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WORLD INTELLECTUAL PROPERTY ORGANIZATION
UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY

GENEVA

BIRPI

**ADMINISTRATIVE BODIES
OF WIPO AND OF THE UNIONS ADMINISTERED BY WIPO AND BIRPI**

**First Series of Meetings
Geneva, September 21 to 29, 1970**

PREPARATION FOR A CONFERENCE FOR
THE REVISION OF THE BERNE CONVENTION

Additional Report by the Director of BIRPI

SUMMARY

This document supplements the information contained in document AB/I/15 concerning the preparation for the revision of the Berne Convention. It gives an account of the results of the extraordinary session of the Permanent Committee of the Berne Union held from September 14 to 18, 1970. The report of and the resolutions and draft texts adopted by the said extraordinary session are attached.

1. The Permanent Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union) met in extraordinary session from September 14 to 18, 1970, at Geneva, to consider questions relating to the preparation for the proposed Conference for the revision of the Berne Convention.

2. The following documents of the Permanent Committee are attached to this document:

- DA/33/16: the Report;
- DA/33/17: Draft Text for the revision of the Berne Convention adopted by the Permanent Committee;
- DA/33/18: Resolutions adopted by the Permanent Committee;
- DA/33/13: Draft Rules of Procedure for the Conference for revision of the Berne Convention adopted by the Permanent Committee.

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Documents referred to above
are attached.

BUREAUX INTERNATIONAUX
RÉUNIS POUR LA PROTECTION
DE LA PROPRIÉTÉ INTELLECTUELLE
GENÈVE, SUISSE

BIRPI

DA/33/16
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1970
UNITED INTERNATIONAL
BUREAUX FOR THE PROTECTION
OF INTELLECTUAL PROPERTY
GENEVA, SWITZERLAND

UNION DE BERNE

Comité Permanent - Session extraordinaire

BERNE UNION

Permanent Committee - Extraordinary Session

(Genève, 14-18 septembre 1970)

(Geneva, September 14 to 18, 1970)

REPORT

Introduction

1. The Permanent Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union) met in extraordinary session from September 14 to 18, 1970, at Geneva.
2. Eleven of the countries members of the Permanent Committee were represented: Belgium, Brazil, Denmark, France, Germany (Fed. Rep.), India, Italy, Portugal, Spain, Switzerland, United Kingdom.
3. Representatives of the following countries, members of the Berne Union, were represented by observers: Argentina, Australia, Austria, Canada, Ceylon, Congo (Dem. Rep.), Czechoslovakia, Finland, Japan, Mexico, Morocco, Netherlands, Norway, Philippines, Senegal, Sweden, Tunisia, Yugoslavia.
4. With the agreement of the Chairman of the Permanent Committee, Kenya and the United States of America were invited to be represented by observers and were so represented; these countries, not members of the Union, are members of the Intergovernmental Copyright Committee and took part in the extraordinary session of that Committee held in Paris from September 2 to 11, 1970.

5. Two intergovernmental organizations and twenty international non-governmental organizations were represented by observers.

6. The list of participants is contained in document DA/33/10 Rev.

7. In accordance with Rule 7, paragraph (3), of the Internal Rules of the Permanent Committee, the International Bureau of the Berne Union (BIRPI) provided the Secretariat for the debates.

Opening of the session

8. In the absence of Mr. Jorge Carlos Ribeiro (Brazil), the Chairman of the Permanent Committee, the session was opened by Mr. William Wallace (United Kingdom) in his capacity as Vice-Chairman of the Permanent Committee, who also presided over the meeting.

Adoption of the agenda

9. The provisional agenda contained in document DA/33/1 Rev. was unanimously adopted.

Examination of the proposals for revision of the Berne Convention

10. The Permanent Committee expressed the opinion that, as a basis for discussion, a certain parallelism was desirable between the proposals made by the Intergovernmental Copyright Committee for the revision of the Universal Copyright Convention and the proposals to be made for the revision of the Berne Convention. The delegation of France, however, recalling that it had not accepted the Washington Recommendation on this point, declared that while it did not have any objection to a similarity of the provisions concerning the rights of translation and reproduction, it continued to oppose any mixing of the two Conventions.

11. The Permanent Committee examined the proposals contained in document DA/33/2, resulting from the work of the Ad Hoc Preparatory Committee for the revision of the Berne Convention at its meeting held in Geneva from May 19 to 21, 1970, the comments received thereon contained in documents DA/33/5, DA/33/5 Add. 1, DA/33/5 Add. 2 and DA/33/6, and the further modifications proposed by the Director of BIRPI in document DA/33/9, which took into account the work of the Intergovernmental Copyright Committee at its extraordinary session held in Paris from September 2 to 11, 1970.

12. The delegation of India proposed that the provisions of Article 2 of the proposed Additional Act concerning the right of translation should apply also to audio-visual works. The Permanent Committee expressed the view that the effect of this proposal could be achieved by a modification of Article 3(7) concerning the right of reproduction of such works.

13. After a full exchange of views upon the question whether the benefit of the relaxations provided for in the Additional Act should be reserved for countries already members of the Berne Union at a certain date, and upon the possible introduction into the Berne Convention of a system of compulsory licences for translation seven years after the first publication of the work, the Permanent Committee decided to refer these matters to an informal Working Group composed of the delegations of certain members of the Permanent Committee (Brazil, France, Germany (Fed. Rep.), India, Italy, Spain, United Kingdom) and of certain observers (Kenya, Tunisia, United States of America).

