

Union, and the Director General as the Director of the said Bureau.

(4) Once all the countries of the Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of the Union shall devolve on the International Bureau of the Organization.

Protocol Regarding Developing Countries

Article 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 the Act of this Convention of which this Protocol 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 in the Act may, by a notification deposited with the Director General, at the time of making a ratification or accession which includes Article 21 of the Act, declare that it will, for a period of the first ten years during which it is a party thereto, avail itself of any or all of the following reservations:

- (a) substitute for the term of fifty years referred to in paragraphs (1), (2) and (3) of Article 7 of this Convention a different term, provided that it shall not be less than twenty-five years; and substitute for the term of twenty-five years referred to in paragraph (4) of the said Article a different term, provided that it shall not be less than ten years;
- (b) substitute for Article 8 of this Convention the following provisions:
 - (i) authors of literary and artistic works protected by this Convention shall enjoy in countries other than the country of origin of their works the exclusive right of making and of authorizing the translation of their works throughout the term of protection of their rights in the original works. Nevertheless, the exclusive right of translation shall cease to exist if the author shall not have availed himself of it, during a term of ten years from the date of the first publication of the original work, by publishing or causing to be published, in one of the countries of the Union, a translation in the language for which protection is to be claimed;
 - (ii) 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 developing country concerned, a translation of such work has not been published in that country into the national or official or regional language or languages of that country by the owner of the right of translation or with his authorization, any national of such country may obtain a non-exclusive license from the competent authority to translate the work and publish the work so translated in any of the national or official or regional languages in which it has not been published; provided that such national, in accordance with the procedure of the country concerned, establishes either that he has requested, and been denied, authorization by the proprietor of the right to make and publish the translation, or that, after due diligence on his part, he was unable to find the owner of the right. A license may also be granted on the same conditions if all previous editions of a translation in such language in that country are out of print;

- (iii) if the owner of the right of translation cannot be found, then the applicant for a license shall send copies of his application to the publisher whose name appears on the work and, if the nationality of the owner of the right of translation is known, to the diplomatic or consular representative of the country of which such owner is a national, or to the organization which may have been designated by the Government of that country. The license shall not be granted before the expiration of a period of two months from the date of the dispatch of the copies of the application;
- (iv) due provision shall be made by domestic legislation to assure to the owner of the right of translation a just compensation, to assure payment and transmittal of such compensation, subject to national currency regulations, and to assure a correct translation of the work;
- (v) the original title and the name of the author of the work shall be printed on all copies of the published translation. The license shall be valid only for publication of the translation in the territory of the country of the Union where it has been applied for. Copies so published may be imported and sold in another country of the Union if one of the national or official or regional languages of such other country is the same language as that into which the work

has been so translated, and if the domestic law in such other country makes provision for such licenses and does not prohibit such importation and sale. Where the foregoing conditions do not exist, the importation and sale of such copies in a country of the Union shall be governed by its domestic law and its agreements. The license shall not be transferable by the licensee;

- (vi) the license shall not be granted when the author has withdrawn from circulation all copies of the work;
 - (vii) should, however, the author avail himself of the right under subparagraph (i) above during the term of ten years from the date of first publication, the license shall terminate from the date on which the author publishes or causes to be published his translation in the country where the license has been granted, provided, however, that any copies of the translation already made before the license is terminated may continue to be sold;
 - (viii) should, however, the author not avail himself of the right under subparagraph (i) above during the said term of ten years, compensation under the non-exclusive license referred to above shall cease to be due for any uses made after the expiry of such term;
 - (ix) should the author be entitled to exclusive translation rights in a country by having published or caused to be published a translation of the work in that country within ten years from the date of first publication, but should thereafter during the term of the author's copyright in the work all editions of the authorized translation in that country be out of print, then a non-exclusive license to translate the work may be obtained from the competent authority in the same manner and subject to the same conditions as are provided with respect to the non-exclusive license referred to in subparagraphs (ii) to (vi) above, but subject to the provisions of subparagraph (vii) above;
- (c) apply the provisions of Article 9(1) of this Convention subject to the following provisions:
- (i) 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 developing country concerned, such work has not been published in that country in the original form in which it was created, by the owner of the right of reproduction or with

his authorization, any national of such country may obtain a non-exclusive license from the competent authority to reproduce and publish such work for educational or cultural purposes; provided that such national, in accordance with the procedure of the country concerned, establishes either that he has requested, and been denied, authorization by the proprietor of the right to reproduce and publish such work for educational or cultural purposes, or that, after due diligence on his part, he was unable to find the owner of the right. A license may also be granted on the same conditions if all previous editions of such work in its said original form in that country are out of print;

- (ii) if the owner of the right of reproduction cannot be found, then the applicant for a license shall send copies of his application to the publisher whose name appears on the work and, if the nationality of the owner of the right of reproduction is known, to the diplomatic or consular representative of the country of which such owner is a national, or to the organization which may have been designated by the Government of that country. The license shall not be granted before the expiration of a period of two months from the date of the dispatch of the copies of the application;
- (iii) due provision shall be made by domestic legislation to assure to the owner of the right of reproduction a just compensation, to assure payment and transmittal of such compensation, subject to national currency regulations, and to assure an accurate reproduction of the work;
- (iv) the original title and the name of the author of the work shall be printed on all copies of the published reproduction. The license shall be valid only for publication in the territory of the country of the Union where it has been applied for. Copies so published may be imported and sold in another country of the Union for educational or cultural purposes if the domestic law in such other country makes provision for such licenses and does not prohibit such importation and sale. Where the foregoing conditions do not exist, the importation and sale of such copies in a country of the Union shall be governed by its domestic law and its agreements. The license shall not be transferable by the licensee;
- (v) the license shall not be granted when the author has withdrawn from circulation all copies of the work;

