the Universal Copyright Convention

Please take a look at the important information in this header.

We encourage you to keep this file on your own disk, keeping an electronic path open for the next readers. Do not remove this.

****Welcome To The World of Free Plain Vanilla Electronic Texts****

****Etexts Readable By Both Humans and By Computers, Since 1971****

These Etexts Prepared By Hundreds of Volunteers and Donations

Information on contacting Project Gutenberg to get Etexts, and further information is included below. We need your donations.

The Universal Copyright Convention [1972]

April, 1995 [Etext #253]

Project Gutenberg's Etext of the Universal Copyright Convention
******This file should be named berne11.txt or berne11.zip*****

Corrected Editions Get New Numbers: berne12.txt or berne12.zip
VERSIONS based on separate sources get new LETTER, berne10a.txt

The original source of this document was:

Coalition for Networked Information Information Policies: A Compilation of Position Statements, Principles, Statutes, and Other Pertinent Statements

Several typos have been corrected and thousands of blank spaces used for indentation and trailing spaces have been removed. Widows and orphans have been eliminated from paragraphing. You can get the original from which this was created via ftp wiretap.spies.com as anonymous, cd Gov, cd Copyright

We are now trying to release all our books one month in advance of the official release dates, for time for better editing.

The official release date of all Project Gutenberg Etexts is at Midnight, Central Time, of the last day of the stated month. A preliminary version may often be posted for suggestion, comment and editing by those who wish to do so. To be sure you have an up to date first edition [xxxxx10x.xxx] please check file sizes in the first week of the next month. Since our ftp program has a bug in it that scrambles the date [tried to fix and failed] a look at the file size will have to do, but we will try to see a new copy has at least one byte more or less.

Information about Project Gutenberg

(one page)
We produce about two million dollars for each hour we work. The fifty hours is one conservative estimate for how long it we take to get any etext selected, entered, proofread, edited, copyright searched and analyzed, the copyright letters written, etc. This projected audience is one hundred million readers. If our value per text is nominally estimated at one dollar, then we produce 2 million dollars per hour this year we, will have to do four text files per month: thus upping our productivity from one million. The Goal of Project Gutenberg is to Give Away One Trillion Etext Files by the December 31, 2001. [10,000 x 100,000,000=Trillion] This is ten thousand titles each to one hundred million readers, which is 10% of the expected number of computer users by the end of the year 2001.
We need your donations more than ever!

All donations should be made to "Project Gutenberg/IBC", and are tax deductible to the extent allowable by law ("IBC" is Illinois Benedictine

College). (Subscriptions to our paper newsletter go to IBC, too)

For these and other matters, please mail to:

Project Gutenberg P. O. Box 2782 Champaign, IL 61825

When all other email fails try our Michael S. Hart, Executive Director: hart@vmd.cso.uiuc.edu (internet) hart@uiucvmd (bitnet)

We would prefer to send you this information by email (Internet, Bitnet, Compuserve, ATTMAIL or MCImail).

****** If you have an FTP program (or emulator), please FTP directly to the Project Gutenberg archives: [Mac users, do NOT point and click. . .type]

```
ftp mrcnext.cso.uiuc.edu
login:  anonymous
password:  your@login
cd etext/etext91
or cd etext92
or cd etext93 [for new books]  [now also in cd
etext/etext93]
or cd etext/articles [get suggest gut for more
information]
dir [to see files]
get or mget [to get files. . .set bin for zip files]
get INDEX100.GUT
get INDEX200.GUT
for a list of books
and
get NEW.GUT for general information
and
mget GUT* for newsletters.
**
```

Information prepared by the Project Gutenberg legal advisor

** (Three Pages)
START**THE SMALL PRINT!**FOR PUBLIC DOMAIN ETEXTS**START Why is this "Small Print!" statement here? You know: lawyers. They tell us you might sue us if there is something wrong with your copy of this etext, even if you got it for free from someone other than us, and even if what's wrong is not our fault. So, among other things, this "Small Print!" statement disclaims most of our liability to you. It also tells you how you can distribute copies of this etext if you want to.

***BEFORE!* YOU USE OR READ THIS ETEXT**

By using or reading any part of this PROJECT GUTENBERG-tm etext, you indicate that you understand, agree to and accept this "Small Print!" statement. If you do not, you can receive a refund of the money (if any) you paid for this etext by sending a request within 30 days of receiving it to the person you got it from. If you received this etext on a physical medium (such as a disk), you must return it with your request.

ABOUT PROJECT GUTENBERG-TM ETEXTS

This PROJECT GUTENBERG-tm etext, like most PROJECT GUTENBERG- tm etexts, is a "public domain" work distributed by Professor Michael S. Hart through the Project Gutenberg Association at Illinois Benedictine College (the "Project"). Among other things, this means that no one owns a United States copyright on or for this work, so the Project (and you!) can copy and distribute it in the United States without permission and without paying copyright royalties. Special rules, set forth below, apply if you wish to copy and distribute this etext under the Project's "PROJECT GUTENBERG" trademark.

To create these etexts, the Project expends considerable efforts to identify, transcribe and proofread public domain works. Despite these efforts, the Project's etexts and any medium they may be on may contain "Defects". Among other things, Defects may take the form of incomplete, inaccurate or corrupt data, transcription errors, a copyright or other intellectual property infringement, a defective or damaged disk or other etext medium, a computer virus, or computer codes that damage or cannot be read by your equipment.

