was offering to have the Tunis Model Law as well as the handbook and glossary on copyright, at present in the course of preparation, translated into Portuguese. He also expressed his Government's wish to organize in Portugal a copyright seminar for Portuguese-speaking countries.
33. The delegation of the United Kingdom informed the Committee that its Government has some funds available for supporting fellowships to nationals of all countries wishing to receive training in copyright in the United Kingdom.
34. The observer from Morocco thanked those countries and organizations which had provided assistance with the training of high-level personnel in the field of copyright and stressed the need to increase such assistance in the interests both of industrialized and of developing countries. He expressed the hope that assistance provided by authors' associations in developed countries would be co-ordinated by the International Confederation of Societies of Authors and Composers (CISAC).
35. The delegation of the United States of America agreed with the observer from Morocco on the need to increase assistance to developing countries regarding copyright. It indicated that the United States was happy to welcome fellowship-holders and trainees and to contribute to their instruction. Finally it suggested that the practice of planning the fellowships programme on the basis of linguistic criteria should be abandoned since benefit could be derived from reciprocal information about various copyright systems. It was seconded with regard to this point by the delegation of the Federal Republic of Germany, by the observer from Morocco and by the observer from the International Federation of Producers of Phonograms and Videograms (IFPI).
36. The observer from the International Confederation of Societies of Authors and Composers (CISAC) said that his organization was prepared to continue its contribution to the programme for fellowship-holders and trainees. In this connection, he asked whether it might not be possible to slant assistance programmes more towards the practical aspects of copyright, namely, as recommended by the Rabat seminar, the organization of creative workers into authors' associations, which would facilitate the effective application of copyright provided under national legislation and the international conventions.
37. The observer from the International Publishers' Association (IPA) said that his organization proposed to continue its co-operation with the assistance programmes for developing countries. Like the observer from CISAC, however, he stressed the need to direct this assistance towards the establishment of an organizational structure permitting the practical application of the standards laid down in national legislation and the international conventions. Such an organizational structure was particularly vital in publishing if publishers in developed and developing countries were to establish new business relationships and a new international economic order was to be brought about in this way.

38. The observer from the International Federation of Producers of Phonograms and Videograms (IFPI) also offered his organization's continued participation in the assistance programmes for developing countries.
39. The delegation of France felt that assistance for developing countries regarding copyright should be directed towards three objectives, viz. the preparation of legislative standards, ways of putting these standards into practice (establishment of an organizational framework and administrative organization) and the training of high-level personnel. In this respect, it suggested the establishment of chairs of copyright in the universities of developing countries.
40. The observer from Morocco stressed the need to direct assistance to developing countries more towards the establishment of administrative structures, particularly to enable such countries to reap the full benefit from the advantages accorded to them by the revised conventions.
41. The delegation of Ghana and the observer from Morocco spoke of the need to make developing countries aware of copyright matters and to provide better information about the rights of authors in those countries.
42. The observer from Cameroon said that as copyright was a human right, such publicity and information should be provided in both developed and developing countries.

Partial renewal of the Intergovernmental Copyright Committee

43. As decided by a drawing of lots at the first ordinary session of the Committee, in accordance with paragraph (1) (i) of Rule 55 of the Rules of Procedure, the terms of office of six States members of the Committee expired at the end of the present session: Argentina, Japan, Senegal, Spain, the United Kingdom, and the United States of America.
44. As provided by Rule 47, a Nominations Committee was formed and met in private. It was composed of Mr. G.E. Larrea Richerand (Mexico), Chairman of the Committee, Mr. A. Kerever (France), Vice-Chairman of the Committee, Mr. S. Abada (Algeria), Mr. F.J. Smith (Australia), and Mr. G.S. Edwin (India). The latter three members were elected by the Committee, one as a substitute for Mr. V. Spaić (Yugoslavia), a Vice-Chairman who was absent, and the other two as ad hoc members.
45. Since this Nominations Committee was unable to propose for election a list of States Parties to the Universal Convention, the Committee proceeded to an election in two stages of voting, in accordance with Rule 48 of the Rules of Procedure. It was decided that two-thirds of the outgoing States (that is, four of the six) would be eligible for re-election.
46. In the first stage of balloting, the United States of America received 17 votes, Japan received 15 votes, the United Kingdom received 12 votes, Senegal and Spain each received 9 votes, and Argentina received 6 votes. The first three of these States were therefore re-elected. The tie between Senegal and Spain required a second balloting, and this resulted in 9 votes for Senegal and 8 votes for Spain. Senegal was therefore also re-elected.
47. In the second stage, in accordance with the desire expressed by the Nominations Committee that the Union of Soviet Socialist Republics become a member of the Committee, this country was elected by acclamation. Also during this stage, a vote by secret ballot was held in which the Netherlands obtained 9 votes and was thus elected to the Committee.

48. The observer from Cameroon, who was the first after the observer from the Union of Soviet Socialist Republics to present his country's candidature, wished to thank those members of the Committee who had voted for his country.
49. The Chairman, who had presented the candidature of Cuba, stated that he had done so on his own initiative because it was his opinion that the election of this Spanish-speaking, developing country in Latin America would lead to the balance required under Article XI (3) of the Convention and Rule 47 (2) of the Committee's Rules of Procedure. He stated that he had informed the Cuban Permanent Delegation to Unesco of his intention. The Permanent Delegation had thanked the Mexican delegation but indicated that since it had no instructions from its Government, it did not intend to present the candidature of its country and, moreover, was not in a position to do so.
50. The observer from Cuba confirmed the Chairman's statements. She thanked the members of the Committee who had voted for her country and stated that her Government did not at present intend becoming a member of the Committee.
51. During the course of these elections, a debate arose concerning the procedure for renewing the Committee provided by the Rules of Procedure.
52. The delegation of the Federal Republic of Germany believed that it was not desirable to require the Nominations Committee, when proposing a list of States eligible for election, at the same time to make a decision on the States not eligible for re-election. It also noted that outgoing States would have less hesitation to withdraw their candidature for immediate re-election if not faced with non-eligibility for re-election for eight years. Finally, as the Chairman of the Committee had also done, it called attention to the provisions of paragraph 3 of Article XI of the Universal Convention: "The Committee shall be selected with due consideration to a fair balance of national interest on the basis of geographical location, population, languages and stage of development". This provision also appears in paragraph (2) of Rule 47 of the Rules of Procedure. The delegation of the Federal Republic of Germany asserted that, in a case where the election takes place under the procedure provided in Rule 48 of the Rules of Procedure, it would not be possible to guarantee that the result would conform to this provision. For these reasons, the delegation of the Federal Republic of Germany proposed that the Committee request the Secretariat to undertake a study, aimed at revising the provisions of the Rules of Procedure of the Committee applicable to the elections at its next session.
53. Following the announcement of the results of the election, the delegations of Algeria, France, Israel and Senegal, together with the Chairman of the Committee, stated that the composition of the new Committee was not in accord with the balancing of interests provided in the Convention. Nevertheless, they considered that there was no basis for overturning the results.
54. For these reasons, it was to be understood that the Rules of Procedure should be modified so that this situation could not arise again.
55. The delegation of Algeria, supported by that of Senegal and by the Chairman, formally requested that, in addition to the revision of the Rules of Procedure, the Committee also undertake the rebalancing of its composition at its next session, in accordance with the provisions of Article XI (3) of the Convention.

56. The delegation of the Federal Republic of Germany indicated that in its opinion the results of the elections did not in fact lead to an imbalance in the composition of the Committee since it comprised an equal number of developed and developing countries, a developed European country replaced another developed European country and certain countries whose national language was less widely diffused were represented.

57. In response to a question raised by the delegation of Senegal, as to whether it was possible to present to the Committee the candidature of an absent State, it was understood that this possibility should be expressly provided for in the new Rules.

Other business

58. The delegation of the United States of America raised, in a preliminary way and with the hope of future consideration by the Committee, a question concerning the application or interpretation of the Universal Copyright Convention. Under the United States copyright law all "works of the United States Government" (works by government employees or officials written in their official capacity) are not protected in the United States. However, this provision is limited to United States Government works: publications of the governments of States Parties to the Universal Copyright Convention (other than basic official documents such as laws, decrees and regulations) are fully protected by copyright in the United States. The specific question is whether, because they are in the public domain in the United States, "works of the United States Government" can be denied protection in other countries under the Universal Copyright Convention. This question raises a broader problem: in a case where the domestic law of country X denies protection to works of a certain type originating in its own country but grants full protection to works of the same type originating in all other UCC countries (including country Y), does the UCC permit country Y to deny protection to works of that type originating in country X? It was agreed that the Secretariat, possibly with the collaboration of one or more consultants, could study this problem and prepare a report to be submitted to the Committee at its next session.

Election of the Chairman and two Vice-Chairmen of the Committee

59. Upon the proposal of the delegation of the United States of America, supported by the delegations of the Federal Republic of Germany, Brazil, Ghana, Italy, Japan, Mexico, the United Kingdom and Senegal, Mr. A. Kerever (France), Mr. R. Saïd (Tunisia) and Mr. M. Gabay (Israel) were elected respectively as Chairman and Vice-Chairmen of the Committee.

60. The observer from the Netherlands warmly supported the election of these officers.

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

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

61. The Committees noted the information concerning the development of the Rome Convention (document B/EC/XII/4-IGC(1971)/II/8). They were also informed by the Secretariats that with the kind co-operation of the Government of Thailand,

an Asian/Pacific Seminar on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations had been convened in Bangkok by the Directors-General of the three Organizations forming the Secretariat of the Rome Convention from 25 October to 28 October 1977. Participants in the Seminar were experts, nationals of nine Asian and Pacific countries. In addition, 21 observers from ten States as well as observers representing six international non-governmental organizations attended the Seminar. A document detailing the recommendations adopted at this Seminar was being presented to the Intergovernmental Committee of the Rome Convention at its meeting in Geneva scheduled for 7-9 December 1977.

62. The observer from Belgium stated that his country's accession to the Rome Convention was being considered and that the procedure for this was under way.
63. The delegation of India mentioned that joining the Rome Convention had been under the consideration of its Government; recently this matter had been gone into in detail with the assistance of the World Intellectual Property Organization (WIPO), and of the International Federation of Producers of Phonograms and Videograms (IFPI), and the delegation thanked them for their help in this connection; it informed the Committee that steps were under way for amending the national copyright law to provide also for protection of the rights of performers, and as soon as this amendment was made the country would be in a position to join the Rome Convention.
64. The delegation of Israel stated that in principle its Government had taken a decision to join the Rome Convention, but this had to await passing of the necessary amending legislation.
65. The observer from Norway also indicated that her Government was proposing the ratification of the Rome Convention during this parliamentary year.

Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms (Phonograms Convention)

66. The Committees noted with satisfaction the developments regarding the Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms (Phonograms Convention).
67. The observer from Belgium mentioned that action was being taken for his country's accession to the Phonograms Convention.
68. The delegation of Israel announced that the Government of Israel had, on 27 November 1977, approved accession to the Phonograms Convention and that the relevant instruments to this effect would be deposited shortly.
69. The delegation of Japan stated that its Government was taking preparatory action for adherence to the Phonograms Convention.
70. The observer from Norway indicated that Norway was also intending to join the Phonograms Convention during this parliamentary year.

Convention relating to the distribution of programme-carrying signals transmitted by satellite

71. The Committees noted the information in document B/EX/XII/6-IGC(1971)/II/10 concerning the development of the Convention, in particular the fact that,

since its adoption, four States had deposited their instruments of ratification or accession and that the Convention would enter into force three months after the fifth instrument had been deposited.

