

Report on the Meeting of a Group of
Experts on the Copyright Aspects of the
Protection of Computer Software

UNESCO and WIPO (the World Intellectual Property Organisation) organised a meeting of a group of experts in Geneva between February 25 and March 1. The discussion at this meeting was basically on the protection of computer programs rather than other types of computer software. It was agreed that the protection of micro-chips should be dealt with separately and a meeting will be held on this subject in October of this year. Discussions of both the experts and the governmental attendees at the meeting reflected a general worldwide recognition of the pressing need for adequate protection of computer programs. Several participants pressed the view that international copyright conventions protected computer programs already, as literary works, and so required no further protection. Both the Berne and Universal Copyright Conventions provided adequate protection.

A number of participants argued that the protection of computer programs as such under existing international copyright conventions would promote the international circulation of programs without delay.

It was generally agreed that copyright provided the most effective protection, unlike patents, which provides protection not only against reproduction, but also against other forms of view such as telecommunications whilst allowing the free use of the methods or ideas embodied in the program.

Some participants did raise doubts as to the applicability of copyright saying that it would upset the delicate balance of creator's and user's interests as generally provided under industrial property laws. Others said that copyright protection did not leave enough room for the regulation of the international circulation of computer programs and automatic copyright protection should not be extended to them.

One issue which did emerge was the necessity of clarying what use of a program in a computer amounted to reproduction. The vexed question of whether the use of small portions of the program for minimal duration amounted to reproduction was not solved. Another issue which emerged was the opinion of some that the general term of copyright protection might be far too long for computer programs. Only

few programs retained their commercial value for more than a couple of years.

One useful part of the report was an analysis of national legislation and case law annexed to the report. Australians would be interested to note that further studies are to be undertaken by our Government as part of an enquiry which will look into particular problems and additional developments at international levels. The inquiry will take four points into account:-

- (a) international development;
- (b) encouragement of use of computer programs;
- (c) the fact that certain features of copyright law which are tailored to the fine arts might not necessary be applicable to computer programs; and
- (d) the solution adopted must balance the interests of users and producers.

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