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Friday, July 14, 1967

Proclamation 3792

COPYRIGHT EXTENSION: GERMANY

By the President of the United States of America
A Proclamation

WHEREAS the President is authorized, in accordance with the conditions prescribed in Section 9 of Title 17 of the United States Code, which includes the provisions of the act of Congress approved March 4, 1909, 35 Stat. 1075, as amended by the act of September 25, 1941, 55 Stat. 732, to grant an extension of time for fulfillment of the conditions and formalities prescribed by the copyright laws of the United States of America, with respect to works first produced or published outside the United States of America and subject to copyright or to renewal of copyright under the laws of the United States of America, by nationals of countries which accord substantially equal treatment to citizens of the United States of America; and

WHEREAS satisfactory official assurances have been received that, since April 15, 1892, citizens of the United States have been entitled to obtain copyright in Germany for their works on substantially the same basis as German citizens without the need of complying with any formalities, provided such works secured protection in the United States; and

WHEREAS, pursuant to Article 2 of the Law No. 8, Industrial, Literary and Artistic Property Rights of Foreign Nations and Nationals, promulgated by the Allied High Commission for Germany on October 20, 1949, literary or artistic property rights in Germany owned by United States nationals at the commencement of or during the state of war between Germany and the United States of America which were transferred, seized, requisitioned, revoked or otherwise impaired by war measures, whether legislative, judicial or administrative, were, upon request made prior to October 3, 1950, restored to such United States nationals or their legal successors; and

WHEREAS, pursuant to Article 5 of the aforesaid law, any literary or artistic property right in Germany owned by a United States national at the commencement of or during the state of war between Germany and the United States of America was, upon request made prior to October 3, 1950, extended in term for a period corresponding to the inclusive time from the date of the commencement of the state of war, or such later date on which such right came in existence, to September 30, 1949; and

WHEREAS, by virtue of a proclamation by the President of the United States of America dated May 25, 1922, 42 Stat. 2271, German citizens are and have been entitled to the benefits of the act of Congress approved March 4, 1909, 35 Stat. 1075, as amended, including the benefits of Section 1(e) of the aforementioned Title 17 of the United States Code; and

WHEREAS, a letter of February 6, 1950, from the Chancellor of the Federal Republic of Germany to the Chairman of the Allied High Commission for Germany established the mutual understanding that reciprocal copyright relations continued in effect between the Federal Republic of Germany and the United States of America:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, by virtue of the authority vested in me by Section 9 of Title 17 of the United States Code, do declare and proclaim:

(1) That, with respect to works first produced or published outside the United States of America: (a) where the work was subject to copyright under the laws of the United States of America on or after September 3, 1939, and on or before May 5, 1956, by an author or other owner who was then a German citizen; or (b) where the work was subject to renewal of copyright under the laws of the United States of America on or after September 3, 1939, and on or before May 5, 1956, by an author or other person specified in Sections 24 and 25 of the aforesaid Title 17 who was then a German citizen, there has existed during several years of the aforementioned period such disruption and suspension of facilities essential to compliance with conditions and formalities prescribed with respect to such works by the copyright law of the United States of America as to bring such works within the terms of Section 9(b) of the aforesaid Title 17; and

(2) That, in view of the reciprocal treatment accorded to citizens of the United States by the Federal Republic of Germany, the time within which persons who are presently German citizens may comply with such conditions and formalities with respect to such works is hereby extended for one year after the date of this proclamation.

It shall be understood that the term of copyright in any case is not and cannot be altered or affected by this proclamation. It shall also be understood that, as provided by Section 9(b) of Title 17, United States Code, no liability shall attach under that title for lawful uses made or acts done prior to the effective date of this proclamation in connection with the above-described works, or with respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation or performance of any such works.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of July in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.



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THE LIBRARY OF CONGRESS
WASHINGTON, D. C. 20540

HOW TO DETERMINE WHETHER A WORK IS COPYRIGHTED

A. GENERAL INFORMATION

1. Notice of Copyright. A notice of copyright (Example: © John Doe 1965 or Copyright John Doe 1965) on a published work indicates that copyright is claimed in that particular work. See Sections 3, 10, 19, and 20 of Title 17, United States Code (copyrights). One function of this notice is to warn potential users not to copy the work without proper authorization. If a published work does not bear the copyright notice required by law, it is probably not protected by copyright. For exceptions, see Sections 10 and 21 of Title 17, United States Code (copyrights).

The absence of a copyright notice on a work which *has never been published* should not be construed to mean that the work is not protected by law. Protection may be available either on the basis of common law literary property rights or by reason of registration in the Copyright Office.

