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SELECTIVE BIBLIO-
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COPYRIGHT
IN THE U.S.S.R. AND OTHER EUROPEAN COUNTRIES
OR TERRITORIES UNDER COMMUNIST GOVERNMENT

SELECTIVE BIBLIOGRAPHY WITH
DIGEST AND PREFACE

by
Alois Bohmer

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PREFACE

As a prefatory note to this bibliography on copyright in the U.S.S.R., Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, Rumania, and Yugoslavia, it might be well to give some general background information, together with a statement of the scope of this study, and a general sketch of the salient features it reveals.

1. Background information. The Communist concept of copyright was first officially embodied in the "Principles of Copyright," promulgated by the Soviet Union in 1925. These were reissued in revised form in 1928 and are still in effect. The individual Republics of the Soviet Union have their own copyright statutes, all based on the Principles.

At the time of World War II the other countries of Eastern Europe all had copyright laws on the general European pattern, and all but Albania had become members of the Berne Union.

With the advent of Communist rule in these countries, the movement began to bring their copyright concepts into line with the Communist system. Each of these countries, with the exception of Hungary, has now revised its laws since the Communist regime came to power. And while the copyright law of 1921 is still in effect in Hungary, many of the features of Communist copyright have been installed through administrative decrees.

The degree to which the copyright laws of these countries follow the Soviet pattern varies. For example, the Bulgarian law of 1951 seems to follow Soviet concepts quite closely, while the Yugoslav law of 1957 puts certain Western concepts in the place of Communist ones.

The status of the so-called German Democratic Republic (East Germany) is different in that it is not generally recognized outside the Communist orbit as a separate nation. Although the Communist authorities have continued to apply the general German copyright statutes that were in effect before World War II, they have put into effect

numerous administrative decrees that embody Communist doctrines. And more recently they have published a draft of a copyright law modeled along Communist lines.

The United States has bilateral copyright relations with each of the nations in question, except Albania, Bulgaria, the Soviet Union, and Yugoslavia. Only Czechoslovakia is a member of the Universal Copyright Convention, having adhered effective January 6, 1960; although Yugoslavia signed, it has not ratified.

Apart from any question of the present status of copyright in these areas, it may be well to bear in mind that their population is over 300,000,000, that their literacy rate is high, and that the production of literary materials, particularly in the Soviet Union, is quite large.

2. Scope of the bibliography. The present work lists 91 items selected from a survey of over 200 items dealing with copyright in the Soviet Union and the seven other Communist areas of Eastern Europe. Actually, the amount and quality of the available material varies greatly; on the one hand a large selection of legal materials on copyright in the Soviet Union is available, while on the other hand no copyright literature from Albania could be found. Only items published after the date on which the Communist government was established in each country have been included. The information is current to October 1, 1959.

Each bibliographical entry is accompanied by a short digest in order to give more information on the content of the material.

The authors of all the items are persons living in these countries; all are copyright experts or professors of law. Books and articles dealing with copyright in these countries but written by persons living outside them are listed in an annex to this bibliography.

An English translation of the full text of the copyright statutes, orders, decrees, and treaties in force in these countries may be found in "Copyright Laws and Treaties of the World," published by UNESCO and the Bureau of National Affairs, 1956, with Supplements for 1957, 1958, and 1959.

3. Trends and characteristics. As shown by the materials that follow, copyright in Eastern Europe manifests certain trends and characteristics in many ways distinctly different from those of the free nations.

A major factor in any analysis of East European copyright is the economic and political approach of Communism itself. Practically all publishing houses and other communications media are either government-owned corporate entities or government agencies. Censorship of the contents of a work is exercised by the organization that is going to publish or present it. Further, these governments regard copyright itself as an instrument of Communist policy. Consequently, the provisions of their laws cannot be taken literally but must always be looked at in the light of the whole system and method of Communism.

A feature common to all these countries is that they regard copyright as being made up of two kinds of rights: personal rights and property rights. The former protect the integrity of the work and are considered perpetual. The property rights entitle the author to compensation and are limited in duration; protection ordinarily runs for the life of the author plus a term of years.

The system of compensation of the author is shown to be quite different from the Western pattern. The legal foundation may be found in the provisions relating to contracts: publishing contracts for literary materials, production contracts for dramas and the like, and various contracts for

other kinds of copyrightable matter. The legal provisions ordinarily set out certain norms for schedules of payments to the authors and for standard contracts. The actual terms of these instruments are decided upon by the government; authors' associations represent the authors' interests in the negotiations that culminate in these schedules and standard contracts, which provide the author a guaranteed minimum that he cannot bargain away.

The authors' associations are much discussed in Communist copyright literature. In addition to its function as spokesman for the authors in the formulation of rates of remuneration and terms of the standard contracts, the authors' association also serves as a kind of performing-rights society by licensing performances and other uses of copyrighted materials and by collecting royalties for distribution to the authors. An association may also give legal advice to the author and even file legal actions in his behalf. The association collects from both authors and users certain compulsory contributions that go into what are called cultural funds.

These cultural funds, which are government-supervised legal entities, perform a variety of benevolent functions in the field of the arts. They do such things as grant scholarships and prizes to promising authors and financially assist needy writers.

Another prominent aspect shown by the collected materials is the compulsory license. The Communist laws generally give to an appropriate government agency the right to substitute itself for the author and grant consent to use the author's work, if the author's consent cannot be obtained. However, the laws usually provide for compensation to the author in such cases.

An interesting special characteristic concerns translations. In the U.S.S.R. any work may be translated into another language without the consent

of the author. And further if the work is in Russian, no compensation need be paid if the translation is into any of the other national languages of the Soviet Union.

As regards the rights of U.S. works to protection in these countries, one notes in the material coming from some of the satellite countries a tendency to discuss in a favorable light the advantages of protecting foreign works as a means to securing protection abroad for their works. And as already mentioned, Czechoslovakia has recently adhered to the Universal Copyright Convention. But there is little in the Soviet literature on copyright to indicate any trend that might lead to effective legal protection there for U.S. works under the present state of international affairs.

Finally, neighboring rights are discussed in several of the articles, particularly those from Czechoslovakia and East Germany since the law of the former and draft law of the latter contain provisions on the subject.

Alois Bohmer
Attorney-Examiner
United States Copyright Office*

* The views expressed in this work are those of the author and not necessarily those of the United States Copyright Office.