



ANNOUNCEMENT

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

NOTICE OF PUBLIC AVAILABILITY OF A REPORT AND INVITATION TO COMMENT

REPORT OF AN AD HOC GROUP ON THE LEGAL ISSUES RELATING
TO THE CONSIDERATION OF ADHERENCE BY THE UNITED STATES TO THE
BERNE CONVENTION; AVAILABILITY AND INVITATION TO COMMENT

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LIBRARY OF CONGRESS

Copyright Office

Report of an Ad Hoc Group on the Legal Issues Relating to the Consideration of Adherence by the United States to the Berne Convention; Availability and Invitation To Comment

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of public availability of a Report and invitation to comment.

SUMMARY: By this Notice, the Copyright Office, in cooperation with the Department of State, announces the public availability of the Draft Report of the Ad Hoc Working Group on United States Adherence to the Berne Convention. Following receipt of comments from members of the public a final Report will be prepared. In this Report, the Ad Hoc Group analyzes the United States Copyright Act of 1976 (title 17 U.S.C.) other Federal and State statutes, and the common law, and compares them with the provisions and obligations of the Berne Convention for Protection of Literary and Artistic Works (Paris, 1971 version). The Ad Hoc Group attempts to identify legal issues regarding the extent to which the United States copyright and other laws are or

are not compatible with the Berne Convention.

DATE: Written comments should be submitted on or before March 31, 1986.

ADDRESSES: Copies of the Report are available for public inspection and copying in Room LM-401 of the James Madison Memorial Building of the Library of Congress, First Street and Independence Avenue, SE., Washington, DC. To the extent of available stock, copies may be requested by writing to: Ralph Oman, The Register of Copyrights, Library of Congress, Department D.S., Washington, DC 20540.

Written comments should be addressed to: Harvey J. Winter, Office of Business Practices, Department of State, Washington, DC 20520.

Comments sent to the United States Copyright office will be shared with the Department of State and the members of the Ad Hoc Working Group, who will consider the comments in connection with the preparation of its final Report and publish all comments as an appendix to the Final Report. The Copyright Office will receive copies of comments sent to the Department of State. All comments will be made available for public inspection and copying in the Public Information Office of the Copyright Office, Room 401 of the James Madison Memorial Building of the Library of Congress, First Street and Independence Avenue SE., Washington, DC.

SUPPLEMENTARY INFORMATION: The Berne Copyright Convention for the Protection of Literary and Artistic Works is one of two global, multilateral copyright conventions. It was originally signed at Berne, Switzerland on September 9, 1886, and has been revised at periodic intervals since then. The latest text of the Berne Convention is that agreed to at Paris in 1971. The United States is not a member of this Convention,¹ largely because many copyright scholars and government officials thought that the United States copyright law was incompatible with certain obligations of the Berne Convention. As a result of the general revision of the United States copyright law in 1976, some of the incompatibility has been eliminated, and United States adherence to Berne would now require fewer changes in United States law.

As the Berne Convention enters its centennial year, many artists and writers, and the copyright industries generally, have expressed renewed interest in United States accession to the Convention. At the request of the Department of State, several individuals with long experience in international copyright joined together as an "Ad Hoc Working Group" to identify those

¹ The United States is, and has been since its inception in 1955, a member of the other international copyright convention, the Universal Copyright Convention (Geneva 1952 and Paris 1971 versions).

provisions of United States law that were incompatible with the Berne Convention, and that might require changes in United States law. The Group addressed this overriding issue: do the United States Copyright Act, other Federal and State statutes, and common law provide protection of the nature required by the Convention for works originating in other Berne member countries?

The Ad Hoc Group prepared a Report on this technical legal issue that might assist both Houses of Congress, the Executive Branch, and the public in their consideration of United States adherence to Berne. Further information

about the composition of the Group, and its methodology and purpose, may be found in an extensive foreword to the Report. Representatives of the Department of State, the Copyright Office, and the Patent and Trademark Office participated as *ex officio* members of this private sector Group.

The Report analyzes fourteen basic subjects: Compulsory Cable License; Exemptions; Jukebox License; Manufacturing Clause; Mechanical License; Moral Rights; Notice; Public Broadcasting License; Registration, Recordation, and Deposit; Renewal and Duration; Retroactivity; Self-Execution; Subject Matter; and Works-Made-for-

Hire.

The purpose of this Notice is both to inform the public of the availability of the Ad Hoc Group's Report, and to invite them to submit written comment on any or all of it. The Report, along with the public comments, will be made available to Congress as it considers the question of United States adherence to the Berne Convention.

Dated: January 24, 1986.

Ralph Oman,

Register of Copyrights.

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