After clarification, this amendment was unanimously adopted.

The meeting then voted unanimously to accept the entire set of recommended revisions to the Internal Rules.

This brought the business of the Second Session to a close.

THIRD SESSION

(Mr. Klau in the chair)

Mr. Klau welcomed Mrs. van Vliet from UNESCO to the Meeting.

Mr. Borde informed the full meeting that the Executive Committee had accepted as observers, the following four applicants:

- SÃO PAULO: FUNDACÃO CINEMATECA BRASILEIRA
- REYKJAVIK: KVIKMYNDASAFI ISLANDS
- MÜNCHEN: FILMAMUSEUM / MÜNCHER STADTMUSEUM
- BEIJING: CHINESE FILM ARCHIVE

10. REPORT OF THE COPYRIGHT COMMISSION AND DISCUSSION OF THE
UNESCO DOCUMENT ON THE PRESERVATION OF MOVING IMAGES.

Mr. Kuiper introduced the Report of the Copyright Commission (Annex 10).

Mr. Klau then reported on the UNESCO meeting which he and Mr. Borde had attended in Paris from 2-4 May 1979 to consider the first draft of an international recommendation to safeguard and preserve moving images. After giving a short historical outline of the development of this instrument, Mr. Klau explained that FIAF’s basic position had been determined by the responses received from 16 FIAF members to the document originating from the 1978 UNESCO General Assembly. In accordance with the views expressed by those members, Mr. Klau and Mr. Borde had suggested amendments to the working document being used by the Paris meeting.

- In the preamble to the document FIAF had first of all suggested an addition to acknowledge the results already obtained in the field of the preservation of moving images by film and television archives. This had been accepted. Secondly, they had sought to insert a statement to the effect that moving images represented a new form of artis-
tic expression which needed to be preserved just like books or paintings. This had also been agreed to.

- FIAF had tried to extend the scope of the proposed legal deposit to include foreign production, but had failed in the face of strong opposition from the production side. The revised text now recommends voluntary deposit for films by foreign producers.

- FIAF had also asked for preprint material to be included in the legal deposit, and after long discussion this had been agreed to.

- As far as the rights of archives were concerned, FIAF had pressed for rights to preservation, access and inter-archival loans. The producers had at first rejected all of these calls, but at length a compromise was reached, stating that:

  "the official archives should be entitled, subject to the relevant provisions of international conventions and of national legislation, to:

  a) undertake at their own expense all necessary measures for the safeguard of the moving image heritage.

  b) project the copy for educational or research purposes within its legal premises to a limited number of viewers on a strictly non-profit-making basis."

FIAF's representatives had been unable to obtain more substantial successions.

- FIAF had succeeded in gaining acceptance of the rights of already existing archives.

The proposal to establish a central agency in each country to execute the legal deposit was rejected.

- The proposal to make the legal deposit retrospective for films produced before the implementation of legislation was accepted.

Mr. Klaus then gave some information about the participants at the meeting. In addition to members of the UNESCO Secretariat there had been experts representing film archives and related spheres, the producers' representatives and, keeping the balance between the two, legal experts on international copyright.

The steps that will have to be taken in future were outlined in the Report of the Copyright Commission, but Mr. Klaus underlined the need for FIAF to find a legal expert since the formulation of the new draft was becoming increasingly a legal problem of devising a text which was in accordance with international copyright conventions and laws.
In general, Mr. Kleve thought that the work on a system of legal deposit had so far been very successful.

Mr. Rosen appreciated the energetic work which had gone into representing FIAF's views, but expressed a doubt as to the definition of an officially recognized archive, in view of the fact that in some countries there was more than one archive.

Mr. Kleve explained that the main problem had been to recommend solutions which would not harm the rights of existing archives and which would take account of the fact that in some countries there were several archives. There was indeed no mention of this point in the revised draft; a flexible wording had been preferred in order to leave it up to respective national legislation to decide the matter. Mr. Kleve thought that in most countries the officially recognized archive would be a member or observer of FIAF.

Mr. Kuiper explained further that the principal change which had been made in Paris was to delete previous references or allusions to a central archive. There had been a greater recognition of existing archives, which should open the door to an acknowledgement that there need not be just one archive in each country. In view of the fact that this was an issue on which there was a lot of controversy, Mr. Kuiper thought the compromise satisfactory and urged representations to UNESCO national commissions, were appropriate, to strengthen the case for recognition of a "plurality" of archives.