72. The delegation of the Federal Republic of Germany informed the Committees that the procedure for its country's ratification of the Convention was under way. The delegation of Italy stated that a number of legislative measures had already been taken with a view to ratifying the Convention. The observer from Austria informed the Committees that his country's legislation had to be amended slightly in order to allow for the ratification of the Convention and that appropriate measures were being taken. The delegation of India stated that its Government was giving close attention to the question of accession to the Convention.

73. The delegation of the United Kingdom stated that its Government was not contemplating accession to the Convention, as it considered that its field of application was covered in the main by the Rome Convention, to which the United Kingdom was already a Party.

74. The Secretariats informed the Committee that in order to facilitate the application of the Convention and to promote accession to it, they were intending to convene in April 1978 a working group to prepare guidelines which would take into account the various ways and means whereby States could fulfil the undertaking foreseen by the Convention (copyright, penal provisions, administrative provisions).

75. The delegation of Mexico raised the question of whether it might not be appropriate for the Intergovernmental Committee of the Rome Convention to make a statement on the compatibility of the provisions of that Convention with those of the Satellite Convention.

76. The observer from the International Labour Office (ILO) drew the Committees' attention to the fact that the provisional agenda of the next session of the Intergovernmental Committee responsible for administering the Rome Convention contained an item relating to the Satellite Convention.

77. The delegation of the United States of America welcomed the Secretariats' move to convene a working group to establish guidelines for the application of the Convention, in which its Government was taking a close interest. The delegations of the Federal Republic of Germany and the United Kingdom, as well as the observer from the European Broadcasting Union (EBU), also expressed their keen appreciation of this initiative and supported the idea of a consultation with the Intergovernmental Committee of the Rome Convention. The delegations of the Federal Republic of Germany and of Mexico, as well as the observer from the European Broadcasting Union (EBU), stated that they were convinced of the compatibility between the Rome Convention and the Satellite Convention.

Model Law on Copyright for Developing Countries

78. The Secretariats drew the attention of the Committees to the information concerning the Tunis Model Law on Copyright for Developing Countries (document B/EC/XII/7-IGC(1971)/II/11).

79. Mr. Rafik Saïd, delegate of Tunisia, who was Chairman of the Committee of Governmental Experts that met in Tunis from 23 February to 2 March 1976 to adopt the Model Law mentioned, by way of introduction, the basic features of this Model Law; its compatibility with the 1971 Paris texts of the Berne Convention

and the Universal Copyright Convention; that the Model Law had taken into account various viewpoints; that it was a model which could be universally used by all countries who could adopt or adapt it in the light of their own national requirements.

80. The delegation of Senegal stated that a certain number of countries had taken into account the Tunis Model Law while considering their legislations, so was the case with the African Intellectual Property Organization (OAPI) which had also adopted their copyright legislation based on the Tunis Model Law and the universal application of this Model Law had been more recently confirmed in the recommendation emerging out of the Seminar on Copyright for Arab Countries convened in Rabat in May 1977 by Unesco and WIPO in co-operation with the Arab Educational, Cultural and Scientific Organization (ALECSO), which expressed the view that the Tunis Model Law on Copyright constitutes a basic document of considerable value to national legislators.

81. The Deputy Director-General of WIPO stated that the African Intellectual Property Organization (OAPI) had asked for the assistance of WIPO for the establishment of their copyright convention, which had been based, as the delegate of Senegal said, on the Tunis Model Law.

82. The delegation of Mexico stated that on the occasion of the First Continental Conference on Copyright and First Brazilian Congress on Copyright organized in São Paulo in June 1977 by the Inter-American Copyright Institute with the assistance of WIPO, the Mexican delegation had proposed convening by Unesco and WIPO of a seminar consisting of Latin American experts, to consider, in the context of the circumstances of the Latin American countries, the harmonization of the criteria of their copyright laws within the overall provisions of the Tunis Model Law. It had repeated this suggestion at the meetings of the governing bodies of WIPO in Geneva at the end of September 1977, and had offered to host this meeting of experts in Mexico in 1978; the Director-General of WIPO had welcomed this proposal and stated that since this meeting would be jointly organized with Unesco, a final decision would have to await Unesco's attitude on the matter. The delegation of Mexico therefore now wished to take this opportunity of the meeting of the Intergovernmental Copyright Committee to make the same proposal for the consideration of the Secretariat of Unesco.

83. The Deputy Director-General of WIPO stated that the Director-General of WIPO has already accepted the proposition of Mexico to have such a meeting of experts, and would convene, jointly with Unesco if that Organization so agreed, this meeting to study a possible harmonization of laws in the context of the Latin American situation, on the basis of the provisions of the Tunis Model Law.

84. The representative of the Director-General of Unesco indicated that the latter was considering in the framework of preparation of the Programme and Budget of Unesco for 1979-1980 the necessary measures in order to convene this meeting jointly with WIPO; and while this is agreed to in principle it will have to be submitted to the General Conference of Unesco which will meet in 1978.

85. The observer from the International Confederation of Societies of Authors and Composers (CISAC) wanted a clarification from the Secretariats of Unesco and WIPO on the possible follow-up action they proposed if and when a request is made to them, on the basis of the recommendation of the Union of National Radio and Television Organizations of Africa (URTNA), adopted at its General Assembly in Dakar in January 1977, which envisaged the Tunis Model Law on Copyright being re-examined at a seminar to be organized by WIPO and Unesco with a view to its adaptation to the realities of Africa.

86. The Deputy Director-General of WIPO stated that the Director-General of that Organization had received a communication of the decision of URTNA, and indicated that if a member government submitted a request to the International Bureau of WIPO for the convocation of such a seminar, the governing bodies of WIPO and the Committees would be informed of it, and action would be taken as indicated by them. So far, however, WIPO had received no such request.
87. The representative of the Director-General of Unesco expressed the view that the first question to consider if a revision of the Model Law was proposed was as to how it was possible for a text adopted by a committee of governmental experts who were not there in a personal capacity but as representatives of government to be revised by a group meeting at a seminar and giving advice in a personal capacity.
88. The Deputy Director-General of WIPO stated that as already indicated it was difficult to anticipate what form such a request would take, and if and when at all such a request is made as to whether it would lead to the convening of a seminar or a committee of governmental experts or a working group, or just a meeting for providing information and clarification about the Model Law. However, if and when such a request was received, the governing bodies and the Committees would be informed of it.
89. The Chairman stated that the committee of experts had with a great deal of effort reached an agreement at Tunis, and the fair balance of interests kept in the Model Law should not be disturbed.
90. The delegation of Israel and the observers from Cameroon and Morocco felt that a Model Law adopted after much debate by a committee of governmental experts with the necessary powers should not be considered for a revision. The observer from Morocco felt that it would be understandable to convene a meeting or seminar to provide information on the Model Law but that its revision could not be envisaged at the mere request of a non-governmental organization or even of a State. The Model Law had already been discussed at seminars, for instance at Rabat, and accepted as a good basis for elaboration of a new national law or for amending an existing one; the Model Law provided the minimum protection necessary for the authors.
91. The delegation of Senegal felt that for the sake of clarity, and before the Committees took a stand on this matter, it would be advisable to invite the representative of URTNA to explain their point of view.
92. The observer from URTNA explained that since its organization in 1962 it had never adopted any resolution or recommendation that would go against the interests of authors. The situation in Africa in particular is that the interests of authors and those of broadcasting organizations are not mutually contrary; indeed they are complementary. To give concrete examples, in Tunisia and Algeria the co-operation and collaboration between broadcasting organizations, which are State-owned, and the Society of Authors, is perfect. In the circumstances, the observers from URTNA said he felt concerned at the direction the discussions on this matter were taking after hearing the statement of the observer from CISAC, as though there was an opposition between the interests of the broadcasting organizations and the Societies of Authors in Africa. If there is such opposition, it is not in Africa, but may be in developed countries. Before coming to the present meeting, the observer from URTNA explained that he had spoken to the Secretary-General of URTNA, and explained that at their last General Assembly in Dakar they did talk about the Tunis Model Law, and would like to congratulate the experts who framed this Model Law, providing for a balancing of interests. During the General

Assembly in Dakar there was not a very good understanding of this Model Law; a wish was expressed that the two Organizations, Unesco and WIPO, convene for the broadcasting organizations, members of URTNA, a seminar during which some lectures could be delivered on certain points of concern for the broadcasting organizations. URTNA has never stated that the interests of African countries have not been protected, nor was it within its competence, directly or through a national authority, to ask for the convening of a meeting for the revision of the Tunis Model Law; besides, the governmental experts are not likely to say something different from what was stated earlier by them. Nevertheless the broadcasting organizations had some reservations in respect of the Model Law, but as the Legal Counsel of URTNA, the observer stated that in his opinion the Model Law being a model, each country was free to adapt it to its own specific requirements.

93. The delegation of Senegal expressed satisfaction at this clarification, and desired it be reflected in detail in the report.
94. The Deputy Director-General of WIPO thanked the observer from URTNA for his statement, and reiterated that from the beginning WIPO's stand on this matter had been quite clear in that any request if and when received from a government or governments would, as in fact is customary, be submitted to its governing bodies and committees; and that meanwhile it was impossible for it to take any position. However, with the further clarification of the observer from URTNA the debate might be considered as closed.
95. The Chairman in conclusion stated that before deciding on requests when received pertaining to documents such as the Model Law on Copyright, he would request Unesco and WIPO to get the opinion of the Copyright Committees before a final decision.
96. The delegation of the Ivory Coast recalled during the adoption of this report that it was not present during the discussion on this item of the agenda. It did not take part in the discussion provoked by the observer from CISAC during which the Committees gave their opinion on a resolution adopted by the General Assembly of URTNA, an African non-governmental organization whose members are all governmental bodies, which resolution had erroneously been interpreted as a request for a revision of the Tunis Model Law. The delegation of the Ivory Coast was thus not able to make known the position of its Government, as was done by certain delegates during this discussion, and has consequently requested that this statement be included in this report.

Implementation of the revised Paris texts of 1971 of the Berne Convention and of the Universal Copyright Convention in respect of their application to developing countries

97. The Secretariats reported on the results of the survey which, at the request of the Committees, following a memorandum submitted by the delegation of Mexico at the 1975 sessions, they had conducted among the States Parties to the Universal Copyright Convention and to the Berne Convention, concerning the implementation of the revised Paris texts of 1971 of the two Conventions in respect of their application to developing countries (document B/EC/XII/8 - IGC(1971)/II/12).
98. The delegation of Mexico recalled its position at the previous sessions of the Committees, namely that the revised Paris texts of 1971 of the Copyright Conventions did not meet the needs of developing countries such as Mexico which had a fairly large publishing infrastructure and also carried out considerable activities in the field of education. In its view, the licence systems envisaged in those two Conventions for the benefit of developing countries were meeting with

an increasing number of obstacles. In Mexico for instance, the competent authorities had only been able to grant licences in a limited number of cases. Moreover, the spirit which had prevailed over the 1971 revision of the Conventions and which had inspired all the developed countries represented at the Paris Conferences had not yet been followed by practical measures. The developing countries were encountering much difficulty in obtaining licences for the translation and reproduction of the works which they required, particularly in the field of education, and the delegation of Mexico quoted a whole series of examples of requests which had remained unanswered. Moreover, the developing countries were not yet benefitting from services providing systematic information on works which could be useful to them, and the International Copyright Information Centre was having difficulty in collecting the necessary information from the industrialized countries. The delegation of Mexico regretted that the industrialized countries for the most part had considered that they did not need to reply to the questionnaire sent to them by the Secretariats and that the questionnaire had not included questions on the measures taken by those countries to facilitate, in accordance with the spirit of the revised Conventions, access by developing countries to the works which they required (establishment of information systems, rapid granting of licences). The delegation of Mexico concluded by drawing the attention of the Committees to the risk that the developing countries might lose interest in the revised texts of the Conventions if they were not more effectively applied.

