

International Copyright Relations of the United States

There is no such thing as an “international copyright” that will automatically protect an author’s writings throughout the world. Protection against unauthorized use in a particular country depends on the national laws of that country.

Many countries offer protection to foreign works under certain conditions that have been greatly simplified by international copyright treaties and conventions. This circular provides a brief overview of the international conventions, treaties, and other bilateral instruments that the United States has concluded with other countries, and it details the participation of other countries in these same instruments.

The United States is a member of many treaties and conventions affecting copyright, including those administered by the World Intellectual Property Organization (WIPO): the Berne Convention for the Protection of Literary and Artistic Works; the WIPO Copyright Treaty; the WIPO Performances and Phonograms Treaty; the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms; and the Brussels Convention Relating to the Distribution of Program-Carrying Signals Transmitted by Satellite. The United Nations Educational, Scientific, and Cultural Organization administers the Universal Copyright Convention.

The World Trade Organization administers the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which sets forth obligations related to intellectual property rights, including copyright and enforcement measures, in the context of a multilateral trade agreement.

The treaties and conventions noted above include substantive obligations. Many also define “points of attachment,” the factors that connect an eligible work to be protected among treaty member countries. An author’s nationality or the place a work was first published are examples of points of attachment. Sections 104 and 104A of the U.S. Copyright Act specify the scope of protection for unpublished and published foreign works.

In addition to international treaties and conventions, other instruments, such as free trade agreements, require member countries to comply with specific obligations. Building on TRIPS, the free trade agreements concluded by the United States require the parties to have robust copyright laws and enforcement measures. A bilateral free trade agreement between the United States and another country does not usually create a first point of attachment for a U.S. work in that other country, or vice versa (the two parties are usually already members of international treaties). Specific facts, circumstances, and national laws are important in any international copyright analysis.

Recent international developments have resulted in two new WIPO copyright treaties: the Beijing Treaty on Audiovisual Performances and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

Circular 38A

If you seek copyright protection for your U.S. work in another country, it is important to determine the points of attachment under that country's copyright system. If possible, do this before your work is published anywhere, because protection may depend on the facts existing at the time of first publication. The scope of protection available in that country will then turn on the substantive provisions available under that country's law and practice. Keep in mind, however, that some countries offer little or no copyright protection to foreign works.

For more information on the scope of copyright protection provided by other countries, you may want to consult a legal expert familiar with foreign and U.S. copyright laws. The U.S. Copyright Office is not permitted to recommend attorneys or agents to give legal advice on foreign or domestic laws.

Relations as of September 2016

This publication documents the countries that are parties to specific multilateral copyright conventions or agreements, as well as those that have specific bilateral relationships with the United States. The relevant agreements and their abbreviations are listed below. A list of countries follows, indicating which agreements each country has signed and the date each agreement took effect.

Agreements and Treaties

BAC · Buenos Aires Convention of 1910. U.S. ratification deposited with the government of Argentina, May 1, 1911; proclaimed by the president of the United States, July 13, 1914.

Berne · Berne Convention for the Protection of Literary and Artistic Works. Appearing within parentheses in the country listing that follows is the latest act of the convention to which the country is party. Thus "Berne (Paris)" means the Berne Convention as revised at Paris on July 24, 1971, and as amended on September 28, 1979. "Berne (Brussels)" means the convention as revised at Brussels on June 26, 1948. "Berne (Rome)" means the convention as revised at Rome on June 2, 1928. Other acts of the convention were revised at Stockholm on July 14, 1967, and at Berlin on Nov. 13, 1908. In each case, a reference to a particular act signifies adherence only to the substantive provisions of the act. For example, the substantive provisions of Berne (Paris) include articles 1 to 21 and the appendix; articles 22 to 38 deal with administrative provisions of the convention. The effective date for U.S. adherence to the Berne Convention is Mar. 1, 1989.

Bilateral · Bilateral copyright relations with the United States by virtue of a proclamation, or treaty. Where there is more than one proclamation or treaty, only the date of the first one is given.

FTA · Free Trade Agreement. The United States has concluded comprehensive free trade agreements (many bilaterally, some regionally) with multiple countries. With the exception of the U.S.-Israel agreement, the FTAs contain chapters on intellectual property rights, which include substantive copyright law and enforcement obligations.

None · No known copyright relations with the United States.

Phonograms · Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms, Geneva, 1971. The effective date for the United States is Mar. 10, 1974.

SAT · Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, Brussels, 1974. The effective date for the United States is Mar. 7, 1985.

UCC Geneva · Universal Copyright Convention, Geneva, 1952. The effective date for the United States is Sept. 16, 1955, the date the treaty entered into force.

UCC Paris · Universal Copyright Convention as revised at Paris, 1971. The effective date for the United States is July 10, 1974, the date the treaty entered into force.

Unclear · Copyright relations status is unclear; a country may not have established copyright relations with the United States but may be honoring obligations incurred under a former political status, including possible relationships as a territory.

WCT · World Intellectual Property Organization (WIPO) Copyright Treaty, Geneva, 1996. The effective date for the United States is Mar. 6, 2002, the date the treaty entered into force.

WPPT · WIPO Performances and Phonograms Treaty, Geneva, 1996. The effective date for the United States is May 20, 2002, the date the treaty entered into force.

WTO · World Trade Organization (WTO), established pursuant to the Marrakesh Agreement of Apr. 15, 1994, to implement the Uruguay Round Agreements. The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is one of the WTO agreements. It includes substantive obligations for the protection of copyright and other intellectual property rights as well as their enforcement. The effective date of United States membership in the WTO is Jan. 1, 1995.

Treaty Membership

Convention or Treaty	Member Parties, including United States
Berne (various texts)	172
Phonograms	78
SAT	37
UCC Geneva	100
UCC Paris	65
WCT	94
WPPT	94
WTO	164

The United States has not yet acceded to the two treaties below.

BTAP¹ · Beijing Treaty on Audiovisual Performances. On June 26, 2012, the United States and 47 other nations signed the treaty. It will enter into force once 30 eligible parties, including countries or certain intergovernmental organizations, ratify it.

VIP² · The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. This treaty was adopted on June 27, 2013, and enters into force once 20 eligible parties, including countries or certain intergovernmental organizations, ratify it. The date of the entry into force is Sept. 30, 2016.

Countries³

Afghanistan · WTO July 29, 2016

Albania · Berne (Paris) Mar. 6, 1994; WTO Sept. 8, 2000; Phonograms June 26, 2001; WPPT May 20, 2002; UCC Geneva Feb. 4, 2004; UCC Paris Feb. 4, 2004; WCT Aug. 6, 2005

Algeria · UCC Geneva Aug. 28, 1973; UCC Paris July 10, 1974; Berne (Paris) Apr. 19, 1998; WCT Jan. 31, 2014; WPPT Jan. 31, 2014

Andorra · UCC Geneva Sept. 16, 1955; Berne (Paris) June 2, 2004

Angola · WTO Nov. 23, 1996

Antigua and Barbuda · WTO Jan. 1, 1995; Berne (Paris) Mar. 17, 2000

Argentina · Bilateral Aug. 23, 1934; BAC Apr. 19, 1950; UCC Geneva Feb. 13, 1958; Berne (Paris) June 10, 1967; Phonograms June 30, 1973; WTO Jan. 1, 1995; WCT Mar. 6, 2002; WPPT May 20, 2002

Armenia · SAT Dec. 13, 1993; Berne (Paris) Oct. 19, 2000; Phonograms Jan. 31, 2003; WTO Feb. 5, 2003; WCT Mar. 6, 2005; WPPT Mar. 6, 2005

Australia · Bilateral Mar. 15, 1918; Berne (Paris) Apr. 14, 1928; UCC Geneva May 1, 1969; Phonograms June 22, 1974; UCC Paris Feb. 29, 1978; SAT Oct. 26, 1990; WTO Jan. 1, 1995; FTA Jan. 1, 2005⁴; WCT July 26, 2007; WPPT July 26, 2007

Austria · Bilateral Sept. 20, 1907; Berne (Paris) Oct. 1, 1920; UCC Geneva July 2, 1957; SAT Aug. 6, 1982; UCC Paris Aug. 14, 1982; Phonograms Aug. 21, 1982; WTO Jan. 1, 1995; WCT Mar. 14, 2010; WPPT Mar. 14, 2010

Azerbaijan⁵ · UCC Geneva Apr. 7, 1997; Berne (Paris) June 4, 1999; Phonograms Sept. 1, 2001; WCT Apr. 11, 2006; WPPT Apr. 11, 2006

