

Announcement

from the Copyright Office, Library of Congress, Washington, D.C. 20559

ENTRY INTO FORCE OF THE
BERNE CONVENTION FOR THE PROTECTION
OF LITERARY AND ARTISTIC WORKS
AS REVISED AT PARIS ON JULY 24, 1971

The Copyright Office has been informed that on April 10, 1974, Spain deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) its instrument of ratification of the Universal Copyright Convention as Revised at Paris on July 24, 1971. (See ML-109.) The adherence of Spain to the Revised U.C.C. also fulfills the last condition under Article 28(2) for entry into force of the substantive provisions of the Berne Convention for the Protection of Literary and Artistic Works as Revised at Paris on July 24, 1971. The Paris revisions of both international copyright conventions entered into force on July 10, 1974.

The Berne Convention and the Universal Copyright Convention were revised simultaneously at Paris in July 1971 to provide comparable special exceptions permitting developing countries to institute compulsory licensing systems for translation and reproduction of copyrighted works for educational purposes under certain limitations in cases where the works are not made available in the country concerned within stated periods of time. The special exceptions for developing countries are included in an Appendix to the Paris Act of the Berne Convention, which is an integral part of the substantive provisions of the Paris Act. Articles 1 to 21 and the Appendix constitute the substantive provisions of the Paris Act, and it is these provisions that enter into force on July 10, 1974. The administrative provisions and final clauses (Articles 22 to 38) enter into force 3 months after notification of the deposit of the relevant instrument of ratification or accession with respect to each adherent, unless a later date is specified in the instrument deposited.

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Articles 1 to 20 appeared originally in the Stockholm Act (1967) of the Berne Convention and were incorporated without change in the Paris Act. Important substantive changes from the Brussels Act (1948) of the Berne Convention are now in force, in addition to the previously described special exceptions for developing countries. Among others, these changes are as follows: (1) the criteria for eligibility is broadened by adding the nationality of the author, and this becomes the primary criterion, with country of publication as a secondary criterion; (2) the definition of "publication" is adjusted to clarify that the copies must be available in sufficient quantities to "satisfy the reasonable requirements of the public, having regard to the nature of the work;" (3) the right of reproduction is mentioned expressly for the first time in an Act of the Berne Convention; (4) the "fair use" provisions concerning the press are broadened to include radio and television news reports; (5) significant new provisions affect cinematographic works, including a provision assimilating televised works to motion pictures, a provision on duration, specific provision for the criteria of eligibility in the case of cinematographic works, and rules of interpretation, subject to exceptions in national laws, concerning the rights of authors of pre-existing works and authors of the derived film; (6) the moral right is extended to a period at least as long as the period of protection for economic rights, with possible reservation on the ground of existing domestic law; and (7) fixation is not a condition for protection under the Paris Act, unless the domestic law makes it a condition.

Eight countries have adhered to the substantive provisions of the Paris Act and are listed as follows in the order of their adherence: France, Hungary, Sweden, Cameroon, Federal Republic of Germany, Spain, Ivory Coast, and Norway.

The United States is not party to any of the several Acts of the Berne Convention.