99. The delegation of India, while appreciating the interest shown by the Committees and the Secretariats in the examination of the question and while considering that the 1971 revision of the texts represented an undeniable step forward, stated that it shared the views of the Mexican delegation concerning the obstacles encountered by developing countries who were seeking to derive practical benefit from the advantages offered by the revised texts and to gain access to works, in accordance with the spirit in which the texts had been revised. It considered that the questionnaire set out to States did not bring out the difficulties arising in developing countries and expressed the hope that the study which should continue would deal with the question as a whole, particularly the administrative, financial and legislative measures which should be taken to make the facilities offered operational. The delegation of India pointed out that the law on copyright in its country had not yet been amended to include the provisions concerning compulsory licences and it stressed once again the urgent need for further study of the problem as a whole.

100. The delegations of the Federal Republic of Germany, the United States of America and the United Kingdom, as well as the observer from the Netherlands, stated that their Governments had, in fact, considered that the questionnaire sent out by the Secretariats concerned only problems encountered by the developing countries and accordingly had not replied to it.

101. The delegation of France referred to the reply of his Government to the questionnaire whereby, according to the French constitutional system, the developing countries availing themselves of the provisions of the revised texts could apply the licence systems provided for therein with regard to works by French nationals.

102. The delegation of the Federal Republic of Germany stated that, following the memorandum submitted by the delegation of Mexico during previous sessions of the Committees, it had carried out a survey, addressed particularly to its country's National Copyright Information Centre, from which it transpired that as far as works originating in that country were concerned, none of the problems raised by the delegation of Mexico had arisen, the National Centre never having received

any request for information from the developing countries concerning works available in a given field or any request concerning a specific work. The delegation would in any case like to know of any instances in which any request had not been dealt with and added that the results of the aforementioned survey did not mean that there could not be some difficulties with publishers having a wide range of work going beyond their own frontiers.

103. The delegation of Italy stated that as soon as the revised Conventions had been ratified by its country - a process already under way - information would be transmitted to the appropriate quarters concerning the application of those Conventions. It recalled that a National Copyright Information Centre had been set up in Italy for the purpose of ensuring the practical application of the Conventions' provisions in accordance with the spirit of the Conventions. It suggested that a fuller questionnaire should be prepared and sent to States in order to obtain a precise picture of the issues involved.

104. The delegation of the United Kingdom welcomed the fact that the delegation of Mexico had given examples of the difficulties encountered with British publishers and offered to examine the specific problems that had arisen. It recalled that the United Kingdom had been one of the first countries to ratify the revised texts and it was anxious that they should be effectively applied. It stated that during the last three years many contracts had been concluded with publishers in the developing countries, particularly India and Mexico, but problems that still existed should be carefully studied.

105. The observer from the Union of Soviet Socialist Republics stressed the importance of the problem raised by the delegation of Mexico, and in order that the practical effectiveness for the developing countries of the provisions included in the revised Conventions for their benefit might be assessed, asked that the studies concerning this question be pursued. It stated that Soviet legislation provided the developing countries with particularly favourable conditions for the translation and reproduction of Soviet works and that the USSR had concluded bilateral co-operation agreements with some of those countries. Provisions in those agreements included the obligation for the USSR to provide full information concerning its publications. It pointed out, lastly, that the USSR was in the process of examining formal recognition of the application of the provisions of the Universal Convention as revised in 1971, in accordance with its Article IX, paragraph 4.

106. The delegation of the United States of America considered that problems of application of the revised Conventions had arisen for the authorities in the developing countries and that that situation should be remedied. It was, indeed, for that reason that the International Copyright Information Centre had been set up, and the Centre had proved itself extremely useful in that connection. It stated that a Copyright Information Centre had been set up in the United States for the private sector, and, as regards the public sector, the United States Congress had just established a Book Center in the Library of Congress. The delegation of the United States of America supported the suggestion that a new questionnaire should be prepared which would seek to highlight the problems involved both in the developed and in the developing countries. It was indeed not clear to whom potential users of works in the developing countries should apply to obtain the information and licences they needed: should they contact the International Copyright Information Centre at Unesco, the publishing houses directly, or the National Information Centres? In addition to this new questionnaire, the delegation of the United States of America proposed that a working group be convened exclusively to study these problems.

107. The observer from Hungary recalled that he had expressed doubts at the Committees' 1975 sessions concerning the efficacy of the revised texts of the Copyright Conventions as regards the developing countries and suggested that a survey be carried out into the experience of those countries as a whole in that respect. He had also proposed the establishment of a fund for the remuneration of copyright holders when works were used by the developing countries, for he considered that the problems encountered were also of an economic kind. This observer reiterated his proposal and supported the statement by the delegation of Mexico concerning the responsibilities of the developed countries in that field.
108. The delegation of Israel considered that many developed and developing countries were not properly informed of the possibilities offered by the revised texts or of their implications, despite the work carried out by the Secretariats for that purpose. It therefore supported the proposal of the delegation of the United States of America for the convening of a working group to study the problems of application raised by the texts, particularly those of an economic nature.
109. The delegations of Algeria, Federal Republic of Germany and Senegal, as well as the observer from the Netherlands, also supported the proposal of the delegation of the United States of America for the convening of a working group.
110. The observer from the Netherlands, while granting that there might be problems in the practical application of the Conventions, stated there was not, as yet, a National Copyright Information Centre in the Netherlands as the need for one had not been felt.
111. The delegation of Senegal stated that its country had not availed itself of the specific provisions included in the Conventions for the benefit of the developing countries because of scepticism as to the practical effectiveness of these provisions. It stressed the particularly important role that the Unesco International Copyright Information Centre and the National Centres in the developed and the developing countries should play in that connection.
112. The delegation of Algeria considered that in many cases the problems facing the developing countries in this field were of a material kind (absence of infrastructures for printing and publishing, amount of royalties demanded by copyright holders). It therefore supported the proposal by the observer from Hungary for the creation of an international fund for payment of copyright fees owed by the developing countries.
113. The observer from Cameroon considered that the problems encountered by the developing countries concerned, in the main, the technical facilities for the reproduction in their own countries of the works they needed.
114. The observer from the International Publishers' Association (IPA) said that, every year, thousands of contracts were concluded between publishers in industrialized and developing countries, and the publishers concerned were endeavouring to adapt their organizational framework to the many demands made upon them. He felt that the International Copyright Information Centre had an essential role to play in this field and would have to deal with an increasingly large number of requests. He suggested that the Centre should have an information bureau at major book fairs. He told the Committees that some publishers were planning to computerize all information about the rights relating to titles to be published by them in the future, and he was of the opinion that the Centre should be associated with these programmes or launch similar programmes to assist developing countries.

115. In reply to various questions put to him by delegations and observers, the Chief of the International Copyright Information Centre explained to the Committees what the Centre was doing in a practical way to further access to protected works.

116. The Deputy Director-General of WIPO, recalling that the International Bureau of WIPO had shared the preoccupations expressed by the delegation of Mexico at the 1975 sessions and that it had reached the conclusion that an overall study should be made of the problems facing developing countries in respect of access to protected works, said that WIPO's Programme and Budget for 1978 consequently made provision for such a study and for the convening of a working group for the purpose, in accordance with the proposals of several delegations. The study to be carried out should not only take account of the efforts to be made in order to ensure that the revised texts of 1971 were actually applied, but also cover the practical problems encountered by developing countries and devise realistic solutions to them. He pointed out how difficult it was in that respect to lay down clear and precise limits between the legal aspect and what was of a purely practical nature. He said that Unesco had to date agreed to act jointly with WIPO only with regard to the convening of the working group to examine the legal difficulties raised by access to protected works. Regarding the practical difficulties, Unesco considered that that part of the study would overlap with the activities of the International Copyright Information Centre. WIPO thereupon proposed to Unesco that the two Organizations pool their efforts in that area and in future administer the Centre jointly. Negotiations on this subject are continuing.

117. The Deputy Director-General of WIPO concluded by stating that the Committees were required to decide on the nature of the study to be carried out and on the terms of reference of the working group to be set up, with due regard for the practical proposals submitted by the delegations of Germany (Federal Republic of), India, Italy, Mexico and the United States of America, namely, that an overall study should be undertaken of the problems posed for the developing countries by access to protected works, dealing with the application of the revised texts of 1971 and with practical arrangements which would assist such application. For this purpose, a more detailed questionnaire should be drawn up, and the working group should be convened as soon as possible, WIPO being ready, for its part to implement the recommendations of the Committees.

118. The delegations of Algeria, the Federal Republic of Germany, France and Senegal approved those conclusions. The delegation of France also expressed the hope that the initiation of such a survey would not be subject to the settlement of administrative questions, but that the work would be undertaken as rapidly as possible so as not to disappoint the expectations of the developing countries. The delegation of Algeria added that the terms of reference of the working group should include an in-depth examination of the machinery for access to protected works and the search for solutions of an essentially practical nature. The delegation of the Federal Republic of Germany, referring to the membership of the working group, suggested that it should be composed not only of copyright experts but also of persons responsible for the National Copyright Information Centres and other specialists who could give the working group the benefit of their practical experience.

119. At the suggestion of the Chairman of the Berne Union Executive Committee, who had presided over the discussions on this item of the agenda, the Committees then adopted these conclusions, in particular as concerns the nature of the study to be carried out and the terms of reference of the working group.

120. During the discussions held later on the National Copyright Information Centres, over which the Chairman of the Intergovernmental Copyright Committee had presided, the representative of the Director-General of Unesco, replying to questions raised by the delegations of the Federal Republic of Germany and of the United States of America, concerning the membership and the terms of reference of the working group respectively, said that in the case of a meeting convened jointly by the Directors-General of Unesco and WIPO, its membership would be jointly agreed on by the two Secretariats. In so far as the terms of reference of the working group related to the application of the revised texts of 1971 of the Universal and Berne Conventions, it was the opinion of the Secretariat of Unesco that persons responsible for copyright matters in their respective countries should be invited to participate. Nevertheless, National Copyright Information Centres which might provide the working group with information on certain practical aspects could be invited to participate in accordance with a suitable procedure still to be determined. He said that Unesco and WIPO would examine jointly the implementation of any recommendations made by the working group concerning application of the revised Conventions, i.e. concerning the legal aspects of access to protected works by developing countries. Other recommendations made by this working group which might relate to the fields of competence of the International Copyright Information Centre, i.e. the practical aspects raised by access to those works, such as the exchange of information, should, of course, be made to the Centre itself. The Centre would then consider the possibility of taking joint action with WIPO on such recommendations as might fall within the competence of the two Organizations.

121. The Chairman (of the Intergovernmental Copyright Committee) thanked the Secretariat of Unesco for its clarifications, which dispelled any doubts concerning appropriate procedures to be followed by the joint Secretariats and invited the Secretariats to make the initial preparations for the meeting of the working group scheduled, according to its indications, for 1978.