14. At the end of its deliberations, the Working Group proposed to the Permanent Committee the following solutions:

- (i) that Article 1 of the Additional Act should contain no provisions limiting its application to the existing members of the Berne Union at the date of its entry into force, or to countries becoming members within a fixed period of time;
- (ii) that the proposed paragraph (7) of Article 2, relating to translation licences after seven years, be deleted;
- (iii) that the developing countries should have an irrevocable choice, so far as the right of translation is concerned, between the system of compulsory licences provided for in the Additional Act and the facility provided for in Article 30(2)(a) and (b) (which refers to Article 5 of the Paris Act of 1896), without the possibility of applying both alternatives;

(iv) that in the case of developing countries the possibility of reciprocity provided for in Article 30(2)(b) should not apply;

(v) that a country ceasing to be regarded as a developing country should be able to make a declaration according to Article 30(2)(b), in which case reciprocity could be applied to it.

15. The delegations of Belgium, France, Germany (Fed. Rep.), India, Kenya, Spain, Tunisia and the United Kingdom declared in turn that they were ready, in a spirit of compromise, to recommend the adoption of these solutions.

16. The delegation of Yugoslavia declared that it could not at this stage approve the solution referred to in paragraph 14(iii) above, which, in view of the fact that Yugoslavia, a developing country, had already made a declaration of the sort permitted by Article 30(2) would deprive it of the possibility of applying some of the reservations provided for in the Additional Act.

17. On a proposal of the delegation of India, speaking on behalf of the developing countries attending this session, it was agreed to recommend that the special problem for developing countries which had already made declarations of the sort permitted by Article 30(2) should be studied with a view to a solution being agreed at the Revision Conference.

18. The delegation of Italy recalled its proposal to permit developing countries, members of the Berne Union, to apply temporarily the revised text of the Universal Copyright Convention in accordance with the system proposed in the Washington Recommendation; in view of the fact that this system, which in the opinion of the Italian Government would be more flexible and more favorable to the developing countries, had been abandoned, the Italian delegation, while continuing to collaborate with the other delegations in the work of drafting the proposed text of an Additional Act, emphasized the complexity of its provisions. It added that it was not opposed in principle to the proposed text, but that it could not commit the Italian Government before the Diplomatic Conference.

19. The Permanent Committee then appointed a Drafting Committee composed of representatives of France, Germany (Fed. Rep.), India and the United Kingdom, with observers from Kenya and Tunisia. The Drafting Committee was presided over by Professor Ulmer (Germany (Fed. Rep.)).

20. Draft texts submitted by the Drafting Committee were examined article by article and, after certain modification, approved by the Permanent Committee, subject to the inclusion in this Report of the following reservations and explanations:

- (i) In relation to Article 2 of the proposed Additional Act, the delegation of Italy said that it could not accept as short a period as one year as the period after which compulsory licences might be granted; the delegation of Brazil objected to a distinction being drawn between certain developing countries and others on the basis of their languages; the delegation of France expressed the view that the word "research" did not include the meaning of research for industrial or commercial purposes.
- (ii) In relation to Article 4(6)(c), the Permanent Committee expressed the view that the words "a correct translation of the work or an accurate reproduction of the particular edition" do not exclude the possibility of minor adaptations made for the purpose of conformity with local usage, such as changes in references to units of currency.
- (iii) The delegation of Brazil drew attention to problems posed in the case where the exclusive right of translation in a language had been reserved, if such a language was in current use in another country; it emphasized the difficulties encountered in such cases and the serious consequences to the development of the culture of the country. It expressed the hope that the Revision Conference should find an equitable solution for this situation.

21. The draft texts for the revision of the Berne Convention adopted by the Permanent Committee are contained in document DA/33/17.

22. After the approval of the draft texts, the following declarations were made:

- (i) the delegation of Portugal expressed the opinion that, in the discussions which had taken place mainly between developing countries and highly developed countries, the interests of countries in an intermediate situation had not been taken into account; whilst accepting in general the proposals for the revision of the Berne Convention, it emphasized the need to take into account all the interests concerned;
- (ii) the delegation of Canada expressed its understanding of the problems of revising the two conventions and congratulated both Committees on the results achieved and stated its sympathy with the needs of developing countries; stating that Canada is an intermediate country, the delegation of Canada expressed the hope that the needs of such countries could be considered at the appropriate time; the delegation of Canada informed the meeting that Canadian copyright legislation is being revised, and declared the intention of Canada to take a more active role in international copyright.
- (iii) the delegation of Australia considered that the primary purpose of the revision was the satisfaction of the needs of the developing countries; it was inevitable therefore that the present discussion should have been led by those developed countries which were the main exporters of works under consideration and the developing countries which were seeking to modify the Convention; the delegation of Australia considered that there were countries which did not easily fall into these two groups, and that it was important that these countries should have the opportunity to express their views in the most effective and opportune way.
- (iv) the delegation of Czechoslovakia expressed its regret that the Stockholm Protocol had not achieved wide support; it was prepared to support the new steps being taken to remedy this situation and to meet the needs of the developing countries; it reserved the position of its Government on the question of any further modification to the Berne Convention.