2. Duration of Copyright. United States copyright lasts for 28 years and may be renewed for an additional 28 years. If the copyright is not renewed during the 28th year, the particular work becomes "public domain" and is no longer subject to the protection of the United States copyright law. On the other hand, if the copyright is renewed, it does not expire until the end of the 56th year. (For an exception to the 56-year limit, see the back of this circular.)

3. New Versions. The law provides that copyright can be secured in arrangements, adaptations, translations, dramatizations, and other versions of previous works. If the previous work is in the public domain, copyright in the new version covers only the additions or revisions, and gives no new rights in the public domain material. If the previous work is still protected by copyright, it is necessary to obtain permission from the copyright owner before making a new version or quoting substantially from it.

4. Copyright Office Records. The Copyright Office maintains records of copyright registrations and recorded documents. It also publishes the *Catalog of Copyright Entries* which lists all registrations. The *Catalog* is issued in several parts for different kinds of works and each part covers a 6-month period. However, the *Catalog* does not include entries for assignments or other recorded documents.

The Copyright Office maintains no listing of works by subject, and keeps no separate records of "public domain" works. Individual works, such as poems, stories, songs, or articles, which appeared as contributions to a periodical, anthology, or other composite work are not listed separately by title unless they were separately registered.

If you are near a library that maintains a file of the *Catalog of Copyright Entries* you may be able to avoid the cost of a search by consulting the printed *Catalog* yourself.

B. COPYRIGHT OFFICE SEARCHES

1. **In General.** The Copyright Office can make a search of its records at the rate of \$5 per hour, which is the fee fixed by law. If you furnish the information needed for a search, the Copyright Office will first estimate the total fee and after receiving the estimated fee, will make a search and furnish the report.

The fact that a search of Copyright Office records discloses no information about a particular work does not necessarily mean that the work is unprotected. For example, registration for unpublished works is not required. Some claimants for published works fail to file their applications as promptly as they should, and delay in registration generally has no effect on the validity of a copyright. Also, some foreign works are protected in this country under international conventions to which the United States may be a party, without the necessity of registration.

2. **Information Needed.** When requesting a search, please furnish us as much of the following information as possible: title of the work; name of the author or authors; name of the copyright claimant; year date of publication, deposit, or registration; class of work (book, music, photograph, etc.); registration number.

3. **Searches Concerning Transfers of Copyright Ownership.** If you wish information on assignments and other recorded documents relating to changes in the ownership of a copyright, request this information specifically. It is not otherwise included in search reports.

4. Limitations on Searches.

a. *No Comparison for Similarity.* The Copyright Office does not search or compare works to determine questions of similarity.

b. *No Legal Advice.* The Copyright Office cannot express an opinion on the legal effect of the facts reported.

c. *Titles and Names Not Copyrightable.* If your concern is about using a particular title or name, a search of the Copyright Office records may be of little value. Copyright does not give exclusive rights to titles, and the records contain many different works identified by the same or similar titles. In some circumstances, titles may be protected under the law of unfair competition, but this is a matter of State law, not copyright. Trademarks are registered in the Patent Office.

EXTENSION OF COPYRIGHT TERM IN CERTAIN CASES. Recent acts of Congress in effect extend the length of all second-term copyrights that were due to expire between September 19, 1962 and December 31, 1968. Under the acts, these copyrights will continue in force until December 31, 1968. The extension is automatic and does not require any action in the Copyright Office.

For example, a work that was first entered for copyright on October 5, 1907, and was renewed in 1935, would normally have fallen into the public domain on October 5, 1963; the acts in question extend it to December 31, 1968. Another example is a work that was first copyrighted on April 10, 1910, and renewed in 1938, which would normally have fallen into the public domain on April 10, 1966; under this legislation, the renewal copyright is extended until December 31, 1968.

NOTE: This extension does not apply to copyrights in their first 28-year term. It has no effect on the time limits for renewal registration, and it does not revive any copyrights that have already expired. The extension applies only to copyrights previously renewed in which the second term would otherwise expire.



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WASHINGTON, D.C. 20540

DECISIONS OF THE UNITED STATES COURTS INVOLVING COPYRIGHT, 1965-1966

Compiled and edited by Benjamin W. Rudd
Washington, 1967. 950 p. (Bulletin No. 35)

This bulletin, nineteenth in a series compiled by the Copyright Office for official and public use, contains substantially all federal and state copyright cases, as well as cases involving related subjects in the field of intellectual property, reported during the years 1965 and 1966. A supplemental list of related cases, which do not directly involve copyright, is included in the appendix. The volume is for sale by the Superintendent of Documents, Washington, D.C. 20402, at a price of \$3.75.

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