

68. **Inter-American convention on the rights of the author in literary, scientific and artistic works. Signed at the Inter-American Conference of Experts on Copyright, Pan American Union, June 1-2 1946 [=Convenzione interamericana in materia di diritto d'autore sulle opere scientifiche, letterarie ed artistiche. Firmata alla Conferenza interamericana di esperti di diritto d'autore, tenutasi a Washington D.C. fra l'1 ed il 2 giugno 1946]. Testo inglese.**

Storia: questa convenzione è stata firmata a Washington D.C. fra l'1 giugno ed il 22 giugno 1946 nel corso della conferenza interamericana degli esperti in diritto d'autore.

Paesi aderenti: Argentina, Bolivia, Brasile, Cile, Colombia, Costa Rica, Cuba, Rep. Dominicana, El Salvador, Ecuador, Guatemala, Haiti, Honduras, Messico, Nicaragua, Panama, Paraguay, Perù, Stati Uniti, Uruguay e Venezuela.

Riserve, dichiarazioni, comunicazioni, obiezioni: nessuna.

Altre notizie: le lingue ufficiali sono il francese, l'inglese e lo spagnolo; il testo qui pubblicato è ripreso da Panamerican Union – OAS General Secretary, Copyright protection in the Americas, Washington D.C., 1962, 3 ed., pp. 160-164; da questa pubblicazione sono tratte anche alcune delle notizie qui fornite.

Inter-American convention on the rights of the author in literary, scientific and artistic works. Signed at the Inter-American Conference of Experts on Copyright, Pan American Union, June 1-22, 1946

The Governments of the American Republics,

Wishing to improve the reciprocal inter-American protection of the rights of the author in literary, scientific, and artistic works, and

Desiring to promote and facilitate inter-American cultural interchange,

Have decided to conclude a convention in order to give effect to the foregoing purposes, and have agreed upon the following articles:

I. The Contracting States agree to recognize and protect rights of authors in literary, scientific, and artistic works, in accordance with the provisions of the present Convention.

II. Under the present Convention, copyright comprises for the author of a literary, scientific, or artistic work the exclusive right to: use and authorize the use of his work in whole or in part; transfer the right in any manner, in whole or in part; and transmit it by will or by operation of intestate laws. In utilizing his work the author has the right to make the following uses of it, and such other uses as may hereafter be known, in accordance with its nature:

(a) publish it, either by printing or in any other form;

(b) represent, recite, exhibit, or perform it publicly;

(c) reproduce, adapt, or present it by means of cinematography;

(d) adapt and authorize general or individual adaptations of it to instruments that serve to reproduce it mechanically or electrically; or perform it publicly by means of such instruments;

(e) diffuse it by means of photography, telephotography, television, radio broadcasting, or by any other method now known or hereafter devised and which may serve for the reproduction of signs, sounds, or images;

(f) transit, transpose, arrange, orchestrate, dramatise, adapt and, in general, transform it in any other manner;

(g) reproduce it in any form, whether wholly or in part

III. The literary, scientific, and artistic works protected by the present Convention comprise books, writings, and pamphlets of all kinds, whatever the number of their pages; written or recorded versions of lectures, addresses, lessons, sermons, and other works of a similar nature; dramatic or dramatico-musical works; choreographic works and pantomimes the stage directions of which are fixed in writing or other form;

musical compositions with or without words; drawings, illustrations, painting, sculptures, engravings, lithographs; photographic and cinematographic works; astronomical and geographical globes; maps, plans, sketches or plastic works relating to geography, geology, topography, architecture, or any science; and, in short, any literary, scientific, or artistic work that can be published or reproduced.

IV. Each of the Contracting States agrees to recognize and protect within its territory the rights of authors in unpublished works. The present Convention shall not be construed to annul or limit the rights of an author in his unpublished work, nor his right to prevent its reproduction, publication, or use without his consent, nor his right to obtain damages therefor.

Works of art made principally for industrial purposes shall be protected reciprocally among the Contracting States which now grant or shall in the future grant protection to such works.

The protection provided by the present Convention does not include protection of the industrial utilisation of scientific ideas.

V. All translations, adaptations, compilations, arrangements, abridgements, dramatisations, or other versions of literary, scientific, and artistic works, including photographic and cinematographic adaptations, shall be protected as original works, without prejudice to the copyright in the original works.

Whenever the versions referred to in the foregoing paragraph are of works in the public domain, they shall be protected as original works, but such protection shall not give exclusive right to use the original works.

VI. Literary, scientific, and artistic works, whatever may be their subjects, published in newspapers or magazines in any contracting State and enjoying protection therein, may not be reproduced in the other Contracting States without authorization.

Articles on current events in newspapers and magazines may be reproduced by the press unless such reproduction is prohibited by a special or general reservation therein, but in any case the source from which they are taken must be cited clearly. The identification of the author by name shall constitute such a reservation in those countries in which the law or custom so considers it.

The present Convention shall not give protection to the factual content of news published in newspapers.

VII. The person whose name or known pseudonym is indicated on a protected work shall be considered as the author of that work, except in case of proof to the contrary. Consequently, the courts of the Contracting States shall admit actions brought against infringers by such author or his successor in interest. As to anonymous, or pseudonymous works whose authors are not known, the publisher of those works shall have the right to bring such action.