Bahamas · Berne (Brussels) July 10, 1973; UCC Geneva July 13, 1976; UCC Paris Dec. 27, 1976

Bahrain · WTO Jan. 1, 1995; Berne (Paris) Mar. 2, 1997; WCT Dec. 15, 2005; WPPT Dec. 15, 2005; FTA Jan. 11, 2006⁶; SAT May 1, 2007

Bangladesh · UCC Geneva Aug. 5, 1975; UCC Paris Aug. 5, 1975; WTO Jan. 1, 1995; Berne (Paris) May 4, 1999

Barbados · UCC Geneva June 18, 1983; UCC Paris June 18, 1983; Berne (Paris) July 30, 1983; Phonograms July 29, 1983; WTO Jan. 1, 1995

Belarus⁵ · UCC Geneva Mar. 29, 1994; Berne (Paris) Dec. 12, 1997; WCT Mar. 6, 2002; WPPT May 20, 2002; Phonograms Apr. 17, 2003

Belgium · Berne (Paris) Dec. 5, 1887; Bilateral July 1, 1891⁷; UCC Geneva Aug. 31, 1960; WTO Jan. 1, 1995; WCT Aug. 30, 2006; WPPT Aug. 30, 2006

Belize · UCC Geneva Dec. 1, 1982; WTO Jan. 1, 1995; Berne (Paris) June 17, 2000

Benin · Berne (Paris) Jan. 3, 1961; WTO Feb. 22, 1996; WCT Apr. 16, 2006; WPPT Apr. 16, 2006

Bhutan · Berne (Paris) Nov. 25, 2004

Bolivia · BAC May 15, 1914; UCC Geneva Mar. 22, 1990; UCC Paris Mar. 22, 1990; Berne (Paris) Nov. 4, 1993; WTO Sept. 12, 1995

Bosnia and Herzegovina · Berne (Paris) Mar. 1, 1992; UCC Geneva July 12, 1993; UCC Paris July 12, 1993; SAT Jan. 12, 1994; Phonograms May 25, 2009; WCT Nov. 25, 2009; WPPT Nov. 25, 2009

Botswana · *WTO* May 31, 1995; *Berne (Paris)* Apr. 15, 1998; *WCT* Jan. 27, 2005; *WPPT* Jan. 27, 2005

Brazil · *BAC* Aug. 31, 1915; *Berne (Paris)* Feb. 9, 1922; *Bilateral* Apr. 2, 1957; *UCC Geneva* Jan. 13, 1960; *Phonograms* Nov. 28, 1975; *UCC Paris* Dec. 11, 1975; *WTO* Jan. 1, 1995

Brunei · *WTO* Jan. 1, 1995; *Berne (Paris)* Aug. 30, 2006

Bulgaria · *Berne (Paris)* Dec. 5, 1921; *UCC Geneva* June 7, 1975; *UCC Paris* June 7, 1975; *Phonograms* Sept. 6, 1995; *WTO* Dec. 1, 1996; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002

Burkina Faso · *Berne (Paris)* Aug. 19, 1963; *Phonograms* Jan. 30, 1988; *WTO* June 3, 1995; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002

Burundi · *WTO* July 23, 1995; *Berne (Paris)* Apr. 12, 2016; *WCT* Apr. 12, 2016

Cambodia · *UCC Geneva* Sept. 16, 1955; *WTO* Oct. 13, 2004

Cameroon · *Berne (Paris)* Sept. 21, 1964; *UCC Geneva* May 1, 1973; *UCC Paris* July 10, 1974; *WTO* Dec. 13, 1995

Canada · *Bilateral* Jan. 1, 1924; *Berne (Paris)* Apr. 10, 1928; *UCC Geneva* Aug. 10, 1962; *FTA* Jan. 1, 1994⁸; *WTO* Jan. 1, 1995; *WCT* Aug. 13, 2014; *WPPT* Aug. 13, 2014

Cape Verde · *Berne (Paris)* July 7, 1997; *WTO* July 23, 2008

Central African Republic · *Berne (Paris)* Sept. 3, 1977; *WTO* May 31, 1995

Chad · *Berne (Brussels/Stockholm)* Nov. 25, 1971; *WTO* Oct. 19, 1996

Chile · *Bilateral* May 25, 1896; *BAC* June 14, 1955; *UCC Geneva* Sept. 16, 1955; *Berne (Paris)* June 5, 1970; *Phonograms* Mar. 24, 1977; *WTO* Jan. 1, 1995; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002; *FTA* Jan. 1, 2004⁹; *SAT* June 8, 2011

China · *Bilateral* Jan. 13, 1904¹⁰; *Bilateral* Nov. 30, 1948; *Bilateral* Mar. 17, 1992¹¹; *Berne (Paris)* Oct. 15, 1992; *UCC Geneva* Oct. 30, 1992; *UCC Paris* Oct. 30, 1992; *Phonograms* Apr. 30, 1993; *WTO* Dec. 11, 2001; *WCT* June 9, 2007; *WPPT* June 9, 2007

Chinese Taipei (Taiwan)¹⁰ · *WTO* Jan. 1, 2002

Colombia · *BAC* Dec. 23, 1936; *UCC Geneva* June 18, 1976; *UCC Paris* June 18, 1976; *Berne (Paris)* Mar. 7, 1988; *Phonograms* May 16, 1994; *WTO* Apr. 30, 1995; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002; *FTA* May 15, 2012; *SAT* Mar. 20, 2014

Comoros · *Berne (Paris)* Apr. 17, 2005

Congo, Democratic Republic of the · *Berne (Paris)* Oct. 8, 1963; *WTO* Jan. 1, 1997; *Phonograms* Nov. 29, 1977

Congo · *Berne (Paris)* May 8, 1962; *WTO* Mar. 27, 1997

Costa Rica¹² · *Bilateral* Oct. 19, 1899; *BAC* Nov. 30, 1916; *UCC Geneva* Sept. 16, 1955; *Berne (Paris)* June 10, 1978; *UCC Paris* Mar. 7, 1980; *Phonograms* June 17, 1982; *WTO* Jan. 1, 1995; *SAT* June 25, 1999; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002; *FTA* Jan. 1, 2009¹³

Cote d'Ivoire · *Berne (Paris)* Jan. 1, 1962; *WTO* Jan. 1, 1995

Croatia · *Berne (Paris)* Oct. 8, 1991; *UCC Paris* July 6, 1992; *UCC Geneva* July 6, 1992; *SAT* July 26, 1993; *Phonograms* Apr. 20, 2000; *WTO* Nov. 30, 2000; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002

Cuba · *Bilateral* Nov. 17, 1903; *BAC* May 28, 1913; *UCC Geneva* June 18, 1957; *WTO* Apr. 20, 1995; *Berne (Paris)* Feb. 20, 1997

Cyprus · *Berne (Paris)* Feb. 24, 1964; *UCC Geneva* Dec. 19, 1990; *UCC Paris* Dec. 19, 1990; *Phonograms* Sept. 30, 1993; *WTO* July 30, 1995; *WCT* Nov. 4, 2003; *WPPT* Dec. 2, 2005

Czech Republic · *Berne (Paris)* Jan. 1, 1993; *Phonograms* Jan. 1, 1993; *UCC Geneva* Mar. 26, 1993; *UCC Paris* Mar. 26, 1993; *WTO* Jan. 1, 1995; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002

Denmark · *Bilateral* May 8, 1893; *Berne (Paris)* July 1, 1903; *UCC Geneva* Feb. 9, 1962; *Phonograms* Mar. 24, 1977; *UCC Paris* July 11, 1979; *WTO* Jan. 1, 1995; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010

Djibouti · *WTO* May 31, 1995; *Berne (Paris)* May 13, 2002

Dominica · *WTO* Jan. 1, 1995; *Berne (Paris)* Aug. 7, 1999

Dominican Republic¹² · *BAC* Oct. 31, 1912; *UCC Geneva* May 8, 1983; *UCC Paris* May 8, 1983; *WTO* Mar. 9, 1995; *Berne (Paris)* Dec. 24, 1997; *WCT* Jan. 10, 2006; *WPPT* Jan. 10, 2006; *FTA* Mar. 1, 2007¹³

Ecuador · *BAC* Aug. 31, 1914; *UCC Geneva* June 5, 1957; *Phonograms* Sept. 14, 1974; *UCC Paris* Sept. 6, 1991; *Berne (Paris)* Oct. 9, 1991; *WTO* Jan. 21, 1996; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002

Egypt · *Berne (Paris)* June 7, 1977; *Phonograms* Apr. 23, 1978; *WTO* June 30, 1995