122. In the course of the adoption of this report, the Chairman of the Berne Union Committee drew attention to a possible confusion that, in her view, might exist between the texts of paragraph 119, on the one hand, and paragraphs 120 and 121, on the other hand. During the discussion on this matter, the delegations of Algeria, France, India, Senegal and the United States of America, the observer of Nigeria and the representatives of Unesco and WIPO made statements. At the close of their deliberations on this subject, the Committees maintained the text of paragraph 119 and decided to take note of the statements of the representative of the Director-General of Unesco and the Chairman of the Intergovernmental Copyright Committee.

Problems arising from the use of electronic computers

123. The discussion of this item was on the basis of two documents, namely, document B/EC/XII/9-IGC(1971)/II/13 on storage and retrieval of protected works, to which was annexed a report by Professor Eugen Ulmer, and document B/EC/XXI/10-IGC(1971)/II/14 on the role of computers in the creation of works, together with its annexure consisting of a paper contributed by the National Commission on New Technological Uses of Copyright Works (CONTU) of the United States of America, on its activities in the field.

124. Concerning the storage and retrieval of protected works and problems arising from use of electronic computers, the Secretariats drew attention of the Committees to the fact that at their sessions in 1975, they had decided to maintain this item on the agenda for their next sessions to which they wished a report to be submitted that would take note of the developments during the intervening

period. Professor Ulmer had at the request of the Secretariat of Unesco and the International Bureau of WIPO now prepared a report bringing up to date the studies submitted in this connection to the Committees at their last sessions.

125. The Secretariats further pointed out that it was brought to the notice of the Committees at the 1975 sessions that CONTU was undertaking a study concerning problems arising from the use of electronic computers. The Secretariat of Unesco and the International Bureau of WIPO had, therefore, requested CONTU to contribute a paper on its activities in the field including computer uses and computer-assisted creation of copyrighted works.

126. The Secretariats thanked Professor Ulmer for his report, as also Mr. Arthur Levine, Executive Director of CONTU, who was present at the current sessions for the paper contributed, at his instance, by Mr. Christopher A. Meyer, Staff Attorney of CONTU, and looked forward to their continued co-operation in the furtherance of the study of copyright problems arising from the use of electronic computers and related facilities for access to or creation of works.

127. The Secretariats stated that on the question of storage and retrieval of protected works, Professor Ulmer had concluded that it would be advisable to await further the result of discussion of the presently existing proposals for legislative action in different countries, as indicated in the final remarks of his report.

128. The Secretariats also drew attention to paragraphs 47 to 50 of the CONTU report which dealt with works created with computer assistance.

129. In view of the complexity of the matter and since various studies were still under way, the Secretariats pointed out that all the relevant and further updated information would be compiled beginning early 1979 to enable convening of a working group during that year to go into the various ramifications of the problems arising from the use of the computer. The findings of the working group would be submitted at the end of the 1979 sessions of the Committees.

130. Mr. Arthur Levine, member of the delegation of the United States of America, and Executive Director of CONTU, stated that they would welcome the continued study by the Secretariats of the problems arising from the use of electronic computers. He stated that in the United States of America, the National Commission on New Technological Uses of Copyrighted Works (CONTU) had been engaged in a study of these matters since October 1975, and their report was expected to be completed by the middle of 1978. For their study, the computer-related issues had been divided into four groups for purposes of planning, research, and making recommendations about changes in copyright law and procedures, namely: (i) computer programmes; (ii) computer data bases; (iii) new works of authorship created by the application or intervention of computer systems; and (iv) input of conventional copyright works into computer systems. Mr. Levine felt that this breakdown into categories might also be of assistance in guiding further activity and study on the international aspects of such use. He discussed each of these topics in turn. In regard to the input of copyrighted works, he pointed out that as indicated by Professor Ulmer in his latest study, the earlier anticipated problems in this area had largely not arisen, since most computer information systems do not employ full-text data files. This is not to say that there are no copyright consequences attendant upon the input of any copyright works into computer systems. The problems, according to him, however, arise due to uses to which works already existing in computer media may be put. He further stated that the new Copyright Law of the United States of America with its recognition that a copy of a work may exist in any medium form which a human readable version may be reproduced with

the aid of a machine or device, will remove a long-perceived impediment to the protection of these works under copyright. Finally, he mentioned that in all the substantive areas, computer systems may communicate across national boundaries, and suggested that the Committees invite the Secretariats to study the application of the Berne and Universal Copyright Conventions, as well as the Florence Agreement on the Importation of Educational, Scientific and Cultural Materials, to the transmission of, and reproduction of copyrighted works across national boundaries by means of computer systems.

131. The delegations of Algeria, France, the Federal Republic of Germany, Ghana, India, Israel, Italy and the United Kingdom, as well as the observers from Austria and Hungary, congratulated Professor Ulmer as well as CONTU for presentation of clear, concise and interesting reports on a complex subject and supported the idea that further studies should be undertaken and a working group be convened at an appropriate stage of the study.

132. The delegation of India felt that the study should bear in mind the possibility that with the pace of relentless technological advancement in developed countries, knowledge disseminated presently in the form of books may be increasingly stored in some other form to which there may be no access without sophisticated equipment or gadgetry. The developing countries could hardly be expected to afford such increasingly sophisticated equipment, and in that event flow of knowledge from developed countries particularly for research and educational purposes will tend to get restricted. Whatever use is made of copyright works as inputs in computers it is limited to only educational and research purposes. The delegation of India would therefore suggest to the Committees to take a liberal view of fair use and not think of any measures which would have the effect of restricting the use of protected works in computer systems.

133. The delegation of the Federal Republic of Germany, supported by the delegations of France, Ghana and Israel, and by the observer from Austria, proposed that the reports submitted by Professor Ulmer and by CONTU should be widely circulated among the national authorities concerned in States Parties to the Berne Convention and the Universal Copyright Convention.

134. Replying to the suggestion made by the delegation of France, the Secretariats indicated that a publication could be issued jointly by them, containing the three reports of Professor Ulmer submitted in 1971, 1975 and 1977, as well as the CONTU paper. Further, in order to be able to furnish fuller information to the working group scheduled for 1979, this joint publication will be circulated to all States members of the Berne and Universal Copyright Conventions requesting them for comments in the light of the position obtaining in their respective countries.

135. The observers from the International Confederation of Societies of Authors and Composers (CISAC), the International Federation for Documentation (FID) and the International Literary and Artistic Association (ALAI) underlined the importance of this matter in view of the increasing use of computers, and pointed to the need for obtaining in the studies scheduled the advice of professional specialists. The International Federation for Documentation (FID) stressed the importance of computer use particularly in the field of documentation.

136. The observer from Hungary suggested that the question of protection of computer software be included in the study which will be placed before the working group.

137. The representative of the Director-General of Unesco stated that since this matter was being considered from the industrial property point of view so far, Unesco was not involved. However, Unesco would be prepared to participate in the consideration of this aspect of the matter if copyright questions arose.

138. The Deputy Director-General of WIPO stated that this subject was being considered from the angle of industrial property in the framework of activities of WIPO, and referring to the work done by WIPO on the question of protection of computer software, stated that its work so far had led to the preparation and publication of model provisions for a national law on the protection of computer software. A group of experts will be convened by WIPO in 1978 to study the possibilities offered by an international treaty providing in particular for the international deposit of computer software.

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

139. The discussions on this item were based on document B/EC/XII/11-IGC(1971)/II/15. In presenting this document, the Secretariats recalled that, in accordance with the decisions adopted by the Committees at their 1975 sessions, they had asked the States Party to one or other of the multilateral Conventions on Copyright and the international non-governmental organizations concerned to inform them of any comments they had to make on Professor Franca Klaver's study of the subject. Afterwards a restricted working group of specialists invited in a personal capacity by the Directors-General of Unesco and WIPO was convened at Geneva from 21 to 25 February 1977. The purpose of the above-mentioned document was to submit to the Committees the report adopted by this working group. The Secretariats also pointed out that the Committees would have to decide whether or not examination of this question should be continued, and, if so, what procedure should be adopted.

140. The delegations of Algeria, France, the Federal Republic of Germany, Israel, Italy, Japan, Senegal, the United Kingdom and the United States of America and the observer from Austria expressed marked appreciation of the results of the working group's discussions and congratulated the experts who, as members of the group, had, under the chairmanship of Mr. André Kerever (France), conducted a detailed examination of the legal problems involved and had made some very important points. One of the conclusions reached by the working group - namely, that the advent of this new dissemination technique did not call for a revision either of the Berne Convention or of the Universal Convention, which already contained provisions that afforded copyright owners adequate protection, or for the establishment of a new international instrument, but that solutions should be sought at the level of national legislations - was fully supported by several of these delegations including the delegation of Japan which indicated that its Government was in the process of studying problems raised by the private use of copyrighted works by means of audio-visual equipment. The observers from the International Confederation of Societies of Authors and Composers (CISAC), from the International Federation for Documentation (FID) and from the International Federation of Producers of Phonograms and Videograms (IFPI) also agreed with this conclusion, while at the same time stressing the importance of contractual negotiations in the implementation of the law, both for the production and for the use of videograms, and the desirability of drawing up model contracts on the basis of existing practice in this field and in the light of these organizations' experience of such negotiations.

141. Regarding the procedure to be followed for future work on the subject, the delegation of France pointed out that the Committees had a choice between several means of procedure: they could either take note of the working group's report, adopting the general conclusion to which reference has just been made

and consigning the report to the Committees' archives; or they could state the opinion that the views of the working group should be taken into consideration in the formulation of national solutions, and send the States copies of the report for that purpose; or they could recommend that another meeting be convened at governmental level. On the last point, the delegation of France was of the opinion that there was a need for some kind of judicial precedents regarding the Committees: if they considered that there was no need to revise existing conventions or to draw up new ones, there was no reason to convene committees of governmental experts. However, referring to the precedent used for the study of problems involved in reprographic reproduction, it suggested that the same formula should be adopted, i.e. a meeting of the two Committees which had been formed as subcommittees, to be held in the interval between their two-yearly meetings.

142. The delegation of the United States laid particular emphasis on the urgency of the need to find solutions to the problems arising from the use of audio-visual cassettes and discs; it stressed that knowledge of the technique of video-copying was spreading and that the increase in the amount and more widespread use of equipment sold on increasingly reasonable terms gave educational establishments and the public at large considerable opportunities in this field. It thought that the Klaver study and the conclusions of the working group were very important in establishing a legal framework for consideration of the problem, but that examination of the practical application of these legal principles should be continued as a matter of urgency. In particular, the extent of "fair use", "fair dealing" or other forms of exemptions to exclusive rights against off-the-air videotaping should be thoroughly explored. The delegation felt that a working group or a subcommittee might be sufficient if convened in the near future. It felt, however, that the possibility of convening a meeting at the level of a committee of experts should not be ruled out. In view of the importance of the problem, it felt that there was no legal impediment to convening such a committee, even though no revision of the existing Conventions is necessary and no new convention is contemplated.

143. The delegation of the United Kingdom, supported by the delegations of the Federal Republic of Germany and Senegal, while recognizing the need to control by national legislation the consequences of the development of this new technique as soon as possible, expressed doubts regarding the possibility of taking action at international level on a wider scale than that of the study which had been conducted by the working group. In this connection the delegation of the Federal Republic of Germany emphasized the great diversity of national legislations, particularly with respect to the scope of exceptions to the provisions on protection, and the great difficulty of any attempt to standardize them.