VIII. The duration of the copyright protection shall be governed by the law of the Contracting State in which the protection was originally obtained, but it shall not exceed the duration fixed by the law of the contracting State in which the protection is claimed. In case the law of any contracting State grants two successive periods of protection, the duration of the protection with respect to that State shall include, for the purposes of the present Convention, the aggregate of both periods.

IX. When a work created by a national of any Contracting State or by an alien domiciled therein has secured protection in that State, the other Contracting States shall grant protection to the work without requiring registration, deposit, or other formality. Such protection shall be that accorded by the present Convention and that which the Contracting States now accord to their nationals or shall hereafter accord in conformity with their laws.

X. In order to facilitate the utilisation of literary, scientific, and artistic works, the Contracting States agree to encourage the use on such works of the expression "copyright" or its abbreviation "Copr." or the letter "C" enclosed within a circle, followed by the year in which the protection begins, the name and address of the copyright owner, and the place of origin of the work. This information should appear on the reverse of the title page in the case of a written work, or in some accessible place according to the nature of the work, such as the margin, or the back, permanent base, pedestal, or the material on which the work is mounted. However, notice of copyright in

this or any other form shall not be interpreted as a condition of protection of the work under the provisions of the present Convention.

XI. The author of any copyrighted work, in disposing of his copyright the rein by sale, assignment, or otherwise, retains the right to claim the paternity of the work and to oppose any modification or use of it which is prejudicial to his reputation as an author, unless he has consented or consents, before, at the time, or after the modification or use is made, to dispose of or waive this right in accordance with the provisions of the law of the State where the contract is made.

XII. The reproduction of brief extracts of literary, scientific, and artistic works in pedagogical or scientific publications, in chrestomathies, or for purposes of literary criticism or of research shall be permitted, provided that such extracts are reproduced exactly and that their sources are indicated in unmistakable manner.

For the same purposes and subject to the same restrictions, brief extracts of works in translation may be published.

XIII. All infringing publications or reproductions shall be seized at the instance of the government, or upon petition by the owner of the copyright, by the competent authorities of the Contracting State in which the infringement occurs or into which the infringing works have been imported.

Any infringing presentation or public performance of plays or musical compositions shall, upon petition by the injured copyright owner, be enjoined by the competent authorities of the Contracting State in which the infringement occurs.

Recourse to the above measures shall be without prejudice to pertinent civil remedies or criminal action.

XIV. When a copyrighted work has become internationally famous and its title has thereby acquired such a distinctive character as to become identified with that work alone, that title cannot be attached to another work without the consent of the author. This prohibition shall not extend to the use of such a title on other works that are so different in kind or character as to preclude any possibility of confusion.

XV. The provisions of the present Convention shall not prejudice in any way the right of a Contracting State to inspect, restrict, or prohibit, in accordance with its domestic laws, the publication, reproduction, circulation, representation, or exhibition of such works as it considers contrary to public policy.

XVI. Each Contracting State shall transmit to the other Contracting States and to the Pan American Union, at regular intervals, official lists, in card or book form, of copyrighted works, assignments thereof, and licenses for their use, which have been registered or otherwise officially made of record in its appropriate office by nationals or domiciled aliens.

Regulations for the exchange of such information shall be formulated by representatives of the Contracting States in a special meeting called by the Pan American Union.

The said regulations shall be communicated to the respective Governments of the Contracting States by the Pan American Union and will become operative between the Contracting States which approve them.

Neither the foregoing provisions of this Article nor the regulations adopted pursuant thereto shall be considered as constituting a requisite to protection under the present Convention.

Official signed statements issued by the appropriate offices, on the basis of the lists referred to above, shall, in the Contracting States, have legal force as evidence of the facts contained in the said statements, subject to proof to the contrary.

XVII. The present Convention shall replace between the Contracting States the Convention on Literary and Artistic Property signed at Buenos Aires on August 11, 1910, the revision of that Convention signed at Havana on February 18, 1928, and all earlier inter-American conventions on copyright, but shall not affect rights acquired under those Conventions.

No liability shall attach under the provisions of the present Convention for lawful uses made or acts done in a Contracting State in connection with any literary, scientific, or artistic work prior to the date such work became entitled to protection in that State under the provisions of the present Convention; or in respect to the

continuance in that State of any utilisation lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

XVIII. The original of the present Convention in the English, Spanish, Portuguese, and French languages shall be deposited with the Pan American Union and opened for signature by the Governments of the American States. The Pan American Union shall transmit certified copies to the Governments for the purpose of ratification.

XIX. The present Convention shall be ratified by the Signatory States in conformity with their respective constitutional procedures. The instruments of ratification shall be deposited with the Pan American Union, which shall notify the Governments of the Signatory States of said deposit. Such notification shall be considered as an exchange of ratifications.

XX. The present Convention shall come into force, with respect to the States which have deposited their respective instruments of ratification, as soon as two of the Signatory States have deposited said instruments. The Convention shall enter into force with respect to each of the remaining Signatory States on the date of the deposit of its instrument of ratification.

XXI. The present Convention shall remain in effect indefinitely, but may be denounced by any of the Contracting States by means of one year's advance notice to the Pan American Union, which shall transmit a copy of the notice to each of the other Signatory Governments. After the expiration of this period of one year, the Convention shall cease in its effect as regards the State which denounces it, but shall remain in effect for the remaining states.

The denunciation of the present Convention shall not affect the rights acquired in conformity with the provisions thereof before the date of the expiration of this Convention with respect to the State which denounces it.