Examination of the draft Rules of Procedure of the Conference for the revision of the Berne Convention

23. The draft Rules of Procedure prepared by BIRPI in accordance with Resolution No. 1 of the fourteenth ordinary session of the Permanent Committee, contained in document DA/33/3, were considered by the Permanent Committee. However, in view of the fact that the Conference for the revision of the Berne Convention would be held at the same time and place as the Conference for the revision of the Universal Copyright Convention, the Permanent Committee decided that it would be desirable that the Rules of Procedure of the two Conferences should be as similar as possible. It approved, with certain modifications, the draft prepared for this purpose by the Director of BIRPI, contained in document DA/33/8, which was based on the draft Rules of Procedure of the Conference for the revision of the Universal Copyright Convention.

24. The draft Rules of Procedure adopted by the Permanent Committee are contained in document DA/33/13.

Date and place of the Revision Conference

25. The Permanent Committee adopted unanimously Resolution No. 1 contained in document DA/33/18, recommending that a Conference for the revision of the Berne Convention be held from June 21 to July 10, 1971, and authorizing the Director General of the World Intellectual Property Organization (WIPO) to fix, within certain limits, the place of the meeting of the Conference.

Invitations to the Revision Conference

26. By paragraph 7 of its Resolution No. 1, the Permanent Committee recommended that the States, the intergovernmental organizations and the international non-governmental organizations listed in document DA/33/4 be invited to the Conference for the revision of the Berne Convention.

27. The delegation of France stated that in its view the Central People's Government of the People's Republic of China was the only one authorized to represent China, and consequently it objected to any invitation being sent to the Taiwan régime. This view was supported by the delegation of Yugoslavia.

28. At the suggestion of the Chairman, it was agreed not to proceed to a formal vote on a recommendation in this connection, but to take note of the fact that it was desirable that the invitations to the Conference for the revision of the Berne Convention and the Conference for the revision of the Universal Copyright Convention should be the same, and that the established practices of the United Nations and of organizations of the United Nations system would be followed by the Director-General of Unesco.

Protection of phonograms

29. The proposal made by the United Kingdom, to include the question of the protection of phonograms in the agenda of the Conference for the revision of the Berne Convention, contained in document DA/33/7, was considered by the Permanent Committee.

30. The representative of the International Federation of the Phonographic Industry (IFPI) emphasized that the problem was urgent and that it affected the interests not only of producers of phonograms but also of authors and performers. The delegation of Denmark, whilst agreeing that further study of the problem by governmental experts was desirable, reserved its Government's position in relation to the establishment of any new international instrument at this stage and emphasized the need to protect the interests of broadcasting organizations and of performers by means of establishing some link with the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. The delegation of Italy also reserved the position of its Government. The representative of the International Federation of Musicians (FIM), speaking also for other international federations of performers, suggested that it was necessary that performers' organizations should be invited to take part in any preparatory work, and that any new instrument should take account of the interests of performers in a separate substantive article.

31. The Permanent Committee adopted unanimously Resolution No. 2 contained in document DA/33/18.

Adoption of the Report

32. The Permanent Committee adopted unanimously this Report of its discussions.

Closing of the session

33. The delegation of Germany (Fed. Rep.), speaking on behalf of all the participants, expressed sincere thanks to the Chairman of the Permanent Committee for the manner in which he had conducted the debates which had contributed in a large measure to their success, and expressed appreciation also for the work of the Director and staff of BIRPI.

34. The Chairman thanked the participants for their willingness to understand the positions adopted during the discussions and their readiness to reach agreement. In his opinion, the preparatory work now accomplished should assist in the achievement of a successful Revision Conference. The Chairman thanked the secretariat for the high quality of its work. He declared the session closed.

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Section 1: The Mission

The organization of Germany is a complex one, and it is a task of the highest importance to ensure that the various parts of the machine work together in a harmonious and efficient manner. The present report is a study of the various organs of the state, and an attempt is made to show how they are interrelated and how they function in the life of the nation.

The German system is based on the principle of the separation of powers, and it is this principle which has made it possible for the country to maintain a high degree of stability and continuity in its government. The various organs of the state are the Bundestag, the Chancellor, the Ministers, the Courts, and the various administrative agencies. Each of these organs has its own sphere of activity, and it is the duty of each to perform its functions in a manner which is consistent with the interests of the nation as a whole.

The German system is a unique one, and it is one which has been the subject of much study and discussion. It is a system which has been successful in maintaining a high degree of stability and continuity in its government, and it is one which has been the envy of many other nations.

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BIRPI

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UNION DE BERNE

Comité Permanent - Session extraordinaire

BERNE UNION

Permanent Committee - Extraordinary Session

(Genève, 14-18 septembre 1970)

(Geneva, September 14 to 18, 1970)

DRAFT TEXT FOR THE
REVISION OF THE BERNE CONVENTION

Adopted by the Permanent Committee

I. Modifications to be made to certain
Articles of the Stockholm Act

1. In the Articles mentioned below, any reference to "Protocol Regarding Developing Countries" should be replaced by a reference to "Additional Act".

- Articles 21(1) and (2),
- Article 27(3),
- Article 28(1)(b)(i),
- Article 28(1)(c),
- Articles 28(2)(a), (c) and (d),
- Article 30(1),
- Article 32(3).

2. In Article 32(3), the words "in ratifying or acceding to the present Act" should be omitted.

3. In Article 22, the following words should be added at the end of both paragraph (1)(a) and paragraph (2)(a)(ii):

"of this Act or of the Stockholm Act"

4. In Article 28(2)(a) the following words should be added:

"but not before the Universal Copyright Convention as revised at on has been ratified, accepted or acceded to by France, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America and has entered into force."