144. The observers from Austria and the Netherlands, as well as the observer from the International Labour Office (ILO), pointed out that the problems should also be examined from the point of view of the protection of the rights of performers, producers of phonograms and broadcasting organizations. They said that Professor Franca Klaver had been asked to conduct a parallel study on this point and that the question had been placed on the agenda of the next session (7-9 December 1977) of the Intergovernmental Committee of the Rome Convention.

145. After an exchange of views on the various procedures which could be followed for future work, the Committees decided that the same formula should be used for the study of problems arising from the use of audio-visual cassettes and discs as was used for that of the problems arising from the transmission by cable of television programmes (see below) and pronounced in favour of convening them as separate subcommittees.

146. The Secretariats said that, in view of what had been said regarding the urgency of the matter, a meeting during the first half of 1978 might be considered to deal with the first of the two studies. At the request of the Secretariats, it was specified that membership of the subcommittees would be limited to Member States of the Committees and to interested international non-governmental organizations (see also paragraph 157 below). On a proposal of the observer from Belgium, it was also agreed that the Secretariats would consider the possibility of inviting to meetings of the subcommittees in a consultative capacity experts who had been members of the working group convened in February 1977. At the suggestion of the observer from Switzerland, the Secretariats were asked to include in the preparatory documentation for the subcommittees all relevant information on existing collective agreements or general contracts which could be assembled with the co-operation of the organizations concerned.

Problems arising from the transmission by cable of television programmes

147. Discussion of this item was based on document B/EC/XII/12-IGC(1971)/II/16.

Presenting this document, the Secretariats stated that, in accordance with the decisions taken by the Committees at their sessions in 1975, they had carried out among the States Parties to the multilateral Copyright Conventions a survey of national legislation, jurisprudence, practices and experience regarding problems arising from the transmission by cable of television programmes. The findings of this survey and of that undertaken among international non-governmental organizations, together with an analysis of these findings, had been submitted to a small working group composed of specialists invited in a personal capacity by the Directors-General of Unesco and WIPO. This working group met at Paris at Unesco Headquarters from 13 to 17 June 1977, and the purpose of the above-mentioned document was to submit to the Committees the report adopted by the group. The Secretariats also stated that, as in the matter of problems arising from the use of audio-visual cassettes and discs, the Committees were required to decide on the procedure to be followed in the future.

148. The delegations of the Federal Republic of Germany, France and the United Kingdom and the observer from Austria expressed their warm appreciation of the results achieved by the working group's deliberations and congratulated the experts comprising the group, who, under the chairmanship of Ms. Barbara Ringer (United States of America), undertook a thorough study of the legal problems involved and produced some most useful findings. The delegations considered that the working group's report formed a very sound basis for further studies.

149. The delegation of the United States agreed that the results of the working group had been very useful as a first step. Referring to the serious attention devoted to these problems in its own country, it mentioned the new American copyright law which, in this connection, provides for a system of compulsory licences applicable to: (i) domestic programmes received and retransmitted within the borders of the United States; and (ii) certain Canadian and Mexican signals received in areas along the northern and southern borders of the United States. In dealing with international cable situations, the delegation felt that border problems were a reality that had to be recognized and dealt with, and that assimilation of foreign to domestic programmes in border spillover situations could not be considered a violation of national treatment. On the other hand, the U.S. statute offers full copyright protection to all other foreign signals, and as the use of satellites increases it is important to have legislation that will prevent free or compulsorily licensed cable use of foreign signals except those received off-the-air by conventional means in border areas. For these reasons, the delegation of the United States of America viewed with great concern proposals and arguments put forward in certain countries that would protect national programming

in some manner (as by distribution of "equitable remuneration" from a fund of royalties paid by cable systems in the country) but would leave foreign signals without any protection against, or remuneration for, retransmission by cable within the country. It noted that these proposals derive from theories that, if the Conventions do not expressly provide for a right deriving from use of new technology, or if the right can be called something other than copyright, a country is free to discriminate against foreign works. The United States delegation considered that, in the case of cable retransmissions, implementation of any such proposals would be extremely unfair and discriminatory and, as a fundamental principle under the Conventions, any such legal device could not be in compliance with the basic requirement for national treatment or assimilation. It expressed the hope that, in the preparatory work done for the working group to be held on this subject, the Secretariats would make sure that these questions are analysed in depth, and that the working group itself will be able to express an opinion on them.

150. The United Kingdom delegation indicated its Government's deep concern with this question since it understood that television broadcasts originating in the United Kingdom were being picked up and distributed commercially by cable in other European countries. Accordingly, it supported the views expressed by the delegation of the United States of America. In particular, it supported the views expressed by that delegation regarding the interpretation of the international Conventions.

151. The delegation of the Federal Republic of Germany, seconded by the observer from Austria, was of the opinion that the studies envisaged should be concerned primarily with international transmissions. It suggested, that, whatever procedure was adopted, it would be desirable, in preparing the next meeting on the subject, to collect all the information available on the legislative courses of action adopted or planned in different countries and on current practice concerning contractual relations between the interested parties, and that a survey should be made for this purpose.

152. The delegation of France also stressed the importance of the transnational aspects of the problems in question and drew attention in this connection to the work carried out within the Council of Europe by its legal Committee on Broadcasting and Television and to the attention paid by American legislators to regulations for broadcasts originating in Canada or Mexico. So far as procedure was concerned, it concurred with the opinions expressed by several delegations on the need to undertake in-depth studies. It suggested that the working group should perhaps be reconvened before the matter was passed on to government level - a suggestion which the delegations of Algeria and Senegal supported. Without wishing to make an issue of the matter, it suggested that the procedure decided upon for the study of the problems arising from the use of audio-visual cassettes and discs should also be applied to future studies relating to the transmission by cable of television programmes.

153. The observers from the International Federation for Documentation (FID), the International Federation of Musicians (FIM), the International Writers' Guild (IWG) and the European Broadcasting Union (EBU) drew the attention of the Committees to the urgent need to find realistic solutions to the increasingly acute problems facing all concerned. They were of the opinion that the principles established by the working group should form a basis for such solutions. The observer from the IWG also expressed his satisfaction at the conclusions reached by the working group to the effect that the multilateral Copyright Conventions would not need to be revised, that recourse to a system of compulsory authorization would be reserved for exceptional circumstances and that the best solutions to the problems under discussion would be through the collective exercise of exclusive

rights. The UER observer felt that transmission by cable of television programmes did not cover every situation and that a more thorough study should be made of all the possible cases that could arise in connection with programme distribution.

154. At the end of their discussions on the procedure to be followed, the Committees decided to recommend that the system previously advocated (see paragraph 145 above) should be applied mutatis mutandis to future studies, i.e. that each should be convened in the form of subcommittees. The Secretariats stated that these subcommittees would probably be convened towards the end of 1978, when a survey along the lines suggested by several delegations had been made.

155. The observer from Austria drew the Committees' attention to the possibility that the Intergovernmental Committee of the Rome Convention might set up a subsidiary body to discuss the problems arising from the use of audio-visual cassettes and discs, on the one hand, and the problems arising from the transmission by cable of television programmes, on the other, as they affected the protection of the rights of performers, producers of phonograms and broadcasting organizations. Accordingly, it requested that the Secretariats endeavour to co-ordinate such a task. That co-ordination might be achieved either through joint meetings, or through an invitation to attend as observers which would be sent to States that were not members of the Committees but were members of the Intergovernmental Committee of the Rome Convention.

156. The delegations of the Federal Republic of Germany and the United Kingdom, and the observers from Denmark and the Netherlands stated that they considered such co-ordination to be eminently desirable, and supported the Austrian observer's suggestion to admit certain States as observers to the scheduled meetings of the subcommittees. The delegation of France, seconded by that of Italy, nevertheless expressed a number of doubts about that procedure, saying that confusion might arise in the examination of the problems, which did not necessarily appear in the same light when considered from the point of view of copyright and when considered in relation to other rights.

157. Finally, on the assumption that in order to carry out such an examination the Intergovernmental Committee of the Rome Convention would also decide to set up subcommittees, the Committees urged the Secretariats to make the necessary arrangements so that the Member States of the Intergovernmental Committee which were not simultaneously members of the Committees might be invited as observers to the meetings of the subcommittees of the Copyright Committees planned in order to continue the investigation of videocassettes and cable television, and so that the meetings of those various bodies might be co-ordinated as effectively as possible. The Committees also expressed the hope that, conversely, their Member States which were not simultaneously members of the Intergovernmental Committee of the Rome Convention might be invited to participate as observers in the work undertaken by the latter on the aforementioned subjects.

158. At the suggestion of the Algerian delegation, it was agreed that the invitation of the few States concerned to attend the meetings of the subcommittees as observers did not affect the terms of reference of those subcommittees, which should confine their discussions to copyright matters alone.

Application of the Berne Convention and of the Universal Copyright Convention to equipment specially designed for the blind

159. The Brazilian delegation presented its proposal on the subject, contained in document B/EC/XII/16-IGC(1971)/II/19.

160. Having recalled the international copyright regulations, which constituted the greatest obstacle to the publication and international exchanges of the books and equipment needed by the visually handicapped, the delegation of Brazil suggested that a working group be set up, under the aegis of the Committees, whose task would be to study suitable ways and means of facilitating the free flow of books and publications designed for the visually handicapped.
161. The observer of the World Council for the Welfare of the Blind (WCWB) thanked the Brazilian delegation for its proposal; he went on to state that his organization was prepared to collaborate with such a working group, and that it would provide it with all the documentation and information at its disposal. He also gave a brief account of the techniques involved in publishing for the visually handicapped and launched an appeal to the developed countries to help such handicapped persons to overcome the obstacles of their disablement, especially in the developing countries.
162. The delegation of the United States of America, having stressed its interest in the objectives of the Council, pointed out that studies were being conducted on the issue in the United States of America. Furthermore, it welcomed the suggestion made by the Brazilian delegation and considered it desirable that the working group extend its terms of reference to include examination of other problems encountered by the blind with respect to certain forms of broadcasting (and recording for broadcasting), and also the problems encountered by other categories of handicapped persons, including the deaf and hard of hearing.
163. The delegation of the Federal Republic of Germany was in favour of such an extension, and, with regard to the method of work for carrying out such a task, stated its preference for a study to be undertaken by the Secretariats of Unesco and WIPO, with the assistance of all those who might make a worthwhile contribution to it, while a summary of national solutions might prove very useful and should not be neglected.
164. The observer from Austria, having thanked the delegation of Brazil, stated that it shared the view that the study should be undertaken by the Secretariats and should cover all categories of the handicapped.
165. The delegation of Israel expressed its satisfaction with the initiative by the Brazilian delegation on behalf of the blind. It also stated that its Government had already taken measures at the national level to help such handicapped persons. Finally, it expressed its support for the suggestion put forward by the delegation of the Federal Republic of Germany.
166. The observer from the German Democratic Republic welcomed the initiatives taken to make culture more readily available to the handicapped and supported the establishment of a working group, with which it would consider it a duty to collaborate.
167. The delegation of Japan said that Japanese legislation concerning copyright had already found a solution to the problem, in that any reproduction in Braille of a work which had already been made public was legitimate. Furthermore, the Braille libraries had been authorized by the same legislation to record for the blind works which had already been made public.
168. The delegation of France also congratulated the delegation of Brazil on its proposal, and stated that it was in favour of any fresh move to make works of the creative imagination more readily accessible to the visually disabled and other handicapped persons.