- (vi) should, however, the author avail himself of the right to reproduce the work, the license shall terminate from the date on which the author publishes or causes to be published his work in its said original form in the country where the license has been granted, provided, however, that any copies of the work already made before the license is terminated may continue to be sold;
 - (vii) should the author publish or cause to be published his work in its said original form in a country, but should thereafter during the term of the author's copyright in the work all authorized editions in such original form in that country be out of print, then a non-exclusive license to reproduce and publish the work may be obtained from the competent authority in the same manner and subject to the same conditions as are provided with respect to the non-exclusive license referred to in subparagraphs (i) to (v) above, but subject to the provisions of subparagraph (vi) above;
- (d) substitute for paragraphs (1) and (2) of Article 11^{bis} of this Convention the following provisions:
- (i) authors of literary and artistic works shall enjoy the exclusive right of authorizing the broadcasting of their works and the communication to the public of the broadcast of the works if such communication is made for profit-making purposes;
 - (ii) the national legislation of the countries of the Union may regulate the conditions under which the right mentioned in the preceding subparagraph shall be exercised, but the effect of those conditions will be strictly limited to the countries which have put them in force. Such conditions shall not in any case prejudice the moral rights of the author, nor the right which belongs to the author to obtain an equitable remuneration which shall be fixed, failing agreement, by the competent authority;
- (e) reserve the right, exclusively for teaching, study and research in all fields of education, to restrict the protection of literary and artistic works, provided due provision shall be made by domestic legislation to assure to the author a compensation which conforms to standards of payment made to national authors; the payment and transmittal of such compensation shall be subject to national currency regulations. Copies of a work published pursuant to reservations under this paragraph may be imported and sold in another country of the Union for purposes as aforesaid if that country has invoked the said reservations and does

not prohibit such importation and sale. Where the foregoing conditions do not exist, the importation and sale of such copies in a country of the Union which cannot take advantage of this Protocol are prohibited in the absence of agreement of the author or his successors in title.

Article 2

Any country which no longer needs to maintain any or all of the reservations made in accordance with Article 1 of this Protocol shall withdraw such reservation or reservations by notification deposited with the Director General.

Article 3

Any country which has made reservations in accordance with Article 1 of this Protocol, and which at the end of the period of ten years prescribed therein, having regard to its economic situation and its social or cultural needs, still does not consider itself in a position to withdraw the reservations under the said Article 1, may continue to maintain any or all of the reservations until it ratifies or accedes to the Act adopted by the next revision conference of this Convention.

Article 4

If, in conformity with the established practice of the General Assembly of the United Nations, a country should cease to be regarded as a developing country, the Director General shall give notification of such cessation to the country concerned and to all of the other countries of the Union. At the expiry of a period of six years from the date of such notification the said country shall no longer have the right to maintain any of the reservations under this Protocol.

Article 5

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

- (a) in the case of a country referred to in Article 1 of this Protocol, that it intends to apply the provisions of this Protocol to works whose country of origin is a country of the Union which admits the application of the reservations under the Protocol, or
- (b) that it admits the application of the provisions of the Protocol to works of which it is the country of origin by countries which, on becoming bound by Articles 1 to 21 of this Convention and by this Protocol, or on making a declaration of application of this Protocol by virtue of

the provision of subparagraph (a), have made reservations permitted under this Protocol.

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

Article 6

Any country which is bound by the provisions of this Protocol and which has made a declaration or notification under Article 31(1) of this Convention in respect of territories which, on the date of the signature of this Convention, are not responsible for their external relations, and the situation of which can be regarded as analogous to that of the countries referred to in Article 1 of this Protocol, may notify the Director General that the provisions of this Protocol shall apply to all or part of those territories and may in such notification declare that any such territory will avail itself of any or all of the reservations permitted by this Protocol.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Act.

DONE at Stockholm, on July 14, 1967.

Austria (Dr. Robert Dittrich); Belgium (B^{on} F. Cogels); Bulgaria (V. Chivarov); Cameroon (Ekani); Congo, Democratic Republic of (G. Mulenda); Denmark (W. Weincke); Finland (Paul Gustafsson); France (B. de Menthon); Gabon (J. F. Oyoué); Germany, Federal Republic (Eugen Ulmer); Greece (J. A. Dracoulis); Holy See (Gunnar Sterner); Hungary (Esztergályos); Iceland (Arni Tryggvason); India (Sher Singh, R. Gae); Ireland (Valentin Iremonger); Israel (Z. Sher, G. Gavrieli); Italy (Cippico); Ivory Coast (Bilé); Japan (M. Takahashi, K. Adachi); Liechtenstein (Marianne Marxer); Luxembourg (J. P. Hoffmann); Madagascar (Ratovondriaka); Mexico (E. Rojas y Benavides); Monaco (J. M. Notari, G. Straschnov); Morocco (H'ssaine); Niger (A. Wright); Norway (Jens Evensen, B. Stuevold Lassen); Philippines (Lauro Baja); Poland (M. Kajzer); Portugal (Adriano de Carvalho, José de Oliveira Ascensão, Ruy Álvaro Costa de Morais Serrão); Rumania (C. Stanescu, T. Preda); Senegal (A. Seck); South Africa (T. Schoeman); Spain (J. F. Alcover, Electo J. Garcia Tejedor); Sweden (Herman Kling); Switzerland (Hans Morf, Joseph Voyame); Tunisia (M. Kedadi); Yugoslavia (A. Jelić).