LIMITED WARRANTY; DISCLAIMER OF DAMAGES

But for the "Right of Replacement or Refund" described below, [1] the Project (and any other party you may receive this etext from as a PROJECT GUTENBERG-tm etext) disclaims all liability to you for damages, costs and expenses, including legal fees, and [2] YOU HAVE NO REMEDIES FOR NEGLIGENCE OR UNDER STRICT LIABILITY, OR FOR BREACH OF WARRANTY OR CONTRACT, INCLUDING BUT NOT LIMITED TO INDIRECT, CONSEQUENTIAL, PUNITIVE OR INCIDENTAL DAMAGES, EVEN IF YOU GIVE NOTICE OF THE POSSIBILITY OF SUCH DAMAGES.

If you discover a Defect in this etext within 90 days of receiving it, you can receive a refund of the money (if any) you paid for it by sending an explanatory note within that time to the person you received it from. If you received it on a physical medium, you must return it with your note, and such person may choose to alternatively give you a replacement copy. If you received it electronically, such person may choose to alternatively give you a second opportunity to receive it electronically.

THIS ETEXT IS OTHERWISE PROVIDED TO YOU "AS-IS". NO OTHER WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, ARE MADE TO YOU AS TO THE ETEXT OR ANY MEDIUM IT MAY BE ON, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

Some states do not allow disclaimers of implied warranties or the exclusion or limitation of consequential damages, so the above disclaimers and exclusions may not apply to you, and you may have other legal rights.

INDEMNITY

You will indemnify and hold the Project, its directors, officers, members and agents harmless from all liability, cost and expense, including legal fees, that arise directly or indirectly from any of the

following that you do or cause: [1] distribution of this etext, [2] alteration, modification, or addition to the etext, or [3] any Defect.

DISTRIBUTION UNDER "PROJECT GUTENBERG-tm"

You may distribute copies of this etext electronically, or by disk, book or any other medium if you either delete this "Small Print!" and all other references to Project Gutenberg, or:

[1] Only give exact copies of it. Among other things, this requires that you do not remove, alter or modify the etext or this "small print!" statement. You may however, if you wish, distribute this etext in machine readable binary, compressed, mark-up, or proprietary form, including any form resulting from conversion by word pro- cessing or hypertext software, but only so long as *EITHER*:

[*] The etext, when displayed, is clearly readable, and does *not* contain characters other than those intended by the author of the work, although tilde (~), asterisk (*) and underline (_) characters may be used to convey punctuation intended by the author, and additional characters may be used to indicate hypertext links; OR

[*] The etext may be readily converted by the reader at no expense into plain ASCII, EBCDIC or equivalent form by the program that displays the etext (as is the case, for instance, with most word processors); OR

[*] You provide, or agree to also provide on request at no additional cost, fee or expense, a copy of the etext in its original plain ASCII form (or in EBCDIC or other equivalent proprietary form).

[2] Honor the etext refund and replacement provisions of this "Small Print!" statement.

[3] Pay a trademark license fee to the Project of 20% of the net profits you derive calculated using the method you already use to calculate your applicable taxes. If you don't derive profits, no royalty is due. Royalties are payable to "Project Gutenberg Association / Illinois Benedictine College" within the 60 days following each date you

prepare (or were legally required to prepare) your annual (or equivalent periodic) tax return.

WHAT IF YOU *WANT* TO SEND MONEY EVEN IF YOU DON'T HAVE TO?

The Project gratefully accepts contributions in money, time, scanning machines, OCR software, public domain etexts, royalty free copyright licenses, and every other sort of contribution you can think of. Money should be paid to "Project Gutenberg Association / Illinois Benedictine College".

This "Small Print!" by Charles B. Kramer, Attorney Internet (72600.2026@compuserve.com); TEL: (212-254-5093) *END*THE SMALL PRINT! FOR PUBLIC DOMAIN ETEXTS*Ver.04.29.93*END*

Source: International Copyright Conventions Circular 38c, Copyright Office, Washington, DC, pages 23-35.
Notes: Universal Copyright Convention as Revised at Paris, 1971. Convention and protocols done at Paris July 24, 1971; Ratification advised by the Senate of the United States of America August 14, 1972; Ratified by the President of the United States of America August 28, 1972; Ratification of the United States of America deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization September 18, 1972; Proclaimed by the President of the United States of America July 18, 1974; Entered into force July 10, 1974.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION
CONSIDERING THAT:
The Universal Copyright Convention as revised at Paris on July 24, 1971, together with two related protocols, the text of which, as certified by the Director, Office of International Standards and Legal Affairs, United Nations Educational, Scientific and Cultural Organization, in

the French, English and Spanish languages, is hereto annexed;
The Senate of the United States of America by its resolution of August 14, 1972, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Convention as revised, together with the two related protocols;
The President of the United States of America ratified the Convention as revised, together with the two related protocols on August 28, 1972, in pursuance of the advice and consent of the Senate;
The instrument of ratification by the United States of America was deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization on September 18, 1972, in accordance with paragraph 3 of Article VIII of the Convention as revised;
It is provided in paragraph 1 of Article IX of the Convention as revised that it shall come into force three months after the deposit of twelve instruments of ratification, acceptance or accession;
It is provided in paragraph 2(b) of each of the protocols that it shall enter into force in respect of each State on the date of deposit of the instrument of ratification, acceptance or accession of the State concerned or on the date of entry into force of the 1971 Convention with respect to such State, whichever is the later; and
Pursuant to the provisions of paragraph 1 of Article IX of the Convention as revised and paragraph 2(b) of each of the two related protocols, the Convention as revised, together with the two related protocols, entered into force on July 10, 1974.
NOW, THEREFORE, be it known that I, Richard Nixon, President of the United States of America, proclaim and make public the Convention as revised, together with the two related protocols, to the end that they shall be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.
IN TESTIMONY WHEREOF, I have signed this proclamation and caused the Seal of the United States of America to be affixed.
DONE at the city of Washington this eighteenth day of July in the year of our Lord one thousand nine hundred seventy-four and of the independence of [SEAL] the United States of America the one hundred ninety-ninth.