El Salvador · *Bilateral* June 30, 1908¹⁴; *Phonograms* Feb. 9, 1979; *UCC Geneva* Mar. 29, 1979; *UCC Paris* Mar. 29, 1979; *Berne (Paris)* Feb. 19, 1994; *WTO* May 7, 1995; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002; *FTA* Mar. 1, 2006¹³; *SAT* July 22, 2008

- Equatorial Guinea** · *Berne (Paris)* June 26, 1997
- Eritrea** · *None*
- Estonia** · *Berne (Paris)* Oct. 26, 1994; *WTO* Nov. 13, 1999; *Phonograms* May 28, 2000; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010
- Ethiopia** · *None*
- European Union**¹⁵ · *WTO* Jan. 1, 1995; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010
- Fiji** · *Berne (Brussels)* Dec. 1, 1971; *UCC Geneva* Dec. 13, 1971; *Phonograms* Apr. 18, 1973; *WTO* Jan. 14, 1996
- Finland** · *Berne (Paris)* Apr. 1, 1928; *Bilateral* Jan. 1, 1929; *UCC Geneva* Apr. 16, 1963; *Phonograms* Apr. 18, 1973; *UCC Paris* Nov. 1, 1986; *WTO* Jan. 1, 1995; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010
- France** · *Berne (Paris)* Dec. 5, 1887; *Bilateral* July 1, 1891⁷; *UCC Geneva* Jan. 14, 1956; *Phonograms* Apr. 18, 1973; *UCC Paris* July 10, 1974; *WTO* Jan. 1, 1995; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010
- Gabon** · *Berne (Paris)* Mar. 26, 1962; *WTO* Jan. 1, 1995; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002
- Gambia, The** · *Berne (Paris)* Mar. 7, 1993; *WTO* Oct. 23, 1996
- Georgia** · *Berne (Paris)* May 16, 1995; *WTO* June 14, 2000; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002
- Germany**¹⁶ · *Berne (Paris)* Dec. 5, 1887¹⁷; *Bilateral* Apr. 15, 1892; *UCC Geneva* Sept. 16, 1955; *Bilateral* July 12, 1967¹⁸; *Phonograms* May 18, 1974; *UCC Paris* July 10, 1974; *SAT* Aug. 25, 1979; *WTO* Jan. 1, 1995; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010
- Ghana** · *UCC Geneva* Aug. 22, 1962; *Berne (Paris)* Oct. 11, 1991; *WTO* Jan. 1, 1995; *WCT* Nov. 18, 2006; *WPPT* Feb. 16, 2013
- Greece** · *Berne (Paris)* Nov. 9, 1920; *Bilateral* Mar. 1, 1932; *UCC Geneva* Aug. 24, 1963; *SAT* Oct. 22, 1991; *Phonograms* Feb. 9, 1994; *WTO* Jan. 1, 1995; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010
- Grenada** · *WTO* Feb. 22, 1996; *Berne (Paris)* Sept. 22, 1998
- Guatemala**¹² · *BAC* Mar. 28, 1913; *UCC Geneva* Oct. 28, 1964; *Phonograms* Feb. 1, 1977; *WTO* July 21, 1995; *Berne (Paris)* July 28, 1997; *WPPT* Jan. 8, 2003; *WCT* Feb. 4, 2003; *FTA* July 1, 2006¹³
- Guinea** · *Berne (Paris)* Nov. 20, 1980; *UCC Geneva* Nov. 13, 1981; *UCC Paris* Nov. 13, 1981; *WTO* Oct. 25, 1995; *WCT* May 25, 2002; *WPPT* May 25, 2002
- Guinea-Bissau** · *Berne (Paris)* July 22, 1991; *WTO* May 31, 1995
- Guyana** · *Berne (Paris)* Oct. 25, 1994; *WTO* Jan. 1, 1995
- Haiti** · *BAC* Nov. 27, 1919; *UCC Geneva* Sept. 16, 1955; *Berne (Paris)* Jan. 11, 1996; *WTO* Jan. 30, 1996
- Holy See** · *Berne (Paris)* Sept. 12, 1935; *UCC Geneva* Oct. 5, 1955; *Phonograms* July 18, 1977; *UCC Paris* May 6, 1980
- Honduras**¹² · *BAC* Apr. 27, 1914; *Berne (Paris)* Jan. 25, 1990; *Phonograms* Mar. 6, 1990; *WTO* Jan. 1, 1995; *WCT* May 20, 2002; *WPPT* May 20, 2002; *FTA* Apr. 1, 2006¹³; *SAT* Apr. 7, 2008
- Hong Kong, China**¹⁹ · *WTO* Jan. 1, 1995; *Berne (Paris)* July 1, 1997; *Phonograms* July 1, 1997
- Hungary** · *Bilateral* Oct. 16, 1912; *Berne (Paris)* Feb. 14, 1922; *UCC Geneva* Jan. 23, 1971; *UCC Paris* July 10, 1974; *Phonograms* May 28, 1975; *WTO* Jan. 1, 1995; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002
- Iceland** · *Berne (Paris)* Sept. 7, 1947; *UCC Geneva* Dec. 18, 1956; *WTO* Jan. 1, 1995
- India** · *Berne (Paris)* Apr. 1, 1928; *Bilateral* Aug. 15, 1947; *UCC Geneva* Jan. 21, 1958; *Phonograms* Feb. 12, 1975; *UCC Paris* Apr. 7, 1988; *WTO* Jan. 1, 1995
- Indonesia** · *Bilateral* Aug. 1, 1989; *WTO* Jan. 1, 1995; *Berne (Paris)* Sept. 5, 1997; *WCT* Mar. 6, 2002; *WPPT* Feb. 15, 2005
- Iran** · *None*
- Iraq** · *None*
- Ireland** · *Berne (Paris)* Oct. 5, 1927; *Bilateral* Oct. 1, 1929; *UCC Geneva* Jan. 20, 1959; *WTO* Jan. 1, 1995; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010
- Israel** · *Bilateral* May 15, 1948; *Berne (Paris)* Mar. 24, 1950; *UCC Geneva* Sept. 16, 1955; *Phonograms* May 1, 1978; *FTA* Aug. 19, 1985; *Bilateral* Sept. 1, 1985; *WTO* Apr. 21, 1995
- Italy** · *Berne (Paris)* Dec. 5, 1887; *Bilateral* Oct. 31, 1892; *Bilateral* May 1, 1915; *UCC Geneva* Jan. 24, 1957; *Phonograms* Mar. 24, 1977; *UCC Paris* Jan. 25, 1980; *SAT* July 7, 1981; *WTO* Jan. 1, 1995; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010
- Jamaica** · *Berne (Paris)* Jan. 1, 1994; *Phonograms* Jan. 11, 1994; *WTO* Mar. 9, 1995; *SAT* Jan. 12, 2000; *WCT* June 12, 2002; *WPPT* June 12, 2002

Japan²⁰ · *Berne (Paris)* July 15, 1899; *Bilateral* May 10, 1906; *UCC Geneva* Apr. 28, 1956; *UCC Paris* Oct. 21, 1977; *Phonograms* Oct. 14, 1978; *WTO* Jan. 1, 1995; *WCT* Mar. 6, 2002; *WPPT* Oct. 9, 2002

Jordan · *Berne (Paris)* July 28, 1999; *WTO* Apr. 11, 2000; *FTA* Dec. 17, 2001²¹; *WCT* Apr. 27, 2004; *WPPT* May 24, 2004

Kazakhstan⁵ · *UCC Geneva* Aug. 6, 1992; *Berne (Paris)* Apr. 12, 1999; *Phonograms* Aug. 3, 2001; *WCT* Nov. 12, 2004; *WPPT* Nov. 12, 2004; *WTO* Nov. 30, 2015

Kenya · *UCC Geneva* Sept. 7, 1966; *UCC Paris* July 10, 1974; *Phonograms* Apr. 21, 1976; *SAT* Aug. 25, 1979; *Berne (Paris)* June 11, 1993; *WTO* Jan. 1, 1995

Kiribati · *Unclear*

Korea, Democratic People's Republic of North · *Berne (Paris)* Apr. 28, 2003

Korea, Republic of · *UCC Geneva* Oct. 1, 1987; *UCC Paris* Oct. 1, 1987; *Phonograms* Oct. 10, 1987; *WTO* Jan. 1, 1995; *Berne (Paris)* Aug. 21, 1996; *WCT* June 24, 2004; *WPPT* Mar. 18, 2009; *FTA* Mar. 15, 2012