5. In Article 29(2)(a)(i) the words "including the Additional Act" should be added after the words "Articles 1 to 21". The words "Brussels Act" should be enclosed in square brackets and followed by "Stockholm Act". In Article 29(2)(a)(ii) the words "Articles 21 to 24 of the Brussels Act" should be replaced by the words "Articles 22 to 26 of the Stockholm Act".

6. Article 34 should be drafted as follows:

"After the entry into force of Articles 1 to 21 of this Act including the Additional Act, no ratification of earlier Acts of this Convention or accession thereto will be permissible. In addition, it will not be permissible, after the said date, for a country of the Union which is not bound by Articles 1 to 21 of the Stockholm Act and which has not made a declaration under Article 5(1)(a) or (b) of the Protocol Regarding Developing Countries to make such a declaration."

II. Draft Text of an Additional Act
to the Act of of..... 1971

ARTICLE 1

(1) Any country regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations which ratifies or accedes to this Act, of which this Additional Act forms an integral part, and which, having regard to its economic situation and its social or cultural needs, does not consider itself immediately in a position to make provision for the protection of all the rights as provided for in this Act may, by a notification deposited with the Director General at the time of making the said ratification or accession or thereafter, declare that it will avail itself of any or all of the reservations provided for in this Additional Act.

(2) Any reservation so notified shall be effective for a period of ten years from the date of the entry into force of this Act, or for such part of that period as remains at the date of deposit of the notification, and may be renewed in whole or in part for further periods of ten years each if, during the year preceding the expiration of the relevant ten-year period, the country concerned deposits a further notification with the Director General. Initial notifications may also be made during these further periods of ten years in accordance with the provisions of this paragraph.

(3) Notwithstanding the provisions of paragraph (2) of this Article, a country of the Union which, in conformity with the established practice of the General Assembly of the United Nations, has ceased to be regarded as a developing country shall no longer be entitled to renew the period during which it can avail itself of the reservations referred to in paragraph (1) and, whether or not it formally withdraws them, such country shall be precluded from availing itself of the said reservations at the end of the current ten-year period, or at the end of three years after it has ceased to be a developing country, whichever period expires later.

(4) Any copies of a work already made under the reservations provided for in this Additional Act may continue to be distributed after the expiration of the period for which notifications under this Article are effective.

(5) Any country which is bound by the provisions of this Act and which has deposited a declaration or a notification in accordance with Article 31(1) with respect to the application of this Act to a particular territory, the situation of which can be regarded as analogous to that of the countries referred to in paragraph (1) of this Article, may also deposit notifications of reservations or of renewals thereof with respect to any such territory. During the effective period of such notifications, the provisions of this Additional Act shall be applicable to such territory.

(6) (a) The fact that a reservation provided for in this Additional Act has been notified does not permit another country of the Union to give less protection to works of which the country of origin is the country availing itself of the reservation, than is provided for in Articles 1 to 20 of this Act.

(b) The right of reciprocity provided for in Article 30(2)(b) of this Act cannot be exercised in relation to works the country of origin of which remains a country to which paragraph (1) of this Article applies.

ARTICLE 2

(1) Any country of the Union to which Article 1 of this Additional Act applies may, so far as works published in printed or analogous forms of reproduction are concerned, substitute for the exclusive right of translation provided for in Article 8 of this Convention a system of non-exclusive and non-transferable licences, granted by the competent authority, under the following conditions and subject to the provisions of Article 4 of this Additional Act.

(2) If, after the expiration of a period of three years from the date of the first publication of a literary or artistic work, or of any longer period determined by national legislation of the country referred to above, a translation of such work has not been published in the language or in one of the languages of that country by the owner of the right of translation, or with his authorization, any national of such country may obtain a licence to translate the work and publish the work so translated in the said language in printed or analogous forms of reproduction.

(3) However, in the case of a translation into a language which is not in general use in one or more developed countries, a period of one year shall be substituted for the period of three years provided for in paragraph (2) above.

(4) Any licence under this Article shall be granted only for the purpose of teaching, scholarship or research.

(5) Licences obtainable after three years shall not be granted under this Article until a further period of six months has elapsed, and licences obtainable after one year until a further period of nine months has elapsed, from the date of the application for permission to translate mentioned in paragraph (1), or of the dispatch of the copies of the application mentioned in paragraph (2), as the case may be, of Article 4 of this Additional Act.

(6) For works which are composed mainly of illustrations, a licence to translate the text and to reproduce the illustrations may be granted only if the conditions of Article 3 of this Additional Act are also fulfilled.

(7) Any country to which Article 1 of this Additional Act applies, whether or not it is already a member of the Union, may, instead of availing itself of the reservations provided for by this Article, make, in ratifying or acceding to this Act, the declaration provided for in Article 30(2)(a) or (b) of this Act. However, any country making such a declaration may not subsequently avail itself of the reservations provided for in this Article, even if it withdraws its declaration.

(8) A country which has availed itself of the reservations provided for in paragraphs (1) to (6) of this Article may not subsequently make a declaration in accordance with Article 30(2) (a) or (b) of this Act.

(9) Any country which has ceased to be regarded as a developing country may, within three months from the expiry of the period provided for in paragraph (3) of Article 1 of this Additional Act, make a declaration according to Article 30(2) (b) of this Act.

ARTICLE 3

(1) Any country of the Union to which Article 1 of this Additional Act applies may substitute for the exclusive right of reproduction provided for in Article 9 of this Convention a system of non-exclusive and non-transferable licences granted by the competent authority under the following conditions and subject to the provisions of Article 4 of this Additional Act.