Richard Nixon
By the President: HENRY A. KISSINGER, Secretary of State
The Contracting States.
Moved by the desire to ensure in all countries copyright protection of literary, scientific and artistic works,
Convinced that a system of copyright protection appropriate to all nations of the world and expressed in a universal convention, additional to, and without impairing international systems already in force, will ensure respect for the rights of the individual and encourage the development of literature, the sciences and the arts,
Persuaded that such a universal copyright system will facilitate a wider dissemination of works of the human mind and increase international understanding,
Have resolved to revise the Universal Copyright Convention as signed at Geneva on 6 September 1952 (hereinafter called "the 1952 Convention"), and consequently,
Have agreed as follows:
ARTICLE I
Each Contracting State undertakes to provide for the adequate and effective protection of the rights of authors and other copyright proprietors in literary, scientific and artistic works, including writings, musical, dramatic and cinematographic works, and paintings, engravings and sculpture.
ARTICLE II
1. Published works of nationals of any Contracting State and works first published in that State shall enjoy in each other Contracting State the same protection as that other State accords to works of its nationals first published in its own territory, as well as the protection specially granted by this Convention.
2. Unpublished works of nationals of each Contracting State shall enjoy in each other Contracting State the same protection as that other State accords to unpublished works of its own nationals, as well as the protection specially granted by this Convention.
3. For the purposed of this Convention any Contracting State may, by domestic legislation, assimilate to its own nationals any person domiciled in that State.
ARTICLE III

1. Any Contracting State which, under its domestic law, requires as a condition of copyright, compliance with formalities such as deposit, registration, notice notarial certificates, payment of fees or manufacture or publication in that Contracting State, shall regard these requirements as satisfied with respect to all works protected in accordance with this Convention and first published outside its territory and the author of which is not one of its nationals, if from the time of the first publication all the copies of the work published with the authority of the author or other copyright proprietor bear the symbol of a lower case "c" inside of a circle accompanied by the name of the copyright proprietor and the year of first publication placed in such manner and location as to give reasonable notice of claim of copyright.
2. The provisions of paragraph 1 shall not preclude any Contracting State from requiring formalities or other conditions for the acquisition and enjoyment of copyright in respect of works first published in its territory or works of its nationals wherever published.
3. The provisions of paragraph 1 shall not preclude any Contracting State from providing that a person seeking judicial relief must, in bringing the action, comply with procedural requirements, such as that the complainant must appear through domestic counsel or that the complainant must deposit with the court or an administrative office, or both, a copy of the work involved in the litigation; provided that failure to comply with such requirements shall not affect the validity of the copyright, nor shall any such requirement be imposed upon a national of another Contracting State if such requirement is not imposed on nationals of the State in which protection is claimed.
4. In each Contracting State there shall be legal means of protecting without formalities the unpublished work of nationals of other Contracting States.
5. If a Contracting State grants protection for more than one term of copyright and the first term is for a period longer than one of the minimum periods prescribed in Article IV, such State shall not be required to comply with the provisions of paragraph 1 of this Article in respect of the second or any subsequent term of copyright.
ARTICLE IV
1. The duration of protection of a work shall be governed, in accordance with the provisions of Article II and this Article, by the law

of the Contracting State in which protection is claimed.
2. (a) The term of protection for works protected under this Convention shall not be less that the life of the author and twenty- five years after his death. However, any Contracting State which, on the effective date of this Convention in that State, has limited this term for certain classes of works to a period computed from this first publication of the work, shall be entitled to maintain these exceptions and to extend them to other classes of works. For all these classes the term of protection shall not be less than twenty- five years from the date of first publication.
(b) Any Contracting State which, upon the effective date of this Convention in that State, does not compute the term of protection upon the basis of the life of the author, shall be entitled to compute the term of protection from the date of the first publication of the work or from its registration prior to publication, as the case may be, provided the term of protection shall not be less than twenty-five years from the date of first publication or from its registration prior to publication, as the case may be.
(c) If the legislation of a Contracting State grants two or more successive terms of protection, the duration of the first term shall not be less than one of the minimum periods specified in subparagraphs (a) and (b).
3. The provisions of paragraph 2 shall not apply to photographic works or to works of applied art; provided, however, that the term of protection in those Contracting States which protect photographic works, or works of applied art in so far as they are protected as artistic works, shall not be less than ten years for each of said classes of works.
4. (a) No Contracting State shall be obliged to grant protection to a work for a period longer than that fixed for the class of works to which the work in question belongs, in the case of unpublished works by the law of the Contracting State of which the author is a national, and in the case of published works by the law of the Contracting State in which the work has been first published.
(b) For the purposes of the application of subparagraph (a), if the law of any Contracting State grants two or more successive terms of protection, the period of protection of that State shall be considered to be the aggregate of those terms. However, if a specified work is not protected by such State during the second or any subsequent term for

any reason, the other Contracting States shall not be obliged to protect it during the second or any subsequent term.
5. For the purposes of the application of paragraph 4, the work of a national of a Contracting State, first published in a non- Contracting State, shall be treated as though first published in the Contracting State of which the author is a national.
6. For the purposes of the application of paragraph 4, in case of simultaneous publication in two or more Contracting States, the work shall be treated as though first published in the State which affords the shortest term; any work published in two or more Contracting States within thirty days of its first publication shall be considered as having been published simultaneously in said Contracting States.

