RESTRICTED
MTN.GNG/NG11/W/63/Add.2
1 February 1990
Special Distribution

Original: English/
French/
Spanish

Negotiating Group on Trade-Related Aspects
of Intellectual Property Rights, including
Trade in Counterfeit Goods

TECHNICAL ASSISTANCE PROVIDED BY INTERNATIONAL ORGANISATIONS

Communication from Unesco

Addendum

At its meeting of 11, 12 and 14 December 1989, the Group agreed to invite other relevant international organisations to provide information on their technical assistance programmes regarding matters under discussion in the Group (MTN.GNG/NG11/17, paragraph 24).

The attached communication, dated 30 January 1990, has been received in response from Unesco. It reproduces a Unesco document IGC(1971)/VIII/4 entitled "Legal and Technical Assistance to States to Develop National Legislation and Infrastructures in the Field of Copyright" which was submitted for consideration by the Intergovernmental Copyright Committee at its Eighth Ordinary Session held in Paris from 26 June to 3 July 1989. The Annex contains additional information related to legal and technical assistance given by Unesco to some Latin American countries since that meeting.

LEGAL AND TECHNICAL ASSISTANCE TO STATES TO DEVELOP NATIONAL LEGISLATION AND INFRASTRUCTURES IN THE FIELD OF COPYRIGHT

1. Since the seventh ordinary session, in June 1987, of the Intergovernmental Committee of the Universal Copyright Convention as revised at Paris on 24 July 1971, the programme of assistance to developing countries established by Unesco to advise those States on the measures necessary for the application of the international instruments in the field of copyright and to help them formulate national policies in that field in the light of their national objectives, to develop national legislation suited to those objectives and corresponding to current international standards and to establish appropriate machinery and infrastructures for the administration and management of copyright and the training of copyright specialists, has taken the following forms:

(i) assistance to Member States in the form of advisory services for their activities related to copyright or the drawing up of educational projects in that field;

(ii) financial assistance and advisory services to help organize national and regional congresses, seminars, etc., on copyright and related matters;

(iii) organization of group courses for theoretical and practical training in the field of copyright and related matters;

(iv) organization of individual theoretical and practical training courses for copyright specialists;

(v) publications.

I. ADVISORY SERVICES FOR MEMBER STATES AND THE DRAWING UP OF EDUCATIONAL PROJECTS

A. Regional activities

(i) Latin America and the Caribbean

2. The existence of the Regional Centre for Book Promotion in Latin America and the Caribbean (CERLALC) has helped the Secretariat to carry out its copyright activities in the region. The information needed to promote better knowledge of the role of copyright in the cultural and economic development of Latin America and the Caribbean is, in fact, disseminated through and in close co-operation with CERLALC.

Educational project for the teaching of copyright in Latin America and the Caribbean

3. After the findings of the World Congress on Education and Information in the Field of Copyright with regard to the shortcomings of university teaching in that respect and in order to give effect to the recommendations made on the subject, an initial educational project to encourage the teaching of copyright in the States of Latin American and the Caribbean was drawn up and submitted for consideration at a meeting held in 1988 in Santo Domingo (Dominican Republic) to representatives from the universities of Argentina, Brazil, Colombia, Mexico, the Dominican Republic and Venezuela.

4. The working document submitted for the consideration of the experts takes account of the political, social and economic diversity of the countries of the region. It provides a frame of reference and guidelines which can be adapted to the level of development of each country and the specific conditions of each university. It contains three parts:

(a) a copyright course as a regular subject in a law faculty at Master's degree level;

(b) an optional specialized course at doctorate level;

(c) a basic training course intended for the owners and users of protected works.

5. A basic manual for teaching copyright at Master's degree level and intended for the countries of the region is currently being prepared. Initially it is planned to translate this manual into Arabic in order to provide a starting-point for the preparation of a similar teaching programme for the subject in the States of the Arab region.

(ii) Africa

6. The Secretariat continued its assistance to the African Intellectual Property Organization (OAPI) in connection with the establishment of a copyright service and the setting up of a regional copyright information centre covering the following States: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Mali, Mauritania, Niger, Senegal and Togo.