(2) If, after the expiration of

(i) the relevant period specified in paragraph (3) of this Article commencing from the date of first publication of a particular edition of a literary or artistic work referred to in paragraph (7) of this Article, or

(ii) any longer period determined by national legislation of the country referred to above,

copies of such edition have not been distributed in that country to the general public or in connection with systematic instructional activities, at a price reasonably related to that normally charged in the country for comparable works, by the owner of the right of reproduction or with his authorization, any national of such country may obtain a licence to publish such edition at that or a lower price for use in connection with systematic instructional activities.

(3) The period referred to in sub-paragraph (i) of paragraph (2) above shall be five years, except that

(i) for works of the natural and physical sciences, including mathematics, and of technology, the period shall be three years;

(ii) for works of fiction, poetry, drama and music, and for art books, the period shall be seven years.

(4) Licences obtainable after three years shall not be granted under this Article until a period of six months has elapsed from the date of the request for permission to reproduce mentioned in paragraph (1), or of the dispatch of the copies of the application mentioned in paragraph (2), as the case may be, of Article 4 of this Additional Act. Licences obtainable after other periods shall not be granted until a period of three months has elapsed from the date of the dispatch of copies of the application.

(5) A licence to reproduce and publish a translation of a work shall not be granted under this Article in the following cases:

(i) where the translation was not published by the owner of the right or with his authorization; or

(ii) where the translation is not in a language that is the language or one of the languages of the country granting the licence.

(6) Whenever copies of an edition of a work are distributed in the country referred to above to the general public or in connection with systematic instructional activities, by the owner of the right or with his authorization, at a price reasonably related to that normally charged in the country for comparable works, any licence granted under this Article shall terminate if such edition is in the same language and is substantially the same in content as the edition published under the licence. However, any copies already made before the licence is terminated may continue to be distributed.

(7) The literary or artistic works to which this Article applies shall be limited to works published in printed or analogous forms of reproduction. However, the reservations permitted by this Article shall also apply to the reproduction of audio-visual works and to the translation into the language or one of the languages of the country concerned of any accompanying text, in which case the reservations shall be limited to audio-visual works prepared and published for the sole intrinsic purpose of being used in connection with systematic instructional activities.

ARTICLE 4

(1) Any licence granted under Articles 2 or 3 of this Additional Act may be granted only if the applicant, in accordance with the procedure of the country concerned, establishes either that he has requested, and has been denied, authorization by the proprietor of the right to make and publish the translation or to reproduce the edition, as the case may be, or that, after due diligence on his part, he was unable to find the owner of the right.

(2) If the owner of the right cannot be found, the applicant for a licence shall send, by registered airmail, copies of his application to the publisher whose name appears on the work and, if the nationality of the owner of the right is known, to the diplomatic or consular representative of the country of which such owner is a national, or to the organization, or to any national or international information centre, which may have been designated, in a notification to that effect deposited with the Director General, by the Government of the country of which the publisher is believed to be a national.

(3) The name of the author and the original title of the work or of the particular edition of the work shall be printed on all copies of the published translation or reproduction.

(4) No licence granted under Articles 2 or 3 of this Additional Act shall extend to the export of copies, and any such licence shall be valid only for publication of the translation or of the reproduction, as the case may be, in the territory of the country of the Union where it has been applied for.

(5) All copies published in accordance with such a licence shall, from the time of first publication, bear notices in the appropriate language stating that the copies are available for distribution only in the country or territory to which the said licence applies.

(6) Due provision shall be made by national legislation to assure

(a) that the licence provides, in favour of the owner of the right of translation or of reproduction, as the case may be, for just compensation that is consistent with standards of royalties normally operating on licences freely negotiated between persons in the two countries concerned; and

(b) payment and transmittal of the compensation: should national currency regulations intervene, the competent authority shall make all efforts, by the use of international machinery, to ensure transmittal in internationally convertible currency or its equivalent; and

(c) a correct translation of the work or an accurate reproduction of the particular edition, as the case may be.

(7) Licences may also be granted in accordance with the conditions of Article 2 of this Additional Act if, in respect of a translation already published in the language concerned, the editions are out of print. Licences may also be granted in accordance with the conditions of Article 3 of this Additional Act if for a period of six months no authorized copies of the edition in question have been on sale in the country concerned to the public or in connection with systematic instructional activities at a price reasonably related to that normally charged in the country for comparable works.

(8) A licence shall not be granted when the author has withdrawn from circulation all copies of the edition of the work.

ARTICLE 5

(1) Any country of the Union may declare as from the signature of this Act, and at any time before becoming bound by Articles 1 to 21 of this Act and by this Additional Act,

(a) in the case of a country referred to in Article 1 of this Additional Act, that it intends to avail itself of any or all of the reservations provided for in the latter in relation to works whose country of origin is a country of the Union which admits the application of the reservations provided for in this Additional Act, or

(b) that it admits the application of the reservations provided for in this Additional Act to works of which it is the country of origin by countries which, upon becoming bound by Articles 1 to 21 of this Act and by this Additional Act, have notified reservations permitted under the latter, or have made a declaration of application of any or all provisions of this Additional Act.

(2) The declaration shall be made in writing and shall be deposited with the Director General. The declaration shall become effective from the date on which it is deposited.