Mr. Kleve reiterated the importance of individual memberslobbying their respective UNESCO national commissions. As soon as the revised draft was available, a working group would be established to give advice as to the points that should be raised during future discussions on the recommendations.

Mrs. Bowser stressed the need at this stage for a common stance.

Mr. Pöschke, as a member of the FRG's UNESCO commission, said that he would like to receive FIAF's comments on the revised draft as soon as possible.

Mr. Konlechner congratulated the negotiators on the concessions they had won at the Paris meeting. He then sought clarification of Article 14: was the present position that archives would not be allowed to receive prints which had not been publicly distributed, or that they would not be permitted at all to receive other films? At best it was an unhappy formulation, he thought, and at worst a very dangerous point. Mr. Konlechner had failed to get his government to show interest in the proposed instrument and he recommended that FIAF should issue a
circular (which FIAF representatives could then use in representations to their governments) stressing that it was in fact of the utmost importance for their work.

Mr. Kloue read out the new text of Article 14:

"In accordance with the spirit of this recommendation, official archives should be encouraged to seek the voluntary deposit, subject to all the rights therein, of copies of moving images made by foreign producers and publicly distributed in the country concerned."

Mr. Kloue said that he shared Mr. Konlechner's doubts and that it was something that FIAF would have to work on in the future. He also supported the proposal to send out a circular letter.

Mr. Kula stressed that archives' rights would, in the final analysis, be dictated by national legislation and not by the revised document under discussion. Thus there was no need for archives to feel that they could not press on a national level for wider rights than those already conceded in the UNESCO draft.

Mr. Kuiper returned to the reference in the revised document to "officially designated archives" in the plural. FIAF members from countries with several archives now believed that this was a clear indication that there could be more than one official archive in a country. He asked, however, whether a commentary would be published with the final instrument to aid its ultimate interpretation.

Mrs. van Vliet first thanked the meeting for its invitation and passed on the best wishes of the Secretary-General of UNESCO. Then, turning to Mr. Kuiper's question, she said that there would be no explanatory report; it would be up to the General Conference and member States to interpret the document. She pointed out, however, that a commentary would accompany the revised draft and that it would contain the official points of view of the archives and of the producers.

Mr. Konlechner felt that there should be no specific mention of video discs, as this might lead later to a restrictive interpretation. Mr. Kloue explained that in fact FIAF's proposal to delete the specific reference to video discs in Article 5 of the document had been accepted, and the text now read:

"Research should be directed specifically towards the development of more stable supports for moving images."

Mr. Kloue went on to say that the producers had expressed their admiration for FIAF's preservation work and research and had even offered to help with the financial side of the matter. Furthermore,
a consensus had been reached with them on the section on technical measures: the series of recommendations under Article 16 of the working document had been rejected as not being worthwhile and the following statement substituted for it:

"The preservation of moving images calls for special conditions of storage and handling because of the physical properties of the different material supports. Member States should therefore take all the necessary measures so that moving images are preserved in accordance with the archival standards recommended by the international organisations competent in this field."

Mrs. von Wiet, in a reply to a question from Mr. Borde, said that the revised draft plus accompanying commentary should be ready by July.

Mr. Bøyli made two points with reference to Article 10 (f) (iii) of the Paris working document:

1) he felt there was no need to specify education or research. The two were intimately linked and he proposed a change in the text to "education and research."

2) the producers' fears would be calmed if it were stressed that most private showings of films by archives were 'viewing and working' sessions, often for the benefit of individual researchers. In this context, he felt the phrase in the text "to a limited number of viewers" was unduly restrictive, and asked whether there had been debate on this point.

Mr. Klein agreed with Mr. Bøyli's first suggestion. As for the second point, he said that it would be left to national legislation to lay down the conditions, but the present wording, he felt, was to be welcomed for its flexibility.

Referring to point 5 of the working document, Mr. Klein felt that FIAF's proposal to replace the phrase "stabilisation of nitrate film" by "transfer of the film to acetate support" was tantamount to casually conceding that research into the stabilisation of nitrate film had failed. This was a disappointing admission of defeat and he spoke in favour of continued research in the field.

11. RELATIONS WITH UNESCO AND OTHER INTERNATIONAL ORGANISATIONS

Mr. Pagegic explained that following the decision to withdraw from CICT, FIAF had immediately applied for admission to category B) of UNESCO. The application would probably be discussed in October.