169. The delegation of the United Kingdom, having drawn attention to the possibility that difficulties might be encountered in recording works for the blind, supported the suggestion that the study to be undertaken should be extended to other categories of handicapped persons.
170. The delegation of Argentina echoed the congratulations addressed to the delegation of Brazil and supported the suggestion by the delegation of the United States of America that the study be broadened to include those with auditory handicaps.
171. The delegation of Ghana also thanked the delegation of Brazil and informed the Committees of the difficulties encountered in Ghana in producing publications for the visually handicapped. It hoped that the study to be undertaken would take the needs of all the handicapped into account.
172. The delegation of India supported the proposal by the delegation of Brazil and congratulated the observer of WCWB on his account of the problems involved. It expressed its support for the establishment of a joint working group under the two Committees, which would be responsible for undertaking the study in question and extending it to the other categories of the handicapped.
173. The delegation of Algeria also thanked the delegation of Brazil and said that it had greatly appreciated the statement made by the observer of WCWB, which was working to enable the handicapped to enjoy the benefits of culture on a level with other people. With reference to questions of procedure, it suggested that WCWB, which was faced daily with the problems of the visually handicapped, be called upon initially to prepare a study which the Secretariats would supplement, if necessary with the help of a working group, before submitting it to the next sessions of the Committees.
174. The delegation of Australia said that it supported the initiative to carry out such a study and said that the issue had been examined at the national level with a view to facilitating access to the various processes which were conducive to the education of the blind. It supported the idea that the study should be extended to those with auditory handicaps.
175. The observer from Mauritania congratulated the delegation of Brazil on its initiative and supported the suggestion of the delegation of the United States of America that the study under consideration be made to cover the problems encountered by all the physically handicapped.
176. The observer of the International Publishers Association (IPA), stated that his organization kept closely abreast of the activities of WCWB and welcomed the proposals which had been put forward. He also expressed the hope that his organization might be associated in the work of the working group.
177. The observer of the International Literary and Artistic Association (ALAI), also speaking on behalf of the International Confederation of Societies of Authors and Composers (CISAC) and of the International Writers' Guild (IWG), said that it was impossible to remain indifferent to the quest for ways of bringing a little happiness and joy to those who had been deprived of them as a result of a physical handicap. As a practical solution, the observer of ALAI hoped that before the working group met it might be acquainted with a file prepared by WCWB, which should contain an inventory of the problems arising in both the legal and the practical spheres, and he indicated that the three organizations on behalf of which he was speaking were prepared to contribute to the achievement of that objective.

178. The delegation of Brazil thanked all the delegations which had spoken in favour of its proposal and said that it, too, was convinced of the desirability of extending the study in question to all categories of the handicapped. With regard to procedure, it was in agreement with the suggestions made by the delegation of Algeria.

179. The Committees, at the suggestion of the Chairman, then decided to appoint WCWB, and if necessary other international organizations dealing with those suffering from auditory handicaps, to carry out a preliminary study for the Secretariats. That study would be supplemented by a brief account of the solutions which had emerged at the national level, and would be submitted, if the Secretariats considered it necessary, to a working group consisting of representatives of non-governmental organizations concerned. The outcome of those consultations would be made known at the next sessions of the Committees in 1979.

Protection of folklore

180. Introducing document B/EC/XII/13-IGC(1971)/II/17 regarding this item of the agenda, the Unesco Secretariat recalled that the Director-General of Unesco had received a request from the Government of Bolivia for an additional protocol to be added to the Universal Convention for the purpose of protecting folklore, and had referred that request to the Intergovernmental Copyright Committee at its 1973 session. The Committee had then instructed its Secretariat to study the matter in so far as the protection of folklore might involve copyright and report to it and to the Executive Committee of the Berne Union at their 1975 sessions. After considering this report at their 1975 sessions and finding that the matter went far beyond the scope of copyright, the Committees had instructed Unesco's Cultural Sector to make a comprehensive study of the problems involved in the protection of folklore and to report to them at the present sessions. In order to carry out this study the Director-General of Unesco had convened a Committee of Experts which had met in Tunis from 11 to 15 July 1977 at the invitation of the Government of Tunisia. It had become clear to this Committee on consideration of the matter that the problems involved in the protection of folklore were essentially of a cultural nature: defining that heritage, identifying it, conserving it, preserving it and the ways in which it was used. Consequently, such uses of folklore as might possibly be governed by intellectual property laws constituted but a minor aspect in comparison with all the problems involved and accordingly concerned Unesco's Copyright Division only to a very small extent, being otherwise the concern of the Culture and Communication Sector and the Bureau of Studies and Programming.

181. The responsible programme specialist in the above-mentioned sector referred to the importance which Unesco attached to the protection of folklore as a factor in the preservation of the cultural identity of peoples, while not minimizing the difficulties which arose in delimiting folklore in all its complexity.

182. The Deputy Director-General of WIPO said that the results of the study and the discussion which had just taken place proved that there was, when all was said and done, a link between copyright and the protection of folklore. She added that the Director-General of WIPO had requested the Director-General of Unesco to arrange that future studies on the matter should be made jointly by the Unesco Secretariat and the International Bureau of WIPO in so far as copyright was concerned.

183. Mr. Salah El Mahdi, as Chairman of the Committee of Experts which met in Tunis, reported on the work done under his leadership concerning both the definition of folklore and its preservation, its promotion as a means of asserting cultural identity, its identification and its use.

184. The delegations of Australia and Israel said that great efforts were being made in their respective countries to ensure adequate protection for folklore. In Australia consideration was being given to protection of the copyright type. In Israel the possibility of protecting folklore along the lines of the regulations governing appellations of origin was also being studied. Consequently, the delegation of Israel, supported in this by the delegations of the Federal Republic of Germany and India, and by the observer from Hungary, suggested that studies in that connection should be made jointly with the International Bureau of WIPO.

185. The observer from the German Democratic Republic stated that its country supported Unesco's efforts to study the problems involved in the protection of folklore on an interdisciplinary basis. What was at stake was safeguarding the identity of folklore and promoting it as a cultural value which could be exchanged between peoples in the interests of better mutual knowledge. It seemed difficult under existing circumstances to find valid legal means of protecting and safeguarding that cultural heritage adequately. An instance was the difficulty merely of defining folklore, a sine qua non of any regulation. Copyright protected an author and his work. In the case of folklore no authors could be identified. The international Copyright Conventions could not suffice to ensure the protection of folklore and it was advisable not to attempt to contain folklore in a pre-existing legal framework.

186. The delegation of the Federal Republic of Germany agreed that the study of folklore demanded a multidisciplinary approach and that the same applied to the question of studying means of ensuring its legal protection. In the view of that delegation several legal disciplines should be explored at national level - at which level measures besides legislation proper could be envisaged - and at international level (appellation of origin, unfair competition, copyright and even neighbouring rights). The delegation of the Federal Republic of Germany recalled, however, that the competence of the Committees was limited to matters of copyright.

187. The delegation of France, while dwelling on the fact that the protection of folklore demanded a multidisciplinary study not limited to legal aspects alone, emphasized nevertheless that following some national laws on copyright and the Tunis Model Law, which already contained provisions concerning folklore, an attempt should be made at international level to explore also the possibility of protecting it as literary and artistic property, even if existing international Copyright Conventions did not seem to be suitable for the purpose.

188. The delegation of India, after noting that despite unanimous agreement concerning the necessity of protecting folklore few steps had as yet been taken for that purpose and thanking the Unesco Secretariat for the study which it had undertaken on the subject, stressed the urgency of laying down legal norms for the protection of folklore, without which its commercial exploitation would be intensified and it would die out. Although the developing countries did not possess the infrastructure required for effective application of the norms in question (identification, cataloguing), the delegation of India stated that such norms should be worked out as a matter of urgency regardless of the problems involved in defining folklore, which could be left to the national legislators. In view of the intellectual property aspects involved, the delegation of India urged the Secretariats of Unesco and WIPO to address themselves immediately to the task of formulating legal norms for the protection of folklore, taking into consideration the work already done in that connection in certain countries and closely associating the developing countries in their efforts.

189. The observer from Cameroon pointed out that folklore was not peculiar to the developing countries and that it was more appropriate to refer to cultural heritage. It also drew the attention of the Committee to the danger of arresting the development of that heritage by encasing it in a strict legal framework in order to protect it.

190. The delegation of Algeria mentioned that its country was applying an active policy aimed at identifying, cataloguing and preserving folklore, which was afforded protection under the national copyright law, although the regulations governing such protection were not exactly the same as those governing the works of identified authors. It was a matter of preventing folklore works from being used for commercial purposes, and the law made the State responsible for controlling their use. The legal principles of copyright did not seem appropriate for such protection and it would be advisable not to explore that avenue alone. The Algerian delegation concluded by saying that only a comprehensive study of the problem could show in which direction adequate legal protection for folklore might be sought.

191. The delegation of Senegal, endorsing the remarks of the delegation of Algeria, said that the protection of folklore under copyright was only a stopgap where it existed and that protection demanded many other measures. It considered that the competence of the Committees was much too limited for them to tackle all the problems which arose and which required an interdisciplinary approach for their study.

192. The Committees, while recognizing that their competence was limited, decided that in so far as copyright could enter into the solution of the problems they should continue to consider them. They also decided that studies on this subject should be pursued by the Unesco Secretariat on an interdisciplinary basis within the framework of an overall approach, but that WIPO should be associated in the examination of any copyright aspects involved. Moreover, WIPO should inquire into the extent to which regulations governing industrial property (unfair competition, appellation of origin, etc.) might be used.

Creation of national copyright information centres

193. The Committee took note of the report prepared on this subject by the Secretariat of Unesco (document B/EC/XII/14--IGC(1971)/II/13).

194. In presenting this document, the Secretariat of Unesco called attention to the work plan relating to resolution 6.122 adopted by the General Conference of Unesco at its nineteenth session (Nairobi, October-November 1976), which provides that the International Copyright Information Centre "will encourage the establishment, in States and at regional level, of national or regional copyright information centres or committees for liaison with the International Centre where these do not already exist". The Secretariat of Unesco also renewed its assurance of the full co-operation, both intellectual and technical, of the International Copyright Information Centre, either in establishing national centres where none exist, or in reorganizing certain national institutions for the promotion and development of books, so that such institutions might discharge the duties incumbent on a national centre.

195. The delegation of the United States of America strongly endorsed the work of the Secretariat of Unesco in the activities of the International Copyright Information Centre. It recalled its earlier statement concerning activities in providing clearances and information in its country (see paragraph 106), and expressed the hope that corresponding centres could be established in as many countries as possible.