Kuwait · *WTO* Jan. 1, 1995; *Berne (Paris)* Dec. 2, 2014

Kyrgyz Republic · *WTO* Dec. 20, 1998; *Berne (Paris)* July 8, 1999; *WCT* Mar. 6, 2002; *WPPT* Aug. 15, 2002; *Phonograms* Oct. 12, 2002

Lao People's Democratic Republic · *UCC Geneva* Sept. 16, 1955; *Berne* Mar. 14, 2012; *WTO* Feb. 2, 2013

Latvia · *Berne (Paris)* Aug. 11, 1995; *Phonograms* Aug. 23, 1997; *WTO* Feb. 10, 1999; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002

Lebanon · *Berne (Rome)* Sept. 30, 1947; *UCC Geneva* Oct. 17, 1959

Lesotho · *Berne (Paris)* Sept. 28, 1989; *WTO* May 31, 1995

Liberia · *UCC Geneva* July 27, 1956; *Berne (Paris)* Mar. 8, 1989; *Phonograms* Dec. 16, 2005; *WTO* July 14, 2016

Libya · *Berne (Paris)* Sept. 28, 1976

Liechtenstein · *Berne (Paris)* July 30, 1931; *UCC Geneva* Jan. 22, 1959; *WTO* Sept. 1, 1995; *Phonograms* Oct. 12, 1999; *UCC Paris* Nov. 11, 1999; *WCT* Apr. 30, 2007; *WPPT* Apr. 30, 2007

Lithuania · *Berne (Paris)* Dec. 14, 1994; *Phonograms* Jan. 27, 2000; *WTO* May 31, 2001; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002

Luxembourg · *Berne (Paris)* June 20, 1888; *Bilateral (two)* June 29, 1910; *UCC Geneva* Oct. 15, 1955; *Phonograms* Mar. 8, 1976; *WTO* Jan. 1, 1995; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010

Macau, China²² · *WTO* Jan. 1, 1995

Macedonia, Former Yugoslav Republic of · *Berne (Paris)* Sept. 8, 1991; *SAT* Sept. 2, 1977; *UCC Geneva* Apr. 30, 1997; *UCC Paris* Apr. 30, 1997; *Phonograms* Mar. 2, 1998; *WTO* Apr. 4, 2003; *WCT* Feb. 4, 2004; *WPPT* Mar. 20, 2005

Madagascar · *Berne (Brussels)* Jan. 1, 1966; *WTO* Nov. 17, 1995; *WCT* Feb. 24, 2015; *WPPT* Feb. 24, 2015

Malawi · *UCC Geneva* Oct. 26, 1965; *Berne (Paris)* Oct. 12, 1991; *WTO* May 31, 1995

Malaysia · *Berne (Paris)* Oct. 1, 1990; *WTO* Jan. 1, 1995; *WCT* Dec. 27, 2012; *WPPT* Dec. 27, 2012

Maldives · *WTO* May 31, 1995

Mali · *Berne (Rome)* Mar. 19, 1962; *WTO* May 31, 1995; *WCT* Apr. 24, 2002; *WPPT* May 20, 2002

Malta · *Berne (Rome)* Sept. 21, 1964; *UCC Geneva* Nov. 19, 1968; *WTO* Jan. 1, 1995; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010

Mauritania · *Berne (Paris)* Feb. 6, 1973; *WTO* May 31, 1995

Mauritius · *UCC Geneva* Aug. 20, 1970; *Berne (Paris)* May 10, 1989; *WTO* Jan. 1, 1995

Mexico · *Bilateral* Feb. 27, 1896; *UCC Geneva* May 12, 1957; *BAC* Apr. 24, 1964; *Berne (Paris)* June 11, 1967; *Phonograms* Dec. 21, 1973; *UCC Paris* Oct. 31, 1975; *SAT* Aug. 25, 1979; *FTA* Jan. 1, 1994⁸; *WTO* Jan. 1, 1995; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002

Micronesia, Federated States of · *Berne (Paris)* Oct. 7, 2003

Moldova⁵ · *UCC Geneva* June 23, 1997; *Berne (Paris)* Nov. 2, 1995; *Phonograms* July 17, 2000; *WTO* July 26, 2001; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002; *SAT* Oct. 28, 2008

Monaco · *Berne (Paris)* May 30, 1889; *Bilateral* Oct. 15, 1952; *UCC Geneva* Sept. 16, 1955; *Phonograms* Dec. 2, 1974; *UCC Paris* Dec. 13, 1974

Mongolia · *WTO* Jan. 29, 1997; *Berne (Paris)* Mar. 12, 1998; *WCT* Oct. 25, 2002; *WPPT* Oct. 25, 2002

Montenegro · *Berne (Paris)* June 3, 2006; *Phonograms* June 3, 2006; *WCT* June 3, 2006; *WPPT* June 3, 2006; *SAT* Oct. 23, 2006; *UCC Geneva* Apr. 26, 2007; *UCC Paris* Apr. 26, 2007; *WTO* Apr. 29, 2012

Morocco · *Berne (Paris)* June 16, 1917; *UCC Geneva* May 8, 1972; *UCC Paris* Jan. 28, 1976; *SAT* June 30, 1983; *WTO* Jan. 1, 1995; *FTA* Jan. 1, 2006²³; *WCT* July 20, 2011; *WPPT* July 20, 2011

Mozambique · *WTO* Aug. 26, 1995; *Berne* Nov. 22, 2013

Myanmar, Union of · *WTO* Jan. 1, 1995

Namibia · *Berne (Paris)* Mar. 21, 1990; *WTO* Jan. 1, 1995

Nauru · *Unclear*

Nepal · *WTO* Apr. 23, 2004; *Berne (Paris)* Jan. 11, 2006

Netherlands²⁴ · *Bilateral* Nov. 20, 1899; *Berne (Paris)* Nov. 1, 1912; *UCC Geneva* June 22, 1967; *UCC Paris* Nov. 30, 1985; *Phonograms* Oct. 12, 1993; *WTO* Jan. 1, 1995; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010

New Zealand · *Bilateral* Dec. 1, 1916; *Berne (Rome)* Apr. 24, 1928; *UCC Geneva* Sept. 11, 1964; *Phonograms* Aug. 13, 1976; *WTO* Jan. 1, 1995

Nicaragua¹² · *BAC* Dec. 15, 1913; *UCC Geneva* Aug. 16, 1961; *SAT* Aug. 25, 1979; *WTO* Sept. 3, 1995; *Phonograms* Aug. 10, 2000; *Berne (Paris)* Aug. 23, 2000; *WCT* Mar. 6, 2003; *WPPT* Mar. 6, 2003; *FTA* Apr. 1, 2006¹³

Niger · *Berne (Paris)* May 2, 1962; *UCC Geneva* May 15, 1989; *UCC Paris* May 15, 1989; *WTO* Dec. 13, 1996

Nigeria · *UCC Geneva* Feb. 14, 1962; *Berne (Paris)* Sept. 14, 1993; *WTO* Jan. 1, 1995

Niue · *Berne (Paris)* Sept. 24, 2016

Norway · *Berne (Paris)* Apr. 13, 1896; *Bilateral* July 1, 1905; *UCC Geneva* Jan. 23, 1963; *UCC Paris* Aug. 7, 1974; *Phonograms* Aug. 1, 1978; *WTO* Jan. 1, 1995

Oman · *Berne (Paris)* July 14, 1999; *WTO* Nov. 9, 2000; *WCT* Sept. 20, 2005; *WPPT* Sept. 20, 2005; *SAT* Mar. 18, 2008; *FTA* Jan. 1, 2009²⁵

Pakistan · *Berne (Rome)* July 5, 1948; *UCC Geneva* Sept. 16, 1955; *WTO* Jan. 1, 1995

Palau · *Unclear*

Panama · *BAC* Nov. 25, 1913; *UCC Geneva* Oct. 17, 1962; *Phonograms* June 29, 1974; *UCC Paris* Sept. 3, 1980; *SAT* Sept. 25, 1985; *Berne (Paris)* June 8, 1996; *WTO* Sept. 6, 1997; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002; *FTA* Oct. 21, 2012²⁶

Papua New Guinea · *WTO* June 9, 1996

Paraguay · *BAC* Sept. 20, 1917; *UCC Geneva* Mar. 11, 1962; *Phonograms* Feb. 13, 1979; *Berne (Paris)* Jan. 2, 1992; *WTO* Jan. 1, 1995; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002