7. The Director-General, who travelled to a number of States in the region of Africa in 1988 (Angola, Côte d'Ivoire, Ethiopia, Gabon, Mauritania, Nigeria, Senegal, Zambia, Zimbabwe) encouraged those which had not yet acceded to the Universal Copyright Convention (UCC) to do so and informed them of the advantages for their nationals if they respected authors' rights when using their works.

(iii)Arab States

8. ALECSO contacted Unesco for assistance in applying the Arab Copyright Convention and formulating model legislation in the domain of copyright.

9. The Director of Culture of the Islamic Educational, Scientific and Cultural Organization (ISESCO) visited Unesco and discussed with the Secretariat the assistance which it might offer his Organization in connection with the preparation of a regional instrument on literary and artistic property.

B. National activities

10. The Secretariat continued to provide advisory services to States upon request with a view to preparing and applying the most appropriate legislative provisions in the area of copyright and bringing existing laws into line with international standards. At the request of those States Unesco has also helped to establish bureaux, offices and agencies for copyright management and contributed to the training of staff whose task it is to look after the interests of creators.

11. Since the last session of the Intergovernmental Committee in June 1987, the following countries have received assistance of this sort or will be receiving it in 1989:

12. Colombia: As part of the work of assisting CERLALC's activities, a Unesco official visited Bogota on three occasions in order to support the action of this Centre in the region of Latin America and the Caribbean and to have talks with the Colombian national authorities about copyright questions.

13. Uruguay: During a series of lectures to be held for members of the judiciary in Latin America, a Unesco official will visit Uruguay to advise the authorities on Uruguay's accession to the Universal Copyright Convention and on the assistance which the Secretariat could offer the country in the field of copyright.

14. Democratic People's Republic of Korea: A mission has been planned in order to develop the interest of the authorities of that State in copyright matters. A series of lectures/discussions is scheduled to take place during the visit to inform the national authorities and the sectors concerned about the existing system of international protection for authors and the content of national copyright legislation.

II. FINANCIAL ASSISTANCE AND ADVISORY SERVICES IN CONNECTION WITH THE ORGANIZATION OF NATIONAL AND REGIONAL ACTIVITIES RELATED TO COPYRIGHT

15. Madagascar: At the request of the Malagasy Government a financial contribution was made to Madagascar

in 1988 under the Participation Programme for a national seminar on copyright to be held in Antanarivo.

16. Malawi: Unesco agreed to make a financial contribution under the Participation Programme for a seminar in Malawi on copyright and neighbouring rights intended for authors, artists, publishers, producers and theatre directors.

III. THEORETICAL AND PRACTICAL TRAINING COURSES FOR GROUPS

17. Copyright training course for Chinese nationals: At the request of the Chinese authorities Unesco organized a training course from 19 to 25 September 1988 for 170 Chinese nationals drawn from three categories:

those working in publishing and the press;

those assigned provincial posts to deal with copyright problems at local level;

those coming into contact with the subject in the course of their own work, i.e. members of the judiciary and lawyers.

18. The seminar was conducted by two copyright specialists (Mr. A. Kerever France and Mr. V. Nabhan, Canada) assisted by representatives of the International Confederation of Societies of Authors and Composers (CISAC), the International Federation of Phonogram and Videogram Producers (IFPI), the Asia-Pacific Broadcasting Union (ABU) and two officials from the Division of Copyright who submitted papers on various aspects of copyright and neighbouring rights.

19. These papers dealt with the following subjects:

(i) The major principles of copyright and the role of copyright in cultural development;

(ii) Copyright and the new technologies for the reproduction and dissemination of protected works;

(iii) Comparative study of the Universal Copyright Convention and the Berne Convention for the Protection of Literary and Artistic Works;

(iv) Application of the provisions for developing countries introduced in the revised text of the Universal Copyright Convention in 1971;

(v) Copyright protection of cinematographic works, radio and television programmes and phonograms;

(vi) Copyright administration in the developing countries:

- (a) State administration;
- (b) Private administration;

(vii) General overview of the collective administration of copyright in the Asian-Pacific region;

(viii) Literary agents: functions, activities, negotiations with:

- (a) national users;
- (b) foreign users;

(ix) Unesco's work to assist the parties concerned in the formulation of publishing contracts;

(x) Rights of phonogram and videogram producers;

(xi) Rights of performers;

(xii) Rights of the broadcasting organization.