ARTICLE IVbis

1. The rights referred to in Article I shall include the basic rights ensuring the author's economic interests, including the exclusive right to authorize reproduction by any means, public performance and broadcasting. The provisions of this Article shall extend to works protected under this Convention either in their original form or in any form recognizably derived from the original.
2. However, any Contracting State may, by its domestic legislation, make exceptions that do not conflict with the spirit and provisions of this Convention, to the rights mentioned in paragraph 1 of this Article. Any State whose legislation so provides, shall nevertheless accord a reasonable degree of effective protection to each of the rights to which exception has been made.

ARTICLE V

1. The rights referred to in Article I shall include the exclusive right of the author to make, publish and authorize the making and publication of translations of works protected under this Convention.
2. However, any Contracting State may, by its domestic legislation, restrict the right of translation of writings, but only subject to the following provisions:
(a) If, after the expiration of a period of seven years from the date of the first publication of a writing, a translation of such writing has not been published in a language in general use in the Contracting State, by the owner of the right of translation or with his authorization, any national of such Contracting State may obtain a non-exclusive licence

from the competent authority thereof to translate the work into that language and publish the work so translated.
(b) Such national shall in accordance with the procedure of the State concerned, establish 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 licence may also be granted on the same conditions if all previous editions of a translation in a language in general use in the Contracting State are out of print.
(c) If the owner of the right of translation cannot be found, then the applicant for a licence 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 State of which such owner is a national, or to the organization which may have been designated by the government of that State. The licence 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.
(d) Due provision shall be made by domestic legislation to ensure to the owner of the right of translation a compensation which is just and conforms to international standards, to ensure payment and transmittal of such compensation, and to ensure a correct translation of the work.
(e) The original title and the name of the author of the work shall be printed on all copies of the published translation. The licence shall be valid only for publication of the translation in the territory of the Contracting State where it has been applied for. Copies so published may be imported and sold in another Contracting State if a language in general use in such other State is the same language as that into which the work has been so translated, and if the domestic law in such other State 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 Contracting State shall be governed by its domestic law and its agreements. The licence shall not be transferred by the licensee.
(f) The licence shall not be granted when the author has withdrawn from circulation all copies of the work.
ARTICLE Vbis

1. Any Contracting State regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations may, by a notification deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization (hereinafter called "the Director-General") at the time of its ratification, acceptance or accession or thereafter, avail itself of any or all of the exceptions provided for in Articles Vter and Vquater.
2. Any such notification shall be effective for ten years from the date of coming into force of this Convention, or for such part of that ten- year period as remains at the date of deposit of the notification, and may be renewed in whole or in part for further periods of ten years each if, not more than fifteen or less than three months before the expiration of the relevant ten-year period, the contracting State deposits a further notification with the Director-General. Initial notifications may also be made during these further periods of ten years in accordance with the provisions of this Article.
3. Notwithstanding the provisions of paragraph 2, a Contracting State that has ceased to be regarded as a developing country as referred to in paragraph 1 shall no longer be entitled to renew its notification made under the provisions of paragraph 1 or 2, and whether or not it formally withdraws the notification such State shall be precluded from availing itself of the exceptions provided for in Articles Vter and Vquater at the end of the current ten-year period, or at the end of three years after it has ceased to be regarded as a developing country, whichever period expires later.
4. Any copies of a work already made under the exceptions provided for in Articles Vter and Vquater may continue to be distributed after the expiration of the period for which notifications under this Article were effective until their stock is exhausted.
5. Any Contracting State that has deposited a notification in accordance with Article XIII with respect to the application of this Convention to a particular country or territory, the situation of which can be regarded as analogous to that of the States referred to in paragraph 1 of this Article, may also deposit notifications and renew them in accordance with the provisions of this Article with respect to any such country or territory. During the effective period of such notifications, the provisions of

Articles Vter and Vquater may be applied with respect to such country or territory. The sending of copies from the country or territory to the Contracting State shall be considered as export within the meaning of Articles Vter and Vquater.

ARTICLE Vter

1. (a) Any Contracting State to which Article Vbis (1) applies may substitute for the period of seven years provided for in Article V(2) a period of three years or any longer period prescribed by its legislation. However, in the case of a translation into a language not in general use in one or more developed countries that are party to this Convention or only the 1952 Convention, the period shall be one year instead of three.

(b) A Contracting State to which Article Vbis (1) applies may, with the unanimous agreement of the developed countries party to this Convention or only the 1952 Convention and in which the same language is in general use, substitute, in the case of translation into that language, for the period of three years provided for in sub-paragraph (a) another period as determined be such agreement but not shorter than one year. However, this sub-paragraph shall not apply where the language in question is English, French or Spanish. Notification of any such agreement shall be made to the Director-General.

(c) The licence may only be granted if the applicant, in accordance with the procedure of the State concerned, establishes either that he has requested, and been denied, authorization by the owner of the right of translation, or that, after due diligence on his part, he was unable to find the owner of the right. At the same time as he makes his request he shall inform either the International Copyright Information Centre established by the United Nations Educational, Scientific and Cultural Organization or any national or regional information centre which may have been designated in a notification to that effect deposited with the Director-General by the government of the State in which the publisher is believed to have his principal place of business.