Peru · *BAC* Apr. 30, 1920; *UCC Geneva* Oct. 16, 1963; *UCC Paris* July 22, 1985; *SAT* Aug. 7, 1985; *Phonograms* Aug. 24, 1985; *Berne (Paris)* Aug. 20, 1988; *WTO* Jan. 1, 1995; *WCT* Mar. 6, 2002; *WPPT* July 18, 2002; *FTA* Feb. 1, 2009²⁷

Philippines · *Bilateral* Oct. 21, 1948; *Berne (Paris)* Aug. 1, 1951; *WTO* Jan. 1, 1995; *WCT* Oct. 4, 2002; *WPPT* Oct. 4, 2002

Poland · *Berne (Paris)* Jan. 28, 1920; *Bilateral* Feb. 16, 1927; *UCC Geneva* Mar. 9, 1977; *UCC Paris* Mar. 9, 1977; *WTO* July 1, 1995; *WPPT* Oct. 21, 2003; *WCT* Mar. 23, 2004

Portugal · *Bilateral* July 20, 1893; *Berne (Paris)* Mar. 29, 1911; *UCC Geneva* Dec. 25, 1956; *UCC Paris* July 30, 1981; *WTO* Jan. 1, 1995; *SAT* Mar. 11, 1996; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010

Qatar · *WTO* Jan. 13, 1996; *Berne (Paris)* July 5, 2000; *WCT* Oct. 28, 2005; *WPPT* Oct. 28, 2005

Romania · *Berne (Paris)* Jan. 1, 1927; *Bilateral* May 14, 1928; *WTO* Jan. 1, 1995; *Phonograms* Oct. 1, 1998; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002

Russian Federation⁵ · *UCC Geneva* May 27, 1973; *SAT* Jan. 20, 1989; *UCC Paris* Mar. 9, 1995; *Berne (Paris)* Mar. 13, 1995; *Phonograms* Mar. 13, 1995; *WCT* Feb. 5, 2009; *WPPT* Feb. 5, 2009; *WTO* Aug. 22, 2012

Rwanda · *Berne (Paris)* Mar. 1, 1984; *UCC Geneva* Nov. 10, 1989; *UCC Paris* Nov. 10, 1989; *WTO* May 22, 1996; *SAT* July 25, 2001

Saint Kitts and Nevis · *Berne (Paris)* Apr. 9, 1995; *WTO* Feb. 21, 1996

Saint Lucia · *Berne (Paris)* Aug. 24, 1993; *WTO* Jan. 1, 1995; *Phonograms* Apr. 2, 2001; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002

Saint Vincent and the Grenadines · *UCC Geneva* Jan. 22, 1985; *UCC Paris* Jan. 22, 1985; *WTO* Jan. 1, 1995; *Berne (Paris)* Aug. 29, 1995; *WPPT* Feb. 12, 2011

Samoa²⁸ · *Berne (Paris)* July 21, 2006; *WTO* May 10, 2012

San Marino · *None*

São Tomé and Príncipe · *Berne (Paris)* June 14, 2016

Saudi Arabia · *UCC Geneva* July 13, 1994; *UCC Paris* July 13, 1994; *Berne (Paris)* Mar. 11, 2004; *WTO* Dec. 11, 2005

Senegal · *Berne (Paris)* Aug. 25, 1962; *UCC Geneva* July 9, 1974; *UCC Paris* July 10, 1974; *WTO* Jan. 1, 1995; *WCT* May 18, 2002; *WPPT* May 20, 2002

Serbia · *Berne (Paris)* Apr. 27, 1992; *SAT* Mar. 12, 2001; *UCC Paris* Sept. 11, 2001; *UCC Geneva* Nov. 11, 2001; *Phonograms* June 10, 2003; *WCT* June 13, 2003; *WPPT* June 13, 2003

Seychelles · *WTO* Apr. 26, 2015

Sierra Leone · *WTO* July 23, 1995

Singapore · *Bilateral* May 18, 1987; *WTO* Jan. 1, 1995; *Berne (Paris)* Dec. 21, 1998; *FTA* Jan. 1, 2004²⁹; *WCT* Apr. 17, 2005; *WPPT* Apr. 17, 2005; *SAT* Apr. 27, 2005

Slovakia · *Berne (Paris)* Jan. 1, 1993; *Phonograms* Jan. 1, 1993; *UCC Geneva* Mar. 31, 1993; *UCC Paris* Mar. 31, 1993; *WTO* Jan. 1, 1995; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002

Slovenia · *Berne (Paris)* June 25, 1991; *SAT* Nov. 3, 1992; *UCC Geneva* Nov. 5, 1992; *UCC Paris* Nov. 5, 1992; *WTO* July 30, 1995; *Phonograms* Oct. 15, 1996; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002

Solomon Islands · *WTO* July 26, 1996

Somalia · *Unclear*

South Africa · *Bilateral* July 1, 1924; *Berne (Brussels)* Oct. 3, 1928; *WTO* Jan. 1, 1995

Spain · *Berne (Paris)* Dec. 5, 1887; *Bilateral* July 10, 1895; *UCC Geneva* Sept. 16, 1955; *UCC Paris* July 10, 1974; *Phonograms* Aug. 24, 1974; *WTO* Jan. 1, 1995; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010

Sri Lanka · *Berne (Rome)* July 20, 1959; *UCC Geneva* Jan. 25, 1984; *UCC Paris* Jan. 25, 1984; *WTO* Jan. 1, 1995

Sudan · *Berne (Paris)* Dec. 28, 2000

Sudan, Republic of South · *Unclear*

Suriname · *Berne (Paris)* Feb. 23, 1977; *WTO* Jan. 1, 1995

Swaziland · *WTO* Jan. 1, 1995; *Berne (Paris)* Dec. 14, 1998

Sweden · *Berne (Paris)* Aug. 1, 1904; *Bilateral* June 1, 1911; *UCC Geneva* July 1, 1961; *Phonograms* Apr. 18, 1973; *UCC Paris* July 10, 1974; *WTO* Jan. 1, 1995; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010

Switzerland · *Berne (Paris)* Dec. 5, 1887; *Bilateral* July 1, 1891⁷; *UCC Geneva* Mar. 30, 1956; *UCC Paris* Sept. 21, 1993; *SAT* Sept. 24, 1993; *Phonograms* Sept. 30, 1993; *WTO* July 1, 1995; *WCT* July 1, 2008; *WPPT* July 1, 2008

Syria · *Berne (Paris)* June 11, 2004

Tajikistan⁵ · *UCC Geneva* Aug. 28, 1992; *Berne (Paris)* Mar. 9, 2000; *WCT* Apr. 5, 2009; *WPPT* Aug. 24, 2011; *Phonograms* Feb. 26, 2013; *WTO* Mar. 2, 2013

Tanzania · *Berne (Paris)* July 25, 1994; *WTO* Jan. 1, 1995

Thailand · *Bilateral* Sept. 1, 1921; *Berne (Paris)* July 17, 1931; *Bilateral* June 8, 1968; *WTO* Jan. 1, 1995

Togo · *Berne (Paris)* Apr. 30, 1975; *WTO* May 31, 1995; *WCT* May 21, 2003; *WPPT* May 21, 2003; *UCC Geneva* May 28, 2003; *UCC Paris* May 28, 2003; *Phonograms* June 10, 2003; *SAT* June 10, 2003

Tonga · *Berne (Paris)* June 14, 2001; *WTO* July 27, 2007

Trinidad and Tobago · *Berne (Paris)* Aug. 16, 1988; *UCC Geneva* Aug. 19, 1988; *UCC Paris* Aug. 19, 1988; *Phonograms* Oct. 1, 1988; *WTO* Mar. 1, 1995; *SAT* Nov. 1, 1996; *WCT* Nov. 28, 2008; *WPPT* Nov. 28, 2008

Tunisia · *Berne (Paris)* Dec. 5, 1887; *UCC Geneva* June 19, 1969; *UCC Paris* June 10, 1975; *WTO* Mar. 29, 1995

Turkey · *Berne (Paris)* Jan. 1, 1952; *WTO* Mar. 26, 1995; *WCT* Nov. 28, 2008; *WPPT* Nov. 28, 2008

Turkmenistan · *Berne (Paris)* May 29, 2016

Tuvalu · *Unclear*

Uganda · *WTO* Jan. 1, 1995

Ukraine⁵ · *UCC Geneva* Jan. 17, 1994; *Berne (Paris)* Oct. 25, 1995; *Phonograms* Feb. 18, 2000; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002; *WTO* May 16, 2008

United Arab Emirates · *WTO* Apr. 10, 1996; *Berne (Paris)* July 14, 2004; *WCT* July 14, 2004; *WPPT* June 9, 2005