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Comité Permanent - Session extraordinaire

BERNE UNION

Permanent Committee - Extraordinary Session

(Genève, 14-18 septembre 1970)

(Geneva, September 14 to 18, 1970)

RESOLUTIONS

Adopted by the Permanent Committee

Resolution No. 1: Revision of the Berne Convention

The Permanent Committee of the Berne Union,

1. Recalling the resolutions adopted by it at its extraordinary session in February 1969 (Resolution No. 1) and at its fourteenth ordinary session in December 1969 (Resolution No. 1);
2. Considering the report of the Ad Hoc Preparatory Committee which met in May 1970 to prepare a draft text of the proposals for the revision of the Berne Convention;
3. Acting in application of the provisions of Rule 5 of its Internal Rules;
4. Recommends that a Conference for the revision of the Berne Convention be held from June 21 to July 10, 1971;

5. Authorizes the Director General of the World Intellectual Property Organization (WIPO) (which expression, in this resolution, shall include the Director of BIRPI) to fix the place of the meeting of the Conference for the revision of the Berne Convention, it being understood that in the absence of an invitation by a country member of the Berne Union submitted before October 15, 1970, the Conference shall be held in Paris at the premises of Unesco;
6. Calls upon the Director General of WIPO to make, in consultation with the Director-General of Unesco, the necessary arrangements for the Conference to be held at the same time and place as the Conference for the revision of the Universal Copyright Convention;
7. Recommends that the States, the intergovernmental organizations and the international non-governmental organizations listed in document DA/33/4 be invited to the Conference for the revision of the Berne Convention;
8. Requests the Director General of WIPO to:
 - (a) send the necessary invitations as well as the draft of the revised Berne Convention, as prepared by the Permanent Committee, the provisional Rules of Procedure of the Conference for the revision of the Berne Convention approved by the Permanent Committee, and such other documents as may be necessary;
 - (b) invite all countries of the Union and all interested international non-governmental organizations to present comments with respect to this draft text for the revision of the Berne Convention no later than March 15, 1971;
 - (c) communicate such comments to the States and organizations specified in paragraph 7 of this resolution as soon as possible after they are received;
9. Requests the Director General of WIPO to provide the secretariat for the Conference for the revision of the Berne Convention and to take all the necessary administrative steps and undertake the material arrangements for the preparation and the holding of this Conference.

Resolution No. 2: Protection of Phonograms

The Permanent Committee of the Berne Union,

Dismayed at the widespread and increasing piracy of phonograms and the damage which this is occasioning to the interests of authors, performing artists and producers of phonograms;

Noting that the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations has so far been ratified by a limited number of States;

Recognizing also that the protection of phonograms is, for many countries, not a matter of copyright but that the interests of authors and performing artists require the protection of the means by which their works and performances are reproduced;

Expresses the wish that the Director General of the World Intellectual Property Organization (WIPO) (and therefore also the Director of BIRPI), together with the Director-General of Unesco, should invite countries members of the Berne Union and/or of the Paris Union for the Protection of Industrial Property or parties to the Universal Copyright Convention to nominate governmental experts to attend, together with the appropriate observers, a meeting to be held some months in advance of the Diplomatic Conferences to revise the Berne and Universal Copyright Conventions, with the tasks:

- (a) of studying any comments on or proposals for a draft instrument to protect producers of phonograms against unauthorized reproduction of their phonograms, which governments may formulate, and
- (b) of preparing a draft instrument on this subject to serve as the basis for the negotiation of an appropriate instrument which will be ready, so far as possible, for adoption and signature at a Diplomatic Conference to be held at the same time and place as the Diplomatic Conferences for the revision of the Berne and Universal Copyright Conventions.

End of the document

Section 1: Introduction

The purpose of this document is to provide a comprehensive overview of the project's objectives and scope. It is intended for the use of all stakeholders involved in the project.

The project is designed to address the current challenges faced by the organization and to implement a solution that will improve efficiency and productivity.

The project will be managed in accordance with the principles of project management, ensuring that all tasks are completed on time and within budget.

The project team consists of members from various departments, each bringing their own expertise to the project. Regular communication and collaboration are essential for the success of the project.

The project will be reviewed and updated as needed to ensure that it remains relevant and effective throughout its duration.

The project is expected to be completed by the end of the fiscal year, with a final report and evaluation provided to the management team.

BUREAUX INTERNATIONAUX
RÉUNIS POUR LA PROTECTION
DE LA PROPRIÉTÉ INTELLECTUELLE
GENÈVE, SUISSE

BIRPI

DA/33/13
ORIGINAL: French
DATE: September 18,
1970
UNITED INTERNATIONAL
BUREAUX FOR THE PROTECTION
OF INTELLECTUAL PROPERTY
GENEVA, SWITZERLAND

UNION DE BERNE

Comité Permanent - Session extraordinaire

BERNE UNION

Permanent Committee - Extraordinary Session

(Genève, 14-18 septembre 1970)

(Geneva, September 14 to 18, 1970)

DRAFT RULES OF PROCEDURE FOR THE
CONFERENCE FOR REVISION OF THE
BERNE CONVENTION

Adopted by the Permanent Committee

I. MEMBERSHIP OF THE CONFERENCE

Rule 1 - Delegations

Delegations of States members of the International Union for the Protection of Literary and Artistic Works (Berne Union) may participate in the work of the Conference, with the right to vote.

Each delegation may consist of delegates, advisers and experts.

Rule 2 - Observers and representatives

The following may take part in the Conference as observers, without the right to vote:

(a) observers from Member States of the United Nations or of one or more organizations within the United Nations system which are not members of the Berne Union;

(b) representatives of the United Nations Organization and other agencies within the United Nations system;

(c) observers from the intergovernmental organizations listed in document DA/33/4;

(d) observers from the international non-governmental organizations listed in document DA/33/4.