(d) If the owner of the right of translation cannot be found, the applicant for a licence shall send, by registered airmail, copies of his application to the publisher whose name appears on the work and to any national or regional information centre as mentioned in sub-paragraph (c). If no such centre is notified he shall also send a copy to the international copyright information centre established by the

United Nations Educational, Scientific and Cultural Organization.
2. (a) Licenses obtainable after three years shall not be granted under this Article until a further period of six months has elapsed and licenses obtainable after one year until a further period of nine months has elapsed. The further period shall begin either from the date of the request for permission to translate mentioned in paragraph 1 (c) or, if the identity or address of the owner of the right of translation is not known, from the date of dispatch of the copies of the application for a licence mentioned in paragraph 1(d).
(b) Licenses shall not be granted if a translation has been published by the owner of the right of translation or with his authorization during the said period of six or nine months.
3. Any licence under this Article shall be granted only for the purpose of teaching, scholarship or research.
4. (a) Any licence granted under this Article shall not extend to the export of copies and shall be valid only for publication in the territory of the Contracting State where it has been applied for.
(b) Any copy published in accordance with a licence granted under this Article shall bear a notice in the appropriate language stating that the copy is available for distribution only in the Contracting State Granting the licence. If the writing bears the notice specified in Article III (1) the copies shall bear the same notice.
(c) The prohibition of export provided for in sub-paragraph (a) shall not apply where a governmental or other public entity of a State which has granted a licence under this Article to translate a work into a language other than English, French or Spanish sends copies of a translation prepared under such licence to another country if:
(i) the recipients are individuals who are nationals of the Contracting State granting the licence, or organizations grouping such individuals;
(ii) the copies are to be used only for the purpose of teaching, scholarship or research;
(iii) the sending of the copies and their subsequent distribution to recipients is without the object of commercial purpose; and
(iv) the country to which the copies have been sent has agreed with the Contracting State to allow the receipt, distribution or both and the Director-General has been notified of such agreement by any one of the governments which have concluded it.

5. Due provision shall be made at the national level to ensure:
(a) that the licence provides for just compensation that is consistent with standards of royalties normally operating in the case of licenses freely negotiated between persons in the two countries concerned; and
(b) payment and transmittal of the compensation; however, should national currency regulations intervene, the competent authority shall make all efforts, by the use of international machinery, to ensure transmittal in internationally convertible currency or its equivalent.
6. Any licence granted by a Contracting State under this Article shall terminate if a translation of the work in the same language with substantially the same content as the edition in respect of which the licence was granted is published in the said State by the owner of the right of translation or with his authorization, at a price reasonably related to that normally charged in the same State for comparable works. Any copies already made before the licence is terminated may continue to be distributed until their stock is exhausted.
7. For works which are composed mainly of illustrations a licence to translate the text and to reproduce the illustrations may be granted only if the conditions of Article Vquater are also fulfilled.
8. (a) A licence to translate a work protected under this Convention, published in printed or analogous forms of reproduction, may also be granted to a broadcasting organization having its headquarters in a Contracting State to which Article Vbis (1) applies, upon an application made in that State by the said organization under the following conditions:
(i) the translation is made from a copy made and acquired in accordance with the laws of the Contracting State;
(ii) the translation is for use only in broadcasts intended exclusively for teaching or for the dissemination of the results of specialized technical or scientific research to experts in a particular profession;
(iii) the translation is used exclusively for the purposes set out in condition (ii), through broadcasts lawfully made which are intended for recipients on the territory of the Contracting State, including broadcasts made through the medium of sound or visual recordings lawfully and exclusively made for the purpose of such broadcasts;
(iv) sound or visual recordings of the translation may be exchanged only between broadcasting organizations having their headquarters in

the Contracting State granting the licence; and
(v) all uses made of the translation are without any commercial purpose.
(b) Provided all of the criteria and conditions set out in subparagraph (a) are met, a licence may also be granted to a broadcasting organization to translate any text incorporated in an audio-visual fixation which was itself prepared and published for the sole purpose of being used in connexion with systematic instructional activities.
(c) Subject to sub-paragraphs (a) and (b), the other provisions of this Article shall apply to the grant and exercise of the licence.
9. Subject to the provisions of this Article, any licence granted under this Article shall be governed by the provisions of Article V, and shall continue to be governed by the provisions of Article V and of this Article, even after the seven-year period provided for in Article V (2) has expired. However, after the said period has expired, the licensee shall be free to request that the said licence be replaced by a new licence governed exclusively by the provisions of Article V.
ARTICLE Vquater
1. Any Contracting State to which Article Vbis (1) applies may adopt the following provisions:
(a) If, after the expiration of (i) the relevant period specified in sub-paragraph (c) commencing from the date of first publication of a particular edition of a literary, scientific or artistic work referred to in paragraph 3, or (ii) any longer period determined by national legislation of the State, copies of such edition have not been distributed in that State to the general public or in connexion with systematic instructional activities at a price reasonably related to that normally charged in the State for comparable works, by the owner of the right of reproduction or with his authorization, any national of such State may obtain a non-exclusive licence from the competent authority to publish such edition at that or a lower price for use in connexion with systematic instructional activities. The licence may only be granted if such national, in accordance with the procedure of the State concerned, established either that he has requested, and been denied, authorization by the proprietor of the right to publish such work, or that, after due diligence on his part, he was unable to find the owner of the right. At the same time as he makes his request he shall inform either the