United Kingdom · *Berne (Paris)* Dec. 5, 1887; *Bilateral* July 1, 1891⁷; *UCC Geneva* Sept. 27, 1957; *Phonograms* Apr. 18, 1973; *UCC Paris* July 10, 1974; *WTO* Jan. 1, 1995; *WCT* Mar. 14, 2010; *WPPT* Mar. 14, 2010

United States of America · *UCC Geneva* Sept. 16, 1955; *Phonograms* Mar. 10, 1974; *UCC Paris* July 10, 1974; *SAT* Mar. 7, 1985; *WTO* Jan. 1, 1995; *Berne (Paris)* Mar. 1, 1989; *WCT* Mar. 6, 2002; *WPPT* May 20, 2002

Uruguay · *BAC* Mar. 18, 1920; *Berne (Paris)* July 10, 1967; *Phonograms* Jan. 18, 1983; *UCC Geneva* Apr. 12, 1993; *UCC Paris* Apr. 12, 1993; *WTO* Jan. 1, 1995; *WPPT* Aug. 28, 2008; *WCT* June 5, 2009

Uzbekistan · *Berne (Paris)* Apr. 19, 2005

Vanuatu · *Berne (Paris)* Dec. 27, 2012; *WTO* Aug. 24, 2012

Venezuela · *UCC Geneva* Sept. 30, 1966; *Phonograms* Nov. 18, 1982; *Berne (Paris)* Dec. 30, 1982; *WTO* Jan. 1, 1995; *UCC Paris* Apr. 11, 1996

Viet Nam · *Bilateral Dec. 23, 1998*³⁰; *Bilateral Dec. 10, 2001*; *Berne (Paris) Oct. 26, 2004*; *Phonograms July 6, 2005*; *SAT Jan. 12, 2006*; *WTO Jan. 11, 2007*

Yemen · *Berne (Paris) July 14, 2008*; *WTO June 26, 2014*

Zambia · *UCC Geneva June 1, 1965*; *Berne (Paris) Jan. 2, 1992*; *WTO Jan. 1, 1995*

Zimbabwe · *Berne (Rome) Apr. 18, 1980*; *WTO Mar. 5, 1995*

Statutory Provisions

Sections 104 and 104(a) of title 17 of the *United States Code*, which pertain to the national origin of works receiving U.S. copyright protection and copyright in restored works, are reprinted below.

§ 104. *Subject matter of copyright: National origin*

(a) UNPUBLISHED WORKS.—The works specified by sections 102 and 103, while unpublished, are subject to protection under this title without regard to the nationality or domicile of the author.

(b) PUBLISHED WORKS.—The works specified by sections 102 and 103, when published, are subject to protection under this title if—

(1) on the date of first publication, one or more of the authors is a national or domiciliary of the United States, or is a national, domiciliary, or sovereign authority of a treaty party, or is a stateless person, wherever that person may be domiciled; or

(2) the work is first published in the United States or in a foreign nation that, on the date of first publication, is a treaty party; or

(3) the work is a sound recording that was first fixed in a treaty party; or

(4) the work is a pictorial, graphic, or sculptural work that is incorporated in a building or other structure, or an architectural work that is embodied in a building and the building or structure is located in the United States or a treaty party; or

(5) the work is first published by the United Nations or any of its specialized agencies, or by the Organization of American States; or

(6) the work comes within the scope of a presidential proclamation. Whenever the president finds that a particular foreign nation extends, to works by authors who are nationals or domiciliaries of the United States or to works that are first published in the United States, copyright protection on substantially the same basis as that on

which the foreign nation extends protection to works of its own nationals and domiciliaries and works first published in that nation, the president may by proclamation extend protection under this title to works of which one or more of the authors is, on the date of first publication, a national, domiciliary, or sovereign authority of that nation, or which was first published in that nation. The president may revise, suspend, or revoke any such proclamation or impose any conditions or limitations on protection under a proclamation.

For purposes of paragraph (2), a work that is published in the United States or a treaty party within 30 days after publication in a foreign nation that is not a treaty party shall be considered to be first published in the United States or such treaty party, as the case may be.

(c) EFFECT OF BERNE CONVENTION.—No right or interest in a work eligible for protection under this title may be claimed by virtue of, or in reliance upon, the provisions of the Berne Convention, or the adherence of the United States thereto. Any rights in a work eligible for protection under this title that derive from this title, other federal or state statutes, or the common law, shall not be expanded or reduced by virtue of, or in reliance upon, the provisions of the Berne Convention, or the adherence of the United States thereto.

(d) EFFECT OF PHONOGRAMS TREATIES.—Notwithstanding the provisions of subsection (b), no works other than sound recordings shall be eligible for protection under this title solely by virtue of the adherence of the United States to the Geneva Phonograms Convention or the WIPO Performances and Phonograms Treaty.

§ 104a. *Copyright in restored works*

(a) AUTOMATIC PROTECTION AND TERM.—

(1) TERM.—

(A) Copyright subsists, in accordance with this section, in restored works, and vests automatically on the date of restoration.

(B) Any work in which copyright is restored under this section shall subsist for the remainder of the term of copyright that the work would have otherwise been granted in the United States if the work never entered the public domain in the United States.

(2) EXCEPTION.—Any work in which the copyright was ever owned or administered by the Alien Property Custodian and in which the restored copyright would be owned by a government or instrumentality thereof, is not a restored work.

(b) OWNERSHIP OF RESTORED COPYRIGHT.—A restored work vests initially in the author or initial rightholder of the

work as determined by the law of the source country of the work.

(c) FILING OF NOTICE OF INTENT TO ENFORCE RESTORED COPYRIGHT AGAINST RELIANCE PARTIES.—On or after the date of restoration, any person who owns a copyright in a restored work or an exclusive right therein may file with the Copyright Office a notice of intent to enforce that person's copyright or exclusive right or may serve such a notice directly on a reliance party. Acceptance of a notice by the Copyright Office is effective as to any reliance parties but shall not create a presumption of the validity of any of the facts stated therein. Service on a reliance party is effective as to that reliance party and any other reliance parties with actual knowledge of such service and of the contents of that notice.

(d) REMEDIES FOR INFRINGEMENT OF RESTORED COPYRIGHTS.—

(1) ENFORCEMENT OF COPYRIGHT IN RESTORED WORKS IN THE ABSENCE OF A RELIANCE PARTY.—As against any party who is not a reliance party, the remedies provided in chapter 5 of this title shall be available on or after the date of restoration of a restored copyright with respect to an act of infringement of the restored copyright that is commenced on or after the date of restoration.

(2) ENFORCEMENT OF COPYRIGHT IN RESTORED WORKS AS AGAINST RELIANCE PARTIES.—As against a reliance party, except to the extent provided in paragraphs (3) and (4), the remedies provided in chapter 5 of this title shall be available, with respect to an act of infringement of a restored copyright, on or after the date of restoration of the restored copyright if the requirements of either of the following subparagraphs are met:

(A)(i) The owner of the restored copyright (or such owner's agent) or the owner of an exclusive right therein (or such owner's agent) files with the Copyright Office, during the 24-month period beginning on the date of restoration, a notice of intent to enforce the restored copyright; and

(ii)(I) the act of infringement commenced after the end of the 12-month period beginning on the date of publication of the notice in the *Federal Register*;

(II) the act of infringement commenced before the end of the 12-month period described in subclause (I) and continued after the end of that 12-month period, in which case remedies shall be available only for infringement occurring after the end of that 12-month period; or

(III) copies or phonorecords of a work in which copyright has been restored under this section are made after publication of the notice of intent in the *Federal Register*.

(B)(i) The owner of the restored copyright (or such owner's agent) or the owner of an exclusive right therein (or such owner's agent) serves upon a reliance party a notice of intent to enforce a restored copyright; and

(ii)(I) the act of infringement commenced after the end of the 12-month period beginning on the date the notice of intent is received;

(II) the act of infringement commenced before the end of the 12-month period described in subclause (I) and continued after the end of that 12-month period, in which case remedies shall be available only for the infringement occurring after the end of that 12-month period; or

(III) copies or phonorecords of a work in which copyright has been restored under this section are made after receipt of the notice of intent.

In the event that notice is provided under both subparagraphs (A) and (B), the 12-month period referred to in such subparagraphs shall run from the earlier of publication or service of notice.

