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OGC HAS REVIEWED.

Deputy Chief, FDD

9 March 1960

Acting Chief, BE

Copyright Material, Particularly Czechoslovak

1. The copyright problem is with us more forcefully than ever because of the Czechoslovak Government ratification of the principles of the Universal Copyright Convention, apparently formed in Geneva in 1952 at the initiative of UNESCO. See the attached AmEmbassy Prague despatch dated 13 January 1960. The despatch states that Czechoslovakia will adhere to the principles of the Convention beginning 1 January 1960. It also states that the U.S. and Czechoslovak governments have agreed that author's rights are guaranteed for 50 years based on an April 1927 agreement.

2. A survey of 1960 Czechoslovak sources received thus far indicates that most of the important economic journals bear some form of copyright. Sociological and political journals, including the primary party theoretical journal, have not as yet contained a copyright caveat. Only one newspaper, of a sociological nature, contains a copyright. Military and paramilitary sources thus far do not contain copyrights.

3. The matter is complicated by the variations in the wording of the caveat appearing in the sources, e.g.,:

Copyright symbol only; the letter c within a circle.

The symbol, plus "Reproduction permitted only with permission of editorial staff and with protection of author's rights."

No symbol, but "Reproduction permitted with permission of editorial staff and with source citation."

No symbol, but "Republication permitted with source citation."

No symbol, but "Reprint permitted only with citation of source and protection of author's rights."

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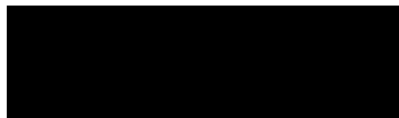
4. Some 1959 Czechoslovak sources contained the restrictive language cited above without the symbol appearing. Some also contained the caveat, "All rights reserved." One English-language journal requested "Anyone using articles from this issue for reprint is kindly requested to send us a copy of their issue with the reprint."

5. Many analysts agree that Czechoslovakia has been assigned a key role in SovBloc efforts at economic penetration of the non-Communist world. Because of this and its relatively high degree of industrialization, it is desirable to provide as widespread dissemination of information on Czechoslovakia as is possible within the legal limitations imposed by the copyright.

6. It is possible that other East European countries will follow the lead of Czechoslovakia in ratifying the principles of the Copyright Convention. I understand that Yugoslavia has lodged a protest with the Department of State over US reproduction of a copyrighted Croatian book, and that a Polish scientific publication containing a copyright has been found in the Division. Also, Department of State correspondence indicates that reciprocal copyright arrangements exist between the US and Rumania, although this Branch has not found any Rumanian sources with copyright caveats.

7. Because of the above and the complexity of copyright law, I suggest that the Agency Legislative Counsel's Office be asked to define our obligations with respect to Czechoslovak and other East European copyrights, from the viewpoint of US Government recognition of such copyrights, and that they be requested to interpret the meaning of the caveats listed in Paragraphs 3. and 4. above. Another question might concern the specific wording and language required under the Copyright Convention in order for the caveator to impose a legal restriction upon the caveatee.

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