international copyright information centre established by the United Nations Educational, Scientific and Cultural Organization or any national or regional information centre referred to in sub- paragraph (d).
(b) A licence may also be granted on the same conditions if, for a period of six months, no authorized copies of the edition in question have been on sale in the State concerned to the general public or in connexion with systematic instructional activities at a price reasonably related to that normally charged in the State for comparable works.
(c) The period referred to in sub-paragraph (a) shall be five years except that:
(i) for works of the natural and physical sciences, including mathematics, and of technology, the period shall be three years;
(ii) for works of fiction, poetry, drama and music, and for art books, the period shall be seven years.
(d) If the owner of the right of reproduction cannot be found, the applicant for a licence shall send, by registered air mail, copies of his application to the publisher whose name appears on the work and to any national or regional information centre identified as such in a notification deposited with the Director-General by the State in which the publisher is believed to have his principal place of business. In the absence of any such notification, he shall also send a copy to the international copyright information centre established by the United Nations Education, Scientific and Cultural Organization. The licence shall not be granted before the expiration of a period of three months from the date of dispatch of the copies of the application.
(e) Licenses obtainable after three years shall not be granted under this Article:
(i) until a period of six months has elapsed from the date of the request for permission referred to in sub- paragraph (a) or, if the identity or address of the owner of the right of reproduction is unknown, from the date of the dispatch of the copies of the application for a licence referred to in sub-paragraph (d);
(ii) if any such distribution of copies of the edition as is mentioned in sub-paragraph (a) has taken place during that period.
(f) The name of the author and the title of the particular edition of the work shall be printed on all copies of the published reproduction. The

licence shall not extend to the export of copies and shall be valid only for publication in the territory of the Contracting State where it has been applied for. The licence shall not be transferable by the licensee.
(g) Due provision shall be made by domestic legislation to ensure an accurate reproduction of the particular edition in question.
(h) A licence to reproduce and publish a translation of a work shall not be granted under this Article in the following cases:
(i) where the translation was not published by the owner of the right of translation or with his authorization;
(ii) where the translation is not in a language in general use in the State with power to grant the licence.
2. The exceptions provided for in paragraph 1 are subject to the following additional provisions:
(a) Any copy published in accordance with a licence granted under this Article shall bear a notice in the appropriate language stating that the copy is available for distribution only in the Contracting State to which the said licence applies. If the edition bears the notice specified in Article III (1), the copies shall bear the same notice.
(b) Due provision shall be made at the national level to ensure:
(i) that the licence provides for just compensation that is consistent with standards of royalties normally operating in the case licenses freely negotiated between persons in the two countries concerned; and
(ii) payment and transmittal of the compensation; however, should national currency regulations intervene, the competent authority shall make all efforts, by the use of international machinery, to ensure transmittal in internationally convertible currency or its equivalent.
(c) Whenever copies of an edition of a work are distributed in the Contracting State to the general public or in connexion with systematic instructional activities, by the owner of the right of reproduction or with his authorization, at a price reasonably related to that normally charged in the State for comparable works, any licence granted under this Article shall terminate if such edition is in the same language and is substantially the same in content as the edition published under the licence. Any copies already made before the licence is terminated may continue to be distributed until their stock is exhausted.
(d) No licence shall be granted when the author has withdrawn from circulation all copies of the edition in question.

3. (a) Subject to sub-paragraph (b), the literary, scientific or artistic works to which this Article applies shall be limited to works published in printed or analogous forms of reproduction.
(b) The provisions of this Article shall also apply to reproduction in audio-visual form of lawfully made audio- visual fixations including any protected works incorporated therein and to the translation of any incorporated text into a language in general use in the State with power to grant the licence; always provided that the audio-visual fixations in question were prepared and published for the sole purpose of being used in connexion with systematic instructional activities.

ARTICLE VI

"Publication", as used in this Convention, means the reproduction in tangible form and the general distribution to the public of copies of a work from which it can be read or otherwise visually perceived.

ARTICLE VII

This Convention shall not apply to works or rights in works which, at the effective date of this Convention in a Contracting State where protection is claimed, are permanently in the public domain in the said Contracting State.

ARTICLE VIII

1. This Convention, which shall bear the date of 24 July 1971, shall be deposited with the Director-General and shall remain open for signature by all States party to the 1952 Convention for a period of 120 days after the date of this Convention. It shall be subject to ratification or acceptance by the signatory States.
2. Any State which has not signed this Convention may accede thereto.
3. Ratification, acceptance or accession shall be effected by the deposit of an instrument to that effect with the Director-General.

ARTICLE IX

1. This Convention shall come into force three months after the deposit of twelve instruments of ratification, acceptance or accession.
2. Subsequently, this Convention shall come into force in respect of each State three months after that State has deposited its instrument of ratification, acceptance or accession.
3. Accession to this Convention by a State not party to the 1952 Convention shall also constitute accession to that Convention; however, if its instrument of accession is deposited before this Convention comes

into force, such State may make its accession to the 1952 Convention conditional upon the coming into force of this Convention. After the coming into force of this Convention, no State may accede solely to the 1952 Convention.

4. Relations between States party to this Convention and States that are party only to the 1952 Convention, shall be governed by the 1952 Convention. However, any State party only to the 1952 Convention may, by a notification deposited with the Director-General, declare that it will admit the application of the 1971 Convention to works of its nationals or works first published in its territory by all States party to this Convention.

ARTICLE X

1. Each Contracting State undertakes to adopt, in accordance with its Constitution, such measures as are necessary to ensure the application of this Convention.

2. It is understood that at the date this Convention comes into force in respect of any State, that State must be in a position under its domestic law to give effect to the terms of this Convention.

ARTICLE XI

1. An Intergovernmental Committee is hereby established with the following duties:

(a) to study the problems concerning the application and operation of the Universal Copyright Convention;

(b) to make preparation for periodic revisions of this Convention;

(c) to study any other problems concerning the international protection of copyright, in co-operation with the various interested international organizations, such as the United Nations Educational, Scientific and Cultural Organization, the International Union for the Protection of Literary and Artistic Works and the Organization of American States;

(d) to inform States party to the Universal Copyright Convention as to its activities.