(3) EXISTING DERIVATIVE WORKS.—

(A) In the case of a derivative work that is based upon a restored work and is created—

(i) before the date of the enactment of the Uruguay Round Agreements Act, if the source country of the restored work is an eligible country on such date, or

(ii) before the date on which the source country of the restored work becomes an eligible country, if that country is not an eligible country on such date of enactment,

a reliance party may continue to exploit that derivative work for the duration of the restored copyright if the reliance party pays to the owner of the restored copyright reasonable compensation for conduct which would be subject to a remedy for infringement but for the provisions of this paragraph.

(B) In the absence of an agreement between the parties, the amount of such compensation shall be determined by an action in United States district court, and shall reflect any harm to the actual or potential market for or value of the restored work from the reliance party's continued exploitation of the work, as well as compensation for the relative contributions of expression of the author of the restored work and the reliance party to the derivative work.

(4) COMMENCEMENT OF INFRINGEMENT FOR RELIANCE PARTIES.—For purposes of section 412, in the case of reliance parties, infringement shall be deemed to have commenced before registration when acts which would have constituted infringement had the restored work been

subject to copyright were commenced before the date of restoration.

(e) NOTICES OF INTENT TO ENFORCE A RESTORED COPYRIGHT. —

(1) NOTICES OF INTENT FILED WITH THE COPYRIGHT OFFICE. —

(A)(i) A notice of intent filed with the Copyright Office to enforce a restored copyright shall be signed by the owner of the restored copyright or the owner of an exclusive right therein, who files the notice under subsection (d)(2)(A)(i) (hereafter in this paragraph referred to as the “owner”), or by the owner’s agent, shall identify the title of the restored work, and shall include an English translation of the title and any other alternative titles known to the owner by which the restored work may be identified, and an address and telephone number at which the owner may be contacted. If the notice is signed by an agent, the agency relationship must have been constituted in a writing signed by the owner before the filing of the notice. The Copyright Office may specifically require in regulations other information to be included in the notice, but failure to provide such other information shall not invalidate the notice or be a basis for refusal to list the restored work in the *Federal Register*.

(ii) If a work in which copyright is restored has no formal title, it shall be described in the notice of intent in detail sufficient to identify it.

(iii) Minor errors or omissions may be corrected by further notice at any time after the notice of intent is filed. Notices of corrections for such minor errors or omissions shall be accepted after the period established in subsection (d)(2)(A)(i). Notices shall be published in the *Federal Register* pursuant to subparagraph (B).

(B)(i) The Register of Copyrights shall publish in the *Federal Register*, commencing not later than 4 months after the date of restoration for a particular nation and every 4 months thereafter for a period of 2 years, lists identifying restored works and the ownership thereof if a notice of intent to enforce a restored copyright has been filed.

(ii) Not less than 1 list containing all notices of intent to enforce shall be maintained in the Public Information Office of the Copyright Office and shall be available for public inspection and copying during regular business hours pursuant to sections 705 and 708.

(C) The Register of Copyrights is authorized to fix reasonable fees based on the costs of receipt, process-

ing, recording, and publication of notices of intent to enforce a restored copyright and corrections thereto.

(D)(i) Not later than 90 days before the date the Agreement on Trade-Related Aspects of Intellectual Property referred to in section 101(d)(15) of the Uruguay Round Agreements Act enters into force with respect to the United States, the Copyright Office shall issue and publish in the *Federal Register* regulations governing the filing under this subsection of notices of intent to enforce a restored copyright.

(ii) Such regulations shall permit owners of restored copyrights to file simultaneously for registration of the restored copyright.

(2) NOTICES OF INTENT SERVED ON A RELIANCE PARTY. —

(A) Notices of intent to enforce a restored copyright may be served on a reliance party at any time after the date of restoration of the restored copyright.

(B) Notices of intent to enforce a restored copyright served on a reliance party shall be signed by the owner or the owner’s agent, shall identify the restored work and the work in which the restored work is used, if any, in detail sufficient to identify them, and shall include an English translation of the title, any other alternative titles known to the owner by which the work may be identified, the use or uses to which the owner objects, and an address and telephone number at which the reliance party may contact the owner. If the notice is signed by an agent, the agency relationship must have been constituted in writing and signed by the owner before service of the notice.

(3) EFFECT OF MATERIAL FALSE STATEMENTS. — Any material false statement knowingly made with respect to any restored copyright identified in any notice of intent shall make void all claims and assertions made with respect to such restored copyright.

(f) IMMUNITY FROM WARRANTY AND RELATED LIABILITY. —

(1) IN GENERAL. — Any person who warrants, promises, or guarantees that a work does not violate an exclusive right granted in section 106 shall not be liable for legal, equitable, arbitral, or administrative relief if the warranty, promise, or guarantee is breached by virtue of the restoration of copyright under this section, if such warranty, promise, or guarantee is made before January 1, 1995.

(2) PERFORMANCES. — No person shall be required to perform any act if such performance is made infringing by virtue of the restoration of copyright under the provisions of this section, if the obligation to perform was undertaken before January 1, 1995.

(g) **PROCLAMATION OF COPYRIGHT RESTORATION.**—Whenever the President finds that a particular foreign nation extends, to works by authors who are nationals or domiciliaries of the United States, restored copyright protection on substantially the same basis as provided under this section, the President may by proclamation extend restored protection provided under this section to any work—

(1) of which one or more of the authors is, on the date of first publication, a national, domiciliary, or sovereign authority of that nation; or

(2) which was first published in that nation.

The President may revise, suspend, or revoke any such proclamation or impose any conditions or limitations on protection under such a proclamation.

(h) **DEFINITIONS.**—For purposes of this section and section 109(a):

(1) The term “date of adherence or proclamation” means the earlier of the date on which a foreign nation which, as of the date the WTO Agreement enters into force with respect to the United States, is not a nation adhering to the Berne Convention or a WTO member country, becomes—

(A) a nation adhering to the Berne Convention;

(B) a WTO member country;

(C) a nation adhering to the WIPO Copyright Treaty;

(D) a nation adhering to the WIPO Performances and Phonograms Treaty; or

(E) subject to a Presidential proclamation under subsection (g).

(2) The “date of restoration” of a restored copyright is—

(A) January 1, 1996, if the source country of the restored work is a nation adhering to the Berne Convention or a WTO member country on such date, or

(B) the date of adherence or proclamation, in the case of any other source country of the restored work.

(3) The term “eligible country” means a nation, other than the United States, that—

(A) becomes a WTO member country after the date of the enactment of the Uruguay Round Agreements Act;

(B) on such date of enactment is, or after such date of enactment becomes, a nation adhering to the Berne Convention;

(C) adheres to the WIPO Copyright Treaty;

(D) adheres to the WIPO Performances and Phonograms Treaty; or

(E) after such date of enactment becomes subject to a proclamation under subsection (g).

(4) The term “reliance party” means any person who—

(A) with respect to a particular work, engages in acts, before the source country of that work becomes an eligi-

ble country, which would have violated section 106 if the restored work had been subject to copyright protection, and who, after the source country becomes an eligible country, continues to engage in such acts;

(B) before the source country of a particular work becomes an eligible country, makes or acquires 1 or more copies or phonorecords of that work; or

(C) as the result of the sale or other disposition of a derivative work covered under subsection (d)(3), or significant assets of a person described in subparagraph (A) or (B), is a successor, assignee, or licensee of that person.

(5) The term “restored copyright” means copyright in a restored work under this section.

(6) The term “restored work” means an original work of authorship that—

(A) is protected under subsection (a);

(B) is not in the public domain in its source country through expiration of term of protection;

(C) is in the public domain in the United States due to—

(i) noncompliance with formalities imposed at any time by United States copyright law, including failure of renewal, lack of proper notice, or failure to comply with any manufacturing requirements;

(ii) lack of subject matter protection in the case of sound recordings fixed before February 15, 1972; or

(iii) lack of national eligibility;

(D) has at least one author or rightholder who was, at the time the work was created, a national or domiciliary of an eligible country, and if published, was first published in an eligible country and not published in the United States during the 30-day period following publication in such eligible country; and

(E) if the source country for the work is an eligible country solely by virtue of its adherence to the WIPO Performances and Phonograms Treaty, is a sound recording.

(7) The term “rightholder” means the person—

(A) who, with respect to a sound recording, first fixes a sound recording with authorization, or

(B) who has acquired rights from the person described in subparagraph (A) by means of any conveyance or by operation of law.

(8) The “source country” of a restored work is—

(A) a nation other than the United States;

(B) in the case of an unpublished work—

(i) the eligible country in which the author or rightholder is a national or domiciliary, or, if a restored work has more than 1 author or rightholder, of

which the majority of foreign authors or rightholders are nationals or domiciliaries; or

(ii) if the majority of authors or rightholders are not foreign, the nation other than the United States which has the most significant contacts with the work; and

(C) in the case of a published work—

(i) the eligible country in which the work is first published, or

(ii) if the restored work is published on the same day in 2 or more eligible countries, the eligible country which has the most significant contacts with the work.