II. CREDENTIALS

Rule 3 - Presentation of credentials

(1) The credentials empowering the delegates to participate in the Conference shall be issued by the Head of State, the Head of Government or the Minister of Foreign Affairs. These credentials shall be communicated to the Secretariat of the Conference. The names of advisers and experts attached to delegations, as well as the names of observers and representatives referred to in Rule 2, shall also be communicated to the Secretariat.

(2) Full powers shall be required for signing the Convention to be adopted by the Conference. Such full powers may be included in the credentials referred to in paragraph (1) above.

Rule 4 - Provisional admission

(1) Any delegation to whose admission an objection has been made shall be seated provisionally with the same rights as other delegations until the Conference has given its decision concerning this objection after hearing the report of the Credentials Committee.

(2) Any delegation which submits credentials not fulfilling the conditions laid down in Rule 3, paragraph (1), may be authorized by the Conference to be seated provisionally with the same rights as other delegations, subject to presenting credentials in proper form /subsequently./ before the last plenary meeting.

III. ORGANIZATION OF THE CONFERENCE

Rule 5 - Elections

The Conference shall elect its President, Vice-Presidents and a General Rapporteur.

Rule 6 - Subsidiary bodies

(1) The Conference shall institute a Credentials Committee, a Main Commission, a Bureau and a Drafting Committee.

(2) The Conference and the Main Commission may also establish such working parties as are necessary for the conduct of their work. Each of these bodies shall elect its Chairman and Rapporteur.

Rule 7 - Credentials Committee

The Credentials Committee shall consist of seven members elected by the Conference, on the proposal of the President, from among the States mentioned in Rule 1. The Committee shall elect its own Chairman; it shall examine and report to the Conference without delay on the credentials of delegations; it shall also examine and report on the credentials of observers.

Rule 8 - Main Commission

The Main Commission, in the work of which all delegations are invited to participate, shall make a detailed study of the proposals for revision of those provisions of the Stockholm Act (1967) of the Berne Convention for the Protection of Literary and Artistic Works which concern developing countries, and shall prepare draft texts for submission to the Conference at a plenary meeting. /The President and the General Rapporteur of the Conference shall act as Chairman and Rapporteur respectively of the Main Commission./

Rule 9 - Bureau

The Bureau shall consist of the President, Vice-Presidents and General Rapporteur of the Conference and the Chairman of the Credentials Committee. Its function is to co-ordinate the work of the Conference and of its subsidiary bodies and to fix the date, hour and order of business of the meetings.

Rule 10 - Drafting Committee

The Drafting Committee shall consist of members elected by the Conference on the proposal of the President. The Committee shall elect its Chairman and Vice-Chairman; it is responsible for drawing up the final revised text of the Berne Convention and of the instruments annexed thereto in the two languages of the Convention.

Rule 11 - Duties of the President

The President shall open and close each plenary meeting of the Conference. He shall direct the discussions, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order and, subject to the present Rules, shall control the proceedings and the maintenance of order.

The Chairmen and Vice-Chairmen of the subsidiary bodies of the Conference shall have the same duties with regard to the bodies over which they are called to preside.

Rule 12 - Acting President

If the President finds it necessary to be absent during a meeting or any part thereof, the Vice-President designated by him shall replace him as Acting President. A Vice-President sitting as President shall have the same powers and responsibilities as the President.

Rule 13 - The President shall not vote

The President, or a Vice-President acting temporarily as President, shall not vote, but may designate a member of his delegation to vote in his place.

IV. CONDUCT OF BUSINESS

Rule 14 - Public meetings

All plenary meetings and the meetings of the Main Commission shall, unless the body concerned decides otherwise, be held in public.

Rule 15 - Quorum

- (1) At plenary meetings of the Conference, a majority of the States members of the Berne Union shall constitute a quorum.
- (2) A quorum is not required for the subsidiary bodies of the Conference.
- (3) The Conference cannot deliberate in plenary session without the quorum defined in sub-paragraph (1) above.

Rule 16 - Order and time-limit of speeches

(1) Subject to the provisions of sub-paragraph (2) below, the President shall call upon speakers in the order in which they signify their wish to speak. The Secretariat is responsible for drawing up the list of speakers.

(2) The Chairman or the Rapporteur of a subsidiary body of the Conference may be accorded precedence for the purpose of explaining the conclusions reached by the body of which he is the Chairman or the Rapporteur.

(3) To facilitate the conduct of business the President may limit the time to be allowed to each speaker.

(4) The consent of the President must be obtained whenever an observer of an international non-governmental organization wishes to make a verbal communication.

Rule 17 - Points of order

During a discussion, any delegation may rise to a point of order and such point of order shall be immediately decided by the President. An appeal may be made against the ruling of the President. Such appeal shall be put to the vote immediately, and the President's ruling shall stand unless it is overruled by a majority of the delegations present and voting.

Rule 18 - Suspension, adjournment and closure

(1) In the course of a discussion, any of the delegations referred to in Rule 1 may move the suspension or adjournment of the meeting, or the adjournment or closure of the debate.

(2) Such motions shall be immediately put to the vote. Subject to the provisions of Rule 17, the following motions shall have precedence in the following order over all other proposals or motions:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) To close the debate on the item under discussion.

Rule 19 - Resolutions and amendments

Draft resolutions and amendments shall be transmitted in writing to the Secretariat of the Conference, which shall circulate copies to delegations. As a general rule, no resolution or amendment shall be discussed or put to the vote unless it has been circulated sufficiently in advance to all delegations in the working languages.