Lecture series for members of the judiciary

20. A second series of lectures on copyright (the first was held in Rabat, Morocco, in 1986) for members of the judiciary from African States was held in collaboration with CISAC in Yaoundé in December 1987.

21. The meeting, which brought together members of the judiciary from Benin, Cameroon, Congo, Côte d'Ivoire, Mali, Nigeria, Senegal and Zaire, provided an opportunity to discuss the problems connected with the application of copyright legislation encountered in litigation by these legal officials and to compare their experience in order to reach just solutions in this field in accordance with law and equity.

22. The Advocate General of the Court of Cassation of Paris was also invited to the seminar and presented a paper on "The Application of French Legislation on Copyright: Procedure, Seisin, Jurisprudence".

Lecture series for the media

23. Unesco organized a series of lectures in Tunis in August 1988, in co-operation with ASBU, in order to inform and motivate the media and introduce radio and television organizations in the Arab States to copyright questions. Thirty-four programmers from radio and television organizations in 19 Arab States took part in the meeting. The lecture course was also attended by editorial staff from certain Tunisian newspapers, publishers from Syria and Tunisia and representatives of the League of Arab States and ALECSO.

IV. INDIVIDUAL AND PRACTICAL TRAINING COURSES

24. Training courses for persons who are at present or might at some time be responsible for copyright matters in their countries are organized at their request in the Division of Copyright and, with the co-operation of CISAC, in national copyright management bodies.

25. These training courses have been attended by nationals of the following States:

1987: Benin, Central African Republic, Colombia, Ghana, Guinea (2) Madagascar, Niger, Senegal.

1988: Burkina Faso, Cape Verde, Colombia, Congo, Ghana, Guinea, Kenya, Qatar, Saudi Arabia, Zaire. An official from the Organization of African Unity also attended a course.

1989: Provision has been made for ten fellowships to be awarded to nationals of developing countries.

26. A further three trainees received in-depth training in the Division of Copyright:

1988: One French national (2 months).

1988- One French national (6 months)
1989: One Swedish national (6 months).

27. Thirty-two nationals from the following countries attended information sessions in Unesco's Division of Copyright: Algeria, Argentina, Benin, Cameroon, Democractic People's Republic of Korea, France, Greece, Italy, Morocco, Republic of Korea, United States of America and the United Kingdom.

V. PUBLICATIONS

28. A comparative law approach to the "Major principles of copyright and neighbouring rights in the world" was published by Unesco. This study, produced in booklet form in English and French is already available. A textbook edition is currently being prepared and will be available at the end of 1989.

29. A study of the "International Dimensions of Copyright" requested in 1987 by the World Congress on Education and Information in the Field of Copyright is now being prepared. It will be available during December 1989 or at the beginning of 1990.

30. A booklet to promote the Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties was prepared by Unesco and published in 1989 in English, Spanish and French. The booklet is now available and will be sent to anyone requesting a copy.

ANNEX

1. At the request of the Government of Guatemala, a Unesco official visited Guatemala City to provide legal help in the nation-wide discussions of the present system of the protection of authors' and neighbouring rights, both on national and international levels, and to advise on the reform of the relevant laws.

2. Another Unesco official visited Bolivia to advise the Bolivian Government on the question of adherence to the Universal Copyright Convention (UCC). The instrument of accession by Bolivia to the UCC was deposited with the Director-General of Unesco on 22 December 1989.

3. A regional copyright training course for members of the judiciary was organized in co-operation with the Regional Centre for Book Development in Latin America and the Caribbean (CERLALC) in Santiago (Chile) from 28 November to 1 Decmber 1989. Thirty-two participants, judges and magistrates from Argentina, Brazil, Chile, Colombia, Ecuador, Uruguay and Venezuela took part in the training course. The purpose of the training course was to acquaint the participants with the general principles of national and international copyright protection and the problems raised by the new technical means of use of protected works.