2. The Committee shall consist of the representatives of eighteen States party to this Convention or only to the 1952 Convention.

3. The Committee shall be selected with due consideration to a fair balance of national interests on the basis of geographical location, population, languages and stage of development.

4. The Director-General of the United Nations Educational, Scientific

and Cultural Organization, the Director-General of the World Intellectual Property Organization and the Secretary-General of the Organization of American States, or their representatives, may attend meetings of the Committee in an advisory capacity.

ARTICLE XII

The Intergovernmental Committee shall convene a conference for revision whenever it deems necessary, or at the request of at least ten States party to this Convention.

ARTICLE XIII

1. Any Contracting State may, at the time of deposit of its instrument of ratification, acceptance or accession, or at any time thereafter, declare by notification addressed to the Director-General that this Convention shall apply to all or any of the countries or territories for the international relations of which it is responsible and this Convention shall thereupon apply to the countries or territories named in such notification after the expiration of the term of three months provided for in Article IX. In the absence of such notification, this Convention shall not apply to any such country or territory.

2. However, nothing in this Article shall be understood as implying the recognition or tacit acceptance by a Contracting State of the factual situation concerning a country or territory to which this Convention is made applicable by another Contracting State in accordance with the provisions of this Article.

ARTICLE XIV

1. Any Contracting State may denounce this Convention in its own name or on behalf of all or any of the countries or territories with respect to which a notification has been given under Article XIII. The denunciation shall be made by notification addressed to the Director-General. Such denunciation shall also constitute denunciation of the 1952 Convention.

2. Such denunciation shall operate only in respect of the State or of the country or territory on whose behalf it was made and shall not take effect until twelve months after the date of receipt of the notification.

ARTICLE XV

A dispute between two or more Contracting States concerning the interpretation or application of this Convention, not settled by negotiation, shall, unless the States concerned agree on some other

method of settlement, be brought before the International Court of Justice for determination by it.

ARTICLE XVI

1. This Convention shall be established in English, French, and Spanish. The three texts shall be signed and shall be equally authoritative.

2. Official texts of this Convention shall be established by the Director-General, after consultation with the governments concerned, in Arabic, German, Italian, and Portuguese.

3. Any Contracting State or group of Contracting States shall be entitled to have established by the Director-General other texts in the language of its choice by arrangement with the Director-General.

4. All such texts shall be annexed to the signed texts of this Convention.

ARTICLE XVII

1. This Convention shall not in any way affect the provisions of the Berne Convention for the Protection of Literary and Artistic Works or membership in the Union created by that Convention.

2. In application of the foregoing paragraph, a declaration has been annexed to the present Article. This declaration is an integral part of this Convention for the States bound by the Berne Convention on 1 January 1951, or which have or may become bound to it at a later date. The signature of this Convention by such States shall also constitute signature of the said declaration, and ratification, acceptance or accession by such States shall include the declaration, as well as this Convention.

ARTICLE XVIII

This Convention shall not abrogate multilateral or bilateral copyright conventions or arrangements that are or may be in effect exclusively between two or more American Republics. In the event of any difference either between the provisions of such existing conventions or arrangements and the provisions of this Convention, or between the provisions of this Convention and those of any new convention or arrangement which may be formulated between two or more American Republics after this Convention comes into force, the convention or arrangement most recently formulated shall prevail between the parties thereto. Rights in works acquired in any Contracting State under existing conventions or arrangements before the date this Convention

comes into force in such State shall not be affected.

ARTICLE XIX

This Convention shall not abrogate multilateral or bilateral conventions or arrangements in effect between two or more Contracting States. In the event of any difference between the provisions of such existing conventions or arrangements and the provisions of this Convention, the provisions of this Convention shall prevail. Rights in works acquired in any Contracting State under existing conventions or arrangements before the date on which this Convention comes into force in such State shall not be affected. Nothing in this Article shall affect the provisions of Articles XVII and XVIII.

ARTICLE XX

Reservations to this Convention shall not be permitted.

ARTICLE XXI

1. The Director-General shall send duly certified copies of this Convention to the States interested and to the Secretary-General of the United Nations for registration by him.

2. He shall also inform all interested States of the ratifications, acceptances, accessions which have been deposited, the date on which this Convention comes into force, the notifications under this Convention and denunciations under Article XIV.

APPENDIX DECLARATION RELATING TO ARTICLE XVII

The States which are members of the International Union for the Protection of Literary and Artistic Works (hereinafter called "the Berne Union") and which are signatories of this Convention,

Desiring to reinforce their mutual relations on the basis of the said Union and to avoid any conflict which might result from the coexistence of the Berne Convention and the Universal Copyright Convention,

Recognizing the temporary need of some States to adjust their level of copyright protection in accordance with their stage of cultural, social and economic development,

Have, by common agreement, accepted the terms of the following declaration:

(a) Except as provided by paragraph (b), works which, according to the Berne Convention, have as their country of origin a country which has withdrawn from the Berne Union after 1 January 1951, shall not be

protected by the Universal Copyright Convention in the countries of the Berne Union;
(b) Where a Contracting State is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, and has deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization, at the time of its withdrawal from the Berne Union, a notification to the effect that it regards itself as a developing country, the provisions of paragraph (a) shall not be applicable as long as such State may avail itself of the exceptions provided for by this Convention in accordance with Article Vbis;
(c) The Universal Copyright Convention shall not be applicable to the relationships among countries of the Berne Union in so far as it relates to the protection of works having as their country of origin, within the meaning of the Berne Convention, a country of the Berne Union.