196. The delegations of Brazil, Ghana and Israel, and the observers from Czechoslovakia and Poland, after stressing the importance of the work accomplished by the Secretariat of Unesco, stated the views of their Governments and said that draft texts regarding the establishment of national copyright information centres were being studied by their respective States.
197. The delegation of India emphasized the need to set up a national copyright information centre in order to facilitate the transfer of authorizations to translate, adapt and reproduce printed material.
198. The observer from Cameroon, after congratulating the Secretariat of Unesco on the work it had accomplished, expressed the view that the guidelines for the creation of national and regional copyright information centres should have a number of goals the attainment of which might have appreciable financial implications for the developing countries. The observer from Cameroon further suggested that encouragement should be given to the establishment of centres with special responsibility for providing basic information on copyright for the users of works as well as for authors.
199. The observer from Nigeria expressed the gratitude of her country to Unesco for the consideration that is being given to the request of the setting up of a copyright information centre in Nigeria in its 1977-1978 Programme. The document concerning the guidelines for the setting up of national centres has been studied and Nigeria expresses its thanks to Unesco for the comprehensive document. In its efforts to set up a centre for Nigeria, Unesco should take into account the libraries and existing institutions in the country. The National Library of Nigeria is the nation's legal depository. Can this Library be made to perform the functions of the proposed centre? This could be a possibility from an existing institution. The observer from Nigeria asked Unesco to request competent organizations to help its country in setting up such a body and having noted the existence of a considerable degree of co-operation between WIPO and Unesco, expressed the opinion that Unesco should not fail to associate WIPO with that operation. Lastly, Unesco's assistance should provide for the continuity of the centre after its creation. Experts will be needed to make the centre function. The observer from Nigeria hoped that the necessary staff training would be provided, and believed that Unesco and WIPO would look into all the details of the proposed centre in order for it to assume the responsibility of protecting Nigerian authors.
200. The observer from the Netherlands said that the fact that no provision had been made for a national copyright information centre in the Netherlands was due entirely to reasons connected with the way in which publishing was organized in that country. He nevertheless indicated that in the meantime the Netherlands National Commission for Unesco was the competent body in this field.
201. The delegation of the United Kingdom welcomed the initial results obtained and expressed the hope that centres would be established in as many countries as possible. The delegation was sure that publishers in the United Kingdom would be prepared to offer their assistance for this purpose.
202. The delegation of Algeria emphasized the importance of establishing and developing the activities of national centres. It also pointed out that, because of the administrative structure in Algeria, the Ministry for Culture centralized all information concerning copyright entitlement. In the context of a new approach to the problem, however, that activity would be undertaken by the National Copyright Office, which was to become the correspondent of the International Copyright Information Centre.

203. The delegation of Ghana informed the Committees that the question of establishing a national centre on the basis of the guidelines put forward by the Unesco Secretariat was being studied. It also emphasized that the developing countries were in great need of special assistance in establishing such a centre.
204. The observer from the Union of Soviet Socialist Republics, after thanking the Secretariat of Unesco for the document it had presented, expressed its pleasure that the number of countries in which national copyright information centres had been established had increased. He pointed out that the USSR had a national centre which centralized all information concerning Soviet literary and artistic production and dealt with all matters concerning the transfer of copyright and neighbouring rights. He also stated that the National Copyright Agency regularly published a catalogue in several languages containing information about Soviet works produced. Copies of that catalogue would be sent to any organization requesting them.
205. The delegation of France, after thanking the Secretariat of Unesco, stated that its Government was making every effort to see that the French Copyright Information Centre operated within the limits of its administrative competence.
206. The observer from the International Publishers' Association (IPA) welcomed the establishment of national copyright information centres. In his capacity as head of the French Copyright Information Centre, he gave a detailed account of the mission of that organization and the goals it pursued. He stated that he had noted the concrete examples given by the Mexican delegation concerning the acquisition of certain copyrights held by French publishers. Finally, the observer from the IPA stressed the role that a national centre in a developed country should play with respect to requests made by developing countries for the transfer of copyright.
207. The observer from the International Federation for Documentation (FID) pointed out that a list of national centres for the transmission of information had just been published by the United Nations in Geneva. The observer from FID stressed that national copyright information centres should be provided with the means available to centres for the transmission of information in order to solve their problems relating to the compilation of bibliographies.
208. The Committees took note of the information supplied to them concerning the establishment of national copyright information centres or prospects for their establishment.

PART III: OTHER ITEMS CONCERNING THE INTERGOVERNMENTAL COPYRIGHT COMMITTEE ALONE

Date and place of the next session

209. 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, since these sessions had been held at Unesco Headquarters in Paris, the Deputy Director-General of WIPO suggested that the next sessions be held at the Headquarters of her Organization in Geneva, preferably at the end of 1979.

Adoption of the report

210. In the absence of Messrs. Larrea Richerand, Kerever and Spaić, Chairman and Vice-Chairmen of the Committee respectively, Mr. Buffin (France) was elected Chairman of the afternoon session on Tuesday, 6 December, during which this report was adopted unanimously.

Closing of the session

211. The Chairman 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 leurs noms en français.

Names and titles in the following list are reproduced as communicated 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 siguiente lista se reproducen en la forma en que las delegaciones interesadas los han comunicado a la Secretaría. Los nombres de los países se mencionan siguiendo el orden alfabético francés.

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

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

M. Rabia Hamimi
Chef du Département juridique de la Radio-Télévision algérienne

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

Mrs Elisabeth Steup
Ministerialrätin, Bundesministerium der Justiz

ARGENTINE/ARGENTINA

Sr. Ministro Juan Carlos Gimenez-Melo
Delegado permanente adjunto de Argentina ante la Unesco

Sr. Alfredo Corti
Secretario de Embajada, Delegación permanente de Argentina ante la Unesco

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Representative

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Senior Assistant Secretary, Attorney-General's Department

Alternate Representative

Mrs Barbara Barry de Longchamp
Deputy Permanent Delegate of Australia to Unesco

Experts

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Mr. Richard Gelski
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BRESIL/BRAZIL/BRASIL

M. le Ministre Joaquim Ignacio MacDowell
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Excmo. Sr. Raimundo Pérez-Hernández
Embajador, Delegado permanente de España ante la Unesco

Sra. Da. Milagros del Corral
Jefe del Gabinete Técnico de la Dirección General del Libro y de Bibliotecas,
Ministerio de Cultura

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Delegate

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Register of Copyrights, Copyright Office

Alternate Delegate

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

Congressional Advisers:

The Hon. George Danielson
US House of Representatives

The Hon. Thomas Railsback
US House of Representatives

Mr. Bruce Lehman
Counsel, Judiciary Committee, US House of Representatives

Mr. Thomas E. Mooney
Attorney, Judiciary Committee, US House of Representatives

Advisers

Mr. Arthur J. Levine
Executive Director, National Commission on New Technological Uses of Copyrighted Works

Ms. Patrice A. Lyons
Attorney-Adviser, Copyright Office

FRANCE/FRANCIA

Délégué

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

Suppléants

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M. Henri Vial
Conseiller, Ministère des Affaires étrangères

M. Francis Briquet
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Mr. E. B. Odoi-Anim
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INDE/INDIA

Mr. G. S. Edwin
Director, Ministry of Education

ISRAEL

Mr. Mayer Gabay
Director-General, Ministry of Justice

M. Meir Joffe
Délégué permanent d'Israël auprès de l'Unesco

ITALIE/ITALY/ITALIA

Chef de la délégation

M. Italo Papini
Ministre plénipotentiaire, Délégué aux Accords pour la propriété intellectuelle,
Ministère des Affaires étrangères

Membres de la délégation

M. Nicola Faiel Dattilo
Chef du Bureau de la Propriété littéraire, artistique et scientifique,
Présidence du Conseil des Ministres

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Présidence du Conseil des Ministres

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Ministres

Expert

M. Mario Fabiani
Conseiller juridique de la Société italienne des Auteurs et Compositeurs

JAPON/JAPAN

Head of Delegation

Mr. Tadashi Inumaru
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Members of the Delegation

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Permanent Delegate of Japan to Unesco

Mr. Tadao Koyama
Director, Copyright Division, Agency for Cultural Affairs

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

Mr. Hiroshi Gyoda
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MEXIQUE/MEXICO

Sr. Felipe Remolina Roqueffi
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Sr. Jaime Muñoz Domínguez
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Secretaría de Educación Pública

Sr. Sergio Gallegos López
Jefe del Departamento de Relaciones Bilaterales y Multilaterales, Dirección
General del Derecho de Autor, Secretaría de Educación Pública

Sr. Gabriel Ernesto Larrea Richerand
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Sr. José Luis Caballero Cárdenas
Jefe del Servicio Internacional, Sociedad de Autores y Compositores de Música de México

Sr. Eugenio Cobo Peña
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ROYAUME UNI/UNITED KINGDOM/REINO UNIDO

Mr. A. Holt
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Department, Department of Trade

Mr. A. J. Needs
Principal Examiner, The Patent Office, Industrial Property and Copyright Department,
Department of Trade

SENEGAL

M. Ndéné Ndiaye
Directeur général, Bureau sénégalais du droit d'auteur

TUNISIE/TUNISIA/TUNEZ

M. Rafik Saïd
Ministre plénipotentiaire, Directeur du Cabinet du Ministre de l'Éducation nationale

M. Moncef Naboultane
Attaché de Cabinet, Ministère des Affaires culturelles

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

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

M. Claude Lussier
Directeur, Office des normes internationales et des affaires juridiques

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

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

Mrs K. L. Liguier-Laubhoust
Deputy Director General

Mr. C. Masouyé
Director, Copyright and Public Information Department

Mr. S. Alikhan
Director, Copyright Division

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

M. H. J. Bartsch
Administrateur, Direction des Affaires juridiques

Me F. Melichar
Avocat, Conseiller technique

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

Prof. Ahmed Fathi Sorour
Permanent Delegate of ALECSO to Unesco

III. OBSERVATEURS/OBSERVERS/OBSERVADORES

- (a) ETATS PARTIES A LA CONVENTION UNIVERSELLE SUR LE DROIT D'AUTEUR QUI
NE SONT PAS MEMBRES DU COMITE INTERGOUVERNEMENTAL/STATES PARTY TO THE
UNIVERSAL COPYRIGHT CONVENTION WHO ARE NOT MEMBERS OF THE INTER-
GOVERNMENTAL COMMITTEE/ESTADOS PARTES DE LA CONVENCION UNIVERSAL SOBRE
DERECHO DE AUTOR QUE NO SON MIEMBROS DEL COMITE INTERGUBERNAMENTAL

ANDORRE/ANDORRA

Me Miguel-Angel Canturri i Montanya
Avocat

AUTRICHE/AUSTRIA

Dr. Robert Dittrich
Director, Federal Ministry of Justice

BELGIQUE/BELGIUM/BELGICA

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

M. le Professeur F. Van Isacker
Université de Gand

REPUBLIQUE UNIE DU CAMEROUN/UNITED REPUBLIC OF CAMEROON/REPUBLICA UNIDA DEL CAMERON

M. le Professeur Jean-Marie Abanda Ndengue
Directeur adjoint des Affaires culturelles

M. R. Sanding Beng
Fonctionnaire détaché auprès de la SACEM

CANADA

Miss Corinne Robertshaw
Director, Research and International Affairs, Bureau of Intellectual Property,
Department of Consumer and Corporate Affairs

CUBA

Sra. Gladys M^rín Heredia
Agregado cultural de la Delegación permanente de Cuba ante la Unesco

DANEMARK/DENMARK/DINAMARCA

Mr. W. Weincke
Head of Department, Ministry of Cultural Affairs

Mr. J. Nørup-Nielsen
Head of Section, Ministry of Cultural Affairs

EQUATEUR/ECUADOR

Sr. Hernán Guarderas
Delegado adjunto del Ecuador ante la Unesco

FINLANDE/FINLAND/FINLANDIA

Mr. Ragnar Meinander
Counsellor of Government, Ministry of Education

GUATEMALA

Sr. Oscar Bertholin y Gálvez
Delegado permanente de Guatemala ante la Unesco

Sra. Lic. Alma Beatriz Quiffonez López de Gálvez
Delegado permanente adjunto de Guatemala ante la Unesco