Notes

1. The Beijing Treaty updates the international legal framework for audiovisual performers to provide rights and protections similar to those already provided for musical performers under the WPPT. Included in the Beijing Treaty are articles requiring national treatment for audiovisual performers in other countries, exclusive rights for audiovisual performers, and safeguards for technological protection measures.
2. The Marrakesh Treaty requires contracting parties to adopt national law provisions that permit the reproduction, distribution, and making available of published works in accessible formats through limitations and exceptions to the rights of copyright holders. It also provides for the exchange of these accessible-format works across borders by organizations that serve persons who are blind, visually impaired, and print disabled.
3. In certain cases, the United States may have had copyright relations with former territories or colonies of countries such as France, the Netherlands, Portugal, the Soviet Union, Spain, and the United Kingdom before those countries and their territories gained independence and joined international copyright treaties and conventions and bilateral agreements in their own right. The legal situations involved may be fact-specific, and the scope of copyright protection for U.S. works in such situations may be complex.
4. Bilateral copyright relations between Australia and the United States were further developed pursuant to the *Agreement between the United States of America and Government of Australia on the Establishment of a Free Trade Area*, signed May 18, 2004, and effective Jan. 1, 2005.
5. Each of the Commonwealth of Independent States (CIS) countries listed in this circular is a successor to the Soviet Union's copyright treaty obligations, in particular those under UCC Geneva; accordingly, each is a member of UCC Geneva effective May 27, 1973, the date the Soviet Union became a party. The successor status of each country was confirmed in a bilateral trade agreement between each country and the United States, effective on the following dates: Armenia (Apr. 2, 1992); Azerbaijan (Apr. 21, 1995); Belarus (Feb. 16, 1993); Georgia (Aug. 13, 1993); Kazakhstan (Feb. 18, 1993); Kyrgyz Republic (Aug. 21, 1992); Moldova (July 2, 1992); Russia (June 17, 1992); Tajikistan (Nov. 24, 1993); Turkmenistan (Oct. 25, 1993); Ukraine (June 23, 1992); Uzbekistan (Jan. 13, 1994). However, only the countries listed in this circular as parties to the UCC have filed notices of succession with the United Nations Educational, Scientific, and Cultural Organization, which administers UCC Geneva. The notices of succession are effective on the dates specified.
6. Bilateral copyright relations between the United States and Bahrain were further developed pursuant to the United States–Bahrain Free Trade Agreement, effective Jan. 11, 2006.
7. Bilateral copyright relations between the United States and Belgium, France, the United Kingdom, and Switzerland were established by Presidential Proclamation No. 3. of July 1, 1891, 27 Stat. 981 (1891), effective that same date, under the authority of the Chase Act of 1891.
8. Relations between Canada, Mexico, and the United States were further developed pursuant to the North American Free Trade Agreement (NAFTA), effective Jan. 1, 1994.
9. Bilateral copyright relations between Chile and the United States were further developed pursuant to the *Agreement between the United States of America and the Republic of Chile on the Establishment of a Free Trade Area*, signed June 6, 2003, and effective Jan. 1, 2004.
10. The government of the People's Republic of China views the 1904 treaty as not binding. In the territory administered by the authorities on Taiwan, the treaty is considered to be in force.
11. Bilateral copyright relations between the People's Republic of China and the United States of America were established, effective Mar. 17, 1992, by a presidential proclamation of the same date, under the authority of section 104 of title 17 of the *United States Code*, as amended on Oct. 31, 1988 (Public Law 100-568, 102 Stat. 2853, 2855).
12. This country became a party to the Mexico City Convention, 1902, effective June 30, 1908, to which the United States also became a party, effective on the same date. As regards copyright relations with the United States, this convention is considered to have been superseded by adherence of this country and the United States to the Buenos Aires Convention of 1910.
13. Bilateral copyright relations between the United States and Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua were further developed pursuant to the Dominican Republic–Central American Free Trade Agreement (CAFTA-DR). All countries signed CAFTA-DR on Aug. 5, 2004. CAFTA-DR entered into force for each country on the dates specified in this circular.
14. This country became a party to the Mexico City Convention, 1902, effective June 30, 1908, to which the United States also became a party, effective on the same date.
15. Formerly European Communities. The effective date of the name change from European Communities to European Union is December 1, 2009. Member countries are Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the

United Kingdom. The European Commission is the European Union's executive arm.

16. The dates of adherence by Germany to multilateral treaties include adherence by the Federal Republic of Germany when that country was divided into the Federal Republic of Germany and the German Democratic Republic. However, through the accession, effective Oct. 3, 1990, of the German Democratic Republic to the Federal Republic of Germany, in accordance with the German Unification Treaty of Aug. 31, 1990, the German Democratic Republic ceased, on the said date, to be a sovereign state. Previously, the German Democratic Republic had become party to the Paris Act of the Berne Convention for the Protection of Literary and Artistic Works on Feb. 18, 1978, but ceased to be a party to the said convention on Oct. 3, 1990. The German Democratic Republic had also been a member of the Universal Copyright Convention, having become party to the Geneva text of the convention on Oct. 5, 1973, and party to the revised Paris text of the same convention on Dec. 10, 1980.

17. Date on which the accession by the German Empire became effective.

18. Bilateral copyright relations between the United States and Germany were established effective July 12, 1967, by Presidential Proclamation No. 3792 of that same date, at 32 FR 10341, under the authority of the Copyright Act of 1909 as amended at 55 Stat. 732.

19. Prior to the return of Hong Kong to China, bilateral copyright relations existed with Hong Kong through the United Kingdom (from Aug. 1, 1973), and Phonogram Convention Membership existed through the United Kingdom (from Mar. 4, 1975). The Berne Convention for the Protection of Literary and Artistic Works of Sept. 9, 1886, as amended in 1979, applies to Hong Kong, China, through the People's Republic of China (PRC), effective July 1, 1997. The Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms applies to Hong Kong, China, through the PRC, effective July 1, 1997.

20. Copyright relations between Japan and the United States, which were formulated effective May 10, 1906, are considered to have been abrogated and superseded by the adherence of Japan to the UCC Geneva, effective Apr. 28, 1956.

21. Bilateral copyright relations between Jordan and the United States were established pursuant to the *Agreement between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area*, signed Oct. 24, 2000, and effective Dec. 17, 2001.

22. Prior to the return of Macau to the People's Republic of China (PRC), Macau was a member of Berne (Paris) through Portugal. The Berne Convention for the Protection of Literary and Artistic Works of Sept. 9, 1886, applies to Macau, China, effective Dec. 20, 1999, through the PRC.

23. Bilateral copyright relations between the United States and Morocco were further developed pursuant to the United States–Morocco Free Trade Agreement, effective Jan. 1, 2006.

24. Refers to the country in Europe and the Netherland Antilles.

25. Bilateral copyright relations between the United States and Oman were further developed pursuant to the United States–Oman Free Trade Agreement, effective Jan. 1, 2009.

26. Bilateral copyright relations between the United States and Panama were further developed pursuant to the United States–Panama Trade Promotion Agreement, effective Oct. 21, 2012.

27. Bilateral copyright relations between the United States and Peru were further developed pursuant to the United States–Peru Trade Promotion Agreement, effective Feb. 1, 2009.

28. U.S. federal copyright law applies in the U.S. Virgin Islands, Guam, and the Northern Mariana Islands but not in American Samoa.

29. Bilateral copyright relations between the United States and Singapore were further developed pursuant to the United States–Singapore Free Trade Agreement, effective Jan. 1, 2004.

30. Bilateral copyright relations between the Socialist Republic of Viet Nam and the United States were established effective December 23, 1998, by Presidential Proclamation No. 7161 of that same date, at 63 FR 71571 (1998), under the authority of sections 104(b)(5) and 104A(g) of title 17 of the *United States Code*, as amended.

For Further Information

By Internet

Circulars, announcements, regulations, application forms, and related materials are available from the Copyright Office website at www.copyright.gov.

By Telephone

For general information about copyright, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 AM to 5:00 PM, Monday through Friday, eastern time, except federal holidays. Recorded information is available 24 hours a day. To request paper application forms or circulars, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

By Regular Mail

Write to

*Library of Congress
Copyright Office–COPUBS
101 Independence Avenue SE
Washington, DC 20559*

