

# WORLD TRADE ORGANIZATION

RESTRICTED

**IP/C/W/55**

27 February 1997

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**Council for Trade-Related Aspects  
of Intellectual Property Rights**

Original: English

## FOLLOW-UP TO THE REVIEW OF LEGISLATION ON COPYRIGHT AND RELATED RIGHTS

### Questions posed by Brazil

By means of a communication from the Permanent Mission of Brazil, dated 26 February 1997, the Secretariat has received the following questions that Brazil had communicated to Australia, Canada, Japan and the United States.

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AUSTRALIA, CANADA, JAPAN AND THE UNITED STATES

1. What are the prerequisites for the protection of a work, performance, phonogram and broadcasting by copyright and related rights under each category of subject matter? Does protection extend to the title of the work? Is there a special requisite for photographic works or to works of applied art?
2. What are the prerequisites for the protection of adaptations, translations, and other alterations of the original work, in particular cinematographic works?
3. Please indicate the legal provisions that ensure the protection of computer programs as literary works, according to Article 10(1) of the TRIPS Agreement. Does it incorporate source and object code?
4. Who is considered to be the author and right holder of the protected work in respect to each category of subject matter? Can a legal person be considered the author of intellectual works? If so, under what circumstances?
5. Please specify the types of licences available for works, performances, phonograms and broadcasting protected by copyright and related rights under the domestic law (voluntary, compulsory, etc.) and indicate the relevant legal provisions.
6. Please specify the exceptions to the right of reproduction (Article 9 of the Berne Convention), particularly with respect to wire and wireless digital transmissions and browsing on the internet?

UNITED STATES

1. Are computer programs protected by other forms of intellectual property rights other than copyright? If so, please explain the conditions for protection.
2. Please describe the criteria for the protection of phonograms under US copyright and related rights law.