Rule 20 - Reconsideration of proposals adopted or rejected

When a proposal has been adopted or rejected, it may not be reconsidered unless so decided by a two-thirds majority of the delegations present and voting. Permission to speak on a motion to reconsider shall be accorded only to one speaker supporting the motion and to two speakers opposing it, after which it shall be immediately put to the vote.

V. VOTING

Rule 21 - Voting Rights

Each delegation referred to in Rule 1 shall have one vote in the Conference and in each of the subsidiary bodies on which it is represented.

Rule 22 - Majority required

In plenary meetings, the decisions of the Conference shall be taken by the unanimous vote of the delegations present and voting, except in the case of Rules 5, 6, 7, 10, 14, 17, 18 and 34.1, where a simple majority is sufficient. At the meetings of all other bodies of the Conference, decisions shall be taken by a simple majority of the delegations present and voting.

For the purpose of the present Rules, the expression "delegations present and voting" means delegations casting an affirmative or negative vote. Delegations abstaining from voting shall be considered as not voting.

Rule 23 - Method of voting

- (1) Voting shall normally be by show of hands.

(2) Vote by roll-call shall be taken if it is requested by not less than two delegations. The request shall be made to the Chairman of the meeting before voting takes place or immediately after a vote by show of hands. The Chairman may also take a second vote by roll-call when the result of a vote by show of hands is in doubt. The names of States having the right to vote shall be called in French alphabetical order, beginning with the delegation the name of which has been drawn by lot by the Chairman. When a vote is taken by roll-call, the vote of each delegation participating shall be recorded in the summary record of the meeting.

(3) Only proposals or amendments submitted by a delegation referred to in Rule 1 and supported by at least one other delegation shall be put to the vote.

Rule 24 - Procedure during voting

Once the Chairman has announced the beginning of voting, it may not be interrupted except by raising a point of order on the voting procedure. The Chairman may allow delegations to explain their votes either before or after voting.

Rule 25 - Voting on proposals

When two or more proposals refer to the same question, the body concerned, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.

After each vote, the body concerned may decide whether to vote on the following proposal.

Rule 26 - Division of proposals and amendments

Any delegation may propose that a separate vote be taken on parts of a proposal or of any amendment thereto. When an objection is raised to the motion for a separate vote, the motion shall be put to the vote. Permission to speak on a motion for a separate vote shall be accorded only to one speaker for the motion and two speakers opposing it. If the motion for a separate vote is accepted, the different parts of the proposal or amendment shall be put to the vote separately, after which those parts which have been approved shall be put to a final vote in their entirety. If all the operative parts of the proposal or amendment have been rejected, the proposal or amendment shall also be considered to have been rejected as a whole.

Rule 27 - Voting on amendments

When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Conference shall first vote on the amendment deemed by the President to be furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on. If, however, the adoption of any amendment necessarily implies the rejection of another amendment or of the original proposal, the latter amendment or the proposal shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 28 - Equally divided votes

Subject to Rule 22, if a vote is equally divided, in voting not concerned with elections, the proposal or amendment shall be considered as lost.

VI. WORKING LANGUAGES AND SUMMARY RECORDS

Rule 29 - Working languages

English, French and Spanish are the working languages of the Conference. Speakers are free, however, to speak in any other language, provided that they make their own arrangements for the interpretation of the speeches into one of the working languages.

Rule 30 - Summary records

A summary record shall be prepared of plenary meetings and of meetings of the Main Commission of the Conference. The provisional records distributed during the Conference shall be trilingual, each speech being summarized in the original language. The final records shall be translated and published by the World Intellectual Property Organization (WIPO) in English and in French after the Conference.

VII. SECRETARIAT OF THE CONFERENCE

Rule 31 - Secretariat

The Secretariat of the Conference shall be provided by the Director General of the World Intellectual Property Organization (WIPO).

The Director General of WIPO shall appoint the Secretary General of the Conference, an Assistant Secretary General, and the other officers of the Secretariat of the Conference from among the staff of the International Bureau.

Rule 32 - Duties of the Secretariat

It shall be the duty of the Secretariat to receive, translate and distribute documents, reports and resolutions, to provide for the interpretation of speeches made at the meetings, to draft provisional records and to perform all other work necessary for the smooth functioning of the Conference.

Rule 33 - Statements on behalf of WIPO

The Director General of WIPO or his representative, the Secretary General, the Assistant Secretary General, or any other member of the Secretariat of the Conference may make statements, either written or oral, concerning any matter under consideration by the Conference.

VIII. AMENDMENTS TO THE RULES OF PROCEDURE

Rule 34

1. The present Rules shall be adopted by a simple majority.
2. The present Rules may be amended by a two-thirds majority.

⌈End of the document⌋

STATEMENT OF WORK

1.0 Introduction

The purpose of this document is to define the scope, objectives, and deliverables of the project. It serves as a reference for all project participants and stakeholders.

The project is intended to provide a comprehensive overview of the work to be performed, including the roles and responsibilities of the team members.

2.0 Project Objectives

The primary objective of this project is to deliver a high-quality product that meets the needs of the client. The project will be completed within the specified timeline and budget.

3.0 Project Scope

The project scope includes the development, testing, and deployment of the system. It also includes the provision of training and support to the end users.

4.0 Project Organization

The project is managed by the Project Manager, who is responsible for the overall success of the project. The Project Manager will work closely with the client and the project team.

End of the document