

## **Foreign and International Copyright**

There is no such thing as an “international copyright” that automatically protects an author’s works throughout the world. Protection against unauthorized use in a particular country depends on the national laws of that country. However, most countries offer protection to foreign works under certain conditions that have been greatly simplified by international copyright treaties and conventions.

There are two principal international copyright conventions, the Berne Union for the Protection of Literary and Artistic Property (Berne Convention) and the Universal Copyright Convention (UCC). Generally, the works of an author who is a national or domiciliary of a country that is a member of these treaties or whose works were first published in a member country or published within 30 days of first publication in a Berne Union country may claim protection under them.

### **Berne Convention**

The United States became a member of the Berne Convention on March 1, 1989. There are no formal requirements in the Berne Convention. The United States changed its law on March 1, 1989, making the use of a copyright notice optional because the Berne Convention prohibits formal requirements that affect the “exercise and enjoyment” of the copyright. United States law, however, still provides certain advantages for use of a copyright notice; for instance, the use of a copyright notice can defeat a defense of “innocent infringement.”

### **Universal Copyright Convention**

The United States became a member of the UCC on September 16, 1955. Under the UCC, any formality in a national law may be satisfied by the use of a notice of copyright in the form and position specified in the UCC. A UCC notice consists of the symbol (c), which is a C in a circle, accompanied by the year of first publication and the name of the copyright proprietor. The notice must be placed in such manner and location as to give reasonable notice of the claim to copyright.

### **Bilateral Agreements and National Laws**

Even if a work cannot be brought under an international convention, protection may still be available in other countries by virtue of a bilateral agreement between the United States and other countries or under a specific provision of a country’s national laws. An author who wishes copyright protection for his or her work in a particular country should determine the extent of protection available to works of foreign authors in that country before the work is published anywhere because protection may depend on the facts existing at the time of first publication. There are

some countries that offer little or no copyright protection to any foreign works.

Ms. Harper registers and defends your trademarks and copyrights. Please contact her for further information regarding the registration process both domestically and internationally.