HONGRIE/HUNGARY/HUNGRIA

Dr. Mihály Ficsor
Directeur général, Bureau hongrois pour la protection des droits d'auteur

LIBAN/LEBANON/LIBANO

M. Abdallah Naaman
Attaché culturel, Ambassade du Liban en France

MAROC/MOROCCO/MARRUECOS

M. Abderrazak Zerrad
Directeur général, Bureau marocain du droit d'auteur

NIGERIA

Mrs. S. O. Abimbola
Principal Librarian, National Library of Nigeria

NORVEGE/NORWAY/NORUEGIA

Mme Astri M. Lund
Conseiller juridique, Ministère de la Justice

PAKISTAN

Mr. T. K. Afridi
First Secretary, Embassy of Pakistan in France

PANAMA

Mlle Ruth Decerega
Délégué permanent adjoint de Panama auprès de l'Unesco

PAYS-BAS/NETHERLANDS/PAISES BAS

M. E. Lukács
Conseiller en matière de législation, Direction de la législation du droit privé, Ministère de la Justice

Mme M. Reinsma
Conseiller en matière de législation, Ministère de la Justice

Mme F. Klaver
Professeur à l'Université d'Amsterdam

M. J. M. Felkers
Direction centrale de la Législation et des Affaires juridiques, Ministère des Affaires culturelles, des Loisirs et de l'Action sociale

M. M. B. van Maerten
Conseiller, Section juridique, Ministère des Transports et des Travaux publics

POLOGNE/POLAND/POLONIA

Mrs Ewa Szelchauz
Head of the Legal Section of the Minister's Cabinet, Ministry of Culture and Arts

PORTUGAL

M. Antonio Maria Pereira
Services du Registre de la propriété littéraire, scientifique et artistique, Secrétariat d'Etat à la culture et à l'éducation permanente

REPUBLIQUE DEMOCRATIQUE ALLEMANDE/GERMAN DEMOCRATIC REPUBLIC/REPUBLICA DEMOCRATICA ALEMANA

Mr. Bruno HaId
Director, Copyright Information Centre

Dr. jur. Karin Götze

SAINT-SIEGE/HOLY SEE/SANTA SEDE

Me Louis Rousseau
Avocat honoraire au Conseil d'Etat et à la Cour de Cassation, Paris

Mme Marie-Simone de Chalus
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SUEDE/SWEDEN/SUECIA

Mr. Agne Henry Olsson
Legal Adviser, Ministry of Justice

SUISSE/SWITZERLAND/SUIZA

M. Paul Braendli
Directeur, Bureau fédéral de la propriété intellectuelle, Département
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M. Jean-Louis Marro
Vice-Directeur, Bureau fédéral de la propriété intellectuelle, Département
de Justice et Police

TCHÉCOSLOVAQUIE/CZECHOSLOVAKIA/CHECOSLOVAQUIA

Dr. George Kafka
Chef du Département juridique, Ministère de la culture

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

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

M. Nikolai Voschinin
Directeur du Département des Relations internationales, Membre du Conseil de
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Mme R. Gorelik
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Agence de l'URSS pour les droits d'auteur (VAAP)

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

(b) OBSERVATEURS D'AUTRES ETATS/OBSERVERS FROM OTHER STATES/
OBSERVADORES DE OTROS ESTADOS

EMPIRE CENTRAFRICAÏN/CENTRAL AFRICAN EMPIRE/IMPERIO CENTROAFRICANO

M. Ali Jonas
Conseiller culturel, Ambassade de l'Empire centrafricain en France

CHYPRE/CYPRUS/CHIPRE

M. Georges Lycourgos
Ministre Conseiller, Ambassade de Chypre en France

COTE D'IVOIRE/IVORY COAST/COSTA DE MARFIL

Mlle Marie-Laure Boa
Premier Secrétaire, Mission permanente de la Côte d'Ivoire auprès des
Nations Unies, Genève

EGYPTE/EGYPT/EGIPTO

Dr. S. M. El-Sheniti
Senior Under-Secretary of State, Chairman of the General Egyptian Book
Organization, Ministry of Culture

Mr. Mohamed Said Al-Ashmawy
Counsellor, Vice-Director of the Department of Legislation, Ministry of Justice

GABON

M. Augustin Ze Mezui
Premier Conseiller, Délégué permanent adjoint de la République gabonaise
auprès de l'Unesco

IRAK/IRAQ

M. Sami M. Abbas Mahdi
Press Counsellor, Embassy of Irak in France

M. Abdul Karim Alsudani
Ambassade d'Irak en France

IRAN

M. Ahmad Moghaddam
Avocat et Conseiller juridique, Ministère de la Culture et des Arts

M. Parviz Porkar
Expert juridique, Ministère de la Culture et des Arts

MAURITANIE/MAURITANIA

M. Youssouf Gueye
Ecrivain, Conseiller technique, Ministère de la Culture

ROUMANIE/ROMANIA/RUMANIA

M. Paul Sărau
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SURINAM

Mr. P. J. Boerleider
Head, Bureau for Industrial Property

TCHAD/CHAD

M. Thomas Altoubam
Conseiller culturel, Ambassade du Tchad en France

THAILANDE/THAILAND/TAILANDIA

Mr. Dejo Savanananda
Director-General, Department of Fine Arts

TOKIO

Mr. Koku Aithnard
Directeur, Affaires culturelles

M. le Professeur Codjo Atchroé Johnson
Administrateur culturel, Bureau d'études du Ministère de la Jeunesse, des Sports
et de la Culture

ZAIRE

M. Bayedila Ntaki
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Dr. Kinsoni Mvutukidi Ngindu K.
Vice-Président, Société nationale des Editeurs, Auteurs et Compositeurs
Professeur à l'Université nationale

M. Emyy mata Likambe
Administrateur de la SONECA

(c) **OBSERVATEURS DES ORGANISATIONS INTERGOUVERNEMENTALES/OBSERVERS OF
INTERGOVERNMENTAL ORGANIZATIONS/OBSERVADORES DE LAS ORGANIZACIONES
INTERGUBERNAMENTALES**

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

M. I. Chambers
Bureau du Conseiller juridique

(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. G. Moreau
Secrétaire général

**ASSOCIATION INTERNATIONALE DE L'HOTELLERIE (AIH)/INTERNATIONAL HOTEL ASSOCIATION/
ASOCIACION INTERNACIONAL DE HOSTELERIA**

Mlle Joëlle Coman
Secrétaire de la Commission des Affaires culturelles

ASSOCIATION INTERNATIONALE POUR LA PROTECTION DE LA PROPRIETE INDUSTRIELLE (AIPPI)/
INTERNATIONAL ASSOCIATION FOR THE PROTECTION OF INDUSTRIAL PROPERTY/ASOCIACION
INTERNACIONAL PARA LA PROTECCION DE LA PROPIEDAD INDUSTRIAL

Me Geoffroy Gaultier
Assistant du Rapporteur général de l'AIPPI

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

M. le Professeur Henri Desbois
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M. le Professeur André Françon
Secrétaire perpétuel, Professeur à l'Université de Paris II

M. 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. Elissabide
Secrétaire général

M. J. A. Ziegler
Secrétaire général de la CISAC

CONFEDERATION INTERNATIONALE DES SOCIETES D'AUTEURS ET COMPOSITEURS (CISAC)/
INTERNATIONAL CONFEDERATION OF SOCIETIES OF AUTHORS AND COMPOSERS/CONFEDERACION
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M. J. A. Ziegler
Secrétaire général

CONFEDERATION INTERNATIONALE DES TRAVAILLEURS INTELLECTUELS (CITI)/INTERNATIONAL
CONFEDERATION OF PROFESSIONAL AND INTELLECTUAL WORKERS/CONFEDERACION INTERNACIONAL
DE LOS TRABAJADORES INTELECTUALES

Me Georges Poulle
Secrétaire général

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. G. 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

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

M. R. Leuzinger
Secrétaire général

M. S. Piracini
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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. S. M. Stewart
Director-General

Ms. Gillian Davies
Assistant Director-General

Mr. Edward Thompson
Consultant

Dr. H. Von Rauscher auf Weeg
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FEDERATION INTERNATIONALE DES TRADUCTEURS (FIT)/INTERNATIONAL FEDERATION OF
TRANSLATORS/FEDERACION INTERNACIONAL DE TRADUCTORES

Mme Marthe de Venoge

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

Dr. Gaston Halla
Secrétaire général

ORGANISATION MONDIALE POUR LA PROMOTION SOCIALE DES AVEUGLES (OMPSA)/WORLD
COUNCIL FOR THE WELFARE OF THE BLIND (WCWB)/ORGANIZACION MUNDIAL PARA LA
PROMOCION SOCIAL DE LOS CIEGOS

Mrs Dorina de Gouvêa Nowill
Chairman of the Committee on Cultural Affairs

Mr. Edward Hubert Alexander Nowill
Lawyer

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

M. Roger Fernay
Président de la Commission internationale du droit d'auteur, Chargé des
relations avec les organisations internationales

M. Emile Le Bris
Secrétaire exécutif du Syndicat français des auteurs

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

M. M. Cazé
Directeur des Affaires juridiques

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

Dr. Josef Handl
Legal Adviser

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

M. J. A. Koutchoumow
Secrétaire général

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Secretary and Chief Executive, The Publishers Association of the United Kingdom

M. A. Géranton
Chef du service juridique du Syndicat national français de l'Édition

UNION DES RADIODIFFUSIONS ET TELEVISIONS NATIONALES D'AFRIQUE (URDNA)/UNION OF
NATIONAL RADIO AND TELEVISION ORGANIZATIONS OF AFRICA/UNION DE ORGANIZACIONES
NACIONALES AFRICANAS DE RADIODIFUSION Y TELEVISION

M. Rabia Hamimi
Vice-Président, Conseiller juridique

IV. EXPERT/EXPERTO

(invité par le Comité à déposer sur le point 18 "Protection du folklore"/
invited by the Committee to speak on item 18 "Protection of Folklore"/invitado
por el Comité para informar sobre el punto 18 "Protección del Folklore")

M. Salah el Mahdi

Directeur de la Musique et des Arts populaires de Tunisie

V. STAGIAIRES DE L'OMPI EN DROIT D'AUTEUR/WIPO TRAINEES IN COPYRIGHT/PASANTES
DE LA OMPI EN DERECHO DE AUTOR

Mr. G. Kwabena Abankwah

Assistant Copyright Administrator, Ministry of Information, Ghana

Mr. Narinder Nath Maggu

Export Promotion Officer (Books), Ministry of Education, India

M. Batio Toure

Chef adjoint de la Division des Arts et des Lettres, Mali

Sr. N. Pizarro Macias

Jefe del Departamento Técnico consultivo, Dirección General del Derecho de Autor,
Secretaría de Educación Pública, México

M. N. Balibutsa

Chef de Bureau de la Promotion culturelle, Direction générale de la Culture et
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M. Mulombo Wa Biuna

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VI. SECRETARIAT/SECRETARIA

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Directeur, Office des normes internationales et des affaires juridiques

Mlle Marie-Claude Dook

Directeur, Division du droit d'auteur

Ms. d'Arcy Hayman

Head, Arts Education Section, Culture and Communication Sector

M. Daniel de San

Juriste, Division du droit d'auteur

M. Abderrahmane Amri

Spécialiste du Programme, Centre international d'information sur le droit d'auteur