RESOLUTION CONCERNING ARTICLE XI

The Conference for Revision of the Universal Copyright Convention,
Having considered the problems relating to the Intergovernmental Committee provided for in Article XI of this Convention, to which this resolution is annexed,
Resolves that:
1. At its inception, the Committee shall include representative of the twelve States members of the Intergovernmental Committee established under Article XI of the 1952 Convention and the resolution annexed to it, and, in addition, representatives of the following States: Algeria, Australia, Japan, Mexico, Senegal and Yugoslavia.
2. Any States that are not party to the 1952 Convention and have not acceded to this Convention before the first ordinary session of the Committee following the entry into force of this Convention shall be replaced by other States to be selected by the Committee at its first ordinary session in conformity with the provisions of Article XI (2) and (3).
3. As soon as this Convention comes into force the Committee as provided for in paragraph 1 shall be deemed to be constituted in accordance with Article XI of this Convention.
4. A session of the Committee shall take place with one year after the coming into force of this Convention; thereafter the Committee shall

meet in ordinary session at intervals of not more than two years.
5. The Committee shall elect its Chairman and two Vice- Chairmen. It shall establish its Rules of Procedure having regard to the following principles:
(a) The normal duration of the term of office of the members represented on the Committee shall be six years with one-third retiring every two years, it being however understood that, of the original terms of office, one-third shall expire at the end of the Committee's second ordinary session which will follow the entry into force of this Convention, a further third at the end of its third ordinary session, and the remaining third at the end of its fourth ordinary session.
(b) The rules governing the procedure whereby the Committee shall fill vacancies, the order in which terms of membership expire, eligibility for reelection, and election procedures, shall be based upon a balancing of the needs for continuity of membership and rotation of representation, as well as the considerations set out in Article XI (3).
Expresses the wish that the United Nations Educational, Scientific and Cultural Organization provide its Secretariat.
In faith whereof the undersigned, having deposited their respective full powers, have signed this Convention.
DONE at Paris, this twenty-fourth day of July 1971, in a single copy.
PROTOCOL 1
Annexed to the Universal Copyright Convention as revised at Paris on 24 July 1971 concerning the application of that Convention to works of Stateless persons and refugees
The States party hereto, being also party to the Universal Copyright Convention as revised at Paris on 24 July 1971 (hereinafter called "the 1971 Convention"),
Have accepted the following provisions:
1. Stateless persons and refugees who have their habitual residence in a State party to this Protocol shall, for the purposes of the 1971 Convention, be assimilated to the nationals of that State.
2. (a) This Protocol shall be signed and shall be subject to ratification or acceptance, or may be acceded to, as if the provisions of Article VIII of the 1971 Convention applied hereto.
(b) This Protocol shall enter into force in respect of each State, on the date of deposit of the instrument of ratification, acceptance or accession

of the State concerned or on the date of entry into force of the 1971 Convention with respect to such State, whichever is the later.
(c) On the entry into force of this Protocol in respect of a State not party to Protocol 1 annexed to the 1952 Convention, the latter Protocol shall be deemed to enter into force in respect of such State.
In faith whereof the undersigned, being duly authorized thereto, have signed this Protocol.
Done at Paris this twenty-fourth day of July 1971, in the English, French and Spanish languages, the three texts being equally authoritative, in a single copy which shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization. The Director-General shall send certified copies to the signatory States, and to the Secretary-General of the United Nations for registration.
PROTOCOL 2
Annexed to the Universal Copyright convention as revised at Paris on 24 July 1971 concerning the application of that Convention to the works of certain international organizations
The States party hereto, being also party to the Universal Copyright Convention as revised at Paris on 24 July 1971 (hereinafter called "the 1971 Convention"),
Have accepted the following provisions:
1. (a) The protection provided for in Article II (1) of the 1971 Convention shall apply to works published for the first time by the United Nations by the Specialized Agencies in relationship therewith, or by the Organization of American States.
(b) Similarly, Article II (2) of the 1971 Convention shall apply to the said organization or agencies. 2. (a) This Protocol shall be signed and shall be subject to ratification or acceptance, or may be acceded to, as if the provisions of Article VIII of the 1971 Convention applied hereto.
(b) This Protocol shall enter into force for each State on the date of deposit of the instrument of ratification, acceptance or accession of the State concerned or on the date of entry into force of the 1971 Convention with respect to such State, whichever is the later.
In faith whereof the undersigned, being duly authorized thereto, have signed this Protocol.
Done at Paris, this twenty-fourth day of July 1971, in the English,

French and Spanish languages, the three texts being equally authoritative, in a single copy which shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization. The Director-General shall send certified copies to the signatory States, and to the Secretary-General of the United Nations for registration.
Certified a true and complete copy of the original of the Universal Copyright Convention as revised at Paris on 24 July 1971, of the Protocol 1 annexed to the Universal Copyright Convention as revised at Paris on 24 July 1971 concerning the application of that Convention to works of Stateless persons and refugees and of the Protocol 2 annexed to the Universal Copyright Convention as revised at Paris on 24 July 1971 concerning the application of that Convention to the works of certain international organizations.
Paris, 24. 12. 1971 Claude Lussier.
Director, Office of International Standards and Legal Affairs, United Nations Educational, Scientific and Cultural Organization.

End of Project Gutenberg's Etext of the Universal Copyright Convention

the Universal Copyright Convention

from http://www.dertz.in/